



Ordinary Meeting of Council

16 December 2020

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.2

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

16 DECEMBER 2020

ITEM 9.2 DEVELOPMENT APPLICATION - DA.2020.1172 - ADDITIONS
AND ALTERATIONS TO A RURAL SUPPLIES PREMISES -
121 WALLACE STREET, BRAIDWOOD

ATTACHMENT 1 DA.2020.1172 - 4.15 ASSESSMENT REPORT - 121 WALLACE
STREET, BRAIDWOOD

QPRC



ATTACHMENT 1 – 4.15 ASSESSMENT REPORT - DA.2020.1172

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Clause 7 of SEPP 55 requires consideration to be given potential contamination upon the site in recognition of historical uses and the suitability of the site given for the purposes of the proposed development in recognition of these use. As the proposed development does not involve a change of use, the site is considered to be suitable in its current state for the purposes of the proposed development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 101 of SEPP – Infrastructure establishes a number of matters that require consideration for development fronting a classified road including the ability to obtain access from a non-classified road where practicable and compatibility of the development with its proximity to the classified roads and its operation.

The subject site features existing vehicular access from a non-classified road (Duncan Street) which functions as the primary access to the site. Further, this access point is to be altered throughout the proposed development as to improve functionality.

The proposed development includes no actions considered to alter the compatibility of the development with the ongoing operation/ functionality of Wallace Street from that of the existing operation of the site.

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY DRINKING WATER CATCHMENT) 2011

Clause 10 of the SEPP requires that for development within the Sydney drinking water catchment, such as the proposed development, that consent not be granted to development unless the development results in a neutral or beneficial impact upon water quality. A NorBE assessment found the proposal to result in a neutral or beneficial impact. As such, the proposal satisfies the relevant provisions of the SEPP.

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

Permissibility

The subject site is Zoned part B2 Local Centre zone and Part B4 Mixed Use zone under Palerang Local Environmental Plan 2014.

Development for the purposes of a rural supplies premise such as is proposed being a type of commercial premise is permissible with consent within the B2 and B4 zones and is defined under PLEP 2014 as follows:

“rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.”

Zone Objectives

An assessment of the proposal against the objectives of the B2 Local Centre zone is included below:

Objectives	Complies
➤ To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	Yes
➤ To encourage employment opportunities in accessible locations.	Yes
➤ To maximise public transport patronage and encourage walking and cycling.	Yes
➤ To ensure that new development has regard to the character and amenity of the locality.	Yes
➤ To strengthen the viability of Palerang’s existing business centres as places for investment, employment and cultural activity.	Yes
➤ To support business development by providing parking and other civic facilities.	Yes

An assessment of the proposal against the objectives of the B4 Mixed Use zone is included below:

Objectives	Complies
➤ To provide a mixture of compatible land uses.	Yes
➤ To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Yes
➤ To ensure that new development has regard to the character and amenity of the locality.	Yes
➤ To strengthen the viability of Palerang’s existing business centres as places for investment, employment and cultural activity.	Yes
➤ To support business development by providing parking and other civic facilities.	Yes

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
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4.3	<i>Height of building</i>	Part 6.5m, 7.2m & 12m	Max (relevant control 7.2m)	6.9m	Yes
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Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the PLEP 2014 are addressed below as part of this assessment:

5.10 Heritage conservation

The subject site contains Heritage Item I127 – Dalgety Building, Heritage Item I133 former hotel and the State listed Braidwood and its setting heritage conservation area. The listing in relation to I133 upon the subject site exists only as a result of a previous boundary adjustment (see Figure 3 below). The heritage significance relates entirely to the hotel structure which is no contained upon the site but on adjacent 133 Wallace Street.



Figure 3: Extract from Council's Heritage Mapping

Clause 5.10(4) of the PLEP 2014 requires consideration to be given to impacts of the development upon the heritage significance of the item or area.

Braidwood and its Setting

The statement of significance for the State Listed Braidwood and its setting conservation area is as follows:

Braidwood and its setting are of state significance as an excellent surviving example of a Georgian period town plan, dating from the late 1830s. The plan, which retains high integrity, reflects colonial administration as applied to the outer reaches of the Nineteen Counties from the 1820s, following earliest European settlement in the area. The surviving historic elements in the surrounding landscape strengthen the town's significance.

The town buildings reflect key phases of development, commencing with the

initial construction period in the 1840s, and consolidation in the later half of the century following the gold boom. The integrity of Wallace Street as a fine collection of 19th century buildings makes it particularly significant. The high proportion of 19th century buildings throughout the town contributes further to its heritage value and creates fine streetscapes often with delightful views to the pastoral surrounds.

The abrupt transition at the town boundary between built and pastoral landscapes highlights significant historical settlement patterns, specifically the large land grants on the north, east and south sides of the town obtained by McKellar, Wilson and Coghill, and passed on to the Maddrells and eventually others. The juxtaposition of a cohesive town set within an historic pastoral landscape on the north, east and south sides is also significant. The closer settlement on the western side reflects the subdivision of the former Church and School Estate.

In NSW, colonial towns that retain significant historic form and fabric to the extent that Braidwood does, are rare.

Some 20th century elements in the town reflect later phases of development. Construction circa 1936 is significant for its association with the emergence from the Great Depression and amalgamation of the Municipality of Braidwood with the Tallaganda Shire. Development in the 1950s, particularly to the west of town is significant for its association with post WWII population growth and the mid 1950s wool boom. 20th century development is reflected in most towns in NSW and, in the context of Braidwood, is considered to be of local significance only.

The proposed development involves no actions likely to detract from the heritage significance of the conservation area.

1127 - Dalgety Building

The statement of significance for the Dalgety building is as follows:

A fine Federation period building with classical features befitting its first use as a bank. Retains high integrity and very good streetscape value on prominent corner

The proposed development involves no works upon the lot containing the Dalgety building. As such, the proposal is considered unlikely to impact upon the heritage significance of the building.

1133 – Former Hotel

The statement of significance for the former hotel is as follows:

A fine two-storey Victorian period building with lace verandah. Historic aesthetic and streetscape value.

The subject site does not contain any portion of the two-storey structure, containing only any area of land that previously comprised the rear yard of the property. As the heritage significance relates to the physical structure only, the proposal is considered unlikely to result in any impact upon the heritage significance of the item.

Further to the above, the subject application was referred to Council's Heritage Advisor and Heritage Committee for comment.

Heritage Advisor

The subject application was referred to Council's Heritage Advisor for comment. While initial concerns were raised over the height of the structure proposed along the western boundary and its impacts upon the adjoining heritage items. The proposal was subsequently amended to reduce the shed height. No objection was raised to the proposal as amended subject to conditions of consent requiring proposed fencing be bespoke, small red shed located between the two driveways be offered to community groups for off-site reuse and the implementation of appropriate tree protection measures throughout demolition/ construction processes. Such conditions have been included in the recommended conditions

Braidwood and Curtilage Heritage Advisory Committee

The subject application was considered by the Braidwood and Curtilage Heritage Advisory Committee at its meeting of 9 July 2020. An extract of the meeting minutes are below:

Development Application – 121 Wallace Street, Braidwood

Whilst the Committee considers that Braidwood has always been a rural service centre for the region, the impacts of the development need to be mitigated. The Committee raised concerns about the appropriateness of the development based on:

- *Impact on the plane tree*
- *Visual impact on adjoining businesses*
- *Impact of the gateway design and materials*
- *Impact of the siting of the buildings which conflicts with the historic east-west orientation of buildings on these lots*

Following the receipt of these comments the proposal was amended to reduce the height of the proposed shed structure from 7.812m to 6m.

In relation to the alignment of buildings and the historic east-west orientation of building on the site, the proposed development sits predominantly within the footprint of the existing structures upon the site and involves no change to their orientation.

Entrance

The proposed development involves the demolition of an existing shed structure located between the two existing driveways on the site's Duncan Street frontage and the replacement of the existing crossovers with a single double wide crossover to improve vehicular access to the site. The proposed works will also include replacement of the existing chainlink fencing, a pedestrian access ramp and landscaping. Council's Heritage Advisor has noted that the proposed fencing should be bespoke in style to achieve consistency with the towns rural character. A condition of consent requiring the use of such fencing is included in the recommended conditions of consent.



Figure 4: Existing site access viewed from Duncan Street

Further, comments were received from Council's Tree Management Officer who noted that subject to the implementation of certain tree management measures throughout the construction process (included within the recommended conditions of consent) the proposal is unlikely to result in any impacts upon the Plane trees located on the site's Duncan Street frontage.

Based upon the above, the proposed development is considered unlikely to result in any significance impact upon the heritage significance of the surrounding heritage items or the heritage conservation area.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The subject site is located within the Sydney drinking water catchment. A NorBE assessment found the proposal to result in neutral or beneficial impact upon water quality within the catchment.

6.11 Essential services

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access. The subject site features suitable existing essential services for the purposes of the proposed development.

4.15(1)(a)(ii) any draft environmental planning instruments

DRAFT QUEANBEYAN-PALERANG LOCLA ENVIRONMENTAL PLAN 2020

The draft *Queanbeyan-Palerang Local Environmental Plan 2020* was placed on exhibition from 1 June 2020 to 30 June 2020.

The provisions of the draft-QPLEP 2020 as relevant to the proposed development are relatively unchanged from that of the PLEP 2014. With that in mind, the proposal is considered to generally satisfy the relevant provisions of the draft QPLEP 2020.

4.15(1)(a)(iii) any development control plan

There are no in force development control plans applicable to the subject site.

BRAIDWOOD DEVELOPMENT CONTROL PLAN 2006

The 'Braidwood Development Control Plan 2006' was repealed when the Palerang Development Control Plan 2015 came into effect on 27 May 2015.

It is therefore no longer a development control plan for the purposes of Division 6 of the *Environmental Planning and Assessment Act 1979*. However it continues to operate under the *Heritage Act 1977* in the State listed conservation area 'Braidwood and its setting' as the document which determines whether or not approval under section 60 of the Act as an exemption to the need to obtain approval under Part 4 Division 3 of the Heritage Act issued on 3 April 2006 subject to compliance with the former Braidwood Development Control Plan 2006.

As such, any development in the State listed area which does not comply with the provisions of the Braidwood Development Control Plan 2006 will require Heritage Act approval and will be considered as integrated development under Division 5 of the Environmental Planning and Assessment Act 1979

A proposal is therefore required to be assessed against the provisions of the BDCP 2006 is required to determine if approval of Heritage NSW is required under Section 60 of the Heritage Act 1977.

An assessment of the proposal against the relevant provisions of the BDCP follows.

The subject site is located within the Precinct 1a – Wallace Street Commercial Area. The controls for new development within this precinct are as follows:

Specific Controls

New development shall:

- *be no higher than the maximum height of the adjacent building;*

Comment: The proposed development will not exceed the maximum height of development upon adjacent sites which includes a number of two storey structures.

- *not obscure significant views of adjacent buildings;*

Comment: The proposed development, being located within the centre of the site will not significantly impact upon any view corridors.

- *be sympathetic to and consistent with the historic built form evident in the main street;*

Comment: The proposed development by way of locating larger shed structures to the rear of the site and retaining the historic fabric of structures fronting Wallace Street is considered to consistent with surrounding development along Wallace Street.

- *not be visually dominant in the streetscape; and*

Comment: The proposed development is considered unlikely to be visually dominant in the streetscape.

- *have direct access from the main street, i.e. a doorway opening onto the main street.*

Comment: The proposed development will retain the existing doorway to the premise on Wallace Street.

Section 7 of the BDCP 2006 provides a number of general provisions that require consideration for the purposes of proposed development.

7.3 Alterations and additions to non-heritage listed buildings

Alterations and additions on or near local heritage items shall be sited so that they:

- Do not have an adverse impact on the heritage significance of the item; and

Comment: As previously discussed throughout this report, the proposal will not impact upon the significance of the adjoining heritage items.

- Do not have an adverse impact on the view of the item from the street or public domain

Comment: The proposed development being located towards the centre of the site will not adversely impact on the view of any heritage item from the street or public domain.

4.15(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard *AS2601–1991: The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Heritage

As previously discussed throughout this report, while the subject site is located within the state listed Braidwood and its setting Heritage conservation area and adjoins several locally listed heritage items, the proposed development involves no actions considered likely to impact upon the heritage significance of the conservations area or heritage items.

Access

The proposed development seeks to alter the existing vehicular access arrangements to the site from Duncan Street by way of removing the two existing driveways and constructing a single double wide access ramp. The proposed vehicular access arrangements will improve the ability of trucks to enter and exit the site in a forward direction. The subject application was accompanied by swept path drawings that demonstrated the functionality of these arrangements.

The subject site is burdened by a number of rights of carriageway and a right of access. To ensure for the ongoing functionality of these arrangements a condition of consent is recommended requiring that the right of access be line marked and outlining that no goods are to be stored in this area at any time throughout the operation of the site.

Tree Protection

The proposed vehicular access works on the site's Duncan Street frontage have the potential to impact upon two Plane trees located on either side of the existing driveways. The subject application was referred to Council's Tree Management Officer who noted that with the implementation of certain construction methodology the proposal is considered unlikely to result in any impacts upon the street trees. Conditions of consent are recommended requiring the implementation of the recommended construction methodology under the guidance of a project Arborist.

Compatibility with surrounding development

Existing development within the locality consists of a range of commercial uses including cafes and a nursery, several dwelling houses and a school. The subject site is located on a zone interface between commercial and residential zones which creates inherent potential for conflict. However, the subject application is not seeking consent for the purposes of the use. Rather the subject application seeks consent for the additions and alterations to two shed structures and alterations to the site's Duncan Street vehicular access point. As such, the proposal is not considered to represent an intensification of the use of the site that would make the use of the site incompatible with surrounding land uses.

4.15(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's Community Engagement and Participation Plan and was initially notified from 1 June 2020 to 15 June 2020. 20 submissions were received in this period including two in support of the application. Following the receipt of amended plans that application was renotified from 8 September 2020 to 24 September 2020. 15 submissions were received in this period. These submissions raised the following concerns:

1. Relocation

Comments were made that the proposal is not suitable upon the subject site and should be relocated elsewhere.

Assessing officer's comments: Council is required to consider the application upon the subject site. Any decision to relocate the business would be at the discretion of the owner.

2. Local Strategic Planning Statement

Concerns were raised that the proposal is inconsistent with Council's Local Strategic Planning Statement for Braidwood.

Assessing officer's comments: The proposed development involves no actions considered likely to compromise Council's ability to deliver the Planning actions for Braidwood as contained within 'Towards 2040' Council's Local Strategic Planning Statement

3. Safety

Concerns were raised in relation to safety of operations upon the site, including the storage of hazardous materials and risks to users of the rights of way/ right of access upon the site.

Assessing officer's comments: These comments relate to the existing operations of the site. The scope of this assessment is limited to the proposed works. Nonetheless, the management of day to day risks and hazards resulting from operation of the site is regulated by SafeWork NSW. Conditions of consent are recommended requiring that the storage of any flammable/ combustible liquids be in accordance with the relevant Australian Standard.

4. Heritage

Concerns were raised that the proposed development is inconsistent with the heritage nature of the state listed Braidwood and its setting conservation area or the surrounding local heritage items

Assessing officer's comments: This matter has previously been discussed in detail throughout this report. In brief following the receipt of amended plans reducing the height one of the shed structures and the impositions of conditions regarding the design of the proposed boundary fencing the proposal is considered to be compatible with the heritage nature of the site and surrounding development.

5. Right of way/ Right of access

Concerns were raised over the implications of the proposal upon the rights of way/ right of access affecting the site.

Assessing officer's comments: The proposal development will retain existing rights of way upon the site and the right of access that is required to be established upon the site under a pending court order (2019/00294723). A condition of consent is recommended requiring that no goods be stored within these burdened areas as to ensure the proposal result in no impacts upon the access to adjoining sites.

6. Access

Concerns were raised over the ability of trucks to manoeuvre upon the site, the unloading of goods within the Duncan Street road reserve and risk to pedestrian safety.

Assessing officer's comments: The subject application was accompanied by swept path drawings demonstrating the ability of 19m vehicle to enter and exit the site in a forward direction. These drawings were reviewed by Council's Development Engineer who raised no objection to the proposal.

7. Owner / Applicant

Several submissions made reference to the recent rebranding of the business and the new owners.

Assessing officer's comments: Council is required to consider the proposal on merit and is unable to consider the identity of either the site owner or applicant.

8. Adequacy of Application

Concerns were raised that the subject application was not accompanied by sufficient information to establish the impacts of the development.

Assessing officer's comments: The subject application was accompanied by sufficient information in accordance with minimum requirements prescribed by Schedule 1(Part 1) of the *Environmental Planning and Assessment Regulation 2000*.

9. Council process

Concern was raised over the Council assessment process

Assessing officer's comments: The subject application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 including public consultation in accordance with Council's Community Engagement and Participation Plan.

10. Stormwater

Concerns were raised over potential stormwater management impacts of the development upon surrounding properties.

Assessing officer's comments: Council's Development Engineer has reviewed the proposal and advised that the proposed stormwater management measures are considered to be appropriate for the purposes of the development and are unlikely to impact upon surrounding properties.

11. Loss of views

Concerns were raised that the proposal may result in a loss of views to adjoining properties.

Assessing officer's comments: The NSW Land and Environment Court in *Tenacity Consulting v Waringah [2004] NSW LEC 140* has established a Planning Principle in relation to views sharing. An assessment of the proposal against the provisions of this planning proposal follows:

The first step is the assessment of views to be affected. (Note: Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.)

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of

neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Applying the above principles to the proposed development, the predominant view corridor over the site would be from the public domain on the site's Wallace Street frontage looking east along the access handle. Beyond this several adjoining properties obtain side and rear views of the side and rear aspects of structures upon other adjoining properties. These views are predominantly from the rear yards of the properties rather than from within structures upon the site. The proposed development would partially block views to rooflines from the rear yards of adjoining properties, however the impact of this obstruction is likely to be negligible as a significant portion of the view will be retained. As such, the proposed development is considered unlikely to result in any significant impact upon views.

12. Overshadowing

Concerns were raised that the proposed development would result in overshadowing upon adjoining properties.

Assessing officer's comments: In recognition of the increased height of the proposed development, the subject application was accompanied by shadow diagrams demonstrating that the proposed development retains a minimum of 3 hours of solar access to all adjoining properties on the winter solstice (21 June). As such, the proposal is considered to retain an acceptable level of solar access to adjoining properties.

13. Multiple Development Applications

Concern was raised that multiple applications have been lodged over the site over a period of years rather than one single application.

Assessing officer's comments: Council is required to consider the application in front of it. Council is unable to speculate towards or restrict the lodgement of further development application upon the site.

14. Noise

Concerns were raised that the proposed development will result in unacceptable acoustic impacts upon surrounding properties.

Assessing officer's comments: The proposed development being for the purposes of additions and alterations to an existing development involves no actions likely to increase noise emissions from the site from that of existing operations.

15. Dust

Concerns were raised over dust emissions from the site.

Assessing officer's comments: Council's Development Engineers have recommended conditions of consent requiring the yard area to be sealed with an asphalt or concrete finish. With the implementation of such measures the proposal is considered unlikely to result in any significant dust emissions.

16. Braidwood DCP

Concerns were raised over the compliance of the proposed development with the Braidwood Development Control Plan 2006 and its legislative status.

Assessing officer's comments:

The 'Braidwood Development Control Plan 2006' was repealed when the Palerang Development Control Plan 2015 came into effect on 27 May 2015.

It is therefore no longer a development control plan for the purposes of Division 6 of the *Environmental Planning and Assessment Act 1979*. However, the DCP continues to operate under the *Heritage Act 1977* in the State listed conservation area 'Braidwood and its setting' as the document which determines whether or not approval under section 60 of the Act is required.

An assessment of the proposal against the relevant provisions of the BDCP 2006 found the proposal to satisfy the relevant provisions of the BDCP. As such, no approval was required under Section 60 of the *Heritage Act 1977*.

17. Hours of Operation

Concerns were raised over the impacts of early deliveries upon the site throughout existing operations.

Assessing officer's comments: It is noted that the subject site is currently not restricted by conditions of consent regarding hours of operation. The applicant has proposed that the site would operate between the hours of 8:00am-5:30pm Monday to Friday, 8:00am – 12:00pm Saturday and Closed Sunday. Conditions of consent are recommended that operations to be limited to these hours.

18. Duncan Street Footpath

Concerns were raised over the impacts of the development upon the footpath on the site's Duncan Street Frontage and potential impacts upon pedestrian safety.

Assessing officer's comments: While the proposed development will require the temporary closure of the footpath throughout the construction period, however, during this period temporary access arrangements will need to be in place in accordance with an approved traffic management plan. Further, the proposed access arrangements from Duncan Street will improve line of site from the access point and therefore improve pedestrian safety. As such, the proposal is considered unlikely to result in any significant impacts upon pedestrian safety.

19. Bungendore CBD Zoning

Comments were made that the proposed development should not be permissible upon the site as would be the case in Bungendore.

Assessing officer's comments: While not applicable to the proposal, it is noted that development for the purposes of a Rural Supplies premise would be permissible with consent within the B2 Local Centre zone within the Bungendore CBD.

20. Street Trees

Concerns were raised over the potential impacts of the development upon the street trees upon the site's Duncan Street frontage.

Assessing officer's comments: The subject application was referred to Council's Tree Management Officer who noted that with the implementation of certain construction methodology the proposal is considered unlikely to result in any impacts upon the street trees. Conditions of consent are recommended requiring the implementation of the recommended construction methodology under the guidance of a project Arborist.

21. Fire Safety /Bushfire

Concerns were raised over potential fire safety impacts of the development and potential bushfire risk upon the site.

Assessing officer's comments: Council's Building Surveyor has reviewed the proposal and has provided conditions of consent regarding the required fire safety measures in accordance with the Building Code of Australia. These are included within the recommended conditions of consent. The subject site is not mapped as bushfire prone land due to the proximity of the site to threat vegetation. As such, no specific bushfire safety requirements apply to the proposal under *Planning for Bushfire Protection 2020*.

22. Notification (physical notice)

Concerns were raised over the public notification process, specifically the lack of physical notification sign upon the site.

Assessing officer's comments: The subject application was initially notified from 1 June 2020 to 15 June 2020. Following the receipt of amended plans that application was renotified from 8 September 2020 to 24 September 2020. Both notifications included notifications of adjoining landowners and occupants and public notification on Council's website in accordance with Council's Community Engagement Participation Plan. A physical notification sign is only installed upon a site for the duration of the notification period for the purposes of Designated development. The subject application is not designated development and as such a physical sign was not installed throughout the notification period.

23. Signage

Concerns were raised over the existing signage upon the site.

Assessing officer's comments: The subject application involves no change to the existing signage upon the site. It is noted that the existing signage upon the site has recently been rebranded, however these works were undertaken in accordance with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and do not form part of the subject application.

24. Fencing/ boundary wall

Several submissions requested a solid fence or wall structure be built along the eastern and southern boundaries of the yard to limit noise and dust impacts from the development.

Assessing officer's comments: Such measures are not considered to be warranted as dust can be better managed through the sealing of the yard area and the proposal involves no actions considered to increase acoustic emissions from the site.

25. Surrounding land uses

Concerns were raised over the compatibility of the development with surrounding land uses.

Assessing officer's comments: As previously discussed throughout this report, the subject site adjoins several residential uses along with a number of commercial uses. The subject application is not seeking consent for the purposes of the use. Rather the subject application seeks consent for the additions and alterations to two shed structures and alterations to the site's Duncan Street vehicular access point. As such, the proposal is not considered to represent an intensification of the use of the site that would make the use of the site incompatible with surrounding land uses.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are not applicable to the proposed development.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions are not applicable to the proposed development.

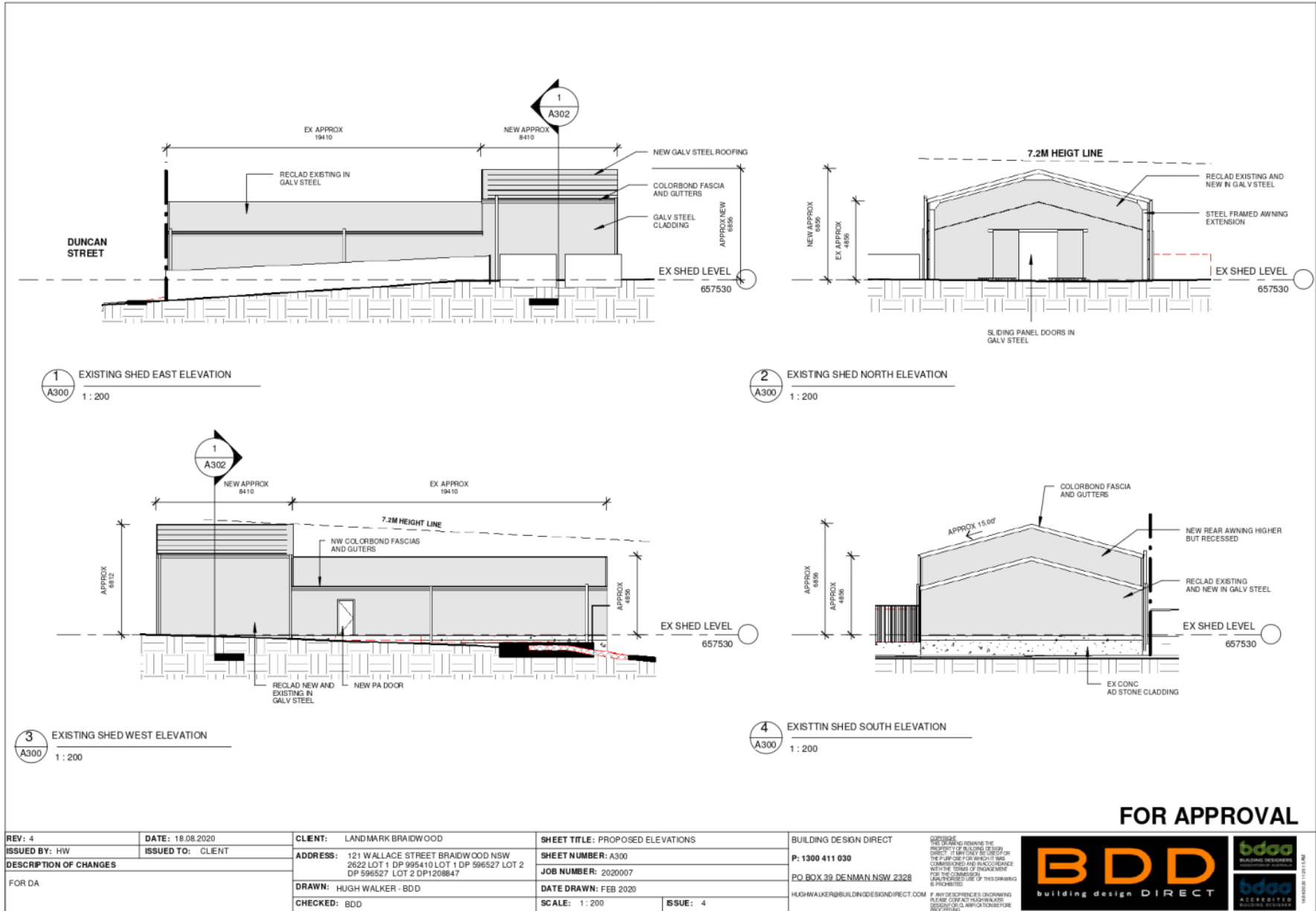
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

16 DECEMBER 2020

ITEM 9.2 DEVELOPMENT APPLICATION - DA.2020.1172 - ADDITIONS
AND ALTERATIONS TO A RURAL SUPPLIES PREMISES -
121 WALLACE STREET, BRAIDWOOD

ATTACHMENT 2 DA.2020.1172 - PLANS - 121 WALLACE STREET, BRAIDWOOD

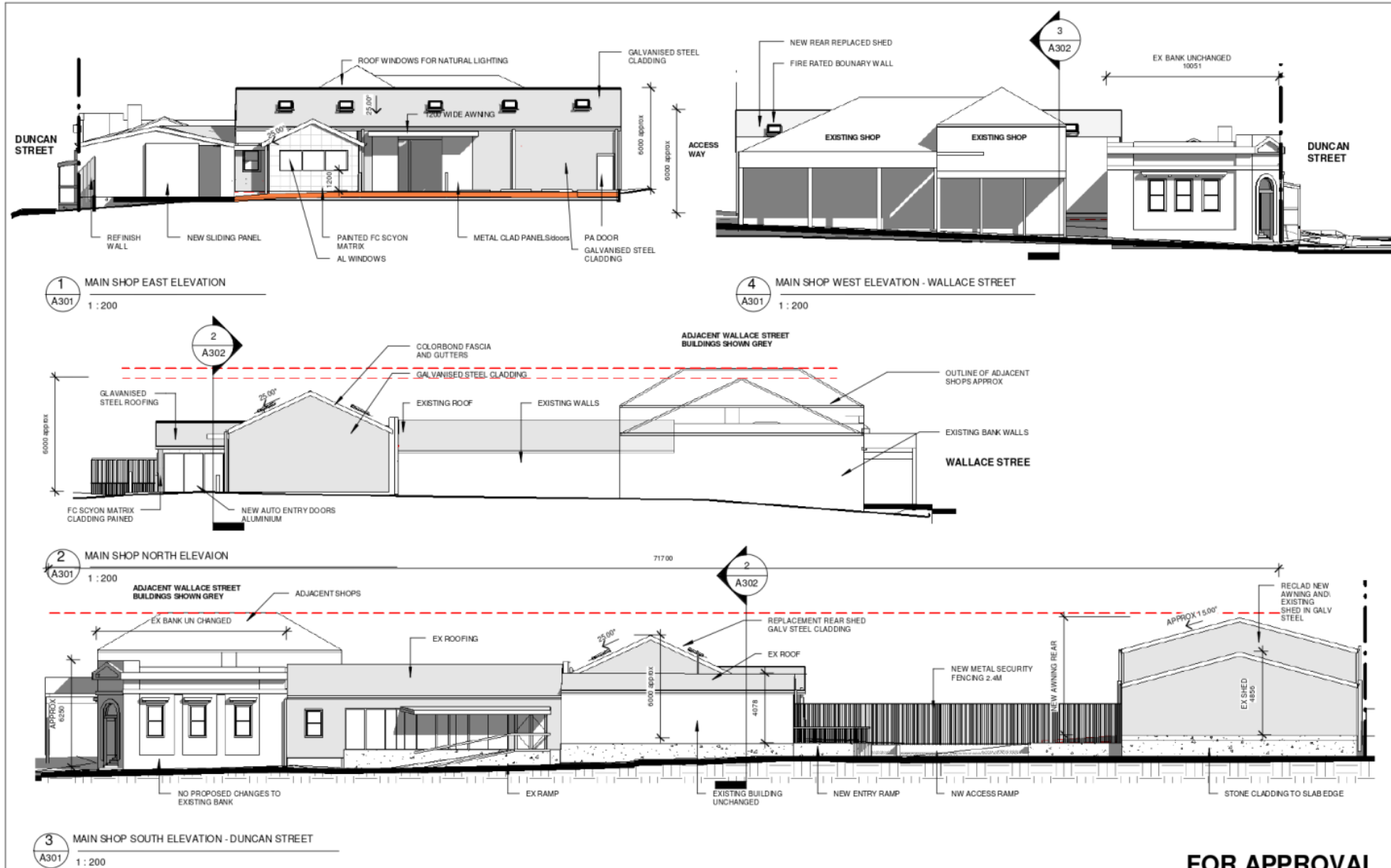


FOR APPROVAL

REV: 4	DATE: 18.08.2020	CLIENT: LANDMARK BRAIDWOOD	SHEET TITLE: PROPOSED ELEVATIONS	BUILDING DESIGN DIRECT
ISSUED BY: HW	ISSUED TO: CLIENT	ADDRESS: 121 WALLACE STREET BRAIDWOOD NSW 2622 LOT 1 DP 995410 LOT 1 DP 596527 LOT 2 DP 596527 LOT 2 DP 1208847	SHEET NUMBER: A300	P: 1300 411 030
DESCRIPTION OF CHANGES			JOB NUMBER: 2020007	PO BOX 39 DENMAN NSW 2328
FOR DA		DRAWN: HUGH WALKER - BDD	DATE DRAWN: FEB 2020	HUGH.WALKER@BUILDINGDESIGNDIRECT.COM
		CHECKED: BDD	SCALE: 1:200	ISSUE: 4

DISCLAIMER: THIS DRAWING REMAINS THE PROPERTY OF BUILDING DESIGN DIRECT. IT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF SERVICE HEREIN. UNAUTHORIZED USE OF THIS DRAWING IS PROHIBITED.

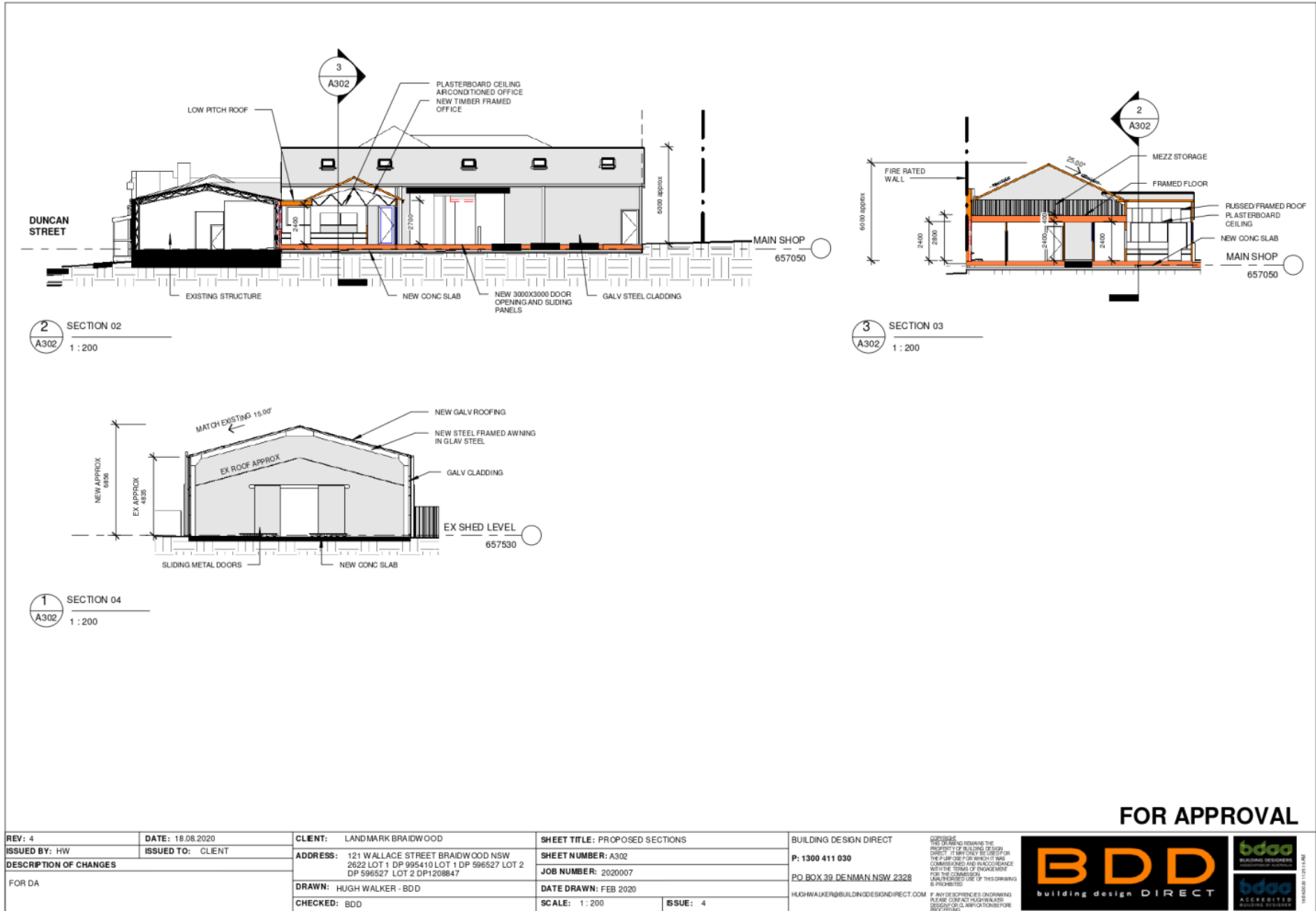
IF ANY DISCREPANCIES OR DRAWING PLEASE CONTACT HUGH WALKER DESIGNER AT 1300 411 030 OR 02 6392 1000



FOR APPROVAL

REV: 4	DATE: 18.08.2020	CLIENT: LAND MARK BRAIDWOOD	SHEET TITLE: PROPOSED ELEVATIONS	BUILDING DESIGN DIRECT	<small> COPYRIGHT © 2020 BY BUILDING DESIGN DIRECT. THIS DRAWING REMAINS THE PROPERTY OF BUILDING DESIGN DIRECT. IT MAY ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ANY AGREEMENT OR CONTRACT. UNAUTHORIZED REPRODUCTION OR ALTERATION OF THIS DRAWING IS PROHIBITED. IF ANY DISCREPANCIES OR DRAWING ERRORS ARE FOUND, PLEASE CONTACT HUGH WALKER DESIGN OR CLAUDE TRANSPHERE (02) 6222 4444. </small>
ISSUED BY: HW	ISSUED TO: CLIENT	ADDRESS: 121 WALLACE STREET BRAIDWOOD NSW 2622 LOT 1 DP 995410 LOT 1 DP 596527 LOT 2 DP 596527 LOT 2 DP 1208847	SHEET NUMBER: A301	P: 1300 411 030	
DESCRIPTION OF CHANGES			JOB NUMBER: 2020007	PO BOX 39 DENMAN NSW 2328	
FOR DA		DRAWN: HUGH WALKER - BDD	DATE DRAWN: FEB 2020	HUGH.WALKER@BUILDINGDESIGNDIRECT.COM	
		CHECKED: BDD	SCALE: 1:200	ISSUE: 4	





FOR APPROVAL

REV: 4	DATE: 18.08.2020	CLIENT: LANDMARK BRAIDWOOD	SHEET TITLE: PROPOSED SECTIONS	BUILDING DESIGN DIRECT
ISSUED BY: HW	ISSUED TO: CLIENT	ADDRESS: 121 WALLACE STREET BRAIDWOOD NSW 2622 LOT 1 DP 995410 LOT 1 DP 596527 LOT 2 DP 596527 LOT 2 DP1208847	SHEET NUMBER: A302	P: 1300 411 030
DESCRIPTION OF CHANGES			JOB NUMBER: 2020007	PO BOX 39 DENMAN NSW 2328
FOR DA		DRAWN: HUGH WALKER - BDD	DATE DRAWN: FEB 2020	HUGH.WALKER@BUILDINGDESIGNDIRECT.COM
		CHECKED: BDD	SCALE: 1:200	ISSUE: 4

CONTRACTOR TO REMAIN THE RESPONSIBILITY OF BUILDING DESIGN DIRECT. IT MAY ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT. FOR THE CLARIFICATION, QUALIFIED USE OF THIS DRAWING IS PROHIBITED. IF ANY DISCREPANCIES OR DRAWING PLEASE CONTACT HUGH WALKER DESIGN OR CLARIFICATION BEFORE PROCEEDING.

Make a submission on a Development Application



Submission date: 15 September 2020, 10:51AM

Receipt number: 384

Related form version: 14

Question	Response
Development Application Number	Landmark/Nutriens Development Application (DA.2020.1172)
Your full name	[REDACTED]
Email address	[REDACTED]
Contact number	[REDACTED]
Submission	<p>I am just writing against the development application Landmark/Nutriens Development Application (DA.2020.1172). There are several reasons that I believe this is inappropriate. My reasons include impact on street traffic; impacts on neighbouring properties, including inappropriately blocking access via a traditional right of way; unnecessary increase of storage of dangerous goods in the middle of town and close to other residences and school facilities and other businesses.</p> <p>The impact on Duncan Street traffic has long been a problem, with large trucks coming and going and unloading happening on the street, thereby increasing the level of danger to the public and also impacting on other neighbouring businesses and residences.</p> <p>Storage of large items and potentially explosive and highly flammable goods in this area is another issue against it. An increase in capacity for this is a risk to the town in general.</p> <p>The appropriation of the Right of Way through the block defies the natural rights of neighbouring properties access for the general use and enjoyment of their properties and also impacts on safety through this diminution of access. This goes against the Heritage style and values of the town. The township was set out in the early days of settlement and the lanes of access are an integral part of how people live within the town. My studies of the proposed development would impinge upon this basic value of living in a Heritage Town.</p>
Attach your submission	
Attach your Political Donations and Gifts Disclosure Statement	[REDACTED]

Make a submission on a Development Application



Submission date: 20 September 2020, 8:52AM

Receipt number: 386

Related form version: 14

Question	Response
Development Application Number	DA.2020.1172
Your full name	[REDACTED]
Email address	[REDACTED]
Contact number	[REDACTED]
Submission	I feel this development will ease parking for the area and the unloading of trucks internally better. I am for this DA
Attach your submission	
Attach your Political Donations and Gifts Disclosure Statement	

Make a submission on a Development Application



Submission date: 21 September 2020, 7:29AM

Receipt number: 388

Related form version: 14

Question	Response
Development Application Number	DA.2020.1172
Your full name	[REDACTED]
Email address	[REDACTED]
Contact number	[REDACTED]
Submission	This development should be able to commence. Not only will it make it easier for customers attending the store I believe that trucks will have more space on the premises so the disruption to traffic flows in Duncan St will be minimised. It will allow the business to properly store their materials in a more professional manner. I feel that providing the development and business owner follow the councils procedures and protocols with the development and adhere to the heritage restrictions there is no reason why this cant be approved.
Attach your submission	
Attach your Political Donations and Gifts Disclosure Statement	

The proposed redevelopment of this site (AG Solutions) points to short-term gains for one business and will diminish the cultural history of Braidwood's main attraction, its historical value. This cultural heritage is a major tourist attraction. The proposed double driveway and modern steel security gates and shiny new sheds will destroy all the efforts made by other businesses to maintain this currency. Excessive or poorly-managed tourism and tourism related development can threaten their physical nature, integrity and significant characteristics.

I'd like to encourage council to look into the future. To encourage those formulating the plans and policies to develop detailed, measurable goals and strategies relating to the presentation and interpretation of heritage places and cultural activities, in the context of their preservation and conservation.

Other businesses in town are expected to do this and seem to have grasped the economic characteristics of heritage. The natural and cultural heritage, diversities and living cultures are major tourism attractions. They are an essential part of many national and regional economies and can be an important factor in development, when managed successfully.

The achievement of a beneficial inter-action between the potentially conflicting expectations and aspirations of visitors and host or local communities, presents many challenges and opportunities. The rights and interests of the host community, at regional and local levels, property owners and relevant indigenous peoples should be respected. They should be involved in establishing goals, strategies, policies and protocols for the identification, conservation, management, presentation and interpretation of their heritage resources, cultural practices and contemporary cultural expressions, in the tourism context.

This is bigger than one business and those willing to introject. This is the future of a unique cultural history which should be embellished rather than slowly destroyed. Once done it cannot be undone. The cultural history cannot be in the hands of one business, it belongs to all of us. The protection, conservation, interpretation and presentation of the heritage and cultural diversity of any particular place or region is an important challenge for people everywhere. And right now, it should be in the hands of debate, the host community.

13 June 2020

Submission Re: DA.2020.1172 - Alterations and additions to rural supply premises

To whom it may concern,

Upon reviewing the aforementioned DA I am seeking clarification on two aspects that are not fully articulated within the context of the document.

Wallace Street laneway / driveway access

Residents adjacent to the proposed development have had longstanding rear access to their properties, entering via the lane / driveway on Wallace Street. For some this is their only direct vehicle access route. The existing thoroughfare appears that it will now be obstructed by one of the proposed buildings. The arrangements for residents to retain access is not clear within the existing DA, and it is not clear whether there is ongoing consultation with these residents or any formal relinquishing of access.


Storage of volatile or potentially hazardous materials

As the DA outlines, the use of this premises has been adapted over fifty years. In this time it is not clear whether adjacent residents have been advised of or have been privy to the nature of the goods being stored at the site. As the business deals in agricultural supplies it is understood to manage some volume of chemical product. It is known in the community that the business has been previously asked to vacate a privately leased storage shed, elsewhere in Braidwood, because of the potential risk to neighboring households. The DA does not fully articulate what will be stored on site, or whether there is transparency on this matter for neighboring residential and commercial properties, to enable them to understand the level of risk.

I look forward to gaining further clarity on the above points.

Sincerely,




23rd September 2020

Queanbeyan-Palerang Regional Council
144 Wallace Street (Braidwood Office)
BRAIDWOOD NSW 2622

To whom it may concern,

2nd submission for DA 2020.1172
RE: MODIFICATION 2018.122
Modification of DA.2014.208 to delete condition 3.

I am interested in just how long this debacle can go on, surely this whole DA is pushing the boundaries, and trying to wear the public down. The Local Newspaper reported today 23rd September 2020, that the previous submission still stood. My letter from QPRC said nothing like that, rather waffly if you ask me saying nothing one way or the other. Now Nutrien Ag Solution is in the picture, does make the statement in the previous Modification 2018.122 that they did not expect the business to expand seems a little "tongue in cheek", I assume they think we are all stupid including the Council.

I still wish to make a submission very strongly against this modification.

I have been a client of Mr Steve Kidd over many years. He is a woodworker of amazing talent and I find this disruption to his business and to their family life a very poor, selfish and sad decision.

I have read the documents which the legal firm has attached to this modification and find it very hard to believe that from a legal laneway it is now deemed not to be legal when it has been the only vehicle access to the Kidd property for some decades. The Kidd's bought their property with the understanding that the laneway was legal access. I understand that the old plans & deeds were not of today's standards but one would assume that a laneway that went from Wallace Street through to Ellrington Street was legal (used to collect night soil before sewerage came to Braidwood). I realise that subdivisions have divided this laneway up but as this was the only access to the Kidd property it stands to reason that is why the Laneway was kept up to that point.

There are still Laneways in Braidwood, one gives access to the Council Depot between Wallace and Rynie Street and other shops & residences fronting Wallace Street. Another one behind Muttons, The Chemist, Newsagent, The Tussock all giving access to businesses and residences. The same thing opposite Landmarks gate in Duncan Street giving access to Bernadoff, The Bakery, The Bendigo Bank & Dojo entering Wallace Street opposite D&S Motors.

The fact Landmark bought the land behind the Wallace Street (Coffey Building) on the northern side of this laneway really has no bearing on what they have done. I would have thought that Landmark should have taken this into account not try to change the rules to suit their planning and closing this laneway.

I for one wonder about the storage of chemicals, oil and other nasties (in the middle of our Heritage Listed town) must have some danger. The large double gates Landmark have installed are now being used by customers coming in off Duncan Street, loading and proceeding out through the said illegal laneway.

Landmark have not even done the decent thing and left the laneway clear but have stored very large heavy items on the laneway as a sign of their intention. The yard now look like a prison yard without a thought to the people living close by.

This is an insult to the Heritage Listing to have this happen without the legality having been sorted out before the yard has been fenced what hope has the Heritage of Braidwood got?

This modification is immoral and should not be allowed to go ahead. I can only hope there is some sense of what is right and just.



QPRC

PO Box 90

Queanbeyan NSW

E: council@qprc.nsw.gov.au

Att: M J Thompson

Portfolio General Manager

Natural and Built Character

Re: Development Application No DA.2020.1172

I am writing in objection to the current development application (DA) before QPRC for the proposed development at 121 Wallace Street Braidwood NSW 2622.

I believe that the suitability of the plan is not compliant with the existing amenity and heritage character of the area, and the construction of a larger building on my boundary will overshadow my business to a very detrimental degree.

Solar Access

[REDACTED]. I have operated this business for over 30 years, and enjoy support from both Braidwood and the surrounding region.

I provide plants relevant to the climate of the region, and the designated nursery space to the rear of my business is reliant on solar access to ensure healthy plants for sale to my customers.

Every lost hour of sunlight due to overshadowing from the proposed development will have an adverse impact on my business.

The current building in place on my boundary allows sunlight from the north due to the restricted height and length of the structure. A gap enables lengthy solar access.

The proposed new structure will block this light, due to the length and height of the proposed building. I have been on site, and in business for over 30 years, and am very aware of the sun shadow effects on my nursery. I do not believe that the sun shadow diagrams submitted in the application accurately portray my future solar access should this development be approved.

Heritage Character

The plans show a view from Wallace Street, looking east, in which the height and length of the new building on my boundary line dominates the roof lines of both my property and the [REDACTED]

I do not believe that this element of the application is sympathetic to and consistent with the historic built form evident in Wallace Street. The proposed new structure on my boundary will be

visually unappealing from the front of my business, and, I believe, will have an impact on our important heritage streetscape.

This new work will have obvious effect on the streetscape and will have an adverse impact on the heritage significance of Braidwood.

It is for these clear reasons that I have decided to object to Development Application No DA.2020.1172


Yours sincerely,

A solid black rectangular redaction box covering the signature area.



Application Number DA 2020.1172 **AND OBJECTIONS**

Submission to council regarding LOT 2 DP 1208847

Black type from the proposal and other Government sources (all with references)/ **RED TYPE:** 



The site is located in the Braidwood Heritage conservation area and is listed as state significance.

AND AS SEEN FROM THE SUPPLIED IMAGE THE LOCATION FOR THE PROPOSED REDEVELOPMENT IS IN THE HERITAGE HEART OF BRAIDWOOD. ANYBODY WISHING TO ACCESS THIS FACILITY FOR FARMYARD INDUSTRIAL MATERIALS AND CHEMICALS MUST ENTER AND EXIT THE CENTRE OF TOWN. WHILE THIS MAY BE A FAIR COMPROMISE FOR SAID CONSUMERS, IT MIGHT BE TIME TO SUGGEST A DIFFERENT LOCATION FOR AN ENTERPRISE SELLING CHEMICALS AND WATER STORAGE TANKS.

DA # _____
 (Office use only)



Information for the applicant

- This form may be used to apply for a development application (a "DA") to carry out building work, demolition, change of use or subdivision work.
- To minimise delay in receiving a decision about the application, please fill in all sections and ensure all relevant information and documents are provided.
- Plans must be submitted in an electronic format. A scanning fee will be charged if hard copy plans are submitted.
- Once completed, this application form should be submitted to Queanbeyan-Palerang Regional Council for determination at either one of the below locations:

Hand 256 Crawford Street, Queanbeyan, NSW 2620	Post PO Box 90, Queanbeyan, NSW, 2620	Email council@qprc.nsw.gov.au
10 Majara Street, Bungendore, NSW 2621		

SECTION A. Details of the land where the building/subdivision work and/or use is to be carried out

Unit/Street no. 121	Street Name Wallace Street		
Locality/Suburb Braidwood	State NSW	Postcode 2622	
Lot Lots 1 & 2, Lot 1, Lot 2	Section	Deposited Plan (DP) DP596527, DP995410, DP1208847	

THE NOTIFICATION PLAN DOES NOT HAVE A DA # OR MENTION LANDMARK

Is this intentional subterfuge ?

The site has ample space for further development and enhancement and also good vehicle access and storage areas.

(IF IT HAS GOOD STORAGE AREAS THEN WHY ARE THERE FORLIFT TRUCKS ENTERING AND EXITING THE PREMISES) WILL THE FORKLIFTS STOP WITH THIS REDEVELOPMENT OR IS THIS ABOUT HAVING A VERY CENTRAL SHOWROOM AND ACCESS TO NETWORK OF STORAGE SHEDS IN THE SURROUNDING STREETS?

Existing large Trees to Duncan Street also block and filter views back into the development site.

JUST AS THE SHADE DIAGRAMS ARE FOR A SEASON OF THE YEAR/ THE TREES IN SUMMER WOULD FILTER VIEWS/ THIS IS NOT HOW IT WORKS FOR FOUR MONTHS OF THE YEAR WHEN THE TREES ARE BARE.

THE INTRUSION OF NEW SHEDS WILL BE HIGHLY VISIBLE AND COMPLETELY ALTER THE AESTHETICALLY OLD WORLD CHARM AND VISIBILITY TO THE ROOF LINES AND CHIMNEYS ON THE EXISTING PREMISES ON WALLACE ST.



Figure 11: Just a simple view showing the existing Wallace and Duncan Street Bank corner highlighting the new works to the rear have minimal to no impact on the Wallace Street built character.

WHAT ABOUT THE PROPOSED SIMPLE VIEW OF THE REDESIGNED ENTRANCE? ONE ONLY NEEDS TO TURN 180 DEGREES TO GLIMPSE HOW HERITAGE CAN BE RESURRECTED IN THE OLD NEWSPAPER OFFICE/ NOW the FLOURISHING CAFÉ DEADWOOD, which REFLECTS THE CHANGING NATURE OF CLIENTS ACCESSING THE HERITAGE HEART OF BRAIDWOOD/ DO WE STILL NEED SEMI TRAILERS, 4WHEEL DRIVES AND FORK LIFTS PICKING UP AND DROPPING OFF FERTILISERS AND WEED KILLER IN THE HEART OF TOWN?

From page 43 LANDMARK PROPOSAL.

Social impact in the locality:

There are no perceivable negative impacts in terms of social issues.

Economic impact in the locality:

There are no perceivable negative long-term impacts in terms of economic impact. There is economic benefit to the existing business as it provides further secure, weatherproof storage for additional goods to better service the local rural community.

Site design and internal design:

The proposed development has been designed to take into consideration the natural features of the land, and the existing built form within the area. The design complies with the requirements of the *Braidwood Development Control Plan 2006*.

From page 39 LANDMARK PROPOSAL

Objectives

The objectives of this precinct are as follows:-

- a) To preserve the historical character of the precinct's townscape and the contributory and individual significance of the individual heritage items within it;
- b) To ensure development in the vicinity of buildings with historical importance is in harmony with the form and scale of those building; and
- c) To encourage the location of retailing, office space and other commercial enterprises which service local and regional needs



Figure 8: This proposed view shows the new entry off Duncan Street. A new concrete driveway will be installed to replace the existing 2 entry points. This will allow easier truck and vehicle access. This will also increase pedestrian safety and visibility. A new access ramp is provided providing an AS1428.1 compliant entry point to the site, Elements of new landscaping coupled with elements of local stone cladding will also offer an enhancement to the streetscape and overall built quality Simple new metal fencing will also secure the site.

THIS SEEMS TO REQUIRE CONSENT FROM MORE OF THE TOWN AS TO WHETHER THIS CONSTITUTES PRESERVING THE HISTORICAL CHARACTER. THIS DRIVEWAY COMPLETELY DESTROYS ANY HARMONY WITH THE FORM AND SCALE OF SURROUNDING STREETS. THERE ARE NO OTHER DOUBLE DRIVEWAY ENTRIES LIKE THIS IN THE CENTRAL DISTRICT. REGRETTABLY ALL INTENTIONS OF GOOD WILL (NOT) WERE DEMONSTRATED WITH THE DESTRUCTION OF THE LANEWAY LEADING INTO LANDMARK OFF WALLACE ST. THIS IS ONLY FOR THE ECONOMIC BENEFIT OF THE LANDMARK BUSINESS AS STATED ABOVE. LITTLE CONSIDERATION FOR THE AESTHETIC APPEAL OF BRAIDWOODS FAMOUS LANEWAYS.

The site is located in the Braidwood Heritage conservation area and is listed as state significance (page 3 from the BDD proposal) **IS THIS IN KEEPING WITH HERITAGE?**

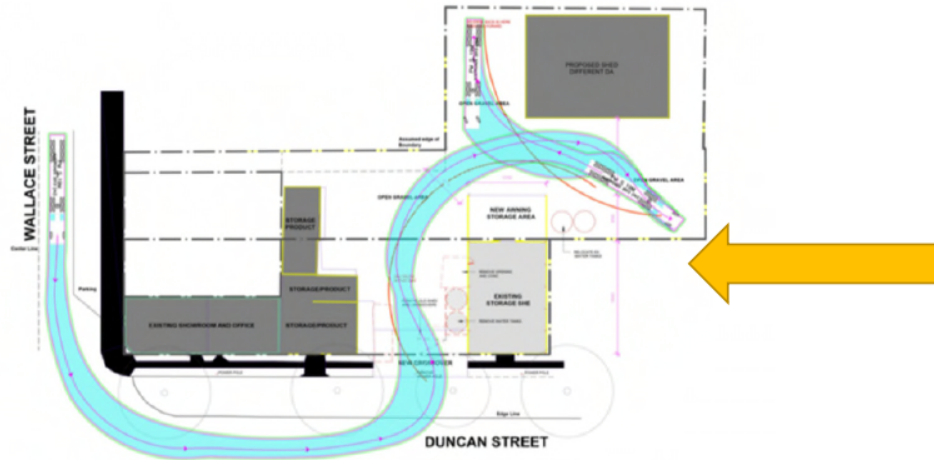
1.4 page 3 <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/managewaste/120960-comm-ind.pdf>

In addition to wider environmental and social issues, better practice waste management can help maintain the aesthetic appeal and efficient management of a development. Essential aspects of a building like facilities for garbage, recycling and organics are often overlooked or undervalued. If designed and managed properly, these aspects are virtually invisible to the occupants. If designed or managed poorly, they are a perpetual irritation, which can become worse as the building ages. A small amount of planning in the design stage can prevent a great deal of difficulty and inconvenience for tenants, cleaners, customers, building managers and collection contractors throughout the life of a building. Better practice waste management can enhance the social and environmental reputation of an organisation. The community often expects larger corporations to at least cause no harm to the environment and at best establish better practice systems that improve environmental outcomes.

The proposed site for the garbage dumpster is against a paling timber fence that separates the R2 residence on the East side of Landmark on Duncan St.

This is the backyard of # 80 and a couple of metres away from a children's play area.

The proposed turning arrangement for large trucks also seems to have been designed for maximum impact on the residential neighbours. The truck drivers will drive into the SE corner of Landmark, from the supplied drawings only metres from the north facing windows. The recently erected fence with all the ugly fittings facing towards the residential house, also seemed to imply a lack of consideration for current or future tenants. The barbed wire addition and the destruction of shade trees by the fencers also showed little concern for aesthetics and the residential neighbours.



THE YELLOW ARROW IS # 80 DUNCAN STREETS LIVING ROOM AND EXISTING NORTH FACING WINDOWS ONTO THE NEWLY ERECTED PALE FENCE WITH BARBED WIRE/ THE SHADING VINES FOR THIS AREA WHICH PROVIDED PRIVACY WERE RIPPED OUT BY THE FENCERS. SOME OF THE OVERHEAD SHOTS IN THE DA ALSO SHOW VEGETATION, AND TREES THAT NO LONGER EXIST?

Archaeological Management Plan – Stage 1

BRAIDWOOD AMP – STAGE 1 (AZP), NSW

5.1.1 Classification Criteria

The Australia ICOMOS Burra Charter for the Conservation of Places of Cultural Significance adopts as its foundation of classification four separate value types:

- Aesthetic Value
 - Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use; and
 - Addresses the scenic and architectural values of an item or its creative achievement. An item is therefore of aesthetic significance if it has visual or sensory appeal, landmark qualities, or displays creative or technical excellence.

Addressing the aesthetic value of the proposed double width entry way and proposed fencing and gate should be a public debate. Allowing this grand double width entry into a publicly accessible yard so close to the dead centre of town is debatable if the above is to be taken seriously (visual or

sensory appeal). Surely this completely changes the aesthetic scenic and architectural values of the town. Are there any other double width drives into an industrial yard so close to Wallace St? The tourists who park on Duncan St to enjoy a coffee at the Albion or the aesthetically significant DEADWOOD café may disagree to this newly proposed aesthetic as they are trying to participate in and enjoy the current aesthetic.

<p>7.14 PRIVACY</p>	<p>By maintaining new changes to the existing footprint and not developing a large rear shed we are reducing potential privacy concerns with neighbours. All buildings will be maintained in a similar location to existing maintaining the character of development and no impeding on adjacent properties.</p>	<p>YES</p>
<p>7.15 NOISE INTRUSION (AURAL PRIVACY)</p>	<p>No changes to noise levels as existing operations will remain, he same. The proposed changes offer better protection for goods and materials and new office area to supervise and manage the existing operations.</p> <p>No expected increase in existing traffic and pedestrian flows on site.</p>	<p>YES</p>

7.14 PRIVACY ... According to the diagram below the new buildings were redesigned to facilitate movement of trucks; as the original design for the BIG SHED WOULD NOT HAVE ALLOWED THIS. Privacy for neighbours was better addressed with the original plan. Waving at truck drivers and making eye contact each time a truck driver makes a turn in the congested space is an invasion of PRIVACY.

7.15 NOISE INTRUSION (AURAL PRIVACY) Using the same diagram, where the trucks stop/ go into reverse with reverse hazard noises IS IN THE FRONT LIVING ROOM WINDOW OF # 80 DUNCAN ST and in the BEAUTIFLY LANDSCAPED and well used backyard of # 82.

3.2.3 Noise control (page 79, <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/noise/20130127nqlg.pdf>)

There are three main areas where noise mitigation measures can be applied: at the source in the transmission path at the noise receiver. Control of noise at the source is always the preferred method of noise control as it reduces the impact on the entire surrounding area. Noise path control or mitigation at the receiver usually requires measures that block the transmission of noise such as erecting barriers or making architectural modifications to building facades. As the benefit from these measures would only apply to a limited area, in general, this should only be done after endeavouring to control noise at the source.

This would need to be accommodated with erection of barriers as stated above; in the SE corner of the site. THIS IS NOT IN THE PROPOSAL PRESENTED HERE.

THE AFOREMENTIONED PROPOSAL IS VERY AMBIGUOUS. ARE THE PROPOSED SHEDS JUST TO HOUSE EXISTING GOODS FROM THE WEATHER. ARE THEY

8

JUST THE BEGINNING BECAUSE IT ALSO SAYS THE SITE HAS ROOM FOR EXPANSION? WHILE ALSO SAYING THAT THERE IS NO REASON TO BELIEVE THAT THE CURRENT TRAFFIC LOADS ARE PROJECTED TO INCREASE. CAN IT BE BOTH?

OF SPECIAL NOTE IS THE RED SHED WHICH NOW HOLDS HAY BALES AND DEMARKS THE TWO EXISTING DRIVEWAYS... I BELIEVE THAT BEFORE THIS LITTLE GEM AND THE ARCHEOLOGICAL STEPS LEADING UP FROM THE FOOTPATH WERE TO BE DEMOLISHED THE TOWN SHOULD HOLD A REFERENDUM. THESE LITTLE QUIRKS MUST REMAIN IF BRAIDWOOD IS TO MAINTAIN ITS HERITAGE AESTHETIC QUALITIES WHICH SEPARATE IT FROM OTHER RURAL TOWNS ALSO TRYING TO REINVENT THEMSELVES AS MORE THAN OUTPOSTS SERVING A RURAL COMMUNITY.

PLEASE CONSIDER HAVING A CENTRE PURPOSED DESIGNED TO HOLD FERTILIZERS AND WEEDKILLERS MOVED TO A MORE APPROPRIATE LOCATION. SOMEWHERE WHERE LARGE TRUCKS CAN BE ACCOMADTED. NOT ONLY DOES THE REVERSING OF THESE MONOLITHS WITHIN THE SMALL CONFINES OF THIS YARD, POSE A DANGER TO THE CONSUMERS FREQUENTING THE PREMISES, ONE MUST ALSO CONSIDER THE EMPLOYERS WORKING THERE.

Application # _____
(Office use only)



Political Donations and Gifts Disclosure Statement

- Information for the applicant**
- This form may be used to make a political donations and gifts disclosure under section 10.4 (4) and (5) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to a Council.
 - **Warning:** A person is guilty of an offence under section 9.37 and 9.50 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 10.4 only if the person fails to make a disclosure of a political donation or gift in accordance with section 10.4 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 10.4. The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.
 - Please read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below).
 - Once completed, please attach the completed declaration to your planning application or submission.

SECTION A. EXPLANATORY INFORMATION

Making a planning application to a Council

Under section 10.4(4) of the *Environmental Planning and Assessment Act 1979* (*'the act'*) a person who makes a relevant planning application to a Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) All reportable political donations made to any local councillor of that Council,
- (b) All gifts made to any local councillor or employee of that Council.

Making a public submission to a council

Under section 10.4(5) of the *Act*, a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council, is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

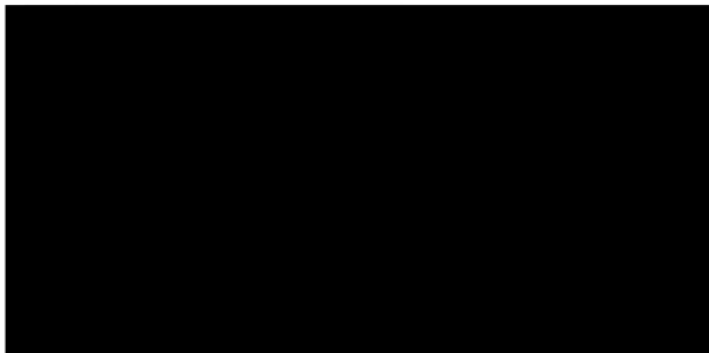
- (a) All reportable political donations made to any local councillor of that council,
- (b) All gifts made to any local councillor or employee of that council.

A reference in sections 10.4(4) and 10.4(5) of the *Act* to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 10.4 of the *Act* is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- (b) If the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.



Application number	
SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Reportable political donations or gifts made by person making this declaration or by other relevant persons State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN). If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate. Please note: List all reportable political donations and gifts</p>	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details	
<input type="text"/> <input type="text"/>	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made.	
<input type="text"/>	
Date the gift or donation was made.	
<input type="text"/>	
What was the amount/value of the gift or donation?	
<input type="text"/>	

I would like to record an objection to the proposed development at 121 Wallace St Braidwood (DA.2020.1172) for the following reasons:-

Industry Incompatible with Historic Town

Primarily, I believe this Agricultural distribution business has outgrown its site in the middle of a listed historic township.

We are effectively putting up with a major industry in what is now a significant tourist centre for NSW. The storage of gas cylinders, nitrates and other agricultural chemicals is not ideal for the centre of this lovely town.

The Landmark submission states this site is not in a bushfire prone area yet, just last year the town was seriously threatened by fire, to the extent that fire-bombing of nearby Gillamatong hill was necessary. This fire threat will remain.

I would also like to point out we also have a school bordering this DA site and the risks cannot be ignored.

Increased Heavy Lorry Movements

In addition, we have an increasing stream of large semi-trailers manoeuvring close to the main street posing a risk to the many pedestrians and hindering other retail businesses, particularly those opposite the Landmark entrance in Duncan Street. By their own admission, Landmark acknowledges these freight movements will be increasing. (Coe Planning Services – Environmental Impacts – Cumulative Effects:- **“The anticipated increase in vehicle movements as a result of this development”**).

Equally, The Landmark submission states in their Statement of Environmental Effects, Project Description/Introduction that:- **“The business has grown in recent years** and the business needs to enhance, **expand** and consolidate...” It is reasonable to expect the business to continue to expand into the future, further rendering the business inappropriate for this location.

Negative Impact on Local Residents

Residents living near to the Landmark site have complained about the dust from vehicle movements on this unsealed site (I note in the proposal they “may” seal the site after construction). This dust mainly impacts homes to the east of the site given our westerly winds during the warmer months. Noise from both heavy vehicles and forklift movements, starting early in the morning, is another concern.

Incompatible with Site Zonings

Zonings for this site include B2, B4 and R2. These zonings allow for “Small Scale Retail Businesses and Community use – to serve the people who live and work in the surrounding neighbourhood”. This is not a “small scale” activity and serves a rural area larger than some countries. An Agriculture Distribution Centre does not fit in the listed business under these zonings and as a consequence, “this use is prohibited”.

Plan for the Future – Relocate!

We see other towns, such as Bungendore, with their Ag Distribution Centre located on the edge of town. Given the risk and detrimental effect on our heritage town, should Landmark not be encouraged to move to a site that will not only benefit the town but allow them room to expand well into the future?

The fact that they are rebuilding their offices and sheds means this expense is already factored in should they choose to relocate? All they need is the appropriate site.

Also, farmers visiting Landmark will find it easier to access a site out of town, given our current town parking issues.

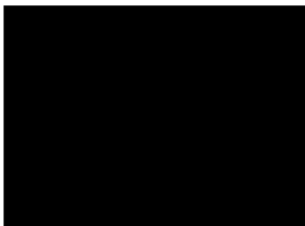
There appears to be no long-term plan.

Height/Size of New Sheds

The plans show a view from Wallace Street, looking east, in which the height and length of one new shed dominates the roof lines of both ‘Poppies’ restaurant and the ‘Bunyip Jungle’ Nursery. Is this the look we want for our 1860’s heritage buildings?

Appropriate DA Notification

News of this DA came late to most town residents. This is partly due to the fact that Landmark has not posted any notice of their application. An examination of their perimeter on Saturday, 13 June 2020 could not locate such a notice. As well, previous developments (removal of significant trees, erection of 2 metre barbed wire fencing) appear to have not received appropriate approval.



Submission on Development Application for 121 Wallace Street, of 20 April 2020

To: QPRC Mayor, Councillors and Planning staff (attention: Luke Perkins)

I am making a submission on the Development Application (DA) as a Braidwood community member and [REDACTED]. I recommend that the DA be resubmitted to address the outstanding planning matters.

General comments

The DA is a planning matter which has heritage implications under the statutory *Palerang Local Environmental Plan 2014* (LEP) and the 2006 Braidwood Development Control Plan (DCP) which provides guidance on implementation of the *Heritage Act 1977* for the State Heritage Listed conservation area 'Braidwood and its setting'. This listing sets out the heritage values for the town that include its historic significance as a coherent and well preserved 19th century township with the Georgian town-plan remaining largely intact. Braidwood is rare in being a town that displays a wealth of intact 19th century features. It stands out in comparison with most other regional centres.

The use of the Landmark building and yard (listed as Dalgety Building in the Palerang LEP no I127) as a retail outlet servicing the agricultural and pastoral industries of the Braidwood district contributes to the rural character of the town, supporting the town's historic pastoral history, the primary reason for its evolution. While there is concern by some in the community that the business should be relocated to an industrial area outside the Braidwood commercial area I support the retention of the business in its current location to retain a significant rural presence in the town. However uses and activities in the Landmark yard should not negatively impact on the amenity of the surrounding property owners.

The DA is an amalgam of documents that make for confusing reading. The undated 'Statement of Environmental Effects for proposed alterations and additions: 121 Wallace St, Braidwood' by Coe Planning Services seems to have been prepared for a previous DA and contains misleading information relating to the boundary adjustment approved under DA.2014.008. The DA should be updated to reflect the Land and Environment Court Appeal No 2019/294723 granting a covenant with a Right of Access to the current occupiers of Lot 1 DP 829063. This 'access path' is not mentioned or shown on the plans for Council's consideration.

The section relating to heritage (5.10) notes the Former Hotel (133 Wallace St) is heritage listed (Palerang LEP no 1333) yet does not include the heritage listing for the Dalgety Building. The report claims that the proposal complies with State Heritage Listing for Braidwood and 'therefore concurrence from the Heritage Office can be assumed for the proposal.' This is an unsubstantiated claim and should not be supported.

The K&C Brown & Associates P/L report for Lot 2 DP 208847 for storm water is based on the construction of additional storage shed and additional roof storage area with a roof area of 450 sq m. It is not clear if the roof storage area for the current proposal is consistent with these figures.

The BDD building design DIRECT 'Project: proposed alterations and additions to commercial property', February 2020 provides revised plans, lists the 'main items' of the project and in tabular form addresses development controls in the Braidwood DCP. Clearly stating the dimensions of the new works listed - new office, new storage shed and higher awning storage shed would assist in assessing the bulk, scale and visual impact of the new structures. The report notes that 'Existing large trees to Duncan Street also block and filter views back into the development site' (p 10). The deciduous plane trees will only block views when in leaf. There is no diagram to show the tree height in comparison with the new proposed sheds.

The report suggests that overshadowing will not be significant to neighbouring properties and open spaces. It appears from the shadow diagrams of June 21 at 9am that overshadow will cover the courtyard at the rear of 123 Wallace Street. It is not clear if consultation with adjacent property owners has been undertaken.

The report states that noise intrusion will not increase as the existing operations will remain the same. There is no acknowledgement of the increased volume of noise generated by turning trucks within the yard.

Heritage

Bradley Surveying and Design P/L sought pre-heritage advice from the QPRC Heritage Adviser. Dating from June 2017 the advice found the work to remove sheds and replace as acceptable 'in principle' subject to exact design details and details being ok. The 2017 heritage advice included demolition of the small red shed and creation of a wide ramped driveway with sliding steel gates to Duncan Street, is acceptable 'in principle' subject to exact design details and details being ok, the gates are within the property line and details of gates are provided.

The advice to construct new shed in rear yard, approx. 36 x 18m high with pitched gable roof and open, covered bay at west end, eave height 4.5m does not appear in the revised plan submitted in the DA.

Thus the plans submitted for the current DA have changed with different locations and scale for new buildings from those viewed by the Heritage Adviser in 2017. There is no evidence that heritage advice has been received on the altered proposal now submitted in this DA. Plans for buildings with a height of two storeys should be referred for heritage advice, to ensure that heritage matters are considered and satisfactorily addressed.

The scale and locations of the proposed sheds should be assessed by the Heritage Adviser to ensure compliance with the DCP. Options should be explored to relocate the small red shed which was recommended for demolition by the heritage adviser in 2017. Relocation on or off site would be a better heritage outcome for the small

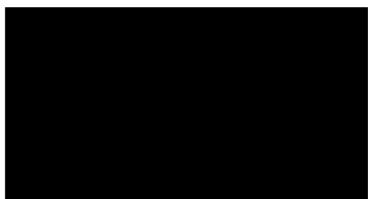
shed with a gable roof which would reinforce the gable roof profiles being proposed for the new sheds. It contributes to the views in Duncan Street. Galvanised steel proposed for the new sheds is consistent with the rural character of the business. The 2400m high black commercial picket fencing being proposed for security will have a visual impact from Duncan Street. Alternative fencing options should be reconsidered. The proposed landscaping and stonework which should be in local granite should soften the new entrance from Duncan Street.

The DA states that no new signage or advertising on site is proposed. The DCP has guidelines on signage and the current signage is inconsistent with these and should be changed to comply.

Conclusion

Heritage advice is required under the Palerang EPA and Braidwood DCP to ensure that heritage matters are taken into account and addressed, as are all other planning requirements.

The DA should be resubmitted having addressed the outstanding planning matters.



The Landmark DA represents one link in a sequence of actions by Landmark to augment, consolidate, and protect their operation of a large scale Rural Supplies Business in the Centre of Braidwood. It provides Council endorsement of this expansion. The question then, is whether or not this is consistent with the Aims and Objectives of the Braidwood DCP 2006 ?

The Landmark operation already creates substantial heavy vehicular goods traffic on Duncan Street. The probable ongoing intensification of industrial/commercial character of the Landmark activities will take development in this part of the Town further away from the historic fine-grained mixed-use character, which is crucial to maintenance of its Heritage.

Braidwood as a historic town in coming years will derive the viability of its Centre from intensification of its Residential, Tourism and life-style uses. That this can be effective as a strategy can clearly be seen by the largely successful transformation that has occurred in Bungendore.

The best Planning Strategy is to create the conditions where Landmark moves to a location at the periphery of Braidwood, and its land becomes developed for sympathetic but intensive Commercial and Residential use. The very large size of the surrounding Street Block, (contained by Wallace, Duncan, Elrington, and Wilson Streets), will always create conditions where the lands at the interior of the Block can be advantageously developed for purposes which foster a positive direction for the historic Centre of Braidwood.

I would suggest an adequate and spacious Tourist Information Centre be planned as part of this use. The land would be available at the centre of town, near the businesses and within reach of most of the historic buildings. There would be additional space for parking of visitors.

The question before Council is whether or not it wishes to actively promote an established historic character, or to weaken it by fostering ongoing consolidation of the Landmark use.

I submit that Council refuse the Amendment and work together with Landmark to relocate their operations to create an effective long-term future for the heart of Braidwood.

•

15th June 2020

Submission to QPRC by:



Submission Concerning: **DA.2020.1172** – Alterations and Additions to rural supply premises

Attention: **Luke Perkins**

I wish to register my **objection** to the alterations proposed in **DA.2020.1172** concerning the Landmark property at 121 Wallace Street, Braidwood NSW.

The reasons for my objections are as follows:

1. The current activities of this rural supply business are highly inappropriate for this main street location on Braidwood's key central intersection. Any proposed expansion of the current level of activity of this operation on this site is **utterly unacceptable**.
2. The proposed increase in height and size of the storage sheds is not in keeping with the urban heritage of the area and is desperately inconsiderate of the impacts to neighbouring residents, businesses, pedestrians and visitors. The increase in shed height is counter to the advice of the QPRC Consultant Heritage Adviser, which is to maintain existing maximum heights.
3. Recently, a highly appropriate, low impact cottage-industry food production business being considered for this same main street area (just back from Wallace St.) was, in advice from Council planners, deemed inappropriate for this zone. The "pre-DA advice" suggested that such a business is only permissible in the town's industrial area. It is highly inconsistent that an operation involving so many significant industrial hazards, as is the case with the Landmark rural supply's operation, should be allowed to continue in its existing location. Landmark has historically operated at this site for decades however, this is not a justification for its ongoing operation and even less justification for its current proposed unsuitable expansion. Previously, Braidwood's other rural supplier sensibly relocated from its Wallace Street premises to the current Jillamatong Lane site in the industrial zone. This was clearly a good decision for CRT Braidwood Rural and Building Supplies, that has benefited their business and the wider community. There is no argument that can be upheld in support of the continued operation of an industrial agribusiness in the urban centre of this Heritage listed town, which relies heavily on tourism. There is an absolute mismatch between the operation of Landmark rural supplies in this main street location and the multiple other users and resident in this area. Truck movements, noise of forklift activity, storage and handling of hazardous materials with associated pollution and fire risks are all highly concerning matters and are already severely impactful to neighbours. This business is not appropriate in this location. It should be relocated to an industrially-zoned location.
Approval for an expansion of this business at this location is not justified. To do so would be to put corporate greed and individual gain above the health, amenity and economic security of the entire community.
4. To approve this DA would be short sighted and detrimental to the Braidwood community. A sensible town planning approach would see this site as an opportunity for urban renewal

and sustainable infill development. In keeping with planning aims, to retain and develop this precinct for retailing and office space, respecting heritage values and preserving residential amenity, surely a more suitable proposal would be for a mixed development of truly appropriate retail and office space, along with some mixed residential (to help address the communities housing affordability issues) and possibly even some public open space (like a courtyard garden). Such a development would be a much better fit for this location and of far greater benefit to the community and the local economic viability of the town. It would certainly be an excellent social and economic boost and I strongly suspect, appreciated by immediate neighbours.

5. The applicant makes untrue claims of “no or minimal impact” as a result of this proposal. There are already clear impacts from the existing structures and operations. Increasing this will, without any doubt, entail increased negative impacts. Overshadowing, noise impacts, exhaust, increased risk to vehicles, pedestrians and buildings, damage to treescape, air quality, stormwater and pollutant risks and fire hazards must all be considered. These are daily impacts already existing in the current situation that will be considerably compounded by the proposed expansion.

I strongly request that this Development Application be **rejected**.

I further urge Councillors and Planning Staff to actively pursue the relocation of this industry to an appropriate industrial zone and suitable beneficial alternatives be sought and encouraged.

Sincerely,



ATTENTION: Luke Perkins



15th June 2020

To:

Mayor Tim Overall, Councilor Peter Marshall (Chair QPRC Heritage Committee), QPRC Councilors, Mr. Peter Teggart (QPRC General Manager) Mr. Michael Thompson (Manager Built and Natural Urban Environment).

Submission Re: DA.2020. 1172
Alterations & additions to rural supply premises
121 Wallace St, Braidwood.

I herewith submit an **objection** to the proposed D/A.

My objections focus on four main issues:

1. Correcting the anomaly in Council Policy
2. Impact of proposal in heritage terms
3. Detriment to adjoining properties
4. Hazards: traffic, pollution, chemicals.

1. Anomaly in Council's industrial location policy. At present it appears that industrial retail businesses are no longer allowed in Bungendore CBD. This may have been a post-hoc response when Bungendore Rural Services relocated to the edge of town. Even so, any such supplier seeking to set up in Bungendore CBD today would not get approval. Such a policy is even more important for Braidwood – the only Heritage Listed town in New South Wales, and so should be extended.

Correction of this anomaly – taken in the context of the type of industrial scale storage operation Landmark is seeking to extend through this application, should mean that approval of the D/A cannot be granted.

2. Impact of the proposal in heritage terms. The documentation accompanying the application is a real hodge-podge but there is no escaping the fact that in heritage terms the proposal would have a most detrimental effect. Large storage sheds do nothing to enhance the residential amenity and 'historic rural character of the town'. Although the documentation includes advice from Mr. David Hobbes (dated 2017 when he was QPRC's Consultant Heritage Adviser) the applicant either did not read it or did not understand what it said because the proposed height and changed location of some of the proposed sheds are in clear contradiction. Furthermore, the claim that the 2006 Braidwood DCP 'does not apply within the listed area of Braidwood' is an outrageous porky. It would certainly astonish the present QPRC Heritage Adviser.

However many colour photos of rain-washed buildings are dotted through the proposal they cannot detract from the fact that this application rides roughshod over heritage requirements, and would have a detrimental impact in heritage terms. On these grounds alone it should be refused.

Detriment to adjoining properties. Landmark has traded at the Wallace Street site for several years but the size of their yard has only recently changed. It was the purchase of the next-door building – the old hotel at 123 Wallace Street, that appeared to trigger the current grandiose expansion plans. The garden behind No 123 was concreted over and joined to the existing yard; chain-link fencing erected around the whole perimeter and locked gates placed across the driveway exits to Wallace Street. D/As were submitted to Council – and refused, and modifications tried for and so on until there is now the current application. At this point a more aggressive stance was adopted towards Mr. and Mrs. Kidd who have right-of-way across the yard to the Wallace Street exit because there is no vehicle access to their Duncan Street property. As Council knows, the matter went to the Land and Environment Court and mediation brought a compromise of sorts. However, Landmark apparently have now made it clear to the Kidds that should they sell their property any future purchaser would not be granted any right-of-way. That the Kidds had lived next door for many years simply serves to emphasise how un-neighbourly Landmark's recent actions are.

Other properties adjoin Landmark. Closest is the 'Poppies' café occupying a heritage building on Wallace Street. Then further up the new yard extension abuts the rear of the Braidwood Butchery and 'Bunyip Jungle' the Braidwood nursery. The greatly extended activity in the Landmark extended yard already impacts to the detriment of all. However, should the current application be granted the effect on Poppies would be the most serious. There would be flooding risk from rain-gutter overflow from the new large shed. The small courtyard garden to the rear of the café – currently a pleasant, sunny place to enjoy a coffee, would be shaded by the height and proximity of the new shed. The proposal plan claims this would not be the case but – like the claim the new higher sheds would not be noticed, this appears to be another example of cognitive dissonance by the applicant.

Hazards: traffic, pollution, chemicals. Anyone who has sat in their car in Wallace Street behind a Double B Truck attempting to access Landmark's yard would not only have admired the skill of the truckie but also been quite convinced that operations requiring that sort of delivery have no place in the centre of Braidwood. Similar trucks have no trouble at all delivering to Braidwood Rural and Building Supplies out on the edge of town. Even Landmark seems to have grasped that maybe causing traffic jams coupled with the risk of damaging the buildings on either side the gateway is a less than good idea. But the solution – to move the truck entrance to Duncan Street, simply exacerbates the problem. There will still be hold-ups whilst massive trucks try to turn from Wallace into Duncan Street. When these then try to turn again into the Landmark entrance – avoiding nearby trees and any pedestrians on the footpath, it will hardly be to the betterment of the customers sitting in the garden of Dee's café opposite. Once in the yard, the blue-shaded diagram in the plans shows where these trucks will go – a cautious turn and backing between the sheds towards the eastern chain link fence. This blue shading could equally stand for the flow of exhaust fumes that will ensure a steady flow of carbon monoxide through the yard and into the sheds, office and adjoining properties.

In addition, the use to which these new sheds will be put also constitutes a hazard. The agribusiness chemicals already stored on the Landmark site raise grave doubts about the suitability of these in the centre of Braidwood. The size of the proposed new sheds indicate substantial increases in the amount of chemical to be stored and provides increased grounds for concern.

Conclusion.

As must be clear to Council I think the current application is an arrogant, ill-prepared dog's breakfast. But putting subjectivity aside it does seem clear that there are sensible planning grounds for refusing permission.

Such large, hazardous and polluting industrial activity is incompatible with Council policy and with the requirements of heritage legislation. It simply should not be at the present location.

I humbly request that Application DA 2020.1172 be refused.



To the QPRC Mayor, Councillors and Planning staff

Re DA 2020.1172

Alterations and additions at 121 Wallace St, Braidwood

My name is [REDACTED]

The reason for my letter is that I object to the size of the replacement shed that Landmark has proposed to build adjacent to my eastern boundary with 121 Wallace Street.

My objections are listed below.

My building is a heritage listed building that is over 160 years old. The size of the replacement shed that is proposed for 121 Wallace Street will have a detrimental effect on the value of my property as it would restrict the views from my building's second story windows and create shade for several hours each day during late autumn, winter and early spring over my courtyard, to the detriment of customers using that area.

The Landmark DA for 121 Wallace Street is deficient in details and makes specific claims that can readily be shown to be false. Under the heading 7.13 OVERSHADOWING of the application, it is claimed that there will be "no significant overshadowing to existing adjacent properties and private open spaces" (p 18 of printed pages and p 22 of the Landmark DA electronic file). The application then refers to sun shadow diagrams that appear at p 64 of that file.

Looking at the diagram for 9 am on 21 June, it is evident that most of the back half of my property, which is immediately to the north of Landmark on Wallace Street, would be shaded for most of the morning for several months of the year. The shaded area includes my courtyard.

The project description for the Landmark DA claims (top of printed page 8) that the development provides "a better design solution" for "surrounding neighbours". This claim is clearly false, as the raised shed would cause a great deal of overshadowing to my property, Lot 1 DP 784958.

It is of great concern to me that the application, under point 7.6 BUILDING HEIGHT (printed page 17) does not specify the intended heights of the raised shed. The application states at that point that: "By utilising the higher heights for the sheds, we no longer require the large rear storage shed that was previously proposed ... Increased vertical height and volume means less site coverage and built form in other areas of the site".

The negative impact of adjacent properties is apparent from the plans at pages 57 and 70 of the Landmark DA. Whereas the large rear storage shed that is no longer required would have created shade only on Landmark's property, the amended (extended and raised) storage shed will create shade for both my property and the property immediately to my north, which is a garden nursery.

The Landmark DA does not provide a better design solution for surrounding neighbours. Quite the opposite, the solution proposed is to the obvious detriment of the neighbours, because, instead of shading from increased storage space affecting only Landmark itself, the shading would be very significant for two neighbouring commercial properties. The extent of overshadowing is clear from the simple picture at page 62 of the Landmark DA electronic file. My property, which is behind the southern half of the structure called the replacement shed, is not visible in the drawing, and will be greatly affected by overshadowing.

A more specific concern relates to the height of the proposed amended storage shed adjacent to my property. It is clear from the statement quoted above under BUILDING HEIGHT that Landmark intends to use the amended storage shed as a replacement for the previously proposed large rear storage shed, which was planned to be a much bigger structure.

This raises the prospect that Landmark intends to build a shed structure even higher than the 7.2 metre height line shown on page 65 of the Landmark DA electronic file, because the declared intention of the DA is to concentrate storage in this part of the Landmark site, adjacent to my property, and the permitted height of a building in this zone is apparently 12 metres.

While the proposed replacement shed is within zone B2 where the permissible height of a building is 12 metres, in keeping with the heritage value of Braidwood that height should be understood as applying to historical type buildings that conform to the town's heritage identity, and should not include a storage shed that would be visible from the corner of Duncan and Wallace Streets. It is not appropriate to compare the replacement shed with historic two storey homes and businesses in the vicinity, when, as the Landmark DA acknowledges, it is possible for Landmark to build the large storage shed that it now says it no longer requires because of the raised replacement shed.

Another specific objection concerns the deciduous trees in my courtyard, which are evident in the summer aerial photo shown as figure 1 at p 32 of the Landmark DA electronic file. These trees provide shade for my courtyard in summer and allow sunlight in from late autumn until spring. It is essential to the integrity of my property that the trees in my courtyard are preserved as they will provide some screening of the shed wall, and provide shade when needed in summer.

Another concern for my property, which is used as a café including the courtyard, will be the noise factor with fork lifts working in and out of the replacement shed all day long, which will definitely destroy the peacefulness of my courtyard.

The Landmark DA claims (under 7.15 NOISE INTRUSION, p 18 of printed pages and p 22 of the Landmark DA electronic file) there will be "no changes to noise levels". This statement is dubious because it is inconsistent with statement quoted above under BUILDING HEIGHT about increased volume of storage capacity in the proposed replacement shed adjacent to my property. Clearly, increased volume will mean increased fork lift noise adjacent to my courtyard, to which I object.

If the Landmark DA were to be substantially revised, so that the claims made under overshadowing, building height and noise intrusion could be believed, then it is possible that a revised Landmark DA with a replacement shed of a similar size to the shed that now exists would not have a detrimental impact on surrounding properties. However, the current DA clearly will have an adverse impact on the running of my café, and also on other properties. In the interests of fairness to all proprietors in Braidwood, it should not be approved.

Sincerely,



[REDACTED]

16th June 2020

To the Mayor (QPRC), Councillors and Planning staff (attention: Luke Perkins)

Submission Re: DA.2020.1172
Alterations and additions to rural supply premises
Location: 121 Wallace St, Braidwood, NSW 2622

I wish to submit an **objection** to the proposed DA.

Introduction: I am sincerely troubled regarding this proposal in our Heritage Town. I have read both [REDACTED] submissions both written with a great deal of study and thought, and I agree wholeheartedly with both submissions.

To have to spend so many hours studying such a proposal 70 pages is beyond most people's ability especially mine, in this day of making things easier to understand I find this very distressing and a ploy to make most people do nothing.

There are so many errors, it is impossible to list them – [REDACTED] has done an excellent job on this. I feel there are so many discrepancies –to suggest they are not expecting the business to grow and the traffic to increase.

The DA does not mention that some deliveries arrive very early morning.

This site is part of an important area of Braidwood's Heritage area, including Duncan Street. The laneway that was an easement taken by stealth has now allowed this application to take place.

The plans and model photos of the buildings and new entrance leave me speechless, there **is** no sympathy with the surrounding heritage environment. I can't believe this application has been before the Braidwood Heritage Committee.

I feel that our Council and Councillors are not treating Braidwood with the due diligence it deserves, we have no councillor who lives in Braidwood and how many councillors actually read the documents right through. This is how so many errors get through council and once that happens it can never be reversed. i.e. the Albion railings and the easement access to Mr & Mrs Kidd's property.

If this is passed it will mean an end to Braidwood's Heritage because it will be an eyesore and I firmly believe that we would have every right to take this to the media.

As said to me "there are more holes and nasty points in this application than a barbed wire fence" (pardon the pun)!

I urge our Council to refuse this DA2020.1172

[REDACTED]

DA.2020.1172 - Objection.

Further to my original submission objecting to the expansion of the Landmark/Nutriens distribution site please consider the following:-

I would like to remind council that Braidwood was the first town placed on the NSW Heritage Register.

The shire should recognise the present and future value of having a genuine heritage village here in its own shire. This is a jewel and will be an asset for future generations, but only if preserved.

Since QPRC has taken over responsibility for the district we are finally seeing genuine improvements to the town of Braidwood. We trust you will not undo this good work.

I am pleased to be part of the QPRC umbrella [REDACTED]

Please do not allow an industrial site to expand beyond its current limits as this not only flies in the face of heritage values but provides a real risk on many fronts:-

- The movement of large semi-trailers, reversing on to the Nutriens site from residential Duncan street, is a threat to the many pedestrian visitors we now have visiting the town.
- While dust and noise from the truck and forklift movements on-site is a concern to the residents bordering the work site the outside bagging of fertilisers, exposed to the elements may well cause health issues to nearby residents.
- The storage of farm fertiliser must be considered a real risk (Beirut). Remember, this site not only borders private residences and retail shops, but also a school.

For those unfamiliar with the Nutriens site, it extends directly behind a number of heritage buildings on the main street.

For means of comparison, **would the QPRC allow an industrial site like this to be located in the centre of Queanbeyan directly behind the main street shops?**

Maybe a visit by interested Councillors would be warranted?

We wonder whether the council and/or the Canadian Head Office of Nutriens could assist with a move to a more 'fit for purpose' location?

Currently large retail outlets, like Braidwood Rural Hardware are well located on the edge of town. Incredible sense being shown by at least one local business.

But at the end of the day it is for the QPRC to decide if this expanding industry is not in the best interest of Braidwood and the region, and whether it complies with various regulations:-

- Zoning requirements:- B2, B4 and R2 (which include only "**Small Scale Retail Businesses and Community use**") for this site.
- Health and safety legislation (dust, noise, chemicals along with heavy vehicle movements in a residential street).
- And heritage requirements.

We trust you give this matter your serious consideration.



QPRC,
PO Box 90,
Queanbeyan
NSW 2620



Submission - OBJECTION
DA.2020.1172
121 Wallace Street BRAIDWOOD NSW 2622
Alterations and additions to rural supplies premise

Dear Luke Perkins,

I am the [REDACTED] (Lot 1 DP 829063) who will be affected by the proposed development. I am a resident and contribute to the rates in QPRC. I have objections relating to DA.2020.1172 submitted on LOT 2 DP 1208847 Wallace Street BRAIDWOOD NSW 2622.

My main objections are centred on a potentially outstanding court order on the premises in question (above) that accommodate Lot 1 DP 829063 and adequate safety measures relating to access as described in the court order (Case number 2019/00294723). I would like to point out that [REDACTED] are the grandparents of 7 grandchildren [REDACTED], ages of 13 and under, who live in Braidwood or go to school or day care there and are all residents of QPRC. These 7 children would have authorised access through the proposed development to get to their grandparents home. Grandparents and access to them are a very important asset for respective families.

1.) Potentially outstanding court order. After a very prolonged and resource consuming process (as the council is very well aware), with the intervention of the Land and Environment Court of NSW a court order was made granting access for Sam and Steve Kidd and all those who they authorise access through the respective property (Case number 2019/00294723). The order required ratification by the 30th April 2020. Council wrote a letter to [REDACTED] including the Land and Environment Court Order with the indication that [REDACTED] would be notified when when the conditions were registered as Covenant on Title of Lot 2 DP 1208847. To date, notification has not happened. My wife [REDACTED] called Luke Perkins on the 10th of September 2020 and enquired whether the respective court order had been fulfilled. Luke Perkins was unaware whether the outstanding court order had been fulfilled and although indicated to find out and call back, has not not done so. **Has the council accepted and put on display, not once, but twice, a development with an outstanding court order?**

2.) Safety of the development. For the purpose of this consideration we will assume the Land and Environment Court Order case number 2019/00294723 has been fulfilled and it falls in the liability of council to ensure it was. Certainly, entertaining a DA with an outstanding court order would place Council in a heightened liability and Council is in no position to plead any sort of ignorance on the matter.

I believe that Council previously had a “none of our concern” approach to safety of those authorised to use the “access path” mentioned in the previously mentioned court order. However, on considering a new development

in the access path, it is now the onus of Council to ensure that adequate safety infrastructure and considerations are in place.

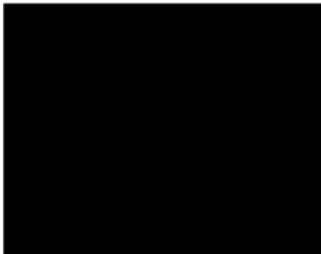
I have been informed that a building certificate on a private home can be rejected by QPRC on the basis that a domestic bathroom does not contain a cabinet with a mirror (presumably from decapitations that happen involving shavers and the obvious choice of taking legal action against local governments as a result).

I think that community expectations would necessitate no less than proper compliance by full documentation and design aspects with respect to Austroads Guide to Traffic Management and the Australian Standards AS1742, 1743 and 2890 with appropriate risk assessments systemically filled and filed, considering the operations of this proposed development. Council would contribute to the design of the development of the proposed facilities making it clearly liable under law.

Also as the proposed development will also have warehousing activities, that is the movement, loading and unloading of large goods and movement of goods around the facility I would like to refer council to the document on www.safework.gov.au entitled "TRAFFIC MANAGEMENT: GUIDE FOR WAREHOUSING". I will quote part of their opening paragraph "*Vehicles including powered mobile plant moving in and around a workplace, reversing, loading and unloading are frequently linked with death and injuries to workers and members of the public.*" Most businesses I know of that have such needs have a separate access controlled / exclusion zone loading area for very obvious reasons. In fact I don't know of any other such businesses that operate in a such a cramped, mixed pedestrian area with trucks and forklifts as that which is currently occurring and that which is proposed.

Will signage be required to indicate to truck drivers that children will be amongst those using certain areas as a thoroughfare? What measures will be taken to ensure safe access for authorised users passing to Sam and Steve Kidd's place? How can such a development be brought into all aspects of compliance?

Thank you for your consideration,



QPRC,
PO Box 90,
Queanbeyan
NSW 2620



Submission - OBJECTION
DA.2020.1172
121 Wallace Street BRAIDWOOD NSW 2622
Alterations and additions to rural supplies premise

Dear Sir/Madam,

Below is my submission relating to the DA submitted on 121 Wallace Street BRAIDWOOD NSW 2622.

I recognise the importance of a rural supplier in a rural area for the jobs it provides and the necessity of the service to the surrounds. Whilst it is encouraging the business is successful and wishes to expand, such positivity still requires suitable scrutiny. There are down sides with negative impacts on surrounding residents and businesses who would be tangible losers in this proposed development and the tone and value of Braidwood as a whole is degraded. Council is potentially arbitrating the the transferal of wealth in this situation with unwilling participants. There are safety concerns and noise impacts already, that council have so far turned a blind eye to. Questions need to be addressed and the full impacts need to be considered.

Degrading Braidwood's value of visual amenity

Whilst there is a continuum and synergy of businesses such as antique shops, cafes, bakeries and galleries keeping the theme of Braidwood, we have the significant red herring of a shiny expanding agribusiness following its own corporate theme. This takes away from the considerable efforts and expense that everyone else has put into their renovations to produce a memorable experience that charms and returns visitors and encourages them to stop, get out and spend money. There is value in the way Braidwood looks for every other business, whereas it's not really a factor for a customer who's after fencing wire, chain-bar oil and fertiliser. Probably why it appears that it was so poorly considered in the proposal.

Safety issues with extensive vehicle movements

We have visitors coming to Braidwood in distracted care free holiday mode often with children running around mixed with trucks and forklifts manoeuvring in the same public space with no special measures to mitigate the additional risks. This is potentially a recipe for disaster and likely just a matter of time. This safety issue has been formally raised and will be available in the event of an incident with the council free to explain what measures and considerations it did (or not) take to address this in the current situation and what is proposed.

Safety issues with chemical storage

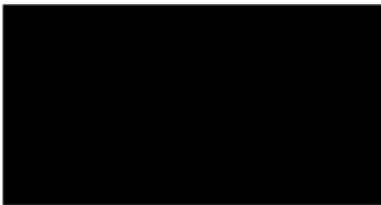
Keeping large quantities of fertilisers, gas bottles and pesticides in a residential area is not a good idea. In the event of spills or fire residences are directly exposed acutely and possibly in the longer term via contamination. Customers of these materials are almost universally from outside of town and hence these materials don't need to be distributed in the middle of town.

Choice of site

Industrial areas exist to alleviate such issues and risks as mentioned above. The decision to expand the business in the current location amplifies existing downsides and is a lost opportunity to develop a site with much better access, storage and reduced risks. The business does not need to operate in the middle of town and there are drawbacks to the location. Landmark already operates utilising multiple scattered storage sheds with additional truck and forklift movements to an from various locations within Braidwood. Furthermore, should this business find the need to further expand, the current site is limited and may be relocated down the track. If this occurs, what will Braidwood be left with?

The proposal in question appears to be poorly considered with respect to the safety of visitors and locals and does not pay respect to the beauty and value of Braidwood. I therefore object to the proposal as it would likely do more harm then good to the broader community.

Thank you for your consideration,



QPRC

PO Box 90

Queanbeyan NSW

E: council@qprc.nsw.gov.au

Att: M J Thompson

Portfolio General Manager

Natural and Built Character

Re: Development Application No DA.2020.1172

We are writing in objection to the current development application (DA) before QPRC for the proposed development at 121 Wallace Street Braidwood NSW 2622.

We live at [REDACTED]. Our property is a Heritage Item listed in Tallagandra LEP 1991 as [REDACTED], Local significance and C1 State significance. The land zone is B2 and B4 under Palerang Local Environmental Plan 2014 (partially).

I believe that the suitability of DA.2020.1172 is not compliant with the existing amenity and heritage character of the area.

We acknowledge and are most supportive that under the EP&A Act, all DAs must be formally assessed by the council. However, under the elements of Heritage character and preservation, amenity, and safety, we do not believe that this application meets the suitability requirements for this unique area.

Incorrect designation

The development application No DA.2020.1172 lists our property as "existing commercial premises". This designation is incorrect. Our property – [REDACTED] is a private home as permissible under current zoning.

Our family therefore experiences a greater degree of amenity and safety risk as compared to a commercial property operating during gazetted business hours.

The existing site pertaining to the development application (121 Wallace Street) has families living in a residential capacity on four (4) boundaries.

This important amenity impact information is not reflected in the development application. The omission constitutes a convenient mischaracterisation of the surrounding environment. It speaks to the obligation the QPRC has to carefully review the impact of a development application on the amenity of neighbours and adjoining properties.

It is our view that the inclusion of families living in and around the retail properties in Wallace Street has shaped a particular identity for the area and injected vitality to the intangible dimensions of heritage. Careful consideration to developments that could lead to industry over-densification, banal

structures, and increased risk of climate related disasters are just some of the effects of poorly managed development approvals.

Heritage Character & Preservation

One of the reasons that our family moved to Braidwood and invested in a significant heritage building in the town were the heritage protections in place. These involved the recognition and identification of a layering of interconnection and values which shapes Braidwood's identity and a commitment via *the Palerang Council Braidwood Development Plan 2006* (repealed when the *Palerang Development Control Plan 2015* came into effect on 27 May 2015 – see Heritage Act 1977; Division 5 of the Environmental Planning and Assessment Act 1979), that this should be taken as the commencement point in the overall management and further development of the town.

We are very concerned that the development application for 121 Wallace Street Braidwood does not respect, nor is it sympathetic to the particular local character or appearance of the existing historic environment. Further, the size and scope of the application proposal is inappropriately located and will have a direct impact on the identity and visual integrity of the centre, or heart, of Braidwood.

Our home is a two storey dwelling, overlooking 121 Wallace Street, and the visual impact of the expansion of this business will adversely impact on the heritage significance, conservation and amenity of our property. Our home is over 150 years old, and we believe that the increased vibration of heavy vehicles and equipment will have a significant impact on the integrity of the structure.

Additionally, the technical drawings that form part of the Development application of 121 Wallace street Braidwood show a view from Wallace street in which the height and length of the proposed new building dominates the roof line of the existing commercial properties. These existing buildings are our heritage neighbours, and the view of their rooflines is important to our enjoyment of our built environment. The proposed new roofline as indicated in the development application is both starkly modern, industrial and dominating.

This element of the application in particular is not sympathetic to, or consistent with, the historic built form evident in Wallace Street. The proposed development will further degrade the streetscapes on Wallace and Duncan Street and will have a significant visual impact on our important heritage area.

Amenity

The social impact of the approval of this application will be detrimental to the wellbeing of our family.

The zoning for the area indicates that use is B2, B4 and R2. The current size and scope of this business is, we believe, incompatible with this zoning, and permitting this application will facilitate an expansion of the business that is detrimental to its immediate neighbours, of which we are one.

The current noise and dust impact of the business – heavy vehicles, forklifts and traffic flow through the site are concerning. Noise Intrusion (Aural Privacy), is another factor of significant concern. Approval of this development will facilitate a measurable and greatly increased amount of noise intrusion and will have a significant impact on our amenity.

We are of the opinion that the site at 122 Wallace Street will become unpleasantly congested as a result of the approval of DA.2020.1172. Further, we believe that the site is simply not large enough

to facilitate expansion of the current business activities without severely impacting on our family's quality of life.

Access

The laneway listed in the development application is also our driveway. Large trucks and four wheel drives with attached trailers attempting to access 121 Wallace Street via this access point pose, we believe, a significant threat to our heritage property. The property has had gutters torn off, and experienced cracking and foundation damage as a result of large transport vehicles making their way up this laneway. The DA applicant located at 121 Wallace Street has a side gate in place, facilitating increased vehicle movement in this laneway. Cars and trucks move along this laneway in very close proximity to our house. The resulting vibration is having a clear and very visual impact on our structure. The picture on page 5 of this document shows cracks in the structure and a portion of guttering which required replacing after being torn off by a large truck negotiating this laneway. However, it is important to note that large trucks have ceased to use the laneway after we built a fence to prevent customers from 121 Wallace Street from parking and disposing of rubbish in our back yard.

It is also important to note that Wallace Street has double lines in front of our house (as shown in the picture on page 6 of this document), preventing trucks and vehicles from turning into the laneway from the left lane while traversing north. Council has designated angled parking bays in front of our property and Braidwood Bunyip Jungle (our nursery neighbour) resulting in significant risk as vehicles attempt to access this laneway. This risk is not limited to our home (which has a heritage veranda overhang), but also the parked vehicles, and pedestrians traversing across the front of the laneway as they move along Wallace Street.

In accordance with the right of way stipulations in 2018-05-18T085345_46872119_Plan for lot DP1208847, we have right of access of the laneway to the end of our property. Under an informal verbal agreement, a portion of the end of the laneway has been temporarily fenced off for use of the business at 121 Wallace Street. Should we require the full use of the laneway, the business at 121 Wallace Street must remove the obstructing fence. The truck turning circles detailed in page 10 of the DA show that semi-trailer movement now hinges on permanent use of that portion of the laneway. This is only allowable if the entire laneway is open to the public, which is unclear in the DA.

Additionally, this portion of the laneway is represented in conflicting ways in different parts of the DA. For example, Page 2 states 'Existing Access Way No Changes' and shows the area as clear whereas Page 4 indicates that a portion will be retained for sole use by 121 Wallace Street when they have no right to do so. Page 9 shows that 'sediment fencing' may protrude into the laneway; it is not clear how far it will protrude, but it may effectively block our vehicle access to our property for an unspecified length of time. The 3D images and other plans seem to indicate that there may be 24 hour public access to the entirety of the laneway and open gravel area, but this does not appear to accord with the 'right of way in red' stipulations on page 4. Consequently, it is not clear exactly what is being proposed in the area which directly affects our right of way and how that might impact our use of the laneway, nor for how long. This needs to be clarified.

Moreover, the proposed 3D views do not represent the extant cyclone fencing and gates bordering the laneway. The accessible car spaces and tie down areas in the site plan on page 4 of the DA would be untenable given that there is high traffic flow through the gates which form the northern border of the car spaces in front of the amended storage shed as evidenced by the photo on page 7 of this

document. We believe that this mischaracterises the extant traffic situation or at least fails to explain how this will be managed, including the 'right of way in red' stipulations.

Safety

We recognise that QPRC has perhaps not had the time to review the Braidwood Development Plan as it relates to the 2020 and future bushfire risk, however, our recent fires highlight that this should be undertaken as a matter of urgency. The 2020 fires came uncomfortably close to our town, and demonstrates the new future normal, as it pertains to our climate and rural community management. We had alight embers landing in our back yard, and worked diligently to remove this risk during the recent bushfires of 2020.

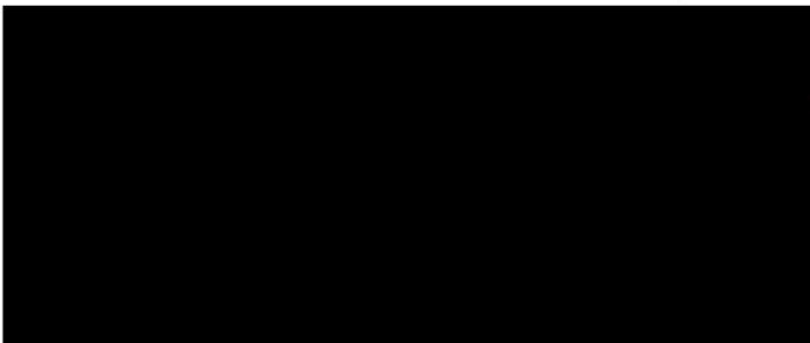
The storage of gas cylinders, nitrates and other agricultural chemicals on this site constitutes a significant risk to our home and the surrounding properties, should a fire occur. A catastrophic event could easily occur as a result of a fire on the site. We have not been advised of the fire safety or fire management provisions for the business at 121 Wallace Street.

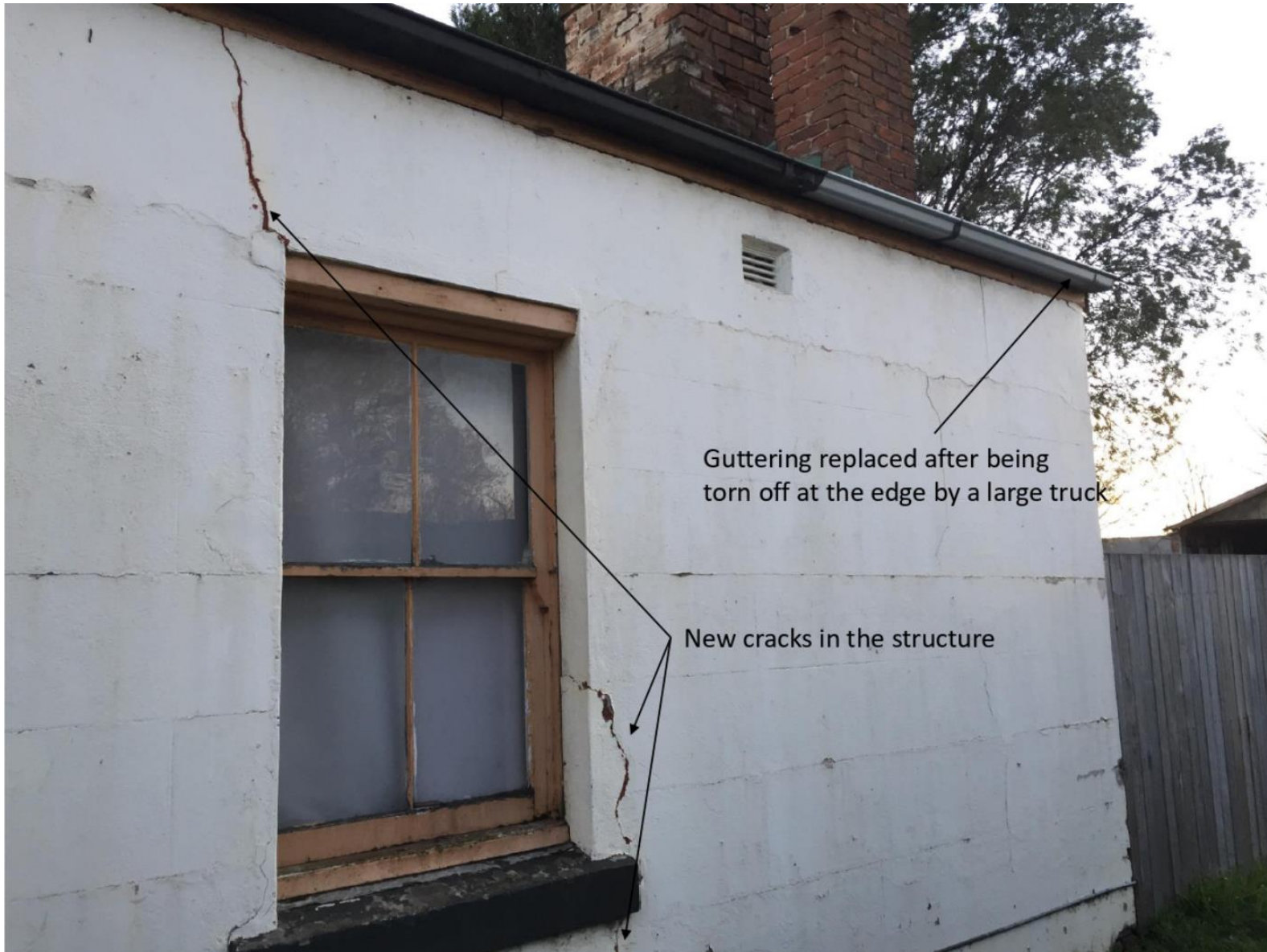
In terms of residential safety, the 3D images on page 15 of the DA display an innocuous wooden paling fence. However, in reality, the business at 121 Wallace Street have topped this with four strand barbed wire as evidenced in the photo on page 8 of this document. We did not agree with this addition to the fencing and consider its inclusion as a risk. The barbed wire fences border on at least two residential properties with small children. Its omission from the 3D images once again mischaracterises the nature of the environment.

Future

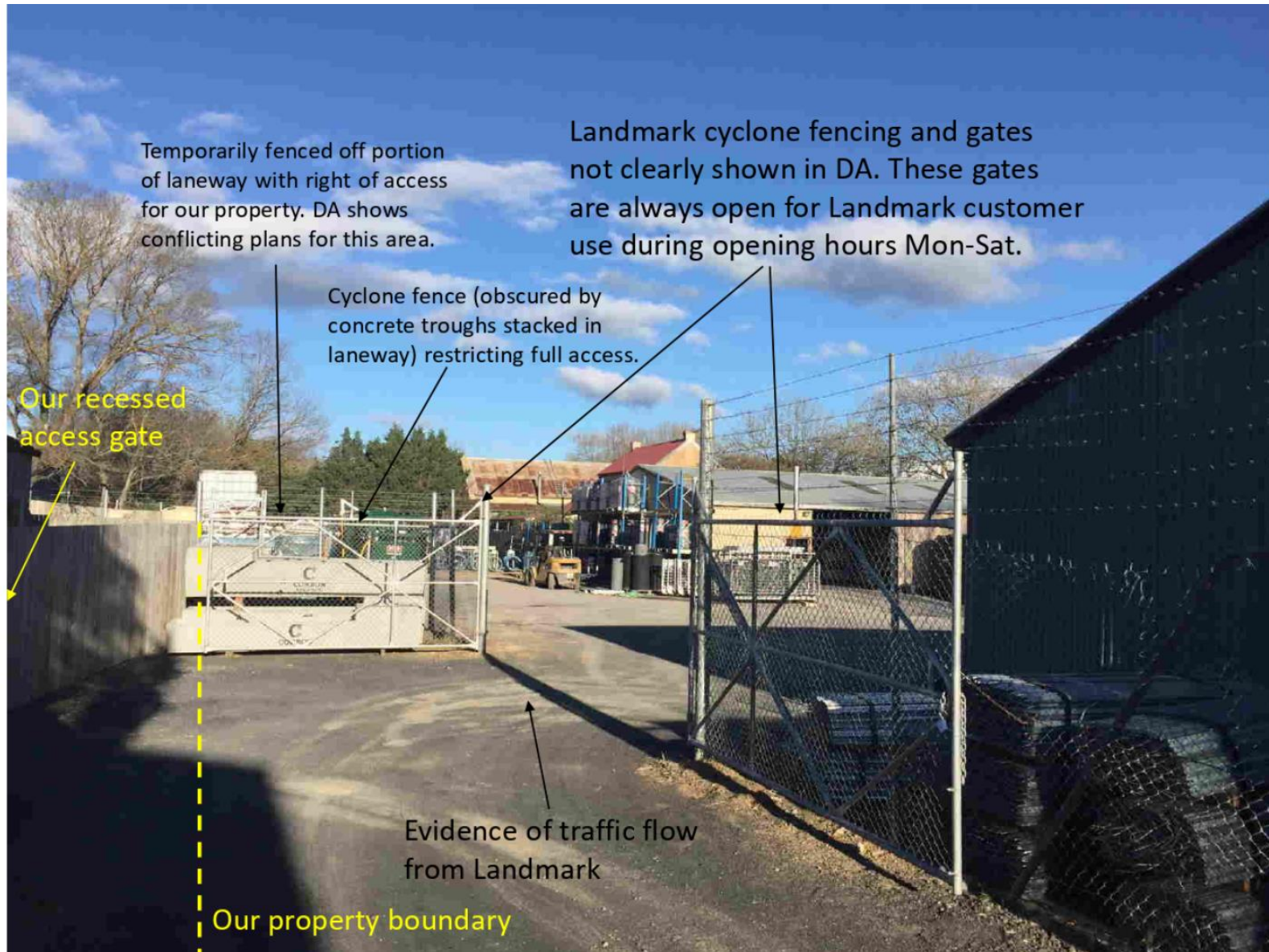
Approval of this DA by QPRC will essentially endorse the extensive expansion of activity on a limited land footprint and further congest a light industrial estate in the centre of a historic precinct. If approved, we believe that this precedent will set favourable conditions for future property acquisitions by the applicant followed by their subsequent mergers into an even larger industrial estate. This has the potential to permanently alter the streetscape and negatively impact the historic character and personal resident amenity of Braidwood.

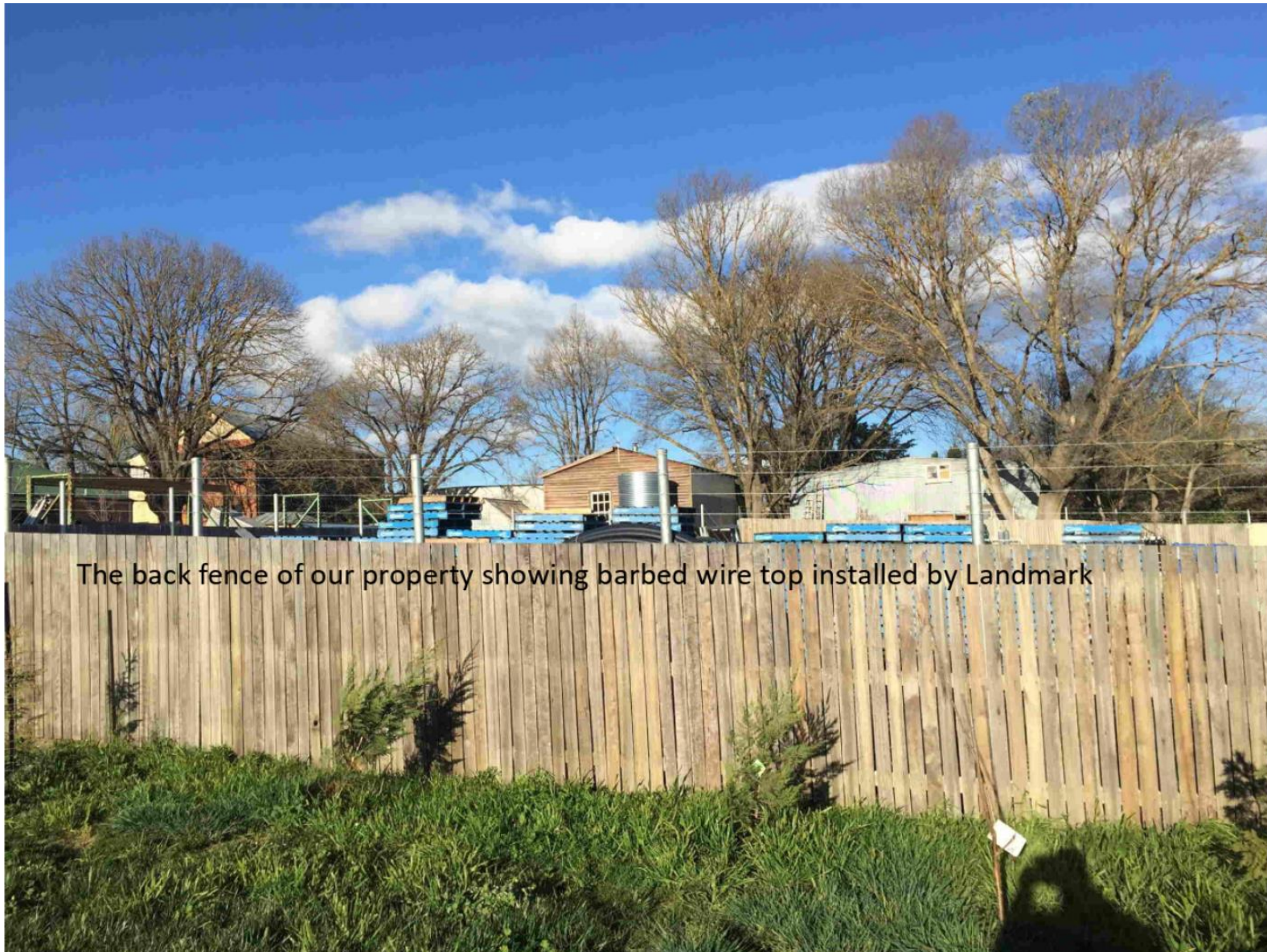
I request that the proposed alterations and additions to the rural supplies premises be carefully considered by QPRC and not approved due to the detrimental elements stated as they apply to our heritage listed private home, our amenity, risk, and the historic, social and community character of our heritage precinct.







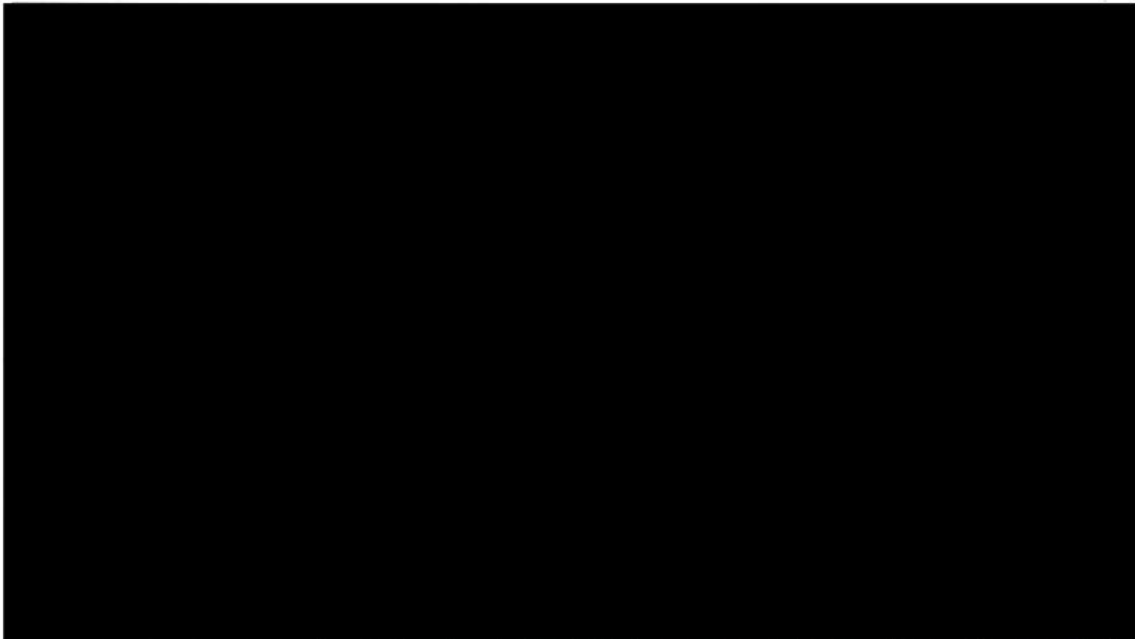




The back fence of our property showing barbed wire top installed by Landmark



Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Reportable political donations or gifts made by person making this declaration or by other relevant persons</p> <p>State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).</p> <p>If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.</p> <p>Please note: List all reportable political donations and gifts</p>	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details <input type="text"/> <input type="text"/>	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made. <input type="text"/>	
Date the gift or donation was made. <input type="text"/>	
What was the amount/value of the gift or donation? <input type="text"/>	



Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Reportable political donations or gifts made by person making this declaration or by other relevant persons</p> <p>State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).</p> <p>If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.</p> <p>Please note: List all reportable political donations and gifts</p>	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details <input type="text"/> <input type="text"/>	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made. <input type="text"/>	
Date the gift or donation was made. <input type="text"/>	
What was the amount/value of the gift or donation? <input type="text"/>	

Re: DA 2020.1172

Property Address: 121 Wallace Street Braidwood NSW 2622

Property Legal Description: Lot 1 DP 596527, Lot 2 DP 596527, Lot 1 DP 995410, Lot 2 DP 1208847

To Whom It May Concern

I write regarding the DA as noted above.

I have read the QPRC Notification Plans for the above address.

My objections to the DA are:

1. I have found no mention in the DA that guarantees personal access to the Kidd family whose property abuts on the west boundary of the DA. The recent Land and Environment hearing allowed access for the Kidd family over the property described under the various Lot numbers above. While this DA is being considered, vehicular and pedestrian access for the Kidd family must be provided by the applicants in a guaranteed and unobstructed fashion. This is compassionate common sense for the wellbeing of a neighbour.
2. The buildings proposed in this DA will facilitate the expansion of the Landmark business. The DA states that there will be no expansion, just more logical storage of goods, such as hazardous and/or toxic materials. There would be a question mark over this explanation by the applicant, because the cost of the works would have to be recouped through further expansion of the business.
3. The Landmark Group's parent company in Canada, Canadian Nutrien Ltd, has bought Rural Holdings Australia (Ruralco) and will merge the entities with the new name being Nutrien Ag Solutions. This has ramifications for the Landmark brand identity in Australia in general and in Braidwood in particular. As a result of this merger, Nutrien Ag Solutions now also controls the CRT Group, of which Braidwood Rural is a part. This means that Nutrien Ag Solutions effectively controls both rural supplies retail outlets in Braidwood.
4. The DA states that the "heritage" values of the site will be preserved. However, with the new merger and rebranding under the Nutrien Ag Solutions banner, the colour scheme proposed for the new development will not be the heritage colours that are currently identified with Landmark which are mentioned specifically in the DA.
5. The approach that Nutrien Ag Solutions appears ready to take with their rebranding may be summed up by this quote from the company's managing director, Rob Clayton: "Branding and colours is not what's important to the grower, and not what's important to our farmer customers around the country" (Source: ABC Rural 12 Nov 2019).
6. The domino effect of this DA is that there is the further concept to construct a very large, new building on the property under a separate DA at some time in the future. This again questions the statement in this current DA that expansion is not envisaged for the storage of hazardous and/or toxic materials.
7. The retention of hazardous materials within the town's "Georgian" boundary is a matter of real concern. While the property is not considered to be in a bush fire zone, the potential for catastrophic fire on the property itself should be a major consideration for disallowing the DA. The close proximity of residential dwellings to the proposed increased storage space facing Duncan Street creates an unnecessary danger to these residents and their property. This leads to my next point.
8. The Landmark business, apart from its real estate activities, should not be in the centre of this heritage town. The agricultural side of the business, since it began over 50 years ago, has developed to be much more suited to a site dedicated to industrial activities outside the town boundary, such as where the Waste Transfer Station is. Access for rural producers, deliveries of toxic materials and all other retail activities could be conducted on such a site well away from the bustle of the streets of Braidwood, a town that has grown to be a tourist destination of high regard. The sorts of vehicles employed for this kind of agricultural business are better kept away from the town's streets.

9. The DA should be rejected by QPRC and passed back to the applicants to come up with plans to relocate the agricultural section of the current Landmark name to reflect the new owner's global identity. The real estate part of the business is appropriately sited in the heritage building on the corner of Wallace and Duncan Streets where it is a relevant part of the Braidwood streetscape. However, as a sign of how recent this rebranding is, Nutrien MD Rob Clayton said: "We're still thinking through the rural real estate options and won't make final decisions until next year."
10. The agricultural, heavy vehicle traffic, transport and storage of hazardous materials parts of the business are anachronistic to the town and QPRC should induce the applicant to relocate. The new owners could then make something of a public relations/community statement by creating a fine purpose-built environment in an industrial location freely accessible by the very clients they aim to service with their products.

My signed disclosure statement is attached.

Yours faithfully



TO: QPRC Mayor Tim Overall, Councillors and Planning Staff

Amended Submission on Development Application DA.2020.1172

Location: 121 Wallace St, Braidwood

Thank you for the opportunity to comment on the amended DA for 121 Wallace St, Braidwood.

I have previously submitted an objection to the original DA for this development, on 18/06/2020. I received a letter (dated 8th Sept 2020) notifying me of the notification period (8-24 September) for the amended DA.

I note than revised plans for the proposed development are available on the link provided by Council. Supporting documentation as provided in the original DA is not included in the latest notification. I therefore assume that the accompanying documentation has not changed.

I note that some of my previous comments (and those of others) are reflected in the amended plans. It's hard to know exactly what has changed, without having a written explanation. Based on a comparison of the previous plans with those now on public notification, I note 3 changes:

i) The description of the proposal has been changed to more accurately reflect the proposed changes to the site.

It is now described as "Alterations and additions to rural supplies premise", instead of "Alterations and additions to existing sheds". This reflects the reality that most of existing sheds are to be demolished and replaced. One existing shed is to be extended by an additional section with a higher roofline. The existing entrance is to be significantly altered, changing the streetscape at that location.

ii) The height of the proposed new shed has been lowered. This will reduce the visual impact of the new sheds on the surrounding Heritage Conservation Area in the centre of Braidwood.

iii) The Right of Access to the property at 82 Duncan St, as ordered by the Land and Environment Court on 26 February 2020, has been included on some (but not all) of the plans.

In light of these changes, I submit the following **Amended Objection** to the DA. This replaces my earlier submission dated 18/06/2020. In doing so, I assume that the documents accompanying the plans have not changed, as there has been no notification to indicate this.

1. Confusion in the DA Documentation

The undated "*Statement of Environmental Effects for proposed alterations and additions: 121 Wallace St Braidwood*" provided by Coe Planning Services appears to relate to an earlier DA, which proposed a new shed on land acquired by the owners of the business in 2014, following a boundary adjustment. This area (Lot 2 DP 1208847) is now designated as a truck turning space in the current DA. The report by Coe Planning Services is no longer applicable, as it refers to a previous DA proposal. This is referred to in the BDD report as "the large rear storage shed that was previously proposed and lodged as DA." (p17) The inclusion of this document creates confusion and is potentially misleading. The current DA.2020.1172 refers to a different set of proposals, on the whole site now owned by the Nutrien Ag (formerly Landmark) business.

Another document included in the DA indicates that a shed close to the boundaries of residential properties to the south and east was also under consideration at some time. Surely **only** documents and reports relating to the current proposal are relevant. There appears to be no *Statement of Environmental Effects* in the DA applying to the current proposals.

On p3 of the report by Building Design Direct, the statement is made that *"The existing site is currently used as rural supplies and agri-business and has done so for many years in the existing location."* In fact the previous business at this address was expanded following a boundary adjustment in 2014, and now occupies a much larger area as a result. It now takes in a former laneway and land behind the old Coffey building at 133 Wallace St, shown on the map on p3 as Lot 2 DP 1208847 .

2. Impact on Braidwood's Heritage Conservation Area

This site is located in the central Heritage Conservation Area of the only State-listed Heritage town in NSW. The comments by a Heritage Advisor included in the DA are from the former Council Heritage Advisor, David Hobbes, and these are dated more than three years ago, in May 2017. This was a interim report, "subject to exact design and details being OK" and seems to refer to a previous DA proposal. DA.2020.1172 has not yet been referred to the current QPRC Heritage Advisor, or to the Braidwood Heritage Advisory Committee.. I assume that the DA will be referred to the Heritage Advisor and the Heritage Advisory Committee in due course, prior to a determination.

3. Planning Controls and Guidelines

The *Statement of Environmental Effects* provided by Coe Planning Services claims that *"There is no Development Control Plan that applies to the land. The Braidwood DCP 2006 was repealed when the Palerang Development Control Plan 2015 came into effect on 27 May 2015. The Palerang DCP does not apply within the listed area of Braidwood"*. (p7). The report then says that *"the Braidwood DCP (2006) continues to operate under the Heritage Act 1977 as the document which determines whether or not approval under Section 60 of the Act is required."* p7) Earlier in the report is the statement that *"This report demonstrates that the proposal complies with the Braidwood Development Control Plan 2006 and therefore consent under the Heritage Act 1977 is not required."* (p3)

The report by Building Design Direct comments on the Development Controls in the Braidwood DCP 2006 (p15-20) so it appears the Braidwood DCP 2006 does apply to this development. There are therefore internal contradictions within the DA documents.

4. Impacts on Roads, Traffic and Parking

The DA documents claim that there will be no negative impacts from the proposed development. This is demonstrably not true. There will be impacts on vehicle and pedestrian traffic and parking in this location. Serious safety concerns exist as a result of large trucks coming and going in a busy retail area frequented by pedestrians, and crossing one of the very few footpaths in Braidwood. This footpath is used by elderly residents in wheelchairs, and using walking frames, as it is the only existing continuous footpath into town from the MPS and the Summerfield Seniors Village.

The impact of traffic movements on the local roads, especially Elrington St and Duncan St, (both maintained by Council), is another issue. The Duncan Street entrance is the main entrance to the site. The proposed truck turning area within the site is designed to allow trucks up to 19m to enter from Duncan St, then reverse and exit the site from the same place – ie Duncan St. They can then choose to exit via Elrington St, rather than the much busier route via Wallace St (ie the Kings Hwy).

The cost of the road maintenance on local roads due to increased truck movements will be borne by QPRC. The DA itself acknowledges that there will be increased traffic movements as a result of this expansion of the business.

Additionally, parking in the centre of Braidwood is becoming a major problem, as QPRC is well aware. In recent years there has been increased demand for parking in the centre of Braidwood. Increased traffic movements on the corner of Wallace and Duncan Sts will add to that congestion.

5. Social and Economic Effects

Claims in the DA that there are no social or economic effects resulting from the expansion of the business are clearly not true. There are residential properties adjacent to the site that have been adversely affected by the expansion of the site and the associated business activities since 2014. Noise, dust, new boundary fencing, and large truck movements already have, and will continue to affect the amenity of the neighbouring homes and businesses. There is also a primary school located close to the site. The location of potentially dangerous agricultural chemicals on that site carries a potential risk. A fire at that location could have disastrous effects.

The DA claims that there will be *"no changes to noise levels as existing operations will remain the same"*. It also claims that there will be *"No expected increase in existing traffic and pedestrian flows on site."* (BDD Report p18). The same report states that *"The proposed new Development application will also allow all truck movements of a 19m truck to be completed safely onsite, reducing significant traffic, safety and road maintenance issues to the Duncan/Wallace street intersection."* (p8) This suggests that there will be more traffic movements onsite, which formerly impacted on the roads outside the site. Increased truck movements on site will inevitably impact on the neighbouring properties.

The amended DA indicates that the impacts on businesses to the west of the site, along Wallace St, have been considered in the reduction of the shed height in the amended DA. This height reduction has also reduced the visual impact of the development on the Heritage streetscape, and I appreciate this change to the original DA.

6. Impact on the access to 82 Duncan St, Braidwood

In the original DA, there was no reference in any of the documents or maps to the Right of Access through the site to the residential property owned by the Kidd family at 82 Duncan Street Braidwood. The Kidd family had used the pre-existing Laneway from Wallace St to their property for almost 30 years. Following a Land and Environment Court Hearing and Conciliation Conference on 9 January 2020, the Court ruled that the owners of Lot 2 DP 1208847 had a Right of Access to their property under conditions as set by the Court. This access covenant was required to be marked on the Land Title by 30 April 2020. All plans in this DA should include that access.

The truck routes through the site in the DA show that this access is compromised by the daily activities on the site. The Kidd family have to dodge turning trucks, unloading trucks, and onsite storage to reach their entrance. I note that the plans for extending the existing sheds include temporary toilets and waste disposal areas which make the access path even more difficult. This appears to show a lack of concern for the Kidd family who have lived in their home and conducted a business there for approximately 30 years.

7. Possible relocation to a more suitable site

While the original site at 121 Wallace St has been used as an agribusiness enterprise for many years, I submit that expansion of the business in the centre of town, with increasing truck movements, noise, and storage of potentially dangerous chemicals, has adverse impacts on neighbouring residential and business properties.

I acknowledge that the business owners have a right to expand their business to provide better service for their customers. Agriculture is a central component of the local economy. However the local economy is evolving and the town is growing. The cattle saleyards outside town are a focus for the agricultural industry. There is land close by, zoned Light Industrial, which would be very suitable to this expanding agribusiness. With some forward planning, this area could become the hub for rural based industries. The other major agribusiness serving the rural and town communities is already based there. Relocation of this expanding agribusiness to a larger site on the edge of town would have long-term benefits for both the business and its customers.

Thank you for considering my submission.





QPRC,
PO Box 90,
Queanbeyan
NSW 2620

Attn: Luke Perkins

**Submission - OBJECTION
DA.2020.1172 Additions/Amendments
121 Wallace Street BRAIDWOOD NSW 2622**

Dear Luke,

Please read my previous submission lodged for this same D.A.

Please note these additional concerns relating to the current D.A:

1. Safety points not addressed A - B
2. Heritage Issues not addressed A
3. Planning Issues not addressed A - D

1. SAFETY ISSUES

A) Pedestrian Safety on Duncan St. and Wallace St

REMEDIES:

- o Lines and STOP signs for trucks and vehicles entering and exiting Landmark
- o Mirror's
- o Anything!

NOTE:

- o Since lodging the last submission, I have had many near misses and was nearly hit by a car in the laneway!



Sep 18 2020 Fri, 8:58 AM - Gas Truck parked and unloading in Landmark entrance across pedestrian access

B) Duty of care

The KIDD family, friends and acquaintances have 24 hour access, with a 13 metre parking in front of our entrance through Landmark.

QUESTION:

- Why is this access pathway not drawn in on the truck turning circle diagrams?
- The Land and Environment Court (LEC) Order has not been complied with!
- LEC advice on clarification is that Council has the duty of care for our safety!
Please rectify.
- We are currently awaiting a Worksafe NSW Report on these points raised in this submission

2. HERITAGE ISSUES

A) DEMOLITION of the last old tin shed (on the centre of the Landmark Driveway)

- I have had to (on numerous occasions) tell tourists, who are photographing that shed, that Council may approve the demolition of that shed.

NOTE:

- The many old tin sheds that 'dot' the inner townscape play a huge role in giving our village its character and soul. These 'images' that are viewed down old laneways etc (not just bricks and mortar).

QUESTION:

- The new 'heritage' *Nutrien-Ag* signs approved in one day?! No DA required, or heritage approval?

3. PLANNING

A) The proposed truck turning circles diagrams

- The diagrams propose that these huge vehicles will be nosing into the corner where the closest and ONLY residences are located. The boundary fence is less than 3 metres from both residences back doors.
- These trucks currently enter the yard , often leave their truck idling while unloading, then proceed to reverse with continual beeping.

NOTE:

- Sound and safety barriers would have to be erected!
- The dust is just insane! (photos supplied)



Screenshot from video footage of dust Sep 8 Tue, 10:48 AM



Above: Jul 25 2020, Sat, 7:09 AM - Truck unloading in laneway

- Below: Aug 22 2020, Sat, 11:08 AM - truck unloading in accessway

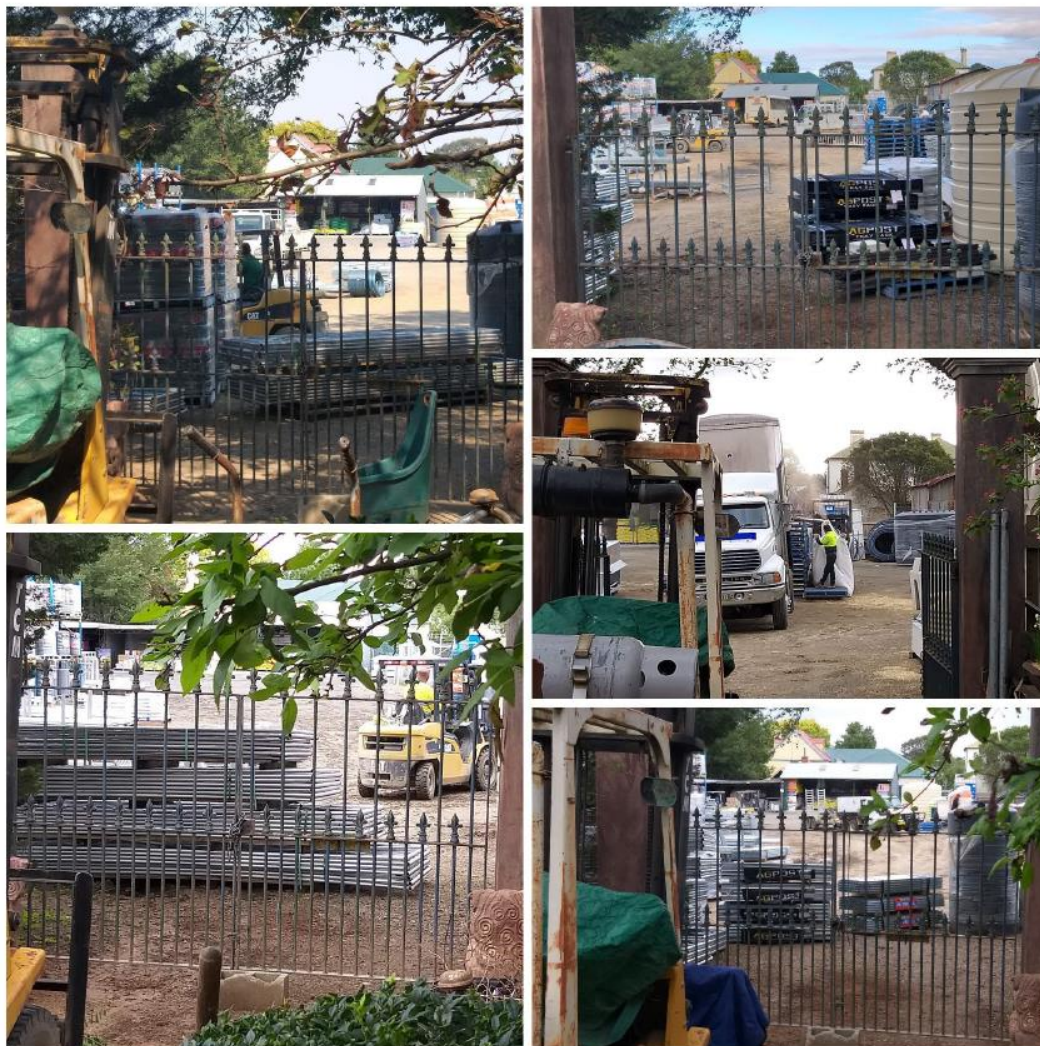


- **B) The Right of Access lane**

- The right of access lane, shown in red on the amended diagram, is in the proposed parking area. It also appears to block the current gate access?

REMEDIES:

- Ensure Right of Access does not have any permanent structures or development built over it
- Register covenant on title as per LEC Order
- Ensure vehicle access to 1//829063



- Collage of various times Access has been blocked by materials in 2019 – 2020. This is typical of the access situation. Safety and access for us and every person we authorise to use the Right of Access is currently not possible.

- **C) Existing Access Way**

- The drawing shows an 8 metre gap for truck access to the yard, but the corner contains the existing right of carriageway for the adjacent commercial block (ie the carriageway continues to their back boundary). Is this legal? (See drawing 1)

- **D) Access Laneway and truck turning circles safety**

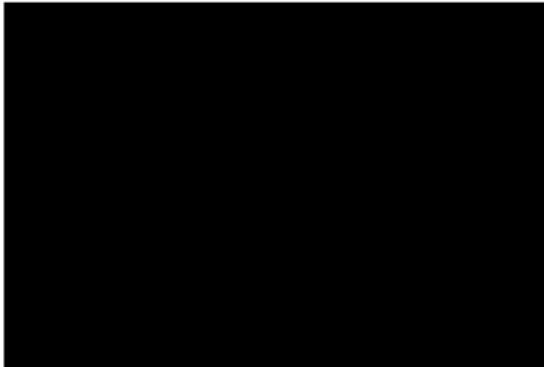
- Attached Drawing no.2 shows Access Laneway and truck turning circles!
- This clearly shows the lack of compliance to the LEC ruling.

QUESTION:

- How do you intend to guarantee our safe passage through this industrial site?
- Photos included for a reality check!

To finalise this submission I would like to ask 'you', the voting councilors, would you be happy to have a *Nutrien-Ag* depot in Monaro St or Crawford St? And if not, how could you accept this expansion in the **CENTRE** of our **HERITAGE LISTED TOWN!**

YES for Rural Supplies, **NO** for an EXPANSION!





QPRC,
PO Box 90,
Queanbeyan
NSW 2620

Attn: Luke Perkins

DA.2020.1172
Submission - OBJECTION
121 Wallace Street BRAIDWOOD NSW 2622

Dear Luke,

I hold grave concerns for any expansion or extensions to the Landmark facility and object for the following reasons:

1. Safety
2. Heritage Issues
3. Planning Issues

1. SAFETY ISSUES

A) **The increased activity of large semi-trailers and other delivery systems** is, contrary to the DA's opinion, have and are leaving a huge impact on Duncan St.

FACT:

- These deliveries can start anytime from 6am (contrary to the DA's opinion)
- We are constantly awoken (in our Heritage building, built 1855), by vibrations as the trucks navigate our street to enter Landmark - where they often reverse in.
- This increased activity is having a detrimental effect on our building - with noticeably increased cracking to the front facade.

- The side streets are not designed for heavy vehicle use!

B) **The footpath on Duncan Street** (the only paved footpath to our hospital) is now severely compromised for pedestrians, residents, tourists and children. A safe passage for these users should be guaranteed! Landmark's vehicle entrance has:

- **NO** Stop Sign
- **NO** Lines (to Stop behind)
- **NO** warning signs to pedestrians

Elderly residents of Narbethong House often cross the road to avoid incidents. I, as a daily user of this access (and the other Wallace Street Access) have had many mishaps (even when using the vehicle horn to warn other users!).

C) **On Site Safety.** We, the Kidd family, have 24 hour access approved through the site (ie family, friends, visitors), yet there is no mention of this in the DA? How can our safety be guaranteed? (Absolutely crazy!). The increased activity of forklifts, servicing these huge trucks and their general customers (particularly at the same time), creates a very unsafe environment (again, only one forklift driver wears fluoro clothing?).

FACT:

- The **dust created** by this increased activity, has become intolerable
- The **noise created** by this increased activity has become intolerable
- **the pollution** of plastic wrappings, blowing on adjoining properties (modern packaging now means that most deliveries are shrink wrapped, even barbed wire!?). The predominance of the westerly winds in Braidwood means that these occurrences are *greatly* enhanced.
- The DA proposes that **trucks will be able to enter, then turn around**, on site (close to the nearest residences). Are they joking?!
- The **storage of many types of gas** and empty gas bottles on our fence line still occurs.
- The **noise pollution** is a very real issue and will have to be addressed.

2. HERITAGE ISSUES

A) The **local heritage community was not notified** of this DA Proposal. Why?

- B) The DA proposal affects the whole town. **Why was the general public not notified?**
- C) The proposed new entrance to Landmark, on Duncan St, will **completely compromise the heritage aspect**, along with the removal of the last of the remaining old tin shed! These old sheds contribute to our towns unique look and feel.
- D) Erection of new Gal sheds will **completely destroy any aesthetic** of this location
- E) FACT: This location is now the **central tourist hub of Braidwood**, with two of the busiest cafe's, opposite the entrance to Landmark
- F) The **complete inconsistencies with heritage compliance** is of great concern to residents. i.e - many residents (many in the side and back streets) have had their 'very minor' alterations stopped due to heritage issues.
Have these residents been sent notification of Landmarks DA?
- G) Most residents of this village live and work here, because we all value the uniqueness of our heritage village and are desperate to preserve the very essence of why most of us love living here. We see the ever increasing destruction of these sites firsthand i.e our 'heritage' laneway (now called a pathway) - and absolutely no penalties handed out to the perpetrators?!
PLEASE do not repeat what heritage destruction took place in Queanbeyan!

2. PLANNING ISSUES

- A) The subdivision and boundary re-alignment on the now extended Landmark site was seen by many as Council giving Landmark the green light for expansion (without any public notification!?)
- B) The destruction of a heritage laneway (sorry, 'pathway') and the removal of tons of topsoil, then the laying of tons of roadbase. The removal of trees. The erection of barbed wire, pailing fencing, without any DA - then with Council not pursuing any Compliance has left many residents feeling that this new proposal is a forgone conclusion!?

C) The Queanbeyan Department of Planning sent me a copy of the exemptions for not requiring a DA. All exemptions had but one 'caveat' - where there is a 'heritage listing' you must submit a DA?!

D) All citizens have the right to protect their goods and chattels

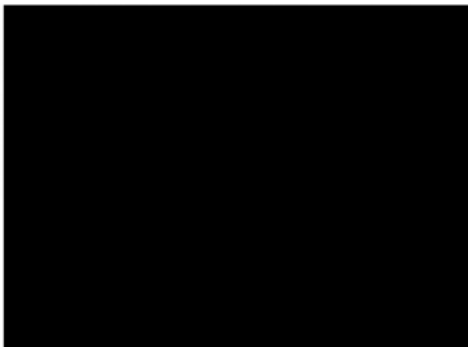
E) The dismantling of heritage powers, gives little hope for towns such as ours, particularly when local councils could and make a difference.

F) We all know that 'change and progress' occur, but please, PLEASE not at any cost!

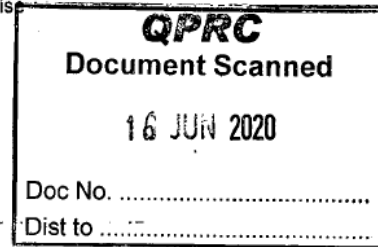
On completion of this submission, I would like to say the most of Landmark customers do not live in the village.

*"You do not live in this village!
But 'you' can make a difference!"*

Kind regards,



DA.2020.1172
Application Description Alterations and additions to rural supplies premises
Group Development Application
Category Commercial - Retail - Office
Applicant Name(s) Coe Planning Services
Status Current
Closing Date 15/06/2020

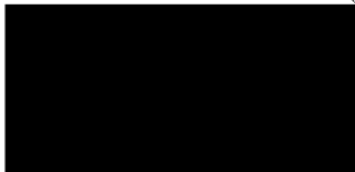


I am writing to make known my objection to the above Development Application (alterations & additions to rural supplies premise).

My concerns are:

- The inappropriateness of the size of the enterprise in the middle of town, close to cafes and galleries etc. where parking and traffic is already congested. Braidwood is one of a few Heritage listed towns in Australia. I volunteer at the Visitor Information Centre and am aware of how many people visit Braidwood for the Heritage aspect and its vistas. This brings many benefits to Braidwood and its Villages.
- the sizes of the larger sheds to be constructed, particularly the height;
- Not clear what items/chemicals will be stored in the sheds, gas bottles etc and could that be the catalyst to an unfortunate disaster to occur.
- It would be far better for all concerned if the current Landmark (Nutrien Ag) enterprise was moved to a suitable industrial oriented location. I think such an area should be identified and accommodate enterprises of this nature.
- It is not really okay for a business to just decide it wants to expand in the centre of a Heritage listed town, without appropriate concern being shown for other people in the town, including neighbours. It has a reflection of aggression and an attitude that 'I can do whatever I want to', whatever the impacts on others and long-term impacts on the town.
- When I park to go to Deadwood Café or Albion Café and reverse out, one has to be very, very careful, as trucks sometimes just swing out and turn right into Wallace Street. One is looking back at the road and then a vehicle just comes out suddenly. The anticipated increase in vehicular traffic (including large trucks) as a result of the proposed development would make the current difficult situation around the Landmark entrance worse.
- I am not saying at all there is no space for Landmark to function within Braidwood. It is just that at the current site, it would be most negligent for this to expand to the size suggested.
- Perhaps there is space for retaining the small hardware shop but that is enough! Large scale items should be stored and sold from a suitable location elsewhere in Braidwood.
- It will be negligent in my view for QPRC to allow this development to go ahead.
- Greatly increased congestion and pollution (both noise and air) will be a consequence of further increased trading, which will be detrimental to the public amenity of the residents of Braidwood and its visitors.

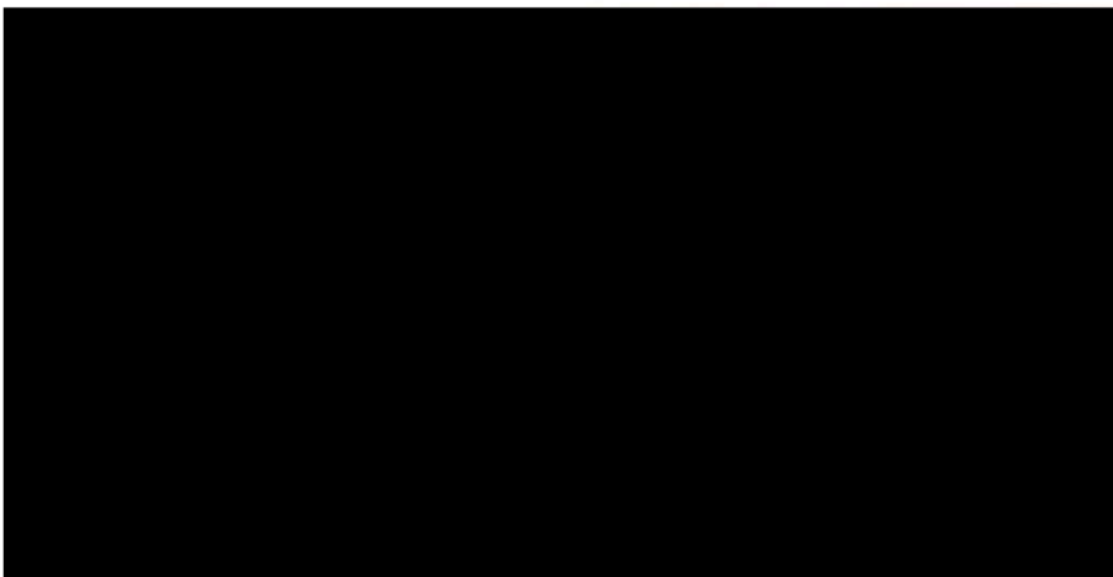
Thank you ~



Received by
**Queanbeyan Palerang
 Regional Council**

15 JUN 2020

Customer Service
 Braidwood Office



Application number

SECTION D. INTEREST IN THE APPLICATION

Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Reportable political donations or gifts made by person making this declaration or by other relevant persons
 State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).
 If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR
 If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.
Please note: List all reportable political donations and gifts

Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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If yes, please provide details

Name of person/party for whose benefit the donation was made; or person to whom the gift was made.

--

Date the gift or donation was made.

--

What was the amount/value of the gift or donation?

--

Application ID DA.2020.1172
 Application Description Alterations and additions to rural supplies premise
 Group Development Application
 Category Commercial - Retail - Office
 Applicant Name(s) Coe Planning Services
 Status Current
 Closing Date 24/09/2020

Customer Service Braidwood Office

23 SEP 2020

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Regional Council

RECEIVED IN Records QUEANBEYAN CITY COUNCIL	
28 SEP 2020	
Document No.	File No.
Document Scanned? <input type="checkbox"/> Yes	

I am writing to make known my objection to the above Development Application.

My concerns are:

- The inappropriateness of the expansion of this enterprise, as is being proposed in the DA, due to it being in the middle of town, close to cafes and galleries at the corner of Duncan and Wallace Streets, in what is already a very busy space in town.
- The height and size of the larger sheds to be constructed, particularly the replacement shed behind the café Poppies on Wallace which will detrimentally shade that property.
- The chemicals, fertilisers, gas bottles etc that will be stored in the sheds. These present an intolerable fire risk right in the middle of town.
- It would be far better for all concerned if the current Landmark (Nutrien Ag) enterprise was moved to a suitably oriented location near the town area but not right in the centre of Braidwood town. I believe that such land is currently available.
- It is not really okay for a business to decide it wants to expand in the centre of a Heritage listed town, without appropriate awareness and concern being shown for neighbours who will live with the consequences every day if approved. The replacement shed will be visible from the western side of Wallace St, substantially diminishing heritage of the area.
- When I park to go to Deadwood Café or Albion Café and reverse out onto Duncan St, trucks and cars sometimes swing out to turn from the Landmark entrance into Wallace St. One looks back onto Duncan St, which appears clear and then a vehicle just comes out suddenly from Landmark. The anticipated increase in vehicular traffic (especially large trucks) as a result of the proposed development will make the current situation far worse.
- I am not saying at all there is nowhere for Landmark to operate within the boundary of Braidwood town centre. It is a long-term local business. But the current site is simply not appropriate for a major expansion, because of the busy nature of that corner in the town. It would be negligent to approve this expansion, and I believe many people in the local community will have regrets once it is up and running, if approved in the current form.
- Perhaps the hardware part of the business could stay as is but that is enough! Large scale items and fertilisers, chemicals etc should be stored and sold from a suitable location elsewhere in Braidwood town. I feel it is dangerous to contemplate further expansion.
- Greatly increased traffic and congestion and pollution (both noise and air) will be a major consequence of further expansion, which will be detrimental to the public amenity of the residents of Braidwood and visitors to the town, as well as to neighbouring properties.



23rd September, 2020

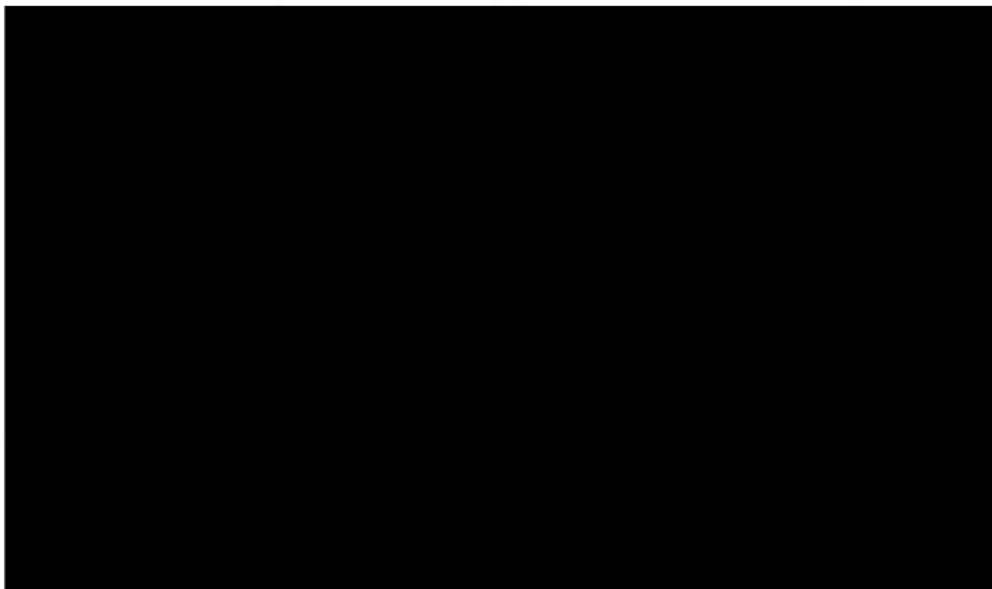
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23 SEP 2020
Customer Service
Braidwood Office

DECLARATION OF POLITICAL
DONATIONS AND GIFTS FOR
SUBMITTORS

Use this form to declare whether you have made a Political Donation to an elected member of Council or gift to an elected member of Council or Council staff

Has the person lodging this written submission made political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?



If **yes**, you must complete and return with your submission the form entitled "*Political Donations and Gifts Disclosure Statement to Council*". This form is available on Council's website at www.qcc.nsw.gov.au

The *Political Donations and Gifts Disclosure Statement to Council* can be obtained from Council's Natural and Built Character Service Counter at 256 Crawford Street, Queanbeyan.

Further details are available from the NSW Government Department of Planning website at www.planning.nsw.gov.au/donations

IMPORTANT

You must complete and attach this form to your written submission to Council

Received by
**Queanbeyan Palerang
Regional Council**

15 JUN 2020

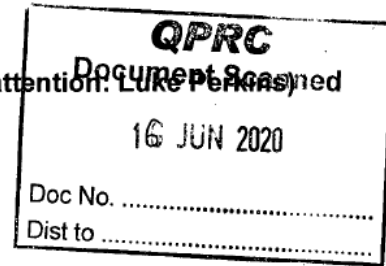
Customer Service
Braidwood Office

Roderic Pitty
P.O. Box 308, Braidwood, NSW 2622

To the Mayor (QPRC), Councillors and Planning staff

(attention: Luke Perkins)

Submission Re: DA.2020.1172
Alterations and additions to rural supply premises
Location: 121 Wallace St, Braidwood, NSW 2622



I wish to submit an **objection** to the proposed DA, for several reasons outlined below. Page references to the DA are to pages of the electronic file on the QPRC website, not to the printed page numbers (which are distinct from the electronic file page numbers).

Overview:

The applicant, Coe Planning Services, acts for Landmark, a company which is part of a multinational agribusiness, based in Canada, that is called Nutrien Ltd and which owns various brand names in Australia. (The reliable source for this relevant background is: <https://www.abc.net.au/news/rural/2019-11-12/landmark-and-ruralco-merge-to-form-nutrien-ag-solutions/11693846>). As such, the applicant has the resources to prepare a professional DA that is informative, thorough and transparent, and that gives balanced consideration to the competing interests of other parties, or which is at least honest in acknowledging that approval of the DA would detrimentally affect other interested parties.

As a whole, DA.2020.1172 does not meet these basic standards. There are three basic problems with the presentation of the DA which should lead an objective assessor to have doubts about the claims made within it. First, superficially the document is poorly presented. For example, under the heading Site Details, top of p 7, the wrong address is given: 135 Wallace St Braidwood (the local butchery). Two words are missing from the key sentence at the bottom of p 38 under the heading 1A Wallace St Commercial Area (the particular claims in that sentence are addressed at pp 3-4 below). Other minor typos exist, such that the overall presentation is poor.

More seriously, insufficient details are provided at key points in the DA so that it is not a transparent document. For example, a major part of the project is a "new storage shed to replace existing with increased footprint" (p 11). Under heading 7.6 Building Height (p 21) two simple statements are made: 1) with higher replacement sheds, the large rear shed previously envisaged (mentioned under point 4 of the May 2017 QPRC heritage advisory service letter at p 27) is no longer required; and 2) the replacement sheds will have "increased vertical height and volume". The logic of these statements would lead an objective assessor to conclude that the replacement sheds will be much higher than the existing old sheds. It is not apparent *how much higher* the proposed shed would be than the existing shed, partly because the height of the extant shed is not disclosed.

121 Wallace Street
Braidwood
2020

The existing shed, adjacent to the boundary with Poppies on Wallace and the nursery, is not visible from Wallace St, nor from the intersection with Duncan St, outside the Albion café, but the proposed replacement shed would be visible from both locations. The DA seeks to downplay that significant fact (see, for example, the statement at p 38, that the replacement shed "will be no higher than other sheds within the vicinity of the proposed site" – there are no details given of other such sheds). It does this in various ways. Under Building Height on p 21 no specific height is mentioned. More specifically, the height of the extant shed that the applicant seeks to replace is not mentioned. From observation the extant shed looks somewhere between 3.5 and 4 m high. The proposed replacement shed (at 6.78 m) looks like being nearly twice as high as the extant one.

The DA could have stated this clearly and simply up front, but it does not. It obscures this fact in two other ways. First, no artist impression type drawings (of the kind given at pp 13-14) are given of the top of the proposed replacement shed looking from Wallace St. Second, the DA claims (in the caption to fig 7 on p 10) that the replacement shed will not be visible from across Wallace St. Yet, without providing specific details of the heights of the proposed replacement shed and the neighbouring buildings shown in fig 7, it is not possible for this claim to be verified. The northern and southern parts of the roof of the nursery (the building behind the grey car in fig 7) are lower than the building height for the replacement shed of 6.78 metres (given in the planning drawings, p 66), so part of the replacement shed would be visible from positions on the opposite side of Wallace St, such as outside the newsagency (10 m to the left from the position where the photo in fig 7 was taken) and also at the NW corner of Wallace and Duncan Streets.

A more serious problem than lack of transparency is the complete lack of any attempt in the DA to accurately describe the impact that the proposed project would unavoidably have on surrounding property owners. The only accurate description of this aspect of the DA is that it is deceitful. Claims are made that are unbelievable, because they are clearly contradicted by statements elsewhere in the DA. Misleadingly, the description of the project invites Council to believe that the applicant "has taken many new elements into consideration to provide a better design solution for the operations on site" and also for "surrounding neighbours and the wider context", i.e. local residents. No details are given to substantiate this claim, which is contradicted by specific facts noted in the DA.

For example, the DA claims (p 22 point 7.13) that "no significant overshadowing to existing adjacent properties and private open spaces" will occur. This is contradicted by the sun shadow diagrams mentioned immediately after that statement, which appear on p 64. The 9 am mid-winter diagram shows the replacement shed will cause substantial overshadowing of the back half of the Poppies on Wallace property, which is operated as a commercial café with a courtyard area that will be shadowed for most mornings on a sunny day for several months (late autumn to early spring). This is an example of the complete disrespect shown by Landmark, for whom the applicant has prepared the DA, to neighbouring property holders. Another example is on the same page (p 22 point 7.15) regarding noise levels. The DA says that the replacement shed will have a bigger

capacity, then claims "no changes to noise levels" will occur, as "existing operations will remain the same". Yet on the previous page (21 point 7.6) it says the replacement shed will have "increased vertical height and volume", which must result in more noise. Other examples where the interests of neighbours and Braidwood residents are completely disregarded in the DA are given below.

If the DA was poorly presented but not characterised by a lack of transparency or a lack of consideration of the interests of other parties, the problems within it could be rectified by imposing specific conditions that need to be met. However, that is not the case. The DA is so compromised by the twin problems of inadequate transparency and the refusal to consider the interests of other parties that it should not be approved in any form. The main reasons for this conclusion are outlined below under several headings.

Safety

The DA claims (p 11) the replacement sheds are needed "to replace and enhance structures that are old and unsafe". No details are given as to why the extant sheds are considered unsafe. This is a serious matter that should not simply be mentioned as a pretext for replacing the extant sheds with much larger and higher ones. The DA should state specifically what is unsafe about the operation of the extant sheds. A particular concern relates to precautions in the event of a fire. The DA claims (p 23 point 7.25) "all existing fire control measures, policies and procedures will be maintained on site". More materials will be concentrated in higher sheds, possibly including chemicals, but the DA does not envisage any review of fire safety precautions to ensure they are adequate. The DA should not be approved in any form unless a new fire safety plan is prepared.

Location and Amenity of Town Residents

This is linked to the above point but much broader. The DA is based on the assumption that Landmark has operated at 121 Wallace St for decades and, having recently added new adjacent property to its site, it should be able to expand its commercial business there without regard for the historic character of the Wallace St Commercial Area. The key claim in the DA on this issue, at p 38, reads (corrected to include missing words and delete typos): "The proposal complies with the objectives of this precinct as the development will encourage the location of retailing, office space and other commercial enterprises to support the existing agribusiness which has been located on the site for over 50 years". There are different aspects to Landmark's retail business, and not all the items that Landmark sells are appropriately housed at 121 Wallace St. A key issue is whether it is appropriate in this location that Landmark be permitted to greatly expand its storage capacity for all its large items, including industrial chemicals, with detrimental impacts on surrounding properties, when alternative locations for housing and selling such items exist a short distance away (within 2 km) of the Braidwood town centre, as shown by the existence of the Braidwood Rural Supplies business in Gillamatong Lane.

When considering DA 2020.1172 Council should bear in mind that, while the applicant presents this DA as a simple case of a modest expansion of storage capacity for an existing business, the underlying issue concerning the project's location is preserving and enhancing the heritage character of the Braidwood town centre, which 121 Wallace St is adjacent to. The DA, at p 38, claims the proposal "has been designed to ensure that it will not detract from the historic rural character of the town; complies with the required setbacks to help preserve the residential amenity and heritage values of the site; and does not detrimentally affect the surrounding landscape". Each of these three claims is dubious, for these reasons:

1. The substantial expansion of industrial scale storage capacity at 121 Wallace St is not in keeping with the historic rural character of Braidwood, which would be preserved and enhanced by the consolidation of such service facilities on the outskirts of Braidwood, in a location similar to Braidwood Rural Supplies. (The proprietor of Landmark reportedly owns a suitable location on the northern outskirts of town.) The benefits to Braidwood residents and visitors of removing regular truck traffic to and from Landmark from 121 Wallace St to an alternative location on the outskirts of town would be very substantial, and would outweigh any inconvenience to the proprietor as a result of such a move. Almost all similar businesses in other towns in QPRC are not located very close to the centre of town. The obvious comparison is with Bungendore. As a heritage town, there is a strong public interest in Braidwood in having the available space at 121 Wallace St utilised for purposes that promote Braidwood's heritage and tourism potential. Approving the DA would restrict that potential greatly for the foreseeable future.
2. The proposal does nothing to enhance the residential amenity and heritage values of the site. Blind Freddy would be able to see that large storage sheds adjacent to a historic precinct do not enhance heritage values. The proposed replacement storage shed is not set back within the site at all. On the contrary, it is on the very western edge of the storage area, as close as physically possible to the neighbouring properties to the west (Poppies on Wallace and the nursery). The amenity of those properties would be detrimentally impacted by the larger replacement shed (for obvious reasons outlined under overshadowing below).
3. The surrounding heritage landscape would be detrimentally affected by the size of the replacement sheds, especially that in the B2 zone location. This is clear from the difference between what is proposed in the DA and the advice given (dated 26 May 2017) by David Hobbes (under point 1 at p 27), specifically this key sentence: "High point equal to existing ridge, low point on boundary with Wallace St tenancies" (i.e. with the adjoining properties Poppies on Wallace and the nursery). In other words, Mr Hobbes said it would be acceptable "in principle" to replace the old shed in that location *with a new shed of the same height*. This is quite different from what is proposed in the DA, which is a replacement shed that is nearly twice as high as the extant shed. Hence the advice given at point 1 by Mr Hobbes does not support the DA proposal, but actually contradicts it on

the key issue of how high the replacement shed in zone B2 should be. If the DA is approved, the replacement shed must be *no higher than the extant shed*.

The broad issue of whether it is appropriate to store industrial items right next to the centre of Braidwood, and also to encourage a higher volume of delivery and customer traffic to go through the Duncan St entrance, is essentially one of sensible planning. The interests and amenity of the vast majority of residents of Braidwood, and visitors, are detrimentally affected by Landmark's operation of an expanded agribusiness in this location, with an expanding volume of traffic using that entrance. If there is a real safety concern with the extant shed, this should prompt Landmark to find an alternative space for the large items it sells on the outskirts of town, to the benefit of Braidwood residents.

As a specific matter, the interpretation given in the DA (at p 39) of the third objective of the Wallace Street Commercial Area precinct can be accurately described only as very bizarre. The objective, quoted at p 39, reads: "c) To encourage the location of retailing, office space and other commercial enterprises which service local and regional needs". Simply read that objective cannot encompass the expansion of a large rural supplies business in the historic precinct in the centre of Braidwood, when several other suitable locations for such an operation exist on the outskirts of town. No one in their right mind, looking at fig 3 (p 39 of the DA) in the context of the geography of Braidwood shown in the aerial photo on p 54 of the DA, would consider it appropriate to expand the existing storage capacity for rural supplies in that location at the centre of town, unless they have a vested interest in such expansion and are prepared to completely disregard the detrimental impacts of that expansion on neighbours and other town residents. The DA claims (p 39) that the proposed expansion "has been located in the rear of the site to ensure it does not impact on the precinct's townscape". This claim is false. Previously Landmark intended to build a large storage shed toward the rear of the site (shown in the rectangle in the NE corner in the drawing on p 55 with the words in red AREA TO REMAIN CLEAR), but the current DA includes a proposed replacement shed that is on the NW boundary of the site (adjacent to Poppies on Wallace and the nursery), which is *as close as possible to Wallace St* within the site, given that the old Dalgety building which is currently the Landmark office cannot be altered. The proposed replacement shed is not located in the rear of the site, despite the claim on p 35, but at the closest point to Wallace St in the northern area of the site, adjacent to neighbouring properties to the west, including the heritage building that is Poppies on Wallace. The DA should not be approved in its current form, even with conditions, because the claim made on p 39 with regard to objective c) of the heritage precinct is clearly and demonstrably false.

Traffic Increase and Heritage Protection

The DA claims (p 38) that the Braidwood DCP 2006 "does not apply within the listed area of Braidwood" and is irrelevant under the Environmental Planning and Assessment Act. This would be a surprise to most Braidwood residents. The DA concedes that the 2006 DCP is relevant under the Heritage Act. Because Council has responsibility for town planning in Braidwood, it should be guided by the 2006 DCP. The aim of the DCP is to "highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to the proposed development." No attempt is made in the DA to fulfil this requirement. Consideration

would include an assessment of the social and environmental impact of “the anticipated increase in vehicle movements as a result of this development”, which is noted at p 43. All that is stated under the heading Access, transport and traffic (p 41) is that “the site has access from a Council maintained public road”. This statement encapsulates the arrogant disregard shown by Landmark for the amenity of Braidwood residents. Current usage of the Landmark operation by large trucks already creates problems, specifically the fact that such trucks cannot turn from Wallace St into Duncan St because of the size of their turning circle, so that they approach the site via Elrington and Duncan St, detrimentally affecting residents in Elrington St. In other words, because of the volume of large-scale truck traffic servicing the Landmark operation, it already has a negative impact on the surrounding locality. The claim (p 43) that with “the anticipated increase in vehicle movements” there “will be no negative impact on the surrounding locality” is deceitful. If the applicant were honest, they would acknowledge that such an impact already exists, and that it will inevitably get worse as a result of this development.

The DA does not credibly address the heritage value of the Wallace Street Commercial Area, particularly because the advice from Mr Hobbes (quoted at p 4 above) regarding the size of the replacement shed has been deliberately ignored. The DA is an attempt, surreptitiously, to get approval for a much higher replacement shed, despite the clear advice from the QPRC Heritage Advisory Service (included within the DA at p 27) that only a replacement shed of the same height would, in principle, be acceptable. The claim in the DA (p 39) that the replacement shed “is consistent and sympathetic with the historic built form and will not be visually dominant in the streetscape” is contradicted by the specific advice from Mr Hobbes on that point. The proposed replacement shed, in the form and the height outlined in the architect’s drawings, would detract substantially from the historic fine-grained mixed-use character of the Wallace Street Commercial Area, and so is inconsistent with Council’s aim of maintaining Braidwood’s heritage.

A relevant issue for Council to consider when assessing this DA is the meaning to be given to permissible building height in zone B2. The DA implies (p 35) that any building up to the “maximum height” of 12 metres would be permissible. This claim should not be acceptable. Council should apply discretion when considering permissible building heights. A commercial replacement shed to be used to increase storage capacity for goods that could readily be stored and sold from an alternative location in Braidwood is not the same as a historic building. The fact that the height (at 6.78 m) of the proposed replacement shed would be less than the permissible building height for zone B2 is not a valid reason for considering that height to be acceptable, because the replacement shed at that height would not maintain Braidwood’s heritage value and would have a detrimental impact on neighbouring properties.

Visibility and Overshadowing

As outlined above, the claim in the DA (p 10 fig 7 caption) that the replacement shed “will not be noticed” from Wallace St is false. No evidence to demonstrate this claim has been provided in the DA, so the claim should be disregarded. A parallel claim is made on p 19, which is that “the large existing trees on Duncan St partially obscure main views of the new shed/works further reducing impact on the streetscape”. The word partially is an implied acknowledgement that the proposed sheds would be visible from Duncan St. Another problem conveniently ignored by the DA is the described effect of

those trees in partially covering up the new sheds would not occur for several months of the year as those trees are deciduous. Hence from May until October the sheds would not be partially obscured, as the trees would not have leaves. Visibility of the sheds from Duncan St, including from the corner of the Albion café at the intersection of Wallace and Duncan Sts, would not be obstructed by those trees for many months.

The issue of overshadowing has been noted on p 2 above. The DA claims (p 35) that the proposed development "will not impact on the solar or residential amenity of neighbouring properties". This claim is demonstrably false, as is clear from the 9 am winter sun shadow diagram included at p 64 of the DA. The impact can be readily visualised by looking at the summer time aerial photo of the vicinity shown as fig 1 on p 32 of the DA, and mentally adjusting for the different situation that would exist once the deciduous trees at the back of Poppies on Wallace have lost their leaves by May. From then until September, morning sun is not currently obstructed from reaching through to the internal courtyard at the eastern end of the Poppies on Wallace property. As the sun June shadow diagram for 9 am makes clear, the detrimental impact on this property (and also on the nursery) as a result of overshadowing would be substantial. This is an additional reason, together with the advice of Mr Hobbes noted at p 4 above, why any approval for the replacement shed in zone B2 should be made conditional on that shed being *no higher than the extant shed*.

Pollution

There would be two other unavoidable detrimental impacts as a result of this DA being approved. First, noise pollution in the area would increase substantially. This specific issue is ignored in the DA, which includes (at p 42) only a brief statement that there would "be minimal noise and vibration during the construction phase". No comment is made about the substantial increase in noise pollution after construction as a result of two factors: first, the "anticipated increase in vehicle movements as a result of this development" (p 43), and second, the increase in the use of fork-lift machinery to access the proposed higher replacement shed on the NW border of the site adjacent to Poppies on Wallace and to the nursery. Increased noise pollution as a result of this development is another compelling reason why the DA should not be approved.

Second, the DA (at p 42) makes a bold claim, with no supporting evidence provided, that "the development will not affect air quality and microclimatic conditions in terms of existing air quality or pollution". This claim is contradicted by the diagram on p 63 that shows anticipated truck movements upon completion of the development. The wide light blue line on that page shows trucks turning from Wallace St into Duncan St (this presumes that all large trucks could negotiate that corner, which may be impossible for very large trucks as noted at p 6 above) then entering the Landmark site from Duncan St and veering around to the east so that they stop very close to the eastern boundary of the site, then reverse toward the northern boundary of the site before driving out. Clearly this would involve a great expansion in truck movements and diesel pollution in the area of the Landmark site closest to its eastern boundary adjacent to Kidd's land.

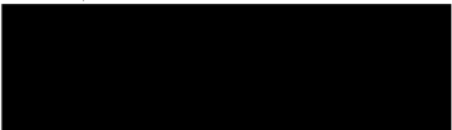
There would obviously be a substantial increase in air pollution affecting Ms Kidd's property, especially her garden. For this reason alone, the DA should not be approved.

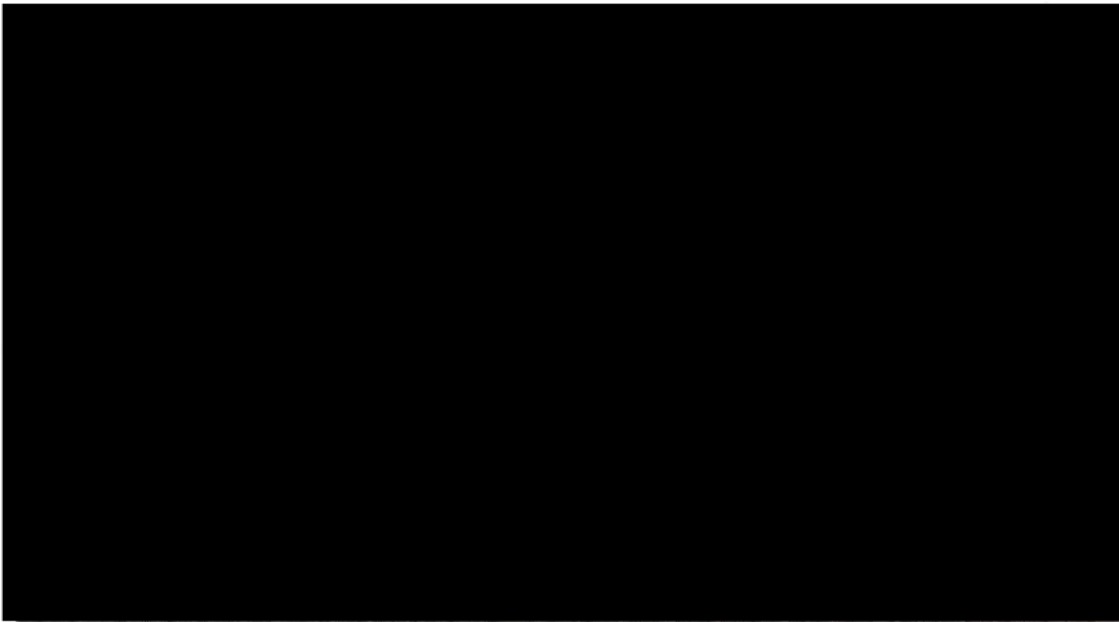
Other related matters

It is now common knowledge in Braidwood that Landmark, and Ruralco, which owns Combined Rural Traders which owns Braidwood Rural Supplies in Gillamatong Lane, are linked in some corporate way, as a result of the purchase by Landmark of Ruralco in 2019 (source: <https://www.braidwoodtimes.com.au/story/6079883/how-the-landmark-ruralco-merger-will-work-in-the-bush/>). While it is unclear at present what impacts the economic depression that is likely to affect Australia as a result of the Covid 19 pandemic will have on rural service industries, it is conceivable that there will be strong commercial pressures in the foreseeable future for the operations of Braidwood Rural Supplies and the Landmark agency in Braidwood to be combined in some way, purely for commercial reasons. Given that conceivable economic context, Council should be very cautious about approving any DA for the current Landmark site, particularly when the negative impacts of the proposed development at 121 Wallace St on surrounding properties, on the heritage value of the Wallace St Commercial Area and on the amenity of that area for Braidwood residents and visitors are substantial and should not be disregarded.

In the current uncertain world, nobody can know what the economic conditions for rural supply firms will be like in coming years, but it is highly likely that commercial pressures will increase, which would provide sound commercial reasons for the rationalisation of two rural supply firms in Braidwood that are now part of a linked corporate structure. In that context, what can be known with certainty is that, if the operations of the two rural supply firms in Braidwood were to be merged at some time in the not too distant future, then the location at Gillamatong Lane would obviously be the preferable location, as it is a much more suitable location for this type of business than is the limited space that is available at 121 Wallace St. In a scenario where, for commercial reasons linked to the corporate ownership of both Braidwood Rural Supplies and the Landmark agency, a merger of these two businesses occurred, the Braidwood community (and the wider community of visitors to Braidwood from elsewhere in QPRC and beyond) would have a very strong interest in a potential alternative use for the Landmark site, such as a new, expanded Visitor Information Centre and/or a Community Centre, which could be partly housed in the existing heritage buildings on the Landmark site, and also in additional low-scale and low-height buildings that would not detract from the heritage value of the Wallace Street Commercial Area.

Thank you for giving consideration to all the matters raised above, and to the matters raised in other submissions on this DA, to ensure the best outcome for all concerned.





SECTION D. INTEREST IN THE APPLICATION	
Are you the applicant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you a person making a submission in relation to an application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Reportable political donations or gifts made by person making this declaration or by other relevant persons</p> <p>State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).</p> <p>If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.</p> <p>Please note: List all reportable political donations and gifts</p>	
Has a donation or gift been made?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide details <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>	
Name of person/party for whose benefit the donation was made; or person to whom the gift was made. <input style="width: 100%;" type="text"/>	
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To the Mayor (QPRC), Councillors and Planning staff (attention: Luke Perkins)

Submission Re: DA.2020.1172
Alterations and additions to existing rural supply premises
Location: 121 Wallace St, Braidwood, NSW 2622

I wish to submit an **objection** to the proposed DA, for several reasons. Although the DA now displayed on the QPRC website, as prepared by Coe Planning Services, has been condensed from the previous version, the substantive objections outlined in my letter of 15 June 2020 (attached) have not been addressed at all, which is very disappointing. The applicant, in submitting a revised DA, had an opportunity to address many serious concerns raised by members of the Braidwood community, but they have not done so.

A major area of concern remains the height of what is called the "replacement shed", that is the shed that is proposed to be placed adjacent to the adjoining properties of Poppies on Wallace and the nursery. In the previous version of the DA, the height of this proposed new shed was given as "6780 mm approx". In the revised DA, at page 13 (diagram 2 headed "Main Shop North Elevation"), the height of this new shed is given as "6000" approx. Given that the existing shed to be replaced is less than 4 m high, this change is minimal and inadequate.

There are several reasons for this inadequacy. First, the previous version of the DA included a 2017 advice from the QPRC Heritage Advisory Service written by David Hobbes, which stated (point 1) that a replacement shed with a "high point equal to existing ridge" would be in principle acceptable. The revised DA excludes that advice, which has been disregarded. The advice remains pertinent. The applicant should be required to ensure that the replacement shed is not significantly higher than the existing shed, i.e. that the replacement shed is no higher than 4 m.

Second, the first reason for this requirement being essential is evident in the shading diagram for mid-winter at p 11 of the revised DA. This diagram shows clearly that the back third of the building Poppies on Wallace will be shaded for most of winter and early spring on sunny days for several months of the year. While this diagram does not acknowledge that the shading will extend into the back section of the nursery (where plants are kept) this is the only logical deduction from that diagram. Therefore, the DA as presented in the revised form proposes to inflict substantial overshadowing on two neighbouring properties, with no attempt at mitigating this impact. The only way that this shading can be avoided is by a requirement that the replacement shed be no higher than the existing shed, which is what the QPRC Heritage Advisory Service stipulated.

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Third, the height of the new shed has implications for the heritage value of the corner of Wallace and Duncan Streets, which are evident from the diagram headed "Main Shop West Elevation – Wallace St" on p 13 of the revised DA. It is clear from that diagram that the height of the new shed means it will be visible from locations across Wallace St from the two adjacent buildings. Because the roofs of those adjacent buildings do not extend at the same height all the way along, the new shed will be clearly visible from the street, at locations near the centre of Braidwood. The further the viewer is from those roofs, i.e. when they are across on the western side of Wallace St rather than on the eastern side, then the new shed will be more visible. This type of bland commercial building is not in keeping with the heritage value of that location. It should be obvious that if the current DA, with that new shed built at approx. 6 m, is approved, then other property owners in Wallace St will see no legitimate reason why they could not install similar types of sheds in locations that are visible from the street.

For these reasons the clear advice of Mr Hobbes, that a replacement should would be acceptable if it is at the same height as the existing shed, should be respected. If the DA is approved, it should be with a condition that the replacement shed be no higher than 4 m. That accords with the clear heritage advice, and would preclude the new shed from having any detrimental overshadowing impact on the adjacent properties.

Several other problems with the DA, as detailed in my previous letter of objection (see below, pp 5-9), have not been addressed in the revised DA. These include increased noise and air pollution, which will be inevitable if the DA is approved in the current form. In particular, the traffic flow chart shown on the left of p 10 of the revised DA indicates that there will be a great increase of truck traffic within the site, including in the eastern edge of the side adjacent to the property of Sam Kidd. This is where large trucks will stop before reversing back to the northern edge of the site. Such trucks will inevitably increase both noise and air pollution substantially. The applicant proposes no way of mitigating these detrimental impacts on the neighbouring property.

A related concern is public safety, especially in the section of Duncan St closest to the Wallace St intersection, which would be subjected to an increase in the volume of large truck movements if the DA is approved. There are three cafes near this intersection (Deadwood, Albion and Concept) that all have outside tables where patrons would be detrimentally impacted by the increased volume of noise and air pollution. This area of town is quite busy with both car and pedestrian traffic. Should a tragic accident occur after truck movements are increased to this site, QPRC could be liable for damages.

In summary, the applicant had an opportunity with the revised DA to address concerns raised about the previous version, but it has disappointingly refused to improve the DA. The Council has an obligation to consider the amenity and safety of all town residents, and, in view of the clearly detrimental impacts of the proposed development on several adjacent properties, the applicant should be encouraged to plan for a relocation of the heavy industrial parts of its business to a suitable location on the outskirts of town.





To the Mayor (QPRC), Councillors and Planning staff (attention: Luke Perkins)

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Alterations and additions to rural supply premises
Location: 121 Wallace St, Braidwood, NSW 2622

I wish to submit an **objection** to the proposed DA, for several reasons outlined below. Page references to the DA are to pages of the electronic file on the QPRC website, not to the printed page numbers (which are distinct from the electronic file page numbers).

Overview:

The applicant, Coe Planning Services, acts for Landmark, a company which is part of a multinational agribusiness, based in Canada, that is called Nutrien Ltd and which owns various brand names in Australia. (The reliable source for this relevant background is: <https://www.abc.net.au/news/rural/2019-11-12/landmark-and-ruralco-merge-to-form-nutrien-ag-solutions/11693846>). As such, the applicant has the resources to prepare a professional DA that is informative, thorough and transparent, and that gives balanced consideration to the competing interests of other parties, or which is at least honest in acknowledging that approval of the DA would detrimentally affect other interested parties.

As a whole, DA.2020.1172 does not meet these basic standards. There are three basic problems with the presentation of the DA which should lead an objective assessor to have doubts about the claims made within it. First, superficially the document is poorly presented. For example, under the heading Site Details, top of p 7, the wrong address is given: 135 Wallace St Braidwood (the local butchery). Two words are missing from the key sentence at the bottom of p 38 under the heading 1A Wallace St Commercial Area (the particular claims in that sentence are addressed at pp 3-4 below). Other minor typos exist, such that the overall presentation is poor.

More seriously, insufficient details are provided at key points in the DA so that it is not a transparent document. For example, a major part of the project is a "new storage shed to replace existing with increased footprint" (p 11). Under heading 7.6 Building Height (p 21) two simple statements are made: 1) with higher replacement sheds, the large rear shed previously envisaged (mentioned under point 4 of the May 2017 QPRC heritage advisory service letter at p 27) is no longer required; and 2) the replacement sheds will have "increased vertical height and volume". The logic of these statements would lead an objective assessor to conclude that the replacement sheds will be much higher than the existing old sheds. It is not apparent *how much higher* the proposed shed would be than the existing shed, partly because the height of the extant shed is not disclosed.

The existing shed, adjacent to the boundary with Poppies on Wallace and the nursery, is not visible from Wallace St, nor from the intersection with Duncan St, outside the Albion café, but the proposed replacement shed would be visible from both locations. The DA seeks to downplay that significant fact (see, for example, the statement at p 38, that the replacement shed “will be no higher than other sheds within the vicinity of the proposed site” – there are no details given of other such sheds). It does this in various ways. Under Building Height on p 21 no specific height is mentioned. More specifically, the height of the extant shed that the applicant seeks to replace is not mentioned. From observation the extant shed looks somewhere between 3.5 and 4 m high. The proposed replacement shed (at 6.78 m) looks like being nearly twice as high as the extant one.

The DA could have stated this clearly and simply up front, but it does not. It obscures this fact in two other ways. First, no artist impression type drawings (of the kind given at pp 13-14) are given of the top of the proposed replacement shed looking from Wallace St. Second, the DA claims (in the caption to fig 7 on p 10) that the replacement shed will not be visible from across Wallace St. Yet, without providing specific details of the heights of the proposed replacement shed and the neighbouring buildings shown in fig 7, it is not possible for this claim to be verified. The northern and southern parts of the roof of the nursery (the building behind the grey car in fig 7) are lower than the building height for the replacement shed of 6.78 metres (given in the planning drawings, p 66), so part of the replacement shed would be visible from positions on the opposite side of Wallace St, such as outside the newsagency (10 m to the left from the position where the photo in fig 7 was taken) and also at the NW corner of Wallace and Duncan Streets.

A more serious problem than lack of transparency is the complete lack of any attempt in the DA to accurately describe the impact that the proposed project would unavoidably have on surrounding property owners. The only accurate description of this aspect of the DA is that it is deceitful. Claims are made that are unbelievable, because they are clearly contradicted by statements elsewhere in the DA. Misleadingly, the description of the project invites Council to believe that the applicant “has taken many new elements into consideration to provide a better design solution for the operations on site” and also for “surrounding neighbours and the wider context”, i.e. local residents. No details are given to substantiate this claim, which is contradicted by specific facts noted in the DA.

For example, the DA claims (p 22 point 7.13) that “no significant overshadowing to existing adjacent properties and private open spaces” will occur. This is contradicted by the sun shadow diagrams mentioned immediately after that statement, which appear on p 64. The 9 am mid-winter diagram shows the replacement shed will cause substantial overshadowing of the back half of the Poppies on Wallace property, which is operated as a commercial café with a courtyard area that will be shadowed for most mornings on a sunny day for several months (late autumn to early spring). This is an example of the complete disrespect shown by Landmark, for whom the applicant has prepared the DA, to neighbouring property holders. Another example is on the same page (p 22 point 7.15) regarding noise levels. The DA says that the replacement shed will have a bigger

capacity, then claims "no changes to noise levels" will occur, as "existing operations will remain the same". Yet on the previous page (21 point 7.6) it says the replacement shed will have "increased vertical height and volume", which must result in more noise. Other examples where the interests of neighbours and Braidwood residents are completely disregarded in the DA are given below.

If the DA was poorly presented but not characterised by a lack of transparency or a lack of consideration of the interests of other parties, the problems within it could be rectified by imposing specific conditions that need to be met. However, that is not the case. The DA is so compromised by the twin problems of inadequate transparency and the refusal to consider the interests of other parties that it should not be approved in any form. The main reasons for this conclusion are outlined below under several headings.

Safety

The DA claims (p 11) the replacement sheds are needed "to replace and enhance structures that are old and unsafe". No details are given as to why the extant sheds are considered unsafe. This is a serious matter that should not simply be mentioned as a pretext for replacing the extant sheds with much larger and higher ones. The DA should state specifically what is unsafe about the operation of the extant sheds. A particular concern relates to precautions in the event of a fire. The DA claims (p 23 point 7.25) "all existing fire control measures, policies and procedures will be maintained on site". More materials will be concentrated in higher sheds, possibly including chemicals, but the DA does not envisage any review of fire safety precautions to ensure they are adequate. The DA should not be approved in any form unless a new fire safety plan is prepared.

Location and Amenity of Town Residents

This is linked to the above point but much broader. The DA is based on the assumption that Landmark has operated at 121 Wallace St for decades and, having recently added new adjacent property to its site, it should be able to expand its commercial business there without regard for the historic character of the Wallace St Commercial Area. The key claim in the DA on this issue, at p 38, reads (corrected to include missing words and delete typos): "The proposal complies with the objectives of this precinct as the development will encourage the location of retailing, office space and other commercial enterprises to support the existing agribusiness which has been located on the site for over 50 years". There are different aspects to Landmark's retail business, and not all the items that Landmark sells are appropriately housed at 121 Wallace St. A key issue is whether it is appropriate in this location that Landmark be permitted to greatly expand its storage capacity for all its large items, including industrial chemicals, with detrimental impacts on surrounding properties, when alternative locations for housing and selling such items exist a short distance away (within 2 km) of the Braidwood town centre, as shown by the existence of the Braidwood Rural Supplies business in Gillamatong Lane.

When considering DA 2020.1172 Council should bear in mind that, while the applicant presents this DA as a simple case of a modest expansion of storage capacity for an existing business, the underlying issue concerning the project's location is preserving and enhancing the heritage character of the Braidwood town centre, which 121 Wallace St is adjacent to. The DA, at p 38, claims the proposal "has been designed to ensure that it will not detract from the historic rural character of the town; complies with the required setbacks to help preserve the residential amenity and heritage values of the site; and does not detrimentally affect the surrounding landscape". Each of these three claims is dubious, for these reasons:

1. The substantial expansion of industrial scale storage capacity at 121 Wallace St is not in keeping with the historic rural character of Braidwood, which would be preserved and enhanced by the consolidation of such service facilities on the outskirts of Braidwood, in a location similar to Braidwood Rural Supplies. (The proprietor of Landmark reportedly owns a suitable location on the northern outskirts of town.) The benefits to Braidwood residents and visitors of removing regular truck traffic to and from Landmark from 121 Wallace St to an alternative location on the outskirts of town would be very substantial, and would outweigh any inconvenience to the proprietor as a result of such a move. Almost all similar businesses in other towns in QPRC are not located very close to the centre of town. The obvious comparison is with Bungendore. As a heritage town, there is a strong public interest in Braidwood in having the available space at 121 Wallace St utilised for purposes that promote Braidwood's heritage and tourism potential. Approving the DA would restrict that potential greatly for the foreseeable future.
2. The proposal does nothing to enhance the residential amenity and heritage values of the site. Blind Freddy would be able to see that large storage sheds adjacent to a historic precinct do not enhance heritage values. The proposed replacement storage shed is not set back within the site at all. On the contrary, it is on the very western edge of the storage area, as close as physically possible to the neighbouring properties to the west (Poppies on Wallace and the nursery). The amenity of those properties would be detrimentally impacted by the larger replacement shed (for obvious reasons outlined under overshadowing below).
3. The surrounding heritage landscape would be detrimentally affected by the size of the replacement sheds, especially that in the B2 zone location. This is clear from the difference between what is proposed in the DA and the advice given (dated 26 May 2017) by David Hobbes (under point 1 at p 27), specifically this key sentence: "High point equal to existing ridge, low point on boundary with Wallace St tenancies" (i.e. with the adjoining properties Poppies on Wallace and the nursery). In other words, Mr Hobbes said it would be acceptable "in principle" to replace the old shed in that location *with a new shed of the same height*. This is quite different from what is proposed in the DA, which is a replacement shed that is nearly twice as high as the extant shed. Hence the advice given at point 1 by Mr Hobbes does not support the DA proposal, but actually contradicts it on

the key issue of how high the replacement shed in zone B2 should be. If the DA is approved, the replacement shed must be *no higher than the extant shed*.

The broad issue of whether it is appropriate to store industrial items right next to the centre of Braidwood, and also to encourage a higher volume of delivery and customer traffic to go through the Duncan St entrance, is essentially one of sensible planning. The interests and amenity of the vast majority of residents of Braidwood, and visitors, are detrimentally affected by Landmark's operation of an expanded agribusiness in this location, with an expanding volume of traffic using that entrance. If there is a real safety concern with the extant shed, this should prompt Landmark to find an alternative space for the large items it sells on the outskirts of town, to the benefit of Braidwood residents.

As a specific matter, the interpretation given in the DA (at p 39) of the third objective of the Wallace Street Commercial Area precinct can be accurately described only as very bizarre. The objective, quoted at p 39, reads: "c) To encourage the location of retailing, office space and other commercial enterprises which service local and regional needs". Simply read that objective cannot encompass the expansion of a large rural supplies business in the historic precinct in the centre of Braidwood, when several other suitable locations for such an operation exist on the outskirts of town. No one in their right mind, looking at fig 3 (p 39 of the DA) in the context of the geography of Braidwood shown in the aerial photo on p 54 of the DA, would consider it appropriate to expand the existing storage capacity for rural supplies in that location at the centre of town, unless they have a vested interest in such expansion and are prepared to completely disregard the detrimental impacts of that expansion on neighbours and other town residents. The DA claims (p 39) that the proposed expansion "has been located in the rear of the site to ensure it does not impact on the precinct's townscape". This claim is false. Previously Landmark intended to build a large storage shed toward the rear of the site (shown in the rectangle in the NE corner in the drawing on p 55 with the words in red AREA TO REMAIN CLEAR), but the current DA includes a proposed replacement shed that is on the NW boundary of the site (adjacent to Poppies on Wallace and the nursery), which is *as close as possible to Wallace St* within the site, given that the old Dalgety building which is currently the Landmark office cannot be altered. The proposed replacement shed is not located in the rear of the site, despite the claim on p 35, but at the closest point to Wallace St in the northern area of the site, adjacent to neighbouring properties to the west, including the heritage building that is Poppies on Wallace. The DA should not be approved in its current form, even with conditions, because the claim made on p 39 with regard to objective c) of the heritage precinct is clearly and demonstrably false.

Traffic Increase and Heritage Protection

The DA claims (p 38) that the Braidwood DCP 2006 "does not apply within the listed area of Braidwood" and is irrelevant under the Environmental Planning and Assessment Act. This would be a surprise to most Braidwood residents. The DA concedes that the 2006 DCP is relevant under the Heritage Act. Because Council has responsibility for town planning in Braidwood, it should be guided by the 2006 DCP. The aim of the DCP is to "highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to the proposed development." No attempt is made in the DA to fulfil this requirement. Consideration

would include an assessment of the social and environmental impact of "the anticipated increase in vehicle movements as a result of this development", which is noted at p 43. All that is stated under the heading Access, transport and traffic (p 41) is that "the site has access from a Council maintained public road". This statement encapsulates the arrogant disregard shown by Landmark for the amenity of Braidwood residents. Current usage of the Landmark operation by large trucks already creates problems, specifically the fact that such trucks cannot turn from Wallace St into Duncan St because of the size of their turning circle, so that they approach the site via Elrington and Duncan St, detrimentally affecting residents in Elrington St. In other words, because of the volume of large-scale truck traffic servicing the Landmark operation, it already has a negative impact on the surrounding locality. The claim (p 43) that with "the anticipated increase in vehicle movements" there "will be no negative impact on the surrounding locality" is deceitful. If the applicant were honest, they would acknowledge that such an impact already exists, and that it will inevitably get worse as a result of this development.

The DA does not credibly address the heritage value of the Wallace Street Commercial Area, particularly because the advice from Mr Hobbes (quoted at p 4 above) regarding the size of the replacement shed has been deliberately ignored. The DA is an attempt, surreptitiously, to get approval for a much higher replacement shed, despite the clear advice from the QPRC Heritage Advisory Service (included within the DA at p 27) that only a replacement shed of the same height would, in principle, be acceptable. The claim in the DA (p 39) that the replacement shed "is consistent and sympathetic with the historic built form and will not be visually dominant in the streetscape" is contradicted by the specific advice from Mr Hobbes on that point. The proposed replacement shed, in the form and the height outlined in the architect's drawings, would detract substantially from the historic fine-grained mixed-use character of the Wallace Street Commercial Area, and so is inconsistent with Council's aim of maintaining Braidwood's heritage.

A relevant issue for Council to consider when assessing this DA is the meaning to be given to permissible building height in zone B2. The DA implies (p 35) that any building up to the "maximum height" of 12 metres would be permissible. This claim should not be acceptable. Council should apply discretion when considering permissible building heights. A commercial replacement shed to be used to increase storage capacity for goods that could readily be stored and sold from an alternative location in Braidwood is not the same as a historic building. The fact that the height (at 6.78 m) of the proposed replacement shed would be less than the permissible building height for zone B2 is not a valid reason for considering that height to be acceptable, because the replacement shed at that height would not maintain Braidwood's heritage value and would have a detrimental impact on neighbouring properties.

Visibility and Overshadowing

As outlined above, the claim in the DA (p 10 fig 7 caption) that the replacement shed "will not be noticed" from Wallace St is false. No evidence to demonstrate this claim has been provided in the DA, so the claim should be disregarded. A parallel claim is made on p 19, which is that "the large existing trees on Duncan St partially obscure main views of the new shed/works further reducing impact on the streetscape". The word partially is an implied acknowledgement that the proposed sheds would be visible from Duncan St. Another problem conveniently ignored by the DA is the described effect of

those trees in partially covering up the new sheds would not occur for several months of the year as those trees are deciduous. Hence from May until October the sheds would not be partially obscured, as the trees would not have leaves. Visibility of the sheds from Duncan St, including from the corner of the Albion café at the intersection of Wallace and Duncan Sts, would not be obstructed by those trees for many months.

The issue of overshadowing has been noted on p 2 above. The DA claims (p 35) that the proposed development “will not impact on the solar or residential amenity of neighbouring properties”. This claim is demonstrably false, as is clear from the 9 am winter sun shadow diagram included at p 64 of the DA. The impact can be readily visualised by looking at the summer time aerial photo of the vicinity shown as fig 1 on p 32 of the DA, and mentally adjusting for the different situation that would exist once the deciduous trees at the back of Poppies on Wallace have lost their leaves by May. From then until September, morning sun is not currently obstructed from reaching through to the internal courtyard at the eastern end of the Poppies on Wallace property. As the sun June shadow diagram for 9 am makes clear, the detrimental impact on this property (and also on the nursery) as a result of overshadowing would be substantial. This is an additional reason, together with the advice of Mr Hobbes noted at p 4 above, why any approval for the replacement shed in zone B2 should be made conditional on that shed being *no higher than the extant shed*.

Pollution

There would be two other unavoidable detrimental impacts as a result of this DA being approved. First, noise pollution in the area would increase substantially. This specific issue is ignored in the DA, which includes (at p 42) only a brief statement that there would “be minimal noise and vibration during the construction phase”. No comment is made about the substantial increase in noise pollution after construction as a result of two factors: first, the “anticipated increase in vehicle movements as a result of this development” (p 43), and second, the increase in the use of fork-lift machinery to access the proposed higher replacement shed on the NW border of the site adjacent to Poppies on Wallace and to the nursery. Increased noise pollution as a result of this development is another compelling reason why the DA should not be approved.

Second, the DA (at p 42) makes a bold claim, with no supporting evidence provided, that “the development will not affect air quality and microclimatic conditions in terms of existing air quality or pollution”. This claim is contradicted by the diagram on p 63 that shows anticipated truck movements upon completion of the development. The wide light blue line on that page shows trucks turning from Wallace St into Duncan St (this presumes that all large trucks could negotiate that corner, which may be impossible for very large trucks as noted at p 6 above) then entering the Landmark site from Duncan St and veering around to the east so that they stop very close to the eastern boundary of the site, then reverse toward the northern boundary of the site before driving out. Clearly this would involve a great expansion in truck movements and diesel pollution in the area of the Landmark site closest to its eastern boundary adjacent to Kidd’s land.

There would obviously be a substantial increase in air pollution affecting Ms Kidd's property, especially her garden. For this reason alone, the DA should not be approved.

Other related matters

It is now common knowledge in Braidwood that Landmark, and Ruralco, which owns Combined Rural Traders which owns Braidwood Rural Supplies in Gillamatong Lane, are linked in some corporate way, as a result of the purchase by Landmark of Ruralco in 2019 (source: <https://www.braidwoodtimes.com.au/story/6079883/how-the-landmark-ruralco-merger-will-work-in-the-bush/>). While it is unclear at present what impacts the economic depression that is likely to affect Australia as a result of the Covid 19 pandemic will have on rural service industries, it is conceivable that there will be strong commercial pressures in the foreseeable future for the operations of Braidwood Rural Supplies and the Landmark agency in Braidwood to be combined in some way, purely for commercial reasons. Given that conceivable economic context, Council should be very cautious about approving any DA for the current Landmark site, particularly when the negative impacts of the proposed development at 121 Wallace St on surrounding properties, on the heritage value of the Wallace St Commercial Area and on the amenity of that area for Braidwood residents and visitors are substantial and should not be disregarded.

In the current uncertain world, nobody can know what the economic conditions for rural supply firms will be like in coming years, but it is highly likely that commercial pressures will increase, which would provide sound commercial reasons for the rationalisation of two rural supply firms in Braidwood that are now part of a linked corporate structure. In that context, what can be known with certainty is that, if the operations of the two rural supply firms in Braidwood were to be merged at some time in the not too distant future, then the location at Gillamatong Lane would obviously be the preferable location, as it is a much more suitable location for this type of business than is the limited space that is available at 121 Wallace St. In a scenario where, for commercial reasons linked to the corporate ownership of both Braidwood Rural Supplies and the Landmark agency, a merger of these two businesses occurred, the Braidwood community (and the wider community of visitors to Braidwood from elsewhere in QPRC and beyond) would have a very strong interest in a potential alternative use for the Landmark site, such as a new, expanded Visitor Information Centre and/or a Community Centre, which could be partly housed in the existing heritage buildings on the Landmark site, and also in additional low-scale and low-height buildings that would not detract from the heritage value of the Wallace Street Commercial Area.

Thank you for giving consideration to all the matters raised above, and to the matters raised in other submissions on this DA, to ensure the best outcome for all concerned.


15 June, 2020

Received by
**Queanbeyan Palerang
Regional Council**

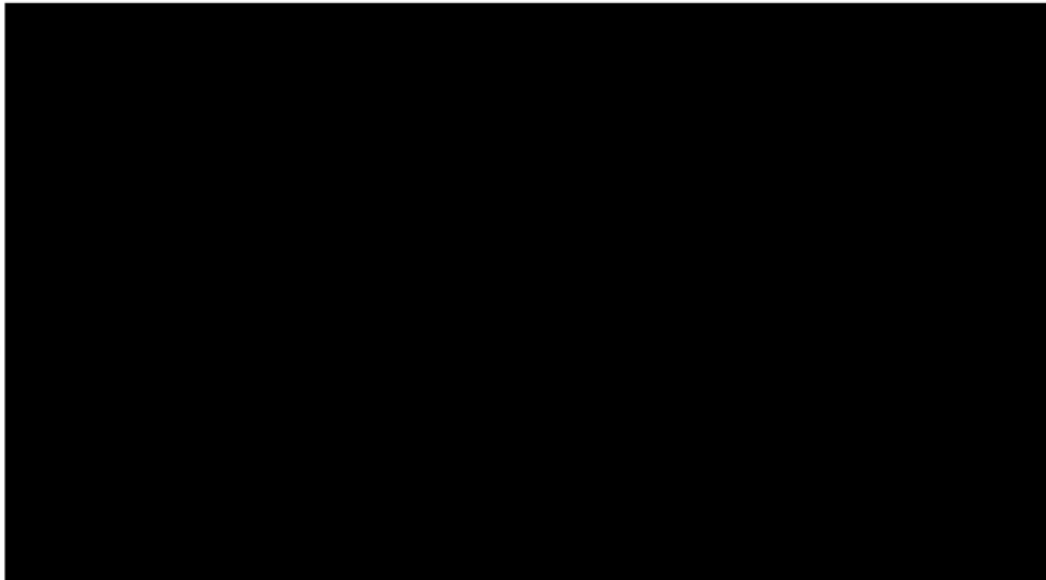
24 SEP 2020

Customer Service
Braidwood Office

**DECLARATION OF POLITICAL
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Use this form to declare whether you have made a Political Donation to an elected member of Council or gift to an elected member of Council or Council staff

Has the person lodging this written submission made political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?



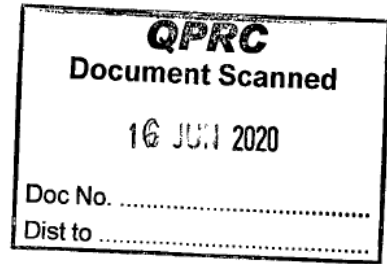
If yes, you must complete and return with your submission the form entitled "*Political Donations and Gifts Disclosure Statement to Council*". This form is available on Council's website at www.qcc.nsw.gov.au

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IMPORTANT

You must complete and attach this form to your written submission to Council



To the QPRC Mayor, Councillors and Planning staff
Re DA 2020.1172
Alterations and additions at 121 Wallace St, Braidwood

[REDACTED]

The reason for my letter is that I object to the size of the replacement shed that Landmark has proposed to build adjacent to my [REDACTED] boundary with 121 Wallace Street.

My objections are listed below.

My building is a heritage listed building that is over 160 years old. The size of the replacement shed that is proposed for 121 Wallace Street will have a detrimental effect on the value of my property as it would restrict the views from my building's second story windows and create shade for several hours each day during late autumn, winter and early spring over my courtyard, to the detriment of customers using that area.

The Landmark DA for 121 Wallace Street is deficient in details and makes specific claims that can readily be shown to be false. Under the heading 7.13 OVERSHADOWING of the application, it is claimed that there will be "no significant overshadowing to existing adjacent properties and private open spaces" (p 18 of printed pages and p 22 of the Landmark DA electronic file). The application then refers to sun shadow diagrams that appear at p 64 of that file.

Looking at the diagram for 9 am on 21 June, it is evident that most of the back half of my property, which is immediately to the north of Landmark on Wallace Street, would be shaded for most of the morning for several months of the year. The shaded area includes my courtyard.

The project description for the Landmark DA claims (top of printed page 8) that the development provides "a better design solution" for "surrounding neighbours". This claim is clearly false, as the raised shed would cause a great deal of overshadowing to my property, [REDACTED].

It is of great concern to me that the application, under point 7.6 BUILDING HEIGHT (printed page 17) does not specify the intended heights of the raised shed. The application states at that point that: "By utilising the higher heights for the sheds, we no longer require the large rear storage shed that was previously proposed ... Increased vertical height and volume means less site coverage and built form in other areas of the site".

The negative impact of adjacent properties is apparent from the plans at pages 57 and 70 of the Landmark DA. Whereas the large rear storage shed that is no longer required would have created shade only on Landmark's property, the amended (extended and raised) storage shed will create shade for both my property and the property immediately to my north, which is a garden nursery.

The Landmark DA does not provide a better design solution for surrounding neighbours. Quite the opposite, the solution proposed is to the obvious detriment of the neighbours, because, instead of shading from increased storage space affecting only Landmark itself, the shading would be very significant for two neighbouring commercial properties. The extent of overshadowing is clear from the simple picture at page 62 of the Landmark DA electronic file. My property, which is behind the southern half of the structure called the replacement shed, is not visible in the drawing, and will be greatly affected by overshadowing.

A more specific concern relates to the height of the proposed amended storage shed adjacent to my property. It is clear from the statement quoted above under BUILDING HEIGHT that Landmark intends to use the amended storage shed as a replacement for the previously proposed large rear storage shed, which was planned to be a much bigger structure.

This raises the prospect that Landmark intends to build a shed structure even higher than the 7.2 metre height line shown on page 65 of the Landmark DA electronic file, because the declared intention of the DA is to concentrate storage in this part of the Landmark site, adjacent to my property, and the permitted height of a building in this zone is apparently 12 metres.

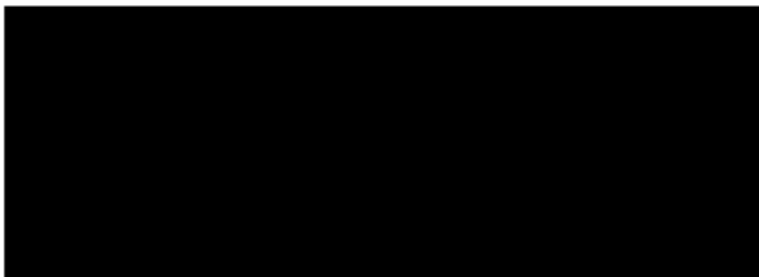
While the proposed replacement shed is within zone B2 where the permissible height of a building is 12 metres, in keeping with the heritage value of Braidwood that height should be understood as applying to historical type buildings that conform to the town's heritage identity, and should not include a storage shed that would be visible from the corner of Duncan and Wallace Streets. It is not appropriate to compare the replacement shed with historic two storey homes and businesses in the vicinity, when, as the Landmark DA acknowledges, it is possible for Landmark to build the large storage shed that it now says it no longer requires because of the raised replacement shed.

Another specific objection concerns the deciduous trees in my courtyard, which are evident in the summer aerial photo shown as figure 1 at p 32 of the Landmark DA electronic file. These trees provide shade for my courtyard in summer and allow sunlight in from late autumn until spring. It is essential to the integrity of my property that the trees in my courtyard are preserved as they will provide some screening of the shed wall, and provide shade when needed in summer.

Another concern for my property, which is used as a café including the courtyard, will be the noise factor with fork lifts working in and out of the replacement shed all day long, which will definitely destroy the peacefulness of my courtyard.

The Landmark DA claims (under 7.15 NOISE INTRUSION, p 18 of printed pages and p 22 of the Landmark DA electronic file) there will be "no changes to noise levels". This statement is dubious because it is inconsistent with statement quoted above under BUILDING HEIGHT about increased volume of storage capacity in the proposed replacement shed adjacent to my property. Clearly, increased volume will mean increased fork lift noise adjacent to my courtyard, to which I object.

If the Landmark DA were to be substantially revised, so that the claims made under overshadowing, building height and noise intrusion could be believed, then it is possible that a revised Landmark DA with a replacement shed of a similar size to the shed that now exists would not have a detrimental impact on surrounding properties. However, the current DA clearly will have an adverse impact on the running of my café, and also on other properties. In the interests of fairness to all proprietors in Braidwood, it should not be approved.

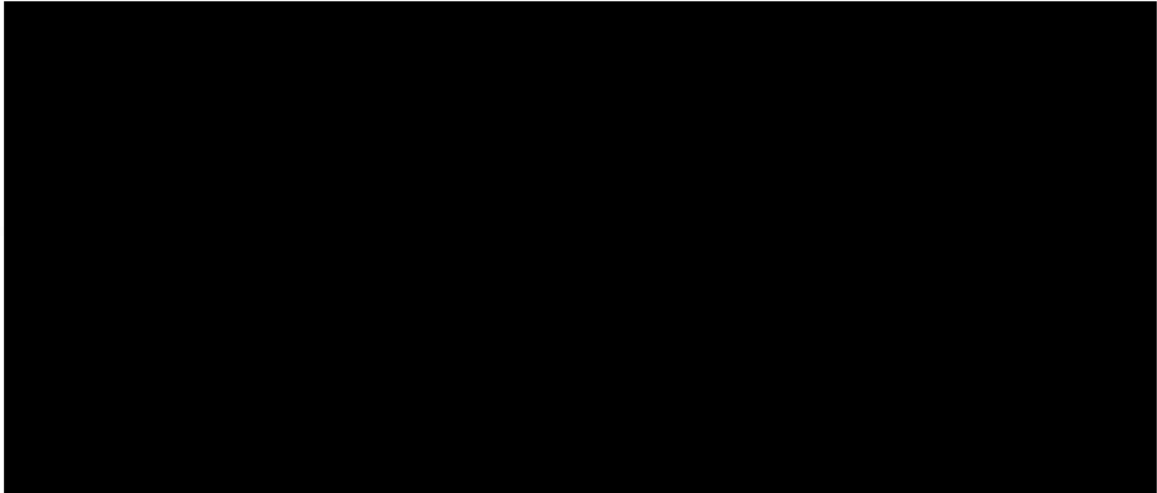


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IMPORTANT
You must complete and attach this form to your written submission to Council

Maddison Corbett

From: [REDACTED]
Sent: Friday, 26 June 2020 11:24 AM
To: Council Mailuser
Subject: 01073252 [ref:_00D28HSVA_5000K2DiUK9:ref]

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Council

An enquiry has been received from [REDACTED] about a DA in Braidwood.

The issues raised are the responsibility of Council and TfNSW has not been involved in this matter, could you please arrange for a direct response to the customer on this matter.

Customer's Description

Dear Madam/Sir,
Landmark now called Nutrien Ag Solutions 121 Wallace Street have submitted a D.A. to expand their business.
The small laneway between Bunyip Jungle and 131 Wallace Street (Main Street) and Kings Highway will be used by trucks, cars. including pedestrians ie; adults, children and dogs
The Land and Environment Court ruled that I have access through an Industrial site and this is my main exit and entry into my property.
Although in the D.A. it is stated that the business is not expanding it does say that both entrances and exits will be used by customers, clients, trucks ect.
This is an extremely dangerous access point in our tourist town and a threat to peoples health and safety.
I implore you to take notice of this issue before someone is killed.
Kind Regards

[REDACTED]

Incident Details

Wallace Street, Braidwood NSW, Australia

Customer Requested Response

Yes

Customer Details



Transport for NSW

Website: roads-maritime.transport.nsw.gov.au

On 1 December 2019, Roads and Maritime Services and Transport for NSW (TfNSW) joined together to create one integrated, TfNSW, so we can deliver better outcomes for customers and communities across NSW

ref:_00D28HSVA._5000K2DiUK9:ref

Maddison Corbett

From: [REDACTED]
Sent: Tuesday, 22 September 2020 12:43 PM
To: Luke Perkins
Subject: OBJECTION No DA.2020.1172
Attachments: [REDACTED]

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Luke,

This is an appendix to my first submission for the above D.A.

1) I object to DA.2020.1172 on the grounds that this development is not what was stated in the D.A. as a refurbishment to existing sheds but a confirmation that Nutrien Ag Solutions is an expanding industrial business. The demolition and rebuilding of existing sheds is not 'refurbishment' and all work being done for \$100,000 is ludicrous.

THIS BUSINESS SHOULD BE RELOCATED TO AN INDUSTRIAL SITE ON THE OUTSKIRTS OF TOWN!!!!
SEMI-TRAILERS SHOULD NOT BE LOADING AND UNLOADING IN AN HISTORICAL PRECINCT ON SIDE STREETS WITHIN THE CBD.

IF THIS BUSINESS IS NOT EXPANDING WHY IS THERE TWO SHEDS PENDING FOR FUTURE DEVELOPMENT ???!!!!!!

2) It has to be noted that Nutrien Ag Solutions, now the biggest chemical company in the world does not appear anywhere in this application but submitted under other names so as not to draw attention to what exactly is happening on the site which is misleading and not transparent.

3) I have not been offered any solutions to what I have raised previously in my submissions or emails to Council, including my first submission in 2014.

PRIVACY, NOISE , DUST and SAFETY issues including legal access to my property.
My legal access will be eliminated when both my husband and I die or sell the property.

This has devalued the property and made our life incredibly insecure for more than the reasons stated.

Tim Overall said I would never be landlocked!
Whose word can you trust?

I have a wire fence on half the Western Side of my boundary that Nutrien Ag Solutions/Landmark and myself share.

This is where in the D.A. in blue, trucks will be bearing down on the corner which is at my neighbours and my back door and then reversing.
Reversing trucks make an incessant beep-beep noise!

There are no safety measures incorporated in the D.A for any of the neighbouring residents apart from two firewalls on half the western boundary and another on the second shed boundary to 80 Duncan Street. It has not been stated as to what the firewalls would be constructed from.

A 'wall' to protect myself and my neighbours would be better if an accident should occur given the size of the trucks that navigate the site. A wire fence and a wooden paling fence is all we have at the moment and there is no mention of anything changing in the D.A. for safety and security.

Why should the expense fall on myself to provide a wall and gates for safety and privacy?

My Antique Gate no longer gives me protection or privacy from the industrial site on my boundary access. New solid gates need to be installed because of this development for privacy, and to suppress wind and dust . This should be provided for within the D.A.

It is not satisfactory in any sense of a contented lifestyle when you share a boundary with a business that use forklifts, trucks, semi trailers, utes and strangers on a daily basis and for us to legally and freely use the pathway with family, friends, children and dogs as stipulated in the L.E.C outcome through an industrial site that Council calls a small rural supplies business.

To have unmitigated access to a business when they say they have to secure the premises belies any logical process known to man!

We have been caring and trusting neighbours for thirty one years!
What happens if I decide to rent the property to the Rebels?
There is nothing in the L.E.C outcome to say otherwise.

4) If this D.A. is approved in its current format a solid wall has to be provided to guarantee residents safety,privacy and as a barrier for the suppression of wind, dust and noise.

This is well within our rights being ratepayers and part of a community that share a boundary with an expanding industrial site. Landmark and Council have been aware of this for years yet has not facilitated anything within the D.A to alleviate the problem!

The business impedes on my daily life and as I have stated previously I have not been able to pursue my career as an artist because of the stress associated with this development since 2014, at no time has Council been interested whatsoever in the well being of myself , my family ,neighbours or pedestrians which include locals and tourists of the dangers associated with this business.

5) Before the illegal subdivision which the Council was fully responsible for, I had a private quiet heritage laneway which co.existed with the small rural supplies business and I was unopposed in using the laneway for two and a half decades by all and sundry including whom I now know was the owner 'Ray Coffey' and not Dalgety's/ Landmark as we were told by Landmark before the sale.

6) Council refers to the matter as a minor issue. Michael Thompson said my outcome was better than what I had previously. For years I've had to put up with misleading information from the Council.

I was told constantly that the Council could not do anything, even stop work on the site because Richard Walker had not submitted a D.A. , yet persons in town have had a 'stop work notice 'on their builds because of Heritage colour or locks not being in place and the all important 'Heritage Line of Vision' which has been completely dismissed in this D.A yet will impact on all the neighbouring buildings as well as the streetscape.

Now the D.A.has been submitted Council has an opportunity to keep to their word.

7) A wall will not eliminate entirely the noise, wind and dust but will give me some sense of well being for my safety and privacy which is essential now that the business has grown exponentially to what it was previously a very small rural supplies business.

This Development presents itself to me and adjoining neighbours as an intrusion into our daily lives and a safety issue for children's play areas that border the boundary of the Industrial site on the North and South Boundary.

(I.G.A. in Bungendore built a concrete retaining wall between a residential building/ Antique business)

I feel all the residential boundaries should be walled for the protection of neighbours especially children in residential properties which have severely been overlooked in the D.A.

It is right at my back door, the entire length of the western boundary.

We had to put shade cloth on the wire fence to try and suppress the dust which permeates the Church and for privacy.

A row of Leylandii was supposed to be hedged which was done by us for a number of years until this was made difficult.

Stuff was piled under the trees and no longer accessible to maintain the growth.

The trees were left to grow untamed and have become problematic.

The lower branches were then cut by Landmark, eliminating our privacy.

8) The L.E.C. gave me legal access into my property.

This was supposed to be registered on my title by April the 20th, 2020

but I have not received anything from the Council which is 'Contempt of Court'.

My legal access was not noted by name in the D.A. as well as legally being able to park 13 metres from my boundary unobstructed.

Council or Nutrien Ag Solutions/Landmark have to provide safety measures as given to us through the L.E.C. outcome through the industrial site.

Nothing has happened to provide us with this security.

9) In the D.A. If the proposed sheds are going to be built I will no longer have

any views at all from my backyard and it will not be filtered light or shade as trees provide but, hard shade.

My Heritage Elm trees will be at risk and difficult to access.

10) I want to reiterate to you that this process has been almost seven years.

Problems began to emerge when Richard Walker started renting the property which he eventually bought from the Coffey's and slowly the

laneway's history and privacy was decimated.

11) I feel that this D.A. was being initiated from the very beginning of the Subdivision because why would Richard want the land otherwise?

12) No clarity or transparency as to how and why this subdivision could occur on a Heritage listed site in the Georgian Grid in the first Historical Town to be registered on the State Heritage Register in N.S.W. without a comprehensive Heritage report done on the site and which was not included within the D.A.
No community consultation has been available because of Covid 19 and also the aftermath of the bushfires.

I find this one of the most incriminating factors in the D.A that has not been judiciously consulted given the value of the site and its importance to the CBD of Braidwood and to the community.

13) Uncontrolled Development at any cost will eventually see the demise of our fragile history both black and white and with it the destruction of Historical sites which this Council has shown absolute contempt and apathy.

Our Recreational Ground is an example of how to destroy the most intact Historical Cricket ground that existed possibly in the whole of Australia!



Maddison Corbett

From: [REDACTED]
Sent: Thursday, 24 September 2020 10:45 AM
To: Council Mailuser
Subject: Fwd: OBJECTION No DA.2020.1172
Attachments: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

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----- Forwarded message -----

From: [REDACTED]
Date: Tue, Sep 22, 2020 at 12:42 PM
Subject: OBJECTION No DA.2020.1172
To: Luke Perkins <luke.perkins@qprc.nsw.gov.au>

Dear Luke,

This is an appendix to my first submission for the above D.A.

1) I object to DA.2020.1172 on the grounds that this development is not what was stated in the D.A. as a refurbishment to existing sheds but a confirmation that Nutrien Ag Solutions is an expanding industrial business. The demolition and rebuilding of existing sheds is not 'refurbishment' and all work being done for \$100,000 is ludicrous.

THIS BUSINESS SHOULD BE RELOCATED TO AN INDUSTRIAL SITE ON THE OUTSKIRTS OF TOWN!!!!
SEMI-TRAILERS SHOULD NOT BE LOADING AND UNLOADING IN AN HISTORICAL PRECINCT ON SIDE STREETS WITHIN THE CBD.

IF THIS BUSINESS IS NOT EXPANDING WHY IS THERE TWO SHEDS PENDING FOR FUTURE DEVELOPMENT ???!!!!!!

2) It has to be noted that Nutrien Ag Solutions, now the biggest chemical company in the world does not appear anywhere in this application but submitted under other names so as not to draw attention to what exactly is happening on the site which is misleading and not transparent.

3) I have not been offered any solutions to what I have raised previously in my submissions or emails to Council, including my first submission in 2014.

PRIVACY, NOISE , DUST and SAFETY issues including legal access to my property.
My legal access will be eliminated when both my husband and I die or sell the property.

This has devalued the property and made our life incredibly insecure for more than the reasons stated.

Tim Overall said I would never be landlocked!
Whose word can you trust?

I have a wire fence on half the Western Side
of my boundary that Nutrien Ag Solutions/Landmark and myself share.

This is where in the D.A. in blue, trucks will be bearing down on the corner which is at my neighbours and my back door and then reversing.
Reversing trucks make an incessant beep-beep noise!

There are no safety measures incorporated in the D.A for any of the neighbouring residents apart from two firewalls on half the western boundary and another on the second shed boundary to 80 Duncan Street.
It has not been stated as to what the firewalls would be constructed from.

A 'wall' to protect myself and my neighbours would be better if an accident should occur given the size of the trucks that navigate the site.
A wire fence and a wooden paling fence is all we have at the moment and there is no mention of anything changing in the D.A. for safety and security.

Why should the expense fall on myself to provide a wall and gates for safety and privacy?

My Antique Gate no longer gives me protection or privacy from the industrial site on my boundary access.
New solid gates need to be installed because of this development for privacy, and to suppress wind and dust .
This should be provided for within the D.A.

It is not satisfactory in any sense of a contented lifestyle when you share a boundary with a business that use forklifts, trucks, semi trailers, utes and strangers on a daily basis and for us to legally and freely use the pathway with family, friends, children and dogs as stipulated in the L.E.C outcome through an industrial site that Council calls a small rural supplies business.

To have unmitigated access to a business when they say they have to secure the premises belies any logical process known to man!

We have been caring and trusting neighbours for thirty one years!
What happens if I decide to rent the property to the Rebels?
There is nothing in the L.E.C outcome to say otherwise.

4) If this D.A. is approved in its current format a solid wall has to be provided to guarantee residents safety,privacy and as a barrier for the suppression of wind, dust and noise.

This is well within our rights being ratepayers and part of a community that share a boundary with an expanding industrial site.
Landmark and Council have been aware of this for years yet has not facilitated anything within the D.A to alleviate the problem!

The business impedes on my daily life and as I have stated previously I have not been able to pursue my career as an artist because of the stress associated with this development since 2014, at no time has Council been interested whatsoever in the well being of myself , my family ,neighbours or pedestrians which include locals and tourists of the dangers associated with this business.

5) Before the illegal subdivision which the Council was fully responsible for, I had a private quiet heritage laneway which co-existed with the small rural supplies business and I was unopposed in using the laneway for two and a half decades by all and sundry including whom I now know was the owner 'Ray Coffey' and not Dalgety's/ Landmark as we were told by Landmark before the sale.

6) Council refers to the matter as a minor issue.

Michael Thompson said my outcome was better than what I had previously.

For years I've had to put up with misleading information from the Council.

I was told constantly that the Council could not do anything, even stop work on the site because Richard Walker had not submitted a D.A. , yet

persons in town have had a 'stop work notice' on their builds because of Heritage colour or locks not being in place and the all important 'Heritage Line of Vision' which has been completely dismissed in this D.A yet will impact on all the neighbouring buildings as well as the streetscape.

Now the D.A. has been submitted Council has an opportunity to keep to their word.

7) A wall will not eliminate entirely the noise, wind and dust but will give me some sense of well being for my safety and privacy which is essential now that the business has grown exponentially to what it was previously a very small rural supplies business.

This Development presents itself to me and adjoining neighbours as an intrusion into our daily lives and a safety issue for children's play areas that border the boundary of the Industrial site on the North and South Boundary.

(I.G.A. in Bungendore built a concrete retaining wall between a residential building/ Antique business)

I feel all the residential boundaries should be walled for the protection of neighbours especially children in residential properties which have severely been overlooked in the D.A.

It is right at my back door, the entire length of the western boundary.

We had to put shade cloth on the wire fence to try and suppress the dust which permeates the Church and for privacy.

A row of Leylandii was supposed to be hedged which was done by us for a number of years until this was made difficult.

Stuff was piled under the trees and no longer accessible to maintain the growth.

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have become problematic.

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Nothing has happened to provide us with this security.

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My Heritage Elm trees will be at risk and difficult to access.

10) I want to reiterate to you that this process has been almost seven years. Problems began to emerge when Richard Walker started renting the property which he eventually bought from the Coffey's and slowly the laneway's history and privacy was decimated.

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12) No clarity or transparency as to how and why this subdivision could occur on a Heritage listed site in the Georgian Grid in the first Historical Town to be registered on the State Heritage Register in N.S.W. without a comprehensive Heritage report done on the site and which was not included within the D.A. No community consultation has been available because of Covid 19 and also the aftermath of the bushfires.

I find this one of the most incriminating factors in the D.A that has not been judiciously consulted given the value of the site and its importance to the CBD of Braidwood and to the community.

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Maddison Corbett

From: [REDACTED]
Sent: Friday, 12 June 2020 4:33 PM
To: Luke Perkins
Subject: submission landmark development No.DA.2020.1172
Attachments: IMG_20200612_161925.jpg

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Luke,
I do hope you read this.
I wish to oppose the D.A. on the Landmark site.

Although it is stated in the D.A. that the business is static and they're only rearranging the premises and not increasing the business is a total fabrication.

Why would the two sheds proposed be pending if that was the case.
One shed had to be eliminated from the plan because of the court ruling giving me access but the sheds were originally planned in the D.A.

How, with the sheds will semi-trailers be able to navigate the site?

It is impossible.

I have seen truck drivers lose the plot in the yard on many occasions because the site is too small, with pedestrian traffic plus cars, utes and small trucks it's chaotic and inevitably a truck would be idling in Duncan Street waiting for the first truck to exit.
The traffic hazards incurred already on the site will not change with this development.
The other shed in the D.A stipulates that this will be built sometime in the future.
This would indicate that the business is expanding and has been for the duration of the last six years.

I'm also perplexed as to the attitude that if there are sheds in the vicinity then you can erect more sheds.
Everything in the D.A. contravenes the L.E.P. and Heritage protection of the site.

David Hobbs advice was only in principle as he stated and not at all comprehensive as you would expect given the significance of the site within the Georgian Grid and was outdated.

The contemporary design is in keeping with Nutrien Ag Solutions' buildings all over the Country but has absolutely nothing in terms of valuing the Heritage site for now and the future.
Nutrien Ag Solutions buys huge quantities of chemicals from China this is their main trading partner and promotes the use of chemicals to grow crops.
<https://www.farmweekly.com.au/story/6693359/ag-supply-chain-soldiers-on/>

No environmental report was noted only that the D.A. complied with the regulations but these were not detailed as to how they complied.
The heights of the builds were not submitted but only examples given.
Nothing in the D.A. is clear or precise but vague and flimsy.

No mention of aesthetics or the beauty of the view which has featured in many knock-backs by the Council heritage advisor over the years was considered.

It is truly fascinating that the Coffey building was of notable heritage before the subdivision and now has lost that status due to the heritage site being demolished.

My building would also have lost significant status due to the industrial site and the fact that when I die it will be landlocked thanks to Q.P.R.C.

Tim Overall said to me I would never be landlocked it will never happen!

I feel there is no transparency with the D.A by Council and considering that Nutrien Ag Solutions is now the biggest chemical company in the world probably means that enormous amounts of money is at hand.

Can you tell me how these chemicals can legally be stored next to residents?
This is a significant safety issue if ever there was an explosion or fire or both.

█ shed and █ sheds are heritage.

I have lived with them for a long time and they have been on the site probably a hundred years or more and they form part of my heritage view.

You cannot duplicate heritage, that's why it's so important to maintain what we have because it's so unique in the region.

The way Council approaches heritage can only be reflected in what has been lost in Queanbeyan due to new developments of ugly townhouses and flats.

The character of Queanbeyan now is almost gone from when I was a resident thirty five years ago.

I have incorporated my shed into my design of the garden.

It now has integrated with the design.

The old laneway I had was always there, so the water naturally flowed through the garden from St Bedes and down the laneway.

I didn't design it this way.

I utilised what was there naturally.

It has always been like this since I have owned the block and probably the duration of its life before Landmark changed the entire area.

In my garden the natural flow of the water goes into the laneway and the laneway no longer exists.

How is this going to be remedied?

My old laneway was demolished when the illegal subdivision boundary alignment went through.

Kylie Coe was the town planner when the subdivision went through and is Richard Walker's consultant.

The height of the sheds will block any significant view for me of the townscape and any neighbouring buildings will be constantly in shade especially on Wallace Street.

A block wall should be built down my entire west facing boundary with the addition of heavy gates on my entry so I don't have to look at the nightmare that has evolved.

Any view I had that I loved has been demolished.

Link to photos I want tabled on record: <https://photos.app.goo.gl/2aofw79mpGrpwkFM8>

I cannot stress to you Luke, how fundamental this has been in my life.

Apart from suffering panic attacks which are unbearable I have been having deep depression on and off now over the six year period.

At no time did Council ever offer any form of consultation so that this horrible episode could have been remedied earlier but kept the lies consistent to give me hope that I would have my access.

Although the courts have given me a pink pathway that I can freely walk on, as well as friends and dogs it is too risky to do so and I'm sure they probably knew that anyway.
The forklifts are constantly up and down the pathway as well as trucks.

I LIVE NEXT DOOR TO AN INDUSTRIAL SITE!
IT WAS NOT LIKE THIS IN THE BEGINNING!
IN THE BEGINNING I HAD A HERITAGE LANEWAY!

It's annoying when they repeat in the D.A that it is a little business that doesn't impact on the community it does and we are constantly being told how it does.

The business services people on properties who know nothing of what has been going on and those who do find out, are devastated not only with Landmark but Council.

Most people would like to see Landmark Nutrien Ag Solutions out of the C.B.D. of Braidwood but no-one wants what I've got an Industrial site in their backyard do they!

For almost six years now of my thirty one years in Braidwood, at no time has the Council felt any sympathy or any form of reconciliation over what had been done on the land since the illegal sub-division.
At no time has the Council offered a solution but only fought with me if somehow I was the enemy.

Martin Luther King Jr.,said,

"INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE"

No action was taken against Richard Walker for not having submitted any D.A.'s during the work he has taken out on the site.
He was considered by a member of Q.P.R.C staff as non-compliant.
The Council lawyer said to me that Richard at no time submitted D.A.'s yet was able to do the work on the site without any interference from Council.

This is the third D.A. submitted by Landmark to date the others were primarily to block my access through Landmark.
The demolition of substantial trees, the levelling of the block removing top-soil and adding road base as well as erecting industrial fencing was all done without D.A.'s or notification to me.
Council at no stage intervened with the process.

Richard Walker always has the last word.

I would like the whole business removed to a well designed Industrial site that is landscaped and private probably near the showground so the townsfolk and tourists remain safe from being killed by these enormous semi-trailers.

In the D.A. modelling of the trucks entering the site from Duncan Street you will see where the truck pulls in before it starts reversing.
This is at my back door and my next-door neighbour's door.
The noise, dust, dirt and truck fumes will and does enter my house regularly and is one of the main reasons including the fork lifts constant noise that has caused me to be stressed and suffering panic attacks.

As an artist I have stated to Council I have not been able to work since this debacle happened.
I have not worked for 5 years now in the arts.

I would need to have a high block rendered wall to at least give me some privacy in my backyard and to eliminate some of the dust which at times is the same as being sandblasted and I'm not exaggerating.
The noise will still occur and when it is in full swing it can be debilitating but a wall may help to subdue the noise.

I would also like to say that in the D.A. it says that this business does not impose any threat to neighbouring properties yet I've been fighting Council for six years about this very business and how it has impacted on my life.

I hope this gives you some insight to how I'm feeling at the moment.
Every morning I'm woken by trucks and forklifts from Landmark.
We call it Tubular Bells!
Although they say business starts at 8am we are woken most mornings between 6.30am and 7 am.

Nothing has changed, it's at my back door as soon as I enter the garden I cannot escape that fact and the hurt is constant .
My life has become as fragmented as a shattered wing.

I no longer feel free .



Political donations disclosure statement attached.

**Submission on Development Application for 121 Wallace Street,
Braidwood**

I am making this submission as a retired professional planner with an interest in promoting high quality development in Braidwood.

Firstly, as a formal matter of importance, the listing of Land Uses “permitted with consent” omits to explicitly mention that the existing Commercial Agricultural Sales and Distribution Uses are non-conforming and that approval for the future development of these uses is now sought.

This Development Application is incoherently presented and it omits to include: a clear overall plan on one A4 page showing buildings to be demolished together with a further plan showing buildings for which approval is now sought.

Whilst the scale and impact of the currently proposed buildings appears acceptable provided the owner of the garden to the rear of 123 Wallace Street accepts the extent of overshadowing, it remains questionable whether:

- (i) Further buildings can be accommodated satisfactorily on the site without impacting adjacent residential uses and
- (ii) It is not proven that the development now proposed will not generate additional car parking. There is already extensive on-street car parking in the centre of Braidwood, which is steadily extending into residential areas and eroding the texture of the town. This matter will require careful handling if the amenity and heritage of its centre are to be maintained. This is a particular concern in Duncan Street with its wonderful street trees.

It is therefore suggested that the extent of “permitted with consent” uses beyond those currently proposed be subject to further review in a separate Development Application at a future date. This includes the proposed future shed on the North East of the site, the footprint of which may need to be substantially reduced to accommodate all parking and truck turning needs on site.

There have been suggestions by others that the Agribusiness would best be relocated to an industrial service area. At present this seems unnecessary, provided the amenity and variety of the uses on the site can remain well self contained and limited.



16 June 2020



QPRC,
PO Box 90,
Queanbeyan
NSW 2620

Submission - OBJECTION
DA.2020.1172
121 Wallace Street BRAIDWOOD NSW 2622
Alterations and additions to rural supplies premise

Dear Sir/Madam,

Below is my submission relating to the DA submitted on 121 Wallace Street BRAIDWOOD NSW 2622.

Increasing the capacity of Landmark (Nutrien-Ag), the industrial Canadian-owned agribusiness in the centre of Braidwood, a small, state heritage listed town (zoned commercial and residential) is unacceptable.

I object to the proposal on the following grounds:

1. The **increase risk to pedestrians** at the laneway from Landmark onto **Wallace Street** (Kings Highway). The narrow laneway has limited visibility for vehicles and pedestrians and it crosses a pedestrian footpath.
2. **Increased risk to pedestrians in Duncan Street.** Someone is going to be killed or injured in Braidwood by unnecessary large vehicle manoeuvres and the dangerous gates. The current outward flinging gates directly on to the footpath is dangerous and possibly illegal but has not been remedied. People have witnessed the gates being caught by staff before they hit pedestrians in the morning when they are opened. The application for a more compliant entrance is not reassuring – a man in his 60s was crushed to death this month in Wollongong by driveway gates similar to those proposed.
3. **Increased truck movements and vehicle deliveries** from two driveways - one narrow lane onto the King's Highway (Wallace Street) and Duncan Street Braidwood - both of which cross the pedestrian paths. Truck activity commences on 6:30 am Mon- Sat. Heavy trucks offloading via forklifts across Duncan Street all hours of the day is dangerous and disruptive. We have witnessed road rage disputes between truck drivers and other road users. Visibility is poor, trucks park in front of Deadwood Cafe and on both sides of Duncan Street which is also used as parking by visitors, customers and residents.

4. **Increase chemical and gas storage and the hazards** associated with commercial agriculture business. It is an inappropriate place for a Nutrien-Ag offloading /unloading of Chinese chemical fertiliser in the centre of our small heritage town - which is intended for out-of-town clients.
5. **Increase noise** affecting neighbouring residents and local businesses. Vehicle noise from trucks and cars, and noise from back-up beepers, or pulsed tonal alarm, can lead to considerable annoyance in the surrounding community. This starts at approximately 6:30 am Mon – Sat and is loud enough to wake and annoy adjoining residents.
6. **Increased dust pollution** from road base, vehicle deliveries and use of forklifts on-site is regularly windblown off-site onto neighbouring properties.
7. **There is no mention of the Right of Access** that is granted to Sam and Steve Kidd of 1//829063 “the access path” through the Class 1 L&E Court Proceeding no 2019/00294711.
s415 (1) e requires that the current situation with the Right of Access should be regarded within this application. Given that the first two DA’s associated with this Landmark Industrial expansion relate to removing Sam and Steve Kidd’s access to their property, it is pertinent that the Right of Access requirement is incorporated into the development design. Having this transparent will show Landmark’s commitment to the Court Order and the Conciliation process through the Land and Environment Court.
8. **There is no mention of the the work already undertaken without approval.**
Landmark carried out the following without approval: the removal of the laneway, internal fences and established trees; the yard has been levelled, road base applied, and industrial barb wire fencing has been erected around the perimeter and a huge increase in industrial activity.
All of this has been undertaken without approval and consultation with neighbours.
The 2017 plans submitted as part of this DA do not reflect the current situation at the site. This is misleading.
9. **The loss of the historic laneway** can never be replaced, and it is a disturbing precedent for destruction of heritage items in our town. It is very sad to see what has already happened on this site without ANY approvals to date. The historic laneway was in existence since at least 1914. It is No 776 Book 1041 and it has a history. Now it is gone forever.
10. **Incorrect zoning:** Landmark are currently operating an industrial agribusiness including over land zoned Zone B4 (Mixed Use) within the “C1 - State Significance Braidwood and Its Setting” zone.
11. **Council s109 & extinguishment of easement**
Despite assurances in writing from Council that legal access is required to benefit Steve and Sam Kidd in the Landmark development, Council (Senior Planner Kylie Coe) executed a s109 certificate permitting the developer to avoid registering the carriageway on title. Furthermore, Council also signed an 88B instrument which extinguished the easement. Now Kylie Coe is the applicant for this industrial expansion. This raises concerns about the integrity of the process.
Why did Council extinguish the equitable easement that Sam and Steve Kidd had with the Coffey family at the time of the Boundary Adjustment? Council knew the easement wasn't registered on title. It seems the signing of the 88B instrument to extinguish it and to avoid the registration on title are related to the current expansion of the Landmark site.

12. Visual amenity.

- (a) **The town:** The beauty of Braidwood is what draws people to the town. The townscape is already affected negatively by what has been done without approval. The proposed industrial blot will be seen from the numerous commercial/residential buildings surrounding Landmark and on the main street. Some of the residences above the shops are Air B&Bs and holiday leases - and these visitors will have full view of the Colorbond clad industrial sheds and truck movement areas.
- (b) **The proposal:** The building design is downright ugly and inappropriate for the centre of town. It is absolutely incorrect to say it won't be seen because of set backs. Visitors walk around a corner, peek at what is to come! It is the allure of living here, with its laneways, old walls, little cottage gardens. Walk around onto Duncan Street and wham! You will be confronted with ugly Colorbond industrial site. It will be seen from the Albion and Deadwood cafes', by the holiday makers parking down Duncan Street, by people walking through the village enjoying the Heritage Trail Walk. It's so sad - because you can compare this to the alternative - which is that the site could be used for a shop and garden space, supporting tourism and keeping in character with the beauty and aesthetic of the town.
- (c) **The impact from the gardens of 82 Duncan Street :** Steve and Sam Kidd have transformed what was an industrial block to a noteworthy established garden with abundant plantings, rising to each season with spectacular flowering and leaf displays. It incorporates rare and unusual sculptures, plants and unique landscaping; paying homage to many historical Braidwood plants. Cuttings from the cemetery and other heritage gardens of Braidwood been grown in the Duncan St garden as part of the property which includes the heritage building - Wesleyan Hall. The property in its entirety is an asset to the town and an important piece of our local history - where sympathetic and considered use of space in a heritage town have been the foundation for this legacy garden. This incredible space is now impacted by the increased industrialisation and business at the Landmark site, most of which has been done without any approval.

Since the original Application **DA.2014.208** in 2014 relating to the development of the Landmark Agribusiness site, it seems that any objection is treated as 'off the subject matter'. How far will this go for Council to consider **ALL of the impacts** as part of this development on the town and the neighbouring properties? And the impact on the people involved?

This development should never have been allowed to continue - it is far more suitable for expansion in the industrial side of town than right in the middle.

Our little town of Braidwood in South East Australia is the first heritage listed town in NSW and has a main street (Wallace Street) filled with gift shops, art galleries, antique shops and cafes. It is a draw card for passers by to rest and enjoy.

The current development and expanding industrial agribusiness of the heritage Landmark Building (121 Wallace Street) to accommodate transfer of Nutrien-Ag Chinese manufactured chemicals right in the centre of our small town is dangerous to pedestrians and traffic, creates unnecessary noise and dust, and is directly affecting residents and nearby cafes.

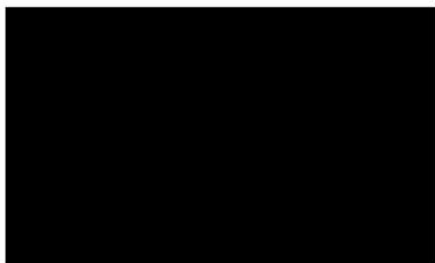
The largest component of the Landmark business is to serve outside of town - and this creates difficulties for large vehicles in pick up and delivery in the small centre of our town opposite busy cafes.

Because of the:

- Lack of action from Council on the work that Landmark has already commenced without approval;
 - Questions over integrity and transparency with Councils dealings with Sam and Steve Kidd's access;
 - Overwhelming increase in industrial activity in the centre of our heritage town and;
 - Councils poor process, including not notifying neighbours about the development,
- this leaves me with very low confidence that this Development will be given proper procedural assessment and the transparency that is needed.

I object to having an industrial agribusiness transfer station in the centre of our town.

Thank you for your consideration.



ATTACHMENTS – PHOTOS



Truck in front of Deadwood Cafe



Truck in front of Deadwood Cafe



Unloading Duncan Street



Trucks lining up Duncan Street



The laneway circa 1992



The same view 2020



QPRC,
PO Box 90,
Queanbeyan
NSW 2620

Submission - OBJECTION
DA.2020.1172
121 Wallace Street BRAIDWOOD NSW 2622
Alterations and additions to rural supplies premise

Dear Luke,

Below is my submission relating to the additional DA submitted on 121 Wallace Street BRAIDWOOD NSW 2622 and further issues emerging.

In addition to the points I raised in my previous submission regarding:

1. *The increase risk to pedestrians on Wallace Street*
2. *Increased risk to pedestrians in Duncan Street.*
3. *Increased truck movements and vehicle deliveries*
4. *Increase chemical and gas storage and the hazards*
5. *Increase noise*
6. *Increased dust pollution*
7. *There is no mention of the the work already undertaken without approval.*
8. *The loss of the historic laneway*
9. *Incorrect zoning*
10. *Council s109 & extinguishment of easement and*
11. *Visual amenity;*

I continue to object to the development proposal on the following grounds:

A. The Rural Supplies business (Landmark) in the middle of town has changed dramatically in the last 4 years compared to the previous 27 years I have lived in the area. It has expanded, developed and it is much busier with more deliveries. Because of this, it's causing major issues with pedestrian safety, truck access, dust and noise.

I cannot see how the latest amendments to the proposed DA to expand will ameliorate this – in fact the DA states that this is an expansion. And it's not just the Landmark building to be considered – it is also *the other sheds across town that Landmark use to store material associated with the business*. A road registered forklift and truck moves between these sheds over town daily.

If this DA is approved, will trucks unload solely in the Landmark yard? Many truck drivers refuse to back into the yard as it is – and many trucks unload across Duncan Street via forklift, which goes back and forth multiple times for each truck.

It is not clear in the DA if trucks will only unload inside the Landmark yard, or if they will utilise an additional area beyond 121 Wallace Street (what is currently occurring).



Collage of various trucks unloading from the OTHER side of Duncan Street via forklift. Forklifts then cross not only the road but also the only paved footpath pedestrian access to the Hospital and Narbethong.

B. Lack of surface management and appropriate surface for the site yard. Current situation with horrific dust - high winds, predominantly westerlies are creating dust storms on the Landmark yard site and it is leaving their property and affecting neighbouring residents and businesses - which are being sandblasted.

C. The curbing/car park proposed to be built over Kidd's Right of Access

There should be nothing built on the Kidd's Right of Access

D. The turning circles for the trucks proposed over Kidd's Right of Access

How will the safety of Authorised persons using the Kidd's Right of Access be addressed?

E. The Kidd's are yet to be notified that the Covenant on Title as per LEC Order has been completed. This was ordered to occur by the 30th April 2020.



Looking West from the Kidd's only vehicle entrance down the Laneway towards Wallace Street.

F. Landmark carrying out works prior to DA Approval

Much of the groundworks that relate to DA.2020.1172 have already been completed. How is this possible when other businesses and residents cannot carry out this type of work without approval?

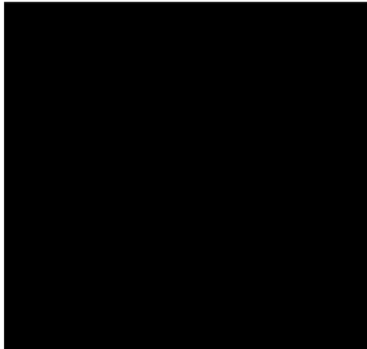
G. As an authorised person by the Kidd's to use the Right of Access, I no longer feel safe to do so. The times I have attempted to use the authorised access, it has been blocked by fencing materials and I was unable to access the Kidd's property by vehicle to unload. I now have a huge level of discomfort about using the Access and stress regarding how to do so safely.

H. Application Details: On the Council website the DA is lodged under the category "Commercial - Retail – Office" which does not reflect the industrial nature of the proposal. The website also stated that the estimated value of the rather sizeable expansion as being \$100,000 - which does not reflect the true cost of the expansion. These kind of details diminish the true nature of the expansion as well as the impact on the community.

I dismiss the idea that this is simply "alterations and additions" and object to the industrial expansion proposal to 121 Wallace Street due to the:

- Impact on heritage, the communities safety and the Kidd's access and livelihood
- Fact that Landmark has already commenced aspects of this DA prior to approval;
- Questions over integrity and transparency with Councils dealings with Sam and Steve Kidd's access;
- Overwhelming increase in industrial activity in the centre of our heritage town and;
- Current situation of excessive dust from poor surface management impacting on neighbours and businesses
- Current situation with the trucks affecting pedestrian safety on the street and the safety of the Kidd's on the Right of Access;

Thank you for your consideration.





Looking East towards the Kidds only vehicle entrance to their cabinet making business

TO: QPRC Mayor Tim Overall, Councillors and Planning Staff

Submission on Development Application DA.2020.1172

Location: 121 Wallace St, Braidwood

Thank you for accepting this submission on the above Development Application.

My first comment is that the DA is extremely confusing. The application is described on the cover document as "Alterations and additions to existing sheds onsite". In fact the proposal is for the demolition of existing sheds and the building of a much larger replacement shed, as well as an extension to an existing shed.

The report by BDD (Building Design Direct) dated Feb 2020, describes a proposal to replace the old existing sheds with a new, higher shed, and to extend an existing shed with an addition with a higher roof-line. There is also a proposed new office, entrance, fences and gates. Attached drawings and diagrams include those changes. This is more than just "Alterations and additions to existing sheds".

The undated "Statement of Environmental Effects for proposed alterations and additions: 121 Wallace St Braidwood" provided by Coe Planning Services seems to relate to a different DA, which proposed a new shed on land acquired by the owners of the business in 2014, following a boundary adjustment. This area is now designated as a truck turning space in the current DA. This (presumably earlier) report by Coe Planning Services is no longer applicable as it refers to a different proposal, on one part of the site, not on the whole site. The inclusion of this document creates confusion and is potentially misleading.

Another document in the DA indicates that a shed close to the boundaries of residential properties to the south and east was also under consideration at some time. Only the documents relating to the current proposal are relevant.

A misleading claim is made on p 3 of the report by BDD, which states that "*The existing site is currently used as rural supplies and agri-business and has done so for many years in the existing location.*" The site was expanded following a boundary adjustment in 2014, and it now occupies a much larger area of land as a result.

I submit an objection to this DA on the following grounds:

1. Impact on Braidwood's Heritage Precinct

This site is located in the central Heritage precinct of a NSW State-listed Heritage Town. I am concerned by the absence of comments in the DA from Council's current Heritage Advisor. The only independent comments by a Heritage Advisor included in this DA are from the former Council Heritage Advisor, David Hobbes, and these are dated three years ago, in May 2017. This was a brief interim report and seems to refer to a previous DA proposal. This report was subject to onsite examination and carries no weight in the current DA. The current DA has not yet been referred to the Braidwood Heritage Advisory Committee, which includes experts in the field of Heritage protection. I assume that the DA will be referred to that Committee in due course, prior to a determination.

The report by Coe Planning Services claims that "*There is no Development Control Plan that applies to the land.*" It continues "*The Braidwood DCP 2006 was repealed when the Palarang Development*

Control Plan 2015 came into effect on 27 May 2015. The Palerang DCP does not apply within the listed area of Braidwood". The report then says that "the Braidwood DCP (2006) continues to operate under the Heritage Act 1977 as the document which determines whether or not approval under Section 60 of the Act is required." I find this very hard to understand. The Braidwood DCP 2006 either applies to that area or it doesn't. I am not clear as to the legislative status of that DCP and would like QPRC to explain that. The current situation re protection of the town as a listed NSW Heritage town is very unclear to most of our residents. It should be much easier for all concerned to know what is permissible and what is not.

The QPRC Draft Local Strategic Management Plan "Towards 2040" includes a series of Planning Priorities relating to the heritage values of Braidwood township. **Priority 4.1.2** states "Draft appropriate heritage management controls for Braidwood township". It appears that there are no currently enforceable Heritage Management Controls. The Braidwood DCP 2006 has a status which seems to be at guideline level only, with no binding legislative controls. This situation needs to be remedied if **Planning Priority 4.1.9** is to be implemented ie "Develop tourism strategy for Braidwood township that promotes its outstanding heritage values". Without clear, enforceable management controls to preserve these values, the Braidwood Heritage precinct is not being given the protection it needs and deserves.

2. Impacts on Roads, Traffic and Parking

The DA documents claim that there will be no negative impacts from the proposed development. This is demonstrably not true. There are important considerations re vehicle and pedestrian traffic and parking in this location. Serious safety concerns exist as a result of large trucks coming and going in a busy retail area frequented by pedestrians, and crossing one of the few footpaths in Braidwood. This footpath is used by elderly residents in wheelchairs, and using walking frames, as it is the footpath into town from the hospital and the Summerfield Seniors village. There are no current commitments from QPRC to improve this footpath or to provide alternatives.

Apart from the dangers to other users of this area, the impact on the local roads, especially Elrington St and Duncan St, (both maintained by Council), is another issue. The Duncan Street entrance is the main entrance to the site. The entrance from Wallace St (maintained by the RMS) is dangerous for trucks and will rarely be used. The designated truck turning area within the site is designed to allow trucks entering from Duncan St to turn, then reverse and exit the site from the same place – ie Duncan St. They will then usually choose to exit via Elrington St, rather than the much busier route via Wallace St (ie the Kings Hwy). The cost of the increased road maintenance due to increased truck movements will be borne by QPRC.

Additionally, parking in the centre of town is becoming a major problem, as QPRC is well aware. Landmark's customers are competing with increased demand for parking in a congested part of the town. This also impacts on the customers of the other businesses nearby.

3. Social and Economic Effects

The claims in the DA that there are no social or economic effects resulting from the expansion of the business are clearly not true. There are residential properties to the south and east of the site that have been adversely affected by the expansion of the site and the associated business activities since 2014. Noise, dust, new boundary fencing, and constant truck movements will inevitably affect the amenity of the neighbouring homes and businesses. These adjacent properties are not mentioned in the DA. The close proximity of these homes and businesses to potentially dangerous chemicals receives no acknowledgement in the DA. There is also a school located close to the site.

Any claim that this is not a bushfire prone area is clearly no longer true. The fires in late November 2019 came within a few kms of our town. We will never forget that, and QPRC will need to take that into account in any planning for the future.

There are properties located on the western boundary which will be adversely affected by the proposed higher sheds. These will cast shadows on the adjacent nursery business and on the internal courtyard at Poppies on Wallace. Both of these are small local businesses with a loyal clientele. As a member of the QPRC Local Economic Recovery Advisory Group, I am aware that many of our small local businesses are struggling as a result of the bushfires and Covid restrictions. It seems counterproductive to be trying to support them to survive and grow while allowing a business with the backing of a multinational buying group to expand on this site, to their detriment. These are businesses run by locals, and they are very much valued by our community.

The agribusinesses in our area are providing the necessary materials to help farmers to recover. Fencing materials in particular will be in great demand. This shows the value of the Landmark business to our community. I do understand that the buying power of our local farmers has been reduced, so that will impact on the local agribusinesses. However, Landmark (now badged as Nutrien Ag Solutions) are probably in a better position to recover from the devastating effects of the fires and Covid than some other local businesses, which also provide valuable and important services to our community.

I note that there is no reference in any of the documents or maps to the access path through the site to the residential property owned by the Kidd family. They were guaranteed that access as a result of a NSW Land and Environment Court hearing. This access should be marked on all the maps of the site. The truck routes through the site in the DA show how this access is compromised by the daily activities on the site.. The Kidd family have to dodge turning trucks, unloading trucks, and onsite storage to reach their entrance. I note that the plans for extending the existing sheds include temporary toilets and waste disposal areas which are directly in the path of this entrance. This seems to show a lack of concern for the Kidd family who have lived there for approximately 30 years.

4. Possible relocation to a more suitable site

While the site has been used as an agribusiness enterprise for many years, I submit that expansion of the business in the centre of town, with increasing truck movements, noise, and storage of potentially dangerous chemicals, is at odds with the planning priorities in the QPRC Draft Local Strategic Management Plan "Towards 2040". **Planning Priority 4.4.3** states "Ensure suitable land zoned to accommodate commercial, business and industrial development to 2040."

This DA does not rule out further applications in the future for more large sheds on the current site. I would like to suggest that Council look at ways to assist the business to relocate to a more suitable area.

I acknowledge that the business owners have a right to expand their business to provide better service for their customers. Agriculture is a central component of the local economy. However the local economy is evolving and the town is growing. The cattle saleyards outside town are a focus for the agricultural industry. There is land close by, zoned Light Industrial, which would be very suitable to this expanding agribusiness. With some forward planning, this area could become the hub for rural based industries. The other major agribusiness serving the rural and town communities is already based there. Relocation of this expanding agribusiness to a larger site on the edge of town would have long-term benefits for both the business and its customers.

Could Council engage in a discussion with the owners of land designated below Mt Gillamatong as "light Industrial", and assist its development for the good of the community as a whole? This would be beneficial to the local economy by increasing the opportunities for new businesses to be established.

Thank you for considering my submission.

[Redacted signature block]



To whom it may concern.

Ref: Planning Application DA.2020.1172

I would like to make a submission on the above application, which by its nature is a controversial proposal.

This is mainly due to the location of Landmark, as a busy agribusiness enterprise, in the centre of historical Braidwood. The activities of Landmark, including large delivery trucks and its customers needing constant access, in an area where used by pedestrians present safety issues and takes away from the ambiance of the town centre.

Both the QPRC Tourism Plan 2017–2025 and the QPRC Draft Local Strategic Planning Statement “Towards 2040” emphasise the use of Braidwood’s heritage to boost business and incomes through tourism and refers to the “introduction of a living museum concept within Braidwood”.

The proposed contemporary new entrance and gateway appear to be totally incompatible with such ambitions.

I am also mindful that Richard Walker is only trying to improve the service provided by Landmark to its customers and improve the efficiency, security and safety of its operations, which are commendable aims.

There have been issues in the past with this site, and no doubt there will be in the future, particularly if there are subsequent applications for additional improvements to the site.

Being aware of this natural conflict I would like to propose that QPRC considers a “land swap” with Landmark, so the business can relocate to an industrial area of Braidwood and be developed in a way which fully supports its customers and does not impinge on other users of central Braidwood.

While maintaining the old bank frontage, the site behind could then be redeveloped in a way which is compatible with the other needs of Braidwood. In particular, the site could be used for social housing and providing affordable housing for those in need. An organisation such as Southern Cross Housing may be able to undertake such a development.

Yours sincerely,

[signed by]





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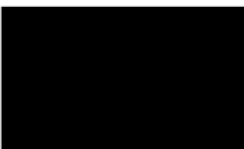
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Yours sincerely,



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

16 DECEMBER 2020

ITEM 9.2 DEVELOPMENT APPLICATION - DA.2020.1172 - ADDITIONS
AND ALTERATIONS TO A RURAL SUPPLIES PREMISES -
121 WALLACE STREET, BRAIDWOOD

ATTACHMENT 4 DA.2020.1172 - DRAFT CONDITIONS - 121 WALLACE STREET,
BRAIDWOOD

DRAFT CONDITIONS OF CONSENT
DA.2020.1172

APPROVED DEVELOPMENT AND PLANS

1. **APPROVED DEVELOPMENT AND PLANS**

The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Site Plan	BDD	Rev 4/ 18 August 2020	25 August 2020
Main Shop Plan	BDD	Rev 4/ 18 August 2020	25 August 2020
Main Shop Roof Plan	BDD	Rev 4/ 18 August 2020	25 August 2020
Shed Plan and Roof Plan	BDD	Rev 4/ 18 August 2020	25 August 2020
Demolition and Waste Plan	BDD	Rev 4/ 18 August 2020	25 August 2020
Proposed Elevations	BDD	Rev 4/ 18 August 2020	25 August 2020
Proposed Sections	BDD	Rev 4/ 18 August 2020	25 August 2020
Concept Downpipe Lines	BDD	Rev 4/ 18 August 2020	25 August 2020
Tank and OSD Details	K & C Brown & Associates P/L	A/ 29 May 2020	30 April 2020

except as modified by any of the following conditions of consent.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

GENERAL CONDITIONS

1. **Obtain Construction Certificate**

Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate/subdivision works certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate/subdivision works certificate.

Reason: Work is undertaken in accordance this consent & relevant construction standards.

2. Obtain Occupation Certificate

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

Reason: Ensure that the building complies with relevant standards.

3. Comply with the Building Code of Australia

All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

4. Construction within Boundaries

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

Reason: Approved works are to be contained wholly within the subject site.

5. Copy to Owner

A copy of this consent is to be provided to the owner.

Reason: To ensure the owner is aware of the requirements imposed under the consent.

6. Retaining Walls

Any retaining wall greater than 600 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

7. Siting of retaining wall/s

All retaining wall, including all footings and drainage materials, are to be located wholly within the boundaries of the subject site.

Reason: To ensure that there is clarity over the ownership of retaining walls.

8. Business Identification Signage

This consent does not approve the installation of any new or existing new business identification signage upon the site.

Reason: To clarify the scope of the subject approval.

9. Protection of Sewer and Stormwater Mains

Council's sewer main affected by the development must be protected by extending footings of the western façade of the storage area to below the invert of the main (RL 689.67m AHD), implementing pier and beam construction that has been designed and certified by a practising structural engineer.

Reason: To ensure that public services are not damaged or otherwise impacted on by the development.

10. Unauthorised Use of Public Land

No building materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

Reason: To prevent unnecessary disturbance to public land.

11. Work on Adjoining Land Is Limited

The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:

- a) Installation of a temporary, stabilised construction access across the verge.
- b) Installation of services.
- c) Construction of an approved permanent verge crossing.

Reason: To minimise interference with the verge and its accessibility by pedestrians.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. Submit a Construction Management Plan

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

- a) describe the proposed construction works and construction program and,
- b) set standards and performance criteria to be met by the construction works and,
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- d) identify procedures to receive, register, report and respond to complaints and,
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans

Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.

13. Protection of Council Sewer/Stormwater Easements

Prior to the issuing of a Construction Certificate (Building) structural plans must be provided to Council for concurrence as the sewer and water authority. The plans are to demonstrate that the footings of the structure will not be located within the zone of influence of Council's sewer and stormwater easements.

Reason: To allow for safe access and maintenance of services within the easements by Council personnel.

14. Tree Management Plan

Prior to the issue of a Construction Certificate, a Tree Management Plan is to be prepared by an AQ5 Arborist outlining the required measures for the protection of the Plane Trees within the Duncan Street road reserve adjoining the site is to be submitted to Council. The measures contained within this plan are to be implemented throughout the construction process.

Reason: To ensure for the implementation of appropriate tree protection measures throughout the works.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

15. Appoint PCA (Building)

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

Reason: To provide for supervision of the subdivision works.

16. Site Identification

The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- the development application number,
- name, address and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that "unauthorised entry to the work site is prohibited".

Reason: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.

17. Traffic Management

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved ROL from the RMS for State Roads.

Reason: To ensure that works carried out comply with the Roads Act.

18. Sediment and Erosion Control Plan

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

19. Sediment and Erosion Controls

Install and maintain sediment and erosion controls, prior to and during construction activities, in accordance with the approved Erosion and Sediment Control Plan, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

20. Asbestos Removal and Disposal

Asbestos material found on the site must be removed and disposed of in accordance with the *Work Health and Safety Act 2011*, and the NSW WorkCover Guidelines.

Asbestos material must be disposed of to a lawful landfill site approved for that purpose by the Environmental Protection Authority of NSW or equivalent authority in the ACT. Written evidence that the material has been disposed of to the approved landfill must be submitted to the Principal Certifying Authority.

Reason: To ensure the proper disposal of asbestos material.

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

21. Hours of Operation for Works

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NIL

Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

22. Approval Documents

Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.

23. Construction Facilities

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

24. Unexpected Finds

The development is to proceed with caution. If any archaeological remnants or Aboriginal objects are found, works should stop and both Council and HeritageNSW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and HeritageNSW are to be notified.

Reason: To ensure objects discovered during construction are protected and the relevant parties notified.

25. Building to Be Photographed

Prior to the demolition of the small red shed structure located between the two driveways on the site's Duncan Street Frontage the complete exterior and interior must be photographed using a digital camera of no less than 8 megapixels and set at the highest possible resolution to record the images.

All images must be saved onto a USB in JPEG format, complete with the full address of the property and the date on which the photographs were taken.

The images must be re-named to include the property name and feature that has been photographed. If more than one image of the same object is supplied then it must be distinguished with a number to give it a unique file name.

Two copies of the photographs printed by a commercial photographic laboratory must be submitted to Council. The image size, to ensure all detail of the building is visible, must be no smaller than 10"x8" (25cmx20cm).

Note: Images printed on a home/office computer are not acceptable.

Reason: To ensure the history of the site is adequately recorded.

26. Retain and Protect Trees on the Verge

All trees located on the Duncan Street verge between the property boundary and the road carriageway must be maintained and protected in accordance with AS4970 Tree Protection on Development site. A level AQ5 qualified Arborist is to be engaged to oversee the driveways works adjoining the tree including the implementation of appropriate construction methodology.

Reason: To ensure that tree(s), including street trees, are protected from damage during construction.

27. All Works to Be Confined to the Site

All demolition, excavation, backfilling, construction and other activities associated with the development must:-

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

Reason: To ensure that all development activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired.

28. Demolition Works

The demolition of the existing building must be carried out in accordance with the:

- a) requirements of the SafeWork Authority of New South Wales,
- b) *NSW Work Health and Safety Act 2011*, and
- c) *Australian Standard AS 2601-2001: The Demolition of Structures*.

Reason: To ensure compliance with SafeWork and occupational health and safety requirements.

29. Construction Waste Management

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Reason: To ensure adequate waste management practices are in place during the construction phase.

30. Protection of Adjoining Structures

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of SafeWork.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

31. Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of SafeWork.

Reason: To ensure excavation does not impact on adjoining property and compliance with SafeWork requirements.

32. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

33. Works Sites to Be Fenced

A fence must be erected between the development site and public places before commencement of any other work.

Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.

34. Protection of Works on Public Roads

Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with QPRC's Design and Construction Specifications.

Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.

Reason: To ensure an adequate level of public safety and convenience during construction.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE

35. Occupation Certificate

The occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

Reason: Development is safe & appropriate for occupation and is completed in accordance with the consent.

36. Stormwater Disposal Requirements

All stormwater from the site must be trapped and piped to the street gutter/stormwater pit/other via an on-site detention system to limit the discharge from the site to the pre-development rate in accordance with QPRC's D5 Stormwater Drainage Design Specification.

Reason: To provide satisfactory stormwater disposal.

37. Car Parking to Comply With AS2890

All car parks must comply with AS2890 - 2004 Parking Facilities except for car parks for adaptable units which must comply with AS4299 - 1995 Adaptable Housing.

Pavement line marking with bay dimensions to comply with AS 2890.1, must be shown within the car parking areas to delineate parking bays, including signage for the accessible parking bay/s.

Reason: To provide adequate off-street car parking.

38. Line Marking of Right of Way

Prior to the issue of an Occupation Certificate the Right of Way area delineated upon the approved Site Plan, A100, Rev 4, prepared by Building Design Direct is to be clearly demarcated upon site by way of line marking.

Reason: To ensure the reconfigured yard arrangement does not compromise vehicular movements.

39. Driveway Requirements

The development must include the construction of a commercial type driveway over Council's footway at the location shown on the approved plans. The driveway must be:

- a) Constructed by a Council approved contractor, at no cost to the Council.
- b) Constructed using plain concrete.
- c) At minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area.
- d) In accordance with QPRC's D13 Vehicular Access Design Specification.
- e) Gradients of industrial and commercial driveways shall satisfy the requirements of AS2890.2 - *Commercial vehicle facilities*.

Reason: To ensure the construction of the driveway on public lands meets Council's requirements.

40. Driveway Application Form

A driveway application form must be submitted to and approved by Council prior to commencement of driveway works and construction of the driveway across Council's footway area must be undertaken by a Council approved contractor, at no cost to the Council.

Reason: To ensure the construction of the driveway on public land meets Council's requirements.

41. Driveway Location from Water Meter

The driveway within the property must maintain a clearance not less than half a metre from the water service or the water service must be relocated by Council at no cost to Council.

Reason: To ensure such service is not damaged by vehicle movements.

42. Erosion and Sediment Control

Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

43. Repair damaged public property

All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.

Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition.

44. Fire Safety Certificate

Prior to obtaining the final occupation certificate, provide the final fire safety certificate to Queanbeyan-Palerang Regional Council (and to the principal certifying authority if not Queanbeyan-Palerang Regional Council). A final fire safety certificate is a certificate issued by or on behalf of the owner of the premises to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

Note: The assessment of essential fire safety measures must have been carried out within the period of 3 months prior to the date on which a final fire safety certificate is issued

As soon as practicable after the final fire safety certificate is issued, the owner of the building to which it relates:

- a) must provide a copy of the certificate (together with a copy of the current fire safety schedule) to the Fire Commissioner, and
- b) must display a copy of the certificate (together with a copy of the current fire safety schedule) prominently displayed in the building.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.

45. Submit Annual Fire Safety Statement

Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.

46. All Surfaces to Be Concrete or Bitumen Sealed or Asphalt

All parking spaces, loading bays, driveways and turning aisles must be concrete or bitumen sealed or asphalt, with all parking spaces line marked.

Reason: To ensure car parking spaces are functional prior to use of the premises.

47. Work In Accordance with Engineering Specifications

All construction and restoration work must be carried out strictly in accordance with the approved drawings and QPRC's *Design and Construction Specifications*.

Reason: To ensure construction and restoration work is in accordance with Council's requirements.

48. Submission of Traffic Control Devices Plan

A Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee prior to the installation of any traffic control devices. It must include line-marking and sign-posting.

Reason: To authorise traffic control devices.

49. Consolidation of Lots

Consolidate Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, by a plan of consolidation into a single allotment. Provide proof of registration of this consolidation, with the NSW Land and Property Information, to Queanbeyan-Palerang Regional Council prior to the issuing of any occupation certificate.

Reason: To ensure the proposed structures are not constructed across lot boundaries.

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES

50. Maintain Car Parking Areas and Driveway Seals

All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition, including line/pavement marking.

Reason: To ensure car park areas are useable.

51. Vehicle and Goods Storage Confined to the Site

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.

52. Goods Storage

At no time are goods to be stored upon the Right of Way area delineated upon the approved Site Plan, A100, Rev 4, prepared by Building Design Direct.

Reason: To ensure the reconfigured yard arrangement does not compromise vehicular movements.

53. Vehicle Manoeuvring

All vehicles are to enter and exit the site in a forward direction.

Reason: To ensure for safe vehicle manoeuvrability upon the site.

54. Hazardous and Toxic Materials Storage

Hazardous and toxic material must be stored in accordance with NSW WorkCover Authority requirements.

Reason: To minimise threats to the environment from hazardous and toxic materials.

55. Flammable Liquids Storage and Handling

The storage and handling of flammable and combustible liquids must be in accordance with:

- a) Australian Standard 1940-2004 "The Storage and Handling of Flammable and Combustible Liquids", and
- b) The NSW WorkCover Authority's Code of Practice for Storage and Handling of Dangerous Goods, and
- c) Work Health and Safety Regulation 2011.

Reason: To minimise threats to the environment from flammable and combustible liquids and to advise of relevant standards.

56. Surface Water

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

Reason: Stormwater disposal does not impact on the building or neighbouring properties.

57. Essential Fire Safety

The owner of the building must maintain each essential fire safety measure in the building premises to a standard no less than that specified in the schedule.

Reason: To ensure compliance with Environmental Planning and Assessment Regulation 2000.

58. Hours of Operation for Works

The hours of operations of the premise are to be limited as follows:

Weekdays: 7:00am to 6:00pm
Saturdays: 8:00am to 4:00pm
Sundays: NIL

Reason: To ensure the compatibility of the development with surrounding land uses.