



# **Ordinary Meeting of Council**

**26 October 2022**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEM 9.3**

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

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Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street,  
Braidwood

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 OCTOBER 2022

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| ITEM 9.3     | REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT<br>SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF<br>COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION<br>HOTEL - 119 WALLACE STREET, BRAIDWOOD |
| ATTACHMENT 1 | REV.2022.1001 - SECTION 4.15 ASSESSMENT MATTERS FOR<br>CONSIDERATION - THE ALBION - 119 WALLACE<br>STREET, BRAIDWOOD  |



## REV.2022.1001 – SECTION 4.15 ASSESSMENT REPORT

### EXECUTIVE SUMMARY

The application is made as a review of determination under section 8.2 of the Environmental Planning and Assessment Act. It seeks development consent for the subdivision of land to create two Torrens title lots resulting in the demolition of two existing sheds and garage structure. Minor additional work proposed includes replacing the stables building roof, concrete treatment to the flooring and improvements to the stables brickwork, internal plumbing connection to the stable building to reinstate previous fit out for sink connection and installation of bathroom, minor timber deck and slab extension to the stables and extension to the roof of the existing brick store.

The subdivision seeks to create two lots with proposed Lot 1 at 1831m<sup>2</sup> and proposed Lot 2 at 1152m<sup>2</sup>. Lot 1 is proposed to retain the Albion Hotel building situated on the corner of Wallace and Duncan Streets, and a two-storey brick building comprising of shops, offices, and dwellings. Proposed Lot 2 has a frontage towards Duncan Street.

The existing hotel, shop and stables on the subject site are listed on the NSW State Heritage Register as Heritage item 00304. The subject site is also located within the state listed Braidwood and its setting heritage conservation area.

The proposal was notified for a period of 28 days from 27 May 2022 to 24 June 2022 in accordance with the Queanbeyan-Palerang Regional Council Community Engagement and Participation Plan. Four (4) submissions were received during the notification period. The submissions raised concerns with the potential impacts on built heritage from the demolition of structures, issues with stormwater management and concerns around the future use of the proposed vacant lot.

Principal issues related to the development include the impact of the proposed subdivision on structures associated with the sites' heritage listing and the objection to the proposal by Council's Heritage Advisor.

The review application has been made for Integrated Development. Given approval under the *Heritage Act 1977* has been issued the effect of s4.48 of the Environmental Planning and Assessment Act is that Council is not able to refuse the application on heritage grounds.

As a result, the application is recommended for approval subject to the imposition of the recommended conditions of consent.

### BACKGROUND

A summary of all relevant structures located on the site and their history is provided below:

#### Hotel

The existing hotel structure on the subject site currently operates as a café though Council records indicate that the structure has previously been utilised as a dwelling from the 1930s to 1980s and prior to that a hotel in varying forms has existed upon the site since the 1840s.

#### Shops

The two storey terrace shops located to the south of the site were constructed in the 1920s and contain three commercial tenancies.

#### Stables

The existing stable structure upon proposed Lot 1 previously operated as the offices for the Braidwood Times newspaper. The building is currently vacant and the internal fit out removed.

#### **Other**

Historical records indicate that the existing level area upon proposed Lot 12 form the previous foundations of a historical indoor skating rink that was subsequently adapted into a garage structure for patrons of the hotel. This structure was subsequently demolished.

#### **Heritage Listing**

The subject site contains the following State heritage listing:

#### **Excerpt of Heritage Listing from Heritage NSW:**

*Hotel (c. 1872, on at least the foundations of a c. 1855-58 former hotel)*

*The Historical Archaeological Assessment (HAA) prepared by GML provides details and a historical sketch of a c. 1855-58 single-storey hotel, the "Cottage of Content" located on the footprint of the existing two-storey hotel. Judging by the location, form and placement of doors and fenestration along the facade of the c. 1855-58 hotel, it is likely that the existing c. 1872 hotel was built above, or at least on the foundations of the earlier hotel. Therefore, part of the Albion Hotel would date to c. 1855-58 (Heritage Council report, 7.8.2019).*

*Two-storey rendered brickwork hotel with two-storey timber veranda facing Wallace Street, Braidwood's main street, and Duncan Street, a side street. The corner splay parapet is decorated in stucco with urns, volutes and 'ALBION HOTEL'. The external masonry is otherwise undecorated. The two-storied veranda appears to be a partial reconstruction. The columns and beams are stop chamfered in a traditional Victorian manner. The balustrading is also timber in an 'X' pattern. The chimney and many openings appear to be original. The interior contains original mantelpieces and timber architraves (SOHI, 2015, 1).*

*The ground floor has an operating cafe and lawyer's office. The first floor has three residential flats. A fourth residential flat is on the ground floor behind the street front. The hotel roof is corrugated metal (ibid, 2015, 1).*

*Shops (c. 1920s)*

*Three brick shops of two storeys face Wallace Street to the main hotel's south. These are in Federation style and are linked to the hotel by a first-floor timber walkway. These shops are typical of c. 1920 construction. The shopfronts are original to this period. They have single-storey verandas of timber framing on concrete bases and fibre cement valences. Inside, the shops retain some pressed metal ceilings, cornices and rendered brick wall surfaces. The first floor above the shops has two residential flats (ibid, 2015, 1).*

*Terrace (c. 1920s)*

*The terrace is a typical c. 1920 Federation style and is linked to the hotel by a first-floor timber walkway (ibid, 2019).*

*Outbuildings:*

*There are existing outbuildings on site. Later outbuildings are present which date after 1929 (the exact date of each outbuilding is unknown). It is not clear whether any relate to the early 1846-1872 development phase of the site (ibid, 2019).*

*Stables (c. 1855-58)*

*A sandstock brick stables with gabled hay loft faces the side Duncan Street boundary. It was constructed on a rubble granite base. The softer bricks have deteriorated somewhat. The windows and doors appear to be original. Windows have flat arch brickwork with bricks rubbed to fit. The roof is corrugated steel (ibid, 2015).*

*The stables with gabled hay loft and tin metal roof is located to the east of the main hotel. The HAA provides early town plans of the area showing that an identical size structure was located on the footprint of the extant shed by 1859. Therefore, it is highly likely that the stables were built close to or at the same time as the c.1855-58 'Cottage of Content' (ibid, 2019).*

*Shed:*

*A corrugated steel shed clad in characteristic short lengths was constructed in the rear of the hotel, possibly around the turn of the twentieth century. The door has a sculpted sandstone threshold, evidently reused from another project.*

#### **Recent DA history:**

**DA.2018.060** – Three lot subdivision – Refused (Heritage NSW refused to issue General Terms of Approval).

**DA.2015.138** – Alterations (renovations) to existing commercial premises (Albion Hotel) – Approved.

**DA.2021.1240** – Two lot subdivision – refused.

#### **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 1 DP 598830 and is commonly known as 119 Wallace Street, Braidwood. The site is located on the eastern side of Wallace Street and the southern side of Duncan Street and has an area of 2983m<sup>2</sup>.

The site is relatively flat. And contains minimal existing vegetation, except for two large trees on the southern side of the allotment. No vegetation is proposed to be removed.

Existing development on the site comprises of the Albion Hotel building on the corner of Duncan and Wallace Streets. There is a brick building facing Wallace Street that contains shops, offices and dwellings.

There is also a single storey stone stables, small brick store and an open shed structure ('garages'). Vehicular access is provided to the site via an existing driveway from Duncan Street.

Existing development within the locality consists of a mixture of uses predominantly office, retail, and low-density residential premises.



**Figure 1: Subject Site and Locality**



## PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the subdivision of land to create two Torrens title allotments and the demolition of two existing sheds located on the subject site.

- Subdivision of an existing 2983m<sup>2</sup> Torrens' title lot into two Torrens title lots:
  - Proposed Lot 1 at 1831m<sup>2</sup> (fronting Wallace and Duncan Street) and comprising of the existing Albion Hotel building and shops/offices,
  - Proposed Lot 2 1152m<sup>2</sup> (fronting Duncan Street)
- The demolition of two existing sheds (T-Shaped sheds) in the centre of the site and garage at the rear of proposed Lot 2,
- Minor ancillary works as approved by Heritage NSW.

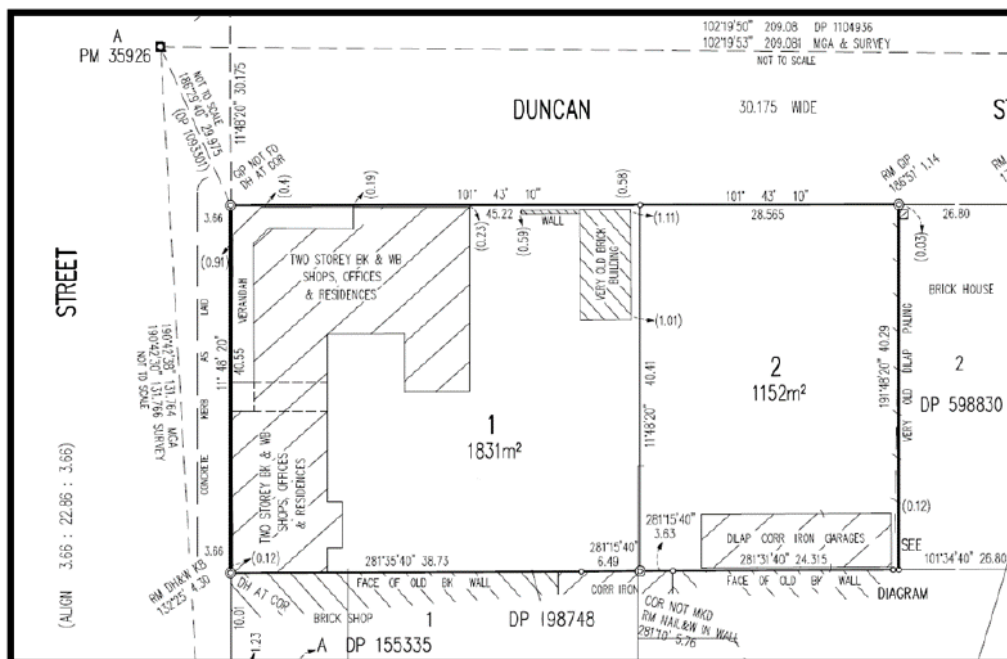


Figure 2: Proposed Subdivision Layout

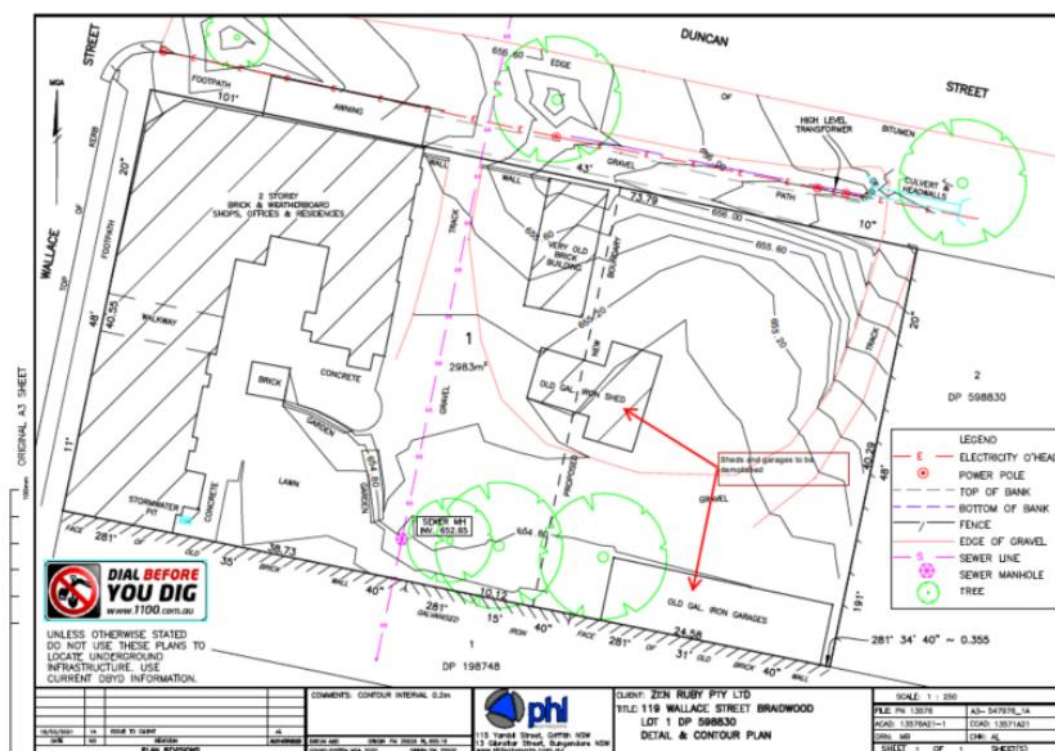


Figure 3: Survey Plan showing proposed subdivision boundary (black) and existing buildings to be demolished labelled.

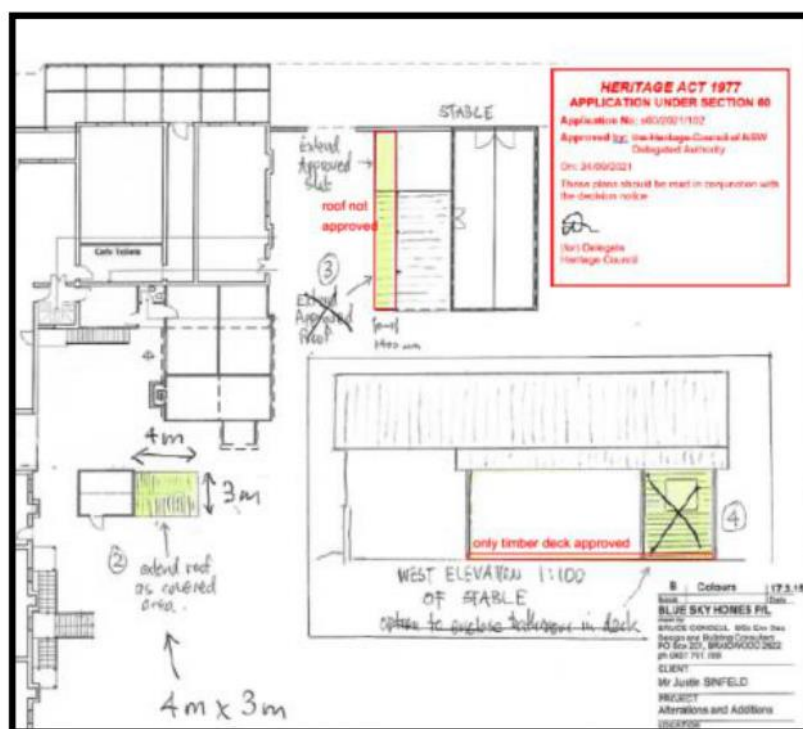


Figure 4: Proposed works – roof to brick store, timber deck and slab to stables



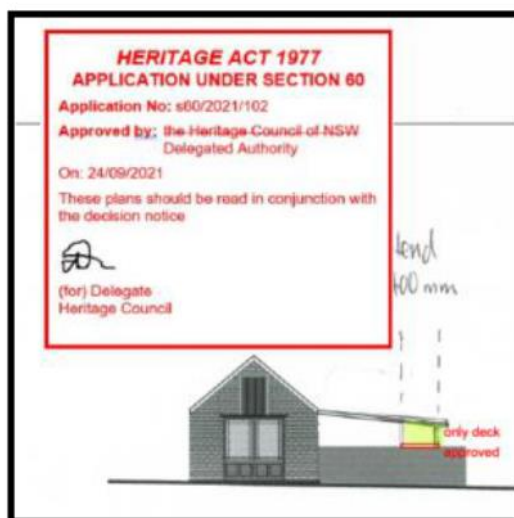


Figure 5: Proposed works –timber deck to stables

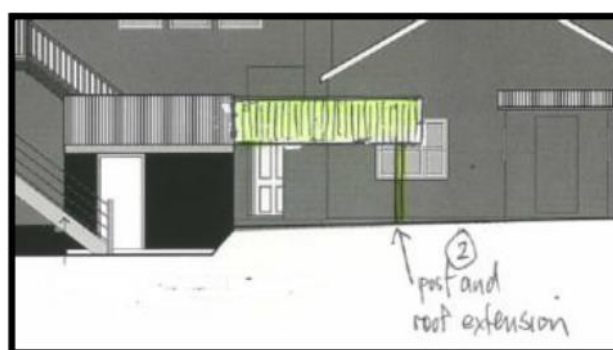


Figure 6: Proposed works – roof extension to brick store

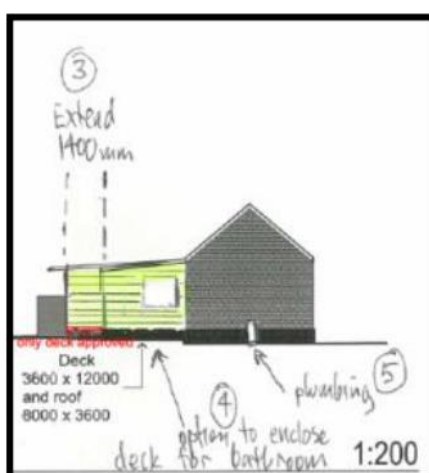
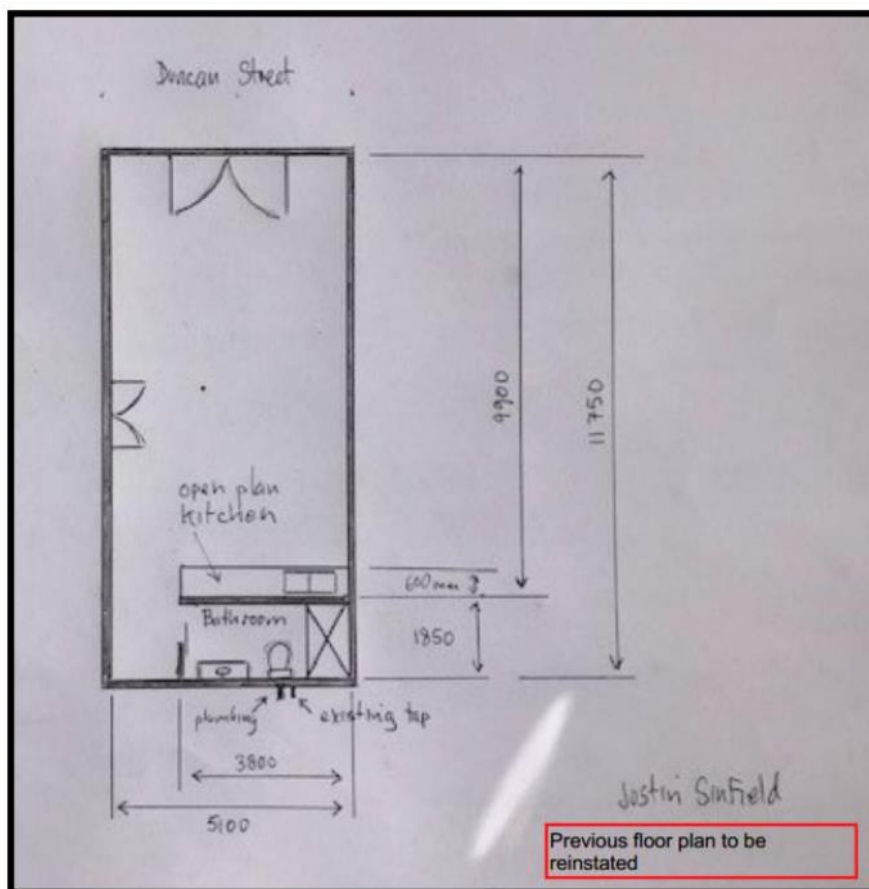


Figure 7: Proposed works - timber deck and existing plumbing



**Figure 8 – Stables internal floor plan to be reinstated**

#### **CONSENT AUTHORITY**

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered local development and Council is the Consent Authority.

#### **SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979**

The proposal is not designated development.

#### **SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979**

The review of determination has been made under section 8.2 of the *Environmental Planning and Assessment Act 1979*. The application has been properly made and the Applicant has demonstrated that the application as made is substantially the same development as originally considered in DA.2021.1240.

The Applicant has confirmed the application has been modified to include consent for demolition and minor works already approved by Heritage NSW as part of this application, which is available to the Applicant under section 8.3(3) of the Act.

The Applicant has also modified the application to follow the Integrated Development assessment path.

Council is required to process a review of determination application in the same way as the original DA, unless where modified by the Applicant. The application is now for Integrated Development so Council referred it to Heritage NSW for their consideration. Heritage NSW confirmed that Section 60 Approval has been issued for the proposed works included in this application.

**Section 60 Approval** – reference: **s60/2021/102** (issue date: 24 September 2021) includes the removal of the T-Shaped sheds in the middle of the lot to which the subdivision boundary line relates.

**Section 60 Approval** – reference: **s60/2020/260** (issue date: 18 November 2020) includes the subdivision layout to create two Torrens title lots (subsequently refused by Council DA.2021.1240).

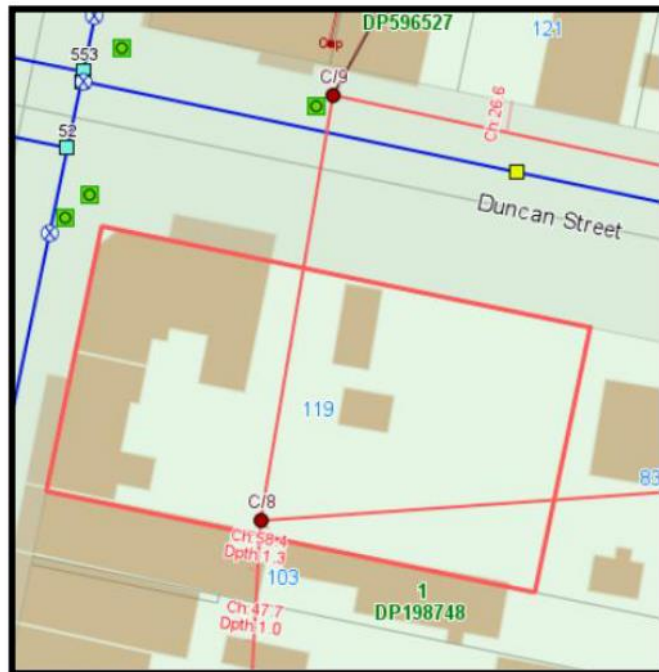
A copy of each Section 60 Approvals are attached to the Council report.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.



**Figure 9 – sewer line location**

The proposed works are clear of the sewer line that traverses the site. A condition has been imposed that easements be created over the sewer infrastructure when the new lots are created.

#### Building Officer Comments

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

### **Environmental Health**

Council's Environmental Health Officer has assessed the proposal against the 'net or beneficial effect' guidelines of Water NSW and confirms the proposed subdivision is able to have a net or neutral beneficial effect.

Council's Environmental Health Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

### **EXTERNAL ADVICE**

#### **Heritage Advisor**

Council's Heritage Advisor opposed the proposed demolition of the existing structures (T-Shaped Sheds and garages) on the site. A detailed copy of the Heritage Advisor's comments is provided in the report to Council.

#### **Legal Advice**

Given Heritage NSW have approved the subdivision including demolition and minor works as listed, Council sought advice from BAL Solicitors on the application of Section 4.48 of the Environmental Planning and Assessment Act 1997 and its ability to decide this determination as now sought.

Section 4.48 applies to development that is "*integrated development for which a heritage approval is required*". The development the subject of the application meets this description.

Integrated development is development that requires development consent and one or more additional approvals. In this case, the development requires an approval under s 58 of the *Heritage Act 1977* for the doing or carrying out of an act, matter or thing referred to in s 57(1) of that Act. In lodging the review application REV.2022.1001, the proponent has amended the application to nominate the development as "integrated development".

Council is reminded that the Review of Development application now presented varies from the development application DA.2021.1240 previously refused. DA.2021.1240 was lodged as a Local Development and did not seek approval for integrated development. Council was not constrained by Section 4.48 in its consideration of that previous development application.

BAL Solicitors advise that;

*The Council is precluded from refusing the application on 'heritage grounds' under s.4.48 of the EPA Act. In our view this includes any heritage related considerations arising from the inclusion of the item in schedule 5 of the Palerang Local Environmental Plan 2014 (PLEP 2014).*

*If the Council were to refuse the application on heritage grounds the proponent may seek review of the merits of that decision in Class 1 Land and Environment Court Proceedings or challenge the validity of the decision in Class 4 judicial review proceedings in the Land and Environment Court.*

BAL's advice is provided to Councillors as a confidential attachment to the Council report.

### **CONSIDERATION OF THREATENED SPECIES**

Council is required under Section 4.15 of the *Environmental Planning and Assessment Act 1979* to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'seven-part test' described in the Section.

The subject site is highly urbanised and contains no significant native vegetation. As such, the proposed development is considered unlikely to result in any significant or adverse impacts to any threatened flora or fauna community.

#### **SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979**

The subject site is not bushfire prone.

#### **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

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 (RESILIENCE AND HAZARDS) 2021**

Chapter 3 Hazardous & Offensive development: This SEPP requires consideration to be given to potential contamination on site in recognition of the existing historical structures.

Conditions have been suggested to manage the potential impact of contaminants including asbestos through the demolition process.

#### **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021**

Chapter 2 Infrastructure: This SEPP 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 fronts Wallace Street which is a classified road. Access to the site is via Duncan Street. Conditions have been imposed regarding driveway construction to each proposed lot and traffic management during demolition works.

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

#### **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021**

Chapter 2 – Vegetation in non-rural areas: The proposal does not require the removal of any native vegetation. The site is heavily disturbed and there is no native vegetation present on the property.

Chapter 8 – Sydney Drinking Water Catchment: 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. Appropriate soil and erosion controls will be sought through conditions.



### PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,	Yes
(b)	to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,	Yes
(c)	to retain, protect and encourage sustainable primary industry and commerce,	Yes
(d)	to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,	Yes
(e)	to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,	N/A
(f)	to identify, protect and provide areas used for community health and recreational activities,	N/A
(g)	to ensure that innovative environmental design is encouraged in residential development.	N/A

### Permissibility

The subject site is included partly in the B2 Local Centre zone and partly in the B4 Mixed Use zone under Palerang Local Environmental Plan 2014.

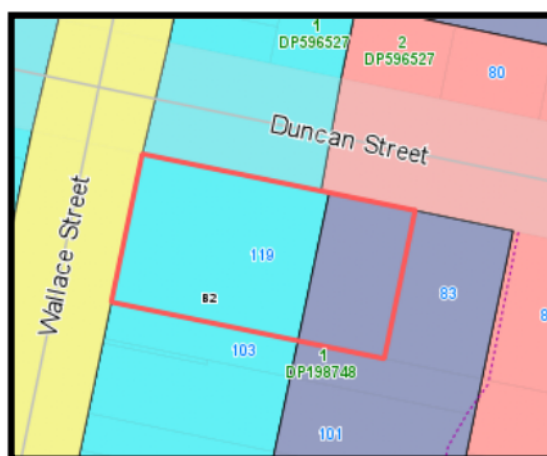


Figure 10 – B2 and B4 zones

Development for the purposes of subdivision as proposed is permissible with consent under Clause 2.6 of the PLEP 2014. Demolition is able to be approved under Clause 2.7. Minor ancillary works as proposed are associated with the existing approved uses of the site.

### Zone Objectives B2 Local Centre Zone

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.	<b>Yes</b>
➤ To ensure that new development has regard to the character and amenity of the locality.	<b>Yes</b>
➤ To strengthen the viability of Palerang's existing business centres as places for investment, employment and cultural activity.	<b>Yes</b>
➤ To support business development by providing parking and other civic facilities.	

**Comment:** The proposal principally seeks to create two vacant lots in a central location of Braidwood. Future uses will be required to demonstrate compliance with the zone objectives. There is no conflict with this proposal and the zone objectives.

#### Zone Objectives B4 Mixed Use Zone

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

<b>Objectives</b>	<b>Complies</b>
➤ To provide a mixture of compatible land uses.	<b>Yes</b>
➤ 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.	<b>Yes</b>
➤ To ensure that new development has regard to the character and amenity of the locality.	<b>Yes</b>
➤ To strengthen the viability of Palerang's existing business centres as places for investment, employment and cultural activity.	<b>Yes</b>
➤ To support business development by providing parking and other civic facilities.	<b>Yes</b>

**Comment:** The proposal principally seeks to create two vacant lots in a central location of Braidwood. Future uses will be required to demonstrate compliance with the zone objectives. There is no conflict with this proposal and the zone objectives.

#### 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.

##### Minimum subdivision lot size

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.1</b>	<i>Minimum subdivision lot size</i>	850m <sup>2</sup>	1831 m <sup>2</sup> Lot 1 1152m <sup>2</sup> Lot 2	<b>Yes</b>

#### 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 is located within the C1- Braidwood Heritage Conservation Area and also contains an individually listed State heritage item.

Council's Heritage Advisor opposes the proposal with the key issue relating to the demolition of the existing T-Shaped Sheds located in the middle of the lot.

It is considered that the proposed development will have an impact on the heritage value of the site. However, Heritage NSW has issued Section 60 Approval for both the subdivision layout and demolition of the T-Shaped Sheds and garages.

Pursuant to clause 4.48 of the Act, Council is unable to refuse the application on heritage grounds. A copy of the Heritage Advisor's referral is provided in the report to Council.

It is suggested that materials from the structures to be demolished as a consequence of the subdivision can be salvaged and reused if possible. A condition to this affect could be included in the consent.

#### **Part 6: Local Provisions**

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

##### **6.1 Earthworks**

Clause 6.1 of the PLEP 2014 establishes several matters requiring consideration for development involving earthworks. The subject land is relatively flat and the proposal involves minimal earthworks.

##### **6.4 Drinking Water Catchments**

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. A NorBE assessment was undertaken. The proposal is not anticipated to have any negative impact on the Sydney Drinking Water Catchment and will be connected to the reticulated water and sewer supply.

##### **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.

Infrastructure is available to the site and is able to be extended to each lot as required through conditions. The proposal is able to be supported by Council's Engineer.

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

The draft comprehensive *Queanbeyan-Palerang Local Environmental Plan 2020* is relevant to the proposed development. The draft LEP does not present any changes to permissibility or development standards that would result in any material changes to the proposal. Nor does the proposal rely on the draft instrument for permissibility.

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

<b>BRAIDWOOD DEVELOPMENT CONTROL PLAN</b>	
<b>Section</b>	<b>Assessment</b>
<b>Part Two – Section 4. Precincts</b>	<b>Precinct 1A – Wallace Street Commercial Area</b>

#### 4.1 Precinct 1a – WALLACE STREET COMMERCIAL AREA

The commercial area is located in the central and northern part of Wallace Street and to a small extent on adjacent cross roads as shown below.



Figure 2 Wallace St Commercial Area (shown hatched)

The subject site is located in Precinct 1A 'Wallace Street Commercial Area' of Braidwood. The site is listed as containing a State heritage item (s) and is located within the Braidwood Heritage Conservation Area.

#### Objectives

- (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 buildings; and
- (c) to encourage the location of retailing, office space, and other commercial enterprises which service local and regional needs.

The proposed subdivision will result in the demolition of sheds and garage associated with the Albion Hotel. Some items of contributory heritage value will not be preserved as a consequence of the proposed development.

The T shape sheds are a conjoined (T-shaped) pair of single-storey, timber-framed and gable roofed buildings clad in short-length corrugated metal sheeting (rusted in parts) situated immediately south of the stables. Three single-leaf timber doors and used for storage. Likely early 20th century in origin. The Heritage Impact Statement (Baseline Historical Archaeological Assessment by GML Heritage) indicates these buildings are not significant from a heritage perspective.

The garages are detached, low-slung, timber-framed structures, clad in short-length corrugated metal sheeting (rusted) are located along the rear boundary brick wall in the south-east corner of the site. They are divided into six small bays and are in very poor condition. Likely early 20th century in origin. The Heritage Impact Statement (Baseline Historical Archaeological Assessment by GML Heritage) indicates these buildings are not significant from a heritage perspective.

Approval has been granted by Heritage NSW that specifically permits demolition of these structures.

BAL Lawyers advise that, according to the explanation of the bill that introduced s.4.48, the purpose of s.4.48 was to *remove* the ability of a council to refuse a development on *heritage grounds when it has been rigorously*

	<p><i>assessed and approved by the Heritage Council, because it is logical that the states prime heritage body...should have a primary role in assessing the heritage impact of a development.</i> This reflects the hierarchy in heritage listings, with items on the State Heritage Register being of broader heritage significance than items listed on the Local register.</p> <p>The prime historical structures being the Albion Hotel and adjoining building will remain.</p> <p><b>Land use Preferred land uses:</b></p> <ul style="list-style-type: none"> <li>• shops</li> <li>• offices</li> <li>• hotels</li> <li>• cafes and restaurants</li> <li>• community hall</li> <li>• galleries</li> <li>• other compatible commercial development</li> </ul> <p><b>Other possible land uses:</b></p> <ul style="list-style-type: none"> <li>• dwellings and multi-unit housing (whether attached or not) associated with a preferred land use</li> <li>• cottage industries associated with existing dwellings</li> </ul> <p><b>New development</b> New development shall:</p> <ul style="list-style-type: none"> <li>• be no higher than the maximum height of the adjacent building;</li> <li>• not obscure significant views of adjacent buildings;</li> <li>• be sympathetic to and consistent with the historic built form evident in the main street;</li> <li>• not be visually dominant in the streetscape; and</li> <li>• have direct access from the main street, i.e. a doorway opening onto the main street.</li> </ul> <p>The proposal is principally for the subdivision land. No new development is proposed. Any future uses on the proposed lots will be required to comply with relevant provisions of the local environmental plan in place when any application is made.</p>
<b>Part Four: Other Provisions</b>	<p>A majority of the general provisions contained within Part four Section 7 of the Braidwood DCP relate to buildings. Requirements for vehicular access are contained within the Development Engineer's referrals and will be required pursuant standard conditions of consent.</p>
<b>Part Eight – Heritage Listed Items</b>	<p><b>Section 8.3 – Demolition</b></p> <p>The demolition or partial demolition of a heritage listed item is classified as Integrated Development under section 91 of the Act and also requires the consent of the NSW Heritage Council.</p> <p>Heritage NSW has issued a Section 60 Approval for the demolition of the T-Shaped Sheds and garage located on the subject land.</p>
<b>Part Five: Subdivisions</b>	<p><b>Control</b></p> <ul style="list-style-type: none"> <li>• Subdivision shall not alter Braidwood's historic town plan, block and lot boundaries, roads, or lanes.</li> </ul> <p>The proposed layout of each lot will not alter the historic town plan and grid pattern layout. It is consistent with the historic development pattern.</p>



	<ul style="list-style-type: none"> <li>New lot boundaries within the town shall be parallel with or at right angles to the historic grid.</li> </ul> <p>The proposed lot layout is consistent with this requirement.</p> <ul style="list-style-type: none"> <li>New subdivision must not facilitate development which may block views from the town to the surrounding countryside.</li> </ul> <p>The proposed lot layout is not inconsistent with this requirement. Future applications for buildings will be subject to further assessment against the relevant provisions of this DCP.</p> <ul style="list-style-type: none"> <li>The consent authority must be satisfied that the built forms that would be likely to arise from approval of a subdivision application will not have any detrimental impact on the town's heritage significance, or on the traditional patterns and rhythms of its streetscapes or roofscapes.</li> </ul> <p>The lot layout is not likely to allow development that is inconsistent with the heritage significance of Braidwood.</p> <ul style="list-style-type: none"> <li>Subdivision shall not result in the creation of 'stacked battleaxes' or adjacent groups of battleaxe driveways, the building of structures across historic property boundaries or otherwise be considered likely to encourage non-traditional forms such as cluster housing</li> </ul> <p>No battle axe allotment are proposed. Not applicable.</p> <ul style="list-style-type: none"> <li>Subdivision shall comply with the setback requirements in this DCP.</li> </ul> <p>Noted. No building envelope required. Future development subject to an assessment of relevant setback requirements.</p> <ul style="list-style-type: none"> <li>The minimum lot size as set out in the LEP is not to be taken as a standard for all lots within a subdivision. It is likely that larger lots may be necessary to meet the character provisions in this DCP.</li> </ul> <p>The proposed lots exceed the 850m<sup>2</sup> minimum lot size.</p>
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#### **4.15(1)(a)(iiia) 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 these 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 suggested 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***

The proposal will have minimal environmental and social impacts. The demolition of contributory heritage buildings will be a consequence of this proposal. However, the Heritage Impact Assessment by GML Heritage confirms the buildings are not significant. Heritage NSW, the relevant state authority has also issued Section 60 Approval for this element of the DA.

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

The subject site is relatively unconstrained and is considered 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 the QPRC Community Engagement and Participation Plan from 27 May 2022 to 24 June 2022 with four (4) submissions received arguing the proposal is not in the public interest and raising concerns with the proposed demolition and heritage impacts.

**1) *The proposed development is considered to have an unacceptable impact on the public interest.***

*Comment:*

The 'public interest' is a specific test at law and can be considered 'something of serious concern to the public at large or a significant section of the public, such as a disadvantaged or marginalised group. For something to be of 'public interest' it must amount to more than a private right or individual interest. Also, it must amount to more than something merely 'of interest to the public'

The proposal complies with all statutory controls in the Palerang Local Environmental Plan, relevant State Environmental Planning Policies and the relevant Development Control Plan.

The proposed development therefore sufficiently demonstrates it is in the public interest despite the issue being raised by one individual submitter. There are no grounds for refusal based on public interest.

**2) *The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.***

*Comment:* Four (4) submitters raised issues with the consequential demolition of the T-Shaped Sheds and garage that would result from the approval of the proposed subdivision. Despite this Heritage NSW has issued a Section 60 Approval for the demolition of these structures and Council is unable to refuse the application on heritage grounds based on Section 4.48 of the EP&A Act 1979.

The concerns of the four (4) submitters on the impact to the contributory heritage listing is acknowledged however given the s60 approval and Council's inability to refuse the application on heritage grounds, it is recommended that the application be approved.

BAL Lawyers confirm there is a hierarchy in heritage listings, with items on the State Heritage Register being of broader heritage significance than items listed on the Local register. Further, that the State Heritage Council, in determining whether to issue a heritage approval under s 57, is required to consider impacts on local heritage including *the extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage*. "Environmental heritage" is defined in the Heritage Act as *those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance*.

Council officers see no conflict with the hierarchy of listing with the State Heritage Register prevailing. Given the State has issued approval for demolition, Council officers recommend Council support this proposal for subdivision including demolition and ancillary works.

Council can seek that the materials be salvaged and repurposes as a condition of consent.

### **3) Additional proposed building work.**

As discussed above an applicant for a review of determination can modify their proposal. The Applicant confirmed all works approved by Heritage NSW are to be considered in this assessment.

#### **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. The contributions will be calculated at the date of determination.

### **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 applicable to the proposed development and will be calculated at the date of determination.

### **CONCLUSION**

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered satisfactory for approval subject to the recommended conditions of consent.

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

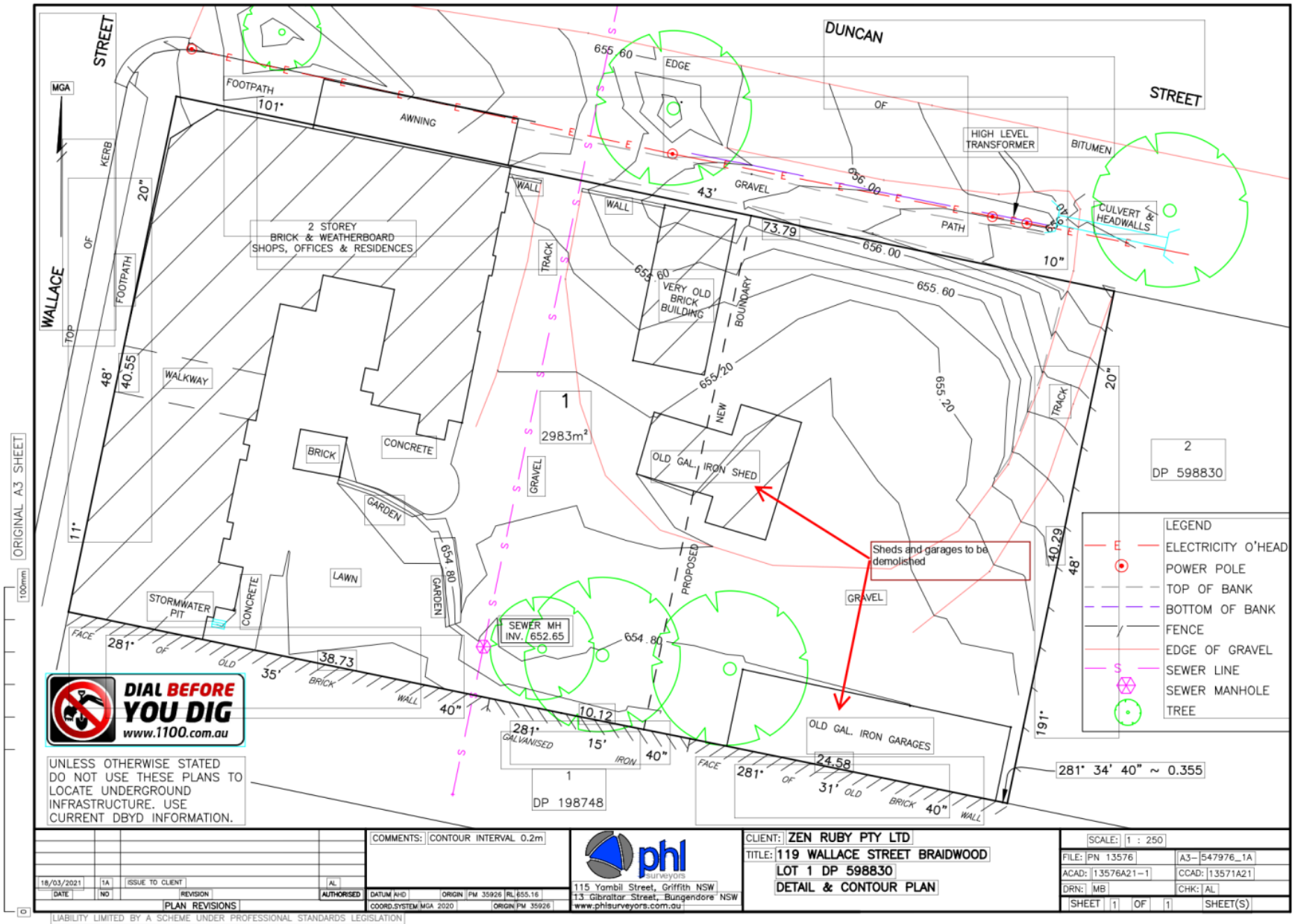
**26 OCTOBER 2022**

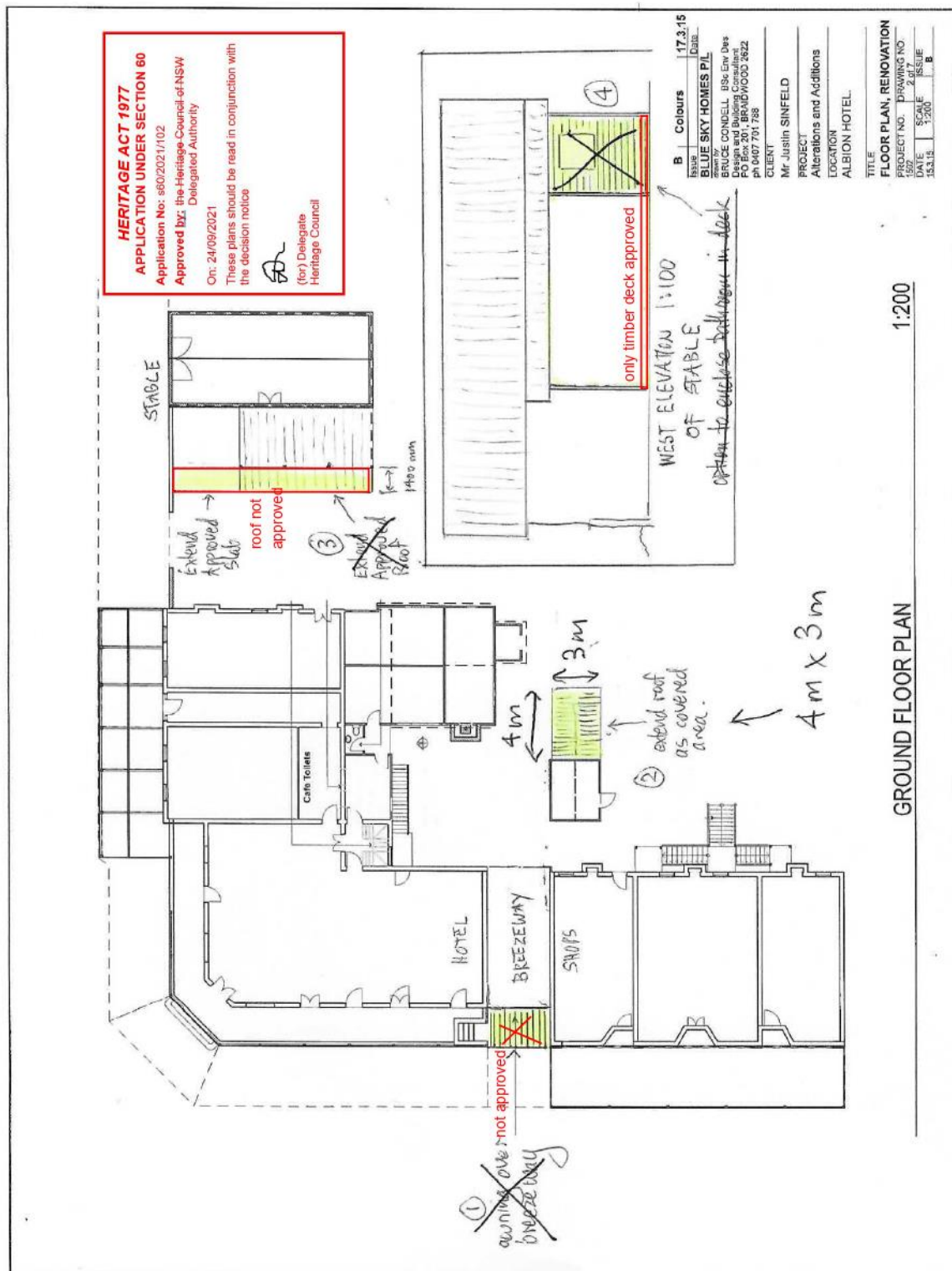
ITEM 9.3              REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT  
SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF  
COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION  
HOTEL - 119 WALLACE STREET, BRAIDWOOD

ATTACHMENT 2      REV.2022.1001 - PLANS - THE ALBION - 119 WALLACE  
STREET, BRAIDWOOD

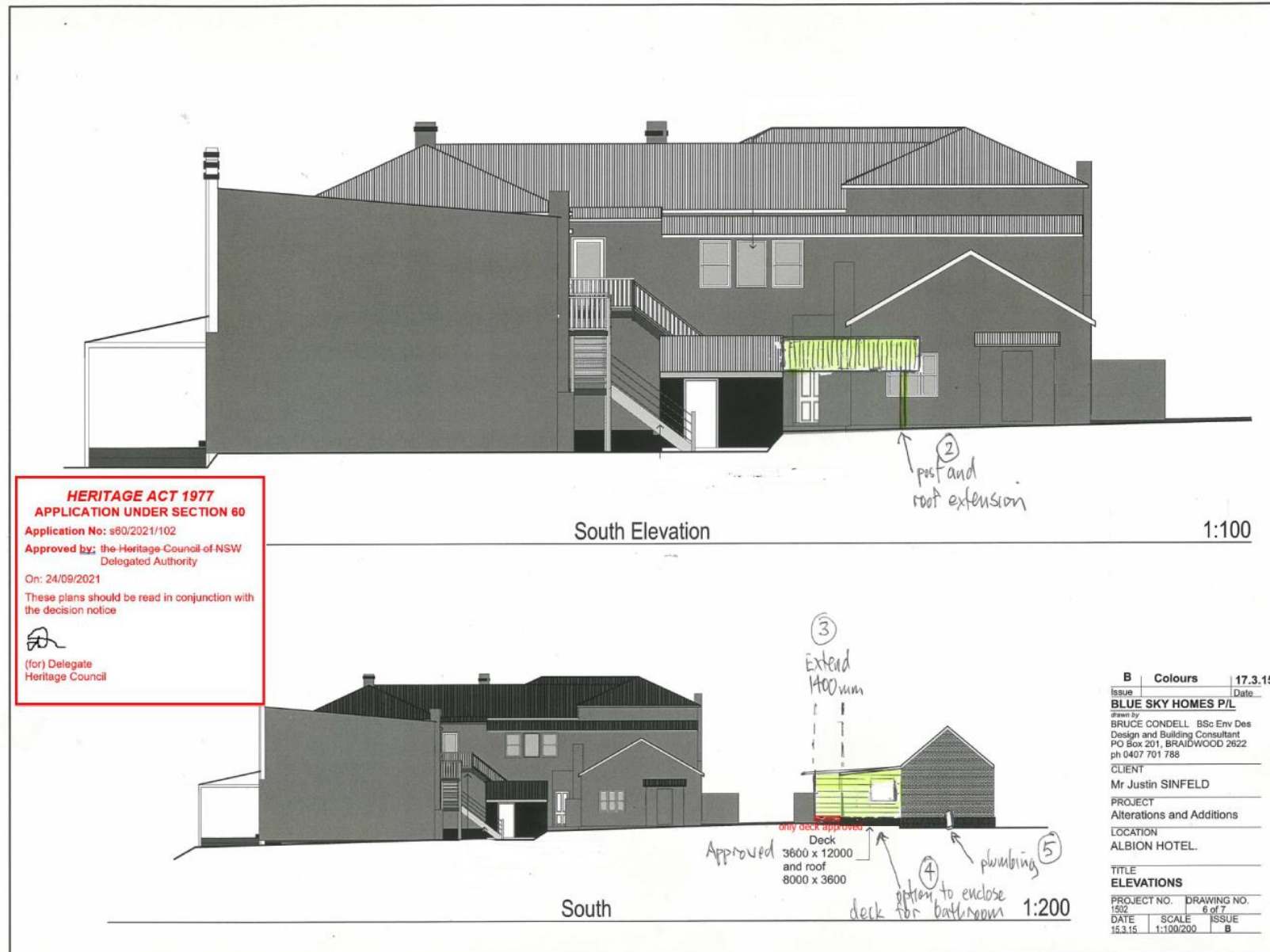




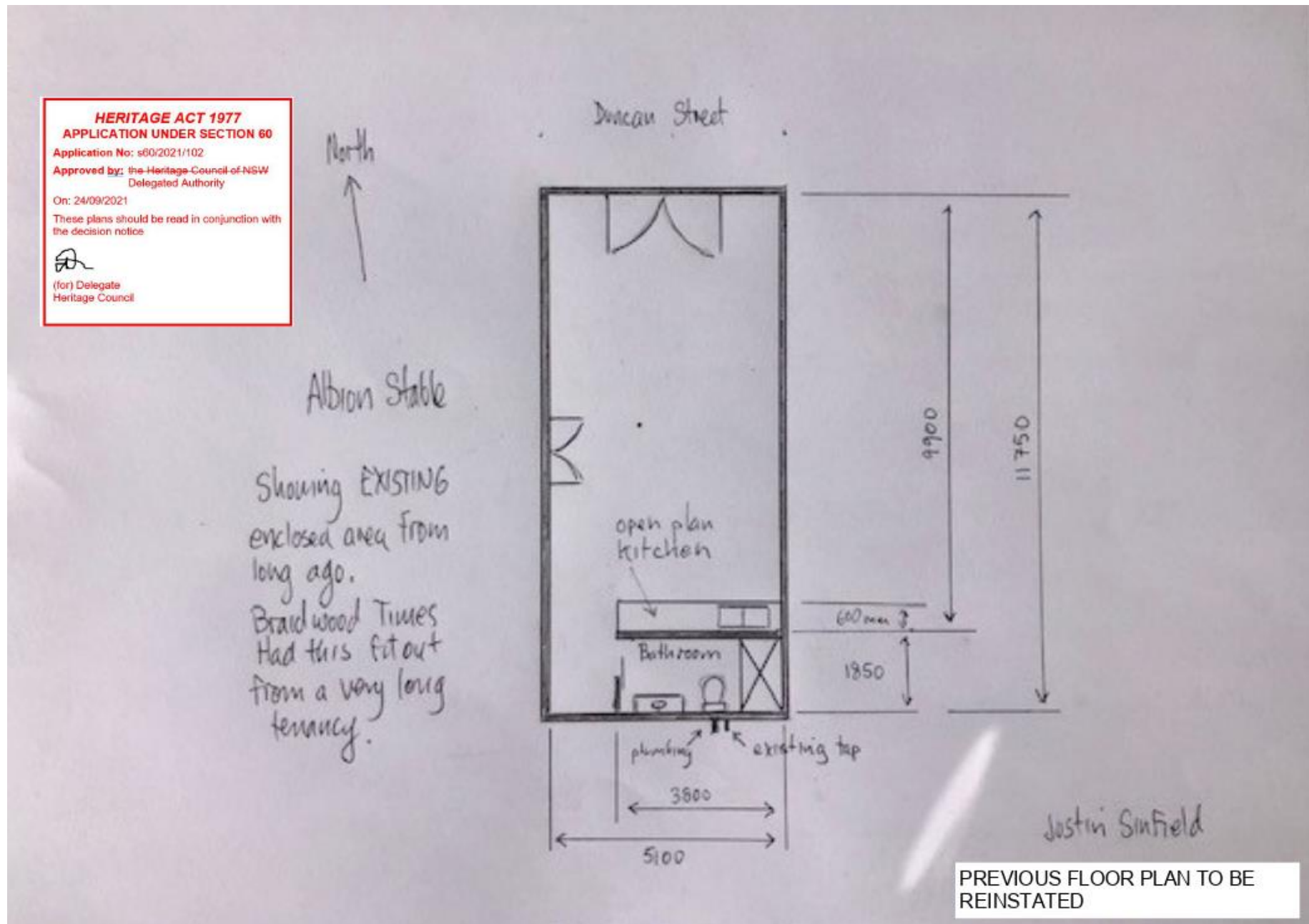














# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 OCTOBER 2022

ITEM 9.3              REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT  
SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF  
COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION  
HOTEL - 119 WALLACE STREET, BRAIDWOOD

ATTACHMENT 3      REV.2022.1001 - REDACTED PUBLIC SUBMISSIONS - THE  
ALBION - 119 WALLACE STREET, BRAIDWOOD

**Objection to REV.2022.1001  
Review of Determination – DA.2021.1240 – Two Lot Torrens Title Subdivision  
119 Wallace Street, Braidwood**

At the QPRC General Meeting of March 9 2022, Council voted to refuse DA.2021.1240, Two lot Torrens title subdivision and demolition of two existing sheds and garages (Albion Hotel Site). I submit that Council should also reject this request for a Review of that Determination.

The reasons given for refusal of the DA.20221.1240 are:

- The proposed development is considered to have an unacceptable impact on the public interest. [1]  
[SEP]
- The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance. [1]  
[SEP]

There is insufficient evidence provided by the applicant in this objection to address a review of the Council's determination.

*1. The proposed development is considered to have an unacceptable impact on the public interest. [1]  
[SEP]*

The applicant has submitted extensive repetitive documentation relating to the Albion Building. However there is no information demonstrating that the development would have a positive effect on the public interest, despite the community expressing its support.

*2. The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.*

'The Albion Hotel, 3 adjoining shops and stables' is entered in the State Heritage Register (no. 00304) for its significance to the state of NSW. It is also located within the heritage conservation area of the State Heritage listing for Braidwood and its Setting (no. 01749).

It is separately listed as an item of environmental heritage under Schedule 5 of the Palerang Local Environmental Plan 2014 (LEP), identified as 'The Albion and Outbuildings'. The entry for 'The Albion and Outbuildings' in the LEP includes a statement of heritage significance:

*Historic aesthetic and social value. Prominent location, streetscape value, good condition, some modifications. Also includes brick barn, corrugated iron shed and stables. Place is listed on State Heritage Register.*

The applicant has resubmitted the Conservation Management Plan (CMP) for the Albion Hotel complex which supports the listing as an individual item on the State Heritage List. There is a revised Statement of Significance for three components of the site: the Albion Hotel, Stables and terrace row, as  
*All three make a positive contribution to the townscape of Braidwood. Other structures and landscape elements at the place, such as the pair of corrugated metal sheds, brick outbuilding, garages, well cap, gravel driveway, and plantings are not significant (CMP p 49).*

While the CMP recognises that the site is listed in the LEP and that it is subject to the Environmental Protection Act in Section 4.1, following the revised Statement of Significance for the State Heritage listing, it refers to 'likely' local significance:

*Overall, evidence associated with the site would be likely to be of local significance for historical, research and social values, as well as possibly of aesthetic value (CMP p 50).*

Despite this statement the CMP fails to discuss the local heritage values of the corrugated iron sheds and stables/garages with no acknowledgement of their loss if the proposed subdivision were to proceed; separation of the corrugated iron sheds and stables from the hotel complex and of their subsequent demolition.

There is no new information provided to address any potential loss of local heritage values in the documentation provided. Part 2, section 6 *Remove dilapidated sheds from rear of lot and on boundary line* discusses their demolition focusing on

- the application's assertion that the 'Heritage Council determined where they wanted the sub division boundary'
- the boundary line goes through the middle of a dilapidated shed
- removal for the dilapidated shed is requested
- it is not part of the heritage items and is in such a bad state of repair that it only serves as a danger to injury
- that sheds at rear of boundary are marked as 'very dilapidated and on a very serious lean posing risk to property and people'
- removal of the sheds would provide safe parking space, and
- the old sheds straddle the boundary.

There is no reference to the identified local heritage significance and any consideration of the potential impact the loss of these values may have on the Albion site. Options discussed are for potential economic benefits of land use.

There is insufficient evidence provided by the applicant to support a Review of the Determination. Therefore I do not support a Review of that Determination.

Thank you for the opportunity to provide a submission on this DA Review.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Make a submission on a Development Application



Submission date: 22 June 2022, 12:00PM

Receipt number: 554

Related form version: 14

Development Application Number	Rev.2022.1001
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Submission	<p>The developer seems to have made no changes to the original submission. I therefore object the the subdivision on the same grounds as I previously advised.</p> <p>It was difficult to accurately assess any changes the applicant may have made but I surmised that the intention to demolish heritage items remains the same.</p> <p>The developer's submission is disjointed and hard to follow, full of obfuscation and irrelevant material. Much is made of proposed building works that are presumably the subject of another Development Application. All these references are irrelevant to the submission being discussed.</p> <p>My objection remains the proposed demolition of the corrugated iron sheds. The sheds are protected under the local heritage register. Owners, Councillors and the community have a duty to ensure the protection of listed items classified as heritage items.</p> <p>I have no other objections to the development and with the necessary protections in place will welcome the productive use of the subdivided block.</p>
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Attach your submission

Attach your Political Donations and Gifts Disclosure Statement

[Disclosure.jpg](#)

### Objection to REV.2022.1001

#### Review of Determination – DA.2021.1240 – Two Lot Torrens Title Subdivision 119 Wallace Street, Braidwood

At the QPRC General Meeting of March 9 2022, Council voted to refuse DA.2021.1240. I submit that Council should uphold that decision and again refuse the application to subdivide the Albion Hotel site and demolish two metal sheds located behind the brick Stables building.

#### Reasons for Objection:

1. The Request for Review does not address the reasons for Council's refusal of DA.2021.1240. Council's determination was as follows:

1. *Development Application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two sheds and garages on Lot 1 DP 598830, No. 119 Wallace Street, Braidwood be refused for the following reasons:*
  1. *The proposed development is considered to have an unacceptable impact on the public interest.*
  2. *The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.*
2. *The applicant Zen Ruby P/L be invited to submit a fresh development application to sub-divide Lot 1 DP 598830, which incorporates a boundary line that retains the two existing sheds on the same lot as the Stables and Albion Hotel and meets the minimum lot size for Zone B4 under Palerang Local Environmental Plan 2014.*

2. In the documents supplied by the applicant, there is no reference to the 'unacceptable impact on the public interest'. Submissions opposed to DA.2021.1240 provided significant evidence of public opposition to the proposed demolition of the two metal sheds behind the Stables building. There were 357 names on a submission opposing the demolition of the sheds. All of those names were genuine.

3. The applicant claims that the sheds are dilapidated, in a bad state of repair, and a danger to injury.

*"The boundary line goes through the middle of a dilapidated shed. As such removal for the dilapidated shed is requested.*

*The CMP and Archaeology report make no reference to the dilapidated shed. It is not part of the heritage items and is in such a bad state of repair that it only serves as a danger to injury. Corrugated material can be salvaged and utilize intact pieces for other parts of the project such as awning."*

(Notification Plans Part 2, p19)

In fact the sheds behind the Stables are not dangerous, and are not beyond repair. They were used for storage by the most recent lessees of the Stables building. As the owner of a State Heritage Listed property, the applicant has an obligation to maintain all the buildings on the site. Neglect is not acceptable as a reason for demolition.

4. There is no reference to the identified Local Heritage Significance, and no consideration of the potential impact that the demolition of the sheds would have on the heritage values of the Albion Site.

5. The applicant continues to claim, erroneously, that the proposed subdivision boundary was specified by the Heritage Council. Below are some examples of these claims.

*"The proposal is outlined in a plan prepared by M & M Surveys, undated, which details a three-lot subdivision of Lot 1, DP 598830—the Albion Hotel complex. The 3 lot subdivision was denied by Heritage Council and instead approved a 2 lot subdivision specifying the subdivision line be 1 metre East of the stable."*

*"Heritage Council determined where they wanted the sub division boundary. Heritage Division were bound to go with the decisions of Heritage Council."*

*"in addition the Heritage Council and Heritage division after 2 years of consideration and a very extensive CMP decided on the position of the boundary line".*

The NSW Heritage Council Approvals committee did NOT specify that the subdivision boundary had to be located exactly 1m from the Stables. The determination of the Heritage Council Approvals Committee was that it

*"3. Supports the excising of the proposed lot 12, which establishes a similar, earlier boundary, as long as the boundary is set back by at least 1 metre from the eastern alignment of the stables building."*

*"4. Notes that arrangements other than subdivision can enable the economic adaptive reuse of the listed buildings, while maintaining clear responsibility for Conservation Management."*

(Extract from Minutes of the Heritage Council Approvals Committee meeting, 7th August 2019)

In refusing DA.2021.1240, Council suggested that the applicant should reconsider the location of the subdivision boundary. This Request for Review does not address that suggestion.

6. The applicant is relying in part on s60 approvals obtained from Heritage NSW before submitting DA 2021/1240 to Council. Heritage NSW have acknowledged that Council is the Consent Authority. Section 60 approvals do not override or negate Council's role in determining the application.

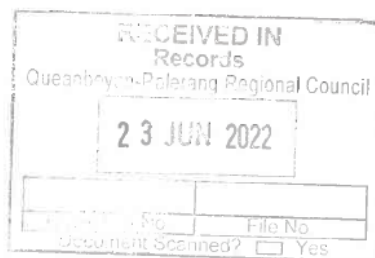
7. Some of the documents in this application refer to a proposal for construction work on the building known as "The Stables". While the work on the Stables has Section 60 approval from Heritage NSW, it has not been submitted to QPRC in any DA. It is not clear why this work is included, as it was not the development applied for in DA.2021.1240. Council cannot make any determination about this work until a DA is submitted for this. All references to this proposed work on the Stables are not relevant to this Application for Review.

8. The document in **Notification Plans Part 2** headed **"HERITAGE IMPACT STATEMENT Albion Hotel complex: 119 Wallace Street, Braidwood"**, states that the author is 'Touring the Past', but it includes sections written by the applicant. It appears to be a cut-and-paste from an earlier HIS interspersed with comments by the applicant and quotes from other documents. It is hard to identify the author of different sections. The pages aren't numbered and the comments are not clearly referenced. The HIS by 'Touring the Past' was written for an earlier application for subdivision, so it cannot be used without being updated by the original author as part of this application.

I submit that there is no evidence in this Application for Review to support a change to the previous Determination by Council.

Thank you for considering my submission.





**DECLARATION OF POLITICAL DONATIONS AND GIFTS FOR SUBMITTERS**

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?

NO ☒

YES ☐

Signature of Submitter:

Name:

Address:

Development Application Number:

Property Address:

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](http://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](http://www.planning.nsw.gov.au/donations)

**IMPORTANT**

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

I object to the removal of Braidwood's historic streets.



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**26 OCTOBER 2022**

ITEM 9.3              REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT  
SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF  
COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION  
HOTEL - 119 WALLACE STREET, BRAIDWOOD

ATTACHMENT 4      REV.2022.1001 - DRAFT CONDITIONS OF CONSENT - THE  
ALBION - 119 WALLACE STREET, BRAIDWOOD

**DRAFT CONDITIONS OF CONSENT**  
**DA.2021.1240**

**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
Subdivision Plan	Robert Richards	24 February 2021	11 April 2022
Survey Plan	PHL Surveyors	18 March 2021 Sheet 1 of 1	11 April 2022
Ground Floor Plan	Blue Sky Homes	17.3.2015 Sheet 2 of 7 Rev B (with mark ups and Heritage approval)	11 April 2022
Elevations North	Blue Sky Homes	17.3.2015 Sheet 4 of 7 Rev B (with mark ups and Heritage approval)	11 April 2022
Elevations South	Blue Sky Homes	17.3.2015 Sheet 6 of 7 Rev B (with mark ups and Heritage approval)	11 April 2022
Stables Floor Plan	Justin Sinfield	undated	11 April 2022

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.*

**SPECIAL CONDITION**

**2. Conservation of Demolition Materials and Reuse on Site**

The demolition of the T-shaped sheds and garages/carports will result in valuable building elements and materials becoming available for other heritage projects. Wherever possible flooring materials, wall linings, roof components, framing, doors, thresholds and external linings shall be conserved. Reuse of these materials on site is encouraged. Where those materials cannot be used on site they may be disposed of at the discretion of the owner but shall not be disposed of to waste. Prior to the issue of a subdivision certificate the applicant shall provide to Council a Schedule of materials recovered from the demolition works and where those materials were used or otherwise disposed of.

*Reason: To ensure that valuable heritage components and materials from the demolished buildings are retained for reuse.*

### **3. Access for People with Disabilities**

Access shall be provided to the refurbished brick stables in accordance with the Disability (Access to Premises-Buildings) Standards 2010 and NCC Part D3 Access for People with a Disability. Certification from a suitably qualified Access Consultant shall be provided prior to the issue of a Construction Certificate demonstrating compliance.

*Reason: To provide equitable access to facilities and services.*

### **GENERAL CONDITIONS**

#### **4. 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.*

#### **5. 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.*

### **CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS / DEMOLITION**

#### **6. Obtain a Construction Certificate**

Obtain a construction certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any construction work. Forward a copy of any construction certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any building work in accordance with that construction certificate.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

#### **7. Appoint PCA (Building Works)**

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 building works.*

#### **8. Obtain a Subdivision Works Certificate**

Obtain a subdivision works certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any subdivision related work. Forward a copy of any subdivision works certificate issued by a private certifier to Queanbeyan-Palerang Regional Council at least 2 days before undertaking any subdivision work in accordance with that subdivision works certificate.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

### **9. Appoint PCA (Subdivision Works)**

Appoint Queanbeyan-Palerang Regional Council as the principal certifying authority for subdivision works before any work is undertaken.

*Reason: To provide for supervision of the subdivision works.*

### **10. Site Identification**

The site where building work, subdivision work, or demolition work is 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.*

### **11. Section 138 Consent**

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*.

*Reason: To ensure that works carried out comply with the Roads Act.*

### **12. Sediment and Erosion Control**

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 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.*

### **13. Submit Asbestos Inspection Report**

Prior to demolition works commencing an asbestos inspection report on each building to be demolished must be undertaken and submitted to Council.

*Reason: To satisfy the requirements of the Work Health and Safety Act 2011 and to protect public health.*

### **14. 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.*

### **15. Retain and Protect Trees within Site and on Adjoining Land**

Trees nominated to be retained on the approved plans (marked green on phl survey plan 18/3/21) must be protected in accordance with 'AS4970-2009 Tree Protection on Development Sites' and the following measures:

- a) During construction/demolition works, ensure retained trees on the site or adjoining land (if impacted) are protected by cyclone/chain mesh fencing.

The fencing must:

- 1) extend around the drip line of the tree:
- 2) be a minimum of 1.8 metres high
- 3) consist of a minimum of 4 panels
- 4) be erected prior to commencement of any work; and
- 5) remain in place until all site works have been completed.

*Reason: To ensure that tree(s) are protected from damage during construction.*

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING AND SUBDIVISION WORKS**

### **16. 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.*

### **17. 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.*

### **18. Unexpected Finds**

The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment and Heritage are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

### **19. 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.*

### **20. Demolition Works**

The demolition of the existing buildings 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.*

### **21. 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.*

## **22. Works Sites to Be Fenced**

A fence 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.*

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE**

### **23. 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.*

### **24. 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*

### **25. Compliance with Section 60 Approvals Issued by Heritage NSW**

Prior to the issue of the Occupation Certificate all works shall be carried out in accordance with the approvals issued under section 60 of the *Heritage Act 1977* under approval numbers:

- s60/2020/260
- s60/2021/102

*Reason: To ensure the works comply with the relevant heritage approvals.*

### **26. External Materials and Finishes to match existing**

The new roofing to the brick stables is to use colours and materials that match the existing. Any brickwork repairs to the stable building exterior is to be consistent with the existing.

*Reason: The works match the existing buildings.*



## 27. 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.*

## **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

### 28. Application and Final Survey

An application to obtain a Subdivision Certificate must be made to Council. This must be accompanied by the following documentation:

- a) A final survey plan of subdivision,
- b) Any Section 88B instruments required by these conditions of consent,
- c) A letter outlining how compliance with each condition of this development consent has been achieved, and
- d) Engineering Construction Certificate Report in accordance with specifications.

*Reason: To enable registration of the subdivision and to ensure compliance with conditions of consent. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.*

### **29. Subdivision Certificate**

A subdivision certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction.

*Reason: Development is safe & appropriate for occupation and is completed in accordance with the consent*

### **30. Compliance with Section 60 Approvals Issued by Heritage NSW**

Prior to the issue of the Subdivision Certificate all works shall be carried out in accordance with the approvals issued under section 60 of the *Heritage Act 1977* under approval numbers:

- s60/2020/260
- s60/2021/102

*Reason: To ensure the works comply with the relevant heritage approvals.*

### **31. Contributions to Be Paid**

Prior to the lodgement of a Subdivision Certificate, the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*, Section 64 of the *Local Government Act 1993* and Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.

*Reason: To provide for the funding of augmentation and provision of services and community facilities.*

### **32. Stormwater Disposal Requirements**

All stormwater from the site must be captured and piped to the street swale/stormwater pit/ interallotment or other via an on-site detention system to limit the discharge from the site to the pre-development rate in accordance with Council's Development Design Specification D5.

*Reason: To provide satisfactory stormwater disposal.*

### **33. 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.*

### **34. 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.*

### **35. Repair Damaged Public and Private Property**

All damage caused to public and private property during the establishment of the development must be repaired or reinstated prior to the issue of the Subdivision Certificate.

*Reason: To ensure that all public and private property in the vicinity of the development is maintained in its pre-development condition.*

### **36. Heritage Entrance Crossover - Braidwood**

Construct/retain existing entrances and to maintain appropriate historical aesthetics with the proposed development and pursuant to QPRC D13 Design Specification/Braidwood DCP 2006 the driveway cross-over shall be finished in either brick, clay pavers, stone flagging, crushed rock, cobbles or similar.

*Reason: Safe entry and exit to lots from the road.*

### **37. Electricity Supply**

Prior to Council issuing a subdivision certificate, a Notice of Arrangement (NOA) shall be requested from the electricity authority which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.

*Reason: Ensures that satisfactory supply arrangements have been made and that all of the lots in the subdivision are suitably serviced.*

### **38. Separate Connections & Services**

A separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided to each allotment within the subdivision at the Subdivider's expense.

*Note: The Subdivider may, at their own expense, provide a gas connection to such allotment within the subdivision subject to its availability.*

*Note: The Subdivider is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.*

*Reason: To provide access to services for each allotment.*

### **39. Submission from Service Authority**

Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to each lot must be submitted to Council.

*Reason: To satisfy relevant utility authority requirements.*

#### **40. Street Numbering**

In accordance with *Clause 60(c)* of the *Surveying and Spatial Information Regulation* a schedule of recorded street addresses on Plan Form 6A shall be submitted to Council prior to the release of the Subdivision Certificate.

**Advice:** Convey with Queanbeyan-Palerang Regional Council to determine the street numbering for newly created allotments in accordance with Council's requirements.

*Reason: To ensure compliance with the Surveying and Spatial Information Regulation.*

#### **41. Covenant on the Land**

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) All easements specified below and contained in the subdivision must benefit Council as well as particular lots:
  - i. easements to drain sewer,
  - ii. easements which Council may require to provide or maintain other services, and
- b) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.

*Reason: To ensure public utility services, access and restrictions are legalised over the land.*

#### **42. Work in Accordance with Engineering Specifications**

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's Design and Construction Specifications.

*Reason: To ensure construction and restoration work is in accordance with Council's requirements.*

### **CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES**

#### **43. 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.*

#### **44. 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.*

#### **ACTIVITY APPROVAL - SECTION 68 OF LOCAL GOVERNMENT ACT 1993**

##### **45. Carry Out Sewer Work, Carry Out Water Supply Work, Carry Out Stormwater Work**

All sanitary plumbing and drainage work is to be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005, AS 3500 and the requirements of Plumbing and Drainage Act, 2011*. No alterations or additions are permitted without approval from Council.

*Reason: All plumbing and drainage functions adequately.*

Council must inspect the following stages of construction and installation:

- Internal and external plumbing and drainage,
- Installation of the on-site sewage management system and disposal area,
- Final inspection of plumbing, drainage and on-site sewage management system.

The top level of the sewerage service yard gully shall be located a minimum of 150 mm below the lowest fixture level and a minimum of 75 mm above ground level. Where it is not practicable to locate the top of the yard gully 150 mm below the lowest fixture level or 75 mm above the surrounding ground level, then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

The sewer junction inspection opening is to be located and raised to ground level.

*Reason: To ensure compliance with AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011.*

Three star and four star rated water conservation devices are to be installed in the bathroom and kitchen respectively.

*Reason: Water efficiency and minimisation of wastewater produced.*

A 'Notice of Work' (NoW) is to be issued to Queanbeyan-Palerang Regional Council no later than 2 business days before the work concerned is carried out.

*Reason: Council is informed prior to undertaking inspections and in accordance with requirements of Plumbing and Drainage Act, 2011.*

Licensees as the 'responsible person' must submit a Sewer Service Diagram(SSD) layout to Queanbeyan-Palerang Regional Council prior to or at the time of inspection.

*Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.*

A 'Certificate of Compliance' (CoC) is to be issued to the Queanbeyan-Palerang Regional Council and a copy to the person for whom the work is carried out on completion of the final inspection.

*Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.*

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**26 OCTOBER 2022**

- |              |   |
|--------------|---|
| ITEM 9.3     | REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT<br>SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF<br>COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION<br>HOTEL - 119 WALLACE STREET, BRAIDWOOD |
| ATTACHMENT 5 | REV.2022.1001 - HERITAGE NSW SECTION 60 APPROVALS -<br>THE ALBION - 119 WALLACE STREET, BRAIDWOOD   |



Our ref: DOC21/149578

Justin Sinfield  
58 Lagoon Street  
NARRABEEN NSW 2102

By email: [etalkj@yahoo.com.au](mailto:etalkj@yahoo.com.au)

Dear Mr Sinfield

**Application under section 60 of the *Heritage Act 1977*  
Albion Hotel, 3 adjoining shops & stables  
State Heritage Register No. 00304**

**Address:** 119 Wallace Street, Braidwood, NSW, 2622  
**Proposal:** Works to stables building involving a self-levelling cement compound over existing concrete floor, replace roof with like for like material, repair of brickwork, installation of plumbing into stable for sink connection, installation of bathroom and extension to approved roof and seating area to west of stables. Removal of T-shaped sheds, removal of sheds on south boundary line. Construct awning to shed at the rear of Albion Hotel.

**s60 application no:** s60/2021/102, received 15 March 2021, following discussions and request for additional information, completed application received 25 June 2021.

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

**APPROVED DEVELOPMENT**

1. All work shall comply with the information contained within:
  - a) Drawings originally prepared by Blue Sky Homes and marked up by the applicant to demonstrate proposed works, as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Alterations and Additions</b>			
2 of 7	Floor Plan Renovation	Submitted to HNSW on 18 June 2021	N/A
4 of 7	Elevations	Submitted to HNSW on 2 March 2021	N/A
6 of 7	Elevations	Submitted to HNSW on 2 March 2021	N/A

- - b) Drawing of Albion Hotel Stables showing the proposed stables floorplan, provided by email 13 July 2021.
  - c) Site Survey titled, *11 Wallace Street, Braidwood*, prepared by PHL Surveyors, dated 18 March 2021.
  - d) Report titled, *Albion Hotel Complex: 119 Wallace Street, Braidwood*, prepared by Touring the Past and Justin Sinfield, dated February 2021.
  - e) Conservation Management Plan titled, *Albion Hotel complex: 119 Wallace Street, Braidwood*, prepared by Touring the Past, dated April 2020



- f) Report titled, *119 Wallace Street Baseline Historical Archaeological Assessment*, prepared by FML Heritage, dated August 2018.
- g) Letter titled, *Austech Cement Concrete Repairs Quote*, which identifies the description of works to stables exterior, undated.

**EXCEPT AS AMENDED** by the conditions of this approval:

**WORKS TO STABLES BUILDING**

- 2. The new self-levelling cement compound must be installed without impacting on the base and sandstock brick walls of the Stables building.
- 3. The bathroom fitout must not impact significant fabric and services should reuse existing service points.

*Reason: To protect significant fabric and prevent unnecessary removal of fabric.*

- 4. The extension to the deck is approved but must be a timber structure and not concrete.

*Reason: To retain consistency with previous section 60 determination for the deck, application no. 15/s60/03, approved 28 October 2014.*

**HERITAGE CONSULTANT**

- 5. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

**SPECIALIST TRADESPERSONS**

- 6. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

**SITE PROTECTION**

- 7. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

**UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

- 8. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **ABORIGINAL OBJECTS**

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Planning, Industry and Environment is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Planning, Industry and Environment has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **COMPLIANCE**

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **DURATION OF APPROVAL**

11. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

*Reason: To ensure the timely completion of works.*

#### **Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

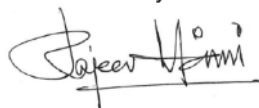
#### **Right of Appeal**

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions about this correspondence, please contact please contact Caitlin Stevens, Senior Heritage Assessment Officer, at Heritage NSW, on 9895 6582 or Caitlin.Stevens@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line underneath.

**Rajeev Maini**  
Senior Team Leader  
South Assessments  
Heritage NSW  
Department of Premier and Cabinet  
**As Delegate of the Heritage Council of NSW**  
24 September 2021

cc: Queanbeyan Palerang Regional Council,



Our ref: DOC20/729278

Justin Sinfield  
58 Lagoon Street  
NARRABEEN, NSW, 2101

By email: [etalkj@yahoo.com.au](mailto:etalkj@yahoo.com.au)

Dear Dr Sinfield

**Application under section 60 of the *Heritage Act 1977*  
Albion Hotel, 3 adjoining shops and stable  
State Heritage Register No. 00304**

**Address:** 119 Wallace Street, Braidwood, NSW, 2622  
**Proposal:** Subdivision of existing site into two lots  
**Section 60 application no:** s60/2020/260, received 9 October 2020  
**Additional information requested:** Yes, received 12 November 2020

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As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

**APPROVED DEVELOPMENT**

1. All work shall comply with the information contained within:
  - a) Survey drawing with mark-up identifying new Lot 12, titled *Subdivision of Lot 1 in DP 598830*, prepared by Robert Richards, dated 19 December 2017
  - b) Heritage Impact Statement report titled, *Proposed Subdivision Albion Hotel Complex: 119 Wallace Street, Braidwood*, prepared by Touring the Past, dated June 2020.
  - c) Conservation Management Plan titled, *Albion Hotel Complex: 119 Wallace Street, Braidwood*, prepared by Touring the Past, dated June 2020.
  - d) Baseline Historical Archaeological Assessment titled, *119 Wallace Street, Braidwood*, prepared by GML Heritage, dated August 2018.

**EXCEPT AS AMENDED** by the conditions of this approval:

**EFFECT OF SUBDIVISION**

This approval for subdivision of Lot 1, DP598830 to create a new allotment 12 does not:

- a) include any physical works to the site.
- b) Alter or reduce the gazetted curtilage of SHR item 00304.

**HERITAGE CONSULTANT**

2. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124  
P: 02 9873 8500 ■ E: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### **SITE PROTECTION**

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

4. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works. The site is located within the Town of 'Braidwood and Its Setting', an early colonial town in NSW which is listed on the State Heritage Register. It may contain unexpected archaeological deposits to those anticipated by the supporting archaeological assessment. In this circumstance this condition provides guidance on these requirements under the Heritage Act 1977.*

#### **ABORIGINAL OBJECTS**

5. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Planning, Industry and Environment is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Planning, Industry and Environment has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **COMPLIANCE**

6. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **DURATION OF APPROVAL**

7. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

*Reason: To ensure the timely completion of works*

**Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

**Right of Appeal**

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions about this correspondence, please contact please contact Caitlin Stevens, Senior Heritage Assessment Officer, at Heritage NSW, on 9895 6582 or [Caitlin.Stevens@environment.nsw.gov.au](mailto:Caitlin.Stevens@environment.nsw.gov.au).

Yours sincerely



**Steven Meredith**

Regional Manager, Heritage Operations  
South

Heritage NSW

Department of Premier and Cabinet

**As Delegate of the Heritage Council of NSW**

18 November 2020

cc: Queanbeyan-Palerang Regional Council, [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au)



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 OCTOBER 2022

- |              |   |
|--------------|---|
| ITEM 9.3     | REVIEW OF DETERMINATION - REV.2022.1001 - 2 LOT<br>SUBDIVISION WITH ASSOCIATED WORKS - REVIEW OF<br>COUNCIL'S DETERMINATION OF DA.2021.1240 - ALBION<br>HOTEL - 119 WALLACE STREET, BRAIDWOOD |
| ATTACHMENT 8 | RESOLUTION FROM COUNCIL MEETING - 9 MARCH 2022 -<br>DA.2021.1240 - THE ALBION - 119 WALLACE STREET,<br>BRAIDWOOD  |

Resolution of Council from Meeting of 9 March 2022 re DA.2021.1240 – Albion Hotel

001/22

**RESOLVED (Willis/Preston)**

That:

1. Development Application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two sheds and garages on Lot 1 DP 598830, No.119 Wallace Street, Braidwood be refused for the following reasons:
  - a. The proposed development is considered to have an unacceptable impact on the public interest.
  - b. The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.
2. The applicant Zen Ruby P/L be invited to submit a fresh development application to sub-divide Lot 1 DP 598830, which incorporates a boundary line that retains the two existing sheds on the same lot as the Stables and Albion Hotel and meets the minimum lot size for Zone B4 under *Palerang Local Environmental Plan 2014*.
3. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
4. Heritage New South Wales be forwarded a copy of Council's Notice of Determination.