



# **Ordinary Meeting of Council**

**14 August 2024**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEMS 9.1 – 9.2**

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

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

14 AUGUST 2024

ITEM 9.1 STATE SIGNIFICANT DEVELOPMENT APPLICATION - NEW  
BUNGENDORE HIGH SCHOOL - PROPOSED COUNCIL  
SUBMISSION

ATTACHMENT 1 ATTACHMENT 1 - DRAFT BUNGENDORE SSD SUBMISSION



PR.2021.1036  
Your Ref SSD-14394209 EXH-71989208

15 August 2024

Navdeep Shergill  
A/Principal Planner, Social and Infrastructure Assessments  
Development Assessments and Infrastructure  
Department of Planning, Housing and Infrastructure  
4 Parramatta Square 12 Darcy Street  
PARRAMATTA NSW 2150

Email: Navdeep.SinghShergill@planning.nsw.gov.au

Dear Navdeep

**Submission: SSD-14394209 New Bungendore High School**

Thank you for the opportunity to comment on the amended State Significant Development Application (SSD) for the new Bungendore High School.

This letter constitutes Council's formal submission on the amended Bungendore High School proposal, as determined by Council at the ordinary meeting held 14 August 2024 (Resolution No XXX/24).

**Location & Use of Crown Land**

Council is adamant that the proposed location for the school remains inappropriate and notes that the amendment to remove Crown Land from the proposal does so at the detriment to the facilities and amenities able to be provided to students and removes any capacity for growth of the school.

- Where will students undertake their assembly and conduct events that would usually happen in a school hall?
- Are students expected to use the Mick Sherd Oval as a permanent arrangement to access outdoor space?

It is not clear how the application has concluded it no longer requires use of Mick Sherd Oval for delivery of the school curriculum or what alternative facilities are available to it for this purpose. Council is prevented from supporting use of Mick Sherd Oval or any Crown land managed by Council for any purpose which is not permitted under the *Crown Land Management Act 2016*.

Council considers that the level of amenity provided under any proposal should include a school assembly hall, open space and sporting facilities at a minimum. It should not rely on the utilisation of Crown Land not included in the proposal. Accordingly, Council will not support the current proposal on this basis.

**Capacity**

Council notes that the revised application envisages a significant reduction in both gross floor area and total open space from the original proposal. However, the estimated capacity

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of 450 students and 41 teachers has not changed. The Transport Assessment notes on p38 that 342 Year 6 students currently attend NSW public schools and live within the Bungendore High School catchment area.

A current Year 6 cohort of 342 suggests a likely student cohort at the proposed school which dramatically exceeds capacity within a very short timeframe. This is likely to place significant strain on local infrastructure and amenity. This impact has not been adequately considered and addressed in the application.

#### **Approval Pathway**

Council is concerned that the dual-track approach and the removal of the Crown Land from the proposal would ultimately create legal and practical issues in relation to future applications for use of that Crown Land. Specifically, Council would be under pressure to ensure that adequate facilities or access to such for students can eventually be provided through use of the Crown Land despite its objection to this location and despite the possible lack of owner's consent from the Minister for Lands and Property for the SSD. If owner's consent from the Minister for Lands and Property was withheld from DoE on proposed plans that impacted Crown Lands, then Council is concerned that no legal pathway forward exists whereby Council could legally permit use of Crown Land in the future. As noted above, if school facilities are not able to be further developed to a suitable standard, Council will not support the current proposal.

Further to the above, how would such a dual-track approval pathway impact upon Council's compensation claim matter with the Department of Education? In particular, the pool is now proposed for retention but will be partially located on land acquired by DoE.

#### **Parking**

It remains unclear if the catchment data for the proposed high school supports the parking requirements outlined in the application. It is unclear whether the traffic and parking demands are modelled on an environment consistent with the Bungendore area. To assure Council that the assessment is accurate, Council requests details of the source and derivation of the assumed parameters which have been used to inform the Consultant's calculations.

Given inconsistency between the proposed school capacity and the likely cohort currently residing within the school catchment, Council is not satisfied that the application realistically assesses the impact of the proposed development on local infrastructure, the town in general and the ongoing parking requirements for teachers, students and administrative staff.

For instance: Given the large and overwhelmingly rural catchment area, public transport options are limited and a large proportion of students will be driven to school. A significant proportion of senior students will drive themselves and require parking. If 20% of a Year 12 cohort of 342 require parking, a further 68 parking spaces will be required.

The Bungendore Railway Station carpark is now being used for school parking, both long-term and during pick-up and drop-off. This has had an impact on the availability of parking at certain times of day for railway users. The lack of parking in the Majara/Gibraltar precinct and the increased demands from the current temporary high school and the proposed development will lead to increased parking demand in the precinct. Council is not aware that Transport for NSW has reached any agreement with the Applicant to make the Bungendore

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Railway Station carpark available for school use; the impact of any such use must be addressed.

### **Traffic**

Council remains concerned about the increased traffic flow in Gibraltar and Majara Streets, particularly at drop-off and pick-up times. The extension of the kiss and drop zones places increased pressure on limited longer-stay parking that is currently available and may lead to informal drop-offs occurring in non-designated areas or increased congestion around the school entrances.

A proper traffic movement analysis conducted at peak times and accounting for both near-term and medium-term growth in student numbers would better inform appropriate traffic management around the kiss and drop zones or the appropriateness of these zones as proposed in the development.

### **Confluence of Uses**

Council remains concerned regarding the confluence of institutions that will use this portion of Turallo Terrace and McCusker Drive, particularly immediately before, during and immediately following school hours. The pre-school, the future Abbeyfield development, the Scout Hall, which is used extensively during the day and out of hours, as well as a future school and traffic associated with the functioning of the ag-plot all coalesce around the crest of the hill where the wombat crossing is proposed.

The McCusker Drive causeway is subject to flood closure and this introduces a potential requirement for west-bound traffic on Turallo Terrace to be turned around at the crest of the hill. This again puts significantly more traffic pressure on this location that will lead to an unacceptable level of risk of accident and injury at that location. Council would like to see a more risk-centred approach to congestion issues.

### **Flooding**

The impact of stormwater on the Bungendore community has necessitated considerable effort and expense by the council to develop flood management and mitigation plans. These plans do not currently take into account the increased overland flow of water created by the proposed development. Flood mitigation plans and studies associated with the development need to be provided to ensure that downstream residents and businesses are not impacted by additional flow from the proposed development.

### **Staff Assessment**

Council Staff have undertaken a comprehensive review of the modified SSD, comparing Council's previous comments to the new proposal. A compiled commentary on the technical aspects of the proposed development is included in the attached. Issues have been numbered in accordance with previous submissions and commentary is generally in keeping with comments previously made though has been updated to reflect the current amendment. Key issues continue to include Utilities, Traffic, Parking, Pedestrian crossings and shared path links, vehicular access, accessible parking and Flooding.

### **Conclusion**

Whilst Council is very supportive of a new high school in Bungendore and welcomes working with DoE on an appropriate location, its formal position stands as an objection to the proposed location on Majara Street.

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Should the Minister for Planning grant consent to the proposal, Council enclosed proposed conditions of consent at Schedule 1 of the attached.

In addition, the current compensation claim matter with the Department of Education for both Crown Land and Council Land, remains an issue for Council. Attaining adequate funding for the relocation of the Swimming Pool, Council Administration Office/Council Chambers and the Community Centre is critical for Council and the community.

Yours sincerely,

**Rebecca Ryan**  
General Manager  
Queanbeyan-Palerang Regional Council

Encl.

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Attachment 1 - Comments on Amended SSDA Proposal – Bungendore High School – August 2024

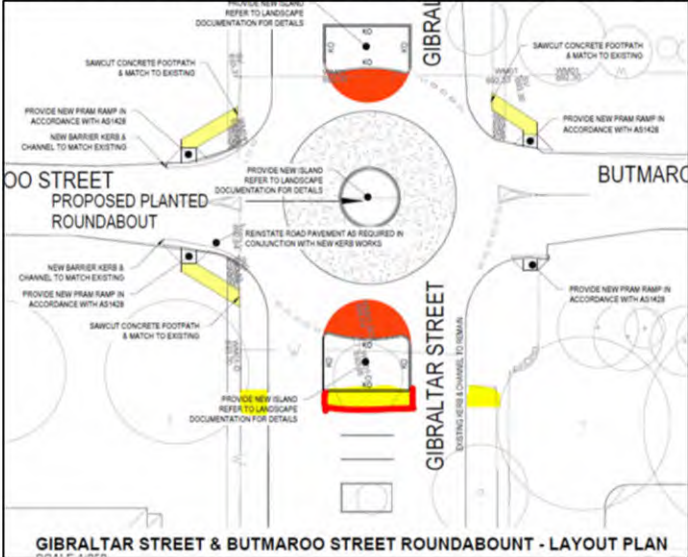
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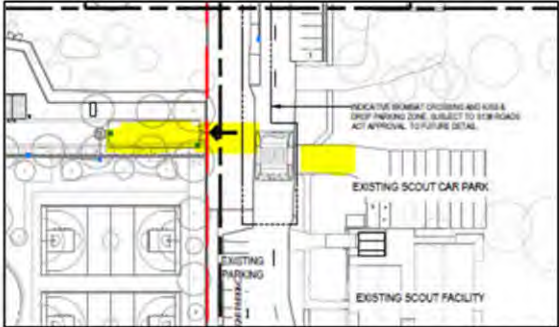
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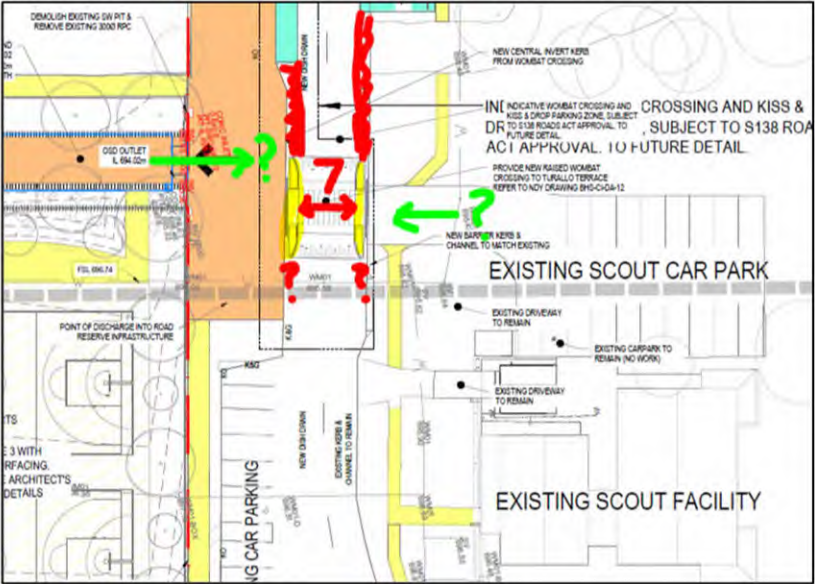
Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
1. Permissibility	The amended application's removal of development from Bungendore park and Bungendore Common Crown land is noted but greater clarity is sought in relation to the proposed level of dependence the school will have on the Crown Land for a student hall and open space use and what mechanisms are proposed to formalise these arrangements.	<b>Objection</b> until suitable arrangements are agreed.
2. Crown Land Impacts	As above.	<b>Objection</b> until suitable arrangements are agreed.
3. Utilities	<p>Previous commentary stands and previous recommended conditions of consent remain relevant.</p> <p>The Infrastructure Management Plan Report does not consider impacts of stormwater volumes created by the school site and where this flow might go, or if the existing network is sufficient to accept it. An assessment is required for the stormwater demands/production from the site, what local stormwater network is present, what the impact is to the local stormwater network and adjacent public areas, noting localise flooding due to the additional flow from the school is not acceptable.</p> <p>The proposed landscaping plans do not show the easements which have previously been agreed with Schools Infrastructure for stormwater and water mains along Majara Street. Staff are therefore unable to determine where the proposed plantings/features are in relation to the easement/s. It is noted that the architectural drawings do show the easements, and indicate that many trees, seats and footpaths to be in those easements. Trees are unacceptable and Staff object to seating proposed in the easement/s. Accordingly, the development, including landscaping, must comply with Council's Development Adjacent to Water Sewer and Stormwater Mains Policy. Should seating or other landscaping elements be placed within easements in contravention of Council's aforementioned policy, Council will not be responsible for repairing or reinstating any landscaping features within the easement/s in the event that those features are affected by routine or emergency maintenance.</p> <p>Where does the overflow from the underground rainwater tank go when it has reached capacity?</p>	<b>Objection</b> until comments suitably addressed.
4. Erosion and Sediment Control	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.
5. Traffic and Roads	<p><u>Traffic Generation</u></p> <p>Previous traffic generation calculation error has been corrected and addressed within the updated PDC Consultants Transport Assessment report dated 11 June 2024. The resulting trip generation is 225 trips in the AM and 193 trips in the PM and are an overall decrease than what was initially anticipated in previous assessments. In light of the number of students within the proposed school catchment, concern is raised over the validity of the presumed traffic generation as it fails to</p>	<b>Objection</b> until comments suitably addressed.

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	<p>acknowledge the likely high growth demand this school may experience. Accordingly, Staff consider that this assessment does not satisfactorily address likely expansion on the school and therefore cannot be relied upon.</p> <p><u>Turning Movements</u></p> <p>Turning movements should be required to demonstrate support bus and delivery trucks can get in and out of the school carpark in a forward direction.</p> <p>The plan also shows new Kerb Only (KO) around an existing tree on Gibraltar Street at the southern approach of the intersection. The southern section of KO should align with edge of the last centre parking space. If there is space to do so in this new kerbed area, construct a midblock crossing point with pram ramps on its edge as well as at the edges of Gibraltar St. Connecting paths to this new midblock crossing should also be constructed on the verge of Gibraltar St. New paths and pram ramps should be a minimum of 2.0m wide, noting this area is earmarked for a shared path. Are there pavement details for the roundabout or turning movements for buses?</p>  <p><b>GIBRALTAR STREET &amp; BUTMAROO STREET ROUNDABOUT - LAYOUT PLAN</b></p>	

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	<p><u>Parking</u></p> <p>A separate driveway entry into the car park with clear delineation between pedestrian and vehicular movement while allowing for car parking for staff and site servicing is provided. A planter box provides a safety barrier and landscaping buffer at the school entry.</p> <p>In summary the amended parking proposed consists of;</p> <ul style="list-style-type: none"> <li>• On Site Parking 56 on-site parking spaces, including 23 student spaces, 29 staff spaces and 4 visitor car spaces. The two (2) disabled parking spaces initially proposed appear to be removed with a reliance on the Assisted School Travel Plan (ASTP) vehicle parking provided within the staff car park for students or visitors with additional needs.</li> <li>• Street Parking 22 parallel car parking spaces including two (2) disabled spaces, along the southern kerbside of Turallo Terrace. These spaces will replace the 20 car spaces that were provided on Majara Street adjacent to the Council building. 19 indented angled (90-degree) including two (2) disabled spaces, in front of Bungendore Pre-School.</li> <li>• Bicycle Parking 80 bicycle parking spaces for students and staff. It is noted that the bicycle parking provision is based on the expected travel mode split of the proposed high school. Should bicycle parking demand exceed the initial provision, the proposed high school would be able to increase the number of bicycle spaces accordingly.</li> </ul> <p><u>Parking for people with disabilities</u></p> <p>Accessible parking is to be located close to the school entry gate.</p> <p>Council receives many complaints from community members about accessible parking at schools that parking is not sufficiently close to the entry gate.</p> <p>The parking in Turallo Terrace is recommended to be amended to relocate the two parallel accessible parking spaces to the eastern most point of the bank of parallel street parking proposed on Turallo Terrace.</p> <p>There is no Accessible parking available near the school entrance that would service parents/carers coming to the office. This will need to be included.</p>	


Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
6. Student Pick-Up and Drop-Off	<p>The amended proposed high school student Kiss and Drop zones have been increased to 21 comprising of 11 spaces on Majara Street, 4 spaces on Gibraltar Street and 6 spaces on Turallo Terrace.</p> <p>The pick-up and drop-off zone on Turallo Terrace will provide utility to parents residing in northern Bungendore (particularly in the morning peak) to drop off their students and travel westbound onto Molonglo Street/Kings Highway and onto the commercial centres of Queanbeyan and Canberra. The pick-up/drop-off zones will be controlled by "No Parking" signage (8:00am to 9:30am and 2:30pm to 4:00pm school days) to encourage quick vehicle turnover. Outside of these time periods, the pick-up/drop-off zone can be legally used for parking by the general public.</p> <p>There will be opportunities for parents and guardians with special needs children attending the high school and minibuses associated with the NSW's Government Assisted School Travel Plan (ASTP) to pick-up and drop-off their children within the high school staff car park. Although there are no dedicated bays provided for such pick-up and drop-off, provision of ASTP and special needs access within the staff park will provide separation from other parental pick-up and drop-off activity and will occur behind gates which significantly reducing student safety risks to traffic.</p>	As per previous commentary and also noting the commentary in the covering letter.
7. Public Transport	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.
8. Access to 16 Majara Street	Formal condition of consent is still required for a right of way to be established at the front of No.16 Majara Street to allow access to this property.	As per previous commentary.
9. Crossings and Pedestrian Movement	<p>The demolition section makes no mention of the demolition of a shared path connecting Turallo Terrace and Gibraltar St through the eastern side of Mick Sherd Oval. This shared path is an important community asset providing active transport connection between the northern residential areas of Bungendore to Bungendore Public School. It should be mentioned in the demolition summary. Connections to and from Turallo Terrace &amp; Gibraltar St need to be both east and west of the Oval. (Table 3 - Summary of Amendments, Page 16)</p> <p>There is also no mention of the demolition of a shared path connecting Turallo Terrace and Gibraltar St through the southern side of Mick Sherd Oval. This shared path is an important community asset providing active transport connection between the northern residential areas of Bungendore to Bungendore Public School. At a minimum there should be a statement to the effect that agreement has been reached between DoE and QPRC for DoE to provide financial contributions to Council to cover the construction costs of a replacement shared path to the north of Mick Sherd Oval.</p> <p>Council notes the new wombat crossing on Turallo Terrace is immediately in front of the existing driveway to the Scout Carpark. Although we do not object to the location of the wombat crossing, DoE</p>	<b>Objection</b> until comments suitably addressed.

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	<p>will be required to build the Scout Carpark a new driveway to the east of the new wombat crossing to enable continued access to the carpark and consult with the Scouts as to how this would be achieved. This may include some redesign to the carpark itself to make vehicular movements work and maintain the existing parking (including disability Access).</p> <p>Additionally, in light of the proposed Abbeyfield House Development on the newly closed road reserve,, the proposed new wombat crossing should be located such that it does not preclude suitable practical site access, separate to the Scouts carpark. All works within the road reserve to be undertaken in accordance with a S138 approval yet to be gained from Council.</p> <p>Vehicles are to be prevented from using the gate on the school avenue access to Turallo Terrace.</p>  <p>The diagram is a site plan showing a proposed wombat crossing (indicated by a red vertical line and a yellow highlighted area) crossing a road. To the east of the crossing is an 'EXISTING SCOUT CAR PARK' and an 'EXISTING SCOUT FACILITY'. To the west is 'EXISTING PARKING'. A yellow arrow points from the car park area towards the crossing. A note in the diagram reads: 'INDICATE WOMBAT CROSSING AND KERRA DREF PARKING ZONE. SUBJECT TO EMBANKMENT APPROVAL. TO FUTURE DETAIL'.</p> <p>Council also notes that the current road pavement is 7m wide, allowing only two lanes of traffic. The design of the wombat includes the 7m wide two-lane road plus kerb extensions to cover ramps off the side of the wombat crossing. However, the pavement plan does not show extension of road pavement to match the extent of the kerb extensions. Road pavement widening needs to be extended further to accommodate the width of the wombat crossing point. The drainage plans then need to be modified to show how the drainage is to function along with a review of the existing network capacity to accept the additional runoff</p> <p>Wombat crossings to be designed in accordance with AS1742.13 and have lighting levels designed by a suitably qualified lighting consultant, in accordance with Category PX3 of AS/NZ1158.3.1 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting — Performance and design requirements and AS4282 Control of the obtrusive effects of outdoor lighting. These design and installation works to be at the cost of the Applicant.</p>	

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	<p>The wombat crossing at Gibraltar St requires a staggered mid-block arrangement similar to what DoE constructed on Jerrabomberra Parkway, to ensure children are facing the direction of oncoming traffic when leaving the mid-block. This will require fencing at the mid-block to guide children to face the oncoming traffic before stepping into the travel lane.</p> 	
<p>10. Waste Collection and Deliveries</p>	<p>Waste collection and deliveries will occur within the closed section of Majara Street. Waste collection will be undertaken by a private contractor. Access will be through the boom gates using a security fob to enable drivers to service the waste collection area. Medium Rigid Vehicles (10.5m) will collect waste from the nominated Waste Collection Point before 8:00am and after 4:00pm on weekdays, ideally during times between 6:00am – 7:30am.</p>	<p>As per previous commentary.</p>

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	<p>The proposed turning head at the northern end of the car park to facilitate turning of a waste collection vehicle has been removed. Revised waste vehicle swept paths support a 12.5m medium rigid truck entering and exiting in a forward direction.</p>	
<p>11. Entrance and Access</p>	<p>It is noted that proposed access to the Ag plot will now only be pedestrians only from Turallo Terrace. Vehicular access should also be allowed for in the design as there is potential for vehicles to be required to transport planting/harvesting materials (soil, bag of fertiliser, mulch) or vehicular access for mowers. (Table 3 - Summary of Amendments, Page 17)</p> <p>It is not appropriate nor safe to rely only on a pedestrian path to use as a travel path even for a mower. This is a conflict of uses.</p> <p>In accordance with the Palerang DCP 2015 Section B7.1, the car park appears to demonstrate two way or separate access and egress allowing all vehicles to enter and leave in a forward direction.</p> <p>Vehicular access into the site will be provided via the northern leg of the proposed roundabout at the intersection of Gibraltar Street and Majara Street. Only teachers, staff and waste collection vehicles will have access to the new access road that will be controlled via a boom gate with a security reader and intercom.</p> <p>The internal access has been designed based on passenger vehicle manoeuvrability and car park functionality for a standard B99 vehicle. The access off Majara Street must be designed for heavy ridged 10.5m vehicle manoeuvrability for garbage service.</p>	<p><b>Objection</b> until comments suitably addressed.</p>
<p>12. Flooding</p>	<p>The amended Flood Assessment confirms that in both existing and proposed conditions, site flooding is limited to the Agricultural Plot area in the northeast of the site which does not include any proposed buildings. During a probable maximum flood (PMF) event, peak flood levels at the agricultural plot is 694.61mAHD.</p> <p>The high school development footprint is above the Flood Planning Level and just outside the Flood Planning Area. However, due to the development adjacent to the 1% AEP flood zone in Turallo Terrace, the incorporation of a sewer reflux valve is highly recommended.</p>	<p>As per previous commentary.</p>



Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
	 <p data-bbox="526 847 1102 868">Figure 1. 1% AEP and FPL Zones – 10 Majara Street, Bungendore</p>	
13. Developer Contributions	<p data-bbox="526 906 1509 954">The water and sewer headworks contributions for Bungendore are calculated at 2.19 ET and 12.01 ET respectfully for the following amounts;</p> <ul data-bbox="562 970 1279 1023" style="list-style-type: none"> <li>• Water Headworks (Infill) for 2.19 ET = (\$8,330 x 2.19) = \$18,243.</li> <li>• Sewer Headworks (Infill) for 12.01 ET = (\$11,638 x 12.01) = \$139,772.</li> </ul> <p data-bbox="526 1038 1496 1107">Until such time as the Department of Education, as an agent of the Crown, request and receive from the Minister for Planning, an exemption under s306(4) of the Water Management Act the requirement for payment of Section 64 Contributions remain in the proposed conditions of consent</p>	As per previous commentary.
14. Bushfire Assessment	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.
15. Fire Services and Disability Access	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.

Matter Raised by Council on Original DA	Council Submission – 15 August 2021	Outcome
16. Section 68 Local Government Approvals	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.
17. Building Design and Amenity	<p>Amenity issues have been addressed by the original application as amended for Building A and overshadowing impact is minimal due to distances from nearest dwellings</p> <p>Height - Building B exceeds Height controls of 8.5m. CI 4.6 variation would be required and it is noted that Clause 3.43 of the Transport and Infrastructure SEPP allows the contravention of the QPLEP 2022 height controls.</p> <p>Streetscape - Digital signage relocated and replaced with static sign in original application (as amended).</p> <p>Fencing - Issues addressed by Education in original application (as amended)</p>	As per previous commentary.
18. Heritage	Former recommendation remains for condition that the Rotunda and the Bush Balladeers Stone Memorial be relocated at the applicant's cost be imposed.	As per previous commentary.
19. Use and Maintenance of Mick Sherd Oval and Games Courts	Further detail required on the cut and fill proposed. In particular Ch 35 on CL SC04 has an existing sewer main crossing the basketball court. Plans show >800mm cut above the main. More effort is needed in the detail design to protect this main and approval from Council's Manager Utilities for any works within the vicinity of the main.	<b>Objection</b> until comments suitably addressed.
20. Contamination	<p>Previous commentary stands and previous recommended conditions of consent remain relevant.</p> <p>Clarification is also sought in relation to the location of test bores informing the contamination studies.</p>	<b>Objection</b> until comments suitably addressed.
21. Other Matters	<p><u>Earthworks</u></p> <p>Further detail required on the cut and fill proposed. In particular Ch 35 on CL SC04 has an existing sewer main crossing the basketball court. Plans show &gt;800mm cut above the main. More effort is needed in the detail design to protect this main and approval from Council's Manager Utilities for any works within the vicinity of the main.</p>	<b>Objection</b> until comments suitably addressed.
22. Environmental Health Matters	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.
23. Tree Protection	Previous commentary stands and previous recommended conditions of consent remain relevant.	As per previous commentary.

### Schedule 1 - Recommended Conditions of Consent

#### **Recommended Conditions of Consent Following Response to Submissions - Bungendore High School – August 2024**

##### **Prior to the Commencement of Site Works**

###### **1. Disposal of Contaminated Material**

All contaminated material removed from the site must be disposed of to a licensed disposal facility or as otherwise specified in the remedial action plan. Evidence of the location, date and quantities of material disposed of must be submitted to the certifying authority prior to the commencement of building works.

*Reason: To ensure that contaminated material removed from the site is disposed of in an environmentally safe manner.*

###### **2. Traffic Management**

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads or an approved Road Occupancy Licence (ROL) from Transport for NSW (TfNSW) for State Roads.

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

###### **3. Submission of Traffic Control Devices Plan**

A Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee prior to the installation of any traffic control devices (roundabouts, wombat crossings, regulatory signage). It must include all line-marking and sign-posting.

*Reason: To authorise traffic control devices.*

###### **4. Sediment and Erosion Control**

Prior to the commencement of works on site, a Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be prepared and approved by the certifying authority. 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.*

###### **5. Temporary Vehicle Access**

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shoveling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

*Reason: To minimise transfer of soil from the site onto the road pavement.*

###### **6. Works Sites to be Fenced**

A fence must be erected between the development site and public places before commencement of any other work.

*Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.*

## **Prior to the Commencement of Building Works**

### **7. Submit an Application for Trade Waste (C5)**

Prior to the issue of the commencement of building works a Trade Waste Application (C5) to install a waste treatment device or devices must be submitted to, and approved by, Council. The waste treatment devices proposed must be able to cater for discharges from the following sources:

- (a) Canteen
- (b) Science Laboratories

The application must include the following details;

- (a) Details and location of all processes, tanks, pits and apparatus associated with the generation of trade waste and,
- (b) Specifications of the treatment system including capacity/dimensions, material of construction and lining of the proposed pre-treatment facilities and,
- (c) Details of pipes and floor drainage conveying the waste and,
- (d) A detailed sewage drainage plan.

*Reason: To ensure compliance with Section 68 of the Local Government Act 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.*

*Note: For further information regarding Trade Waste treatment and discharge please contact Council's Trade Waste Officer.*

### **8. Submit an Application for Trade Waste (C4)**

Prior to the commencement of any building works a Trade Waste Application (C4) for disposal of liquid trade waste into sewer must be submitted to, and approved by, Council.

*Reason: To ensure compliance with Section 68 of the Local Government Act 1993, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.*

### **9. Submit a Construction Management Plan**

Prior to the commencement of building works a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to and endorsed by the certifying authority. The plan must:

- (a) describe the proposed construction works and construction program and,
- (b) set standards and performance criteria to be met by the construction works and,
- (c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- (d) identify procedures to receive, register, report and respond to complaints and,
- (e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plan.

*Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.*

### **10. Stormwater Disposal and Water Quality Requirements**

All stormwater from the site must be trapped and piped to the street gutter/stormwater pit/other via an On-Site Detention (OSD) system to limit the discharge from the site to the pre-development rate in accordance with Council's D5 Development Design Specification. Prior to the commencement of building works the design of the OSD service shall be determined by a suitably qualified hydraulic consultant at no cost to Council.

The design shall include an independent report on storm water run-off from new building roof spans, including impact on the Mick Sherd Oval.

An in-ground Gross Pollutant Trap (GPT) targeting litter is to be installed in accordance with Council's D7 Erosion Control and Stormwater Management Specification.

*Reason: To provide satisfactory stormwater disposal and water quality.*

### **11. Protection of Council Sewer/Stormwater Easements**

Prior to the commencement of building works structural plans must be provided to Council for concurrence as the sewer and water authority. The plans are to demonstrate that the footings of any structure will not be located within the zone of influence of Council's water, sewer and stormwater assets.

*Reason: To allow for safe access and maintenance of services within future easements by Council personnel.*

### **12. Demolition Works**

The demolition of existing buildings must be carried out in accordance with the;

- a) Requirements of the SafeWork 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.*

### **13. Submit a Design and Construction Plan for Canteen Food Preparation Area**

Prior to the commencement of building works a detailed design for the construction of the canteen food preparation area must be submitted to, and approved by Council. Fixtures, fittings, and equipment must be provided so as to be capable of being easily and cleaned without causing a risk to food safety.

The plan should include the following details:

- Floor plan - to a suitable scale (e.g. 1:50).
- Finishes to floors, walls and ceilings
- Sectional elevation drawings - to a suitable scale (e.g. 1:50) showing all fittings and equipment.
- Hydraulic plans (plumbing details) - to a suitable scale (e.g. 1:50).
- Mechanical exhaust ventilation drawings (i.e. plans, elevation and schematic diagrams, where applicable) - to a suitable scale (e.g. 1:50).

*Reason: To ensure compliance with Food Act 2003 and Regulations 2015, Food Standards Code and relevant Australian Standards.*

## **Conditions to be Complied with During Construction**

### **14. 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.*

### **15. 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.*

### **16. 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.*

### **15. Water Main Stop Valves – Majara Street**

Install two new stop valves on Council's existing water main through the proposed site. The first is to be 1m outside the northern boundary of the high school, and second 1m outside the southern boundary of the high school on the existing 100mmØ DICL water main.

*Reason: To enable rapid isolation of water mains in the event of breakage without having to arrange access.*

### **16. Provide Water Service and Water Meter**

A new main water meter and water service shall be installed by Council at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council.

The main meter shall be installed in an easily accessible position in the common property at the front of the site, or other accessible position approved by Council.

*Reason: To ensure that the development is appropriately water metered.*

### **17. Sewage Reflux Valve**

A sewer reflux valve shall be fitted in accordance with AS/NZS 3500 – Plumbing and Drainage to the internal sewer drainage system upstream of the property boundary trap / shaft so as to prevent the backflow from the sewer from the authority's sewer entering the building.

*Reason: To ensure the development is compatible with the flood risk of the area and to minimise damage to property that may occur in the event of flooding.*

### **18. Extension of Stormwater Main**

Stormwater shall be discharged to the existing pit in Turallo Terrace (Pit-593) with a 450mmØ RCP drainage pipe connecting to the 1400mmØ RCP trunk stormwater line in Majara Street. The 1400mmØ shall be extended to a point north of the proposed Abbeyfield site through to the footprint of the proposed extended levee and any rights of way, installing any headwalls and dissipation works required.

*Reason: This main discharges part way through the proposed Abbeyfield site on the northern side of Turallo Terrace where Council has closed an unformed section of Majara Street. The new Abbeyfield site is being created as a result of the construction of the new school. As such the main will need to be extended clear of the new Abbeyfield site.*

### **19. Inspection of Council Utility Services**

All connections and alterations to Council's water, sewer and stormwater services shall be inspected by Council's Development Engineering Team prior to backfilling. This includes the inspection of the orifice plate and connection to Council stormwater infrastructure.

*Reason: Ensure on-site detention is constructed in accordance with the Council specification.*

### **20. Dust Management**

Throughout construction works undertake all measures as appropriate to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.*

### **21. 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.*

### **22. Work on Adjoining Land is Limited**

The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for;

- Installation of a temporary, stabilised construction access across the verge,

- Installation of services,
- Construction of an approved permanent verge crossing.

*Reason: To minimise interference with the verge and its accessibility by pedestrians.*

### **23. 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.*

### **24. Protection of Adjoining Structures**

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made;

- a) must preserve and protect the building from damage, and
- b) if necessary, must underpin and support the building in an appropriate manner, and
- c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- d) satisfy the requirements of SafeWork NSW.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

*Reason: Excavations relating to building work do not pose a hazard to adjoining properties.*

### **25. 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.*

### **26. Construction And Fitout Requirements**

Canteen food preparation, sale and storage areas must be constructed and fitted out to comply with the requirements of the:

- (a) Food Act 2003;
- (b) Food Regulations 2015;
- (c) Australia New Zealand Food Standards Code; and
- (d) AS1668.2 - The use of ventilation and air conditioning in buildings - Part 2: Ventilation design for indoor air contaminant control

*Reason: To ensure safe and hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2015, Food Standards Code and relevant Australian Standards.*

### **27. Car Parking to Comply with AS/NZS 2890**

All car parks must comply with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking, AS/NZS 2890.6-2009 Off-Street Parking for People with Disabilities.

Pavement line marking with bay dimensions to comply with AS/NZS 2890.1-2004 and AS/NZS 2890.6-2009, must be shown within the car parking areas to delineate parking bays, including signage for the accessible parking bays.

*Reason: To provide adequate off-street car parking.*

### **28. All Surfaces to be Concrete or Asphalt Surfaced**

All parking spaces, loading bays, driveways and turning aisles must be concrete or asphalt surfaced, with all parking spaces line marked.

*Reason: To ensure car parking spaces are functional prior to use of the premises.*

### **29. Lighting in Car Parks and Public Spaces**

Lighting throughout the car parking area and in public spaces must comply with AS/NZS 2890.1:2004 - Parking Facilities - Off-Street Car Parking, and AS/NZS 1158 - Lighting for Roads and Public Spaces.

*Reason: To ensure the provision of adequate lighting within the development.*

### **30. Submit a Tree Management Plan**

- 1.1. A Tree Management Plan (TMP) is to be prepared in accordance with 'Australian Standard 4970-2009 Tree Protection on Development Sites', by a suitably qualified arborist (Minimum AQF Level 5) prior to the commencement of work in the stage(s) where trees located within Council's road reserve are likely to be impacted by the proposed works.
- 1.2. The TMP must include:
  - a. The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) dimensions for retained trees on the subject site and adjacent sites (if applicable);
  - b. Tree protection measures in accordance with Australian Standard AS4970-2009;
  - c. Trees proposed to be removed (if applicable); and
  - d. Scaled maps depicting all of the above.
- 1.3. TMP protection measures must be implemented prior to the commencement of works, including demolition and tree removal, and remain in place until all site works have been completed unless otherwise specified in the TMP.
- 1.4. All contractors are to be made aware of the TMP as part of their induction on to site and must comply with it.

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

### **Prior to Occupation of the Site as an Operational High School**

### **31. Development Contributions to be Paid**

Prior to the occupation of the site as an operational high school, contributions under Section 64 of the *Local Government Act 1993* and Division 5 Part 2 of the Chapter 6 of the *Water Management Act 2000* must be paid to Council.

*Reason: To provide for the funding of augmentation to Council's water and sewer services resulting from the additional demand created by the development.*

### **32. Covenant on the Land – Council Utility Services**

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) Create all easements specified below and contained in the high school development. All easements must benefit Council;
  - i. easements to drain water,
  - ii. easements to drain sewer,
  - iii. easements for water supply,
  - iv. easements for stormwater.
- b) Council shall be nominated as the 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.*

### **33. Covenant on the Land – Other Utility Services**

Apply covenants under section 88B of the Conveyancing Act 1919 to the new lots incorporating the restrictions listed below.



- a) Create all easements specified below and contained in the high school development. All easements must benefit the relevant service authority;
  - i. easements for electricity,
  - ii. easements for telecommunications
- b) The relevant service authority shall be nominated as the 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.*

#### **34. Establishment of Right of Way**

That a right of way to be established at the front of No.16 Majara Street to allow access to this property from the access road into the school parking area.

*Reason: To ensure legal access to the property at 16 Majara Street is maintained.*

#### **35. Works as Executed (On-Site Detention System)**

Prior to occupation Works as Executed drawings of the constructed on site detention system certified by the designer are to be submitted to Council accompanied by evidence of any restriction of land use of the land and positive covenant over the lot in favour of Council.

*Reason: To ensure on site detention is constructed in accordance with the designed system and that its ongoing maintenance is enforceable by law.*

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

All damage caused to public and private property during the construction operations and associated activities must be repaired or reinstated prior to occupation of the development.

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

#### **37. Water and Sewer Compliance Certificate - Construction**

Prior to occupation of the development a compliance certificate in accordance with the Water Management Act 2000 must be obtained from Council.

*Reason: To ensure the constructed infrastructure and services have been completed to Council's specifications.*

#### **38. Sewage Connection**

Prior to occupation of the development connect the premises to Queanbeyan-Palerang Regional Council's sewerage infrastructure.

*Reason: To ensure that premises are connected to available domestic sewerage system.*

#### **39. Comply with Waste Management Plan**

The development is to comply with the submitted Waste Management Plan dated 7 September 2021.

*Reason: To ensure the impacts of waste generated by the development are managed accordingly.*

#### **40. Submission of Litter Management Plan**

Prior to occupation of the development the applicant shall submit to Council a litter management plan detailing how the school will manage litter around the school and fringes of the building and property boundary. The plan shall include a regular schedule for litter pickup and a maintenance schedule for litter bins placed around the facility. Following occupation this litter management plan shall be adhered to.

*Reason: To ensure that the school and building surrounds are kept free from litter whether generated onsite or from surrounding sites.*

#### **41. Waste Conditions**

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The school is encouraged to contact Council's Waste Officer to assist with the following elements of the school's waste management plan:

- Signage for waste bins at school to ensure it is consistent with Council's waste service so that students are getting the same message at home and at school.
- Council provides a number of waste education programs that are available for the school
- To assist with finding option for recycling plastic wrap, soft plastics and polystyrene.

*Reason: To maximise waste reduction strategies at the school.*

#### **42. School Transport Plan**

That the following inclusions and modifications be made to the School Transport Plan:

- a) TfNSW's management of the School Crossing Supervisor Program shall be noted in the Plan.
- b) A requirement that a mandatory school crossing supervisor to support the large number of unaccompanied school children using the crossing be included in the Plan.
- c) That the school crossing supervisor be included as a member of the internal working group proposed in the Preliminary School Transport Plan.

*Reason: To ensure the appropriate provision for the School Crossing Supervisor is made in the STP.*

#### **43. Provision of Works as Executed Drawings**

Within three months of the occupation of the site, works as executed drawings for all internal water, sewer, stormwater and trade waste installations be shall be provided to Council for its records.

*Reason: To ensure that Council has permanent records of internal services for the future reference of trade and other professionals.*

#### **44. Relocation of Rotunda and Bush Balladeers Memorial**

That the Rotunda and Bush Balladeers Stone Memorial be relocated to Frogs Hollow Reserve at no cost to Council.

*Reason: To ensure that the Rotunda and Balladeers Memorial that are displaced by the schools construction are relocated within the village at no cost to the community.*

### **Conditions Applying to the Ongoing Operation of the School**

#### **45. Maintain Car Parking Areas and Driveway Seals**

All sealed car parking areas, loading bays, maneuvering areas and driveways must be maintained in a trafficable condition, including pavement line marking

*Reason: To ensure car park areas are useable.*

#### **46. Vehicle and Goods Storage Confined to the Site**

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.*

#### **47. Car Parking Spaces to be Kept Free at all Times**

All car parking spaces, loading and unloading areas, vehicle maneuvering and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times. The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.

*Reason: To ensure such areas are available for occupants and visitors of the site and parking on site is used for the development.*

**48. Waste Collection Hours**

Waste collection shall be limited to between 6:00am to 7:30am and 4.00pm to 7.00pm Monday to Saturday.

*Reason: To ensure that waste collections are carried out at times when they do not create a noise nuisance to neighbours or a danger to students.*

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

14 AUGUST 2024

ITEM 9.2 SUBMISSION TO HERITAGE NSW ON THE 15 YEAR  
MANAGEMENT REVIEW OF BRAIDWOOD AND ITS  
SETTING SHRL MILESTONE 3 REPORT

ATTACHMENT 1 DRAFT SUBMISSION TO HERITAGE NSW ON "MILESTONE 3  
REPORT: RECOMMENDATIONS FOR FUTURE  
MANAGEMENT – MAY 2024"

## Heritage NSW Status Review – Braidwood and its Setting

### ATTACHMENT 2

#### Council Officer Comments on "Milestone 3 Report: Recommendations for Future Management – May 2024"

Queanbeyan-Palerang Regional Council is proactive in its approach to manage and celebrate heritage in the area. It holds an annual heritage festival and awards, where the heritage values in Braidwood and its surrounds are celebrated. Council has committed significant resources to undertake a full review of Schedule 5 Environmental Heritage in the Queanbeyan-Palerang Regional Local Environmental Plan 2022. It also provides additional heritage services through heritage advisors and heritage grants.

Whilst the Milestone 3 report contains recommendations (in addition to the above) with a focus on facilitating better relationships with the Braidwood community, Council is concerned that Heritage NSW has failed to recognise the work Council already undertakes as well as its resourcing.

Council's officers have provided comments and posed a series of questions for consideration on:

- The summary of key findings in from previous reports (Milestones 1 and 2);
- Proposed recommendations for long term management of the listing;
- Proposed updates to the DCP and site-specific exemptions;
- Proposed long term community education program;
- Lessons learned from the project that may assist Heritage NSW with undertaking future SHR listings of cultural landscapes.

It is noted that the project scope for Milestone 3 provided by Heritage NSW to its consultants did not include amendments to the SHR listing for 'Braidwood and its Setting' and that First Nations people's cultural heritage values have not been subject to detailed research or investigation as part of this project.

For context, it would be useful to include a statement at the outset as to Heritage NSW's purpose in creating the original SHR listing of 'Braidwood and Its Setting', and now that 15 years have passed, has its original purpose been achieved? The answer to this basic question seems to have been overlooked.

In terms of how the last 15 years have gone from a management perspective, can Heritage NSW identify what were the key challenges? Key successes? What worked and should be kept or improved? What hasn't worked well and should be removed?

Additionally, Council is seeking confirmation as to whether Heritage NSW supports the findings and recommendations of the Milestone 3 Final Report. If so, what consideration has been given to the funding and resourcing of programs to be undertaken within the estimated timeframes?

*Note – the numbering of sections below corresponds to the numbering in the Milestone 3 Report.*

## **2. Key Findings from Milestone 1 and 2 Reports**

Council previously provided detailed comments on the Draft Milestone 1 and 2 Reports, which were taken into consideration in the final reports for both Milestones.

The Milestone 2 Report also recommended five actions (to be undertaken by Heritage NSW) that should occur prior to preparation of the Milestone 3 Report, which primarily involved further consultation with various community groups and stakeholders and internal reviews of the Milestone 2. There is no evidence to suggest that these were completed prior to Milestone 3. Council requests clarification as to whether these steps were/are going to be undertaken.

## **3. Potential Options for Long-term Management**

### **3.1 State Heritage Register Listing**

Amendment of the listing for 'Braidwood and its Setting', to include a comprehensive and adequate assessment of significant heritage values, and the inclusion of First Nations cultural heritage, is supported. Council Officers concur that further detail and mapping would be beneficial in supporting the continuing conservation of significant features and assist in managing future change and development.

This recommendation follows on from Council's previous comments on the Draft Milestone 1 and Draft Milestone 2 Reports, namely that Council strongly supports further research and consultation relating to Aboriginal cultural heritage, its recognition, conservation and management, and that the Local Aboriginal Land Council be involved.

### **3.2 A Streamlined Approvals & Management System**

#### 3.2.1 Site Specific and Standard Exemptions

Site specific and standard exemptions add an extra layer of regulation. Council officers question the expense involved and effectiveness. The process should be simplified.

#### 3.2.2 Heritage Exemption Guidelines

Supported in principle but question whether they will end up being a duplication of DCP controls, especially once the Braidwood DCP is updated. Might also be more challenging to apply to listed items in a town than the [Catherine Park Estate](https://masterplan.catherinepark.com.au/) example given. <https://masterplan.catherinepark.com.au/>

#### 3.2.3 State Heritage Standards

Are these standards or are they guidelines? If they are guidelines, this should be made clear at the outset. As guidelines, they cannot be enforced. Re-establishing a vision for the conservation and management of the Braidwood and its Setting state heritage listing, is the best home?

#### 3.2.4 Guidelines for Applicants

Preparation of Guidelines for Applicants is fully supported and needed, as this is a complicated process to navigate due to multiple layers of regulation and jurisdiction.

#### 3.2.5 Development Control Plan

The Report's recommendation that QPRC prepare a consolidated and robust DCP for 'Braidwood and its Setting' is noted, however, the project is not currently within the Land Use Planning work program or the LSPS and additional resourcing will be required.

Council recognises the significance of heritage to Braidwood and to any development controls developed for the town and its setting. Officers generally do not object to the majority of suggested controls and will review the proposed "matters for consideration when drafting updated controls" in further detail prior to drafting any future DCP.

We also note that additional funding would be required to undertake a comprehensive heritage study and 3-stage Archaeological Management Plan (AMP) to inform the development controls and planning processes. Funding for this has not been allocated in Council's budget and the project would have to be funded by other means. Given this, the recommendation in Section 6 of the Report that these works be undertaken in Year 1 of the Management Plan is not achievable.

The structure of the DCP proposed by the project consultants is acknowledged, however, this will likely be varied given that much of the content of any future DCP will not directly relate to heritage.

### **3.3 Technical Support and Advisory Services**

The report notes that a full-time specialist heritage planner on staff at QPRC would likely enhance community understanding and awareness of heritage planning matters. While this may be the case, without consideration of funding and a demonstrated need for the new staff position, this is not a viable recommendation.

### **3.4 Technical Studies for Improved Heritage Management**

We agree that each of the technical studies listed below and described in the Milestone 3 Report would greatly enhance heritage management within and around Braidwood. QPRC cannot, however, consider undertaking any of the recommended studies without grants or another means of funding in place.

- 3.4.1 Comprehensive Heritage Study
- 3.4.2 Aboriginal Cultural Heritage Study
- 3.4.3 Archaeological Management Plan
- 3.4.4 Heritage Interpretation Plan

### **3.5 Incentives**

Officers agree in principle that the provision of incentives to owners of heritage buildings and items will improve and enhance conservation efforts.

#### 3.5.2 Types of Incentives

Officers are supportive of incentives to support the community and individual owners of a heritage listed property or site, particularly in the form of tax incentives, grants or loans administered by the NSW Government, QPRC's existing heritage grants and heritage awards, and heritage recognition and celebration events.

The proposed planning incentives such as transfer of development rights and floor space bonuses may be of value within an urban environment where the property market is more robust and the demand for development rights within larger cities and commercial areas is high but would not be considered effective for a small community in a rural setting, such as Braidwood.

The use of Heritage agreements between the Minister for Heritage and owners of SHR listed items under Part 3B of the Heritage Act are not supported as proposed. These

are legally binding contracts that run with the land and set out provisions for the continuing conservation of a heritage place, which may include restrictions on the use of the item and/or land in which it is situated, requirements for the owner to undertake certain works, access etc. It is unclear as to how NSW Heritage intends to negotiate, enter into and enforce such agreements. It is also unclear as to why the existing legal framework is not suitable and a new legal regime is required.

It is also noted that a property owner entering into such an agreement may receive financial assistance from the government in the form of land tax relief or local council rebates. In the short term, QPRC does not support or has the capability to provide rebates and would not consider doing so in conjunction with an agreement it is not party to.

It is unclear why the incentive of establishing a Conservation Trust is proposed. Is that not the purpose of the National Trust? If adopted, this initiative should be undertaken at State level to possibly provide better financial support. Council does not have a pool of capital it can direct to this cause, nor is it mandated to purchase endangered or threatened heritage properties, nor does it have the additional resources with expertise in real estate, valuation, marketing and finance needed to administer the fund.

#### **4. Long-term Community Engagement Plan**

##### **4.1 Joint Undertakings – Heritage NSW & QPRC**

###### 4.1.1 Communication and Community Support

The proposed measures for increased and regular communication with the Braidwood community are generally supported, however resourcing should be managed between Council and Heritage NSW.

##### **4.2 Components to be Undertaken by Heritage NSW**

The three following components are fully supported.

###### 4.2.1 Online Heritage Toolkit

This would be an important and valuable tool to assist property owners and in keeping the community engaged.

###### 4.2.3 Heritage Training Workshop for QPRC Staff

The recommendation that Council officers be provided access to technical support, advice and funding for heritage matters is fully supported. Officers are not experts in this field and heritage is one of many variables to be considered in assessments and recommendations.

##### **4.3 QPRC**

###### 4.3.1 Heritage Advisory Services

Whilst Council is proactive in providing heritage advice to all community members, Council does not have capacity to increase the frequency of this service or to create a position for a full-time heritage planner.

The Heritage Advisory Service provided by QPRC is supported directly by funding from Heritage NSW. As a result of the amalgamation of Queanbeyan and Palerang Councils in 2016, funds previously provided to the separate Councils were not combined. This happened even though both Councils had designated heritage conservation zones and extensive heritage inventories to manage. Furthermore, there has been no substantial



increase in funding from Heritage NSW since to assist with the rising costs of managing these assets.

The QPRC website has been updated to provide additional information and links regarding its heritage advisory services. If there is further specific information that Heritage NSW deems necessary, please advise.

## 5. Lessons Learned

### **Lesson 1: SHR Listing Implications Need to be Fully Explained**

We concur with point no 4 that governance for state and local planning and management should be defined during the listing process, with clearer definition of roles and responsibilities.

We question how point no 5, requiring local government to "ensure strategic heritage planning stays abreast of change, is proactive with the review and update of heritage studies, listings and controls, and routine reviews of DAs to assess issues/trends with implications for heritage management", is to be achieved with the limited resources available to QPRC.

### **Lesson 2: Continuing Community Engagement is Essential to Heritage Listing, Urban Governance and Sustainable Development**

Agree with findings.

### **Lesson 3: Periodic Review of the SHR Assessment and Supporting Documentation is Required for Best Practice Management**

Agree with findings.

### **Lesson 4: Recognition, Promotion and Celebration of SHR Listing is Integral to Ongoing Success and Support for Heritage Listing**

Concur that much more can be done in this space.

## 6. Recommendations

### **6.1 Future Heritage Management of 'Braidwood and its Setting'**

#### **Short-term Goals for Management (Year 1)**

The following short-term goals are not supported:

- "QPRC should develop or commission a comprehensive study for 'Braidwood and its Setting' that includes a thematic history, an AMP, a heritage study (encompassing built heritage, cultural landscapes and heritage conservation areas), and an aboriginal cultural heritage study."
- "Heritage NSW and QPRC should jointly commit to the tasks outlined in Year 1 of the long-term community engagement plan."

Review of Schedule 5 of the QPRLEP 2022 will assist, but Council does not have the resources to undertake the above works, particularly in the first year. If Heritage NSW wants this to remain a recommendation, it will need to be accompanied by funding.

Council should not be expected to commit to a scheduled list of joint tasks without having secured the means and staff resources to undertake the work plan.

#### **Medium-term Goals for Management (Years 2 and 3)**

The following medium-term goals are not supported:

- "Heritage NSW and QPRC are to commit to the tasks outlined in Years 2 and 3 of the long-term community engagement plan."
- "QPRC should commission the preparation of a heritage interpretation plan for Braidwood."

Rationale for not supporting these goals is the same as listed above for short-term goals.

#### **Long-term Goals for Management (Year 3 onwards)**

The following long-term goal is not supported:

- "Heritage NSW and QPRC are to provide ongoing support to the Braidwood community by continuing to provide support to residents, owners and applicants, as outlined in Table 6.1 in Section 6.2."

Rationale for not supporting this goal is the same as listed above for short-term goals.

### **6.2 Long-term Community Engagement Plan**

Agree in principle to having joint key objectives for each engagement program set out in a timeline, however, this appears to have been developed with no consideration as to funding and staff resources.

The basis for determining that a full-time heritage advisor is needed and should be provided and maintained by QPRC, is questioned. It appears this action is a direct result of a suggestion made at a public consultation session. The demand for creation of a new position would require clear, supporting rationale and data to show why it is warranted.

### **General Comments and Conclusion**

The report makes many worthy recommendations for future endeavours. However, Council cannot undertake major studies, create new positions, commit to various joint actions etc, without provision of necessary funding. Having obtained IPART approval in 2023 for a 64% cumulative rate rise over three years, Council has a responsibility to ensure that expenditure on new resources and programs can be fully justified and financed without additional cost to ratepayers.

Furthermore, is QPRC to assume by the referral of the Milestone 3 Report that Heritage NSW is giving its tacit support for each of the recommendations? And if supported, will Heritage NSW be providing Council with the funding necessary to undertake the recommendations?

Likewise, what consideration has been given to the funding and resourcing of programs that have been identified for Heritage NSW to undertake? The answer to these questions is critical in terms of moving forward.

'Braidwood and Its Setting' is a State Heritage Register Listing, therefore, it is the primary responsibility of the NSW Government to manage and maintain the listing. QPRC will assist where it can, but it does not have the capability to fund the recommended projects or to raise rates further to generate funds.

DRAFT

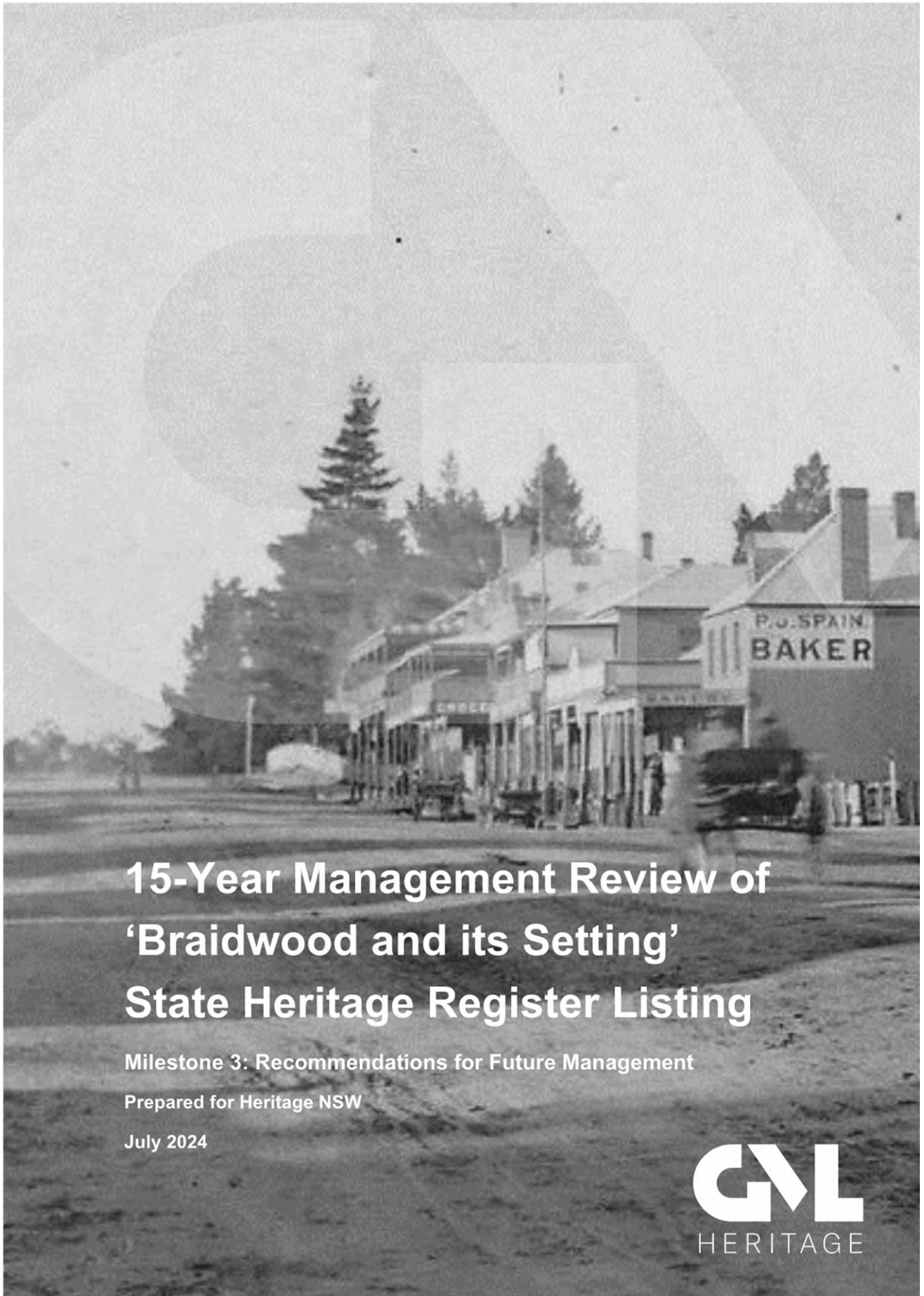
# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

14 AUGUST 2024

ITEM 9.2 SUBMISSION TO HERITAGE NSW ON THE 15 YEAR  
MANAGEMENT REVIEW OF BRAIDWOOD AND ITS  
SETTING SHRL MILESTONE 3 REPORT

ATTACHMENT 2 15-YEAR MANAGEMENT REVIEW OF 'BRAIDWOOD AND ITS  
SETTING' STATE HERITAGE REGISTER LISTING  
MILESTONE 3: RECOMMENDATIONS FOR FUTURE  
MANAGEMENT JULY 2024



# 15-Year Management Review of 'Braidwood and its Setting' State Heritage Register Listing

Milestone 3: Recommendations for Future Management

Prepared for Heritage NSW

July 2024



## Acknowledgement of Country

We respect and acknowledge First Nations and First Peoples across Australia.

This report concerns land on the traditional Country of the Yuin Nation, whose lands and waterways, rich and continuing cultural heritage, and connections to Country, along with their Elders past and present, we acknowledge and respect. We are committed to truth-telling and to the concepts of voice, treaty, and truth in the Uluru Statement from the Heart.

## Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.





## Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

Project	Issue No.	Notes/Description	Issue Date
21-0094A	1	Draft Report	15 November 2023
21-0094A	1	Final Report	14 May 2024
21-0094A	1	Updated Final Report	2 July 2024

### Quality management

The report has been reviewed and approved for issue in accordance with the GML quality management policy and procedures.

It aligns with best-practice heritage conservation and management, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* and heritage and environmental legislation and guidelines relevant to the subject place.

### Indigenous cultural and intellectual property

We acknowledge and respect the inherent rights and interests of the First Nations and First Peoples in Indigenous Cultural and Intellectual Property. We recognise that Aboriginal and Torres Strait Islander people have the right to be acknowledged and attributed for their contribution to knowledge but also respect their rights to confidentiality. We recognise our ongoing obligations to respect, protect and uphold the continuation of First Nations and First Peoples rights in the materials contributed as part of this project.

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Source of images is GML unless otherwise stated.

### Cover image

Braidwood, early 1900s. (Source: Historical Australian Towns)

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## Executive summary

'Braidwood and its Setting' was listed on the State Heritage Register (SHR) under Part 3A of the *Heritage Act 1977* (NSW) in 2006. At that time, the listing of Braidwood was by far the most complex that Heritage NSW had undertaken. 'Braidwood and its Setting' is assessed as being an excellent example of a surviving Georgian town plan, with historical streetscapes and nineteenth-century building stock, set within a broader pastoral landscape.

Heritage NSW engaged GML Heritage Pty Ltd (GML) to review the heritage management of 'Braidwood and its Setting' since its SHR listing. This multi-staged project aims to improve the performance and management of the listing for the Braidwood community, Queanbeyan-Palerang Regional Council (QPRC), and Heritage NSW to ensure the continuing conservation of Braidwood's heritage significance.

In January 2022, GML prepared the Milestone 1—Management Review report that identified and examined several key issues and challenges associated with the administration and management of the SHR listing for 'Braidwood and its Setting'. Milestone 1 involved discussions with key stakeholders, including QPRC and previous Heritage NSW staff. The report provided preliminary recommendations for future management of the SHR listed item.

In May 2023, GML completed a Milestone 2—Community and Stakeholder Engagement report which provided a summary of the community consultation/engagement program. The community engagement program was informed by the International Association for Public Participation (IAP2) framework, which outlines the core values for public participation. A range of engagement methods were incorporated into the program including in-person sessions with the Braidwood community over three days in May 2022; interviews with First Nations people; and an online survey. Key takeaways and recommendations were compiled with a focus on facilitating an improved relationship with the Braidwood community. The Milestone 1 and 2 reports are appended to this report.

This Milestone 3 report is the final component of the project and provides:

- a summary of the key findings in Milestones 1 and 2;
- recommendations for long-term management of the SHR listing;
- proposed updates to the *Braidwood Development Control Plan 2006* and site-specific exemptions;
- a long-term community education program; and
- lessons learned from the project that may assist Heritage NSW with future SHR listings of cultural landscapes.



The recommended short-term, medium term and long-term management goals for 'Braidwood and its Setting' are summarised below:

### Short-term Goals for Management (Year 1 following 15-Year management review)

Heritage NSW should update the site-specific exemptions for 'Braidwood and its Setting' and streamline the planning and approvals process through the preparation of a Heritage Exemption Guidelines document for 'Braidwood and its Setting' that is tethered to gazetted site-specific exemptions.

In drafting Heritage Exemption Guidelines, Heritage NSW should consider the inclusion of State Heritage Standards, Guidelines for Applicants, 'DCP controls' and planning incentives to streamline planning and development for applicants and government.

QPRC should develop or commission a comprehensive heritage study for 'Braidwood and its Setting' that includes a thematic history, an AMP, a heritage study (encompassing built heritage, cultural landscapes and heritage conservation areas), and an Aboriginal cultural heritage study.

Heritage NSW and QPRC should commit to convening quarterly or half-yearly briefings to facilitate improved exchange of knowledge and information regarding planning and development for heritage within 'Braidwood and its Setting'.

Heritage NSW and QPRC should jointly commit to the tasks outlined in Year 1 of the long-term community engagement plan.

Heritage NSW to investigate opportunities for tax incentives for owners of heritage items within 'Braidwood and its Setting'.



### Medium-term Goals for Management (Years 2 and 3 following 15-Year management review)

Heritage NSW and QPRC should work collaboratively to implement and monitor the effectiveness of the updated site-specific exemptions and Heritage Exemption Guidelines document for 'Braidwood and its Setting'.

Heritage NSW and QPRC are to commit to the tasks outlined in Years 2 and 3 of the long-term community engagement plan.

QPRC should commission the preparation of a heritage interpretation plan for Braidwood.

Heritage NSW and QPRC should consider developing a strategic plan to guide improved recognition, promotion and celebration of the SHR listing and Braidwood's heritage values. This strategic plan is to be integrated into the long-term community engagement plan.

Heritage NSW and QPRC to establish heritage incentive programs (eg tax incentives, grants program and/or a conservation trust).

### Long-term Goals for Management (Year 3 onwards)

Heritage NSW is to review the site-specific exemptions and Heritage Exemption Guidelines every five years and update them, as required.

Heritage NSW and QPRC are to provide ongoing support to the Braidwood community by continuing to provide support to residents, owners and applicants.

Heritage NSW and QPRC will periodically monitor and review the performance of the heritage incentive programs (eg tax incentives, grants program and/or a conservation trust).



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# 1 Introduction

Heritage NSW engaged GML Heritage Pty Ltd (GML) to review the heritage management of the 'Braidwood and its Setting' State Heritage Register (SHR) listing. The township of 'Braidwood and its Setting' was listed on the SHR in 2006 for its significance to the people of NSW as an excellent example of a surviving Georgian town plan, with historical streetscapes and nineteenth-century building stock, set within a broader pastoral landscape.

Braidwood has experienced considerable growth and development since it was listed on the SHR. The aim of this three-stage project is to improve the performance and management of the listing for the Braidwood community, Queanbeyan-Palerang Regional Council (QPRC or Council) and Heritage NSW and to ensure Braidwood's heritage significance is conserved.

GML has completed two prior stages of the project, Milestones 1 and 2. The Milestone 1—Management Review report identified and examined several key issues and challenges associated with the administration and management of the SHR listing. The Milestone 2—Community and Stakeholder Engagement report provided a summary of the community engagement program.

Milestones 1 and 2 have informed this report, Milestone 3—Recommendations for Future Management, which is the third and final component of the multi-staged project. This report provides:

- a summary of the key findings in Milestones 1 and 2;
- recommendations for the long-term management of the listing;
- proposed updates to the *Braidwood Development Control Plan 2006* (DCP) and site-specific exemptions;
- a long-term community education program; and
- lessons learned from the project that may assist Heritage NSW with undertaking future SHR listings of cultural landscapes.

## 1.1 The Site

The SHR listed historic townscape of Braidwood is within the Queanbeyan-Palerang Regional Council Local Government Area (LGA) in the Southern Tablelands. It is situated approximately 278 kilometres southwest of Sydney, 61 kilometres southeast of Canberra, 96 kilometres south west of Nowra, and 47 kilometres north west of Batemans Bay.

The SHR curtilage of 'Braidwood and its Setting' (Figure 1.2) includes the historic town centre of Braidwood and some areas of the surrounding rural agricultural landscape to the north, south and west of the township.



Figure 1.1 The location of Braidwood in its regional context. (Source: © Google with GML overlay, 2021)



Figure 1.2 The 'Braidwood and its Setting' SHR listing curtilage (outlined in red). The Georgian township and landscape setting are clearly discernible. (Source: © Google with GML overlay, 2021)





## 1.2 Project Scope

One of the important matters, relating to project scope is that the revision to the existing statement of significance and assessment under the criteria for 'Braidwood and its Setting' was not included and is therefore not a recommendation in this report. The core focus of this review, was, given the passage of time since the original listing, to consider and assess the current issues and to formulate a plan for the improved long-term management of a large and complex SHR item.

The project scope provided by Heritage NSW (HNSW) for Milestone 3 is as follows:

Note, it is out of scope to revise the statement of significance and significance criteria for *Braidwood and its Setting*. The focus of this review is to assess current issues and plan for the long-term management of this complex item.

...

### Key Milestone 3

Final report with recommendations on how the SHR listing can be updated with particular focus on the following themes:

- a) streamlining and clarifying approval and exemption processes, engagement and communication with Braidwood community (potentially through the use of modern technologies), and joint management processes by QPRC/HNSW.
- b) If appropriate, provide recommendations on how Braidwood and its Setting can be updated to ensure best stakeholder satisfaction and confidence and positive heritage outcomes on the ground. This includes:
  - i. Proposed amendments/updates to the Braidwood DCP 2006;
  - ii. Proposed incentives or services that the Heritage Council of NSW can offer QPRC or the Braidwood community and property owners;
  - iii. Revised site-specific exemptions; and
  - iv. Ensuring user-friendliness of proposed updates to approvals and exemptions processes.
- c) Design a long-term community engagement program, that can be undertaken jointly by QPRC and HSNW, which will ensure that the Braidwood community are aware of the controls and benefits that stem from Braidwood and its Setting.
- d) Provide HNSW with a 'lessons learned' for when further complex landscapes are being considered for listing.

The final report will include:

- a) Outline of methodologies used;
- b) Key findings of project overall;



- c) Status update on Braidwood and its Setting including issues and problems identified by stakeholders;
- d) Results of review of the controls, mechanisms and approval process of Braidwood and its Setting;
- e) Recommendations for potential updates to Braidwood DCP 2006;
- f) Recommendations for potential updates to Site Specific Exemptions;
- g) Recommendations for how to streamline the long-term management of Braidwood and its Setting;
- h) Design for a long-term community engagement program with components to be carried out by QPRC and HNSW clearly identified;
- i) 'Lessons Learned' document to assist with future listings of complex landscapes; and
- j) Progress reports 1 & 2 included as appendices.

## 1.3 Limitations

This report has been prepared based on the following limitations:

- GML note that revision of the State Heritage Register listing, including the curtilage of the item, statement of significance and assessment of the heritage values under the NSW assessment criteria are not within the project scope.
- This report refers to the key findings from the community and stakeholder engagement, including the discussions with Council and previous Heritage NSW staff that were involved in the 2006 SHR listing that were undertaken during Milestones 1 and 2. No further consultation was undertaken during the preparation of this report.
- First Nations people's cultural heritage values have not been subject to detailed research or investigation as part of this project. This report refers only to preliminary discussions with First Nations people undertaken during Milestones 1 and 2 only.

## 1.4 Authorship

This report was prepared by GML Heritage consultants and reviewed in accordance with the company's quality standards.



## 2 Key Findings of the Project

The project scope, methodology and key findings from the Milestones 1 and 2 reports are summarised in this section. The key findings inform the recommendations for the long-term management of 'Braidwood and its Setting'.

### 2.1 Milestone 1

#### 2.1.1 Project Scope and Methodology

Milestone 1 involved a review of the key issues and challenges associated with the administration and management of the SHR listing. The scope provided by Heritage NSW for Milestone 1 is as follows:

- a) attend fortnightly meeting as required;
- b) review the State Heritage Register listing for Braidwood township and its setting;
- c) consider the current curtilage and review historic aerials and other material that provides a spatial overview of development over time;
- d) understand the site specific exemptions that apply to the listed area, consider the new standard exemptions and determine where planning processes can be streamlined;
- e) undertake desktop research to understand key issues/perceptions of heritage as presented via social and news media channels;
- f) review Council's LEP and DCP controls for heritage and identify key issues or risks;
- g) consider the Braidwood DCP 2006 which operates under the Heritage Act and its effectiveness for controlling and guiding development. Determine whether Section 60 Approval thresholds are 'fit for purpose';
- h) read and review the Archaeological Management Plan to understand the archaeological sensitivity and determine options for best practice management and conservation as part of the planning approval process;
- i) review relevant court cases including Samowill Pty Ltd v Heritage Council to understand matters in dispute between consent authorities and proponents;
- j) conduct a round table with Heritage NSW officers to understand key issues and 'lessons learned' with regard to the Listing and stakeholder relationships issues and concerns;
- k) with prior Heritage NSW approval seek to contact assessment/listing officers at the time of the listing to understand the issues and gather their views regarding 'lessons learned';



- l) undertake a site inspection to thoroughly understand the values of the listed area and its context. Identify setting, curtilage, check interface areas, views, historic planned core, key character areas, significant elements such as streetscapes, landscaping, and built form character. Identify new development within the listed area or in the vicinity and document issues or concerns;
- m) attend introductory meeting with Council to introduce the project and understand their key concerns and requirements, [and] also ask for background overview regarding key stakeholder groups;
- n) following introductory meeting with Council and Heritage NSW develop a draft community engagement program. This would include the outline for consultation including key matters for discussion and input (e.g. issues, concerns, positives/negatives, opportunities for positive change, suggestions for improvement);
- o) identify and agree with Heritage NSW the most appropriate format and style for consultation program which may be a combination of drop in sessions, one on one interviews, workshops, attendance and presentation at meetings with discussion, etc;
- p) consider comparable examples of complex listed landscapes and best practice management regarding statutory planning and development controls;
- q) prepare and submit Milestone 1 report; and
- r) attend progress meeting with Heritage NSW to discuss key issues.

The scope for Milestone 1 required a desktop review of technical reports relating to Braidwood, including historical accounts, archaeological plans and assessments, landscape plans, built heritage assessments, planning instruments, development controls, management of heritage townscapes in other localities, select development applications within the SHR listed area and Land and Environment Court cases.

Preliminary consultation was undertaken with QPRC planners and parks and maintenance staff, the Heritage Advisor for QPRC, former staff of the NSW Heritage Office, and some long-term Braidwood residents. A round table discussion with Council planning staff occurred on 21 May 2021. The session was designed as an opportunity for Council staff to raise and discuss various issues related to Council's activities at Braidwood, including the implementation of civil works, landscape and tree management, development assessment, strategic planning, projected growth in the region, business and tourism activities, and community concerns.

GML liaised with current and former Heritage NSW staff. The project team met with current Heritage NSW officers, including those working in assessment and familiar with Braidwood, on 3 June 2021. GML also met with select former Heritage NSW staff associated with the original listing. The preliminary discussions have informed the identification of key issues and will guide future discussions to ensure the long-term heritage planning, management and conservation of Braidwood.



The GML project team undertook a site inspection of the SHR listed area on 20 May 2021. During the site inspection the project team travelled along the curtilage boundaries of the SHR listed area, viewed subdivision developments on the fringe of the town centre, traversed streets within the Georgian town plan and considered its setting, streetscapes, public open spaces, landscape and built form.

## 2.1.2 Key Findings

The Milestone 1 report provided a summary of key issues based on a desktop review of community values about heritage as expressed online; the SHR assessment and listing; and the statutory planning context and associated matters, as follows:

### Community Understandings of Heritage

- Business performance reporting for Braidwood between 2006 and 2010 shows that many survey respondents considered the SHR listing to be detrimental to Braidwood's future.
- Business reporting suggests commercial operators do not necessarily consider that the SHR listing is directly impacting their business, yet they regard it as impacting the town's potential growth and development, and mentioned that costs were increasing.
- Braidwood's heritage is considered important. In the online context, Braidwood's heritage 'brand' is strong, and is leveraged by some local suppliers and businesses. Yet SHR listing is not being fully capitalised. The recognition, promotion and celebration of the SHR listing is not central to the online promotion of Braidwood's businesses or tourism products or experiences. Overall, the SHR listing is not presented as a unique selling point that differentiates the experience of Braidwood from that of other historic regional towns in NSW.

### The Heritage Assessment under the Criteria and Significance

- Some technical imprecision is evident in the citations under the assessment criteria. For example, under 'criterion (b) historical association' much of the citation relates to views and aesthetic values. We note this error was amended on 23 November 2021.
- Aboriginal values that may be attributed to Braidwood and its Setting are not considered. This is inconsistent with the Heritage Council's SHR policy. One of the key objectives for the future of the SHR is to ensure that the register represents First Nations' cultural heritage as intrinsic to the story of NSW.
- Some heritage values described in the SHR listing lack specificity. Greater precision and locational clarity are required to better define where the heritage significance of 'Braidwood and its Setting' at state level is physically embodied and evidenced. This would potentially address the uncertainty wherein some heritage values require subjective judgement and interpretation on the part of both applicants and planners 'downstream' at development assessment stage.



#### **Archaeological Management**

- The Stage 1 Archaeological Management Plan (AMP) does not currently fulfil the purpose of an archaeological management tool to guide decision-making.
- The Stage 2 AMP will first need to address errors and omissions present in the Stage 1 AMP to enable accurate analysis and management recommendations for identified sites in the study area based on significance assessments that reflect Heritage NSW guidelines and policy.
- QPRC needs a stronger evidence base to support informed and accurate advice to owners and applicants and to inform the decision-making process for historical archaeology.
- Prioritised funding to fast-track a revised Braidwood AMP, and ensure its outcomes are reflected in the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPR LEP) and forthcoming DCP, is required to address ongoing management and regulation of the known and potential archaeological resources in Braidwood.
- A Stage 2 AMP would need to be progressed to at least draft stage to enable its outcomes and recommendations to inform revised DCP controls currently under review (Stage 3 AMP).
- Timely development of the Stage 3 AMP would allow for management policies and procedural recommendations to be clearly translated into QPRC development controls to mitigate impacts relating to archaeological heritage. This advice would extend to include application of standard exemptions and Section 60s introduced after the 2012 version of the AMP was completed. Data in the final GIS project should be correlated so that relevant output can be shared with Council's GIS.
- Community engagement should include information sessions about historical archaeology to ensure owners and applicants understand planning and management requirements.

#### **Statutory Planning Context**

- The inconsistency between the LEP, DCP and site-specific exemptions creates confusion about which types of development are permissible and appropriate for Braidwood. The lack of clarity, cohesion and consistency between the planning controls allows for developments and incompatible uses that will potentially negatively impact the significant heritage values of Braidwood.
- There are several approved developments, including Braidwood Ridge, that are not consistent with the heritage significance of the town. Further similar developments will potentially negatively impact the significant heritage values of Braidwood.
- QPRC requires a consolidated and robust DCP for the town of Braidwood. The inconsistencies between the Palerang LEP 2014 (PLEP 2014) and Braidwood DCP 2006 allow for new development in Braidwood that may impact the heritage values of the place.



- The PLEP 2014 should be reviewed and amended to restrict inappropriate development within and surrounding the SHR listed area.
- To manage projected future growth, suitable areas and opportunity sites within and outside of the listed area should be identified and zoned to proactively direct and manage development.
- The Braidwood DCP requires specific guidelines for conservation and development. A comparative analysis of development guidelines prepared for similar towns could be undertaken to formulate these controls.
- For the updated DCP process, input from the community, specialists and, in particular, heritage professionals and archaeologists should be sought. The update of the DCP should also address the gaps that have been identified in the previous DCP 2006. In addition, the updated DCP should include guidelines for the management of Braidwood's archaeological resources. A completed Stage 2 AMP would ideally inform the development controls and planning processes. Funding to undertake the final stages of the AMP should be a priority.

#### **Exemptions**

- The process regarding the application of site-specific exemptions is not clear.
- The Heritage NSW approvals pathway decision tree process omits any reference to site-specific exemptions. Guidance about site-specific exemptions is required.
- Where appropriate, and subject to further discussion with Council, the site-specific exemptions should be reviewed. Ideally there would be one set of site-specific exemptions that cover a range of specified works as agreed between Heritage NSW and QPRC.
- The site-specific and standard exemptions process is convoluted and complex. Three steps are required to determine which planning assessment and approval pathway the works fit into—that is, whether the works are exempt under the site-specific or standard exemptions, or whether a Section 60 works application under the *Heritage Act 1977* (NSW) (Heritage Act) is necessary.

#### **Minimum Standards of Maintenance and Repair**

- Within the SHR listed area of 'Braidwood and its Setting' the properties evidence varying standards of maintenance and repair. Some properties are maintained to a high standard, whereas other properties and features require significant essential maintenance and repair. This poses a potential risk to the integrity of the SHR listed item and does not reflect well on the efficacy of NSW's heritage management system.

#### **Development Application Exemption for Minor Heritage Works**

- Under Clause 5.10 (3) of the LEP applicants may apply for DA Exemption for minor heritage works. It is not clear how QPRC applies the minor heritage works application. Nor is it clear how it applies to the SHR listed 'Braidwood and its Setting' area and



listed heritage items within it. Many of the matters covered under this LEP clause and the application are potentially duplicated by the site-specific and standard exemptions for the SHR listed area and the controls in the DCP. If QPRC wants the minor heritage works under the LEP to be exempted within the SHR listed curtilage a new site-specific exemption would need to be drafted.

#### **Development Control Plan Precincts**

- The DCP precincts contain objectives and controls to manage various types of development. The objectives are overly broad, and the controls lack the specificity and clarity required to effectively manage development.
- The special character and importance of each of the precincts, and their various distinguishing elements, are not clearly identified and defined. Without this, special character areas and distinguishing heritage elements are vulnerable to change and potential impact. Elements including historical streetscapes and built form (including various building typologies, materials and so on) are fundamental to understanding the significance and character of the place. If clearly identified, applications to change the character elements can then be assessed against the desired future character controls.
- Contribution maps for each precinct that classify existing buildings as 'contributory', 'neutral' or 'detracting' would be beneficial. The contribution of any building or feature to the character and heritage significance of the precinct is then guided by and based on this contribution. Further consideration could be given to identifying heritage streetscapes.
- Braidwood is a living place and will be subject to change over time. Council should seek to encourage high-quality design in context standards that respect the significance of the SHR listed area and character precincts within it.
- Careful consideration needs to be given to the pastoral landscape surrounding Braidwood, including the approach roads, which in part constitutes the SHR 'setting'. Notwithstanding the site-specific exemptions that have enabled uncharacteristic subdivision within the SHR listed area, the DCP controls only countenance certain forms of development. Permissible changes under the DCP have given rise to outcomes that are not entirely sensitive to the item's significance. This presents a risk to the heritage values and specifically the contrast between the Georgian townscape and its increasingly 'designed' rural landscape setting.

#### **Vicinity Controls**

- Development in the vicinity of a heritage item should minimise the impact on the item's setting through the provision of an adequate area 'setting' around the building to ensure significance is retained and the heritage item can be interpreted. It should also retain original or significant landscaping, protect and support the interpretation





of archaeological features as much as possible, and retain and respect significant views to and from the heritage item.

- There are no vicinity controls in the DCP. Although reference is made in some sections of the DCP to development in the vicinity, making such controls explicit is important. Development in the vicinity of a heritage item may impact detrimentally on the heritage significance of the item, generally through an impact on the item's setting.
- The setting of a heritage item needs to consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant historical relationships and views to and from the property. Vicinity controls should ensure that development is designed and sited to protect the heritage significance of the item. These controls would ideally include alterations and additions to buildings and structures. Also, new development in the vicinity of a heritage item would be designed respectfully with regard to:
  - i. the building envelope;
  - ii. proportions;
  - iii. materials;
  - iv. colours and finishes; and
  - v. building and street alignment.

#### **Public Domain**

- More specific information is needed about the SHR values as they relate to the public domain. This would assist Council and others to understand which features are deemed significant at state or local level within the SHR listed curtilage. Many existing public domain features that likely contribute to the values are not identified, such as statuary, fountains, signposts, boundary markers, and steps, etc.
- Controls should ensure that new development, including street furniture, new kerbs and gutters, footpaths, playgrounds, and other public domain items do not impact on heritage items, the character and values of the heritage conservation area, heritage streetscapes or views and vistas.
- Significant public domain features and spaces should be retained in situ and new development should not give rise to a detrimental impact on the heritage significance of public domain features.
- New controls should allow for the retention and preservation of original or significant steps, signposts, milestones, boundary markers and other public domain elements. The controls could also suggest a range of appropriate materials that could be used.
- Evidence of significant early road surfaces and features should be retained where possible. Significant kerbing should be maintained and, where necessary, replaced with matching materials.



The reinstatement of cantilevered balconies, street verandahs and awnings is encouraged where documentary or physical evidence of the original is available.

#### **Land Subdivision**

- Braidwood's subdivision pattern reflects the history of the area's development and is a key characteristic exemplifying its heritage significance. The subdivision pattern has given rise to a distinctive arrangement and pattern of built form.
- Given the significance of the 1839 town plan, no lot boundary changes should occur in areas where that original subdivision pattern is significant and remains intact.
- In other locations, any proposed lot boundary changes within the heritage listed item or heritage conservation area should be required to demonstrate that there will be no impact on the heritage streetscapes or heritage items. This should include ensuring that the setting of an existing significant building on the subject site, or the setting of development on adjoining sites, is not compromised. Furthermore, significant historical relationships or features associated with the lot or adjoining lots, including streetscape and landscape features, trees, fences, outbuildings and gardens should not be adversely impacted.
- Lot boundary changes to larger sites should demonstrate consistency with the original, significant lot configuration; the resultant allotment size should be similar to the existing subdivision pattern in the vicinity of the site and satisfactorily provide for the continuation of the dominant pattern.

#### **Other Development Control Plan Matters**

- Definitions should be provided to ensure there is a common understanding of key terms such as conservation, character, curtilage, building envelope, façade, fabric, form, integrity, intactness etc.
- The DCP contains no controls or guidelines for proponents regarding the management and conservation of Aboriginal cultural heritage.
- The listed buildings section has a focus on exteriors; a future review should consider incorporation of significant interior features (joinery, finishes) and movable heritage.
- Additional controls relating to building types could be developed, including weatherboard buildings, commercial buildings, retail shopfronts, pubs and hotels, community and public buildings etc. The objectives and provisions could be applied together with the other objectives and provisions of the DCP.
- The range of different controls applying to LEP listed and unlisted properties under the Braidwood DCP creates multiple problems. Where an item is contributory to the SHR listing, it should be listed on the LEP.
- It would be helpful to explain the development application (DA) requirements and to provide guidelines for preparing heritage assessments, conservation management plans, heritage impact statements and demolition reports.



#### **Heritage Advisory Service**

- The heritage advisory service is of value to QPRC and property owners in Braidwood.
- Given the size of the SHR listed area and the number of listed items within it, combined with population growth and demographic change, the QPRC should consider whether the capacity and frequency of the heritage advisory service is sufficient to meet demand.
- The QPRC Heritage Advisor brochure describing the role of the heritage advisor, available on the QPRC website, should be updated to reflect government administrative changes including the establishment of Heritage NSW.

#### **Consultation and Community Engagement**

- A consultation program that welcomes and supports a broad range of community inputs will help ensure a robust future-orientated planning system for Braidwood.
- Community engagement, including understanding community members' experience of the planning system and key concerns for the future, will provide insight into not only what the community considers to be important about 'Braidwood and its Setting', but also which aspects of the planning controls need to be strengthened, amended or explained more clearly.
- The most appropriate format and method for the consultation program is yet to be agreed and may be a combination of drop-in sessions, one-on-one interviews, town hall meetings, and workshops. The stakeholders are also to be determined and further consultation with the Heritage Council, Heritage NSW and QPRC will be required.
- Heritage NSW could run a program similar to that for residents in the SHR listed Sydney suburbs of Millers Point and Dawes Point. The focus could be directed towards Heritage NSW preparing more detailed heritage guidelines to support ongoing conservation and protection of SHR listed values for 'Braidwood and its Setting'. Alternatively, a consultation program could be co-designed with QPRC to inform the updated heritage DCP for Braidwood.

#### **Comparative Analysis**

- The comparative analysis demonstrates that strong, clear controls are required. The controls need to be tethered to a robust and comprehensive statement of significance, or at the very least a heritage values assessment and statement that specify the characteristic and distinctive elements and features of the listed area.
- A tiered planning system where each level of government takes responsibility, collaborates effectively and works toward a shared goal of conserving and managing state and local heritage is the bedrock of a clear and cogent system of heritage land use planning. Where places are listed at state and local levels the respective roles and responsibilities of each authority need to be clearly understood and adequately resourced.



- Planning pathways and supporting information must be communicated plainly and comprehensively so that the community can understand which actions would or would not be acceptable in a heritage listed town/conservation area.
- A comprehensive evidence base that identifies the significance, and the characteristic and uncharacteristic attributes of Braidwood, at state and local levels, supported by planning overlays is required to better manage and control development.
- The model adopted in South Australia for the state listed Garden Suburb of Colonel Light Gardens, in particular the Heritage Standards, provides a potential way forward for the Heritage Council of NSW that would help QPRC and the community to understand the expectations and requirements for the future conservation and management of 'Braidwood and its Setting'.

#### **Strategic Planning Framework**

The Milestone 1 report provided a preliminary strategic planning framework for 'Braidwood and its Setting' outlining the responsibilities of local and state government respectively (Figure 2.1).

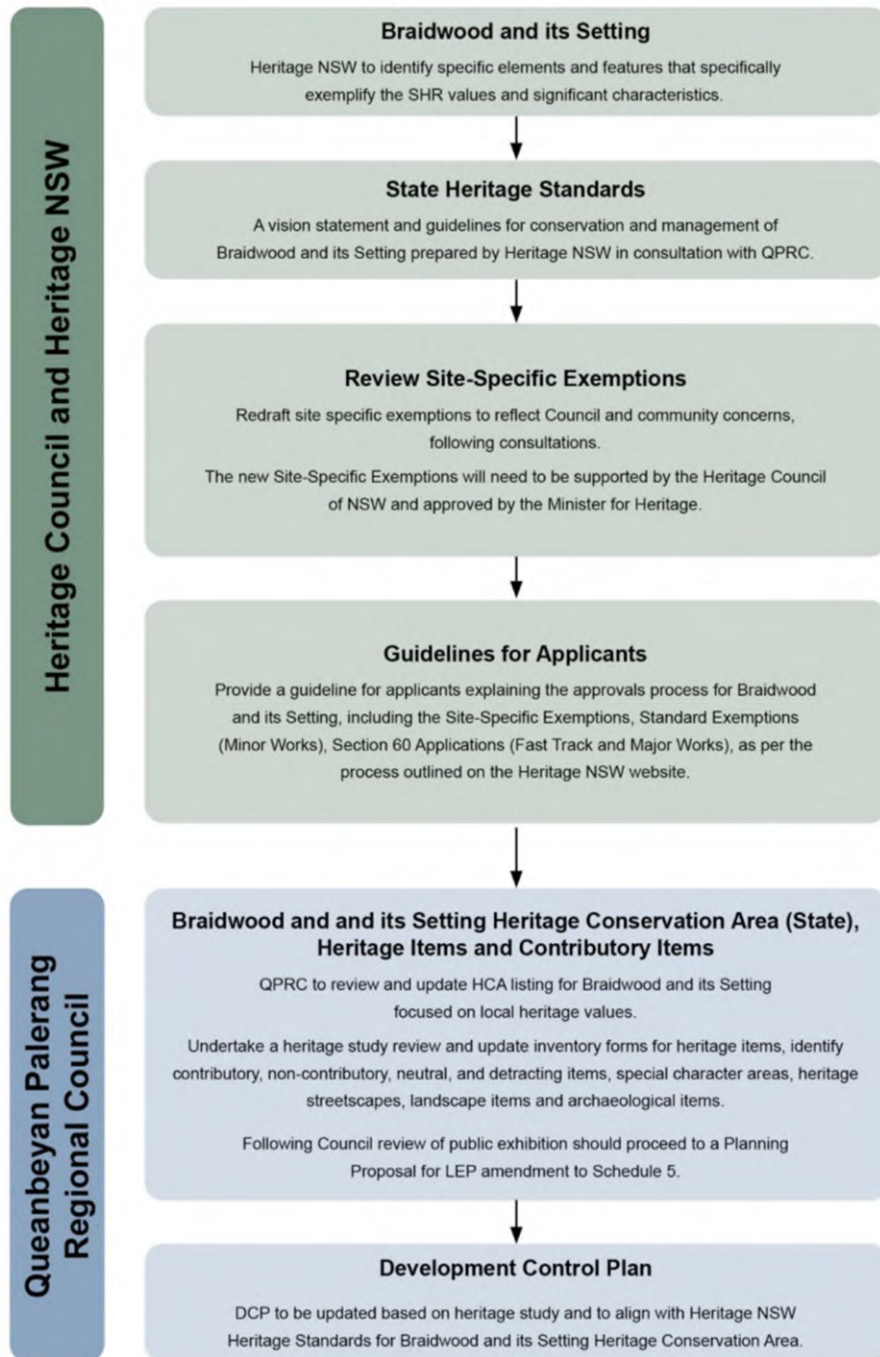


Figure 2.1 Strategic planning framework for 'Braidwood and its Setting'. (Source: GML 2022)



## 2.2 Milestone 2

### 2.2.1 Project Scope and Methodology

The scope of Milestone 2 involved the design and implementation of a community and stakeholder engagement program. The program was informed by the International Association for Public Participation (IAP2) core values and the Association's spectrum for public participation.

The project scope provided by Heritage NSW for Milestone 2 included:

- a) Site visit to Braidwood to gain first-hand experience of its significant elements (town plan, streetscapes, historic buildings, and pastoral setting) and recent development.
- b) Consultation with QPRC (including Councillors and the Braidwood and Curtilage Heritage Advisory Committee), HNSW, and key Braidwood community organisations (list to be provided) regarding the controls, mechanisms, and approval processes of Braidwood and its Setting. This should identify:
  - i. where these controls, mechanisms, and approval processes are effective and/or efficient and where issues and problems exist;
  - ii. how engagement with the Braidwood community and property owners could be improved, especially over the long-term; and;
  - iii. how the management of Braidwood and its Setting can be improved.
- c) Progress Report 2 to HNSW with the results.

The scope for this stage was adjusted to exclude the preliminary consultation undertaken as part of Milestone 1 in May 2021. GML had undertaken targeted face-to-face discussions with the following stakeholders during Milestone 1:

- QPRC planners, and parks and maintenance staff;
- the heritage advisor for QPRC;
- former staff of the NSW Heritage Office; and
- long-term Braidwood residents.

The focus of Milestone 2 was to engage with residents, business owners, local community groups, the QPRC Heritage Advisory Panel and First Nations representatives.

GML utilised several engagement methods to promote the engagement program in Braidwood, including flyers, social media posts, advertisements in local newspapers and radio, and a post on GML's website.

The community engagement program was held over three days in Braidwood, between Wednesday 18 May and Friday 20 May 2022. It included attendance at a QPRC meeting, a community information session held at the Braidwood Servicemen's Club and Golf Course, stakeholder workshops, drop-in sessions held at the Braidwood National Theatre,



an online opinion survey and one-on-one discussions and interviews. Interviews were held in person and online.

## 2.2.2 Key Findings

The Milestone 2 report provided key takeaways from the community and stakeholder engagement program and general recommendations for the project.

Table 2.1 Key takeaways in Milestone 2 report.

Issues Identified	Overview
Community concern for heritage	The impact of the SHR listing is deeply felt by previous and current Braidwood residents and business owners. Many of the comments received contradicted other comments, which reflected the diversity of community attitudes towards the listing. Specifically residents living within the curtilage have very different views of the listing than those who live outside the listed area. Surveys identified the divisive nature of the original listing as one of the continuing challenges for Braidwood.
First Nations cultural heritage	Recognition of First Nations associations and attachments to Braidwood is important. Deeper community consultation is required to ensure the SHR listing for 'Braidwood and its Setting' reflects significant Aboriginal heritage values.
Communications with government	The community wants clarity and ongoing support from both QPRC and Heritage NSW.
Planning review	There was a clear interest in streamlined planning and heritage management processes. The community noted the statutory requirements for the SHR listing and local approvals were complex. The survey results revealed that the creation of practical guidelines for new development and works is a high priority. The participants also expressed interest in the development of a heritage strategy or masterplan for the town.
Skills development, resourcing and funding	The community expressed interest in skills development, increased resourcing, and funding to assist them and to foster a sense of ownership of the town. Heritage grants, educational materials and opportunities to access specialist skills could assist.
Long-term consultation	Community participants wanted to ensure a regular consultation process is developed towards building a long-term relationship and shared understanding with QPRC and Heritage NSW. The community would like a representative from both Heritage NSW and QPRC made available in town.
Tourism	Many survey respondents noted tourism as Braidwood's key opportunity. Some participants noted that tourism could become overwhelming for Braidwood and create



Issues Identified	Overview
	further pressures or result in a loss of authenticity. The community suggested Braidwood’s tourism could be focused on historical skills, such as blacksmithing and apple cider making, to recognise Braidwood’s social history i.e. First Nations, gold mining and Chinese migration. Development of the Braidwood Museum, as a destination, was also suggested.
Management challenges	The survey revealed the community is equally concerned about heritage restricting new development in Braidwood; and how to best conserve and control works within the SHR curtilage and surrounding areas. The balance between sympathetic new development and heritage conservation was considered critical.

Several other key takeaways emerged specifically from the community engagement, including the following points:

- The township and its community are held in high esteem.
- Local community members are active, creative and skilled, and they seek opportunities to participate in the ongoing management, conservation and promotion of Braidwood.
- Coordination and communication between the various levels of government and the community needs improvement.
- There is a lack of clarity and consistency in the statutory heritage planning, management, and development control of Braidwood.
- There is a demonstrable lack of access to technical support, advice and funding for heritage.

The general project recommendations to be carried out prior to Milestone 3 included the following:

1. Publicly releasing the Milestone 2 report for public comment following internal review by Heritage NSW.
2. Considering an additional round of consultation with the Braidwood community and relevant stakeholders.
3. Undertaking further consultation with First Nations peoples with cultural attachments to Braidwood and surrounding areas.
4. Promoting any future consultation for the project via a letterbox drop in Braidwood in addition to the methods already utilised to reach a broader cross-section of the population and to respond to feedback received from the community.
5. Considering different engagement techniques to better connect with and understand what younger members of the community think about heritage in Braidwood.

These recommendations were not completed prior to preparation of this Milestone 3 report.





## 3 Potential Options for Long-term Management

This section was informed by the strategic planning framework for 'Braidwood and its Setting' that was recommended in Milestone 1 (Figure 2.1). Subsequently, an alternative approach was provided by Heritage NSW. The *Catherine Park Estate: Oran Park House Heritage Exemption Guidelines* were supplied as a precedent as they have proven effective in streamlining and guiding planning and development in a SHR listed landscape setting.

A series of potential options are outlined below under key headings. The options may be considered by the Heritage Council and Heritage NSW to better support and guide the long-term planning and heritage management of the 'Braidwood and its Setting' SHR listing.

### 3.1 A Streamlined Approvals and Management System

The current statutory planning system for Braidwood and its Setting is complex in its arrangement and administration for proponents and for state and local governments alike. Under a series of subheadings below, background discussion is presented where necessary along with a range of options for consideration by Heritage NSW.

#### 3.1.1 Site-Specific and Standard Exemptions

Issues have arisen in both the interpretation and assessment of the site specific and standard exemptions under the Heritage Act 1977.

Site-specific exemptions drafted at the time of the SHR listing endeavoured to streamline development approvals for a range of activities. Currently there are two lists of site-specific exemptions for 'Braidwood and its Setting'.

Standard exemptions also apply in certain circumstances.

These arrangements have made the application of the site-specific or standard exemptions convoluted.

Effectively, proponents need to take several steps to determine which exemption pathway applies:

- Are the works exempt under one or other sets of the site-specific exemptions?
- Do the proposed works satisfy the standard exemptions? or



- Is a Section 60 fast track or major works application necessary under the Heritage Act?

Although the Heritage NSW website now provides guidance regarding the updated standard exemptions, no guidance is provided about what is required if a site-specific exemption applies to the proposed works.

### Potential Options

- Consider preparing updated guidance to support proponents in understanding how to apply the site-specific exemptions for 'Braidwood and its Setting'.
- As part of a streamlined approvals process, the site-specific exemptions for 'Braidwood and its Setting' could be reviewed and updated to ensure they include a range of current works and activities that are not likely to give rise to significant impacts on state significant heritage values. This could be done as part of the preparation of a broader Heritage Exemption Guidelines document for 'Braidwood and its Setting', akin to the precedent provided for Catherine Park Estate, which would support a more integrated and streamlined process for proponents and authorities. The Exemption Guidelines approach is discussed in more detail below.

### 3.1.2 Heritage Exemption Guidelines

Developing heritage exemption guidelines for 'Braidwood and its Setting' provides a potential way forward to integrate and streamline some planning processes for the management and conservation at Braidwood. If an exemption guidelines document was drafted for 'Braidwood and its Setting', it would provide exemption for the activities and works described in the guideline under Part 4 Division 3 of the Heritage Act.

By way of precedent, heritage exemption guidelines have been adopted for Oran Park House, at Catherine Park Estate, which is a SHR listed property. The exemptions operate as site-specific exemptions for the SHR item, and act as the key operational guideline document for development within the item.

The *Catherine Park Estate: Oran Park House Heritage Exemption Guidelines*, prepared by Design + Planning, outline the exemptions and provide controls and design principles to conserve the heritage curtilage and buildings. The guidelines are supported by mapping that clearly identifies the heritage curtilage and the appropriate location and siting for new development. A wide range of works and activities are covered including design recommendations, curtilage principles, landscape character, views and vistas, subdivision, new development, and built form design.

For 'Braidwood and its Setting', the preparation of an exemption guidelines document would assist applicants in navigating the controls and would streamline the approvals



process for Heritage NSW and QPRC. This option would integrate the State Heritage Standards, Guidelines for Applicants, and could include development controls specific to the 'Braidwood and its Setting' SHR listing.

### Potential Options

- The site-specific exemptions could be consolidated into one set to create clarity for applicants that cover a range of 'minor' works as agreed between Heritage NSW and QPRC.
- The updated site-specific exemptions could align with the updated DCP controls and QPR LEP 2022.
- Heritage NSW could consider preparing Heritage Exemption Guidelines for 'Braidwood and its Setting'. The guidelines would be linked to the site-specific exemptions for the SHR item and could potentially include State Heritage Standards, Guidelines for Applicants and give statutory effect to a DCP for the area.
- The Heritage Council and Heritage NSW could confer with QPRC to agree upon the preferred option to best streamline and support each other in the assessment of DAs within 'Braidwood and its Setting'.
- Heritage NSW could consider extending short to medium term support to QPRC to build capacity and capability in heritage planning matters, with the objective that approvals be delegated to QPRC in the longer term.
- Where an integrated development assessment (IDA) is the approval pathway, pre-lodgement meetings with Heritage NSW should be encouraged, and or QPRC could seek input from Heritage NSW to ensure the DA documentation is of the quality and standard required, and that Council and Heritage NSW are aligned across the requirements, assessment and outcomes.

### 3.1.3 State Heritage Standards

As an alternative to Heritage Exemption Guidelines, State Heritage Standards specific to 'Braidwood and its Setting' could be considered. Heritage South Australia (Heritage SA) prepared standards for the State Heritage listed suburb of Colonel Light Gardens in South Australia. The standards align with the state's environmental planning legislation, the *Planning, Development and Infrastructure Act 2016 (SA)*, and the Planning and Design Code. The standards are considered supplementary to the Planning and Design Code and are tethered to the State Heritage Area overlay.

The Heritage Standards form an integral component of the planning system and are used to guide decisions about development proposals under the *Heritage Places Act 1993 (SA)*. The South Australian Heritage Standards are richly illustrated with both diagrams and photographs. If such a document was developed for Braidwood it would assist the community to understand the expectations and requirements for the future conservation



and management of 'Braidwood and its Setting'. It would also clarify the respective roles of Heritage NSW and QPRC in the development approvals process. In NSW the shortcoming with the Heritage Standards approach is that such a document would not be enforceable unless it was tethered to planning legislation. Though standards may improve heritage outcomes, they would not streamline the process. As an option, Heritage Standards could be considered as part of the preparation of Heritage Exemption Guidelines. The *Catherine Park Estate: Oran Park House Heritage Exemption Guidelines* include 'guiding design principles and recommendations', which provides a potential model for heritage 'standards'.

### Potential Options

- Heritage NSW and the Heritage Council could develop State Heritage Standards for 'Braidwood and its Setting' to establish a vision for the conservation and management of the item and ongoing management objectives for the item.
- Heritage Standards could be integrated into a Heritage Exemption Guidelines document, which could streamline planning and enhance management of 'Braidwood and its Setting'.

### 3.1.4 Guidelines for Applicants

Planning pathways and supporting information must be communicated plainly and comprehensively so that the community can clearly understand which activities would or would not be acceptable.

Currently there is a labyrinth of planning legislation, instruments, controls, policy and requirements that apply to 'Braidwood and its Setting'. Navigating the various conditions for exempt and complying development as specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the *Environmental Planning and Assessment Act 1979* (NSW), the QPR LEP 2022, the Braidwood DCP 2006, Council's minor works application, and the Heritage Act, as well as IDA, Section 60 fast track and major works applications, and site-specific and standard exemptions makes the application and approval processes challenging.

A guideline for applicants could be prepared to support proponents in navigating the various approval pathways.



### Potential Options

- Heritage NSW and the Heritage Council could develop a Guideline for Applicants to address the following:
  - the approval pathways and processes for minor and major works within 'Braidwood and its Setting' (including the IDA lodgement and assessment process);
  - major and minor works, which should be clearly defined;
  - the application of the site-specific exemptions (with examples);
  - the application of the standard exemptions (minor works);
  - the requirements for Section 60 applications (fast track and major works) as per the process outlined on the Heritage NSW website;
  - the requirements for QPRC minor works applications; and
  - how to arrange a pre-lodgement meeting with consent authorities.
- The guideline would be specific to Braidwood, and provide examples of application types, building typologies, and a clear distinction between what constitutes minor and major works. Flowcharts could be used to help simplify the presentation of complex planning processes. References to repealed legislation and zoning would be removed and replaced. Updated site-specific exemptions would need to be supported by the Heritage Council of NSW and approved by the Minister for Heritage. Ideally, site-specific and standard exemptions would be considered by Council's heritage experts during pre-DA lodgement discussions. Proposals that do not comply with the site-specific exemptions or standard exemptions would then need to be treated as IDAs, thus requiring Heritage Council approval.
- Another streamlining option would be to develop a Heritage Exemption Guidelines document for 'Braidwood and its Setting', which would in effect remove considerable complexity from the current process.

### 3.1.5 Development Control Plan

The existing inconsistency between the LEP, DCP and site-specific exemptions creates confusion about which types of development are appropriate for Braidwood. A DCP could be prepared for 'Braidwood and its Setting'. Alternatively, controls for Braidwood could be included in a Heritage Exemption Guidelines document to manage future development.



### Potential Options

- QPRC could develop a consolidated and robust DCP for the SHR listed area of 'Braidwood and its Setting'. Alternatively, controls could be included in a Heritage Exemption Guidelines document to streamline management of development.
- The following matters could be considered when drafting updated controls:
  - The heritage significance of 'Braidwood and its Setting'.
  - Inputs from the community, including First Nations people, and heritage professionals, such as cultural/natural landscape specialists, built heritage professionals, and archaeologists.
  - Controls for First Nations cultural heritage, recognising that First Nations people are the rightful owners and interpreters of their history and heritage.
  - The findings and recommendations of a heritage study and AMP. A revised AMP would ideally inform the development controls and planning processes.
  - A DCP structure guided by Table 3.1 (below).
  - Clear identification, assessment and description of the special character and importance of each of the precincts, along with various distinguishing features and elements that embody the heritage values. Elements including historical streetscapes and built form (including various building typologies, materials and so on) are fundamental to the significance and character of the place. The character elements represent the distinguishing features of the area that are to be retained. If clearly identified, applications to change the character elements can then be assessed against the desired future character controls.
  - Careful consideration of the pastoral landscape surrounding Braidwood, including the approach roads, which in part constitutes the SHR 'setting'. Notwithstanding the site-specific exemptions that have enabled uncharacteristic subdivision within the SHR listed area, the DCP controls only countenanced certain forms of development. Some types of change permissible under the DCP have given rise to outcomes that are not entirely sensitive to the item's significance. This presents a risk to the heritage values and specifically the contrast between the Georgian townscape and its increasingly 'designed' rural landscape setting.
  - Vicinity controls—development in the vicinity of a heritage item may impact on the heritage significance of the item, generally through an impact on the item's setting.
  - The setting of a heritage item needs to consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views to and from the property.
  - Controls would ideally include alterations and additions to buildings and structures. Also, new development in the vicinity of a heritage item would be designed respectfully with regard to the building envelope, proportions, materials, colours and finishes, and building and street alignment.



- More specific information could be provided to help proponents understand which features are deemed significant at state or local level and where they are located within the listed area. Certain public domain features are not identified, such as statuary, fountains, signposts, boundary markers, and steps.
- The objectives should ensure that new development, street furniture and other public domain items are not intrusive in the heritage conservation area or heritage streetscape.
- Significant public domain features and spaces should be retained and development should not give rise to a detrimental impact on the heritage significance of public domain features.
- New controls should allow for the retention and preservation of original or significant steps, signposts, milestones, boundary markers and the like. The controls could also suggest a range of appropriate materials that could be used.
- Evidence of significant early road surfaces and features should be retained where possible.
- Significant kerbs and gutters should be maintained and, where necessary, reinstated or replaced with like for like.
- The reinstatement of cantilevered balconies, street verandahs and awnings is encouraged where documentary or physical evidence of the original is available.

Table 3.1 Proposed structure for updated Braidwood DCP.

Section	Title	Contents
1	Introduction	<ul style="list-style-type: none"> <li>• Vision Statement for 'Braidwood and its Setting'.</li> <li>• Explaining heritage significance and the Burra Charter.</li> <li>• General objectives.</li> <li>• Land to which the DCP applies.</li> <li>• Legislation and other guiding documents.</li> <li>• Relationship to other parts of the DCP.</li> <li>• Where to get heritage advice and further information, including Council resources and the State Heritage Inventory database.</li> <li>• Site-specific exemptions for 'Braidwood and its Setting'.</li> <li>• Standard exemptions.</li> <li>• Exemptions for minor works, repair, and maintenance.</li> <li>• Guidelines for the preparation of heritage management documents and demolition reports.</li> </ul>



Section	Title	Contents
		<ul style="list-style-type: none"> <li>Requirements for development consent and lodgement of development applications, Section 60 applications (fast track and major works).</li> <li>Guidelines for heritage management and planning documents and reports (e.g. CMPs, CMS, SOHIs).</li> <li>Definitions, including but not limited to, conservation, character, curtilage, building envelope, façade, fabric, form, integrity, intactness etc.</li> </ul>
2	First Nations Cultural Heritage	This section would provide objectives and controls for First Nations cultural heritage.
3	Historical Archaeology	This section would provide objectives and controls for historical archaeology.
4	Heritage Items	This section would provide objectives and controls for listed heritage items, including buildings, structures, interior features and movable heritage. This would include adaptive re-use and change of use.
5	Heritage Conservation Areas	This section would provide objectives and controls for heritage conservation areas. This would include heritage streetscapes, and contributory, neutral and non-contributory items.
6	Lot Subdivision	This section would provide objectives and controls for lot boundary changes.
7	Development in the vicinity of heritage items.	This section would provide objectives and controls for development in the vicinity of heritage items and heritage conservation areas.
8	Landscape and setting	This section would include objectives and controls for the natural and cultural landscape, within the town centre and the rural properties within the curtilage, including cultural plantings, significant views and vistas to and from the item/s, including individual heritage items and nominated view corridors.
9	Conserving Heritage in the Public Domain	This section would include objectives and controls for heritage elements and features in the public domain that require development controls.
10	Development in the vicinity of the curtilage of 'Braidwood and its Setting'	This section would provide objectives and controls for new development located outside the curtilage.
11	Specific Provisions for Precincts	This section would include character statements and desired future character statements, with objectives and controls for designated precincts within Braidwood.





## 3.2 Technical Support and Advisory Services

The heritage advisors in NSW provide technical assistance and support to heritage property owners and developers. In several councils, the advisory service is supported by specialist heritage planners on staff.

A full-time heritage advisor at QPRC could provide additional support to Council staff and the community regarding heritage planning matters. The advisor's key roles would be to provide pre-DA advice to proponents, undertake site inspections, assess applications and provide heritage reports to assist with merit-based assessment within and in the vicinity of 'Braidwood and its Setting', and to provide ad hoc heritage advice to applicants and owners on planning, conservation and management issues.

### Potential Options

- Heritage NSW and QPRC could discuss the potential options for additional resourcing for a heritage planner on staff within QPRC. Given the nature and extent of 'Braidwood and its Setting' within the LGA, specialist heritage planning advice would likely enhance community understanding and awareness of heritage planning matters.

## 3.3 Technical Studies for Improved Heritage Management

### 3.3.1 Comprehensive Heritage Study

QPRC should engage a qualified heritage consultancy to undertake a comprehensive heritage study of 'Braidwood and its Setting'. The comprehensive study would include an Aboriginal cultural heritage study and an AMP, along with:

- an updated history of the Braidwood area prepared by a public historian;
- the identification of potential heritage items, landscape items, built heritage items, movable heritage items and historical archaeological items;
- the development of contribution mapping, identifying special character areas or heritage conservation areas, and heritage streetscapes; and
- preparation of inventory sheets for heritage items.

The identification and protection of contributory items within DCPs for heritage conservation areas is now regarded by many as best practice for protecting and managing heritage conservation areas. Contribution maps should classify existing



buildings within the listed area as contributory, neutral or non-contributory buildings. The study would inform the preparation of updated controls for 'Braidwood and its Setting'.

Following public exhibition of the comprehensive heritage study, the recommendations would form a Planning Proposal for LEP amendments to Schedule 5. Sourcing funding to undertake this comprehensive heritage study should be a priority.

The work packages for the comprehensive heritage study are discussed in further detail below. Planning and undertaking this work over one–three years would provide an updated best practice basis for state and local heritage planning, management and conservation across the SHR listed area and for heritage listed items.

### **3.3.2 Aboriginal Cultural Heritage Study**

The scope of the Aboriginal cultural heritage study could be the SHR listed area of Braidwood or, if funding permits, this study could be an LGA-wide study.

The key objectives of the study would be to research and write a historical overview of Braidwood from deep time to the present, ensuring that the history is written as a lived continuum from the period prior to and following colonisation. The history should be well referenced and include documentary and secondary sources. The study should involve engagement with Aboriginal communities and stakeholders and review of any relevant existing studies that include research into Aboriginal history and heritage specific to the area. Such documents might include previous archaeological reports, local histories, conservation plans, site histories, and local studies collections or publications.

The study should map places and items of importance to Aboriginal people. This might include campsites, archaeological sites, schools, hospitals, parks, routes, local swimming spots, sporting facilities, and natural features, including trees, mountains, creeks, rivers, etc.

### **3.3.3 Archaeological Management Plan**

An updated AMP is required for Braidwood to support the conservation and management of potential and known archaeological resources. Ideally, if funding permits, the preparation of the revised Braidwood AMP should be programmed to coincide with the preparation of the comprehensive heritage study (refer to Section 3.4.1).

Timely development of the AMP would allow for management policies and procedural recommendations to be clearly translated into QPRC development controls to assist Council's development of specific development controls to mitigate impacts relating to historical archaeological heritage. This advice would extend to include the application of standard exemptions and Section 60 fast track approvals under the Heritage Act that were introduced after the 2012 version of the AMP was completed. The development of



an updated AMP could support both consent authorities and proponents in avoiding delays and uncertainties by effectively helping to de-risk development through the identification of areas of archaeological sensitivity. Training may be required for Council planning staff to support the application and use of the AMP. Innovation could be considered through creation of an archaeological advisory hotline at Heritage NSW to improve support to councils in their management of archaeology.

The data in the final GIS project should be correlated so that relevant output can be shared with Council's GIS.

### **3.3.4 Heritage Interpretation Plan**

Following the preparation of the technical reports above, a heritage interpretation plan could be prepared. The development of a heritage interpretation plan could be staged as shown in Figure 3.1. This approach ensures the selection of appropriate themes and interpretive devices for 'Braidwood and its Setting'. This process could involve consultation with the Braidwood community and its key stakeholders and consideration of the key findings of the Milestone 2 report.

The heritage interpretation plan would integrate with the Tourism Plan for the township to improve placemaking and manage the impacts of cultural tourism on the SHR item.

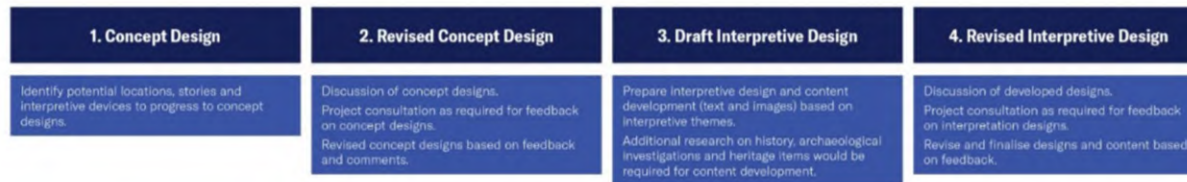
Interpretation devices such as interpretive signage, ground inlays, outdoor artefact displays, nature trails, public artworks and installations, view corridor signage, and exhibitions at the local museum may be appropriate in Braidwood.



### Heritage Interpretation Strategy Process



### Heritage Interpretation Plan Process



### Heritage Interpretation Implementation Process



Figure 3.1 Staged approach for the development of a heritage interpretation plan. (Source: GML)



### Potential Options

- Consider the preparation of a comprehensive heritage study for 'Braidwood and its Setting'. The study could be conducted over one–three years and include various 'packages' to ensure Aboriginal heritage, archaeology, built heritage, and the cultural landscape setting are identified and assessed as part of the best practice strategic planning for heritage.
- Consider the preparation of a heritage interpretation plan, which could enhance the public understanding, appreciation and enjoyment of 'Braidwood and its Setting'.

## 3.4 Incentives

### 3.4.1 Background Discussion

Incentives may encourage owners to support and enhance their contribution to the conservation of 'Braidwood and its Setting'. In the QPR LEP 2022, conservation incentives are set out at 5.10(10). This is a compulsory clause from the standard instrument. Subject to specific conditions, the incentive enables the consent authority to grant consent for any purpose, notwithstanding that the purpose or use may not be permissible under other LEP clauses, on a building that is a heritage listed item, or on the land on which the listed heritage item is situated.

The concept of incentives for owners of heritage buildings and items is not new. In 1985 the then Australian Heritage Commission prepared a report that considered financial incentives for supporting conservation of the built environment. This work and other reports produced at that time were responsive to developer and wider community concerns about the cost burden of heritage property ownership.

The heritage listing of 'Braidwood and its Setting' can reasonably be interpreted as a form of 'public good' in that the listing was to protect the heritage values of the township and its setting for the people of NSW. There was a strong expectation at the time, which remains today, that government should accept a large degree of responsibility for the conservation of heritage values. That applies to the planning and regulation of development and extends to financial support and other assistance. But when Australian government investment in heritage is viewed comparatively with governments in the United States of America and the United Kingdom, we are well behind our international counterparts in terms of incentivising owners to develop, conserve and protect heritage buildings and items.

In Braidwood, some owners feel unduly burdened by the constraints and or the additional expenses imposed under the regulatory arrangements for heritage. In a constrained economic environment, regulation may be perceived to be 'cost free' for government as



it requires applicants to take on the responsibility. But the burden of regulation can undermine support from owners of heritage properties, and discourage private investment. Heritage incentives should endeavour to ensure that:

- owners are not unreasonably burdened or constrained by the regulatory environment;
- private capital investment in heritage conservation is attracted;
- additional activity in heritage conservation is generated; and
- greater equity between conservation and new development is achieved.

### 3.4.2 Types of Incentives

There are various types of incentives available to the NSW Government that could be effective in developing greater community support for heritage and its management and conservation. Various incentives are discussed below:

- tax incentives;
- planning incentives;
- grants or loans;
- heritage agreements;
- conservation trusts; and
- recognition and celebration.

#### Tax Incentives

Tax credits or rebates may be appropriate. In the USA, at federal level and in some states, tax credits of up to 20% are offered off expenditure on pre-approved heritage conservation works. In Australia such a scheme operated between 1994 and 1999 offering a 20% rebate.

Tax deductions may be another avenue that could be considered, which would enable donations to be deducted from an entity's taxable income. Alternatively, tax concessions could assist owners by enabling them to claim a tax deduction if they enter into an agreement for conservation of a heritage property.

#### Planning Incentives

Local and state governments have an important role to play in promoting and celebrating heritage conservation. Planning schemes can be used effectively as an incentive through mechanisms such as floor space bonuses, and transfer of development rights. Planning schemes can also undermine heritage conservation, however, especially in commercial areas or inner residential suburbs, through inappropriate zonings or plot ratios.

Planning provisions may disincentivise conservation. This is particularly the case for commercial properties. Off-street parking or open space requirements and building code



provisions may discourage the conservation of heritage buildings, particularly where heritage properties are being restored for new uses. In such cases, flexibility with parking and building requirements is needed, while ensuring that heritage significance and other considerations are not compromised.

Other incentives for heritage conservation include transferable development rights. The owner of a heritage item can sell unused development rights to an owner/developer of another site. Subject to planning requirements, this may permit the developer to construct a larger building on the other site than would normally be allowed. The capital from the sale of development rights could then be used to pay for repairs and maintenance of the heritage building.

In some urban areas, heritage floor space schemes are in place and provide proponents with opportunities to sell the floor space of a land area that would be developable if the land area was not heritage listed. The City of Sydney operates a heritage floor space (HFS) scheme. The scheme permits heritage property owners to be awarded an amount of HFS by conserving the property. Once all conservation works are completed to the council's satisfaction, the HFS can then be sold or exchanged to enable additional floor space to be built in a new development. An additional floor space scheme could be offered as an incentive in the DCP.

Whether such a scheme could operate effectively in Braidwood is debatable. Such schemes rely on a buoyant property market and demand for development rights. This is most typically apparent in larger cities and commercial areas.

### **Grants or Loan Schemes**

Government grants, and to a lesser extent subsidised finance or loan schemes, can encourage good heritage practice and contribute to conservation.

Loan schemes, where funding is provided to owners at an interest rate that is lower than the market, are common forms of assistance provided by some governments. Obviously, loans are repaid, and the funds can be used for other loans. Yet such schemes often entail more risk and administration, and particular expertise is required to establish and monitor them. These issues can be managed or offset through the establishment of a partnership with an established lending institution or provider.

Building upgrade finance is a financial product that is used by the NSW, SA, and Victorian state governments. The product provides financial assistance to building owners of non-residential buildings. It enables an agreement between the property owner, local council, and financial entity to provide financial assistance for building upgrades. The lender provides the funds to the owner, the council collects the quarterly repayments and transfers the repayments back to the financial provider. As at May 2020, 93 projects with a capital value of \$63.6 million have been funded. In NSW the Reader's Digest Building,



Surry Hills, and 20 Macquarie Street, Parramatta, have been retrofitted with upgrades. In NSW the Sustainable Australia Fund provides finance for environmental, heritage and adaptation works to non-residential and residential properties. GML understands that environmental upgrade finance is currently available via QPRC.

Recognising and incentivising good heritage practice through government grant programs is an important way to foster increased regard for heritage conservation. Heritage NSW currently administers the NSW Heritage Grants Program across several funding categories, each of which is subject to specific preconditions and requirements:

- emergency works grants;
- activating state heritage grants;
- Aboriginal cultural heritage grants;
- Caring for State heritage grants;
- community heritage grants; and
- local government heritage grants.

Most of these grants are modest. For example, the emergency grant, though available all year round, is limited to a maximum of \$10,000 per project. Other programs require matched funding.

QPRC currently provides funding through heritage grants and heritage awards. Funding is advertised in newspapers and on Council's website every June. Two grants are available in the Queanbeyan-Palerang LGA, as follows:

- Local Places Heritage Grants (applicable to private properties); and
- Special Heritage Grants (providing community groups with support to complete works to community buildings).

The QPRC Heritage Awards also offer funding in the form of a cash prize. There are three categories:

- restoration of a heritage building—commercial or residential;
- new building design/adaptation/heritage garden; and
- outstanding promotion/contribution to heritage.

To be eligible for a heritage award, works must have been completed within the previous three years.

Previously, Palerang Council provided a separate grant program for 'Braidwood and its Setting'. The application fees from IDAs for all non-residential properties were put aside into a fund that was administered by Council. This grant scheme relied on individual applicants proposing new works to individual sites.





## Heritage Agreements

Heritage agreements between the Minister for Heritage and owners of SHR listed items can be entered into under Part 3B of the Heritage Act. Heritage agreements are legally binding contracts that set out the arrangements for the continuing conservation of a heritage place. They are typically in perpetuity and passed from owner to owner in the event of sale; that is, they run with the land.

Heritage agreements document the provisions for the conservation of the item, a valuation, any restrictions on the use of the item or the land on which it is situated, the requirements for carrying out the requisite works, and whether the item is available for public access, including any charges.

The property owner may receive assistance from the government. This may come in the form of financial, technical or professional advisory services. Financial support from government may only be in the form of land tax relief, or local council rate rebates. Given the complexity of the Braidwood SHR listing, particularly the number of affected owners, a heritage agreement seems to be an unlikely incentive.

## Conservation Trusts

A conservation trust is effectively a pool of capital that revolves and would be available for conservation activities. The capital could be used to:

- purchase endangered or threatened properties;
- demonstrate best practice adaptive re-use;
- purchase and resell properties with DA approvals for alterations and additions; or
- lend to approved individuals to restore and conserve historic properties.

Once the capital is repaid by the lender or via the sale of the property, the money is returned to the fund, thereby replenishing the trust fund. Establishing the fund is the most significant hurdle; capital either needs to be set aside by government, or procured through donations, bequests, fundraising or borrowing. Administration of such a fund also requires expertise in real estate, valuation, marketing and finance. Tax deductibility of donations to the fund will be attractive to some, as will the opportunity to contribute to conservation over the longer term.

The establishment of a conservation trust may be an attractive and innovative option for 'Braidwood and its Setting'. The source of the trust establishment capital would, however, need to be carefully considered. This may render this incentive difficult to achieve.



## Recognition and Celebration

Honorific programs could be established that recognise and celebrate life in the community. These types of activities and programs are frequently undervalued yet are often an important catalyst for improved community support and understanding of heritage. Understanding and appreciation of heritage can be enhanced in many ways. Successful options that have been explored in heritage towns elsewhere in Australia include heritage festivals to promote and celebrate local heritage. A festival could include walking tours, talks, open houses, and behind-the-scenes tours of specific collections, museums and sites.

### Potential Options

- The suite of available state and local government grants provide support and recognition to residents and owners; however, the capital value is modest. Consideration could be given to consolidating the range of grants to provide increased financial support under a reduced number of program streams.
- To increase support to applicants and owners in Braidwood, further investigation of tax incentives or the establishment of a conservation trust could be considered.
- Subject to funding, increased provision of technical and advisory services could be considered to provide additional support to the community for heritage planning and development matters.



## 4 Long-term Community Engagement Program

An ongoing community engagement program would help ensure the planning, management, conservation and assessment process is clear to residents and property owners within the 'Braidwood and its Setting' SHR listed area.

A collaborative approach to the program design involving the community, QPRC and Heritage NSW is most likely to ensure the program is successful and delivers results for both government and the community. Various components of the community engagement program would need to be carried out by Heritage NSW and QPRC respectively. But it is important to note that many people expect state and local governments to be aligned in their objectives and have an integrated approach.

Engagement can mean different things to different people. In this context when we use the word 'engagement' we mean:

- That information would be readily available in a range of formats that are easily accessible to the community.
- Opportunities would be provided for people to have their say, for instance to be consulted about what they expect and need.
- Involvement implies opportunities for the community to directly participate in developing future plans.

Any community engagement program needs to ensure age, gender, disability, race, religion/belief and sexual orientation are considered equally to ensure that the broadest possible representation of the community is engaged. Different methods and media need to be used to ensure engagement reaches the widest audience.

The long-term community engagement plan is included in table format in Section 6.

### 4.1 Components of the Program to be Undertaken Jointly by Heritage NSW and QPRC

The following engagement strategies should be undertaken jointly by Heritage NSW and QPRC.



### **4.1.1 Communication and Community Support**

A range of issues arising since 'Braidwood and its Setting' was SHR listed in 2006 have impacted the community's trust in government and confidence in the SHR listing process and its ongoing implications.

To ensure the community and key stakeholders feel valued and supported, it is important that information about the SHR heritage listing flows regularly and consistently so that residents and others affected by the SHR listing are kept up to date.

Ideally, different engagement methods should be used to reach the broadest audience. The community expressed that both digital and physical engagement methods were preferred. Information about heritage planning, management and conservation in Braidwood should be distributed routinely by:

- Council letter-box drops;
- a webpage dedicated to 'Braidwood and its Setting' on the Department of Climate Change, Energy, the Environment and Water – Environment and Heritage website with links to standard exemptions, heritage grants and other resources;
- a quarterly heritage planning bulletin/newsletter that is distributed to residents and property owners to provide important information about changes to legislation, strategic planning studies, planning approvals and assessment pathways, etc;
- posts on Heritage NSW social media pages; and
- an annual town hall meeting attended by the local community and stakeholders to understand, review and monitor heritage management within the SHR listed area.

A designated heritage advisor and/or Heritage NSW point of contact to register issues and answer questions would also assist in demonstrating support. It is advised that several methods are used to provide regular flows of communication and outreach from Council and Heritage NSW to the community and key stakeholders.

Heritage NSW and QPRC should also consider establishing and convening a regular joint meeting to exchange knowledge and information and to support each other in best practice planning and development within 'Braidwood and its Setting'.

## **4.2 Components of the Program to be Undertaken by Heritage NSW**

The following engagement strategies could be undertaken by Heritage NSW.



### **4.2.1 Online Heritage Toolkit**

Existing heritage standards, guidelines and other resources could be assembled to form an online heritage toolkit to assist property and business owners in Braidwood to access information about the listing and other issues in heritage management and conservation. The toolkit could be made available on the Heritage NSW website.

The materials and information in the toolkit could be curated to be specific to the 'Braidwood and its Setting' SHR listing. Material for the widest possible audience could be collated, including a thematic history of Braidwood, school educational resources, information about the SHR listing and its history, and best practice conservation guidelines and planning information, such as various approval pathways and the Heritage Exemption Guidelines which could be developed by Heritage NSW.

Fact sheets on simple maintenance or conservation of heritage items could also be provided.

Hard copies of the toolkit could be made available in the Braidwood Library to ensure the information is accessible for all members of the community.

Perhaps, just as an annual event is held for heritage advisors, Heritage NSW could consider holding an annual online workshop for communities to understand their expectations and requirements for heritage. This could inform and support the development of targeted educational resources and programs that may focus on technical conservation issues or other matters of interest.

### **4.2.2 Heritage Building Maintenance Program**

The Heritage NSW website states that owners have an obligation to ensure heritage listed properties are maintained to minimum standards. Several sources of information are provided for maintenance, and preparation of plans. Directories for services, products and heritage are also included.

The Braidwood community has expressed a desire for skills development/training for building maintenance, trades, and crafts. Heritage NSW could run a program to deliver a series of courses on simple building maintenance. This could include the list of maintenance techniques allowed by the standard exemptions to encourage good conservation outcomes for the SHR listing. These skills could include painting, pruning, simple repairs, and undertaking sensitive alterations to interiors. Importantly, the program could refer people to the approval process and guidelines documents for Braidwood.

A program like this would also create tourism opportunities, as building maintenance skills are not specific to Braidwood and could also assist property owners in surrounding



areas. Further, the community has suggested Braidwood's tourism could have a focus on historical trades and crafts, such as blacksmithing and apple cider making.

An example of a trade show of this type is the Bathurst Heritage Trades Trail event that was held in March 2024 to celebrate over 200 years of Australian rare trades and crafts that have shaped the region. Some of the trades displayed included blacksmithing, saddlery, dry stone walling, whip making, glass artistry, lace making, tapestry, embroidery, joinery, and violin making. The event allowed visitors access to historical buildings associated with these trades. This event was advertised on the Visit NSW website. A similar event could easily be held in Braidwood.

### **4.2.3 Heritage Training Workshop for QPRC Staff**

Providing support to QPRC staff on heritage matters is essential. During the round table discussion with QPRC planning officers in May 2021, Council expressed concerns about the complexities of managing 'Braidwood and its Setting' without having sufficient in-house expertise to assess applications and provide advice to property and business owners.

Council staff would benefit from a heritage training workshop, facilitated by Heritage NSW or a qualified heritage consultancy firm that specialises in the management of state significant heritage conservation areas and items. The workshop should provide Council guidance on management of state significant landscapes (including the heritage principles of the Burra Charter), assessment of DAs for complex heritage sites, exemptions for minor heritage works, site-specific exemptions, Aboriginal heritage and archaeological management.

## **4.3 Queanbeyan-Palerang Regional Council**

The following engagement strategies should be undertaken by QPRC.

### **4.3.1 Heritage Advisory Services**

QPRC currently offers a free heritage advisory service to property and business owners in Braidwood on a part-time basis. An advisor is available every second Thursday of each month to provide advice on Braidwood and the surrounding areas. The advisor does not exclusively service the SHR listing of 'Braidwood and its Setting'.

Given the size of the SHR listed area and the number of properties within it, combined with population growth and expected demographic change, it is advised that a heritage advisor is sought to provide greater support to Council and the Braidwood community



more frequently, or if possible, in a full-time capacity. Alternatively, Council could consider creating a position for a full-time heritage planner.

The heritage advisor or heritage planner would provide guidance about the application process, pre-development advice and technical advice.

In the short term, heritage advisory services could be outsourced to a qualified heritage consultancy firm that specialises in the management of state significant heritage conservation areas and items. This service should be made available in person in Braidwood on a regular basis.

The QPRC Heritage brochure describing the role of the heritage advisor, available via the QPRC website, should be updated to reflect government administrative changes including the establishment of Heritage NSW. Sufficient information about heritage advisory services should be provided, including links to information on alterations and additions, demolition, external painting, fences, landscaping and trees, new buildings, signage, and subdivision.



## 5 Lessons Learned

This project has demonstrated that there have been long-term impacts associated with the SHR listing of 'Braidwood and its Setting'.

These impacts have been both positive and negative for the listed place, the residents, broader local community, QPRC, and Heritage NSW. This section provides four key lessons to assist Heritage NSW in undertaking complex SHR listings in the future.

Table 5.1 Lessons learned.

Number	Lesson	Summary
Lesson 1	SHR Listing Implications Need to be Fully Explained	<ul style="list-style-type: none"> <li>The positive and negative implications of SHR listing nominations need to be made clear to the affected community and stakeholders so that they can provide informed input to guide the Heritage Council and Minister's decision to list an area.</li> <li>Where SHR heritage listing proceeds in the face of opposition from a community, different strategies are likely required to manage and support the local council and those for and against the listing in the affected resident community.</li> <li>It is also noted that the implications of SHR listing will change over time subject to broader environmental, economic, social and cultural trends and events. Just as the Australia: State of the Environment report provides a periodic review of key trends and issues impacting heritage (among other aspects of the environment), a report considering the state of SHR listings could form part of a strategic programmatic review and provide a 'touchpoint' with SHR affected owners or managers.</li> <li>The governance for state and local planning and management should be defined during the listing process. The roles and responsibilities for development assessment and approvals need to be clear. Further, guidelines, exemptions, and technical studies should support the conservation of heritage significance and be regularly updated. Technical and financial support should be readily accessible.</li> <li>Local government should ensure strategic heritage planning stays abreast of change in the area and within the community. A proactive approach needs to be taken with consistent cyclical resource allocation to the review and update of heritage studies and controls. Routine reviews of DAs should be undertaken to understand key issues and trends that may have implications for heritage management and conservation.</li> <li>Information and education about the interplay between the SHR listing and any local heritage listings, and the DA process, should be provided and accessible to the community. The respective roles of the consent</li> </ul>





Number	Lesson	Summary
		<p>authorities and planning pathways should be explained in plain English and illustrated with flowcharts to clarify the decision points.</p>
Lesson 2	<p>Continuing Community Engagement is Essential to Heritage Listing, Urban Governance and Sustainable Development</p>	<ul style="list-style-type: none"> <li>At the time of listing of 'Braidwood and its Setting', community attitudes towards the SHR listing were divided. Feedback received during community and stakeholder engagement for this project identified that the divisive nature of the listing along with its management was a continuing challenge for Braidwood and its community.</li> <li>Listings of larger areas are inevitably more complex, involving a wider range of land uses, competing interests and development pressures. For instance, business owners and residents within the curtilage have very different views of the listing's pros and cons in comparison to those outside the curtilage. Some businesspeople feel the listing is restricting new development and growth in Braidwood. Others feel that heritage is not being adequately conserved and managed despite the SHR listing.</li> <li>It was noted that development in some areas, particularly within the formerly open cultural landscape setting had compromised the heritage values of the listing. Failing to understand these challenges and tensions can give rise to negative and inappropriate economic, social and environmental consequences.</li> <li>This perspective has been impacted by the lack of support the community has felt following the listing. The community wants clarity and ongoing support from both QPRC and Heritage NSW.</li> <li>The Braidwood community and the town itself have changed over time. There is strong interest in planning the future town. The community wants to contribute to the vision for the future of the town, protect its heritage and promote sustainable development.</li> <li>Community participation is integral to good urban planning and governance. It is also vital to continuing support for heritage, as a productive and sustainable component of our urban environment.</li> <li>State heritage listing should not be 'set and forget' but instead should be monitored and reviewed with inputs from the community that are integrated into strategic urban planning and sustainable development for the town or listed area.</li> </ul>
Lesson 3	<p>Periodic Review of the SHR Assessment and Supporting Documentation is Required for Best Practice Management</p>	<ul style="list-style-type: none"> <li>Periodic review and enhancement of SHR listings are required to ensure the listings reflect the significant heritage values and changing understandings of what makes places important. New research, or the sharing of experiences and knowledge by different groups, can reveal new meanings, associations and values. Updating assessments can also help ensure significant values are protected, and bring other benefits such as clearer advice and decision-making.</li> </ul>



Number	Lesson	Summary
		<ul style="list-style-type: none"> <li>Exemptions, guideline documents and controls for the SHR listed area also need to be reviewed to ensure they are still appropriate and kept up to date. For instance, at Braidwood, new development has diminished the authenticity and intactness of the listing, especially the pastoral landscape setting.</li> <li>Continued development without strategic planning and development controls that keep pace with contemporary needs and requirements will over time diminish the significance of the SHR item and give rise to cumulative impacts.</li> </ul>
Lesson 4	Recognition, Promotion and Celebration of SHR Listing is Integral to Ongoing Success and Support for Heritage Listing	<ul style="list-style-type: none"> <li>Recognition, promotion and celebration of the SHR listing is not prominent in the online promotion of Braidwood's businesses or tourism products or experiences.</li> <li>The SHR listing is a unique selling point in the visitor experience that differentiates the experience of Braidwood from that of other historic regional towns in NSW.</li> <li>The SHR listing appears as incidental to the experience of Braidwood. This SHR listing needs to demonstrate the tangible benefits to the community.</li> <li>Just as World and National Heritage listing come with prestige and brand appeal, SHR listing, particularly over larger areas, needs to deliver demonstrable benefits to owners, investors, residences and others.</li> <li>Recognition, regular promotion and celebration of the SHR listing by Heritage NSW would not only stimulate economic opportunities, but potentially encourage broader community regard for the listing and heritage protection.</li> <li>A strategic approach to recognition, promotion and celebration of heritage is required to ensure the community continues to value and appreciate its state and locally significant heritage.</li> </ul>



## 6 Recommendations

This section provides recommendations for the future heritage management of 'Braidwood and its Setting' and a long-term community engagement plan. The recommendations in Section 6.1 are broken down into short-, medium- and long-term goals to be undertaken by Heritage NSW and QPRC to improve the heritage management of the SHR listing. Section 6.2 includes a long-term community engagement plan proposed to be undertaken jointly by Heritage NSW and QPRC. The recommended goals and long-term community engagement plan are to be undertaken simultaneously.

### 6.1 Future Heritage Management of 'Braidwood and its Setting'

The short-, medium- and long-term goals for 'Braidwood and its Setting':

#### Short-term Goals for Management (Year 1 following 15-Year management review)

- Heritage NSW should update the site-specific exemptions for 'Braidwood and its Setting' and streamline the planning and approvals process through the preparation of a Heritage Exemption Guidelines document for 'Braidwood and its Setting' that is tethered to gazetted site-specific exemptions.
- In drafting Heritage Exemption Guidelines, Heritage NSW should consider the inclusion of State Heritage Standards, Guidelines for Applicants, 'DCP controls' and planning incentives to streamline planning and development for applicants and government.
- QPRC should develop or commission a comprehensive heritage study for 'Braidwood and its Setting' that includes a thematic history, an AMP, a heritage study (encompassing built heritage, cultural landscapes and heritage conservation areas), and an Aboriginal cultural heritage study.
- Heritage NSW and QPRC should commit to convening quarterly or half-yearly briefings to facilitate improved exchange of knowledge and information regarding planning and development for heritage within 'Braidwood and its Setting'.
- Heritage NSW and QPRC should jointly commit to the tasks outlined in Year 1 of the long-term community engagement plan (refer to Section 6.2 of this report).
- Heritage NSW to investigate opportunities for tax incentives for owners of heritage items within 'Braidwood and its Setting'.



- QPRC should consider re-establishing a separate grant program and/or a conservation trust for 'Braidwood and its Setting' to provide financing and support for ongoing maintenance of heritage items.
- QPRC and HNSW should consider appointing a full-time heritage advisor, which may be subject to specific funding arrangements between the entities.

### Medium-term Goals for Management (Years 2 and 3 following 15-Year management review)

- Heritage NSW and QPRC should work collaboratively to implement and monitor the effectiveness of the updated site-specific exemptions and Heritage Exemption Guidelines document for 'Braidwood and its Setting'.
- Heritage NSW and QPRC are to commit to the tasks outlined in Years 2 and 3 of the long-term community engagement plan (Section 6.2).
- Heritage NSW and QPRC should consider developing a strategic plan to guide improved recognition, promotion and celebration of the SHR listing and Braidwood's heritage values. This strategic plan is to be integrated into the long-term community engagement plan.
- QPRC should commission the preparation of a heritage interpretation plan for Braidwood.
- Heritage NSW and QPRC to establish heritage incentive programs (eg tax incentives, grants program and/or a conservation trust).

### Long-term Goals for Management (Year 3 onwards)

- Heritage NSW is to review the site-specific exemptions and Heritage Exemption Guidelines every five years and update them, as required.
- Heritage NSW and QPRC are to provide ongoing support to the Braidwood community by continuing to provide support to residents, owners and applicants, as outlined in Table 6.1 in Section 6.2.
- Heritage NSW and QPRC will periodically monitor and review the performance of the heritage incentive programs (eg tax incentives, grants program and/or a conservation trust).



## 6.2 Long-term Community Engagement Plan

A long-term community engagement plan for 'Braidwood and its Setting' will assist QPRC, Heritage NSW, residents, owners and applicants to understand the heritage management requirements of the SHR listing. Heritage NSW should consider a long-term community engagement program to encourage and support increased understanding and appreciation of heritage. This should be supported by QPRC. Programs need to be inclusive and endeavour to reach various segments of the community, including children, teenagers, young adults, adults, families, older people, and various groups and organisations.

Tables 6.1, 6.2 and 6.3 below provide a timeline for the integration of each engagement program, and how each program meets the outcomes of the IAP2 Spectrum of Public Participation Framework. The framework refers to five outcomes: inform; consult; involve; collaborate; and empower. When these outcomes are met, they will increase the impact of the engagement program. (Refer to the IAP2 Spectrum of Public Participation Framework here: [https://iap2.org.au/wp-content/uploads/2020/01/2018\\_IAP2\\_Spectrum.pdf](https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf).)

Table 6.1 Tasks to be undertaken jointly by Heritage NSW and QPRC.

Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
Community support	To ensure residents, owners and applicants have access to resources and notice of	An online webpage provided on the Heritage NSW website containing links to resources such as the standard and site-specific exemptions, and heritage grants.	Develop webpage.	Update as required.	Update as required.	• Inform
		A heritage planning bulletin or newsletter to distribute important information about changes to	Each quarter.	Each quarter.	Each quarter.	• Inform



Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
	changes to the SHR listing. To ensure the residents, owners and applicants feel supported in the conservation of the SHR listing. To provide physical and digital resources to engage with the broader community and relevant stakeholders.	legislation, strategic planning studies, planning approval and assessment pathways, etc.  Letter-box drop to distribute information and updates about the SHR listing.  Social media to share information and updates about the SHR listing.  An annual town hall meeting with the community and stakeholders to review processes and updates to the heritage management of the town.				
			As required.	As required.	As required.	<ul style="list-style-type: none"> <li>• Inform</li> </ul>
			As required.	As required.	As required.	<ul style="list-style-type: none"> <li>• Inform</li> </ul>
			Yearly.	Yearly.	Yearly.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Empower</li> </ul>
Heritage NSW and QPRC Working Group	Establish a Heritage NSW and QPRC Heritage Planning and Management Working Group.	Establish a Heritage NSW and QPRC working group to share and exchange knowledge and information about heritage planning, management, and development matters.	Quarterly or as required.	Quarterly or as required.	Quarterly or as required.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Empower</li> </ul>



Table 6.2 Tasks to be Undertaken by Heritage NSW.

Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
Heritage Exemption Guidelines	To streamline heritage planning and approvals.	Heritage NSW to prepare project plan for the preparation of Heritage Exemption Guidelines.	Consult with QPRC to develop and refine approach to proposed guidelines. Develop communications plan for community engagement in proposed guidelines. Release Draft Heritage Exemption Guidelines for public comment. Finalisation of heritage exemption guidelines following exhibition period.	Review and monitor implementation of guidelines and community response with QPRC.	Review and monitor guidelines and community response with QPRC.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> </ul>



Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
Online heritage toolkit	To help residents, owners and applicants access information about the SHR listing and heritage planning, management and conservation.	Heritage NSW to develop a heritage toolkit to be available online for residents, owners and applicants.	Develop toolkit.	Provide a toolkit on the Heritage NSW website.	Review stakeholder and community engagement with the toolkit.  Update the toolkit regularly, as information is updated or changed.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Empower</li> </ul>
Heritage Building Maintenance Program	To provide the community skills development opportunities in undertaking simple building maintenance, trades, and traditional crafts.	Heritage NSW to provide a program that delivers a series of courses on simple building maintenance, trades, and traditional crafts.	Provide two courses each year on simple building maintenance, trades, and traditional crafts.	Provide two courses each year on simple building maintenance, trades, and traditional crafts.	Provide two courses each year on simple building maintenance, trades, and traditional crafts.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Collaborate</li> <li>• Empower</li> </ul>
Heritage training workshop for QPRC staff	To assist QPRC staff and improve knowledge of heritage management and heritage planning processes.	Heritage NSW to provide a heritage training workshop to QPRC staff.	Provide a heritage training workshop to QPRC staff.	As required.	As required.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Collaborate</li> <li>• Empower</li> </ul>





Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
	To ensure Council can provide technical heritage support to residents, owners and applicants, as required.					
Recognition, promotion, and celebration of Braidwood's heritage	To improve public awareness, understanding and support for local and state heritage.	Prepare a three-five year strategy with QPRC input linked to long term community engagement to improve community appreciation of heritage.	Prepare a draft strategy for improved recognition, promotion and celebration of Braidwood's heritage. Seek community and stakeholder input and feedback.	Finalise and implement strategy.	Monitor and measure community attitudes to heritage.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Collaborate</li> <li>• Empower</li> </ul>



Table 6.3 Tasks to be undertaken by QPRC.

Programs	Key Objective/s	Action	Year 1	Year 2	Year 3	IAP2 Spectrum of Public Participation Outcomes
<b>Heritage advisory services</b>	<p>To provide technical advice and support to residents, applicants and owners.</p> <p>To allow residents, applicants and owners to register issues.</p>	<ul style="list-style-type: none"> <li>• Provide a full-time heritage advisor to provide advice.</li> <li>• A contact person at Heritage NSW should be available to support the community, until a heritage advisor is available at Council.</li> </ul>	Acquire a full-time heritage advisor.	Maintain a full-time heritage advisor.	Maintain a full-time heritage advisor.	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Collaborate</li> <li>• Empower</li> </ul>



## 7 Appendices

### Appendix A

Milestone 1 Report

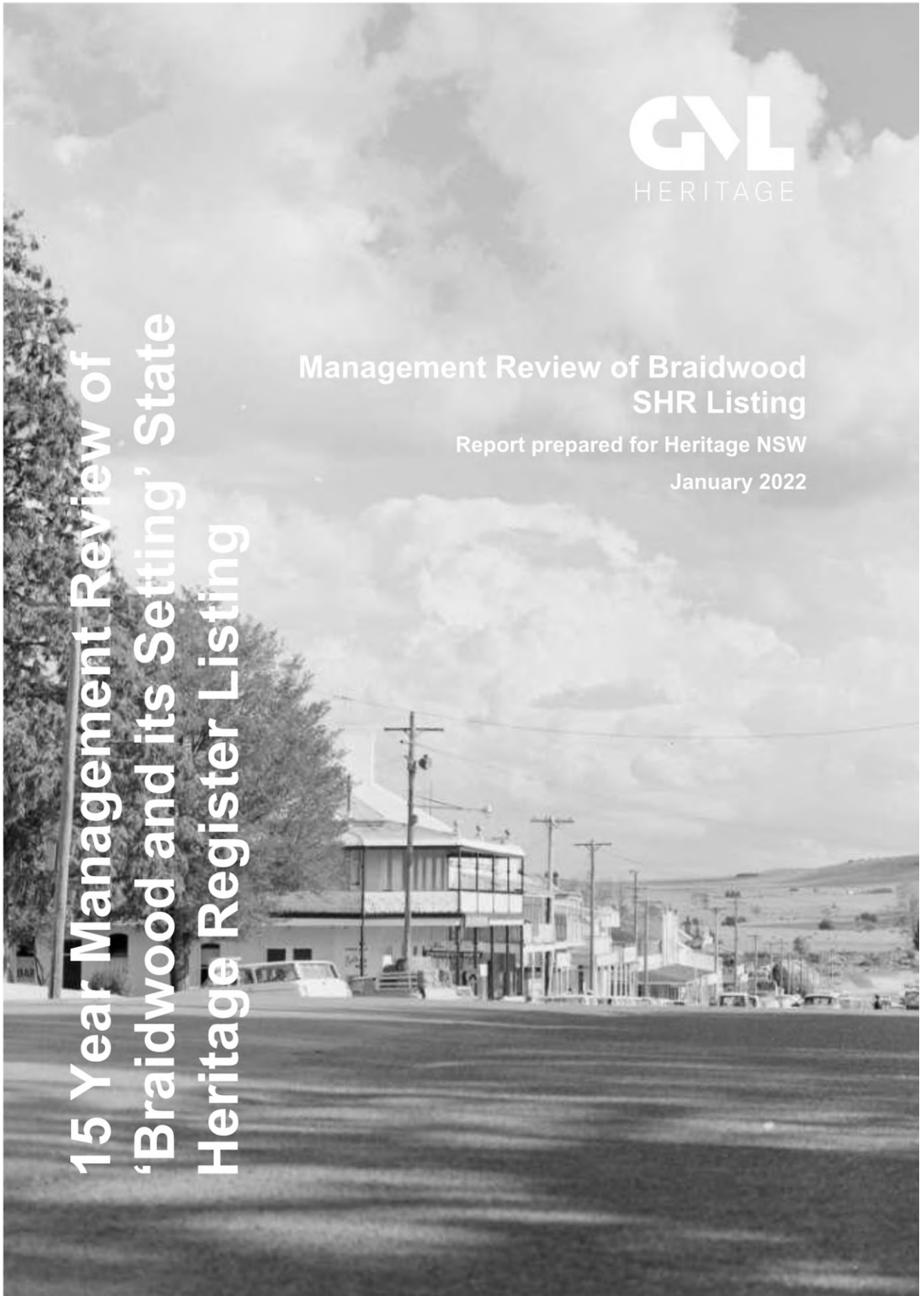
### Appendix B

Milestone 2 Report



## Appendix A

Milestone 1 Report



**15 Year Management Review of  
'Braidwood and its Setting' State  
Heritage Register Listing**



**Management Review of Braidwood  
SHR Listing**

Report prepared for Heritage NSW

January 2022

## Acknowledgement of Country

*At GML we acknowledge that we work and live on the land of the First Australians. We know that this land was never ceded, and we respect the rights and interests of Australia's first people in land, culture, and heritage. We acknowledge their Elders past and present and support the concepts of voice, treaty, and truth in the Uluru Statement from the Heart.*

## Report Register

The following report register documents the development and issue of the report entitled 15 Year Management Review of 'Braidwood and its Setting' State Heritage Register Listing undertaken by GML Heritage Pty Ltd in accordance with its quality management system.

Job Number	Issue Number	Notes/Description	Issue Date
21-0094	1	Draft Report	15 June 2021
21-0094	2	Final Report	18 October 2021
21-0094	3	Updated Final Report	9 November 2021
21-0094	4	Updated Final Report	7 December 2021
21-0094	5	Updated Final Report	31 January 2022

## Quality Assurance

GML Heritage Pty Ltd operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2016.

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

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## Cover Image

Southerly view of the main street, Braidwood, NSW, c1970. Photograph by Wes Stacey. (Source National Library of Australia)



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# Introduction



# 1 Introduction

Dating from the late 1830s the historic Georgian township of Braidwood and its setting was listed on the State Heritage Register (SHR) under Part 3A of the *Heritage Act 1977* (NSW) in 2006. Braidwood was gazetted as a SHR listed item for its heritage significance to the people of NSW as an excellent example of a surviving Georgian town plan, with historical streetscapes and nineteenth-century building stock, set within a broader pastoral landscape. At the time of listing Braidwood was by far the most complex listing that Heritage NSW (then the NSW Heritage Office) had undertaken. The listing was intended to protect the significant town plan and contributing historic buildings in their pastoral setting.

It has been 15 years since Braidwood was listed on the SHR. Over that period Braidwood has experienced considerable growth and development. The resident population of Braidwood has grown from 1108 in 2006 to an estimated 1651 in 2016.<sup>1</sup> Further population growth in the region is anticipated.<sup>2</sup>

Tourism is considered a key economic driver, and additional economic development and investment is anticipated and encouraged. The visitor economy is estimated to be worth over \$1.6 billion in the Southern Tablelands, with over 6.1 million visitors each year.<sup>3</sup> Given the region's significant history, heritage is considered key to the ongoing development of the local visitor economy. The strategic vision for the region includes the positioning of Braidwood as a must-see visitor destination.

Heritage NSW has engaged GML Heritage Pty Ltd (GML) to prepare a review of the management of the 'Braidwood and its Setting' SHR listing (the project). The review identifies key issues and challenges associated with the SHR listing. It considers the administration of the SHR listing, the statutory planning context and potential stakeholder and community engagement to help inform the future for heritage planning, management and conservation of Braidwood and its Setting. This is the first stage of a larger project by the Heritage NSW that is focused on updating and improving the SHR listing and its performance for the community and stakeholders.

## 1.1 Project Scope

The scope of this first stage of the project includes the delivery of this Milestone 1 report, as described in the amended GML Return Brief, dated 26 March 2021. The project tasks include:

- a) *attend fortnightly meeting as required;*
- b) *review the State Heritage Register listing for Braidwood township and its setting;*
- c) *consider the current curtilage and review historic aerials and other material that provides a spatial overview of development over time;*
- d) *understand the site specific exemptions that apply to the listed area, consider the new standard exemptions and determine where planning processes can be streamlined;*
- e) *undertake desktop research to understand key issues/perceptions of heritage as presented via social and news media channels;*
- f) *review Council's LEP and DCP controls for heritage and identify key issues or risks;*

- g) *consider the Braidwood DCP 2006 which operates under the Heritage Act and its effectiveness for controlling and guiding development. Determine whether Section 60 Approval thresholds are 'fit for purpose';*
- h) *read and review the Archaeological Management Plan to understand the archaeological sensibility and determine options for best practice management and conservation as part of the planning approval process;*
- i) *review relevant court cases including Samowill Pty Ltd v Heritage Council to understand matters in dispute between consent authorities and proponents;*
- j) *conduct a round table with Heritage NSW officers to understand key issues and 'lessons learned' with regard to the Listing and stakeholder relationships issues and concerns;*
- k) *with prior Heritage NSW approval seek to contact assessment/listing officers at the time of the listing to understand the issues and gather their views regarding 'lessons learned';*
- l) *undertake a site inspection to thoroughly understand the values of the listed area and its context. Identify setting, curtilage, check interface areas, views, historic planned core, key character areas, significant elements such as streetscapes, landscaping, and built form character. Identify new development within the listed area or in the vicinity and document issues or concerns;*
- m) *attend introductory meeting with Council to introduce the project and understand their key concerns and requirements, [and] also ask for background overview regarding key stakeholder groups;*
- n) *following introductory meeting with Council and Heritage NSW develop a draft community engagement program. This would include the outline for consultation including key matters for discussion and input (e.g. issues, concerns, positives/negatives, opportunities for positive change, suggestions for improvement);*
- o) *identify and agree with Heritage NSW the most appropriate format and style for consultation program which may be a combination of drop in sessions, one on one interviews, workshops, attendance and presentation at meetings with discussion, etc.*
- p) *consider comparable examples of complex listed landscapes and best practice; management regarding statutory planning and development controls;*
- q) *prepare and submit Milestone 1 report; and*
- r) *attend progress meeting with Heritage NSW to discuss key issues.*

## 1.2 Methodology

The project scope required predominantly desktop research tasks. Various technical reports focusing on different aspects of Braidwood's listing and its heritage values were reviewed. This included historical accounts, archaeological plans and assessments, landscape plans, and built heritage assessments. We have also considered town planning matters including planning instruments, development controls, management of heritage townscapes in other localities, select development applications within the SHR listed area and Land and Environment Court cases.

Some preliminary consultation has been undertaken. The purpose of this consultation was to consider varying views, perspectives and experiences to better understand and canvass the key concerns and issues to be addressed as part of this early stage of the project. We attended a round table discussion

with Queanbeyan-Palerang Regional Council (QPRC or Council) planning staff on 21 May 2021. The session was designed as an opportunity for Council staff to raise and discuss various issues related to Council's activities at Braidwood, including the implementation of civil works, landscape and tree management, development assessment, strategic planning, projected growth in the region, business and tourism activities, and community concerns.

We have liaised with current and former Heritage NSW staff. The project team met with current Heritage NSW officers, including those working in assessment and familiar with Braidwood, on 3 June 2021. We also met with select former Heritage NSW staff associated with the original listing. The preliminary discussions have informed the identification of key issues and will guide future discussions to ensure the long-term heritage planning, management and conservation of Braidwood.

The project team undertook a site inspection on 20 May 2021. During the site inspection we traced the boundaries of the SHR listed curtilage, viewed subdivision developments on the fringe of the town centre, traversed streets within the Georgian town plan and considered its streetscapes, public open space, landscape and built form.

### 1.3 The Site

The SHR listing 'Braidwood and its Setting' is located in the township of Braidwood, within the Queanbeyan-Palerang Regional Council Local Government Area (LGA) in the Southern Tablelands. It is a state significant heritage conservation area, which includes the majority of the town centre of Braidwood. The heritage conservation area is approximately 61 kilometres from Canberra, 96 kilometres from Nowra and 47 kilometres from Batemans Bay (Figure 1.1).



Figure 1.1 The location of Braidwood in its regional context. (Source: © Google with GML overlay, 2021)



## 1.4 Limitations

The scope of this project has been limited and focused predominantly on a desktop review of statutory planning instruments relevant to the management of Braidwood and its Setting, noting that QPRC has submitted a new Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 to the Department of Planning, Infrastructure, and Environment (DPIE) and that a new Development Control Plan is currently in preparation.

Braidwood has been the subject of study and scholarship by several organisations and individuals, including heritage architects and planners, for more than four decades. As such there is a significant body of research. The following reports have been identified for consideration within the overall scope of the project; however, they have not been reviewed during the preparation of this initial Milestone 1 report:

- Peter Bridges (Historic Buildings section, Government Architects Branch), Braidwood: A Preservation Report, 1975;
- Cox Tanner Pty Ltd, Inventory of Identified Buildings of Architectural and Townscape Significance, 1977;
- Cox Tanner Pty Ltd, Braidwood Conservation Study: A report on Conservation Planning for the Historic Town of Braidwood, 1977;
- Howard Tanner, Restoration of External Elements of Significant Buildings in Braidwood, 1980;
- Cox Tanner Pty Ltd and Cox and Corkhill Pty Ltd, Braidwood Conservation Study: Draft Conservation Plan, 1981;
- Cox Tanner Pty Ltd and Cox and Corkhill Pty Ltd, Braidwood Local Environmental Study, 1982;
- Freeman Leeson Architects and Planners, Braidwood Urban Conservation Guidelines, 1996;
- JRC Planning Services, Braidwood Perimeter Heritage Planning Study, 1997;
- Clive Lucas Stapleton and Partners Pty Ltd, Tallaganda Shire Rural Heritage Study, 1997; and
- Grahame Crocket, Marleesh Pty Limited, Richard Ratcliffe, Richar Ratcliffe Landscape Architects and Keith Baker, Keith Baker and Associates Pty Limited Park Lane Square Braidwood: conservation management plan, 1997.

Aboriginal history and heritage values have not been subject to detailed research or investigation though they are referred to in the body of this report.

## 1.5 Authorship

[Redacted]



## 1.6 Endnotes

- <sup>1</sup> Australian Bureau of Statistics, 2016 Census QuickStats, accessed 28 September 2021 <[https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/SSC10547](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC10547)>.
- <sup>2</sup> 'Queanbeyan-Palerang Regional Council', accessed 5 June 2021 <[www.forecast.id.com.au](http://www.forecast.id.com.au)>. The regional population forecast for 2021 is 61,832. The population is forecast to grow to 78,756 by 2036.
- <sup>3</sup> *Queanbeyan-Palerang Regional Council Tourism Plan 2017–2025: Supporting the Visitor Economy*, accessed 19 May 2021 <<https://bit.ly/3CBWEKx>>.



# Heritage Significance and SHR Listing



## 2 Heritage Significance and SHR Listing

### 2.1 Introduction

On 30 March 2006, the then NSW Minister for Heritage, Frank Sartor, announced that Braidwood and its Setting would be listed on the SHR. Upon listing, the Heritage NSW became the planning authority for Braidwood with Palerang Council. The Heritage NSW became responsible for new developments, major renovations, subdivision, and demolition.<sup>1</sup>

In May 2016, then Premier Mike Baird announced several council amalgamations across NSW. Until the amalgamation of Palerang and Queanbeyan councils in May 2016, the township of Braidwood was within the Palerang LGA. Following amalgamation, Queanbeyan-Palerang Regional Council has been working towards the integration and update of its statutory planning instruments and associated development controls. This includes the Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 (LEP) and the *Braidwood Development Control Plan 2006*, which continues to operate under the *Heritage Act 1977* (NSW) (Heritage Act) and applies to the properties located within the SHR listing.

This section of the report considers the statutory and non-statutory heritage listings for Braidwood, including the SHR significance assessment for Braidwood and its Setting. Some discussion and analysis of the SHR assessment under the criteria concludes the section.

### 2.2 Statutory Listings

'Braidwood and its Setting' is listed on the SHR as an area of state heritage significance under Part 3A of the Heritage Act (SHR Item 01749).

The state listing is incorporated in Schedule 5 of *Palerang Local Environmental Plan 2014* (PLEP 2014) and Draft Queanbeyan-Palerang LEP 2020. In Schedule 5 Part 2 of the Palerang LEP it is listed as a heritage conservation area (HCA C1) of state significance.

The curtilage of the SHR listing is an irregular shape. It extends across several property boundaries, including only small portions of some allotments. The gazetted curtilage of the listing was largely the result of extended negotiations with property owners and stakeholders. Several other local and state heritage listed items are encapsulated within the curtilage (see Table 2.1).

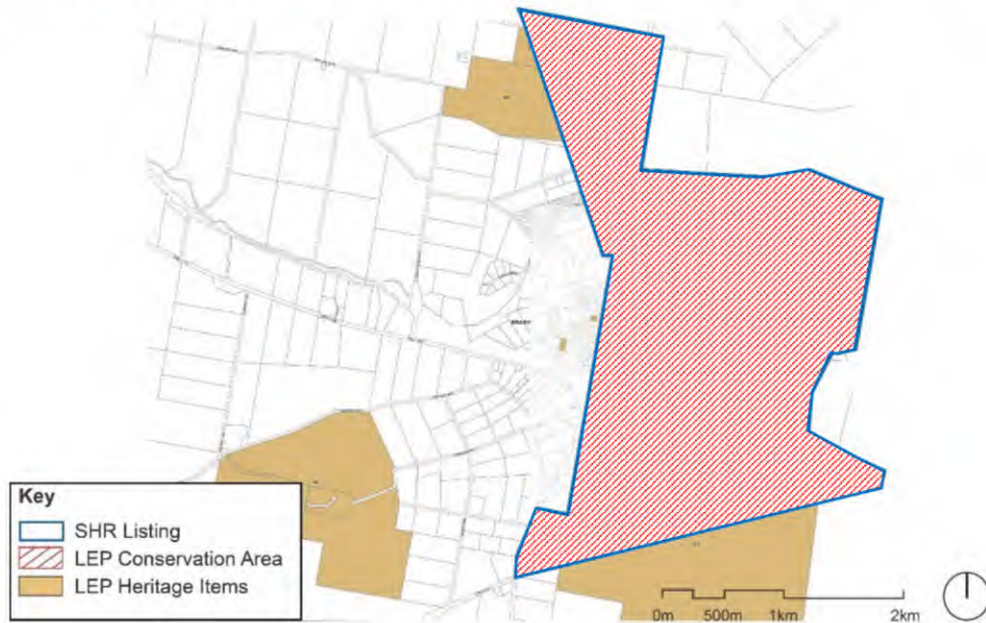
The *Braidwood Development Control Plan 2006* (DCP 2006) also identified that the northeastern slope of Mount Gillamatong and the residential area west of Ryrie Street in the Braidwood town centre have historic and aesthetic significance. These areas are not included within the boundary of the SHR listing.

**Table 2.1** Statutory Heritage Listings relating to Braidwood.

Listing Name	Register	Item Number
Braidwood and its Setting	State Heritage Register	01749
Braidwood and its Setting	<i>Palerang Local Environmental Plan 2014</i>	HCA C1



**Figure 2.1** The 'Braidwood and its Setting' SHR listing curtilage (shown in red). The Georgian township and landscape setting are clearly discernible. (Source: © Google with GML overlay, 2021)



**Figure 2.2** The heritage context showing the SHR listed area in blue, LEP heritage conservation area in red hatching and the individual local and state listed heritage items in brown. (Source: *Palerang Local Environmental Plan 2014* with GML overlay, 2021)



## 2.3 Non-Statutory Heritage Listings

The National Trust of Australia (NSW) listed 'Braidwood Township Urban Conservation Area' on its register in 1976. Listing on the Register of the National Trust of Australia (NSW) does not carry any form of statutory protection but indicates the significance of the place and a level of community esteem and interest.

The township was also included on the Register of the National Estate (1157) under the since repealed *Australian Heritage Commission Act 1975* (Cwlth). The Register was formally closed in 2007 and is now a publicly accessible archive which has information about 13,000 significant places nationally. Any reference to the Register of the National Estate was removed from the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) on 19 February 2012.

## 2.4 Significance of Braidwood and its Setting

Braidwood is regarded as an excellent example of a Georgian period town. It is rare in NSW because it has mostly retained its orderly grid plan, streetscapes, built form and historic fabric from several periods. The surrounding pastoral landscape, and the views to and from these open landscapes, serve as a counterpoint to the Georgian town plan. The statement of significance for the township of Braidwood from the SHR listing is as follows:

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

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

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

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

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



### 2.4.1 Review of SHR Listing

The heritage values as they are currently described in the SHR listing are broad. Certain characteristics and heritage values are specific and clearly described. Yet overall, ascertaining which elements are of significance at state level, and require management and conservation, relies on considerable interpretation by applicants, heritage advisors and Council staff.

We have reviewed the State Heritage Inventory listing and extracted the following values and key features that have been assessed to demonstrate the heritage significance of Braidwood and its Setting:

- Georgian town plan.
- Significant early buildings.
- Fine collection of pre-1850s buildings north of Wilson Street.
- Views to and from the surrounding pastoral landscape.
- Road approaches to the north, east and south.
- Pastoral holdings of Mackellar, Wilson, Coghill and Maddrell, especially the land tenure pattern, eg subdivision, rural housing density, vegetation patterns, boundary fence divisions and road patterns.
- The World War I memorial.
- Ryrie Park, particularly the historical association with Thomas Braidwood Wilson.
- Hotel at the northern end of Wallace Street.
- Vista looking north and south along Wallace Street.
- Some side streets, in particular those that retain soft edging to their roadside verge, period buildings and attractive landscaping.
- Several streetscapes that frame vistas to the pastoral landscape, and the combination of the historical streetscape in the foreground with the pastoral landscape in the distance, especially where this transition is pronounced.
- Aesthetic views of the town include the approach from Canberra, where the town is framed by a row of poplars, the view from Thomas Braidwood Wilson's grave, the approach to the town on Mongarlowe Road from approximately Mona Homestead, the view from Araluen Road as it approaches the town, and the view from Mount Gillamatong.
- Some individual buildings in the town have aesthetic value. Images from the town that draw on its aesthetic values have appeared in a number of books and have been used as a backdrop in several films.
- It is assumed that there are strong social values held by various groups and members of the local community. These could include churches, the RSL/golf club, the cemetery, Mount Gillamatong, Thomas Braidwood Wilson's grave, and the historical and aesthetic ambience and character of the town.<sup>2</sup>



Some of the historic and other values described in the listing are overly broad and lack detail and specificity. Significant plantings and features, streetscapes, key historical buildings and other elements of the cultural landscape are mentioned in the assessment under the criteria. This includes the town plan, some streetscapes including side streets, views and vistas, buildings, and topography including the surrounding pastoral landscape. Additional features such as the WWI memorial and Ryrie Park are also included. Yet there is some ambiguity regarding precisely where and which attributes and characteristics explicitly contribute to the significance of Braidwood at state level.

The township of Braidwood and the surrounding area has potential for other potentially significant heritage values that have not been assessed or are not currently included in the listing. This includes Aboriginal cultural values, as evidenced by the material cultural evidence that has been recorded in the landscape setting surrounding Braidwood. There are eight Aboriginal sites and one artefact site (57-3-0356) identified on the Aboriginal Heritage Information Management System (AHIMS) database. In 2019, a significant Aboriginal site was located on a farm in the nearby town of Bungendore, the Millpost Stone Axe Quarry Aboriginal Place. The site is an Aboriginal quarry containing marked basalt and dolerite boulders. Tall yellow box eucalyptus trees are included within the site and identified in the database record. The site has been recognised as an Aboriginal Place under the *National Parks and Wildlife Act 1974* (NSW), indicating it is 'of special significance to local Aboriginal culture.' These sites and places suggest that the landscape was of significance to Aboriginal people. Braidwood and its Setting may also have other values of significance to Aboriginal people.

There is also known and potential historical archaeological significance associated with Braidwood and its Setting. The Aboriginal cultural heritage and potential historical archaeological resource of Braidwood and the SHR listing require further research and future management guidance.

#### 2.4.2 Summary Analysis

The State Heritage Register listing for the township of Braidwood is reasonably well drafted.

Some technical imprecision is evident in the assessment criteria section in that the heritage values are not cited under the correct heritage assessment criteria. For example, under 'criterion (b) historical association' much of the citation relates to views and aesthetic values. We understand that this inconsistency has been noted by Heritage NSW and dates to early in the listing process, as the error is present in the recommendation to list report that was approved by the Heritage NSW.

The omission of Aboriginal heritage values that may be attributed to Braidwood and its Setting is not consistent with best practice, nor Heritage Council's SHR policy. Braidwood's Aboriginal heritage values have not been assessed at state level and may not be found to meet this threshold. Regardless, one of the key objectives for the future of the SHR is to ensure that the register represents First Nations' cultural heritage as intrinsic to the story of NSW.<sup>3</sup> Currently the SHR listing does not reflect this objective.

The potential research and scientific value associated with the historical archaeological record of Braidwood and its Setting is omitted from the current assessment of the item's heritage values. The Archaeological Management Plan, prepared by NGH Environmental in June 2019, does not include an assessment of archaeological significance for the listed area but rather identifies and zones the archaeological potential of the item.

More rigour and clarity are required in defining the heritage significance of Braidwood and its Setting at state level. A finer grained locational analysis of the distinctive and contributory character elements



and features of the listing would assist in the management and conservation of its heritage significance. This would potentially address the uncertainty wherein some heritage values require subjective judgement and interpretation on the part of both applicants and planners 'downstream' at development assessment stage.

We appreciate that further assessment requires additional resourcing. Yet it is in part the broadly defined values and the lack of precision in the evidence under the assessment criteria that is giving rise to some of the planning issues that are detailed in other sections of this report.

The next section of the report explores the management of significant archaeology. The statutory planning context for Braidwood and surrounds is discussed in further detail in Section 4.0.



Heritage Council of New South Wales



Section 2



State Heritage Register - SHR:01749 - Plan: 2008

Braidwood and Its Setting

Various, Braidwood

Gazettal Date: 3/04/2006

0 530 1,060 1,590 2,120 Meters

Scale: 1:31,000 @A4

Datum/Projection: GCS\_GDA\_1994



- SHR Curtilage
- Land Parcels
- Railways
- Roads
- LGAs
- Suburbs

**Figure 2.3** State Heritage Register map showing the extent of the state listing. (Source: Office of Environment and Heritage 2006)





## 2.5 Endnotes

- <sup>1</sup> NSW Heritage Office submission cited in the Conservation of Australia's Historic Heritage Places, Productivity Commission Inquiry Report, No. 37, 6 April 2006, p 296.
- <sup>2</sup> The values have been extracted from the State Heritage Inventory listing for Braidwood and its Setting, accessed 8 June 2021 <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5054706>>.
- <sup>3</sup> *The Future of the State Heritage Register*, Policy, 18 February 2020, Heritage Council of NSW.

# Historical Archaeology Management



## 3 Historical Archaeology Management

### 3.1 Introduction

In June 2019, the Braidwood Archaeological Management Plan (AMP) was prepared by NGH Environmental for QPRC. Although it did not discuss the history and significance of Braidwood in any detail, the AMP recognised that important aspects of Braidwood's history and significance are expressed through potential archaeological remains that predate the Georgian town and reflect other phases of significant historical growth and development.

The preparation of the existing NGH Braidwood archaeological plan was the first stage of a planned three-stage project. As such, the Stage 1 report currently functions as an Archaeological Zoning Plan (AZP) rather than an AMP, providing initial identification of potential archaeological sites and an outline historical context for the study area. To function as an AMP—a management tool to inform future development and planning in Braidwood—an AZP requires the inclusion of detailed significance assessment and analysis of research potential. QPRC has advised that Stages 2 and 3 of the AMP projects are yet to be completed. Stage 2 was originally scoped to include the preparation of an Archaeological Research Design (ARD) and more detailed recommendations based on the archaeological significance assessment. Stage 3 was proposed to link the AMP and its recommendations into the DCP for Braidwood to ensure the potential archaeological resource is effectively managed and conserved within the land use planning and development system.

### 3.2 Braidwood's Historical Archaeological Resource

The Stage 1 AMP was limited to pre-1900 to focus investigation of the potential archaeological resource within a time period with greater likelihood for research potential. The Stage 1 report explains that the archaeological resource within Braidwood is varied in terms of the range of buildings and the materials used. The typologies of the built form are reflected in the potential archaeological resource, which is determined to include houses, commercial structures, as well as other structures including some composed of stone, brick, calico and wood.<sup>1</sup>

In terms of the subdivision pattern and allotments, the report also finds that the long and deep allotments have the land area, character and form to accommodate numerous structures. As such, there is the potential for archaeological evidence of different periods and phases to remain in situ within lot boundaries. Archaeology within the allotments is considered to have the potential to evidence everyday work and domestic life of earlier occupation phases represented by footing remains, of residential and commercial structures and associated outbuildings, and of rubbish pits and deeper subsurface features including wells and cesspits.

An inventory of archaeological sites was prepared as part of the Stage 1 AMP. We note that although this was identified as a full inventory list in Section 5.3 of the Stage 1 AMP, Section 1.4, Limitations, notes that individual inventory sheets were only created for items/areas with sufficient historical details to populate the sheet.



### 3.3 Stage 1: Braidwood Archaeological Management Plan, 2019

The first stage of the project was provision of an AZP. The objectives of Stage 1 of the AMP were to identify areas of historical archaeological sensitivity within Braidwood and provide recommendations to guide future works. The AMP was intended as a tool to provide greater clarity in the management of historical archaeological sites within the Braidwood SHR listed area for Council, property owners and the Heritage NSW.

The Stage 1 AMP project scope of works anticipated:

- a review of secondary source material relating to the early settlement of Braidwood, alongside supplementary chronological primary historical research, including maps and plans up to 1900;
- assessment of significance of the likely archaeological resource based on historical analysis and archaeological potential;
- GIS mapping of the town to identify locations where further assessment is required;
- an updated inventory of items with archaeological heritage significance; and
- recommendations for future work.

### 3.4 Review of the Braidwood Archaeological Management Plan, 2019

Heritage NSW reviewed the Stage 1 Braidwood AMP Volume 1 and provided detailed comment to assist Council with Stage 2 document revisions and objectives. GML was provided with the Heritage NSW documentation that comprehensively identified issues in the AMP that require revision or supplementation. We concurred with Heritage NSW's AZP/AMP review findings, which are not repeated here.

GML also reviewed the Braidwood AMP to understand the archaeological sensitivity of the area and determine options for best practice management as part of the planning approval process and the new DCP controls.<sup>2</sup> The Stage 1 AMP requires significant revision to comply with existing guidelines and policy. The basis for identification of potential sites does not correlate with the SHR curtilage. In addition, because the assessment of significance and identification of both the pre-Georgian town and post-1900 potential sites within the SHR curtilage have not yet been undertaken, the basis for existing recommendations was not considered reliable.

We note that there are both overarching and more detailed issues requiring revision within the Stage 1 AMP. Key matters needing to be addressed before/within Stage 2 are as follows:

- The Stage 1 AMP study area boundary is described as the Braidwood SHR listed area. However, Figures 4–7 showing sites/areas of archaeological sensitivity focus on an area of Braidwood that does not accurately correspond to the SHR curtilage area (Figure 2.3). The AMP study area needs revision to identify previously undocumented sites/areas with archaeological potential within the SHR area, especially those outside the immediate Braidwood town precinct.



- The Stage 1 AMP does not assess the significance of identified sites of archaeological potential in accordance with key Heritage NSW criteria, guidance and policy. In particular, the 2012 plan was not consistent with the NSW Heritage Branch *Guidelines for the preparation of Archaeological Management Plans* 2009.
- Misunderstanding of legislative requirements is apparent in the AZP/AMP recommendations regarding where and when S57(1) or S139(1) approvals for impacts to potential sites may be required, particularly in relation to sites within the SHR curtilage.
- The recommendations do not accurately identify the full range of appropriate archaeological management actions for sites within the SHR curtilage where impacts are proposed. This does not provide proponents or planning assessment officers with the clarity and guidance they require.

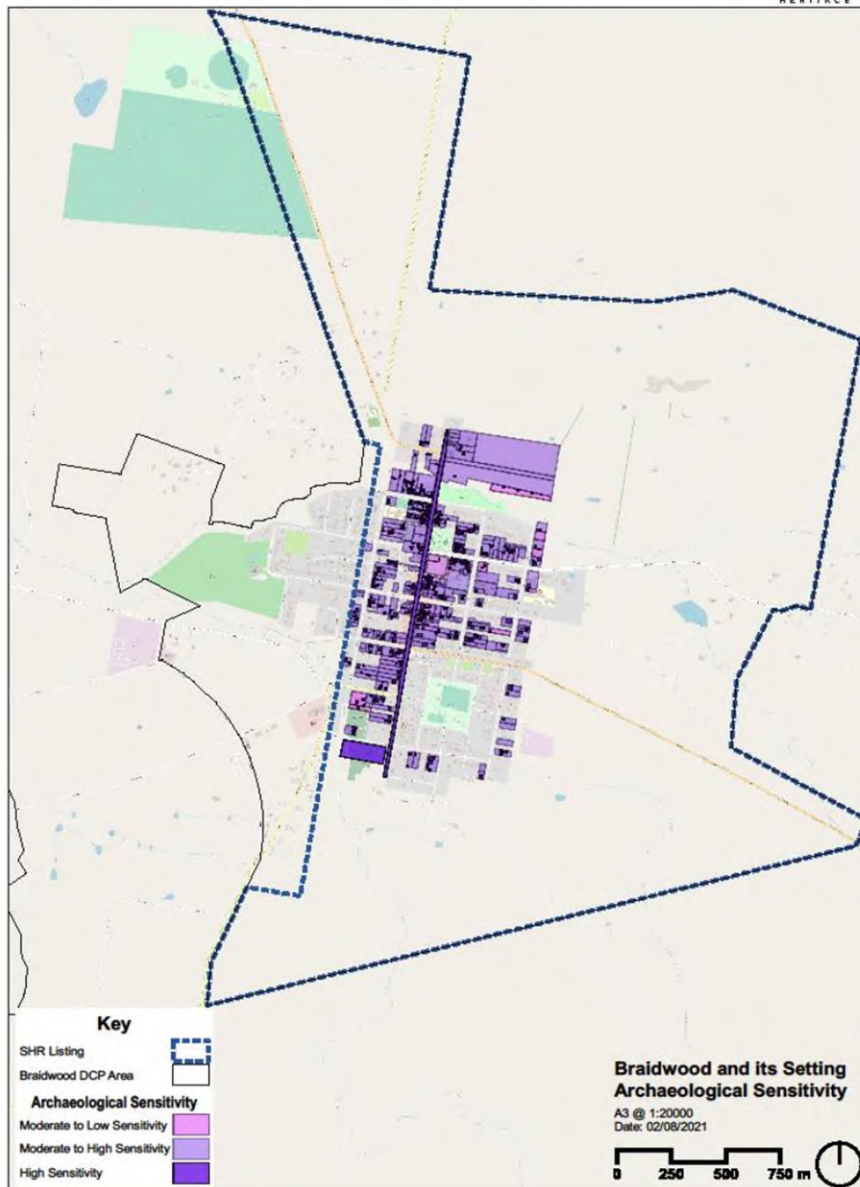
### 3.5 Summary

To improve understanding of historical archaeological management considerations in Braidwood, and their integration into the planning approval process, requires consideration of the following issues.

- The Stage 1 AMP is not currently fit for purpose as an archaeological management tool intended to guide decision making. The Stage 2 AMP will first need to address errors and omissions in the Stage 1 AMP to enable accurate analysis and management recommendations for identified sites in the study area based on detailed significance assessment in line with Heritage NSW guidelines and policy.
- QPRC needs a greater level of support to understand the decision-making process around historical archaeological heritage to provide clear and accurate advice to their Braidwood constituents. Prioritised funding to fast-track a revised Braidwood AMP, and updates to the QPRC LEP and forthcoming DCP in line with the AMP's recommendations/outcomes, is needed for ongoing management and regulation of the archaeological resource in Braidwood. The Stage 2 AMP would need to be completed to at least draft stage to enable its outcomes and recommendations to inform revised DCP controls currently under review (Stage 3 AMP). This requires that funding be actively sought as a priority action to enable Stage 2 AMP preparation.
- Ideally, completion of the AMP's archaeological management outcomes, particularly within the SHR area, should be programmed to coincide with the planned community consultation process being developed in this management review, so that these findings may be presented and explained to the local community and affected property owners during that program.
- The data in the final GIS project should be correlated so that relevant output can be shared with Council's GIS.
- Timely development of the Stage 3 AMP would allow for management policies and procedure recommendations to be clearly translated into QPRC development controls to assist Council's development of specific development controls to mitigate impacts relating to archaeological heritage. This advice would extend to include application of non-notifiable standard exemptions and Section 60s (s60s) introduced after the 2019 version of the AMP was completed.



Section 3



**Figure 3.1** Map showing the SHR listing curtilage in blue, the extent of the Braidwood DCP 2006 curtilage in black and the Braidwood AMP study area identified by sensitivity zones within the town centre. (Source: Braidwood DCP 2006, Braidwood AMP 2019 with GML overlay, 2021)



## 3.6 Endnotes

- <sup>1</sup> NGH Environmental, *Archaeological Management Plan*, June 2019, p 47.
- <sup>2</sup> GIS data, provided as figures, was reviewed for this report. The raw GIS mapping files created by NGH as part of the Stage 1 AZP/AMP project were not accessed or reviewed in this project stage.

# Statutory Planning Context



## 4 Statutory Planning Context

### 4.1 Introduction

'Braidwood and its Setting' was an 'experimental' SHR listing in 2006 when it was formally gazetted. The planning system that was developed for the township and surrounding area, including the exemptions and DCP, was the result of detailed discussions and collaboration between the then Heritage Office and Council.

Palerang and Queanbeyan councils were amalgamated on 26 May 2016. Prior to amalgamation, each council had statutory planning instruments in force for the LGA under its respective care, control and management. Since the amalgamation, the newly created QPRC has been working towards the preparation of a comprehensive planning instrument for the amalgamated LGA. At the time of writing, QPRC had submitted the Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 to the DPIE. This comprehensive LEP 2020 was informed by the standards and provisions of the existing instruments. Heritage provisions are included in Section 5.10 of the standard instrument. Standard provisions for heritage cover not only the listing of heritage items, but also provisions relating to the protection and development of heritage items. Many LEPs also include provisions relating to development in the vicinity of heritage items.

This section outlines the planning context for Braidwood and its Setting. It is focused on heritage and associated planning matters at state and local levels, with reference to key issues and potential risks to heritage values and significance. The site-specific exemptions and standard exemptions are considered, as are the LEP and DCP.

### 4.2 Heritage Act 1977 (NSW)

The primary objective of the Heritage Act is 'to conserve NSW's environmental heritage'. It establishes the Heritage Council of NSW and the SHR. Through applications and permits, standard and site-specific exemptions, this Act controls and regulates the impacts of development on the state's significant heritage items. The Heritage Act describes a heritage item as a 'place, building, work, relic, movable object or precinct'.

The SHR was established in 1999 under Part 3A of the Heritage Act. It comprises a list of identified heritage items determined to be of significance to the people of NSW.

As identified in Section 2.2 of this report, 'Braidwood and its Setting' is listed on the NSW SHR (SHR Item 01749).

#### 4.2.1 Exemptions from Heritage Act Approval

Section 57(2) of the Heritage Act provides standard exemptions to Section 57(1) approval requirements. Exemptions under the Heritage Act come in two forms, site-specific and standard. Proposed works and activities that match the description of the site-specific and standard exemptions do not require approval from the Heritage Council of NSW.

In terms of the application of site-specific and standard exemptions, where site-specific exemptions apply to a SHR listed item they are applied in the first instance. During the assessment process the



site-specific exemptions are checked to determine whether or not they apply to the proposed works. If the site-specific exemptions do not apply to the proposed works, the standard exemptions are then checked to determine whether they apply. Unusually, Braidwood has two sets of gazetted site-specific exemptions. The first set of site-specific exemptions was gazetted in April 2006 and the second set in December 2006. For completeness, both sets of exemptions are quoted in full below.

#### 4.2.2 Site-Specific Exemptions—Gazetted on 3 April 2006

'Braidwood and its Setting' has several site-specific exemptions, which were gazetted on 3 April 2006 and are as follows:

##### 1. Exemptions relating to the Precinct of Braidwood and its Setting

*Exemptions are granted from the need to obtain approval under Part 4 Division 3 of the Heritage Act for all development except the following:*

- a) *Demolition of heritage items listed on the Tallaganda LEP 1991 or other Local Environmental Plan applying to the Precinct;*
- b) *Development that does not comply with Braidwood Development Control Plan 2006 as approved by Palerang Council on 9 March 2006 other than the following sections:*
  - 7.21: *Waste Management*
  - 7.22 *Waste Management Plans*
  - 7.23 *Keeping of Dogs, Cats, Horses, Poultry and Other Animals*
  - 7.24 *Noxious Plants*
  - 7.25 *Fire Control Measures*
  - 7.26 *Numbering of Premises and provision of letterboxes*
  - 7.27 *Swimming Pools*
  - 7.28 *Sediment Control;*
  - 7.31 *Section 94 and Section 64 Contributions*
- c) *For land zoned Rural 1(a): subdivision of land or the erection of a new dwelling or structure greater than 100m<sup>2</sup>;*
- d) *For land within Precinct 4 (Residential south of the historic town boundary) of Braidwood Development Control Plan 2006: any subdivision of land other than as described in Exemption 2(b1);*
- e) *Any other application referred to the Heritage Council by Palerang Council.*

##### 2. Exemptions relating to specific development approvals and applications

*Notwithstanding the provisions of Exemption 1; specific exemptions are granted from the need to obtain approval under Part 4 Division 3 of the Heritage Act for the following development:*

- a) *All works and activities in accordance with any current development application approval from Palerang Council in force at the date of gazettal of the listing of Braidwood and its Setting other than those applications identified in Exemption (2b).*

- b) Works and activities in accordance with the following development applications and for which comments have been forwarded to Palerang Council by the Heritage Office prior to the date of the State Heritage Register listing of Braidwood providing that the development as carried out is consistent with these comments and the Heritage Council is satisfied that the development will not adversely affect the State Heritage Significance of Braidwood and its Setting:
1. 'Braidwood Heights' Subdivision Approval DA 0074/2004 (land to the south of the historic town edge) subject to full compliance with the Heritage Office's letter to Mark Barrington dated 5 July 2005;
  2. 'Summerfield Country Estate' Development Approval Little River Road Braidwood subject to full compliance with the Heritage Office's letter to Habitat Property Group dated 14 July 2005; and
  3. The following development applications:
    - TSC/127/2003/DA—2 lot subdivision (Lot 22, DP 1023674) 52 Monkitee St
    - 2004/DEV-00104—4 lot subdivision and 4 dwellings (Lots 2, 3 and 4, DP 264513)
    - Monkitee St
    - 2004/DEV-00105—2 lot subdivision and 2 dwellings (Lot 5, DP 264513) Monkitee St
    - 2005-DEV-00262—3 lot subdivision (Lot 1, DP 799533) 1 Monkitee St
    - 2005/DEV-00353 (Lot 1, DP 599468) 51 Elrington Street
    - 2005/DEV-00358—2 lot subdivision (Lot 3, DP 635437) 30 Coghill St
    - 2005/DEV-00370—2 lot subdivision (Lot 4, Section 9, DP 758152) 26 Elrington St
    - 2005/DEV-00437—Demolition, erection of new dwelling and commercial premises (Lot 8, Section 11 DP 711539) 50 Wallace St
    - 2005/DEV-00431—23 lot subdivision (Lots 2 & 3 DP 1027223)
    - 2005/DEV-00516—Erection of a shopping complex (Lot 6 & 7 DP 836133) Lascalles Street

### 3. Exemptions relating to work described in a Heritage Agreement

Notwithstanding the provisions of Exemption 1; specific exemptions are granted from the need to obtain approval under Part 4 Division 3 of the Heritage Act for works described in a Heritage Agreement made between the Minister and an owner of rural land in accordance with Part 3B of the Heritage Act 1977.

### 4. Standard Exemptions for other Works Requiring Heritage Council Approval

Where development is not exempted by Exemption 1, 2 or 3 above then the provisions of the Heritage Council's Standard Exemptions for Works Requiring Heritage Council approval shall apply.

## 4.2.3 Site-Specific Exemptions—Gazetted in December 2006

On 15 December 2006 another set of site-specific exemptions were gazetted in the NSW Government Gazette No. 183 for the state heritage listed area of 'Braidwood and its Setting'. The order signed by the Minister for Planning on 20 September 2006 is reproduced below.

SCHEDULE "A"



*All those pieces or parcels of land in the Parishes of Braidwood, Coghill, Boule and Percy, County of Saint Vincent shown to be within the State Heritage Register curtilage on the plan catalogued HC 2008 in the Office of the Heritage Council of New South Wales.*

#### SCHEDULE "B"

#### EXEMPTIONS TO SUBSECTION 57(1) OF THE HERITAGE ACT 1977

The following development does not require approval under Section 57(1) of the Heritage Act:

- 1. Integrated development for work to a private owner-occupied house for which consent has been granted by the consent authority which is consistent with the general terms of proposed approval which have been provided to the consent authority by the Heritage Council. The general terms of proposed approval issued by the Heritage Council may require the submission of an application under Section 60 of the Heritage Act which will prevail over this exemption.
- 2. Integrated development for which the consent has been modified by the consent authority pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 in a manner which is consistent with any comments provided by the Heritage Council to the consent authority.

NOTE 1: 'Integrated development' and 'consent authority' have the same meaning as in the Environmental Planning and Assessment Act 1979. 'General terms of approval' means the 'general terms of any approval proposed to be granted by the approval body in relation to the development', as used in Division 5 of Part 4 of the Environmental Planning and Assessment Act 1979.

NOTE 2: Integrated development which is exempt under 2 is not subject to the requirement in Section 65A of the Heritage Act in relation to modification of existing approvals.

### 4.2.4 Review of Site-Specific Exemptions

The site-specific exemptions switch off the need to obtain approval under Part 4, Division 3, of the Heritage Act. This applies to all development, except demolition of LEP listed heritage items, subdivision within certain areas, erection of structures greater than 100 square metres, and all development that does not comply with the Braidwood DCP 2006 as approved by Palerang Council on 9 March 2006. Where a Heritage Agreement is in force, works prescribed by that agreement are exempt from approvals under the Heritage Act.

Despite being gazetted some 15 years ago, these exemptions are still in force. The exemptions, especially the double negative structure, is somewhat difficult to interpret. For applicants the process of working through the statutory planning approvals pathway and determining what applies is complex. Issues have arisen in both the interpretation and assessment of these exemptions, specifically related to subdivision and the erection of structures on rural land, which is not a type of development that is covered in the DCP. Other types of 'minor' development that were not anticipated at the time of the exemptions and the DCP are also not covered, including the installation of solar panels.

Generally, the site-specific exemptions reflect the specifics of the negotiations and the land use planning and development matters that were 'on the table' and affected by the listing process. The residential subdivision development at Braidwood Heights, for example (see site-specific exemption 2(b)), is still an active exemption and development there is ongoing. The development includes several works and activities that do not comply with the DCP. This development, combined with other residential subdivisions on the fringe of the Georgian town plan, such as Summerfield, impact some of the very values that Braidwood was listed for, particularly the contrast between the townscape and the surrounding pastoral landscape. The development applications (DAs) for both developments were

referred by the QPRC to the then Heritage Office, and the concerns were outlined in the Heritage Office's advice. Residential subdivision was, and continues to be, a somewhat contentious issue and some matters have been the subject of proceedings in the NSW Land and Environment Court. Where heritage concerns have conflicted with the relevant development controls, adequate safeguards would need to be written into the controls to reflect agreed standards and requirements for the protection of the item's significance.

It is not clear what is required in terms of the process when a site-specific exemption applies for Braidwood. While the Heritage NSW website now provides up-to-date and detailed guidance regarding standard exemptions, there is no guidance available regarding the application process, or what is required in the event that a site-specific exemption applies to the proposed works. The Heritage NSW approvals pathway decision tree (Figure 4.0) and process omits site-specific exemptions.

Site-specific exemptions can regulate certain specified and described activities to streamline approval processes, whilst ensuring the desired future character of Braidwood and its Setting is aligned to the conservation and celebration of the place's heritage significance. Where appropriate, and subject to further discussion with Council, the site-specific exemptions should be reviewed. Ideally there would be one set of site-specific exemptions that covered a range of 'minor' works as agreed between Heritage NSW and QPRC.

#### 4.2.5 Standard Exemptions

Standard exemptions which apply to all items on the SHR generally include minor and non-intrusive works and are subject to certain requirements. Typical exempted works include maintenance (to buildings and grounds), minor repairs and repainting in approved colours.

From 1 December 2020 some standard exemptions no longer require notification to Heritage NSW. Works carried out under exemption must be conducted by people with appropriate knowledge, skills and experience. Records of the activities undertaken under exemption must also be maintained in accordance with the documentation standards.

Please note that standard exemptions do not apply to the destruction, disturbance, removal or exposure of archaeological 'relics'. The standard exemptions are listed below.

- Standard exemption 1: maintenance and cleaning;
- Standard exemption 2: repairs to non-significant fabric;
- Standard exemption 3: alteration to non-significant fabric;
- Standard exemption 4: alterations to interiors of non-significant buildings;
- Standard exemption 5: repair or replacement of non-significant services (mechanical, electrical and plumbing);
- Standard exemption 6: non-significant telecommunications infrastructure;
- Standard exemption 7: fire safety detection and alarm systems;

- Standard exemption 8: excavation;
- Standard exemption 9: painting;
- Standard exemption 10: restoration of fabric that forms part of the significance of the item (significant fabric);
- Standard exemption 11: subdivision of non-significant buildings;
- Standard exemption 12: temporary structures;
- Standard exemption 13: vegetation;
- Standard exemption 14: burial sites and cemeteries;
- Standard exemption 15: signs;
- Standard exemption 16: filming;
- Standard exemption 17: temporary relocation of moveable heritage items;
- Standard exemption 18: compliance with minimum standards and orders;
- Standard exemption 19: safety and security; and
- Standard exemption 20: emergency situations and lifesaving.

#### 4.2.6 Review of Standard Exemptions

The standard exemptions under subsection 57(1) of the Heritage Act made under subsection 57(2) apply to all items listed on the SHR and are secondary to the site-specific exemptions. The exemptions do not permit the removal of significant fabric, which is defined to mean all the physical material of the place/item and includes all elements, fixtures, landscape features, contents, relics and objects which contribute to the heritage item's significance. All works that do not 'fit strictly' within the exemptions still require approval.

The proper application of the standard exemptions depends entirely on a detailed understanding of the significance of an item and its historical fabric. This is required to be supported by appropriate heritage knowledge, skills and expertise. In the example of Braidwood, although there are heritage advisory services available to owners and applicants, and in theory the standard exemptions could streamline minor works in the SHR area, given the many historical properties that have not been subject to heritage assessment there is generally insufficiently detailed and inconsistent guidance and standards upon which to support the exemptions. In some instances, the standard exemptions could be considered antithetical to the significant heritage values of 'Braidwood and its Setting'. For instance, 'Standard Exemption 13: Vegetation' permits new plantings of species sympathetic to the item. However, new planting may not be considered sympathetic in some areas of the listed area, for example where the open pastoral landscape is to be maintained.

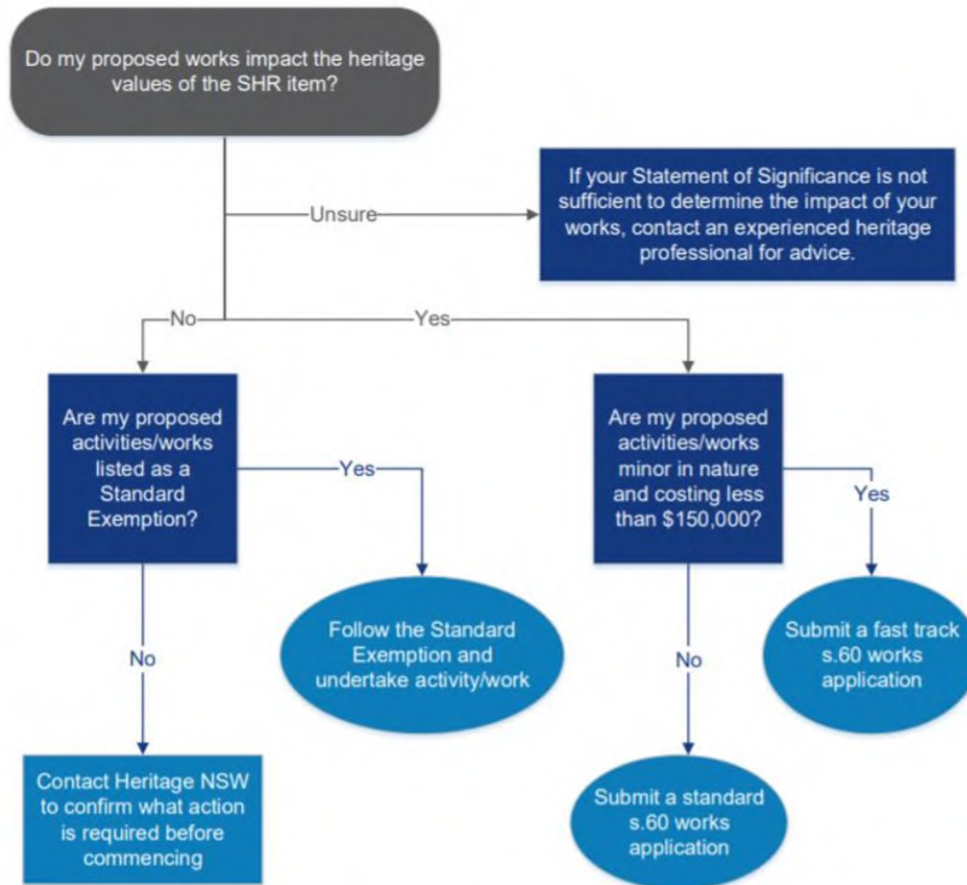
In the case of Braidwood and its Setting proponents need to first ascertain whether any of the site-specific exemptions apply to the works they are proposing. This then brings the DCP in to play under site-specific exemption 1(b). Due to the broadness of the DCP, residents or proponents can typically



demonstrate that the proposed works are compliant with the DCP provisions. Therefore, it is unclear how much the new standard exemptions are being utilised in Braidwood.

Under the exemptions there is no requirement to apply to or notify the QPRC. As such heritage consultants become solely responsible and the 'de facto' approval authority for the use of standard exemptions for certain changes to SHR items. This presents a dilemma regarding who ultimately takes responsibility for the exempted works. A heritage impact assessment is effectively the 'self-assessment', as it becomes the record of use of the exemption and 'may be audited' and 'cannot be relied on as a defence to prosecution'. It is worth noting that heritage consultants have more responsibility but no authority to compel a proponent to prepare a clear scope of works, nor to compel the proponent to undertake the works in accordance with the exemption.

Overall, the issue with the site-specific and standard exemptions is that the process is convoluted and complex. It effectively requires three steps be undertaken to determine which planning assessment and approval pathway the works fit into—that is, whether the works are exempt under the site-specific or standard exemptions or whether a section 60 works application under the Heritage Act is necessary. Although the new standard exemptions streamline certain works, they also potentially create new risks.



**Figure 4.1** Heritage NSW Approval Pathway Decision Tree, which sets out the process with regard to standard exemptions. (Source: Heritage NSW)

#### 4.2.7 Minimum Standards of Maintenance and Repair

Under the Heritage Act, owners of items listed on the SHR are obligated to maintain the item to a level compliant with the minimum standards of maintenance and repair outlined in the Heritage Regulation 2012. The minimum standards cover the following areas:

- weather proofing;
- fire protection;
- security; and
- essential maintenance.



An inspection to ensure that the item is being managed in accordance with the minimum standards must be conducted at least once every year (or at least every three years for essential maintenance and repair standards).

Failure to meet the minimum standards may result in an order from the Heritage Council of NSW to do, or to refrain from doing, any works necessary to ensure the standards are met. Failure to comply with such an order can result in the resumption of the land, a prohibition on development, or fines and imprisonment.

Within the SHR listed area of 'Braidwood and its Setting' the properties evidence varying standards of maintenance and repair. Some properties are maintained to a high standard, whereas other properties and features require significant essential maintenance and repair. This poses a potential risk to the integrity of the SHR listed item and does not reflect well on the state's heritage management system.



**Figure 4.2** Braidwood town plan, c1838. (Source: National Library of Australia, Map F791 <<https://nla.gov.au/nla.obj-230000477/>>)

### 4.3 Palerang Local Environmental Plan 2014

The PLEP 2014 is in force and applicable to Braidwood at the time of writing. Items of heritage significance within the curtilage of Braidwood and its Setting and the SHR listing are afforded statutory protection at the local government level through this planning instrument. Clause 5.10 outlines the heritage objectives for the Palerang LGA.

The objectives for heritage conservation in PLEP 2014 are:

- *To conserve the environmental heritage of Palerang,*



- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- To conserve archaeological sites, and
- To conserve Aboriginal objects and Aboriginal places of heritage significance.

Further, Clause 5.16 of the PLEP 2014 provides provisions for subdivision in specific land use zones and applies to Braidwood. Some of these zones are within the SHR listing or within close proximity to the curtilage of the SHR listing. Clause 5.16 has been implemented to minimise potential land use conflict between existing and proposed developments. Proposed subdivision within and adjacent to the curtilage of the SHR listing can have detrimental impacts on the rural setting of the listing. This is further discussed in relation to Samowill Pty Ltd v Heritage Council of New South Wales in Section 4.5.7 of this report. Clause 5.16 reads as follows:

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

- (1) *The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).*
- (2) *This clause applies to land in the following zones—*
  - Zone RU1 Primary Production,*
  - Zone RU2 Rural Landscape,*
  - Zone RU3 Forestry,*
  - Zone RU4 Primary Production Small Lots,*
  - Zone RU6 Transition,*
  - Zone R5 Large Lot Residential,*
  - Zone E2 Environmental Conservation,*
  - Zone E3 Environmental Management,*
  - Zone E4 Environmental Living.*
- (3) *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*
  - subdivision of land proposed to be used for the purposes of a dwelling,*
  - erection of a dwelling.*
- (4) *The following matters are to be taken into account—*
  - the existing uses and approved uses of land in the vicinity of the development,*
  - whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*



- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

Clause 5.16 has been adopted for the Draft Queanbeyan-Palerang Comprehensive LEP 2020 and includes further considerations.

Under Clause 5.10 (3) of the PLEP 2014 and the *Queanbeyan Local Environmental Plan 2012*, QPRC has prepared a Minor Heritage Works Application process and form. The application process covers the following clause in the LEPs:

- (3) *When consent not required. However, development consent under this clause is not required if—*
  - (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
    - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
    - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
  - (b) *the development is in a cemetery or burial ground and the proposed development—*
    - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
    - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
  - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
  - (d) *the development is exempt development.*

#### **4.3.1 Development Application Exemption for Minor Heritage Works**

Under Clause 5.10 (3) of the LEP applicants may apply for DA Exemption for Minor Heritage Works. Applicants can use the minor works form to gain an exemption from requiring development consent. The application relates to minor works or maintenance of heritage items or within heritage conservation areas.

Generally, if a place is listed as a state heritage item, applicants first need to obtain an approval/exemption from the Heritage Council of NSW under subsection 57(1) & (2) of the Heritage Act. The QPRC Minor Heritage Works Application form under Clause 5.10 (3) of the PLEP 2014 and the *Queanbeyan Local Environmental Plan 2012* is available via Council's website. The application form is simple and does not provide any specific guidance regarding the types of works that may be considered 'minor'. It asks the applicant to describe the minor works, 'E.g. proposed materials, colours and location of the works. NOTE: Any documentation including plans for the proposal can be attached



to this application.<sup>1</sup> Some other councils provide additional guidance about what is considered 'minor'. For example, new exterior and interior openings are not considered 'minor', nor is tree removal.

It is not clear how QPRC applies this minor heritage works application. Nor is it clear how it applies to the SHR listed 'Braidwood and its Setting' and listed heritage items within it. Many of the matters covered under this LEP clause and the application are potentially, to some degree, duplicated by the site-specific and standard exemptions for the SHR listed area and the controls in the DCP. If QPRC wants the Minor Heritage Works under the LEP to be exempt from the SHR listing a new site-specific exemption would need to be drafted.

#### 4.4 Braidwood Development Control Plan 2006

The *Braidwood Development Control Plan 2006* (DCP 2006) outlines specific development controls for the SHR listed area. The DCP 2006 is the only guiding management document for the SHR listing. It should be noted that the DCP 2006 was repealed on 27 May 2015, when the *Palerang Development Control Plan 2015* (DCP 2015) came into effect. However, the DCP 2015 does not apply to the SHR listing. The DCP 2006 continues to operate for the subject area under the Heritage Act. Any development proposed in the SHR listed area that does not comply with the provisions of the DCP 2006 or that is covered by the standard exemptions requires approval under the Heritage Act, and is integrated development under Division 5 of the *Environmental Planning and Assessment Act 1979* (NSW) (EPA Act).

It should be noted that the DCP 2006 identifies a broader curtilage for Braidwood than the SHR listing. The boundary identified in the DCP 2006 includes the northeastern slope of Mount Gillamatong and the residential area west of Ryrrie Street (Figure 4.5).

The DCP 2006 predates the 2019 Braidwood AMP and does not identify controls to assist in the appropriate management of Aboriginal cultural heritage or potential historical archaeology.

The DCP 2006 provides development controls for the following:

- Land Use.
- Development (Exempt and Complying and Development Applications).
- Precincts.
- Subdivision.

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<sup>1</sup> By contrast the City of Sydney includes the following on its Heritage Minor Works application form: *Applications cannot be made for works already or partly completed. This form cannot be used for tree removal or lopping. Council officers will only agree to this request if the proposed works are minor and would otherwise be considered exempt development if not for the site being a heritage item or in a heritage conservation area. Principally this includes 'like for like' replacement /rectification works. Important Note: Do not use this form for new intrusions into the building exterior such as new window openings, skylights and the installation of partition walls/reconfiguration of rooms.*

- Heritage Listed Items.
- Streetscapes.
- Public Domain.
- Engineering Works.
- Signage.
- Miscellaneous Provisions.

The DCP 2006 aims to:

- highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to proposed development;*
- facilitate the conservation of Braidwood's state and local heritage significance and ensure that heritage issues are given appropriate consideration; and*
- allow for public participation in the determination of development proposals.*

The objectives in the DCP 2006 ensure the continuing protection of the heritage significance of Braidwood regarding future development and the town's character. This includes Braidwood's historical streetscapes, and the township's interface with the rural setting and its surrounding landscape's historic and aesthetic values. The DCP 2006 also includes specific objectives for residential, commercial and industrial development as well as subdivision.

## 4.5 Review of Braidwood Development Control Plan 2006

There is much to commend in the Braidwood DCP; however, the DCP is inconsistent with Council's other planning documents and also lacks the detail and specificity necessary to adequately control development. Many of the controls are broad and open to interpretation. There are significant gaps in the DCP that have created confusion for Council's officers and Heritage NSW when undertaking assessments. This has been further emphasised by the passage of time that has elapsed since the SHR listing and the DCP's drafting, both in regard to legislative change, local government amalgamations, strategic and assessment planning matters and considerations, but also as a result of broader socioeconomic change and development within the region.

### 4.5.1 Planning Approvals

The DCP outlines the approval requirements that apply to DAs, which are in turn related to land zoning.

*On land within the 2(v) Zone (Village Zone) (now RU5), development applications are required for all development other than exempt and complying developments (refer to clause 9A of the TLEP 1991). On land within the 1(a) Zone (A-1 Zone Light Agriculture), development applications are required for all development with the exception of agriculture, periodic public entertainment and tree planting, and exempt and complying development. On land within the 1(c) Zone, development applications are required for all development with the exception of agriculture and exempt and complying development.<sup>1</sup>*



Exempt and complying development relates to certain low impact works that do not require a full merit-based assessment. There are general requirements for 'exempt development' under Division 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP). To be exempt under the policy, development must not be carried out on land that is, or on which there is, an item that is listed on the SHR under the Heritage Act, or that is subject to an interim heritage order (Division 2 1.16 (c)). However, if the development meets the requirements and standards of the SEPP and has been granted an exemption under Section 57 (2) of the Heritage Act, or is the subject of an exemption under Section 57 (1A) or (3) of that Act, the development is exempt under the SEPP.

Likewise, there are specific requirements for complying development under the SEPP. To be 'complying development' the development must not be carried out on land that comprises an item that is listed on the SHR under the Heritage Act or on which such an item is located. Under the SEPP this requirement also applies to land that is subject to an interim heritage order or identified as an item of environmental heritage in an environmental planning instrument. However, if development is consistent with the SEPP and has been granted an exemption under Section 57 (2) of the Heritage Act, or is subject to an exemption under Section 57 (1A) or (3) of the Heritage Act, the development is considered complying development. There are some further provisions in the SEPP that basically regulate only that part of the land that the state or local listing applies to.

In a situation where a property is within the locally listed heritage conservation area and also within the state listed item, but is not identified as an individual heritage item, it is not immediately apparent what approvals, if any, the installation of solar panels, skylights or dormer windows would require. It may be managed through a Minor Heritage Works Application under Clause 5.10 (3) of the PLEP 2014, subject to the assessment of impacts on heritage values. Yet this does beg the question of the character, consistency and integrity of the listed area, and potentially sets up some precedents for development that is uncharacteristic of the area's historic significance. There is currently little clarity on whether or not Clause 5.10 (3) applies within the state heritage listed curtilage or the approval process.

The many environmental planning instruments and controls that apply to Braidwood and its Setting make it difficult to interpret what is currently relevant and applicable to the SHR listed area. The various exemptions, combined with the provisions for exempt and complying development, also add to the complexity. This creates a range of risks in terms of the planning and assessment process. As discussed above, considerable effort is required to understand whether either of the sets of exemptions apply. It is also not readily apparent whether exempt and complying development also applies.

#### 4.5.2 Development Control Plan Precincts

Nine precincts are identified within the listed area. Each precinct includes specific planning objectives, identified land uses, and specific controls for new development. The level of detail provided for each of the precincts is general and not specific to individual properties or items within the precincts. The historical character and heritage significance of the precincts are not described, nor are the special or distinguishing elements or features. The precincts discussed in the following sections, are significant areas within the town, that are facing development pressure.



### Wallace Street Commercial Area—Precinct 1A

For example, there is the Wallace Street Commercial Area which comprises the central and northern part of Wallace Street and to a small extent the adjacent crossroads. A range of objectives and several preferred land uses are identified for the precinct. The objectives are to preserve the historical character of the precinct's townscape and the contributory and individual significance of the individual items within it, to ensure that development in the vicinity of buildings with historical significance is in harmony with the form and scale of those buildings, and to encourage the location of retail, office and commercial enterprises which service the needs of the area.

A range of specific controls to manage new development, shopfronts, verandahs, roof form and pitch, signage and setbacks are outlined. The key characteristics that define and exemplify the values of the precinct are not identified in the DCP. The precinct descriptions do not include a statement of significance, nor do they include a character statement that relates to the overarching significance of the SHR listing for Braidwood. The lack of detail in terms of 'ranking' or contribution of the significance of individual properties or features with regards to the SHR listing and heritage conservation area is a risk. Unnecessary uncertainty is created by not clearly identifying the contributory, neutral and detracting buildings or features, such as heritage streetscapes, that would help guide both Council and applicants in understanding which controls apply to a property and which characteristics are important. Buildings and features within heritage conservation areas and heritage streetscapes should ideally be identified on contributions maps as they relate to the character and heritage significance of the heritage conservation area or streetscape.

#### *Contributory Items*

The contributory status of a building within a heritage conservation area is determined by its ability to demonstrate, and contribute to, the significance and character of the heritage conservation area.

- Contributory buildings should be tethered to the heritage significance of the area and clearly display the key characteristics of the area through their period, style and typology, scale, form, features and materials.
- Neutral buildings usually originate from the original era of development but typically have been altered, although the alterations can usually be reversed. Contemporary buildings that respond to the significant scale and character of the heritage conservation area can also be neutral.
- Uncharacteristic buildings are usually buildings from a later era that are inconsistent with the scale and form of characteristic development.

When providing a rationale for a building's classification, the key factors to determine and articulate are:

- When was the building constructed—was it the significant era of development for the heritage conservation area (Georgian, Victorian, interwar period)?
- Its style and character—does it display the key features and built characteristics of the significant period?
- Its integrity—how much has it been altered? Are the alterations reversible?



The rationale for classification should clearly state whether the building originates from the significant era, if it has been altered and how much, and what level of contribution it has to the significance and character of the heritage conservation area. Long descriptions of the property are not required for this purpose.

For example:

- The property contains a single-storey face brick cottage built in the Federation period. It has a steep pitched terracotta tiled roof, projecting front gable and timber windows and doors, and retains original decorative joinery and fretwork to the front verandah. It sits within an established garden setting and makes a strong contribution to the significance and character of the conservation area.
- The property contains a single-storey cottage that originates from the Federation period. However, it has been the subject of unsympathetic alterations. The original terracotta tiles have been replaced with concrete tiles, some of the original windows have been replaced with aluminum windows and original verandah joinery has been removed. It has a high front fence that obstructs some views of the house from the street. Although altered, the alterations can generally be reversed. This building makes a neutral contribution to the significance and character of the HCA.
- The property contains a newly completed three-storey dwelling with rendered masonry walls, flat roof and large areas of glazing. The building does not originate from the significant era of development of the conservation area, nor reflect its key features or established character. This building is uncharacteristic to the significance of the conservation area.

#### **Residential within the Historic Town Boundary—Precinct 2**

The objectives for this precinct are to preserve and enhance the character and residential amenity of the area. Development that is in the vicinity of buildings with historical significance must be in harmony with the scale and form of those buildings. Historically significant items, views and streetscapes are to be conserved. Uses other than residential are only appropriate where they are compatible with and incidental to the residential use. The continuation of existing light industrial is supported.

New development within this zone is not to dominate the historic character and the provisions include that dwellings be single-storey, though an attic or split level development within the roofline is possible. Generally, two-storey structures are not permissible. The maximum height for development in the precinct to the top of the ridgeline is 6.8 metres. From the top of the finished ground to the underside of eaves the maximum is 4.2 metres, and above natural ground at a boundary it is 2.7 metres. Setbacks are to reflect adjacent buildings. New development that is likely to give rise to an adverse impact may be required to have a greater setback than the adjacent buildings.

#### **Ryrie Park—Precinct 5**

Ryrie Park is included in the DCP as Precinct 5. In the DCP Ryrie Park is noted as being significant for its historic associations with the town's early planning process. It is assessed as having both aesthetic and social values and, given its location in the main street, it plays a prominent role in the townscape. The key objective for this precinct is to ensure that the historic and aesthetic values of Ryrie Park are managed appropriately. Controls for the park require that development be guided by the Park Lane Square Conservation Management Plan, February 1997, and subsequent amendments. Other



controls enable development, including for public facilities, paving, trees and signage, subject to a site-specific masterplan.

In 2019 a masterplan for Braidwood town centre was prepared by Phillips Marler following extensive community consultation. Ryrie Park was one of the locations considered in the masterplan. Following the masterplan, a new playground has been constructed with government funding in Ryrie Park North. The facility provides an inclusive, intergenerational play space (Figures 4.3 and 4.4). The project cost \$711,000.

Provided a masterplan has been prepared, the existing DCP controls enable new development within the park. It is generally accepted that conservation management plans, albeit not statutory planning documents, establish the significance of heritage places and provide conservation policies to manage and protect that significance. The Park Lane Square Conservation Management Plan aims to assess and define the significance of the park to ensure its continuing protective care. The park is identified as one of the singularly most important historic features of the Braidwood town plan. The conservation management plan proposes a range of strategies for reinterpreting the park's late Victorian style and character.

While the park should provide community public facilities, the controls do not provide strong or sufficient design guidance to ensure development is appropriate and consistent with the historic character and aesthetic values of the Georgian town plan. This public park occupies a visually prominent corner site on Wallace Street and is a characteristic component of the Georgian town plan. The design of the playground is innovative and engaging. Yet whether it is appropriate given the significance of the park, and its importance as a characteristic element of the Georgian town plan, is perhaps arguable.



**Figure 4.3** Initial playground design Ryrie Park. (Source: *Braidwood Times*, 9 April 2019 <<https://www.braidwoodtimes.com.au/story/6000596/first-look-for-playground/>>)



**Figure 4.4** All access playground as built in Ryrie Park, Braidwood. (Source: Creative Recreation Solutions <<https://www.crs.net.au/projects/ryrie-park-braidwood/>>)

#### **Rural Land Surrounding the South, East and North Edges of Town—Precinct 7**

The rural landscape setting to the southeast and northern edges of the historic township retains evidence of the nineteenth-century subdivision and settlement patterns. The contrast between the layout and form of the Georgian town plan set within the pastoral landscape is part of the heritage significance of the item at state level.

The DCP objectives for this precinct include retaining the rural setting for Braidwood and a landscape buffer zone around the southern, eastern and northern perimeter of the town. The relationship between the form and pattern of the town, and its contrast with the rural landscape, is part of the item's historical and aesthetic significance. Rural views from the town to the surrounding countryside contribute to the appreciation and understanding of this aspect of significance. Controls in the DCP for this precinct provide guidance on the desired character of future development, subdivision development, and development on Wilson's Hill.

A plan is included in the DCP for this precinct. It shows the areas of land surrounding Braidwood, including the buffer zone, Wilson's Hill and the visual curtilage. A strip of land along the eastern edge of the township is designated as a 'buffer zone'.

The land to the northern and eastern edges of Braidwood is zoned RU1. Land to the south is zoned RU1 and E4. The RU1 Primary Production land use zone covers a broad range of permissible activities, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining, and extractive industries. E4 Environmental Living is for land with environmental or scenic values where residential development can be accommodated. Development in this zone is to give priority to the environmental qualities of the land.



Essentially the RU1 zoning and the controls permit residential subdivision and built form to a maximum height limit of 9.6 metres to the top of the ridge within this 'rural' land that is within the visual curtilage of Braidwood. This presents a major risk to the conservation of the heritage values and to a key aspect of the heritage significance of the item, which is the juxtaposition between the geometry and form of the townscape and its pastoral setting. The impact of residential subdivision on this relationship is evident along the eastern and southern edges of the town. Braidwood Ridge at the southern end of the township and the Summerfield retirement village off Little River Road to the northeast are both situated within the 'visual curtilage' identified in the DCP.

### Approach Roads—Precinct 9

There are four main approach roads to the historic township of Braidwood. Two of the approach roads are from the north, while the Kings Highway and Little River Road come into the township from the east. The objective in the DCP for this precinct is the protection of the rural character of the main roads and the visual and landscape setting that contrasts with the townscape.

Ribbon development along the approach roads is discouraged, as is 'unattractive or inappropriate industrial and other development' within the precinct. Effectively the controls for this precinct aim to retain the rural setting along the approaches into the Georgian town. The precinct controls generally require setbacks from the road boundary. The controls also regulate roof height and pitch. Permeability of fence lines is encouraged and no solid or metal sheet fencing is to be erected within 100 metres of the highway boundary.

The Approach Roads Precinct and the linear setback zones are indicated in Figure 16 of the DCP. Perhaps understandably, the controls are focused predominantly on the management of built form in the setback zones. Mona Farm is a historic 124-acre property situated between Little River Road to the north and the Kings Highway to the south. Since the SHR listing in 2006, Mona Farm has changed hands twice, and each owner has introduced significant change. In 2013 an Olympic sized equestrian centre was developed on the property. Following its sale in 2018, the gardens have been remodelled and a collection of large-scale sculptures have been installed across the landscape, many of which are visible along the approach roads (Figure 4.4). The garden design includes long, sinuous lines of trees along the property boundaries and along internal property driveways and roads.

It is evident from aerial photographs of Braidwood and its setting that the landscape setting along these approach roads has changed significantly. An aerial photograph from 1963 (Figure 5.1) captures the open pastoral landscape surrounding Braidwood and provides an indication of the nature and extent of the change within Braidwood and its setting. The controls for the approach roads reflect some important principles in terms of built form setbacks, yet also need to contemplate other forms of 'development' such as tree planting and the installation of large-scale sculptures.



**Figure 4.5** A selection of the garden sculptures at Mona Farm, a luxury estate to the east of Braidwood, situated between Little River Road to the north and Kings Highway to the south. (Source: <monafarm.com.au/discover>)



### Summary of Precincts

The DCP precincts contain objectives and controls to manage various types of development to conserve and protect the heritage significance and character of the precincts within the SHR listed area. Generally, we consider the objectives to be overly broad and the controls to lack the specificity and clarity required to effectively manage development.

The special character and importance of each of the precincts and its various distinguishing elements are not clearly identified and defined. Elements including historic streetscapes and built form (including various building typologies, materials and so on) are fundamental to the significance and character of the place. The character elements represent the distinguishing features of the area that are to be retained. If clearly identified, applications to change the character elements can then be assessed against the desired future character controls. Therefore, the precincts are perhaps best considered as 'special character areas' that contribute to Braidwood and its Setting.

When considering new development or change, the heritage significance of the historic setting should be taken into account. This is expressed in the statement of significance for Braidwood and its Setting and should be reinforced in the DCP by desired future character statements. Development would then be orientated to achieve the outcomes expressed in the desired future character statement and applications/proposals would be assessed according to their ability to satisfy those outcomes (and other matters) as relevant.

Contributions maps for each precinct that classify existing buildings as contributory, neutral or detracting would be beneficial. The contribution of any building or feature to the character and heritage significance of the area is then guided by and based on the contribution. Further consideration could be given to identifying heritage streetscapes. Braidwood is a living place and will be subject to change over time; Council should seek to encourage new development of a high design standard which respects the significance of the area.

Careful consideration needs to be given to the pastoral landscape surrounding Braidwood, including the approach roads, which in part constitutes the SHR 'setting'. Notwithstanding the site-specific exemptions that have enabled uncharacteristic subdivision within the SHR area, the DCP controls only countenanced certain forms of development. Some types of change permissible under the DCP have given rise to outcomes that are not entirely sensitive to the item's significance. This presents a risk to the heritage values, specifically the contrast between the Georgian townscape and its increasingly 'designed' rural setting.

#### 4.5.3 Vicinity Controls

There are no vicinity controls in the DCP. Although reference is made in some sections of the DCP to development in the vicinity, making such controls explicit is important. Development in the vicinity of a heritage item may impact upon the heritage significance of the item, generally through an impact on its setting.

Determining whether a property is within, or impacts upon, the setting of a heritage item is a necessary component of the site analysis of a proposal. Specialist heritage advice may be required to assist with this process and should be done prior to the application being lodged.

The setting of a heritage item needs to consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views to and from the property.



As such, vicinity controls should ensure that development is designed and sited to protect the heritage significance of the item. These controls would ideally include alterations and additions to structures, and would require new development in the vicinity of a heritage item to be designed respectfully with regard to: the building envelope; proportions; materials, colours and finishes; and building and street alignment.

Development in the vicinity of a heritage item is to minimise the impact on the item's setting through the provision of an adequate area around the building to allow interpretation of the heritage item. It should also retain original or significant landscaping, protect and support the interpretation of archaeological features as much as possible, and retain significant views to and from the heritage item.

#### 4.5.4 Subdivision

Land subdivision is covered in 'Part 5 Subdivisions' of the DCP. This section covers amalgamation and consolidation, multi-unit development, subdivision applications and road requirements and objectives. It is noted in the background to this part of the DCP that the residential subdivision pattern of Braidwood has retained its Georgian character, exemplified by large lots that are deep but relatively narrow and aligned to the rectangular street grid. This subdivision pattern reflects the history of the area's development and is a key characteristic exemplifying its heritage significance. The subdivision pattern has given rise to a distinctive arrangement and pattern of built form.

The objective of the subdivision guidelines in the DCP is to retain the evidence of the historic subdivision pattern and to ensure that new subdivisions, and development enabled by subdivision, are sympathetic to the heritage significance of Braidwood including its historic plan and streetscape. While some of the controls are strong (such as that the amalgamation of blocks should not be consolidated across historic boundaries), others may potentially encourage outcomes that are not consistent with the character of the listed item or conservation area and should be tightened. For example, given the significance of the 1839 town plan, no lot boundary changes should occur in areas where that original subdivision pattern is significant and remains intact. In other locations, lot boundary changes within the heritage listed item or heritage conservation area should be required to demonstrate that there will be no impact on the heritage streetscapes or heritage items. This should include ensuring that the setting of an existing significant building on the subject site, or the setting of development on adjoining sites, is not compromised. Furthermore, significant features associated with the lot or adjoining lots, including the streetscape and landscape features, trees, fences, outbuildings and gardens, should not be adversely impacted. Lot boundary changes to larger sites should demonstrate consistency with the original, significant lot configuration; the resultant allotment size should be similar to the existing subdivision pattern in the vicinity of the site and satisfactorily provide for the continuation of the dominant pattern. The Land and Environment Court proceedings discussed at Section 4.5.7 also provide an important insight into the issues with respect to the significance of the historic town plan and associated values such as archaeology, views, the legibility of the spatial expanse and so on.

#### 4.5.5 Public Domain

Part 7 of the DCP focuses on streetscapes and the public domain. This includes footpaths, streets, parks, laneways, carparks and generally publicly accessible areas. Most streets in Braidwood are characterised by generous carriageways, grass verges, mature trees and distant views that, combined with historic building stock, create significant streetscapes of high historic and aesthetic value. Many



residential streets comprise a central carriageway edged by gravel and grass swale gutters and footpaths. One of the unique characteristics of the streetscape in Braidwood is the use of stone to form gutters and other landscaping features.

The controls for the carriageway note that the bitumen seal should generally remain as is, though a small concrete or other border may be laid along the edge. The verge area between the bitumen and gutter is to remain grass or decomposed gravel. Gravel and grass may be hardened through the use of suitable reinforcing laid beneath the turf. As noted, the stone and grass gutters in Braidwood are part of the town's streetscape character.

Street trees are noted for their contribution to the town's aesthetic value, including views and vistas. Street trees are only to be removed where they pose significant risk to public safety. They may be pruned when near power lines and replaced by trees of historically appropriate species and habit. The historically appropriate species are not specified in the DCP.

The street pattern layout, including that of the laneways within the historic town boundary, is not to be altered other than roads that were part of the gazetted 1839 town plan. The entry and exit roads that are historic are to remain in the historic pattern in relation to the town grid. The DCP indicates which roads this control applies to, including those to Canberra, Batemans Bay and Mongarlowe.

In 2018 QPRC adopted a streetscape plan that was focused on Wallace Street north, Ryrie Park north, Ryrie Park south and the commercial precinct. The objectives in the DCP do not make clear the status, or importance, of the streetscape plan for the public domain and how to retain the historic and aesthetic character of the streets.

The DCP in 'Part 7 Streetscapes' identifies various elements within the public domain that are important in demonstrating key aspects of the significant character and heritage value of the listed area. More specific information should be provided to help proponents understand which features are deemed significant at state or local level and where they are located within the listed area. Reproducing the gazetted town plan from 1839 in the DCP would help aid understanding of where these controls apply. Certain public domain features are not identified and could be expanded to also include statuary, fountains, signposts, boundary markers, and steps.

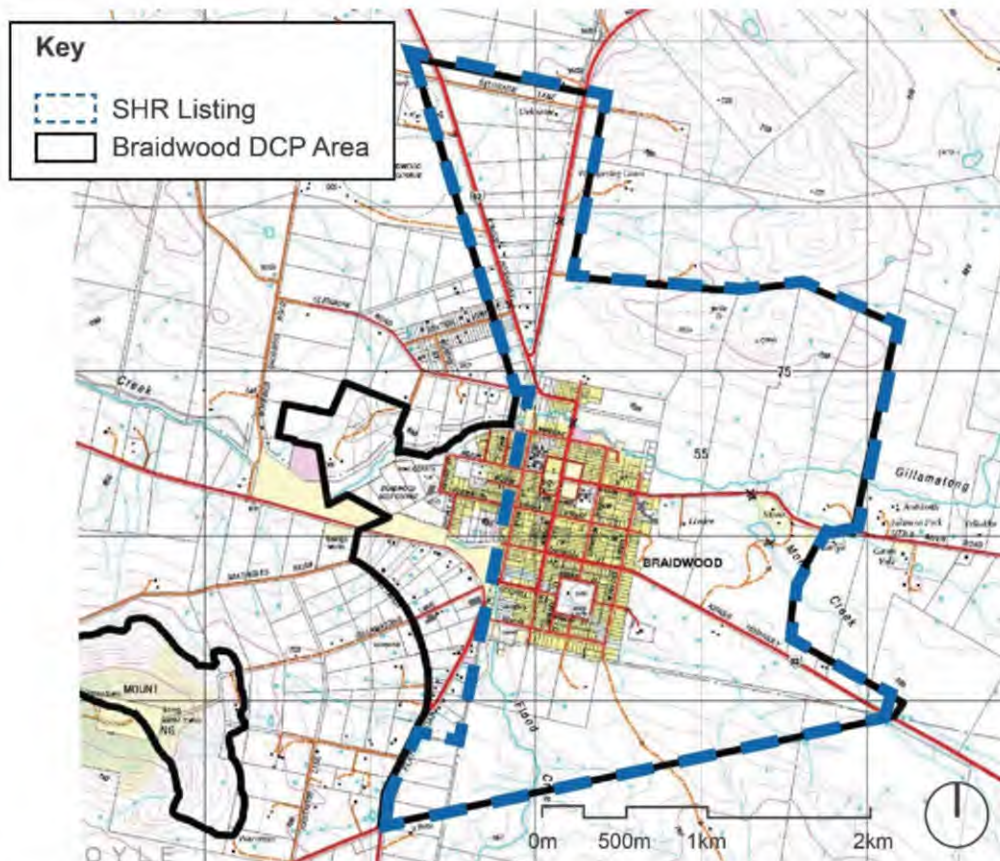
The objectives should ensure that street furniture and other public domain items are not intrusive in the heritage conservation area or heritage streetscape and do not negatively impact heritage items, buildings and sites in heritage conservation area. Significant public domain features and spaces should be retained, and development should not have a detrimental impact on the heritage significance of public domain features. Original or significant signposts, milestones, boundary markers and the like are to be retained. Significant steps and supporting walls are to be retained. New steps should allow for the retention and preservation of original or significant steps, and the use of appropriate materials. Evidence of significant early road surfaces and features should be retained where possible. Significant kerbing should be maintained and, where necessary, replaced with matching materials. The reinstatement of cantilevered balconies, street verandahs and awnings is encouraged where documentary or physical evidence of the original is available. Detailing should be based on this evidence.



#### 4.5.6 Other Development Control Plan Matters

- Definitions should be provided to ensure there is a common understanding of key terms such as conservation, character, curtilage, building envelope, facade, fabric, form, integrity, intactness etc.
- The DCP contains no controls or guidelines for proponents with regard to the management and conservation of Aboriginal cultural heritage.
- The listed buildings section has a focus on exteriors; a future review should consider incorporation of significant interior features (joinery, finishes) and movable heritage.
- Additional controls relating to building types could be developed including weatherboard buildings, commercial buildings, retail shopfronts, pubs and hotels, community and public buildings etc. The objectives and provisions could be applied together with the other objectives and provisions of the DCP.
- The range of different controls applying to LEP listed and unlisted properties under the Braidwood DCP creates a range of problems where an item that is contributory to the SHR listing should be listed on the (Tallaganda) LEP, but for whatever reason has not been. In essence this approach only works if all locally significant or contributory items to the SHR listing are listed.
- It would be helpful to explain the DA requirements and to provide guidelines for preparing heritage assessments, conservation management plans, heritage impact statements, and demolition reports.





**Figure 4.6** Map showing the SHR listing curtilage in blue and the extent of the Braidwood DCP 2006 curtilage in black. (Source: Braidwood DCP 2006, with GML overlay, 2021)

#### 4.5.7 Samowill Pty Ltd v Queanbeyan–Palerang Regional Council; Samowill Pty Ltd v Heritage Council of New South Wales [2017] NSWLEC 1550

The case *Samowill Pty Ltd v Queanbeyan–Palerang Regional Council; Samowill Pty Ltd v Heritage Council of New South Wales [2017] NSWLEC 1550* details the Class 1 appeal made by Samowill Pty Ltd and Stephen John Northcott to a determination of refusal by QPRC for a proposed residential subdivision for five lots at 199 Wallace Street, Braidwood (DA.2014.254). This site is part of land locally known as the ‘Police Paddock’ and is located within the SHR listed area.

The DA application was lodged on the last day the Tallaganda LEP 1991 was considered valid. The proposed residential subdivision was non-compliant with Council’s planning instruments. The case discusses how the DCP provisions should be interpreted in a DA assessment, with reference to case law. The Commissioner’s findings discuss the issues with the LEP 2014. The Commissioner’s statement concludes (74) that:



*it is my view that the heritage listing has the effect of limiting development on the site such that subdivision, whilst a permissible use in the relevant zone, may not be able to be achieved in the form proposed by the current application.*

Council refused the DA due to the development's detrimental impact on the state heritage item, Braidwood and its Setting. The application was not provided concurrence from the Heritage Council of NSW due to the development's detrimental impact on the heritage item. Council and the Heritage Council of NSW refused the development application for the following reasons:

1. *The proposed development will have an unacceptable adverse impact on the heritage significance of "Braidwood and its Setting" as listed in the State Heritage Register ("SHR");*
2. *The concept plan filed by the applicants does not retain the appearance of traditional lot development suitable for Braidwood; and*
3. *The development is inconsistent with the controls in Council's planning instruments.*

The Police Paddock site and surrounds demonstrated visual cohesiveness as a single large expanse, which further contributed to its importance, and the significance of the SHR item. The area was also seen to contribute to the rural buffer that surrounds the town and preserves the pastoral landscape that contributes to Braidwood's significance.

The proposed subdivision would interrupt these views and was not consistent with the Georgian town grid pattern. The proposal was found to detrimentally impact on the SHR heritage criterion (a) (historical significance), and the inclusion of the Police Paddock within the historic bounds of the town was recognised in the listing as part of the historic form and fabric of the town SHR heritage criteria (f) rarity and (g) and representativeness. The proposed subdivision was not considered to align with the simple grid design of the town and would have had a detrimental impact on the significance of the item, especially criterion (g). It was noted that the former police barracks was sited on a rise within the site's topography. The subdivision was not regarded as being of sufficient merit to warrant variations to Council's controls.

The Court heard evidence from several residents in Braidwood who noted the significance of the area, specifically the views into and from the state heritage area, the intact Georgian town plan, the potential presence of archaeological remains and the town's pastoral landscape.

Pursuant to s79C(1)(b) of the EPA Act, the Commissioner found the determination of refusal to be appropriate, and dismissed the appeal based on these claims. The findings of the case specifically state that:

*notwithstanding that the LEP provides for residential subdivision, in and of itself that is not sufficient to determine the appropriate development on the site... In this matter the heritage listing, and the statement of significance, act as an additional layer of parameters to consider the merit assessment of the application.*

In this case, the Commissioner considered that the statement of significance acted as an additional layer of parameters to consider in the merit assessment of the application. The Commissioner took the view that the heritage listing had the effect of limiting development on the site such that subdivision, albeit a permissible use in the relevant zone, may not be achievable in the form proposed by the current application.



The case reflects the current development pressures for new residential development within Braidwood. The new development estate of Braidwood Ridge, located off Elrington Street, is an example of the type of new development being constructed in the town. The development was approved prior to the SHR listing and is an example of the types of developments that would continue throughout the town. Braidwood Ridge is now located within the SHR listed area, but on a lower plain that does not fracture the views of the rural buffer that surrounds the state heritage item and makes up part of its curtilage. It is likely that this type of residential development would not have been approved if the town was already listed on the SHR.

The inconsistencies between the LEP, DCP and site-specific exemptions creates confusion about what types of development are appropriate for Braidwood. There are several approved developments, including Braidwood Ridge, that are not consistent or appropriate for the town's heritage significance. The lack of clarity, cohesion and consistency between the planning controls risks allowing for further developments that will potentially negatively impact the significant heritage values of Braidwood.

There are other examples of Class 1 appeals where applications were refused because they were detrimental to a heritage item or a heritage conservation area. This includes *Grigorakis v Bayside Council* [2016] NSWLEC 1573. The judgement in this case also indicated that while the heritage significance of various items and conservation areas would be affected, the proposed application also proposed a variance from the planning controls for the area.

The case indicates that QPRC requires a consolidated and robust DCP for the township of Braidwood. The inconsistencies between the PLEP 2014 and Braidwood DCP 2006 allow for new development in Braidwood that may impact the heritage values of the place. Areas within and outside the listed area should be identified for future development to allow for appropriate growth. The PLEP 2014 should be reviewed and amended to restrict inappropriate development in land zonings near and within the state listed area. The Braidwood DCP requires specific guidelines for conservation and development. A comparative analysis of development guidelines prepared for similar towns could be undertaken to formulate these controls.

#### 4.5.8 Palerang Development Control Plan 2015

The *Palerang Development Control Plan 2015* (DCP 2015) is the current guiding document for new development within the Palerang LGA. The DCP does not apply to the SHR listed area, but does apply outside the SHR curtilage. The DCP provides general heritage guidelines for built heritage, Aboriginal cultural heritage, and natural heritage. This DCP will be replaced by a comprehensive DCP for the entire amalgamated LGA, which will include the SHR listing and remove the need for the Braidwood DCP 2006. Council is currently using the Braidwood DCP 2006 and Palerang DCP 2015 to make decisions about new development within the SHR listed area and wider town. This has created an element of confusion for Council's officers as the documents provide varied guidelines.

### 4.6 Draft Controls

During preliminary discussions with QPRC we were advised that a new Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan has been prepared and submitted to the DPIE. In addition, QPRC advised that it was looking to commence a review of the Queanbeyan-Palerang Council Development Control Plan, in order to ensure a more comprehensive approach to managing



development across the Council area, which would include specific provisions for managing heritage in Braidwood.

#### 4.6.1 Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan

The Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan has been prepared to consolidate the existing LEPs that applied to the former Queanbeyan and Palerang LGAs prior to amalgamation. The draft LEP will merge the heritage listings under Schedule 5 of each current LEP into the comprehensive plan.

In particular, Council is recommending that dual occupancy development be prohibited in rural and environmental zones across the combined LGA. Instead, 'secondary dwellings' will be permissible in all these zones. This has been proposed as it is difficult to sell properties with two large existing dwellings in the LGA and, subsequently, applicants often seek to subdivide these developments in a manner not permissible under Council's respective planning controls.

The LEP zoning plan shows the SHR listing adjoins the E4 Environmental Living zone and part of the rural landscape outside the SHR listing includes land zoned R5 Large Lot Residential where these changes will apply. These changes will result in two smaller dwellings on the same lot, a consistent streetscape and potentially battle-axe style allotments, or fewer applicants for subdivisions. This will impact the appearance of the rural landscape surrounding the SHR listing, but will potentially provide a more appropriate subdivision pattern within the rural living zones. It should also be noted that dual occupancy development will still be permissible in the R2 Low Residential Zone. A large area of the SHR listing is zoned R2 Low Density Residential. The draft LEP will include a minimum lot size to restrict a significant increase in density.

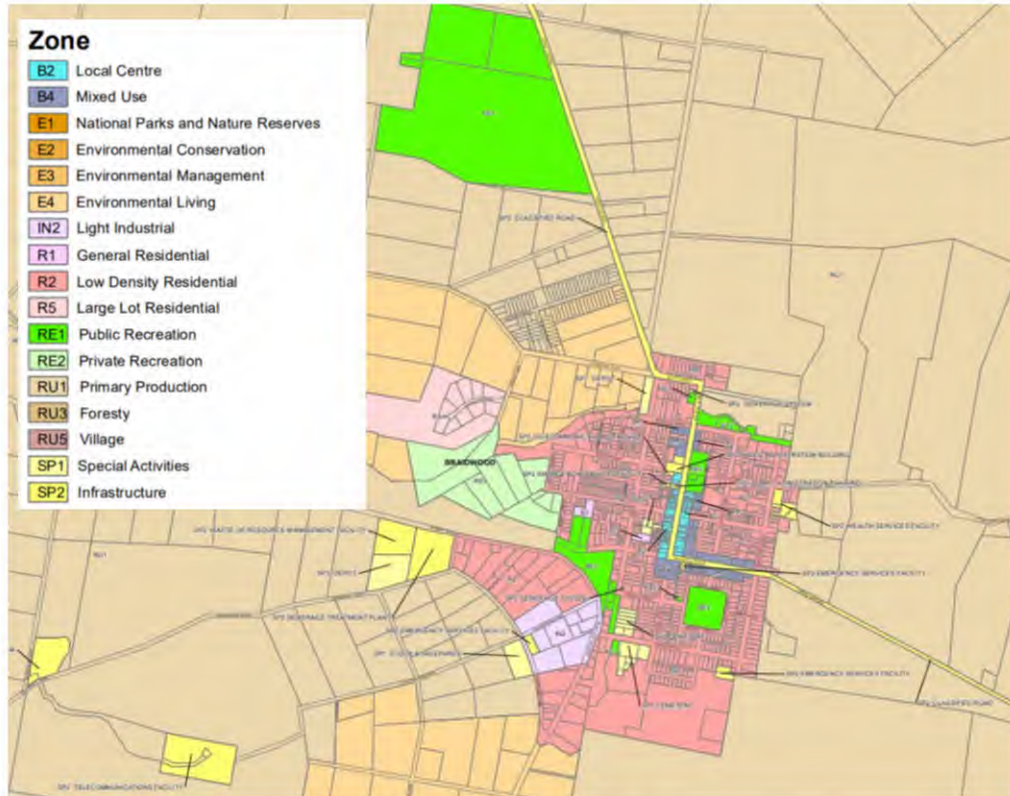


Figure 4.7 Palerang LEP zoning map of Braidwood. (Source: PLEP 2014)

#### 4.6.2 Draft Braidwood Development Control Plan

Council is in the process of preparing a standalone DCP that will specifically apply to Braidwood. The new DCP would sit alongside the new Queanbeyan-Palerang Comprehensive LEP. This will provide one consolidated document that guides development for the entire amalgamated LGA. The DCP will include guidelines for Braidwood and the SHR listing, and this will remove the need to refer to the now outdated Braidwood DCP 2006.

As part of the drafting process, Council should seek input from the community, specialists and, in particular, heritage professionals and archaeologists when drafting the future controls for Braidwood and the SHR listing. The update of the DCP should also address the gaps that have been identified in the previous DCP 2006. In addition, the updated DCP should include guidelines for the management of Braidwood’s archaeological resource. A completed Stage 2 AMP would ideally inform the development controls and planning processes. To that end, sourcing of funding to undertake the final stages of the AMP should be a priority.

### 4.7 Heritage Advisor

QPRC provides a free heritage advisory service to members of the public within the LGA. The service is jointly funded by QPRC and Heritage NSW. The heritage advisory service operates on the second



Thursday of the month for Braidwood and the surrounding area. The role of the heritage advisor is to provide advice to property owners that may be considering proposals and DAs to LEP listed heritage conservation areas, as well as individually listed heritage items within the LGA.

A brochure describing the role of the heritage advisor, and providing relevant contact details, is available on the QPRC website. The brochure includes a summary overview of heritage in the LGA, and specifically mentions the SHR listing of Braidwood. The brochure provides a simple introduction to the statutory listing of heritage items in LEPs as either state items or local items, as well as properties within heritage conservation areas. Readers are informed that designated properties will be subject to particular planning regulations where development works are proposed. The brochure and Council's website has several links to supporting documents including the LEP schedule of individual listed heritage items, planning controls, the Heritage Consultants Registry and the NSW Heritage Office (now Heritage NSW).

The heritage advisory service is of value to QPRC and property owners in Braidwood. Given the size of the SHR listed area and the number of listed items within Braidwood and its Setting, combined with population growth and demographic change, the QPRC should consider whether the capacity and frequency of the heritage advisory service is sufficient to meet demand.

## 4.8 Discussion

Just as many regional towns and centres are changing, so too is Braidwood. In the 15 years since the success of the 'experimental' SHR listing of Braidwood several complex issues have emerged that are making it increasingly challenging for both Heritage NSW and QPRC to manage. In an era of declining resources available for heritage, combined with population growth and development pressures in regional towns—exacerbated by a range of economic and social issues—places such as Braidwood are at a turning point. The significant heritage values that many locals and others consider to be of outstanding value to the state are also the very values that many others see as the primary cause of onerous and procedurally complex planning processes.

Council's records identify the types of development and works that have been proposed in Braidwood since 2006. These include new dwellings, alterations and additions to existing dwellings, studios, sheds, detached garages, tree removal, subdivision, signage to existing shops and buildings, applications for new small businesses, and upgrades to roads and infrastructure.

The majority of new residential development has been to the south of the SHR area along Badgerys Street, Elrington Street and Nomchong Street that forms part of the residential estate of Braidwood Ridge. To support the growing population, a hospital, an aged care facility and a new school have been constructed in Braidwood since the listing. Further new infill development has continued to be constructed in Braidwood along Solus Street, McKellar Street and Coghill Street. In short, applications for residential and commercial development have steadily increased in Braidwood since 2006.

In recent times there has been unapproved development to the east of the town, associated with the change from rural use to 'boutique' accommodation and reception centre use. This, combined with other homestays for vacation rentals, and accommodation facilities, reflects not only the area's changing demography but also the significant growth and change in the tourism industry. Notwithstanding the impact of the COVID-19 pandemic on tourism, it is unlikely that applications for such development will decline given Braidwood's location, character and comparatively affordable land and building stock.

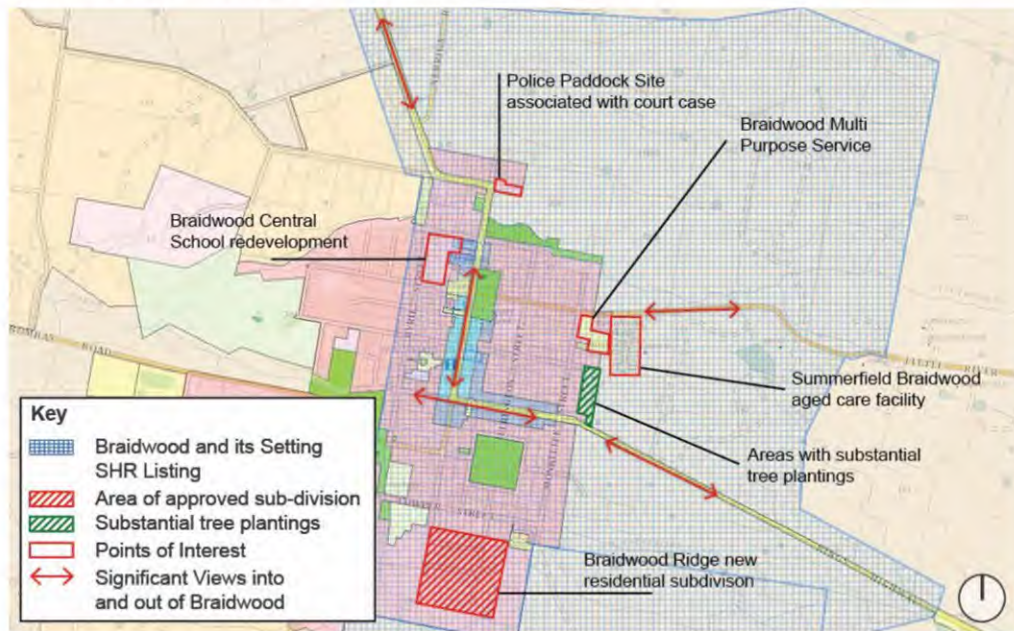
The National Archives of Australia includes a black and white aerial photograph of the township of Braidwood and its surrounding pastoral setting dating from 1963 (Figure 4.8). The 1839 Georgian town and street pattern is clearly visible. The structure and geometry of the street pattern and allotments create a strong contrast to the gently undulating and expansive surrounding pastoral landscape. Vegetation is sparse within the township and relatively few mature trees are discernible. By contrast, the 2021 aerial photograph of Braidwood and its surrounding landscape at Figure 4.9 shows the extent of development within and surrounding the Georgian town plan. While the structure of the street pattern layout within the historic town is evident, so too is peripheral development and the consequent spread of the township. This has created a different development pattern and relationship between the 'historic core' and the surrounding pastoral landscape setting. Should such development patterns continue, the heritage significance and distinctive character of Braidwood and its Setting, particularly the contrast between the townscape and the pastoral landscape, will be compromised.



**Figure 4.8** Aerial view of Braidwood, NSW, 1963. (Source: National Archives of Australia, Item ID 11705837, Series Control Symbol A1200L44249)



**Figure 4.9** Aerial photograph of Braidwood. (Source: Nearmap, 2021)



**Figure 4.10** Points of interest in Braidwood. (Source: Planning Portal 2021, with GML overlay)





## 4.9 Summary

At the time it was developed, the statutory planning framework for Braidwood was without precedent and provided an innovative response to the state heritage listing of an entire township and surrounding landscape. With the various changes to the planning system, local government, Heritage NSW and the Heritage Council, and the 'lessons learnt' over last several years, the changes to the LEP and the preparation of an updated DCP provide an opportunity to provide greater clarity and certainty in the land use planning and development approval context for Braidwood.

The DCP covers many aspects of what is important about Braidwood. Yet in 'Part 11 Public Domain' of the DCP the specificity and detail required to adequately inform and guide DA planners and applicants is lacking. A good example of this is the reference to streetscapes, wherein the assessment is without the necessary description. This stems in part from the lack of precision in the SHR listing itself, as the significant streetscapes are neither identified, defined or described. This leaves the streetscape and the protection of its character and integrity open to interpretation, potentially creating uncertainty 'downstream' for applicants and planners at development assessment stage.

It is generally accepted, for example, that the distinctive kerbs and gutter treatments in some streetscapes, and soft verges in others, and some footpath treatments have heritage value. In fact, such features contribute to the item's overall integrity. While the carriageway, verge, gutter, footpath and street trees are mentioned in the DCP, the listed area has not been subject to a detailed study that identifies where these features are located, and which ones in particular contribute to the significance of Braidwood. Given much of the listed area is designated as a heritage conservation area, Council could consider identifying which features make an important and significant contribution to the character of a heritage conservation area, or the heritage streetscapes that evidence a reasonably high degree of integrity and date from a key development period of significance. Contributory buildings could also be identified. They would be defined as buildings from a significant historical period, highly or substantially intact or altered yet recognisable and reversible.

If such features are not included in an assessment there is a risk that they may not be considered as important when change is proposed. This means they may be vulnerable to removal or unsympathetic change. Individual changes, as well as cumulative effects, threaten historic integrity. Loss or relocation of some features may not affect a property's overall historic integrity. Given the pressures on Braidwood some areas may be identified that have a greater tolerance for change. But ongoing loss, or change to buildings, structures, roadways and small-scale features, as well as gradual changes to boundaries and land uses, may cumulatively impact an item's overall integrity without some overarching strategic assessment.

Vegetation is an important feature of most landscapes. The listing of Braidwood includes specific reference to the surrounding pastoral landscape, but it does not provide a description of the distinguishing features of that landscape typology. Landscape is dynamic and constantly changing. Each season brings variation. Vegetation matures, is pruned, and reaches the end of its life. New plantings are often added, and sometimes plantings are subject to change through other forces. Changes in vegetation can impact historic integrity. This is determined by the extent to which the general character of the historic period is evident, and the degree to which elements obscuring that character can be reversed. As vegetation matures, a change in tree canopy, scale, and overall



massing may affect the overall character of the landscape. It is important to consider not only changes to the individual feature but also how such changes affect the landscape as a whole.

In the context of the township of Braidwood, change in the landscape setting may have an impact on its integrity. Major encroachments adjacent to the town, such as highways, parking lots, new buildings and new plantings, may impact the significant values. Views to and from the town, for example, that were pastoral but that are now residential, or views that were established along sight lines to buildings, monuments or other features that have been destroyed, may impact the integrity of the historic landscape.

Given the primary management intent of the SHR listing is to identify, manage and conserve the significant values of the heritage listed item, the evaluation and analysis of contributing landscape characteristics and features will assist managers and specialists in determining treatment and best practice management decisions, and recording these decisions. Without clear and direct identification, description and assessment of significant values and features, there is a risk that the integrity of the listing and its values will be impacted through the lack of specificity and continuing incremental change.

Any amendments to the listing's site-specific exemptions, and/or planning controls, including the new DCP for Braidwood and its Setting, will need to demonstrate a strong alignment between the heritage values and land use/development planning to ensure the long-term management and conservation of heritage significance is effective.

## 4.10 Endnotes

<sup>1</sup> Palerang Council, *Braidwood Development Control Plan 2006*, p 4.

# Comparative Analysis

## 5 Comparative Analysis

### 5.1 Introduction

When the township of Braidwood was listed on the SHR in 2006 it was compared to several other sites as part of a comparative analysis. Other regional towns that were reviewed in the comparative analysis included Bungendore, Queanbeyan, Gundaroo, Goulburn, Berrima and Yass, all of which either never consolidated their nineteenth-century built form, or lost their integrity as a result of extensive twentieth-century development. The analysis found that Braidwood was a rare example of a Georgian township.

This report has identified some heritage listed places that are comparable examples of complex locally listed landscapes/townscapes. A consideration of some of these comparable historical places may assist in identifying best practice heritage management and in streamlining statutory planning and development approval processes.

#### 5.1.1 Haberfield Heritage Conservation Area

The suburb of Haberfield is listed as a conservation area under the *Ashfield Local Environmental Plan 2013* (C42). Haberfield is significant in the history of town planning in NSW as the first privately developed Garden Suburb in Australia and for its intact collection of fine Federation houses and shops.

The Haberfield DCP provides objectives and standards for development within the Haberfield Heritage Conservation Area in addition to LEP controls. The DCP was developed in consultation with heritage specialists who undertook a detailed study of Haberfield in 1986–1988.

The DCP provides residents, landowners and developers with detailed planning measures for residential and commercial properties. The objective of the plan is to ensure that the heritage significance and character of the suburb is maintained whilst allowing for necessary and appropriate change, including sympathetic alterations and extensions to existing buildings or carefully designed new buildings.

The planning measures cover key aspects which contribute to the suburb's significance as both a planned suburb and for its collection of fine Federation buildings and gardens. These measures include the pattern of development, building form, height and site setbacks, as well as more detailed controls on the treatment of windows, verandahs, garages, fences, gates, garden elements and paint schemes.

Each planning measure contains a description, an explanation of how it contributes to the significance of the suburb, and controls. Most controls are also accompanied by drawings and diagrams which assist in understanding the objective of the controls.

#### 5.1.2 Broken Hill

Broken Hill is listed on the National Heritage List (Place ID 10586). The City of Broken Hill is a rare example of a long-established mining town in Australia, with a strong industrial history. The city is nationally significant for its historical, rarity, social, research and aesthetic values. Broken Hill contains a unique mix of architecture and mining infrastructure, set in a vast, arid landscape. The city retains its



1883 grid plan character and has been minimally impacted by changes to its urban structure or redevelopment.

Certain areas and items within the city of Broken Hill are also included on the Broken Hill LEP 2013 and SHR. National heritage values are referenced in the Broken Hill DCP, but are not subject to local planning controls or assessments. As a result, places that are part of the National Heritage Listing, but not the LEP, do not have specific heritage control or management at the local level.

Section 8 of the Broken Hill DCP provides heritage controls which apply to heritage precincts and items. The DCP contains a statement of significance, guidelines for all development (excluding Broken Hill Mining Zone), residential development, commercial development and development in the mining zone. The sections generally contain objectives, design guidance and controls. The controls provide a good framework for managing development, but could be more thorough and include further design guidance and controls for additional types of civic buildings and infrastructure.

### 5.1.3 Goulburn

The City of Goulburn is listed as a heritage conservation area on the *Goulburn Mulwaree Local Environmental Plan 2009*. The area includes the Central Business District of Goulburn and is generally bounded by Mulwaree River/Blackshaw Road, Clinton Street, Bradley Street and Cowper Street. The heritage conservation area includes extensive heritage buildings and streetscapes that are significant to the development of Goulburn.

The area contains a mix of major retail, civic, office and administrative functions of the City of Goulburn as well as several ecclesiastical, educational and rail related services. The road pattern is based on the original grid pattern set out in Goulburn and assists in providing dramatic vistas and view corridors.

The City of Goulburn is significant as an outstanding example of a historical townscape and for its cultural continuity since the early 1800s. Goulburn includes a large number of building types dating from the Victorian and Federation periods, reflecting the setting and character of Goulburn as an important administrative regional centre in the mid-late nineteenth century and early twentieth century. The area demonstrates a good diversity of building types and styles as development ranged from the Georgian style workers cottages of the early 1850s to Victorian civic and ecclesiastical buildings and Inter-War commercial buildings.

Development within the conservation area is managed under the *Goulburn Mulwaree Development Control Plan 2009*. Section 3.3.23 of the DCP is dedicated to the City of Goulburn Heritage Conservation Area and contains sections relating to its history, character and significance, as well as objectives and controls for its future development.

In addition to this section there are several comprehensive development controls that relate to all heritage items and conservation areas at Sections 3.2 and 3.3 of the DCP. These include objectives and controls on alterations and additions, adaptations of heritage buildings or sites, change of use, signage to heritage buildings, and building materials, colours, finishes, forms, scale and styles. The sections are thorough and are accompanied with several diagrams and images to assist users with understanding the objectives of the controls.



#### 5.1.4 Beechworth

Beechworth is located within the Indigo Shire Council LGA. Other historical townships within Indigo Shire include Chiltern, Rutherglen and Yackandandah.

In 1852 the township of Beechworth, Victoria, developed following the discovery of gold at Spring Creek. Such was the rush to the gold fields that by July 1853, Beechworth's town plan had been surveyed and gained formal recognition with the declaration of Beechworth as a town. Just as in Braidwood, in Beechworth the original surveyed town plan of 1853 is still largely evidenced through the size of blocks, laneways, and designated land uses (churches, public buildings and parklands). The township's subsequent development as a major administrative centre during the 1850s and 1860s is reflected in its historical built form, supported by the construction of government buildings, but also through controls that required commercial and residential buildings of the period to conform to certain requirements.

Although Braidwood and Beechworth were developed during different historical periods, they are comparable in the aesthetic qualities of the respective townscapes and the streetscapes along with their degree of intactness. Both townships evidence consistency of scale, uniformity and quality in their streetscapes. Like Braidwood, Beechworth is unusual for its intactness and integrity, as the twentieth century has only lightly touched most of the township. Just as there is a recognised and tangible relationship between Beechworth's nineteenth-century establishment as a gold-mining town and the extant mining sites and artefacts in the surrounding areas, there is also an appreciable relationship between the township of Braidwood and its surrounding rural and agricultural landscape.

In Victoria, planning schemes are made up of maps and ordinance. The ordinance contains the policies and written clauses and the maps illustrate where the zones and overlays apply within the planning scheme area. Under the Indigo Planning Scheme, a Heritage Overlay (VPP 43.01) applies to the heritage listed places and its associated land within Beechworth. The heritage listed places in the overlay include a series of conservation precincts and local items as well as those places listed under the Victorian Heritage Register.

Each of the Beechworth conservation precincts is described in terms of its distinctive historical character, including its streetscapes, granite kerb and guttering, street tree plantings and commemorative monuments, etc. The integrity of each of the precincts is considered to be high. The historical, architectural, social, technical, aesthetic and archaeological significance is stated.

The Heritage Overlay is indicated on the planning scheme map by the 'HO' prefix. A schedule accompanies the Heritage Overlay (LPP43.01). All places, structures and items of cultural heritage significance and all individual items listed in the Schedule to the Heritage Overlay are considered integral to the significance of the place and its various precincts.

The purpose of the Heritage Overlay is detailed in the bullet points below:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.<sup>1</sup>*



In the heritage schedule that supports the heritage overlay, each heritage listed property is itemised and further information is provided regarding the application of other controls and policy. This includes external paint colours, internal alterations, tree controls, outbuildings and fences, prohibited uses, and Aboriginal heritage. In short, the controls are detailed and fine grained. The planning scheme, heritage overlay and accompanying heritage schedule, combined with the other policies, provide specific guidance related to many key heritage planning matters.

### 5.1.5 Colonel Light Gardens

Colonel Light Gardens in South Australia is a state heritage listed suburb. It is regarded as an exemplar of the work of Charles Reade, Australia's first appointed town planner and a leading advocate of garden city design. The suburb Colonel Light Gardens includes a significant collection of homes built under the 1920s mass housing project known as the Thousand Homes Scheme.

Colonel Light Gardens was designated as a State Heritage Area in 2000. Just as state listing in NSW ensures future development is managed in a way that protects heritage values, so too does listing under the *Heritage Places Act 1993* (SA). Colonel Light Gardens was designed as a model suburb and reflects the influence and application of the international Garden City movement.

In April 2021 Heritage Standards were prepared for the state listed area following the new planning system for South Australia. The standards were prepared by Heritage South Australia (Heritage SA) and align with the state's environmental planning legislation, the *Planning, Development and Infrastructure Act 2016* and the *Planning and Design Code*. The standards are considered supplementary to the Planning and Design Code and are tethered to the State Heritage Area overlay. The Heritage Standards form an integral component of the planning system and are used to guide decisions about development proposals under the *Heritage Places Act 1993*. Heritage SA, Department for Environment and Water (DEW), is the Minister's delegate for decisions on referred applications. Procedural matters referrals set out the types of development to be referred to Heritage SA for assessment and direction. Exemptions to the definition of development are set out in Schedule 5 of the regulations for the *Planning, Development and Infrastructure Act 2016*. The standards were prepared in close consultation with the local council, the City of Mitcham, and with Planning and Land Use Services and community groups. Public consultation on the standards provided local residents and the broader public an opportunity for review and feedback.

Most of Colonel Light Gardens is situated within 'an established neighbourhood zone'. This zoning reflects the suburb's established character and is applied to areas that are not expected to experience significant change. The zoning is for low-scale residential and includes clear controls regarding built form such as roof pitch, wall height, density, building height and side setbacks. The zone's focus is to protect the area from development that is not aligned with its existing character and built form.


The Heritage Standards are richly illustrated with both diagrams and photographs. They are arranged in three parts. The first part provides background information, including a summary history, and the key principles that exemplify the area. Part two includes a detailed statement of significance, a context statement and description of the key values. Part three provides the heritage principles and the acceptable standards of development within the State Heritage Area. This information is location-specific and detailed to illustrate how development may be carried out in such a manner that it protects significance. It is made clear in the standards that the State Heritage Area includes both


public and private spaces and that the standards are applicable to development within the entire area. The new Heritage Standards for Colonel Light Gardens have been prepared to ensure development in the suburb is compatible with the heritage values of the area. Heritage SA intends to create new heritage standards for the other state listed areas over the next few years.


The standards detail what is acceptable with regard to land use, new built form, alterations and additions, ancillary development, including carports, fences, gates, signage, solar panels, rainwater tanks and land subdivision, as well as the landscape context and streetscape. Footpaths, driveways, rear laneway, kerbing, street trees and verges, and parks and open spaces are also covered.

**Features within the State Heritage Area which contribute to the heritage value of the State Heritage Area include:**


- a. Hierarchy of straight and curved symmetrical roadways of a variety of lengths, rounded street corners, and rear laneways, which discourage through traffic and are designed to create unfolding sequences of attractive, green and varied spaces and terminal vistas.



- b. A planned mix of wide and narrow streets with a dominant, established park-like landscaped character, with extensive reserve planting based on the original design intent (street tree species and layout, lawn, footpaths, vertical kerbing and simple pedestrian cross overs). Laneways without kerbs and paving.


- c. Large river red gums in Freeling Crescent, Doncaster Avenue and Flinders Avenue.


- d. Suburb zones initially planned by function and location, including residential, commercial and educational, religious and recreational precincts

(part) Colonel Light Gardens 'as it will appear when developed'. Coloured birds eye perspective of the model garden suburb in Colonel Light Gardens: Comfort, Convenience, Beauty [1921]. Courtesy of Architecture Museum, University of South Australia


- e. The formality, planned purpose and abundance of open public reserves, formal street gardens and pocket parks, including shared parks to the rear of properties in the north of the suburb.



**Figure 5.1** Colonel Light Gardens, SA, State Heritage Area. This excerpt from the *Heritage Standards* clearly shows the key characteristics that contribute to the heritage significance of the area. (Source: *Heritage Standards*, Government of South Australia, March 2021)





## 5.2 Summary

The examples of other heritage listed towns and listed areas noted above present learnings that could inform the approach to the future management of the heritage significance of Braidwood and its Setting. Analysis of the existing planning system and applicable controls for the listed township of Braidwood and its surrounding pastoral landscape has shown that navigating the approvals pathway is complex and, while the development guidelines and standards were well intended when drafted, today substantive review is required to assist both proponents and Council assessment staff in assessing and determining DAs.

Fundamentally the comparative analysis demonstrates that strong clear controls are required. The controls need to be tethered to a robust and comprehensive statement of significance, or at the very least a heritage values assessment and statement that specifies the characteristic features of the listed area. The level of detail in the other planning schemes that we have considered forms a solid foundation to varying degrees. With strong foundations, clear controls can guide property owners and proponents that may be planning development or change. A tiered planning system in which each level of government takes responsibility, collaborates effectively and works toward the shared goal of conserving and managing state and local heritage is the bedrock of a clear and cogent system of heritage planning. Where places are listed at state and local levels, the respective roles and responsibilities of each authority need to be clearly understood and adequately resourced.

Information must be communicated plainly and comprehensively so that the community can clearly understand what actions would or would not be acceptable in a heritage listed town/conservation area. This review has demonstrated that a detailed and systematic process of identifying the significance, characteristic and uncharacteristic attributes of Braidwood and its Setting at state and local levels is required to better manage and control development. In our view the model adopted in South Australia for the state listed Garden Suburb of Colonel Light Gardens, in particular the Heritage Standards, provides a potential way forward for the Heritage Council of NSW that would assist QPRC and the community in better understanding the expectations and requirements for Braidwood and its Setting.

## 5.3 Endnotes

- <sup>1</sup> Victorian Planning Provisions, Heritage Overlay VPP 43.01, accessed 14 June 2021 <[https://planning-schemes.api.delwp.vic.gov.au/schemes/vpp/43\\_01.pdf?\\_ga=2.95223193.48754891.1623631781-1109744899.1623631781](https://planning-schemes.api.delwp.vic.gov.au/schemes/vpp/43_01.pdf?_ga=2.95223193.48754891.1623631781-1109744899.1623631781)>.



# Community Understandings



## 6 Community Understandings

### 6.1 Introduction

During the nomination and listing process in 2006 many members of the community voiced their concerns with Council, the then Heritage Office and the National Trust (NSW) regarding the potential SHR listing of Braidwood. The listing required extensive consultation by the Heritage Office, spanning over nine months. At the time it was the longest period of consultation ever associated with a SHR listing process.

The community of Braidwood was divided about whether state heritage listing was the best option for the town, and many were concerned that heritage listing would restrict future development. The community's response to the proposed listing gathered mainstream press coverage. The *Sydney Morning Herald* published an article stating, 'Not everyone in Braidwood was happy about the heritage listing.'<sup>1</sup> In January 2006 the ABC reported that the 'Braidwood heritage listing row was heating up'.<sup>2</sup> On 30 March 2006 ABC News reported that the listing had given rise to a 'bitter dispute' and a rift between those who supported the listing and those opposed to it.<sup>3</sup>

Some 15 years on, this section of the report outlines a few of the current perceptions of Braidwood to understand whether, given the passage of time, attitudes towards heritage in Braidwood have changed as a result of the SHR listing.

### 6.2 Perceptions of Heritage in Braidwood

#### 6.2.1 Economic Performance Survey

Given the anticipated impact of the SHR heritage listing of Braidwood, an Economic Performance Survey was prepared periodically between 2006 and 2010 through surveys of local businesses. Prepared by the Western Research Institute the 2006 report found overall that over 60 percent of businesses surveyed responded that activity was 'good to very good', compared to 11 percent reporting 'poor to very poor' sales. The positive influences that were noted by business owners included improved management, but more importantly increased tourist trade stemming from the heritage listing. To a lesser extent this was offset by increased operating costs due to the town's heritage status.<sup>4</sup>

In 2010, the fifth and final Braidwood Business Performance Survey was prepared. Of the 87 local businesses that responded to the survey, the heritage listing was not specifically mentioned by any respondent in relation to the performance of their business. Yet two-thirds commented on the listing with regard to the town itself. Of the 87 respondents, about half considered that the heritage listing had had a positive influence on the town. Some 19 percent were ambivalent about the impact of the listing. A further 31 percent felt that the listing was detrimental to the future of Braidwood. The key factors contributing to the negative perception included that land and property development was being stifled, and that costs were rising. There was also a view that the heritage listing was not being fully capitalised. Overall, the results suggest that while business operators in 2010 did not necessarily consider that the listing directly impacted their business, they did perceive that to a degree the listing was impacting the town's growth and development.<sup>5</sup>

### 6.2.2 Preliminary Consultation

From the preliminary consultation undertaken for this stage of the project with several long-term local residents, who contributed based on the condition of anonymity, it appears that heritage in Braidwood is much appreciated and valued, but also still a source of some frustration within the local community. In discussions with long-term residents and other individuals who have associations with the area, including a former senior member of staff of the Heritage Office at the time of the listing, the concerns related to heritage are centred around these key issues:

#### *Positive*

- The town's heritage is part of its unique charm.
- Heritage has stimulated business in the area.
- The heritage building stock is appreciated.
- Heritage contributes to Braidwood's reputation as a tourism destination.

#### *Negative*

- Heritage is inhibiting the growth and development of the town.
- Heritage and the complexity of the planning approval pathways.
- Insufficient funding and investment in maintenance and public domain.
- Contentious planning issues often conflated as heritage matters.
- Access and BCA upgrades to heritage buildings.
- Lack of development opportunities due to heritage listing.
- Variable and inconsistent determinations of development applications.
- Fragmentation and changing nature of the 'open' rural landscape setting.
- Lack of skilled and experienced artisan tradespeople for heritage buildings and public infrastructure upgrades.
- Lack of understanding of the significant values of Braidwood, loss of knowledge and resources.
- Incremental change that is potentially impacting on authenticity; an example included the upgrade to the Albion Hotel.
- Aboriginal heritage is overlooked.
- Limited understanding and appreciation about what heritage listing means to Braidwood.

### 6.2.3 Social Media and Braidwood

During April and May 2021 we analysed the hashtag #Braidwood to understand the perceptions of heritage in Braidwood as presented across various social media platforms. We identified three main themes in the posts, including tourism and visitor experiences, promotion of local businesses, services and groups, and local experiences. These posts communicate a varied range of explicit and implicit

perceptions of heritage from Braidwood community members and visitors. The list below shows the number of public posts that included the hashtag #Braidwood.

- Tourism and visitor experiences: 53 posts.
- Local business, services and groups: 82 posts.
- Local experiences: 83 posts.

Many of the posts also included other hashtags such as #VisitNSW, #TravelNSW and #LongWeekend. The top posts focused on tourism, the rural landscape, old buildings, Wallace Street, local businesses, local artists and food (Figure 6.1 and 6.2).

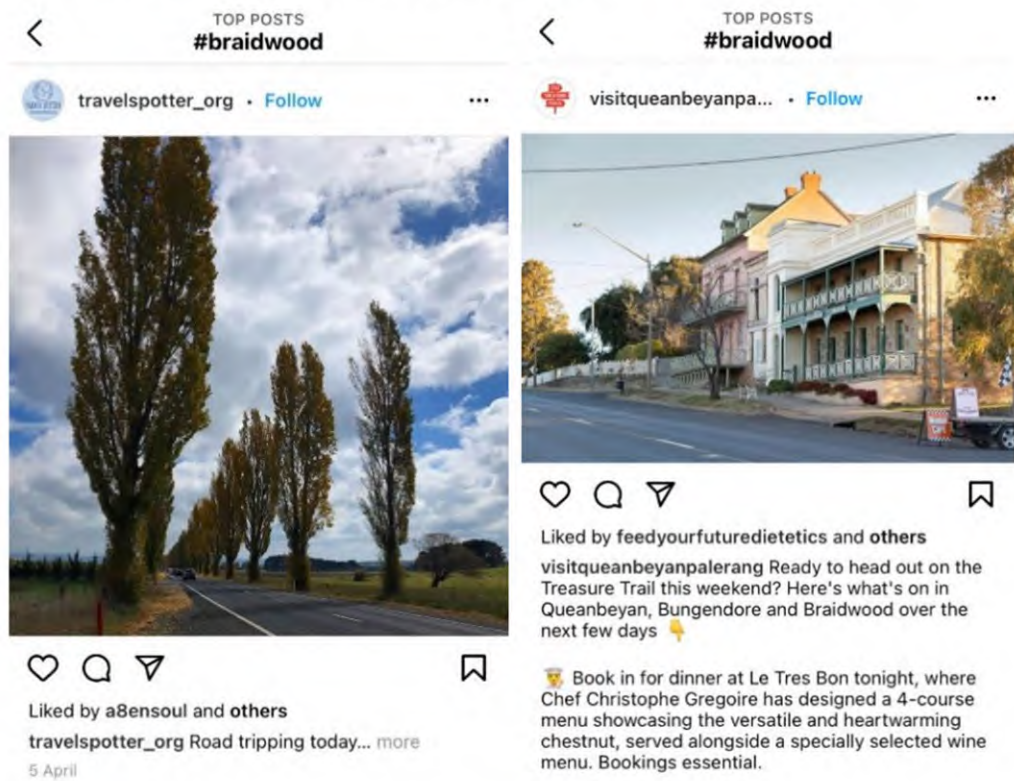
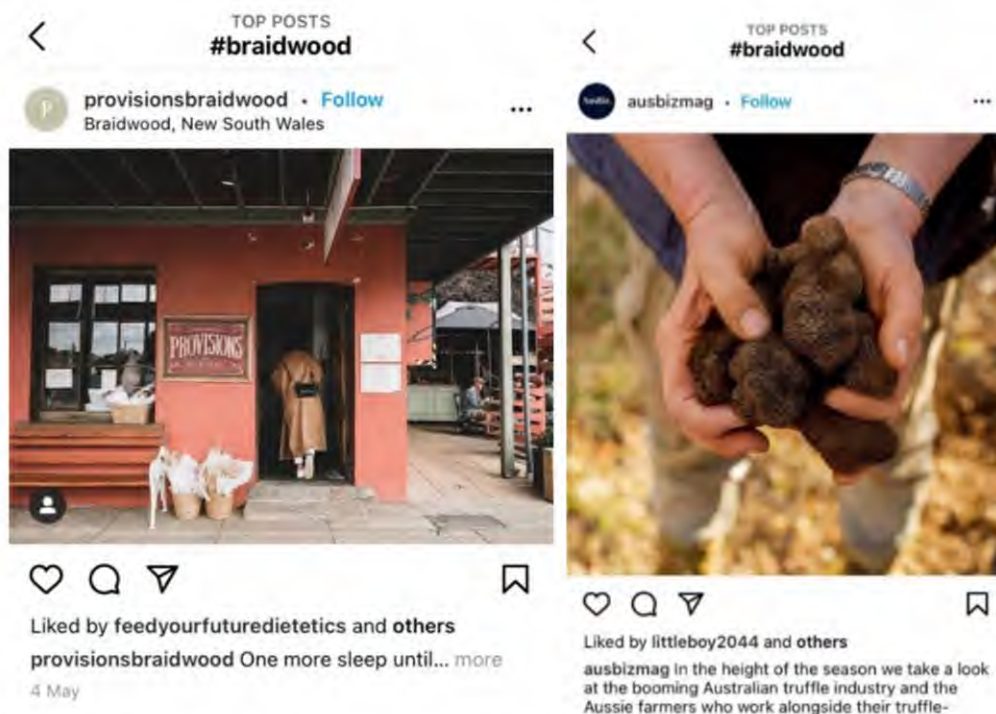


Figure 6.1 Top posts on Instagram about Braidwood. (Source: Instagram)



Section 6

**Figure 6.2** Top posts on Instagram about Braidwood. (Source: Instagram)

Further, search results from a Google search for 'Braidwood' included websites about tourism, real estate and heritage. Some of these included Visit NSW, Aussie Towns, TripAdvisor, The Weekender, *The Braidwood Times* and The Braidwood Museum.

Another search on Facebook revealed there is a public community group called 'People of Braidwood and villages' with 1,900 members. The group provides community updates on local news and events. These findings indicate there is considerable positive interest in Braidwood from a tourism and local perspective.

Braidwood has seen tourism steadily increase since the listing. In particular, on weekends visitors travel to Braidwood for the farmer's market held in the National Theatre on Wallace Street (the main street). This is in addition to the local Braidwood markets held at Ryrie Park on other Saturdays. Both markets have websites. The Braidwood markets has a Facebook page with over 1000 followers.

During targeted discussions, the residents of Braidwood commented that they try to avoid Wallace Street on Saturdays when the markets are held because of the crowds. The town sees enormous crowds on Wallace Street during the markets, which creates gridlock for vehicles travelling across the small town. The markets also impact the availability of on-street parking on Wallace Street and access to businesses. Tourism is expected to further increase if the proposed highway upgrade to Kings Highway is constructed. The upgrade will provide a shorter route for people travelling from Canberra to Batemans Bay but will direct traffic through Braidwood. This level of ongoing traffic would



overwhelm Braidwood and create a similar impact to the markets, yet on a daily basis. Braidwood is a historic destination that requires a reasonable level of tourism to support local businesses.

### 6.3 Targeted Discussions

As part of this first stage of this project GML undertook one-on-one discussions with some select stakeholders. The following observations were provided:

- At the time of the initial listing of Braidwood there was a six–eight month consultation program, which helped foster a positive relationship with the stakeholders, especially the farmers.
- The support of the farmers at the time of listing was critical to keeping the rural buffer that makes up Braidwood's landscape setting.
- Significant views and negotiations with individual landowners determined the final shape of the curtilage.
- The promotion and celebration of heritage should be a significant focus, followed by controls and regulations as a secondary consideration.
- It is important to find ways to fast-track small/minor works applications and quickly identify applications that impact on Braidwood's values.
- Figuring out the main street strategy, the required road upgrades and accessibility across the town is critical. There are various issues with town water, drainage and road improvement works. There are multiple footpath surfaces in the main street, for instance, which are of historic significance and need to be kept. Yet these surfaces are uneven and present a trip hazard. Accessibility is a key issue. For some residents with mobility impairments, it is difficult to access certain places. For example, at the Post Office, customers that aren't able to use the steps must telephone staff who then come out to the street with a portable ramp.
- The state heritage listing of Braidwood is a unique selling point; however, is not well promoted as part of the tourism experience across the online visitor platforms. It is important to market Braidwood tourism and ensure that websites, such as TripAdvisor and Expedia, tell site readers that Braidwood is on the SHR.

### 6.4 Queanbeyan-Palerang Regional Council

On 21 May 2021 members of the GML project team met with planning staff and other relevant staff from QPRC. The meeting was a preliminary conversation which was focused on tabling issues and challenges at various stages in the planning, development and assessment processes. The following issues were raised during the discussion.

#### Tree Management

There is no clear approval pathway for tree management in the SHR listed area. The controls are variable and there is a lack of certainty about what might be applicable within the SHR listed area.

#### Standard and Site-Specific Exemptions

There is a lack of clarity about how to interpret and apply the exemptions to Braidwood.



### **Planning Approval Pathways**

There is a lack of clarity about the planning approval pathways generally, including minor works, exempt and complying development, DAs and integrated DAs.

### **Public Domain and Civil Works**

Road, kerb and gutter, drainage, footpath upgrades, seating and bin replacements are challenging. The heritage requirements come with a range of considerations regarding practicality, cost, safety and standards. Suitable tradespeople are not always available for works, as speciality heritage trades are required for some civil works eg granite gutters.

### **Resourcing, Knowledge and Skills Transfer**

There is a risk of loss of knowledge and expertise through restructuring within Council and Heritage NSW. There is a need to upskill and re-establish consistent standards and to ensure heritage values are being protected and conserved.

### **Relationship with Heritage NSW**

#### *Collaboration between QPRC and Heritage NSW*

Heritage NSW staff are much valued when they are working collaboratively with Council to support and reinforce heritage requirements to applicants. It was noted that some members of the community are raising and reporting heritage matters directly to Heritage NSW. There have been some delays in receipt of advice.

#### *No Dedicated Planning Officer*

There is no dedicated planning officer with responsibility for the area, and this model has worked well in the past. Council's planning staff are responsible for a large LGA and Braidwood is but one area. Council has no one planning officer dedicated to Braidwood, and does not have a specialist heritage planner on staff. It accesses the heritage advisor to assist on heritage planning matters.

#### *Lack of Consistency*

There is a general lack of consistency in heritage advice, and little or no attention from Heritage NSW since the listing.

#### *Funding*

Mixed messages have been given to owners within the SHR listed area regarding funding and grants. Some owners have been advised that they are ineligible for funding as their individual property is not SHR listed. It has been difficult to access state funding.

### **Archaeological Management**

Discussions indicated that Aboriginal and historical archaeological management is challenging for QPRC. The requirements are not clearly understood and there is little clarity about what is required when and where. The delivery of civic improvement works, including roadworks, kerbs and gutters, footpaths and water infrastructure, is hindered by uncertainty regarding the statutory approvals process. We were advised that the second stage of the AMP had not progressed, and more recently that an application for funding that had been submitted to Heritage NSW was unsuccessful.





### Braidwood Heritage Advisory Committee

This was recognised as an effective community group that is used by Council and the heritage advisor. The committee looks at development applications, particularly where the proposal may be contentious, and gives advice or provides recommendations on heritage issues of a strategic nature within the SHR listed area. The committee does this work when requested by the heritage advisor, especially where the proposal for building work will be visible from the public domain. The committee also has a role in monitoring the application and interpretation of Council's heritage policy. It also raises community awareness through the promotion and celebration of heritage. Periodically it reviews funding submissions for access to Council's heritage funds. The committee meets monthly at Council's office in Braidwood.

## 6.5 Summary

Having considered some of the current perceptions about heritage in Braidwood through the review of periodic economic business survey reporting, online media and discussions with some members of the community and QPRC planning staff it is clear that the attitudes to heritage are many and varied. While the consultation for this project has not been extensive by any means, it appears that Braidwood's heritage is considered important and that the SHR listing is generally accepted. Certainly online, Braidwood's heritage 'brand' is strong, and is leveraged by local suppliers and businesses. Yet the recognition, promotion and celebration of the SHR listing is not prominent in the online promotion of Braidwood's businesses or tourism products or experiences. That is, the SHR listing is not presented as a unique selling point that differentiates the experience of Braidwood from that of other historic regional towns in NSW.

The community and Council staff that we consulted are consistent in their views, in so far as they want to ensure the heritage values of Braidwood are managed and conserved, while ensuring the township has a sustainable future.

## 6.6 Endnotes

- <sup>1</sup> 'A pocket in time', *Sydney Morning Herald*, 27 January 2007 <<https://www.smh.com.au/lifestyle/a-pocket-in-time-20070127-qdpbao.html>>.
- <sup>2</sup> 'Braidwood Heritage Listing Row Heats Up', 9 January 2006 <<https://www.abc.net.au/news/2006-03-30/braidwood-makes-heritage-list/1719980>>.
- <sup>3</sup> 'Braidwood makes heritage list', 30 March 2006 <<https://www.abc.net.au/news/2006-03-30/braidwood-makes-heritage-list/1719980>>.
- <sup>4</sup> *2006 Economic Performance Survey*, Western Research Institute, printed 22 March 2007.
- <sup>5</sup> *Braidwood Business Performance Survey*, Western Research Institute, 2010.

# Consultation Plan

## 7 Consultation Plan

### 7.1 Introduction

In 2006 the proposed listing generated a significant response from the community. The SHR listing of Braidwood and its Setting was strongly supported by some members of the community, while others were strongly opposed to it. Given the passage of time since the listing, combined with the history of the heritage listing, developing an understanding of the community's attitudes to heritage today and into the future is considered to be a critical input to developing a best practice model for heritage planning and management.

In the lead-up to the SHR listing in 2006, extensive community consultation over a nine-month period was undertaken by the then Heritage Office to understand the various perspectives. Some 15 years on, consultation with key stakeholders and the community is once again necessary to better understand the heritage planning and conservation issues, concerns or opportunities so as to inform the ongoing future management of Braidwood and its Setting. This section of the report provides a proposed methodology for community consultation that could be undertaken during subsequent stages of this project.

### 7.2 Case Study—Millers Point Community Consultation

The Millers Point and Dawes Point Village Precinct is listed on the SHR. Recently the Heritage Council of NSW, in partnership with the City of Sydney, consulted with the local community about the precinct.<sup>1</sup> The consultation was independently facilitated.

Commencing in April 2021, the Millers Point and Dawes Point Precinct community consultation included a range of face-to-face and online activities and opportunities for engagement. A digital social engagement and mapping tool called 'Social Pinpoint' was used and open to the public for a period of five weeks. Social Pinpoint provided an opportunity for community members to record their views about specific places in an easy-to-use digital environment. Information about the community consultation was available on the Heritage NSW website and letters were also sent to residents.

Community members were invited to participate in workshops that were offered between May and June 2021. The purpose of the workshops was to gather community input about the future of heritage conservation within the precinct. Discussions were focused on how the heritage values of properties could be best conserved within the precinct, while recognising the need for change and modern amenity. In the case of Millers Point and Dawes Point there was an identified need for further clarity and practical guidance to assist residents. The community consultation activities have been documented in two key reports. This recent consultation program provides an example of a practical approach to heritage management of a complex and relatively large state listed area that may be relevant and applicable to Braidwood.

### 7.3 Methodology

One of the key issues that was raised early in this project is the need to coordinate any upcoming community consultation regarding the 15 Year Heritage Review project and the DCP. This will assist in avoiding any potential confusion within the community and help to capitalise on opportunities for



collaboration and engagement for the public benefit. Community consultation for the draft DCP could be planned to occur concurrently with any future stages of this Heritage NSW review project. This will help ensure alignment between both local and state governments regarding the ongoing conservation of Braidwood's significant state and local heritage. Depending on what process of community engagement QPRC is planning for the DCP, Heritage NSW could support the process to ensure heritage matters are well considered and integrated into the draft development controls. A 'joined up conversation' between QPRC and Heritage NSW is timely. It would provide an important opportunity for the community to actively participate in identifying and managing heritage planning matters to ensure Braidwood and its Setting functions well into the future and achieves goals for all stakeholders.

Alternatively the Heritage Council of NSW could separately run a community consultation program to better understand what the local community values, which specific items, features and elements within Braidwood and its Setting need to be conserved and protected, and how the future of heritage conservation in Braidwood could be most effectively planned. The output of the community consultation could take the form of Heritage Standards for Braidwood and its Setting, like that prepared by Heritage SA for the state listed Garden Suburb of Colonel Light Gardens. Such a document would clearly define the state values and distinctive features and provide standards and controls to ensure the continuing protection of the item's heritage significance.

Key areas to be covered during Heritage NSW community consultation could include:

- What do you think is of heritage significance in Braidwood?
- How are the heritage values to be conserved and managed?
- Is the planning approvals process understood by the community? Where can it be streamlined and improved?
- What guidance does the community need to help them understand the planning system?
- What are the ongoing concerns for the community, including residents, business owners, community and local service providers, developers and tourism operators?
- What are the issues and challenges posed in terms of new development?
- Where are the opportunities for change or improvement?
- How can heritage be celebrated?

Regardless of whether consultation is done with QPRC in parallel with the DCP, or conducted independently by Heritage NSW, the stakeholder consultation and community engagement could be planned to be undertaken in four key modes:

- focus group workshops;
- targeted discussions;
- community consultation sessions/drop-ins/town hall meetings; and
- an online survey.

The aim of the consultation would be to gather qualitative and quantitative information, and to gain insights and practical knowledge from those engaged in various aspects of the current process.

## 7.4 Key Stakeholders

Several key stakeholders and community groups should be consulted, including:

- QPRC staff planners;
- QPRC parks and maintenance staff;
- QPRC heritage advisor/s;
- QPRC Heritage Advisory Committee members;
- Heritage NSW staff;
- Heritage Council of NSW;
- Braidwood and District Historical Society;
- Braidwood Community Association; and
- Braidwood and Villages Business Chamber.

### 7.4.1 Group Workshops

The group workshops could be facilitated by the Braidwood project team, in collaboration with the QPRC and Heritage NSW. Workshops could involve facilitated focused discussion on key issues or practical work on a particular subject, with the individuals within the group encouraged to share their knowledge and experience.

It is proposed that two-hour workshops be facilitated in order to meet with engaged residents, community members, business owners/operators and special interest groups. Depending on the number of participants two or three workshops could be held.

These could be by invitation or expression of interest only as they require informed participation by QPRC, Heritage NSW and community members.

### 7.4.2 Expert Workshops

As a subset of the group workshops, a series of expert workshops could be hosted. Specialist experts could include Aboriginal cultural heritage experts, historical archaeologists, cultural landscape experts, heritage architects and collections staff. These workshops could be held online or in person, or in hybrid mode.

The purpose of the expert workshops would be to harness the diverse expertise associated with the research archive related to the heritage values of Braidwood and its Setting. There is an extensive grey literature on Braidwood and detailed background reports on various aspects of its heritage significance have been prepared at various points in time. In Section 1.4 there are several key reference reports listed and the authors of those reports could be contacted to gauge their interest in participating. Members of the Braidwood Heritage Advisory Committee and those involved with the initial SHR listing could also be invited to participate.



### 7.4.3 Targeted Discussions

It is proposed that one-on-one interviews be undertaken with selected participants. The aim of these interviews is to solicit specific input from stakeholders who are currently engaged in the management of Braidwood. Targeted discussion would be undertaken with individuals or small groups with detailed and specific information about Braidwood and its Setting. These discussions would provide an opportunity to develop a deeper insight.

### 7.4.4 Community Sessions

The consultation process should be designed to reach a diverse population sample from across the Braidwood area and surrounds. The community sessions could be undertaken in various face-to-face modes, in both formal and informal sessions during the week and on weekends. The engagement methods include:

- three four-hour community pop-ups (across different locations within Braidwood and different days of the week);
- two drop-in information sessions for community members to speak directly with QPRC, Heritage NSW and the project team; and
- one or two town hall sessions to present to the community information about the review, and solicit feedback and discussion about the draft DCP.

These engagement methods will be primarily qualitative, but quantitative data will be captured where possible to highlight priorities and areas of importance identified by participants.

### 7.4.5 Online Survey

An online survey can be developed to seek feedback from the community. The survey will be anonymous; however, it is critical to understand how the respondents in the survey are connected with the area (ie as residents, business operators, landlords etc).

The survey will provide the project team with quantitative and qualitative data related to key issues. As part of the survey there will be an opportunity for respondents to provide more detailed responses to issues or matters of interest relevant to their specific area of experience, knowledge or expertise.

The survey should be launched during the community sessions schedule, and attendees directed to the QPRC website to provide a detailed contribution to the process. It is recommended that the survey be hosted on the QPRC 'Your Voice' website. The Heritage NSW website could also include a news post and link to the Braidwood DCP project on the QPRC website.

## 7.5 Communications Planning

We understand that QPRC Council has a well-resourced communications and engagement team which has considerable experience in carrying out consultation and engagement (including online surveys) necessary in the preparation of policy documents such as a DCP. The team will provide Council's strategic planning staff with all necessary guidance, planning and resources necessary.



As part of the consultation and public engagement program for the DCP, Heritage NSW may wish to prepare a communications plan for the consultation relating to the 15 Year Management Review Project, and Council could collaborate with Heritage NSW in preparing that plan.

Communications planning between Council and Heritage NSW will help ensure that key messages are conveyed in a coordinated manner to key audiences. It will assist QPRC and Heritage NSW jointly identify which messages or topics will require promotion and which platforms/media are most appropriate. The plan can include a schedule or frequency of communication, and the delivery method. For example, the communications plan could include reference to the following communications methods as appropriate:

- formal presentations;
- a survey;
- newsletters;
- a web page;
- meeting summaries; and
- updates and status reports.

## 7.6 Summary

Consultation with the community and individuals and organisations with specific knowledge or interest in the heritage values and significance of Braidwood is a key ingredient to ensuring the heritage values of Braidwood and its Setting are planned for, managed and conserved. Community engagement, including understanding their experience of the planning system and their key concerns for the future, will provide a key insight into not only what the community considers to be important about Braidwood and its Setting, but also what aspects of the planning controls need to be strengthened, explained more clearly, or amended.

The most appropriate format and style for a consultation program is yet to be agreed and may be a combination of drop-in sessions, one-on-one interviews, and workshops. The stakeholders are also still to be determined and further consultation with the Heritage Council and QPRC will be required.

A consultation program that welcomes a broad range of community inputs will help ensure a robust future-orientated planning system for Braidwood. Heritage NSW could run a program similar to that delivered for residents in the state listed Sydney suburbs of Millers Point and Dawes Point. The focus could be directed towards Heritage NSW preparing more detailed heritage guidelines to support ongoing conservation and protection of state listed values for Braidwood and its Setting. Alternatively, a consultation program could be co-designed with QPRC to inform the DCP for Braidwood.

## 7.7 Endnotes

<sup>1</sup> Heritage NSW, 'Community Consultation, Millers Point and Dawes Point Precinct', accessed on 28 September 2021 <<https://www.heritage.nsw.gov.au/what-we-do/heritage-council-of-nsw/community-consultation/>>.

# Key Issues





## 8 Conclusions and Key Issues

### 8.1 Introduction

In the 15 years since the historic township of 'Braidwood and its Setting' was listed on the State Heritage Register much has changed regarding state and local government planning, administration and management. Both state and local government has been subject to reform and change. The membership of the Heritage Council of NSW has changed several times. Heritage NSW has been through successive restructures, and the amalgamated Queanbeyan-Palerang Regional Council is in the process of updating the local planning instruments to reflect the merger between the former Queanbeyan and Palerang LGAs. Resourcing for strategic planning, particularly where heritage is concerned, has declined at the same time as local and state governments are dealing with population growth and increasing development pressure.

The SHR listing of Braidwood and its Setting broke new ground. The SHR listing was ambitious and reflected a bold agenda for the identification, management, conservation and promotion of heritage in NSW. At the time it was the single largest and most complex listing ever attempted by the Heritage Council of NSW. It required considerable commitment and effort, along with close collaboration with the local council, and an extensive program of local community and stakeholder engagement. While many organisations and individuals supported the listing, many were opposed.

The planning framework that was developed for Braidwood and its Setting is a product of its time. Among other things, the 2006 site-specific exemptions provided a mechanism for several DAs to proceed, including subdivision developments on the fringe of the historic township. Further, in the passage of more than 15 years the statutory planning context and the system of exemptions and development approvals have been subject to incremental change. The system has been 'tested' by various DAs at state and local levels that reflect both demographic change, shifting attitudes to heritage and economic opportunities.

Having considered the heritage significance of the listed item, the statutory planning context and some comparative examples, we have identified several issues and risks to the continuing conservation and management of Braidwood and its Setting. Any future management and regulation of Braidwood as a state heritage listed township, within its changing rural landscape setting, will need to have regard for critical strategic planning matters, including pending legislative reforms, regional and local population increases and demographic changes, in an operating environment characterised by declining resources.

This section of the report summarises the key issues that have been identified as part of this stage of the project.

### 8.2 Summary of Key Issues

#### 8.2.1 Community Understandings of Heritage

- Business performance reporting for Braidwood has shown that some people consider the SHR listing to be detrimental to the future of Braidwood. Key factors contributing to the negative perception included that land and property development was being stifled, and that costs were



rising. In addition, there was a view that the heritage listing was not being fully capitalised. Overall, the results suggest that while commercial operators do not necessarily consider that the listing is directly impacting their business, they do perceive that to a degree the listing is impacting the town's growth and development.<sup>1</sup> However, these perspectives reflect a survey conducted between 2006 and 2010. Community consultation will provide a better understanding of the current view's businesses have in regard to the listing.

- Braidwood's heritage is considered important. Certainly online, Braidwood's heritage 'brand' is strong, and is leveraged by local suppliers and businesses. Yet the recognition, promotion and celebration of the SHR listing is not prominent in the online promotion of Braidwood's businesses or tourism products or experiences. That is, generally the SHR listing is not presented as a unique selling point that differentiates the experience of Braidwood from that of other historic regional towns in NSW.

### 8.2.2 Heritage Listing

- Some technical imprecision is evident in the assessment criteria. For example, under 'criterion (b) historical association' much of the citation relates to views and aesthetic values. This error was amended on 23 November 2021.
- Aboriginal values that may be attributed to Braidwood and the surrounding landscape are not considered. This is not consistent with Heritage Council's SHR policy. One of the key objectives for the future of the SHR is to ensure that at the very least the register represents First Nations' cultural heritage as intrinsic to the story of NSW.<sup>2</sup>
- Some heritage values described in the SHR listing are overly broad. Greater specificity and locational clarity are required to better define the heritage significance of Braidwood and its Setting at state level. This would potentially address the uncertainty wherein some heritage values require subjective judgement and interpretation on the part of both applicants and planners 'downstream' at development assessment stage.

### 8.2.3 Archaeological Management

- The Stage 1 AMP does not currently fulfil the purpose of an archaeological management tool to guide decision making.
- The Stage 2 AMP will first need to address errors and omissions present in the Stage 1 AMP to enable accurate analysis and management recommendations for identified sites in the study area based on detailed significance assessment that reflect Heritage NSW guidelines and policy.
- QPRC needs a greater level of support to understand the decision-making process around historical archaeological heritage to provide clear and accurate advice to its Braidwood constituents.
- Prioritised funding to fast-track a revised Braidwood AMP, its outcomes reflected in the QPRC LEP and forthcoming DCP are needed to address ongoing management and regulation of the archaeological resource in Braidwood. The Stage 2 AMP would need to be progressed to at least draft stage to enable its outcomes and recommendations to inform revised DCP controls



currently under review (Stage 3 AMP). This requires that funding be actively sought as a priority action to enable Stage 2 AMP preparation.

- Ideally, completion of the AMP's archaeological management outcomes, particularly within the SHR area, should be programmed to coincide with the planned community consultation process being developed in this management review, so that these findings may be presented and explained to the local community and affected property owners during that program.
- The data in the final GIS project should be correlated so that relevant output can be shared with Council's GIS.
- Timely development of AMP Stage 3 would allow for management policies and procedure recommendations to be clearly translated into QPRC development controls to assist Council's development of specific development controls to mitigate impacts relating to archaeological heritage. This advice would extend to include application of non-notifiable standard exemptions and s60s introduced after the 2012 version of the AMP was completed.

#### 8.2.4 Statutory Planning Context

- The inconsistency between the LEP, DCP and site-specific exemptions creates confusion about what types of development are appropriate for Braidwood. The lack of clarity, cohesion and consistency between the planning controls allows for further developments that will potentially negatively impact the significant heritage values of Braidwood.
- There are several approved developments, including Braidwood Ridge, that are not consistent with the heritage significance of the town. The lack of clarity, cohesion and consistency between the planning controls risks allowing for further developments that will potentially negatively impact the significant heritage values of Braidwood.
- QPRC requires a consolidated and robust DCP for the township of Braidwood. The inconsistencies between the PLEP 2014 and Braidwood DCP 2006 allow for new development in Braidwood that may impact the heritage values of the place.
- The PLEP 2014 should be reviewed and amended to restrict inappropriate development in land zonings within and surrounding the state listed area. To manage projected future growth, suitable areas and opportunity sites within and outside of the listed area should be identified to proactively and suitably manage future development.
- The Braidwood DCP requires specific guidelines for conservation and development. A comparative analysis of development guidelines prepared for similar towns could be undertaken to formulate these controls.
- For the updated DCP process, input from the community, specialists and, in particular, heritage professionals and archaeologists should be sought. The update of the DCP should also address the gaps that have been identified in the previous DCP 2006. In addition, the updated DCP should include guidelines for the management of Braidwood's archaeological resource. A completed Stage 2 AMP would ideally inform the development controls and planning processes. To that end, sourcing of funding to undertake the final stages of the AMP should be a priority.



### Exemptions

- It is not clear what is required in terms of the process when a site-specific exemption applies. While the Heritage NSW website now provides up-to-date and detailed guidance regarding standard exemptions, there is no guidance available regarding the application process, or what is required in the event that a site-specific exemption applies to the proposed works. The Heritage NSW approvals pathway decision tree (Figure 4.0) and process omits site-specific exemptions. The notification form for seeking use of exemptions is no longer on the Heritage NSW website due to the introduction of the new standard exemptions that do not require notification.
- Where appropriate, and subject to further discussion with Council, the site-specific exemptions should be reviewed. Ideally there would be one set of site-specific exemptions that covered a range of minor works as agreed between Heritage NSW and QPRC.
- Overall, the issue with the site-specific and standard exemptions is that the process is convoluted and complex. It effectively requires three steps be undertaken in order to determine which planning assessment and approval pathway the works fit into—that is whether the works are exempt under the site-specific or standard exemptions or whether a Section 60 works application under the Heritage Act is necessary. Although the new standard exemptions streamline certain works, they also potentially create new risks.

### Minimum Standards of Maintenance and Repair

- Within the SHR listed area of Braidwood and its Setting the properties evidence varying standards of maintenance and repair. Some properties are maintained to a high standard, whereas other properties and features require significant essential maintenance and repair. Essentially this poses a potential risk to the integrity of the SHR listed item and does not reflect well on the state's heritage management system.

### Development Application Exemption for Minor Heritage Works

- Under Clause 5.10 (3) of the LEP applicants may apply for DA Exemption for Minor Heritage Works. It is not clear how QPRC applies the minor heritage works application. Nor is it clear how it applies to the SHR listed Braidwood and its Setting area and listed heritage items within it. Many of the matters covered under this LEP clause and the application are potentially, to some degree, duplicated by the site-specific and standard exemptions for the SHR listed area and the controls in the DCP. If QPRC wants the Minor Heritage Works under the LEP to be exempt for the SHR listing a new site-specific exemption would need to be drafted.

### Development Control Plan Precincts

- The DCP precincts contain objectives and controls to manage various types of development. Generally, the objectives are considered to be overly broad, and the controls lack the specificity and clarity required to effectively manage development.
- The special character and importance of each of the precincts, and their various distinguishing elements, are not clearly identified and defined. Elements including historic streetscapes and built form (including various building typologies, materials and so on) are fundamental to significance and character of the place. The character elements represent the distinguishing

features of the area that are to be retained. If clearly identified, applications to change the character elements can then be assessed against the desired future character controls.

- Contributions maps for each precinct that classify existing buildings as contributory, neutral or detracting would be beneficial. The contribution of any building or feature to the character and heritage significance of the area is then guided by and based on the contribution. Further consideration could be given to identifying heritage streetscapes. Braidwood is a living place and will be subject to change over time; Council should seek to encourage new development of a high design standard which respects the significance of the area.
- Careful consideration needs to be given to the pastoral landscape surrounding Braidwood, including the approach roads, which in part constitutes the SHR 'setting'. Notwithstanding the site-specific exemptions that have enabled uncharacteristic subdivision within the SHR area, the DCP controls only countenanced certain forms of development. Some types of change permissible under the DCP have given rise to outcomes that are not entirely sensitive to the item's significance. This presents a risk to the heritage values and specifically the contrast between the Georgian townscape and its increasingly 'designed' rural land setting.

### Vicinity Controls

When drafting controls for individual heritage items within the HCA, the following matters should be taken into consideration:

- There are no vicinity controls in the DCP. Although reference is made in some sections of the DCP to development in the vicinity, making such controls explicit is important. Development in the vicinity of a heritage item may impact on the heritage significance of the item, generally through an impact on the item's setting.
- The setting of a heritage item needs to consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views to and from the property. As such, vicinity controls should ensure that development is designed and sited to protect the heritage significance of the item. These controls would ideally include alterations and additions to buildings and structures. Also, new development in the vicinity of a heritage item would be designed respectfully with regard to: the building envelope; proportions; materials, colours and finishes; and building and street alignment.
- Development in the vicinity of a heritage item should minimise the impact on the item's setting through the provision of an adequate area around the building to allow interpretation of the heritage item. It should also retain original or significant landscaping, protect and support the interpretation of archaeological features as much as possible, and retain and respect significant views to and from the heritage item.

### Public Domain

- More specific information should be provided to help proponents understand which features are deemed significant at state or local level and where they are located within the listed area. Certain public domain features are not identified, such as statuary, fountains, signposts, boundary markers, and steps.

- The objectives should ensure that new development, street furniture and other public domain items are not intrusive in the heritage conservation area or heritage streetscape.
- Significant public domain features and spaces should be retained and development should not give rise to a detrimental impact on the heritage significance of public domain features.
- New controls should allow for the retention and preservation of original, or significant steps, signposts, milestones, boundary markers and the like are to be retained. The controls could also suggest a range of appropriate materials that could be used.
- Evidence of significant early road surfaces and features should be retained where possible. Significant kerbing should be maintained and, where necessary, replaced with matching materials. The reinstatement of cantilevered balconies, street verandahs and awnings are encouraged where documentary or physical evidence of the original is available.

#### Land Subdivision

- Braidwood's subdivision pattern reflects the history of the area's development and is a key characteristic exemplifying its heritage significance. The subdivision pattern has given rise to a distinctive arrangement and pattern of built form.
- Given the significance of the 1839 town plan, no lot boundary changes should occur in areas where that original subdivision pattern is significant and remains intact. In other locations, lot boundary changes within the heritage listed item or heritage conservation area should be required to demonstrate that there will no impact on the heritage streetscapes or heritage items. This should include ensuring that the setting of an existing significant building on the subject site, or that the setting of development on adjoining sites, is not compromised. Furthermore, significant features associated with the lot or adjoining lots, including streetscape and landscape features, trees, fences, outbuildings and gardens should not be adversely impacted.
- Lot boundary changes to larger sites should demonstrate consistency with the original, significant lot configuration; the resultant allotment size should be similar to the existing subdivision pattern in the vicinity of the site and satisfactorily provide for the continuation of the dominant pattern.

#### Other Development Control Plan Matters

- Definitions should be provided to ensure there is a common understanding of key terms such as conservation, character, curtilage, building envelope, facade, fabric, form, integrity, intactness etc.
- The DCP contains no controls or guidelines for proponents with regard to the management and conservation of Aboriginal cultural heritage.
- The listed buildings section has a focus on exteriors; a future review should consider incorporation of significant interior features (joinery, finishes) and movable heritage.
- Additional controls relating to building types could be developed, including weatherboard buildings, commercial buildings, retail shopfronts, pubs and hotels, community and public buildings etc. The objectives and provisions could be applied together with the other objectives and provisions of the DCP.



- The range of different controls applying to LEP listed and unlisted properties under the Braidwood DCP creates a range of problems. Where an item is contributory to the SHR listing, it should be listed on the LEP.
- It would be helpful to explain the DA requirements and to provide guidelines for preparing heritage assessments, conservation management plans, heritage impact statements and demolition reports.

### 8.2.5 Heritage Advisor Services

- The heritage advisory service is of value to QPRC and property owners in Braidwood. Given the size of the SHR listed area and the number of listed items within it, combined with population growth and demographic change, the QPRC should consider whether the capacity and frequency of the heritage advisory service is sufficient to meet demand.
- The QPRC Heritage Advisor brochure describing the role of the heritage advisor, available via the QPRC website, should be updated to reflect government administrative changes including the establishment of Heritage NSW.

### 8.2.6 Consultation and Community Engagement

- A consultation program that welcomes a broad range of community inputs will help ensure a robust future-orientated planning system for Braidwood.
- Community engagement, including understanding their experience of the planning system and key concerns for the future, will provide insight into not only what the community considers to be important about Braidwood and its Setting, but also into what aspects of the planning controls needs to be strengthened, explained more clearly, or amended.
- The most appropriate format and style for a consultation program, is yet to be agreed and may be a combination of drop-in sessions, one-on-one interviews, and workshops. The stakeholders are also still to be determined and further consultation with the Heritage Council, Heritage NSW and QPRC will be required.
- Heritage NSW could run a program like that delivered for residents in the state listed Sydney suburbs of Millers Point and Dawes Point. The focus could be directed towards Heritage NSW preparing more detailed heritage guidelines to support ongoing conservation and protection of state listed values for Braidwood and its Setting. Alternatively, a consultation program could be co-designed with QPRC to inform the updated heritage DCP for Braidwood.

### 8.2.7 Comparative Analysis

- The comparative analysis demonstrates that strong clear controls are required. The controls need to be tethered to a robust and comprehensive statement of significance, or at the very least a heritage values assessment and statement that specifies the characteristic and distinctive elements and features of the listed area.
- A tiered planning system where each level of government takes responsibility, collaborates effectively and works toward a shared goal of conserving and managing state and local heritage is the bedrock of a clear and cogent system of heritage planning. Where places are listed at



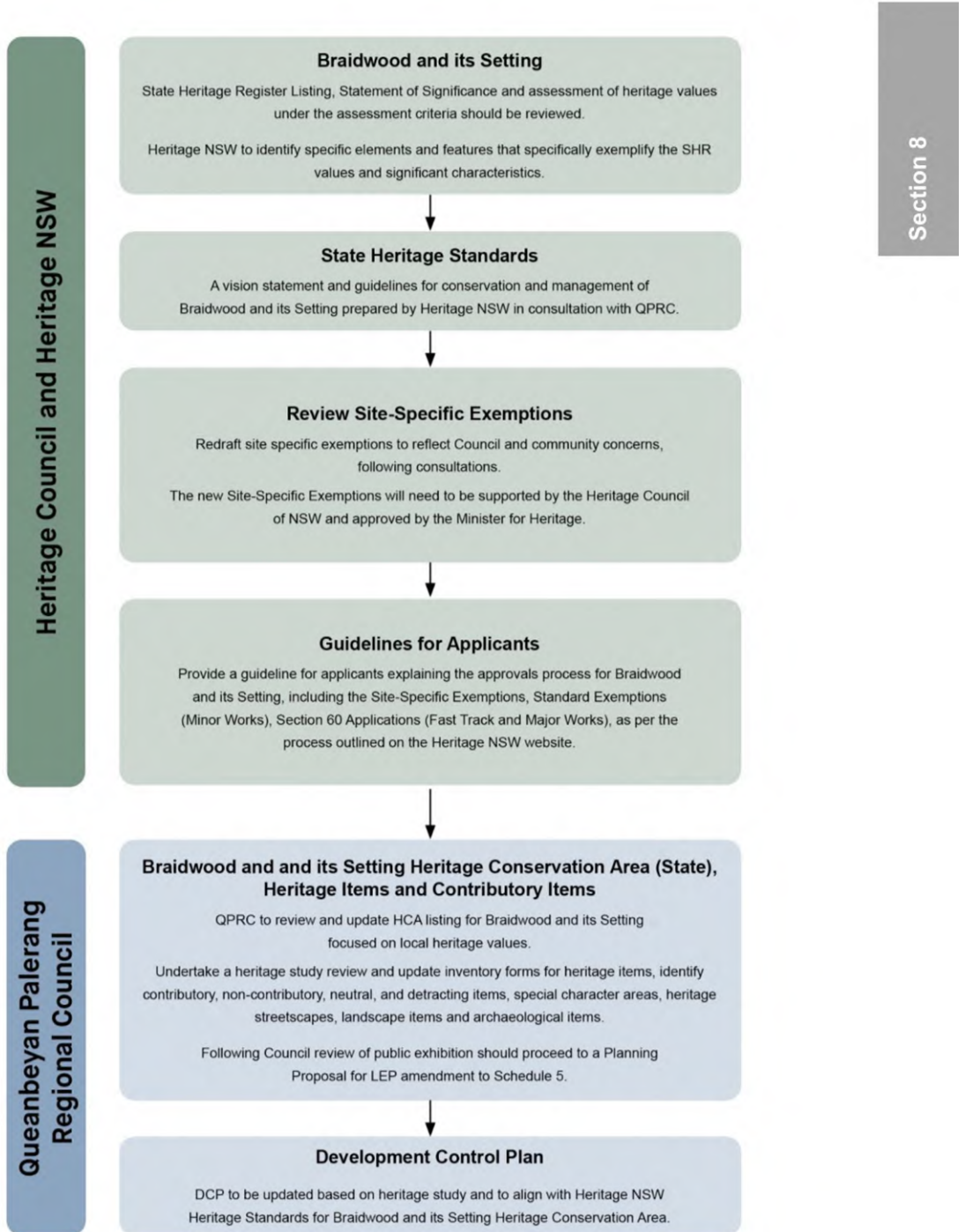
state and local levels the respective roles and responsibilities of each authority need to be clearly understood and adequately resourced.

- Planning pathways and supporting information must be communicated plainly and comprehensively so that the community can clearly understand what actions would or would not be acceptable in a heritage listed town/conservation area.
- A detailed process of identifying the significance, characteristic and uncharacteristic attributes of Braidwood, at state and local levels, is required to better manage and control development.
- The model adopted in South Australia for the state listed Garden Suburb of Colonel Light Gardens, in particular the Heritage Standards, provides a recommended way forward for the Heritage Council of NSW that would help QPRC and the community to understand the expectations and requirements for the future conservation and management of Braidwood and its Setting.

### **8.3 Strategic Planning Framework for Braidwood and its Setting**

Based on this management review, we consider that the approach set out below may provide a practical planning framework for the best practice management and conservation of state and locally listed heritage within Braidwood and its Setting.







## Endnote

- <sup>1</sup> *Braidwood Business Performance Survey*, Western Research Institute, 2010.
- <sup>2</sup> *The Future of the State Heritage Register*, Policy, 18 February 2020, Heritage Council of NSW.

## Appendix B

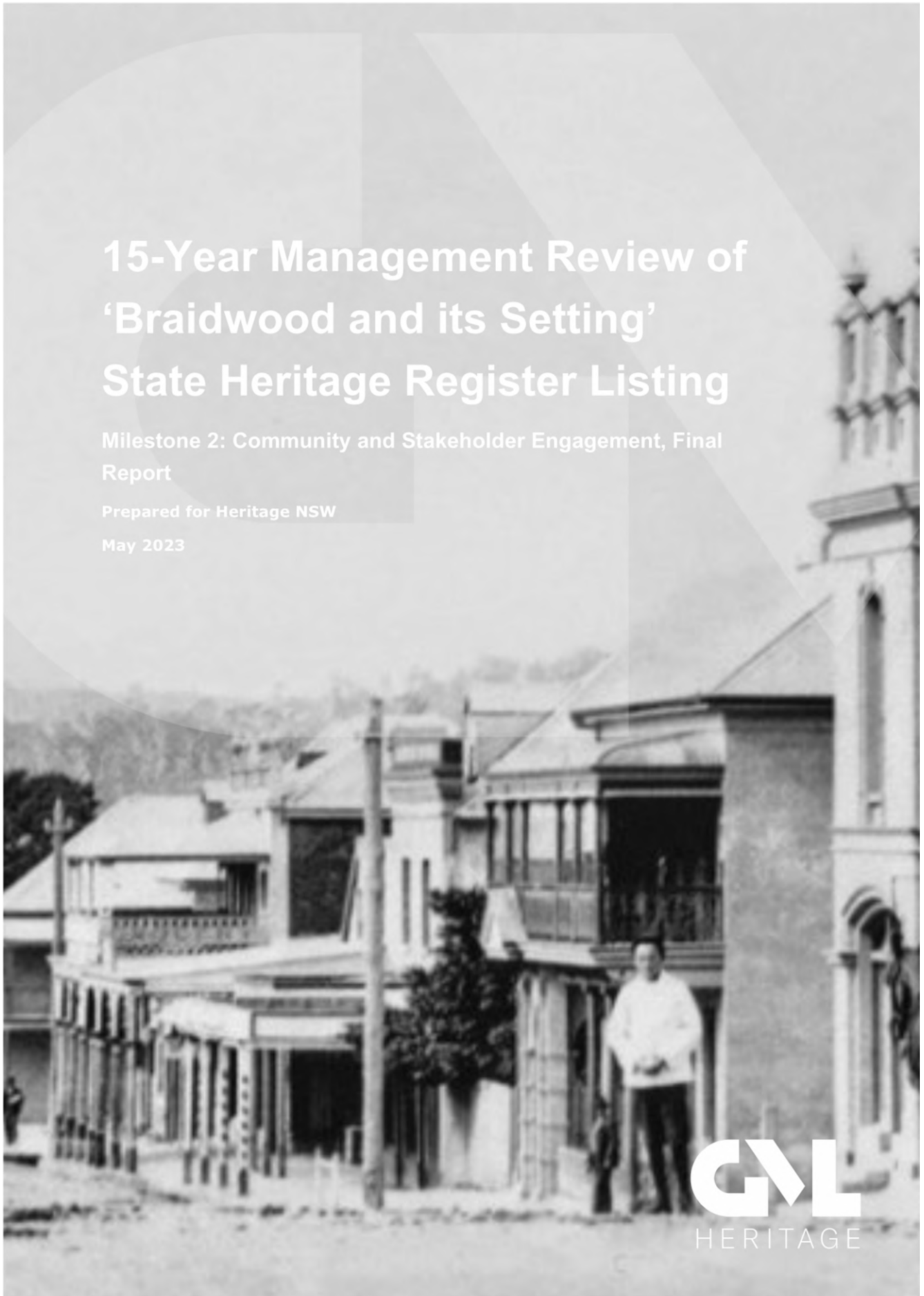
Milestone 2 Report

# 15-Year Management Review of 'Braidwood and its Setting' State Heritage Register Listing

Milestone 2: Community and Stakeholder Engagement, Final  
Report

Prepared for Heritage NSW

May 2023



**GNL**  
HERITAGE

## Acknowledgement of Country

We respect and acknowledge First Nations and First Peoples across Australia.

This report concerns land on the traditional Country of the Yuin Nation, whose lands and waterways, rich and continuing cultural heritage and their connections to Country, along with their Elders past and present we acknowledge and respect. We are committed to truth-telling and to the concepts of voice, treaty and truth in the Uluru Statement from the Heart.

## Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.



## Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

Job No.	Issue No.	Notes/Description	Issue Date
21-0094A	1	Preliminary Draft Community and Stakeholder Engagement Report	24 June 2022
21-0094A	2	Draft Community and Stakeholder Engagement Report	2 September 2022
21-0094A	3	Updated Draft Community and Stakeholder Engagement Report	20 December 2022
21-0094A	4	Final Community and Stakeholder Engagement Report	4 May 2023

### Quality assurance

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

It aligns with best-practice heritage conservation and management, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* and heritage and environmental legislation and guidelines relevant to the subject place.

### Indigenous cultural and intellectual property

We acknowledge and respect the inherent rights and interests of the First Nation's people in Indigenous Cultural and Intellectual Property. We recognise that Aboriginal and Torres Strait Islander people have the right to be acknowledged and attributed for their contribution to knowledge but also respect their rights to confidentiality. We recognise our ongoing obligations to respect, protect and uphold the continuation of First Nation's rights in the materials contributed as part of this project.

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## Executive summary

Communities are integral to the ongoing conservation, management and promotion of heritage. Consultation with key stakeholders and the community was identified by Heritage NSW as integral to this 15-Year Management Review of the State Heritage Register (SHR) listing of 'Braidwood and its Setting' project. Since Braidwood was listed on the SHR more than 15 years ago, 'Braidwood and its Setting' has experienced considerable change, as has the local community. Heritage NSW understands that the SHR listing has variously impacted many people who live, work and care for the historic township.

Heritage NSW engaged GML Heritage Pty Ltd (GML) to review the effectiveness and efficiency of the management of the 'Braidwood and its Setting' SHR listing (the project). The multi-staged project is focused on updating and improving the performance of the SHR listing for the community, Queanbeyan-Palerang Regional Council (QPRC), and Heritage NSW.

In January 2022 GML prepared the Milestone 1—Management Review report that identified and examined several key issues and challenges associated with the administration and management of the SHR listing for Braidwood and its Setting. That report provided a framework for future community consultation which influenced the methodology, format and focus of the community engagement program that was subsequently delivered. The community engagement program was also informed by the International Association for Public Participation (IAP2), which outlines the core values for public participation.

GML Heritage and Heritage NSW led an 'in person' engagement program that was held in Braidwood over three days, between Wednesday 18 May and Friday 20 May 2022. A community information session was held at the Braidwood Servicemen's Club and Golf Course. Stakeholder workshops and drop-in sessions were hosted at the Braidwood National Theatre. After the engagement program in Braidwood, a series of one-on-one targeted interviews and other discussions were conducted with First Nations representatives, community members and key stakeholders. These discussions were held online. To widen the community participation in the project, from 19 May 2022 to 19 June 2022, an online survey was open to individuals, stakeholders and organisations. The online survey was widely promoted via local newspapers, radio, social media, and flyers.



The issues raised and concerns expressed regarding the effectiveness of the SHR listing for 'Braidwood and its Setting' during the engagement program are summarised in this report. This report also provides an overview of the community engagement program itself and the methodologies used. Several key takeaways emerged from the engagement program and are documented herein. These matters will inform and influence the final stage of the project.





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Appendix A

*Braidwood Bugle* Advertisement

Appendix B

Flyers Developed for Community and Stakeholder Engagement

# 1 Introduction



# 1 Introduction

The historic Georgian township of Braidwood and its setting was listed on the State Heritage Register (SHR) under Part 3A of the *Heritage Act, 1977* (NSW) in 2006. Braidwood was gazetted as a SHR listed item for its heritage significance to the people of NSW as an excellent example of a surviving Georgian town plan, with historical streetscapes and nineteenth-century building stock, set within a broader pastoral landscape. At the time of listing, Braidwood was by far the most complex listing that Heritage NSW (then the NSW Heritage Office) had undertaken.

It has been more than 15 years since Braidwood was listed on the SHR. Over that period Braidwood has experienced considerable growth and development. Heritage NSW engaged GML Heritage Pty Ltd (GML) to review the effectiveness and efficiency of the management of the 'Braidwood and its Setting' SHR listing (the project). The multi-staged project is focused on updating and improving the performance of the SHR listing for the community, Queanbeyan-Palerang Regional Council (QPRC) and Heritage NSW.

In January 2022 GML submitted a Milestone 1—Management Review report that identified and examined several key issues and challenges associated with the SHR listing. It considered the administration of the listing, the statutory planning context including controls, mechanisms and approvals processes, and provided a draft stakeholder and community engagement program designed to help inform the future planning, management and conservation of the heritage significance of 'Braidwood and its Setting'.

This report has been prepared to satisfy the requirements for Milestone 2—Community and Stakeholder Engagement. It provides an overview of the community engagement program and methodology. Key issues and concerns expressed by the community and stakeholders regarding the effectiveness of the SHR listing for Braidwood and its setting are also summarised. This report also provides outcomes of the First Nations consultation and an analysis of the online survey responses. The online survey was open from 19 May 2022 to 19 June 2022 following the submission of the initial draft Milestone 2 report.

## 1.1 The Subject Site

The SHR listing of 'Braidwood and its Setting' covers the historic town centre of Braidwood and some areas of surrounding rural agricultural landscape, within the Queanbeyan-Palerang Regional Council Local Government Area (LGA) in the Southern Tablelands. The SHR listed historic townscape is situated approximately 61 kilometres from Canberra, 96 kilometres from Nowra, and 47 kilometres from Batemans Bay (Figure 1.1).



Figure 1.1 The location of Braidwood in its regional context. (Source: © Google with GML overlay, 2021)

## 1.2 Project Scope and Methodology

The community and stakeholder engagement program for this Milestone 2—Community and Stakeholder Engagement report was informed by the International Association for Public Participation (IAP2) core values and the Association’s spectrum for public participation (also referred to in this report as engagement). The IAP2 methodology recognises that people have a right to be involved in the decision-making process, and that the public’s contribution will inform and influence decisions. It is also based on the premise that people are provided with the information they need to participate in a meaningful way.

The approach to Milestone 2—Community and Stakeholder Engagement included sharing and gathering qualitative and quantitative information, collecting insights, and developing an understanding based on the various perspectives of residents, community groups and other stakeholders about the issues related to heritage planning, management, and conservation in Braidwood today.

The project scope provided by Heritage NSW for Milestone 2 is as follows:

Site visit and consultation with three main stakeholders to identify problems and issues. It is expected that this will be achieved through a:



- a) Site visit to Braidwood to gain first-hand experience of its significant elements (town plan, streetscapes, historic buildings, and pastoral setting) and recent development.
- b) Consultation with QPRC (including Councillors and the Braidwood and Curtilage Heritage Advisory Committee), HNSW, and key Braidwood community organisations (list to be provided) regarding the controls, mechanisms, and approval processes of Braidwood and its Setting. This should identify:
  - i. where these controls, mechanisms, and approval processes are effective and/or efficient and where issues and problems exist;
  - ii. how engagement with the Braidwood community and property owners could be improved, especially over the long-term, and;
  - iii. how the management of Braidwood and its Setting can be improved.
- c) Progress Report 2 to HNSW with the results.

The scope for this stage was adjusted to take account of the preliminary consultation undertaken during Milestone 1—Management Review. In May 2021, as part of Milestone 1, GML undertook some targeted face-to-face discussions with the following stakeholders:

- Queanbeyan-Palerang Regional Council (QPRC) planners, and parks and maintenance staff;
- the Heritage Advisor for QPRC;
- former staff of the NSW Heritage Office; and
- long-term Braidwood residents.

The community engagement methodology for Milestone 2 involved both digital and 'in person' information sharing and engagement. The program was held over three days in Braidwood, between Wednesday 18 May and Friday 20 May 2022. It included attendance at a QPRC meeting, a community information session held at the Braidwood Servicemen's Club and Golf Course, stakeholder workshops, drop-in sessions held at the Braidwood National Theatre, an online opinion survey and one-on-one discussions and interviews. Meetings were held in person and online.

## 1.3 Limitations

The preparation of this report is based on the in-person discussions with the Braidwood community over two days, and online meetings with relevant stakeholders. We acknowledge the comments collected as part of the project represent a small sample of the community's views about Braidwood's SHR listing.



## 1.4 Authorship

[Redacted text]

## 1.5 Acknowledgements

We would like to acknowledge the Braidwood community for their generosity, time and patience. The opportunities, issues and stories about Braidwood shared by the community have informed the body of this report.

We would like to thank Margaret Tuckwell and Alex Rea for their assistance in promoting the engagement program to the Braidwood community. We are also grateful to the Braidwood Servicemen's Club and Golf Course and Braidwood National Theatre, especially Chris Watkins, for hosting GML and assisting us to facilitate this work.

We have spoken with some members of the First Nations community who have connections to Braidwood. We would like to acknowledge them and their generosity in contributing to this project. The information provided in this document is a general summary of the information provided to GML.

We would also like to extend our appreciation to the Heritage NSW team for their ongoing support of this project and for their contribution to the design and planning of the community engagement, as well as their involvement in the community information session, stakeholder workshops, and drop-in sessions.

## 2 Engagement Plan





## 2 Engagement Plan

This section provides the methodology and outline of the community and stakeholder engagement program.

### 2.1 Key Groups and Stakeholders

Each stage of this project has involved engagement with the community and QPRC. Milestone 1 involved meetings and discussions with:

- QPRC planners;
- QPRC parks and maintenance staff;
- the QPRC Heritage Advisor;
- former staff of the NSW Heritage Office; and
- long-term Braidwood residents.

The focus of Milestone 2 was to engage with residents, businesses, and local community groups in Braidwood. Heritage NSW provided a list of the key groups and stakeholders. Table 2.1 provides a list of the groups and stakeholders identified and contacted.

Table 2.1 Key groups and stakeholders.

Key groups and stakeholders
Braidwood’s residents and business owners
Local Community Groups
<ul style="list-style-type: none"> <li>• Braidwood and District Historical Society</li> <li>• Braidwood and Villages Tourism</li> <li>• Braidwood and Villages Business Chamber</li> <li>• Braidwood Garden Club</li> <li>• Braidwood Community Association</li> <li>• Braidwood Farmers Markets</li> <li>• Braidwood Apex Club</li> <li>• Braidwood Servicemen’s Club</li> </ul>
QPRC Heritage Advisory Panel
First Nations representatives



## 2.2 Engagement Methods

To promote the engagement program and reach a broad audience, several methods were used including social media, online noticeboards, print-based material, radio and newspaper from 19 May 2022 to 19 June 2022. A letterbox drop of local businesses and residents in Braidwood along the main street provided information about the project and opportunities to participate.

Table 2.2 outlines how each engagement method was utilised in the project.

Table 2.2 List of engagement methods.

Type	Media	Overview
Newspapers	<i>Braidwood Bugle</i> <i>Braidwood's Changing Times</i>	<p>An advertisement was designed by the <i>Braidwood Bugle</i> and GML to advertise the community information session, stakeholder workshops and drop-in sessions. The advertisement was published in the <i>Braidwood Bugle</i> for three weeks prior to the consultation events.</p> <p>Following the events, a second advertisement (or flyer) was published in the <i>Braidwood Bugle</i> and <i>Braidwood's Changing Times</i> to promote the online survey.</p>
Social Media	Instagram Facebook	<p>The community information session, stakeholder workshops and drop-in sessions were advertised on GML's Instagram page for two weeks prior to the events and on Heritage NSW's Facebook page one week prior to the events.</p> <p>GML published three Instagram posts prior to the in-person consultation in Braidwood. Instagram provides three key data analysis tools for Business accounts: the number of likes received on a post; the 'reach' of each post (the number of people who have seen the post); and the number of 'impressions' (the number of times the post appeared). The data analysis for GML's three Instagram posts are listed below:</p> <ul style="list-style-type: none"> <li>Instagram Post 1 received 16 likes; reached 264 accounts; and made 294 impressions.</li> <li>Instagram Post 2 received 17 likes; reached 190 accounts; and made 208 impressions.</li> <li>Instagram Post 3 received 16 likes; reached 200 accounts; and made 217 impressions.</li> </ul> <p>Following the in-person engagement events, a second advertisement highlighting the online survey was shared on Facebook to the following public and private online community groups:</p> <ul style="list-style-type: none"> <li>Braidwood Notice Board;</li> </ul>



Type	Media	Overview
		<ul style="list-style-type: none"> <li>• Braidwood Rate Payers and Locals;</li> <li>• People of Braidwood Villages;</li> <li>• Residents and Families of Majors Creek NSW;</li> <li>• Araluen Valley Community Page; and</li> <li>• Old Braidwood.</li> </ul> <p>Engagement with the posts published to the public Facebook groups were closely followed. The posts were shared by Facebook users and comments about the consultation program were published.</p>
Radio	Braidwood 88.9FM	A radio advertisement was developed and broadcast on 88.9FM twice daily for two weeks prior to the consultation events.
Online Information	GML website	<p>Information about the project scope and events were provided on GML's website prior to the events and throughout the consultation period. The website provided access to the Milestone 1 Report and a link to the online survey.</p> <p>An analysis of the website data revealed the page was viewed 158 times, by 140 people, between 1 May 2022 and 27 June 2022.</p>
Flyers	Physical printed flyer	<p>GML designed a flyer that was used to promote the events in the <i>Braidwood Bugle</i>. Flyers were provided to the Braidwood Library and posted to information boards at the Visitor Information Centre, the Braidwood National Theatre, Provisions Deli &amp; Creperie, Braidwood Bakery and some businesses on Wallace Street.</p> <p>A second flyer was designed to promote the online survey and notify the community of the two-week extension to the response period. This flyer was provided to the <i>Braidwood Bugle</i> and <i>Braidwood's Changing Times</i>, and published on the six Facebook groups listed in this table.</p>



Figure 2.1 The flyer on the information board at Provisions Deli & Creperie and the advertisement in *Braidwood Bugle* laying open on the table below. (Source: GML Heritage)

## 2.3 Engagement Program

The engagement program was delivered in both digital and in-person formats and supported by the promotional material, as discussed in Section 2.2. Table 2.3 provides an outline of each stage of the engagement program.

Table 2.3 Engagement program.

Mode of consultation	Overview
Council Meeting	GML attended a Council meeting at QPRC Chambers with Heritage NSW on 18 May 2022. Heritage NSW introduced the project and engagement program to QPRC. The project team answered questions from the councillors.
Community Information Session	A community information session was held at the Braidwood Servicemen's Club and Golf Course on 19 May 2022. GML presented the project and consultation program to the attendees and answered questions. The community were responsive and eager to share their



Mode of consultation	Overview
	thoughts on the project and engagement methodology. Information about the consultation events was provided in the form of flyers. Thirty people signed the event register.
Stakeholder Workshops	Two stakeholder workshops were held at the Braidwood National Theatre on 20 May 2022. Seven people in total attended the two workshops. The comments received by the attendees were noted on butcher's paper for discussion and record.
Community Drop-in Session	A community drop-in session was held at the Braidwood National Theatre on 20 May 2022. Approximately 25 people attended and spoke one on one with the project team.
Discussions with business owners	On 20 May 2022, flyers were provided to businesses on Wallace Street, including the Braidwood Library, the Visitor Information Centre, the Braidwood National Theatre, Provisions Deli & Creperie, and Braidwood Bakery. GML spoke with business owners and employees about the project and online survey.
Online Survey	<p>The online survey was launched on 19 May 2022 at the community information session. The survey was designed with input from Heritage NSW and created in SurveyMonkey. A website link to the survey was provided. Following initial feedback from the community at the community information session, the online survey period was extended for a further two weeks until Sunday 19 June 2022. The survey was available for four and a half weeks in total. An additional question (Question 8) was added to the survey to allow the community to share any general comments or information about the listing.</p> <p>The survey included eight key questions, including:</p> <ul style="list-style-type: none"> <li>• Question 1: 'Tell us who you are! Please check all that apply. [Braidwood resident, business owner, member of a community group, worker, interested in the project, other].'</li> <li>• Question 2: 'What do you think is of heritage significance in Braidwood?'</li> <li>• Question 3: 'Have you had any experience with planning approvals or development applications in the State Heritage Register (SHR) listed area?'</li> <li>• Question 4: 'What do you think are the key opportunities for Braidwood's heritage?'</li> <li>• Question 5: 'What do you think are the key challenges for Braidwood's heritage into the future?'</li> <li>• Question 6: 'What do you think are the highest priorities for Braidwood's heritage?'</li> </ul>



Mode of consultation	Overview
	<ul style="list-style-type: none"> <li>• Question 7: 'How would you like to be contacted about updates to "Braidwood and its Setting" SHR listing?'</li> <li>• Question 8: 'Do you have any further comments or information you can share with us about "Braidwood and its Setting"?'</li> </ul> <p>The online survey received 88 responses. The responses were anonymous. In the survey, Question 1 asked demographic information about the participants to understand the type of groups within Braidwood (refer to Figure 2.2). Seventy-five of the participants were residents and checked other boxes including business owner, worker or member of a community group. The response to category 'other' included property investors, a former Councillor at QPRC/ Palerang Council and the Chair of QPRC Heritage Advisory Committee, and residents of the nearby village Majors Creek.</p> <p>Question 3 asked participants how they would prefer to be contacted about updates to the SHR listing. The largest response (50 participants) responded 'all of the above', eg a community notice, community information (a letterbox drop), a flyer, social media and online (refer to Figure 2.3). The participants also suggested email as the best method and many of these responses included personal email addresses. Other suggestions included local print media including the <i>Braidwood Bugle</i> and <i>Changing Times</i> and Braidwood Facebooks groups, which were utilised throughout the consultation period. It was also suggested that Canberra based media channels should be utilised including 666 ABC National, the Canberra commercial radio station, Twitter and LinkedIn.</p> <p>This feedback may help inform Heritage NSW in future community engagement programs with the Braidwood community.</p>
Targeted Discussions	<p>GML held targeted discussions with several people from community organisations. Further discussions with First Nations peoples and members of the previous QPRC Heritage Advisory Committee have been organised. The targeted discussions were held online.</p>

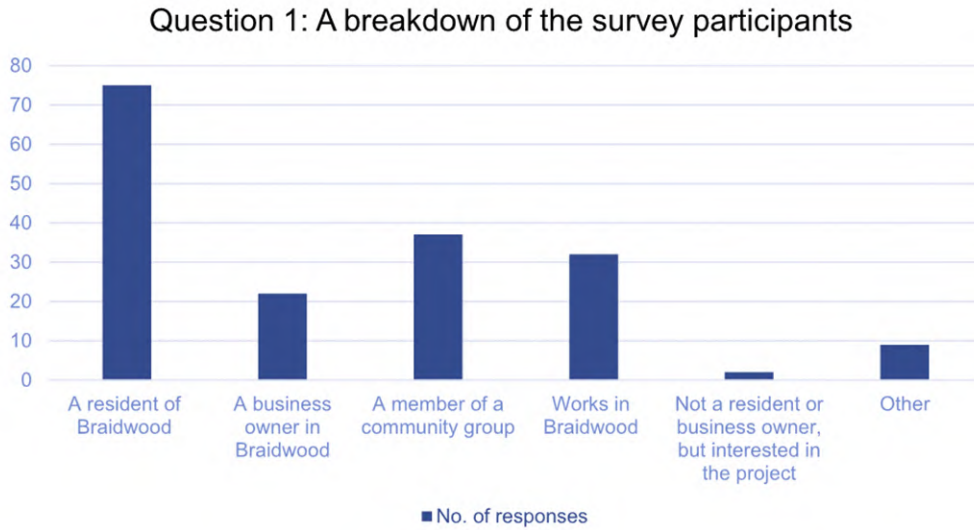


Figure 2.2 Participants’ responses to Question 1 of the online survey. (Source: GML Heritage 2022)



Figure 2.3 Participants’ responses to Question 7 of the online survey. (Source: GML Heritage 2022)



Figure 2.4 A member of the community at a drop-in session at Braidwood National Theatre.  
(Source: © GML Heritage)



## 3 Key Issues and Discussion



## 3 Key Issues and Discussion

This section provides a summary of the comments received from the stakeholders and community members during the engagement program. The comments are arranged under key headings which reflect the major topics raised and discussed:

- roles and responsibilities of state and local government;
- impacts of State Government development;
- statutory planning and compliance;
- landscape planning and management;
- strategic planning;
- resourcing and funding;
- support and advisory services for heritage;
- State Heritage Register listing review;
- history of approvals; and
- community expectations of heritage.

### 3.1 Consultation summary

#### 3.1.1 Roles and Responsibilities of State and Local Government

Table 3.1 Roles and responsibilities of state and local government.

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>• The management of the town is 'not working'.</li> <li>• Applicants have experienced a two-month wait period for feedback on applications, due to a lack of resources.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>• At the time of the listing the community were promised resources by the State Government, but there has been very limited access to funding since the listing.</li> <li>• The original presentation by listing officers in 2006 was offensive. It demonstrated a lack of awareness about the local community. It did not reflect well on the presenting officers.</li> <li>• Listing was considered by some to be a <i>fait accompli</i> and a political back-room deal.</li> <li>• The relationship between QPRC and Heritage NSW is not working.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>• There is no vision or future strategy for the township. The community have commenced the process of developing a vision for the future of Braidwood in the absence of government leadership.</li> <li>• State and local government don't appear to have consistent approach or understand their responsibilities.</li> <li>• QPRC and the Heritage Advisor are stretched. The town has grown and there is an increased number of individuals that are looking to develop their properties.</li> <li>• The previous Palerang Council was aware of the requirements for 'Braidwood and its Setting'. Braidwood became part of QPRC following Council amalgamation. It appears that QPRC did not realise what was involved in managing the SHR listing.</li> <li>• Heritage Advisory Committee met with Don Harwin (previous Minister for Heritage) to address QPRC 'mismanagement' of 'Braidwood and its Setting'.</li> </ul>
Stakeholder Workshops	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• The advice and decision making received from QPRC by residents has been inconsistent.</li> <li>• QPRC is not aware of the special treatment required for 'Braidwood and its Setting'.</li> <li>• The heritage character of Braidwood is not well understood by QPRC. For example, new garbage bins on Wallace Street and the playground design are not appropriate for Braidwood. The heritage character did not appear to be considered before these Council services were provided. The community suggested an alternative design which received no consideration from Council.</li> <li>• QPRC seems 'frustrated by heritage'. QPRC cannot provide independent advice due to broken relationship with Heritage NSW and lack of knowledge about heritage matters. There is distrust between Council and applicants.</li> <li>• Braidwood Community Association is attempting to fix the broken relationship with QPRC by providing advice.</li> <li>• There has been inconsistent advice from QPRC's Heritage Advisor relating to grants, sensitive alterations, and HIS and CMP requirements.</li> <li>• Often an applicant's budget and time determines the level of assistance from Council and Heritage NSW. Applicants with bigger budgets have time to continuously follow up QPRC or Heritage NSW for feedback.</li> <li>• The community should be an active partner in heritage and discussions about heritage.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>Community thought that once Braidwood was listed on the SHR, they would be assisted in managing the place. Instead, they were 'abandoned' by State Government.</li> <li>Community doesn't understand the relationship between QPRC and Heritage NSW.</li> <li>Braidwood has no councillor on Council, and the Queanbeyan area has several significant issues to manage, Braidwood is just not a priority.</li> </ul>
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>There is poor communication between state and local government.</li> <li>There is a strong community distrust of local and state government agencies.</li> <li>Local council processes are frustrating and planning advice is inconsistent.</li> <li>Heritage NSW listed Braidwood and then 'walked away'. Heritage advice needs to be more accessible and available.</li> <li>Heritage NSW is absent. There should be a Heritage NSW representative to provide advice in town. During the 2019 fires, Braidwood was cut off from resources and Heritage NSW did not assist the community.</li> <li>A partnership between the Braidwood community, Heritage NSW and QPRC should be established. The partnership should form a strategy that occurs over a three-five year period to improve the relationship and resolve the management issues in the town.</li> <li>QPRC councillors have recently been more helpful and open to suggestions.</li> <li>Some members of the community play off the relationship between state and local government.</li> </ul>
Online Survey	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>QPRC shouldn't be blamed for the problems Braidwood is experiencing.</li> <li>There is a lack of support from Heritage NSW which has impacted the town. Heritage NSW need to support QPRC and community.</li> <li>Working with Heritage NSW is a challenge.</li> </ul>
Targeted Discussions	<ul style="list-style-type: none"> <li>Clarity in the roles and responsibilities between state and local government needs to be improved. Their respective roles with regard to heritage approvals in Braidwood are not clear.</li> <li>Heritage NSW needs to develop a contemporary strategy for the future of Braidwood as a heritage listed town which considers best practice from local</li> </ul>



Mode of consultation	Comments
	and international equivalent listings, associated strategies and management processes.
Discussions with First Nations Representatives	<ul style="list-style-type: none"> <li>Under current NSW legislation, the National Parks and Wildlife Service and other government agencies have control of Aboriginal sites and objects. In many instances, First Nations peoples are not invited to participate in the care, control and management of their traditional lands and heritage in Braidwood.</li> </ul>

### 3.1.2 Impacts of State Government Development

Table 3.2 Impacts of State Government development.

Mode of consultation	Comments
Council Meeting	No comments were received.
Community Information Session	No comments were received.
Stakeholder Workshops	No comments were received.
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>The new Braidwood Hospital was constructed without any consideration of the heritage context. While the new hospital facility is welcomed, it is not sensitive to the heritage values and character of the township. Nor is it consistent with the DCP controls.</li> <li>The Schools Infrastructure led development of the school was also cited as another example of a State Government development that was not well contextualised and respectful to the character and values of the township.</li> <li>On the Kings Highway approach road into Braidwood Transport for NSW installed guardrails on either side of the road in front of the memorial avenue of Poplars. This has given rise to a significant visual impact on the memorial and the setting and character of the town.</li> <li>There seems to be a 'double standard'. State Government development appears to disregard the heritage values of the town.</li> </ul>
Online Survey	No comments were received.
Targeted Discussions	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>Roads and Maritime Services removed some of the historic Poplars and installed railings on the Kings Highway without any consideration of the heritage context. The replacement was a reaction to two car accidents. The speed limit was reduced from 100 to 80. No accidents have occurred since. The railings should be removed.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>The Braidwood Central School installed an intrusive new electronic sign without due consideration of the heritage context.</li> <li>The residents are held accountable for works to heritage items; however, the State Government agencies are not.</li> </ul>
Discussions with First Nations Representatives	No comments were received.

### 3.1.3 Statutory Planning and Compliance

Table 3.3 Statutory planning and compliance.

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>Residents may form the view that the heritage review of Braidwood will wind back controls.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>The Planning Scheme Ordinance (1946) required awnings to be pulled down. This initiated informal agreements between owners to maintain the historic awnings on Wallace Street.</li> <li>Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 will apply to Braidwood and proposes changes to the development standards (floor space ratio [FSR] and building height). Has heritage been considered?</li> <li>A quantitative study or map should be completed to understand where development has occurred since the SHR listing in 2006.</li> <li>What is the higher priority: the Building Code of Australia or heritage controls?</li> <li>QPRC is not endorsing the use of the Braidwood Development Control Plan 2006 (Braidwood DCP).</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>Heritage impact statements (HIS) and conservation management plans (CMPs) are not being prepared correctly. The assessments of significance and heritage impacts do not correctly identify the item or SHR listing. For example, the CMP for the sheds behind Albion Hotel assessed them as having low significance.</li> <li>Other councils have information about heritage on their website and sufficient DCPs e.g. Snowy Monaro Regional Council and Yass Valley Council. Yass Valley Council provides the Heritage Advisor's availability on its website.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>The process for heritage approvals needs to be streamlined.</li> <li>There is inconsistent treatment of applications.</li> <li>QPRC doesn't support commercial uses in heritage items.</li> <li>Assessment planners do not understand heritage significance and the requirements of working with historic buildings.</li> </ul>
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>A resident who recently moved to Braidwood has submitted various development applications (DAs) to QPRC and has not experienced any major issues.</li> <li>Another resident moved to Braidwood seven years ago. The land was purchased with an approved DA. They have not experienced any major issues.</li> <li>There are many issues with the Planning Portal.</li> <li>There is resistance to light industrial uses on Wallace Street.</li> <li>What does Heritage NSW suggest for fire proofing?</li> </ul>
Online Survey	<p>Question 3 of the online survey asked participants to provide more information about their experience with the current planning and application processes.</p> <ul style="list-style-type: none"> <li>Many survey participants made submissions regarding recent DAs at the Albion Hotel, Nutrien Ag sites and the removal of the street trees on Wilson Street. The responses did not state whether Council considered the submissions.</li> <li>The Two Fires Festival received a grant for the October Braidwood event, recognising Indigenous heritage.</li> <li>A participant objected to the removal of heritage trees, proposed without community consultation.</li> <li>A participant recalled how their neighbour submitted a DA for subdivision with a driveway designed in accordance with the controls in the Braidwood DCP 2006 (two-wheel tracks and 2.5m wide). QPRC approved the application with a condition to construct two new 3m-wide gravel driveways. Council suggested constructing the driveway in heritage colours. QPRC's advice was inconsistent with the DCP, which created confusion for the applicants and would result in unsympathetic works.</li> <li>A participant proposed a new dwelling in a new housing estate that was subject to heritage controls. The application was reviewed by the Heritage Advisor at Council, which the participants felt was justified; however, this resulted in changes to the design which increased costs.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>Renovating dwellings was a common response. In one case, the participants were subject to heritage controls, yet were advised that the building had no heritage value.</li> <li>Several responders stated they subdivided or amalgamated their property to build a new dwelling.</li> <li>Some participants have received funding and resourcing in the form of heritage grants or subsidies from Council.</li> <li>A participant described their experience with the Planning Portal as a 'disaster'. The heritage component of the DA was 'straight forward' and following an inspection by the QPRC Heritage Advisor, the application was approved.</li> <li>The current heritage controls prevent works to dwellings due to impacts to heritage, and contradict safety standards.</li> <li>A participant noted the conservation of the old Sunday School Hall has been undertaken by a committee. The committee has found the heritage requirements and controls helpful to its work.</li> <li>There seems to be a lack of coordination at QPRC which results in time delays which deters people from developing in Braidwood.</li> <li>One response stated, 'Council doesn't want to conserve heritage buildings'.</li> <li>There are conflicts between Council regulations and good heritage practice. An example of this is the reinstated timber ceiling in the antique shop. The work was done well; however, it did not comply with Council's fire policy. Heritage considerations in a state heritage listed town should override some Council regulations. These issues cause QPRC many difficulties as the Council usually gets the blame.</li> <li>Heritage conservation should not restrict development.</li> <li>New development should be completely sympathetic to the town.</li> </ul>
Targeted Discussions	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>State Government and QPRC should develop guidance and clarity around the management of Braidwood as a heritage listed town to reduce red tape and bureaucracy.</li> <li>The Braidwood DCP 2006 needs to be updated. The DCP does not provide advice for a new house with the SHR curtilage, parking, etc.</li> <li>Heritage NSW should provide controls for development with the SHR curtilage.</li> <li>A buildings contribution map should be prepared.</li> </ul>





Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>The replacement of the balustrading at the Albion Hotel, a state listed building, divided the community. The Heritage Advisory Committee presented to the Heritage Council about the matter. It was approved and their concerns were not considered. In addition to this, there were 150 objections to subsequent works, including proposed changes to the sheds behind the Albion Hotel.</li> <li>One participant noted that a modest weatherboard cottage in the town that would be identified as a contributory building was demolished and replaced with unsympathetic development.</li> <li>The sustainable preservation of heritage means making places attractive for commercial and public use. This includes sympathetic inclusion of modern standards and accommodating contemporary community expectations.</li> <li>Peter Freeman prepared a Main Street Study to guide further development.</li> </ul>
Discussions with First Nations Representatives	No comments were received.

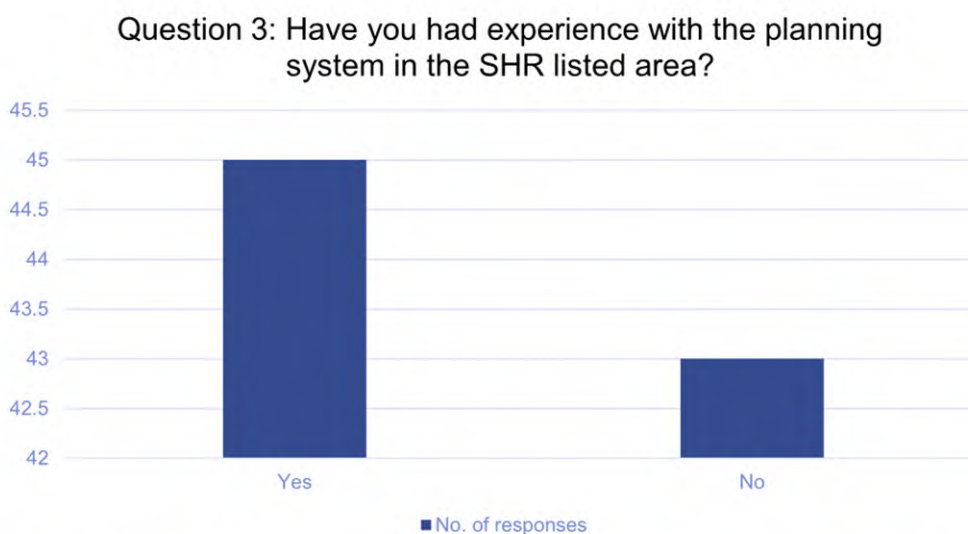


Figure 3.1 Participants' responses to Question 3 of the online survey. (Source: GML Heritage 2022)



### 3.1.4 Landscape Planning and Management

Table 3.4 Landscape planning and management.

Mode of consultation	Comments
Council Meeting	No comments were received.
Community Information Session	No comments were received.
Stakeholder Workshops	No comments were received.
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• Vegetation does not get any attention.</li> <li>• Seven elms trees near Dr Wilson’s grave site were removed.</li> <li>• There needs to be better guidance around what species of plants should be planted in the town.</li> <li>• QPRC does not properly manage the native plantings along the nature walk (heritage walk) along the creek.</li> <li>• QPRC provides a street cleaning service. The street cleaning is occurring on dirt kerbs.</li> <li>• Trees on Duncan Street are being pruned only on one side to avoid damage to electrical wires. Can underground services be installed?</li> <li>• Landscape heritage is unprotected. Many properties within the curtilage have planted trees and hedgerows that have impacted the open pastoral character of the surrounding landscape.</li> <li>• A significant trees register should be formalised and utilised by Council.</li> <li>• It was suggested that a Ryrie Park Study should be prepared to document the landscape character of the park.</li> <li>• Council and residents need better advice on plantings and landscapes, including climate-resilient plants for revegetation.</li> <li>• Street furniture and plantings need to be considered more carefully. The historic public domain including kerb and gutters, footpaths, plantings, soft verges, etc are not well understood and several decisions have been made that have impacted heritage values. The rubbish bins in the main street were cited as an ‘eyesore’ and not in keeping with the township’s character. The provision of disabled parking and ramp access in the main street was another example provided.</li> <li>• Braidwood has experienced impacts from fires and flooding. Recovery plans for threatened species should be prepared. There will need to be a refuge area constructed, and this needs to be designed in</li> </ul>



Mode of consultation	Comments
	conjunction with heritage. Fire issues and planning of fire refuges needs more attention. <ul style="list-style-type: none"> <li>The hedgerows at the entrance to town were removed. These have been removed and replaced with a fence.</li> </ul>
Online Survey	No comments were received.
Targeted Discussions	No comments were received.
Discussions with First Nations Representatives	No comments were received.

### 3.1.5 Strategic Planning

Table 3.5 Strategic planning.

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>Heavy vehicle traffic through the town centre is creating physical damage to historic buildings on Wallace Street.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>A bypass is crucial to divert heavy vehicle traffic from the town.</li> <li>Braidwood and Villages Business Chamber has prepared a Traffic Study in response to requests for a bypass.</li> <li>There is ongoing pressure for residential growth.</li> <li>Tourism should be considered as a viable option to increase growth.</li> <li>Commercial interests in the town should be better understood.</li> <li>There is no strategic plan for Braidwood, the community don't know where things are heading. Several people and organisations are preparing their own plan/vision for Braidwood to deal with housing, infrastructure, etc.</li> <li>Investment is required to realise the potential of Braidwood while protecting its special character</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>The community demographic is changing.</li> <li>Braidwood experienced impacts from bushfire, COVID-19 and flooding which need to be considered in the future planning of the town.</li> </ul>



Mode of consultation	Comments
Community Drop-In Session	The following comments were received: <ul style="list-style-type: none"> <li>• There will be a growing need for electric car ports.</li> <li>• Solar energy should be considered. How can solar panels be installed on heritage buildings?</li> <li>• A tourism strategy should be developed.</li> </ul>
Online Survey	The following comments were received: <ul style="list-style-type: none"> <li>• Population growth and heavy vehicle traffic in the main street are considerable challenges for Braidwood.</li> <li>• The pressure to develop is growing in Braidwood.</li> <li>• Heritage should not be a barrier to new development and infrastructure.</li> <li>• Red tape should be reduced.</li> <li>• More car parking should be provided.</li> <li>• The main street is congested with through traffic from Canberra and Queanbeyan on the weekend.</li> </ul>
Targeted Discussions	No comments were received.
Discussions with First Nations Representatives	No comments were received.

### 3.1.6 Resourcing and Funding

Table 3.6 Resourcing and funding.

Mode of consultation	Comments
Council Meeting	No comments were received.
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>• QPRC needs more town planners.</li> <li>• There has been limited support provided to the community since listing.</li> <li>• There has been no analysis of the costs and benefits of heritage listing of Braidwood.</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>• There are limited resources, funding and staff shortages. QPRC focuses on DAs for new development because assessment is simplified and not inundated by unclear heritage controls i.e. Braidwood Ridge.</li> <li>• The community generally is not aware of benefits associated with the listing i.e. heritage grants.</li> <li>• Council should fund small grants.</li> <li>• Council needs to reconsider DA fees. Council's fees cost more than the works. Section 60 applications and</li> </ul>



Mode of consultation	Comments
	<p>DAs are expensive. Resourcing needs to cover the consultant and administration fees, report fees etc.</p> <ul style="list-style-type: none"> <li>• QPRC couldn't help with funding for Braidwood Heritage Centre which will provide heritage education to schools and skills education.</li> <li>• Braidwood and District Historical Society have received four grants from QPRC i.e. Bushfire Grant.</li> <li>• The CMP for Tidmarsh Cottage was funded and the owners received a \$10,000 grant for windows.</li> <li>• There is more funding available for tourism than heritage.</li> </ul>
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• There has been little in the way of resourcing from State Government since the listing.</li> <li>• The Heritage Advisor is 'spread thin' and there is insufficient access to advisory services for heritage matters.</li> <li>• Appears to be no dedicated resource in State Government (Heritage NSW) to deal with heritage.</li> <li>• Grants program is not well understood, and awareness varies across the community. Some people have been able to access considerable funding, while others have not.</li> </ul>
Online Survey	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• There needs to be more funding provided to conserve Braidwood's heritage.</li> <li>• Tourism is important, but funding and resourcing is needed to support Braidwood in developing tourism.</li> <li>• There should be remediation provided for the impacts the SHR listing has caused for Braidwood.</li> </ul>
Targeted Discussions	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• The NSW Government needs to provide ongoing investment, in terms of resourcing and financial budget.</li> <li>• QPRC should receive funding and resources.</li> <li>• Owners of heritage items should receive grants and financial assistance.</li> <li>• Technical building support should be provided.</li> </ul>
Discussions with First Nations Representatives	<p>No comments were received.</p>



### 3.1.7 Support and Advisory Services for Heritage

Table 3.7 Support and advisory services for heritage.

Mode of consultation	Comments
Council Meeting	No comments were received.
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>Braidwood does not have a representative at Council.</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>The community thought they would be supported by Heritage NSW following SHR listing.</li> <li>There is a perception that the Heritage Advisor is setting the rules and there are a lack of design options or practical advice. This has resulted in applicants shopping around for a different opinion that suits their project.</li> <li>The Heritage Advisor does not get to view all DAs due to part-time position and filtering by QPRC.</li> <li>Support and review of the Heritage Advisor position at QPRC.</li> <li>The Heritage Advisor is spread thin, within a much larger LGA. Development in Braidwood given its heritage value is a 'full time' job.</li> <li>QPRC doesn't get developer contributions.</li> </ul>
Community Drop-In Session	The following comments were received: <ul style="list-style-type: none"> <li>There used to be two Braidwood representatives at Council.</li> </ul>
Online Survey	The following comments were received: <ul style="list-style-type: none"> <li>Council staff are in all silos (planning, roads and parks) need to be trained in heritage conservation. Material impacts on heritage have been approved by QPRC. It is becoming more and more important that this is managed more effectively as demographic and cultural shifts are creating development pressure in areas such as Braidwood.</li> </ul>
Targeted Discussions	The following comments were received: <ul style="list-style-type: none"> <li>QPRC ignored the Heritage Advisory Committee's perspective on applications.</li> </ul>
Discussions with First Nations Representatives	No comments were received.



### 3.1.8 State Heritage Register Listing Review

Table 3.8 SHR listing review.

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>The significant views are from the street, not properties.</li> <li>The curtilage of the SHR listing runs through several properties.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>Development has changed the setting of Braidwood.</li> <li>The community did not understand the implications of the SHR listing and they were not adequately explained at the time.</li> <li>The heritage listing divided the town at the time, now it is generally accepted but still some people in the community do not support it.</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>The community concept of heritage in Braidwood is 'the nice buildings down the main street'.</li> <li>Living traditions include the heritage parade, the historic pilgrimage to Dr Thomas Braidwood Wilson's grave site, which began in 1842, and a heritage walk to the creek.</li> <li>Most of the individual listed buildings are used commercially and have some degree of public access i.e. Flour Mill holds concerts and garden events. There were tours of farmhouses prior to COVID-19.</li> <li>Exempt development to listed buildings and the SHR listing needs to be reviewed and understood.</li> <li>Individual heritage listings have been removed.</li> <li>LEP listings need to be reviewed.</li> <li>The Statement of Significance is unclear. This has resulted in loss of historic fabric. The integrity of the town is slowly being lost through ongoing development.</li> <li>Heritage is a benefit. There is pride in the town.</li> <li>The community get involved in heritage and are engaged. The Braidwood and District Historical Society has 300 members and up to 20 permanent volunteers. It has received help from 357 volunteers in the past.</li> <li>Some healing around the SHR listing is required. The community has never really had the opportunity to come together and discuss their concerns since the listing.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>Heritage NSW needs to understand the 'impacts' of listing. The impacts are social, economic and environmental.</li> <li>The Braidwood Garden Club has 120 members. It has not really been considered as a key stakeholder.</li> <li>Inventory sheets for SHR listing and items should be updated.</li> <li>Many of the historic industries are still intact, including gold mining, tree logging, and pastoral farming.</li> </ul>
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>The landscape of Braidwood is not captured by the listing, specifically the recognition of boundary trees planted to mark the edge of the early properties/township.</li> <li>Aboriginal cultural values have not been well understood or interpreted. Listing needs to consider Chinese history in Braidwood and the surrounding landscape, including water races, joss houses etc.</li> </ul>
Online Survey	<p>Under Question 2 of the survey, the participants noted the following features as being of heritage significance in Braidwood:</p> <ul style="list-style-type: none"> <li>The historic buildings, including public buildings, shops, houses, pubs, outbuildings (i.e. sheds and stables) and churches.</li> <li>The early nineteenth-century and early twentieth-century buildings with good examples of colonial craftsmanship including cedar joinery, rare winder staircases, fine Georgian style window casements and cedar fireplace surrounds.</li> <li>The Georgian or 'Larmer' town plan, and the size of the lots and laneways.</li> <li>The landscape features, including gardens, trees and parks (i.e. Ryrie Park and recreation grounds).</li> <li>The remnant vegetation, including hedgerows.</li> <li>The views from the middle of the town towards the rural landscape.</li> <li>Braidwood's link to other historic villages and Mount Gillamatong.</li> <li>The streetscape character of Wallace Street, including shopfronts but also footpaths, granite guttering, sandstone flags, iron hitching posts (removed and/or relocated), swales, street trees and the wide main street layout.</li> <li>The rural environment including paddocks, the trees abutting the town, and creeks.</li> </ul>





Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>• Braidwood’s connection to the gold rush and the remaining huts, joss house, and Chinese water-races on the Shoalhaven River.</li> <li>• Aboriginal sites.</li> <li>• The cemetery and Thomas Braidwood Wilson’s grave site.</li> <li>• Braidwood’s history, including Chinese migration, bushrangers, plantations and convict labour, colonial expansion, the gold rush, the connection to a Melbourne Cup winner and the contemporary film culture/industry.</li> <li>• The small community and culture.</li> <li>• The SHR curtilage itself.</li> </ul> <p>A few responses noted that Braidwood has lost much of its significance or has ‘very little’ heritage significance. Another response noted there are towns older than Braidwood, which should be given priority in terms of heritage protection. Other participants noted they were not interested in heritage conservation. One respondent stated the SHR listing perfectly captured the significance of Braidwood.</p>
Targeted Discussions	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• Australia doesn’t appreciate its cultural heritage. QPRC sees Braidwood as a burden.</li> <li>• The inventory sheet should be updated, including the Statement of Significance, and a comparative analysis with other similar state listed properties should be added.</li> </ul>
Discussions with First Nations Representatives	<p>The existing statement of significance and assessment under the criteria for ‘Braidwood and its Setting’ does not include First Nations cultural heritage. The statement of significance should be updated. Any additions to the assessment recognising First Nations cultural heritage should be broad and inclusive of all First Nations peoples who have attachments to Braidwood. The details about the locations and significance of individual Aboriginal sites and objects should not be included in the listing. Further consultation with First Nations peoples should be undertaken to understand more about women’s sites, totem animals, breeding cycles and Indigenous knowledge about cold burning.</p>



### 3.1.9 History of Approvals

Table 3.9 History of approvals.

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>• New development on Ryrie Street impacts significant views.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>• New development on Ryrie Street impacts significant views.</li> <li>• There are concerns about the repainting of the Bushell's Tea signage.</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>• There is a widespread misunderstanding of the Integrated Development Approvals (IDA), heritage protection and management processes. Applicants go directly to Heritage NSW in Sydney to avoid delays. Applicants consider QPRC and Heritage Advisor to be tougher.</li> <li>• QPRC is inconsistent in its application of the 'rules'.</li> <li>• QPRC don't have the resources or experience to manage the 'rules' in relation to heritage.</li> <li>• Araluen Cottage was damaged by works.</li> <li>• New contemporary signage outside Braidwood Central School, is inappropriate for its context. The design of the signage does not comply with the Braidwood DCP 2006.</li> <li>• New development approved on Ryrie Street impacted significant views. The view cones are included in the description in the SHR listing. The IDA was approved by Heritage NSW. QPRC doesn't consider there to be any view cones. Further modifications were lodged and did not consider the Braidwood DCP 2006, particularly the roof design control which specifies a 40-degree pitch and tin roof material.</li> <li>• QPRC is unaware of heritage system and heritage exemptions function in the heritage system. A stop work order was given for conservation works.</li> <li>• There are some good examples of conservation i.e. Tidmarsh cottage received a National Trust award and was nominated for SHR listing. Heritage NSW lost the application and CMP. The property was later sold and stripped. The property was listed in 2003 but Heritage NSW only called the applicant in 2013.</li> <li>• A DA was approved for demolition of a c1800 cottage.</li> <li>• Council has removed the granite edging on footpaths and hitching posts for horses along Wallace Street</li> </ul>



Mode of consultation	Comments
	through a series of ad hoc decisions without any regard for heritage.
Community Drop-In Session	The following comments were received: <ul style="list-style-type: none"> <li>• Applicants are bypassing QPRC and contacting Heritage NSW for a 'better deal'.</li> <li>• There are concerns about the repainting of the Bushell's Tea signage.</li> </ul>
Online Survey	No comments were received.
Targeted Discussions	No comments were received.
Discussions with First Nations Representatives	No comments were received.

### 3.1.10 Community's Expectations of Heritage

Mode of consultation	Comments
Council Meeting	The following comments were received: <ul style="list-style-type: none"> <li>• A flyer about the project should have been sent out (door to door) to the residents.</li> </ul>
Community Information Session	The following comments were received: <ul style="list-style-type: none"> <li>• The SHR listing in 2006 created a divide in the town: 'pro' listing and 'against' listing. This argument within the town has died down since then but remains unresolved. Generally, the community is happy living in Braidwood.</li> </ul>
Stakeholder Workshops	The following comments were received: <ul style="list-style-type: none"> <li>• Whether people 'love' or 'hate' the heritage listing, people are proud of Braidwood. The community have a mainly positive view of the listing.</li> <li>• Heritage is often blamed when things go wrong i.e. bad planning outcomes. There is misunderstanding and misinformation about heritage.</li> <li>• Braidwood will boom regardless of heritage issues. Braidwood is well located and could become the next Southern Highlands.</li> <li>• The community division needs to be healed.</li> <li>• There could be community and Council initiatives to encourage skills development, i.e. 'Painting the Town', a previous initiative in partnership with Porters Paints, was sidelined by Council because of perceived heritage impacts. This would harness existing technical skills in local community.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>An Economic Plan for the town, that includes tourism, should be prepared to guide Braidwood's future as heritage and history is the foundation of tourism.</li> <li>Braidwood and District Historical Society wants to establish a Braidwood Heritage Centre. The architectural design would be accessible and include an event space.</li> <li>Accommodation in Braidwood is limited. Heritage buildings could be adapted into accommodation.</li> <li>Braidwood Connect events occurred prior to bushfires and COVID-19 and attracted a mixture of age groups.</li> <li>There was previously public access to heritage sites on private land. These have become restricted, i.e. access to Dr Thomas Braidwood Wilson's grave site and reinstatement of historic pilgrimage walk that started in 1842.</li> </ul>
Community Drop-In Session	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>The Braidwood community is proud of the heritage listing.</li> <li>People are open to tourism opportunities that do not affect the character of the place.</li> <li>There is a deep frustration from both the people that love the heritage and those that hate it.</li> <li>There are many untapped resources in the town.</li> <li>There are heritage/conservation skills embedded in the community, e.g. pottery makers, fitters, turners and metal workers. Heritage skills could be learnt in workshops, where people can come and learn past skills.</li> <li>Tourism will support some of the smaller industries in Braidwood i.e. the local timber mill.</li> <li>Changes to Braidwood need to be made with a 'sympathetic eye'.</li> <li>People that have grown up here moved away and have returned with their young kids.</li> </ul>
Online Survey	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>The community would like to acknowledge Braidwood's First Nations cultural history.</li> <li>There is an opportunity to increase Braidwood's tourism opportunities. This could be done through a revival of Braidwood's skills, such as cider making and blacksmithing, and opening up the working homesteads to tourists. The town's location halfway between Canberra and the coast offers enormous potential.</li> <li>The consistent streetscape is important and maintains the village scale and character of Braidwood.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>• The businesses in Braidwood close at 3.00pm and there is nothing to do in town after this time. The town needs overnight accommodation. There have been music concerts held on weekends which should be encouraged.</li> <li>• The implementation of sustainable energy should be considered, including electrical charging stations, and solar panels.</li> <li>• The Braidwood Museum should be refurbished to showcase Braidwood’s history.</li> <li>• QPRC and Heritage NSW should have staff that understand Braidwood’s issues and the heritage requirements for a state listed town.</li> <li>• The reinstatement of public access to Dr Wilson’s grave is important.</li> <li>• The participants would like to see investment in Braidwood’s heritage.</li> </ul> <p>As part of the online survey, the participants were asked to rank Braidwood’s highest priorities. The priorities were adopted from the Vision Statement and correspondence received by the Braidwood and Villages Business Chamber. The participants ranked ‘a practical approach to heritage conservation (the introduction of sympathetic guidelines for new works and services)’ and the ‘development of a heritage study or masterplan’ as the first priority for Braidwood. ‘First Nations cultural heritage’ and ‘increased government resourcing’ were considered equal second priorities for Braidwood. Following this, the participants ranked ‘reducing red tape’ and ‘economic growth and tourism’ as equal third in the list of priorities. ‘New development’ was considered the last priority for Braidwood (refer to Figure 3.1).</p> <p>Further comments provided by participants in the online survey are listed below:</p> <ul style="list-style-type: none"> <li>• More street trees should be planted to provide sun protection.</li> <li>• Tourism strategies should be implemented.</li> <li>• First Nations cultural heritage should be acknowledged as part of Braidwood’s history.</li> <li>• There needs to be more guidance on how owners can implement building standards to heritage items.</li> <li>• Future conservation of Braidwood should directly involve the heritage and history community groups based in Braidwood.</li> <li>• Install underground powerlines on Wallace Street.</li> <li>• Remove the ramps and replace them with traffic harbours.</li> </ul>



Mode of consultation	Comments
	<ul style="list-style-type: none"> <li>• Braidwood’s monthly cattle sale continues to be the biggest income generator for the town. Other industries that thrive in Braidwood include the hospital, school, sheep and lamb production.</li> <li>• There is community support for heritage conservation, but not the SHR listing.</li> <li>• Braidwood’s ‘biggest downfall’ is its heritage listing which is impractical, restrictive and divisive.</li> <li>• Braidwood should be growing at the same rate as Bungendore.</li> </ul>
Targeted Discussions	<p>The following comments were received:</p> <ul style="list-style-type: none"> <li>• The heritage of Braidwood and surrounds needs to include consideration of the region’s local First Nations heritage.</li> <li>• A strategy and plan for Braidwood’s heritage related future needs to address how the heritage listing will drive future economic benefit for the state, region and township.</li> </ul>
Discussions with First Nations Representatives	<p>The discussions with First Nations representatives revealed there is an ongoing relationship between First Nations people and Braidwood, and the surrounding area. However, this relationship has been fractured over time and is difficult for First Nations peoples.</p> <p>One example of the continuing relationship between First Nations people and Braidwood includes their involvement in the Two Fires Festival which promotes native and local food, art and literature, local activism, Indigenous culture and regenerative farming. As part of the festival a monument known as the ‘Dhurga Rock’ was placed in Ryrie Park in May 2015. One side of the monument includes carvings of native animal totems, by a Budawang and Yuin artist. The other side includes an inscription, acknowledging the dispossession and displacement of First Nations peoples.</p> <p>The inscription reads:</p> <p>‘This rock stands as an acknowledgement that the land in the Braidwood region was occupied and cared for by the people of the Dhurga language group for tens of thousands of years before European settlement.</p> <p>Their dispossession and displacement and the resulting suffering and loss of sacred culture are deeply regretted.</p>



Mode of consultation	Comments
	We aspire to a shared future in which Aboriginal wisdom is valued and all people and the land are respected and cared for.'

Question 6: What do you think are the highest priorities for Braidwood?

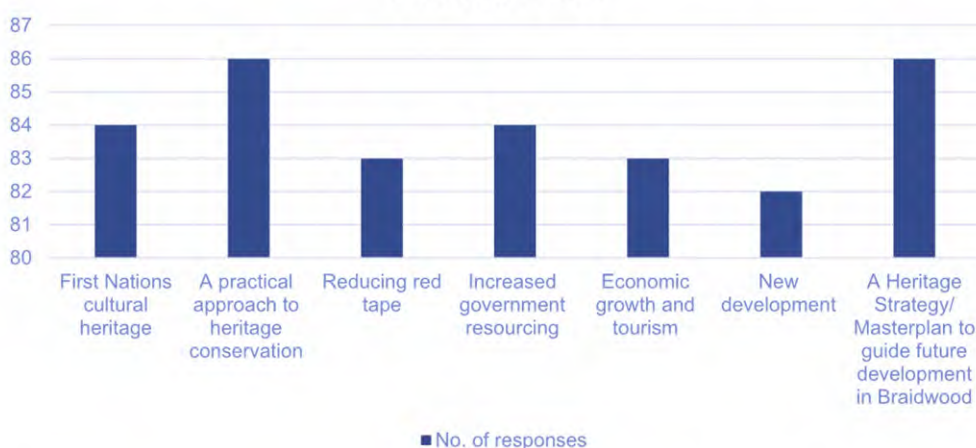


Figure 3.2 Participants' responses to Question 6 of the online survey. (Source: GML Heritage 2022)

### 3.2 Key Takeaways

Several key takeaways have emerged from the comments received and highlight a broad range of issues regarding the SHR listing. These takeaways will be further developed in the next stage of the project.

Table 3.10 Key takeaways from community and stakeholder engagement.

Issues Identified	Overview
The community care deeply for Braidwood	The community were engaged in the program and shared very personal stories with the team. The impact of the SHR listing is evident and deeply felt by previous and current Braidwood residents and business owners. Many of the comments received contradicted other comments, which represents the broad range of impacts the listing has had on the community. In particular, residents who live within the curtilage and outside the curtilage have very different views of the listing. The surveys identified



Issues Identified	Overview
	the divisive nature of the listing as one of the key challenges for Braidwood.
First Nations cultural heritage	Recognition of First Nations associations and attachments to Braidwood is important. Prior to the inclusion of First Nations cultural heritage in the SHR listing, further community consultation should be undertaken. A deeper conversation about women's sites, cold burning, totem animals and breeding cycles on the land of the Yuin Nation is required.
A breakdown of communication	There was no hesitation from the community in sharing the struggles that they have experienced with local and state government since the SHR listing in 2006. The broader community wants clarity and ongoing support from both QPRC and Heritage NSW.
A review of the planning and heritage management of Braidwood, including the SHR listing, development controls, exemptions, and assessment process	There was a clear desire to review and streamline the current planning and heritage management process. The community expressed confusion around the compliance and statutory requirements for the SHR listing. In addition, the survey revealed that the creation of practical guidelines for new development and works is seen as the highest priority for Braidwood. The participants were equally interested in the development of a heritage strategy or masterplan for the town.
Skills development, resourcing, and funding	The community expressed a desire for skills development, resourcing, and funding to assist them and to foster a sense of ownership of the town. This could be implemented through heritage grants and education material.
Long-term consultation	The participants wanted to ensure that this project and the consultation process develops into a long-term relationship with QPRC and Heritage NSW. The community would like a representative from both Heritage NSW and QPRC made available in town.
Tourism opportunities	Tourism was a consistent theme in the survey responses. A large number of the survey respondents noted tourism as Braidwood's key opportunity. On balance, some participants noted that tourism could become overwhelming for Braidwood and create further pressures or result in a loss of authenticity. The community have suggested Braidwood's tourism be focused on historic skills, such as blacksmithing and apple cider making, and recognise Braidwood's social history i.e. First Nations, gold mining and Chinese migration. Development of the Braidwood Museum, as a destination, was also suggested.
Management challenges	The survey responses revealed the community is equally concerned about heritage restricting new development in





Issues Identified	Overview
	Braidwood; and how to best conserve or implement sympathetic works within the SHR curtilage and surrounding areas. This indicates Braidwood is struggling to effectively manage the listing in a way that promotes both sympathetic new development and heritage conservation.

## 4 Conclusion and Recommendations



## 4 Conclusion and Recommendations

This report provides an overview of the Braidwood community engagement program. It includes a summary of the issues and concerns expressed by the community and stakeholders regarding the effectiveness of the SHR listing for 'Braidwood and its Setting' along with a range of associated planning, management, and other matters. These matters are identified in Section 3.

Several other key takeaways emerged specifically from the community engagement including:

- the township and its community are held in high esteem;
- there are breakdowns in the coordination and communication between the various levels of government and the community;
- there is a lack of clarity and consistency in the statutory heritage planning, management, and development control of Braidwood;
- there is a demonstrable lack of access to technical support, advice and funding; and
- the community are active, creative, and skilled, and they seek opportunities to participate in the ongoing management, conservation, and promotion of Braidwood.

### 4.1 Recommendations

The following recommendations should be carried out prior to Milestone 3:

- Consider publicly releasing this Milestone 2 report for public comment following internal review by Heritage NSW. This will provide another community 'touchpoint' and help ensure the report reflects participants' views and gather further information that may be useful to the project.
- Consider an additional round of consultation with the Braidwood community and relevant stakeholders. This could involve an information session, in-person community drop-in sessions (1–2 days), including discussions with business owners and other stakeholders. Another effective engagement method could include hosting an information stall at the Braidwood markets. We suggest the engagement program should run from Thursday to Saturday, to capture a larger, more diverse local and regional audience.
- Consider undertaking further consultation with First Nations peoples that have cultural attachments to Braidwood and surrounding areas to better inform the project.
- Promote any additional consultation for this project via a letterbox drop in Braidwood in addition to the methods already utilised. This responds directly to feedback received from the community.



- Consider using different engagement techniques to find out what younger members of the community think about heritage in Braidwood.

## 5 Appendices



## 5 Appendices

### Appendix A

*Braidwood Bugle Advertisement*

### Appendix B

Flyers Developed for Community and Stakeholder Engagement

## Appendix A

Braidwood Bugle Advertisement



Image Source: Braidwood & District Historical Society

## Community Information Session: Management Review of 'Braidwood and its Setting' State Heritage Register Listing

*Please come along to share your views on heritage management and conservation in Braidwood.*

It has been 15 years since the Georgian township of Braidwood was listed on the State Heritage Register. GML Heritage is working with Heritage NSW, to review heritage planning and management for the historic township. As part of this project, a community engagement program has been developed and there will be several opportunities for the community to get involved.

A Community Information Session is being held as part of the project to engage with local residents and other key stakeholders. The session will be held at the Braidwood Servicemans Club on **Thursday 19 May 2022** at 6:15pm.

If you are interested in participating, please register to attend the session on Eventbrite: <https://www.eventbrite.com.au/e/330411127577>

You can also drop-in to the Braidwood National Theatre Community Centre on **Friday 20 May 2022** between 2:00pm and 5:00pm to chat with the team.

**If you would like more information about the project, please visit our website [www.gml.com.au](http://www.gml.com.au)**



## Appendix B

Flyers Developed for Community and Stakeholder Engagement



### Community & Stakeholder Consultation

#### 15-Year Management Review of 'Braidwood and its Setting' State Heritage Register Listing

GML Heritage is working with Heritage NSW, to review heritage planning and management for the historic township of Braidwood. We have developed a community and stakeholder consultation program as part of Milestone 2 of this project. There are several opportunities for the community to get involved:

##### Community Information Session

Join us at Braidwood Servicemens Club & Golf Course on **Thursday 19 May 2022** at 6:15pm.

##### Community Drop-in Session

Visit the team at the Braidwood National Theatre on **Friday 20 May 2022**, between 2:00pm and 5:00pm.

##### Complete the Online Survey

The survey is available here: <https://www.surveymonkey.com/r/YJ32QXG> and GML's website.

The survey period will close on **31 May 2022**.

If you would like more information about this project, go to our website:  
<https://www.gml.com.au/news/share-your-views-about-braidwoods-heritage/>



### Community & Stakeholder Consultation

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## Community & Stakeholder Consultation

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We held a Community Information Session at Braidwood Servicemens Club & Golf Course on Thursday 19 May 2022 and Stakeholder Workshops and a Community Drop-in Session at the Braidwood National Theatre on Friday 20 May 2022. We would like to thank all those who participated.

**If you would like to share your thoughts about Braidwood's heritage you still have time to complete the online survey.**

The online survey is available here: <https://www.surveymonkey.com/r/YJ32QXG>

**The survey period has been extended to Sunday, 19 June 2022.**

If you would like more information about this project, go to our website:  
<https://www.gml.com.au/news/share-your-views-about-braidwoods-heritage/>



Heritage NSW

