



mmj.com.au

Planning Proposal

Amendment to Shoalhaven Local Environmental Plan 2014

Proposed rezoning from R2 Low Density Residential to R3 Medium Density Residential at 49 Queen Street, Berry and 20 Edward Street, Berry

Lot C DP 37994
No. 49 Queen Street, Berry

Lot 19 DP 803611
No. 20 Edward Street, Berry

Version 1: June 2020



Subject		Planning Proposal
In respect of		Proposed rezoning from R2 Low Density Residential to R3 Medium Density Residential at 49 Queen Street, Berry and 20 Edward Street, Berry
Property		Lot C DP 379984 No. 49 Queen Street, Berry Lot 19 DP 803611 No. 20 Edward Street, Berry
Prepared for		Dunfrod Pty Ltd
Prepared by		MMJ Wollongong Town Planning Consultancy Division 6-8 Regent Street Wollongong NSW 2500 Telephone: (02) 4229 5555 Facsimile: (02) 4226 5741
Contact		Lauren Turner BUrbRegPlan MPIA Senior Town Planner
Job No.		19.63
Dated		June 2020

This report has been compiled by Martin Morris & Jones Pty Ltd (MMJ) and is supplied and distributed on the understanding that MMJ will not be responsible for any loss or damage that may result from any use of the information contained within this document.

This report has been prepared for the purpose as described only and no part should be used for any other purpose and/or in any other context without prior approval from MMJ. Should any further information and/or discussion be required as a result of the advice contained within this report, please advise at the earliest convenience.



Table of Contents

1.0	Introduction	1
1.1	Support Documentation.....	2
1.2	Conceptual Framework.....	3
1.3	Subject Land	3
1.3.1	Existing Development	4
1.3.2	Existing Planning Controls	7
2.0	Part 1 – Intended Outcome	10
3.0	Part 2 – Explanation of Provisions	13
4.0	Part 3 – Justification	14
4.1	Planning Secretary Requirements	14
4.2	Section A – Need for the Planning Proposal.....	14
4.2.1	Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?	14
4.2.2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	15
4.3	Section B – Relationship to Strategic Planning framework	16
4.3.1	Will the planning proposal give effect to the objectives and of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	16
4.3.2	Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?	18
4.3.3	Is the planning proposal consistent with applicable state environmental planning policies?	18
4.3.4	Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?	19
4.4	Section C – Environmental, Social and Economic Impact	23
4.4.1	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	23
4.4.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	23
4.4.3	How has the planning proposal adequately addressed any social and economic effects?	24
4.5	Section D – State and Commonwealth Interests	24
4.5.1	Is there adequate public infrastructure for the planning proposal?	24
4.5.2	What are the views of State and Commonwealth Public authorities?	26
5.0	Part 4 Mapping	27
5.1	Part 5 Community Consultation.....	27
5.2	Part 6 Project Timeline.....	27
6.0	Conclusion	28

Figures

- Figure 1: Site Location Map - 49 Queen Street & 20 Edward Street, Berry (*Source: Shoalhaven City Council)
- Figure 2: 49 Queen Street & 20 Edward Street, Berry (*Source: NearMap)
- Figure 3: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Land Zoning Map (*Source: Shoalhaven City Council)
- Figure 4: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Height of Building Map (*Source: Shoalhaven City Council)
- Figure 5: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Minimum Lot Size Map (*Source: Shoalhaven City Council)
- Figure 6: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Heritage Map (*Source: Shoalhaven City Council)
- Figure 7: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Acid Sulfate Soils Map (*Source: Shoalhaven City Council)
- Figure 8: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven Council Interactive Flood Map (*Source: Shoalhaven City Council)
- Figure 9: Proposed Site Masterplan (*Source: IArchitecture)
- Figure 10: Concept Development Proposal – 3D Isometric Views (*Source: IArchitecture)
- Figure 11: Concept Development Proposal – 3D Isometric Views (*Source: IArchitecture)
- Figure 12: NBN Co Rollout Map (*Source: NBN Co)
- Figure 13: Existing zoning
- Figure 14: Proposed zoning
- Figure 15: Existing lot size
- Figure 16: Proposed lot size

Plates

- Plate 1: View of the Queen Street frontage viewing north/west (*Source: MMJ Planning)
- Plate 2: View of the subject land viewing north/west (*Source: MMJ Planning)
- Plate 3: Existing factory sheds on site (*Source: MMJ Planning)
- Plate 4: Rear of the site looking north (*Source: MMJ Planning)
- Plate 5: Historic Building located at 51A Queen Street, Berry (*Source: MMJ Planning)
- Plate 6: Renovated two storey dwelling at 26 Albert Street, Berry (*Source: MMJ Planning)
- Plate 7: Existing Dwelling at 11 Edward Street, Berry (*Source: MMJ Planning)
- Plate 8: Electrical Transformer Site at 7 Edward St, Berry (*Source: MMJ Planning)
- Plate 9: Heritage Listed Dwelling at 50 Queen St (directly opposite the subject land), Berry (*Source: MMJ Planning)
- Plate 10: Commercial development at the western end of the commercial centre of Berry – Corner of Queen and Albany Street (*Source: MMJ Planning)
- Plate 11: Two storey heritage buildings on Queen Street in the town centre (*Source: MMJ Planning)
- Plate 12: Queen Street retail area looking west (*Source: MMJ Planning)
- Plate 13: Existing Two-Storey heritage listed dwelling at 60-62 Queen Street, Berry (*Source: MMJ Planning)
- Plate 14: New attached dwelling development on North Street (*Source: MMJ Planning)

Tables

- Table 1: Documentation to Support the Planning Proposal Pre-Gateway



Appendices

1. Planning Proposal Lodgement Form
2. Planning Proposal Consent Letter
3. SEPP Checklist
4. Section 9.1 Directions
5. Prelodgement Meeting Advice
6. Detailed Site Survey
7. Detailed Site Analysis
8. Existing Character Analysis
9. Concept Architectural Plans
10. Proposed LEP changes mapping
11. Stormwater Concept Plan
12. Preliminary Site Investigation on Contamination
13. Shoalhaven Water/Sewer Feasibility
14. Electricity Services Investigation
15. Confirmation of Existing Use Rights

1.0 Introduction

Martin Morris & Jones Pty Limited (MMJ Wollongong) has been engaged by Dunfrod Pty Ltd to co-ordinate the preparation and lodgement of a Planning Proposal for submission to Shoalhaven City Council. The purpose of the Planning Proposal (PP) is to rezone the land at 49 Queen Street, Berry and 20 Edward Street, Berry from R2 Low Density Residential to R3 Medium Density Residential and to remove the Minimum Lot Size layer from the land. The site is located on the corner of Queen Street and Edward Street, Berry which is to the west of the Berry Town Centre - see *Figure 1* below.

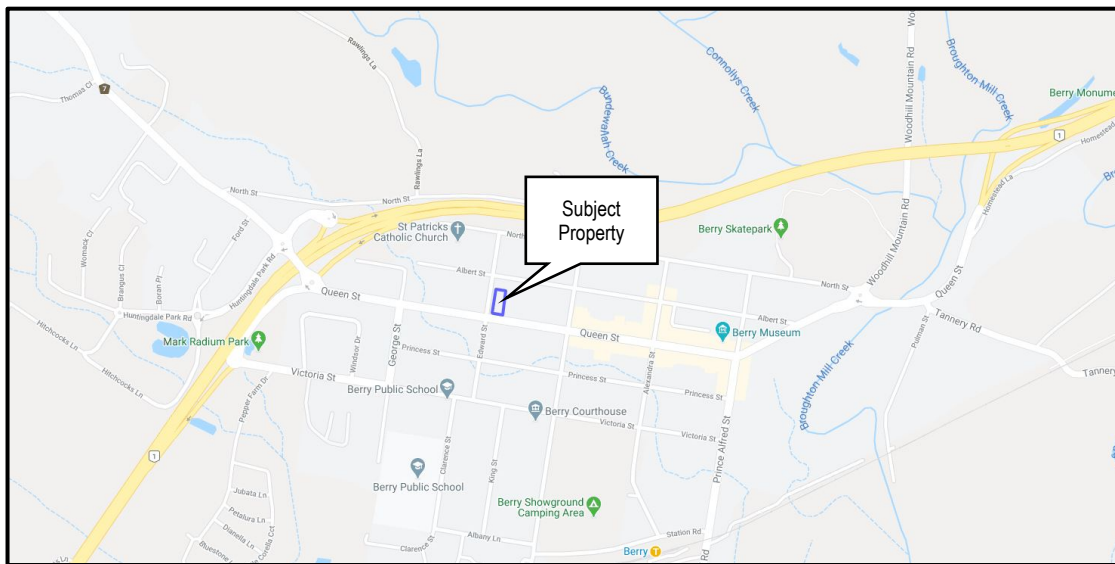


Figure 1: Site Location Map - 49 Queen Street & 20 Edward Street, Berry (*Source: Shoalhaven City Council)

A prelodgement meeting was held with Shoalhaven City Council (Council) in December 2019 to discuss a Planning Proposal for this site (see Appendix 5). At this meeting, the intention for a proposed zoning change to reflect the existing commercial use of this building was discussed. Following further architectural development and feasibility advice, the proposed zoning change to a commercial zone will not result in a completely viable development without sufficient residential yield in a mixed-use development. Given the site layout, a multi dwelling development in this location is considered to be superior and will provide increased residential yield to provide diverse housing choice and increase the population to support the Berry Main Street.

In essence, this PP seeks the following amendments to Shoalhaven LEP 2014:

	Existing	Proposed
Land Zoning	R2 Low Density Residential	R3 Medium Density Residential
Minimum Lot Size	500m ²	No Minimum Lot Size

1.1 Support Documentation

Input from various specialist consultants has been obtained in relation to the proposed development. As such, the following documentation is provided to support the Planning Proposal pre gateway:

Pre-Gateway Documentation		
Appendix	Document	Prepared by
1.	Planning Proposal Lodgement Form	MMJ Wollongong
2.	Planning Proposal Consent Letter	Dunfrod Pty Ltd
3.	SEPP Checklist	MMJ Wollongong
4.	Section 9.1 Directions	MMJ Wollongong
5.	Prelodgement Meeting Advice	Shoalhaven City Council
6.	Detailed Site Survey	Johnson Proctor Surveyors
7.	Detailed Site Analysis	IArchitecture
8.	Existing Character Analysis	IArchitecture
9.	Concept Architectural Plans	IArchitecture
10.	Proposed LEP changes mapping	IArchitecture
11.	Stormwater Concept Plan	Indesco
12.	Preliminary Site Investigation on Contamination	Douglas Partners Pty Ltd
13.	Shoalhaven Water/Sewer Feasibility	MMJ/Shoalhaven Water
14.	Initial Electricity Services Investigation	Power Line Design
15.	Confirmation of Existing Use Rights	Shoalhaven City Council

Table 1: Documentation to Support the Planning Proposal Pre-Gateway

The following reports/documents may be required by Council and the Department of Planning, Industry and Environment (DPIE) following lodgement of the Planning Proposal and as part of the Gateway Determination

- Traffic Impact Assessment
- Economic Feasibility Assessment
- Heritage Impact Assessment
- Flooding Impact Assessment

At this stage of the Planning Proposal and given the minor nature of this Planning Proposal, it is not considered necessary to undertake further assessment. The proponent will undertake further advice as per Council and DPIE's recommended, however in our view, the additional assessment may not be warranted until the Development Application stage given the existing urban context.

1.2 Conceptual Framework

This report provides a description of the subject site and surrounds, a summary of the existing and relevant legislative framework applying to the site, an identification of the future land use outcome sought by this Planning Proposal and a preliminary environmental review of those relevant matters generally considered for development. In addition to this, this report suggests the proposed amendment criteria required to *Shoalhaven LEP 2014* in order to allow the implementation of this future desired rezoning outcome.

This Planning Proposal has been prepared for Council in consideration of those requirements under Section 3.33(3) of the *Environmental Planning and Assessment Act 1979 (the Act)*, together with the NSW Department of Planning and Environment's "*A guide to preparing planning proposals*" (October 2012). In general, this Planning Proposal comprises the following considerations as required:-

- Part 1 A statement of the objectives or intended outcomes of the proposed instrument.
- Part 2 An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 The justification for those objectives, outcomes and the process for their implementation based on technical studies.
- Part 4 The existing controls that apply to the site based on the Council's LEP Maps.
- Part 5 Details of the community consultation to be undertaken on the planning proposal.
- Part 6 A project timeline.

1.3 Subject Land

The subject site is located on the corner of Queen and Edward Street, Berry (see *Figure 1 and 2* below). This land incorporates two allotments described as Lot C in DP 379984, 49 Queen Street and Lot 19 DP 803611, 20 Edward Street, Berry. Lot C is 645m² and Lot 19 is 943m² with a combined area of 1588m². A detailed site survey and a detailed site analysis plan are included in the PP Package.

The site has a slight slope from the north-west corner of the site to the south-east corner. There is a Sewer Main and Sewer Junction located on Lot 19 which traverses the property from east to west.

There are several buildings located on the subject land that are associated with the existing light industrial/commercial use of the property as detailed in *Figure 2*.



Figure 2: 49 Queen Street & 20 Edward Street, Berry (*Source: NearMap)

1.3.1 Existing Development

The property has historically been used for light manufacturing, retail and office premises. The first record of development on this site, is a Garage identified as improvements on the land in the 1953 and 1963 Valuer General’s Valuation List held on record at Shoalhaven City Council.

Development Applications have been approved for the site relating to the factory on site and manufacturing/commercial uses. The commercial buildings are currently leased to a number of tenants including a wool store, an antique/furniture store and office premises. The existing use of the premises for light industry and associated retail development has been confirmed by Council, see Appendix 15.

The Site Analysis Plan has been prepared by iArchitecture and is included in Appendix 7.

Surrounding development immediately adjoining the site is detailed as follows:-

- To the north: Existing Low Density Residential Properties*
- To the south: Existing Residential Dwellings including Heritage Listed Dwelling at 50 Queen St.*
- To the east: Existing Low Density Residential Properties*
- To the west: Existing Dwellings, Multi Dwelling Housing, Electricity Transformer Unit at 7 Edward Street and Berry Preschool at 24 Albert Street.*

The site photos below illustrate the site and surrounding conditions, including the wider Berry Context.



Plate 1: View of the Queen Street frontage viewing north/west (*Source: MMJ Planning)



Plate 2: View of the subject land viewing north/west (*Source: MMJ Planning)



Plate 3: Existing factory sheds on site (*Source: MMJ Planning)



Plate 4: 20 Edward Street looking north (*Source: MMJ Planning)



Plate 5: Historic Building located at 51A Queen Street, Berry (*Source: MMJ Planning)



Plate 6: Renovated two storey dwelling at 26 Albert Street, Berry (*Source: MMJ Planning)



Plate 7: Existing Dwelling at 11 Edward Street, Berry (*Source: MMJ Planning)



Plate 8: Telstra Telephone Exchange at 7 Edward St, Berry (*Source: MMJ Planning)



Plate 9: Heritage Listed Dwelling at 50 Queen St (directly opposite the subject land), Berry (*Source: MMJ Planning)



Plate 10: Commercial development at the western end of the commercial centre of Berry – Corner of Queen and Albany Street (*Source: MMJ Planning)



Plate 11: Two storey heritage buildings on Queen Street in the town centre (*Source: MMJ Planning)



Plate 12: Queen Street retail area looking west (*Source: MMJ Planning)



Plate 13: Existing Two-Storey heritage listed dwelling at 60-62 Queen Street, Berry (*Source: MMJ Planning)



Plate 14: New attached dwelling development on North Street (*Source: MMJ Planning)



Plate 15: Multi Dwelling Unit Development on the corner of Queen Street/George Street (*Source: MMJ Planning)



Plate 16: New Dual Occupancy Development at 48 Queen Street (*Source: MMJ Planning)

1.3.2 Existing Planning Controls

The following Shoalhaven Local Environmental Plan (LEP) 2014 layers are relevant to the property and the local context.

SLEP 2014 Layer

Map

Land Zoning

R2 Low Density Residential

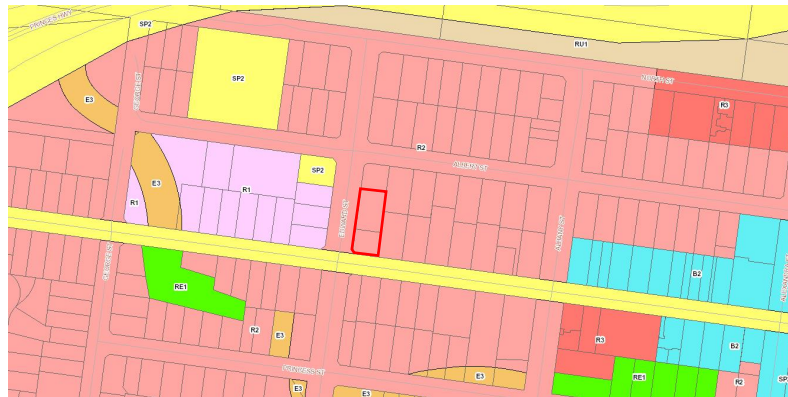


Figure 3: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Land Zoning Map (*Source: Shoalhaven City Council)

Height of Building

8.5m



Figure 4: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Height of Building Map (*Source: Shoalhaven City Council)

Minimum Lot Size

500m2



Figure 5: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Minimum Lot Size Map (*Source: Shoalhaven City Council)

Heritage

N/A. Heritage Item located at 75 Queen Street, Berry

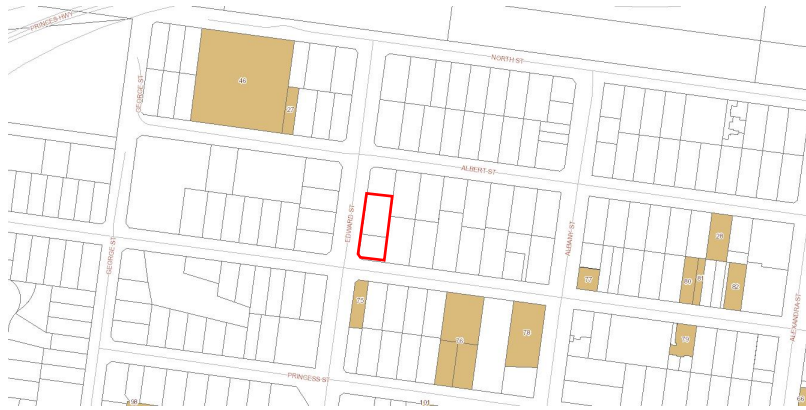


Figure 6: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Heritage Map (*Source: Shoalhaven City Council)

Acid Sulfate Soils

Class 5

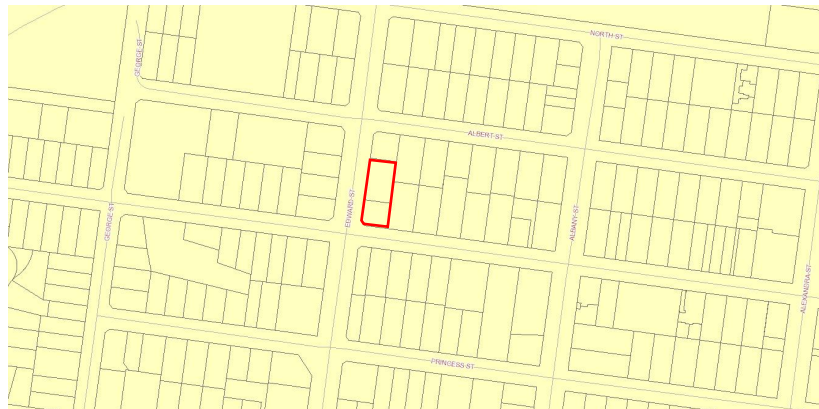


Figure 7: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven LEP 2014 Acid Sulfate Soils Map (*Source: Shoalhaven City Council)

Flood

Part of 49 Queen St, is within an area defined as being “at or below the Flood Planning Level” in accordance with Clause 7.3.



Figure 8: 49 Queen Street & 20 Edward Street, Berry - Extract of the Shoalhaven Council Interactive Flood Map (*Source: Shoalhaven City Council)

2.0 Part 1 – Intended Outcome

The intended outcome of this Planning Proposal (PP) is to: “*permit medium density residential land use on the Subject land to provide for a multi dwelling housing development*”. Early Architectural Schematics for an eight (8) x unit Multi Dwelling Housing development (Terraces) are provided below in Figures 9-11 to illustrate the potential development concept for this site. The scheme has been developed following a review of the existing character (See Appendix 8).

This proposal is generally compliant with the controls in Shoalhaven LEP 2014 and Shoalhaven Development Control Plan (DCP) 2014, with a Floor Space Ratio of 0.7:1 and is below the maximum building height of 8.5m.

The proposed Terrace development is considered to be a suitable form of multi dwelling housing in the context of Berry Town Centre, Terrace style housing will provide the best use of the site whilst being complimentary to the Berry context and nearby heritage items and historic homes. Whilst it is acknowledged that the terrace style housing is only one form of medium density that is permitted under the land use of “multi dwelling housing”, from an urban design perspective, the early concepts demonstrate that the site is capable of this form of development and up to eight (8) dwellings can be accommodated on site.



Figure 9: Proposed Site Masterplan (*Source: IArchitecture)

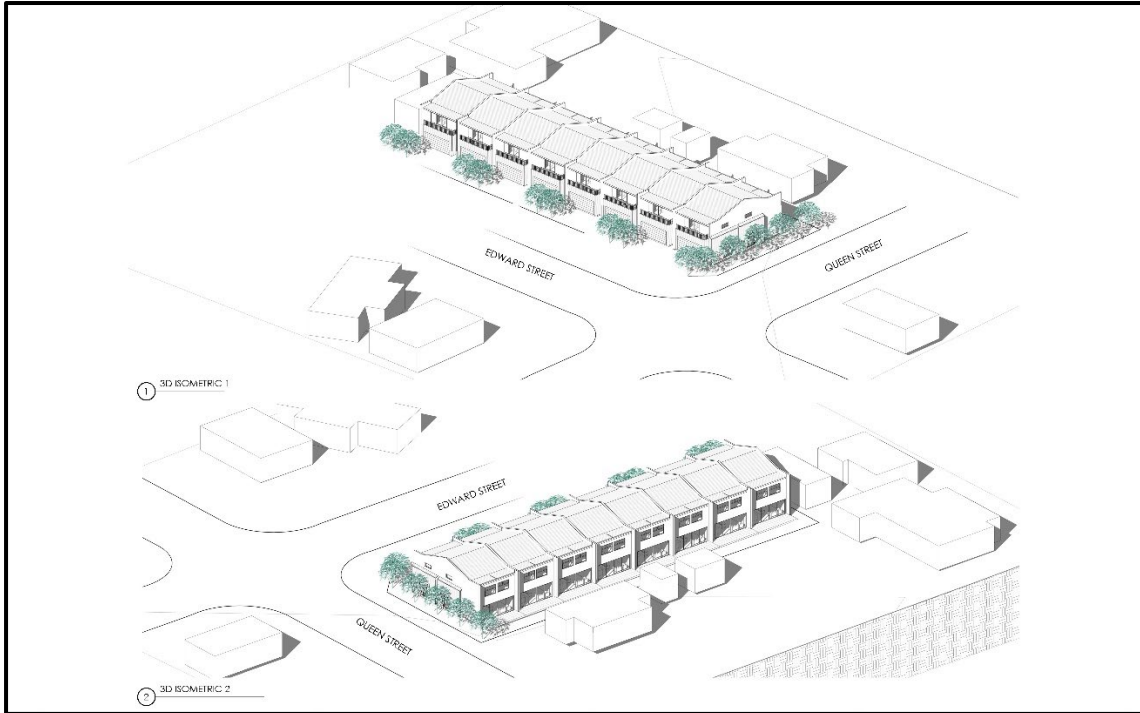


Figure 10: Concept Development Proposal – 3D Isometric Views (*Source: IArchitecture)

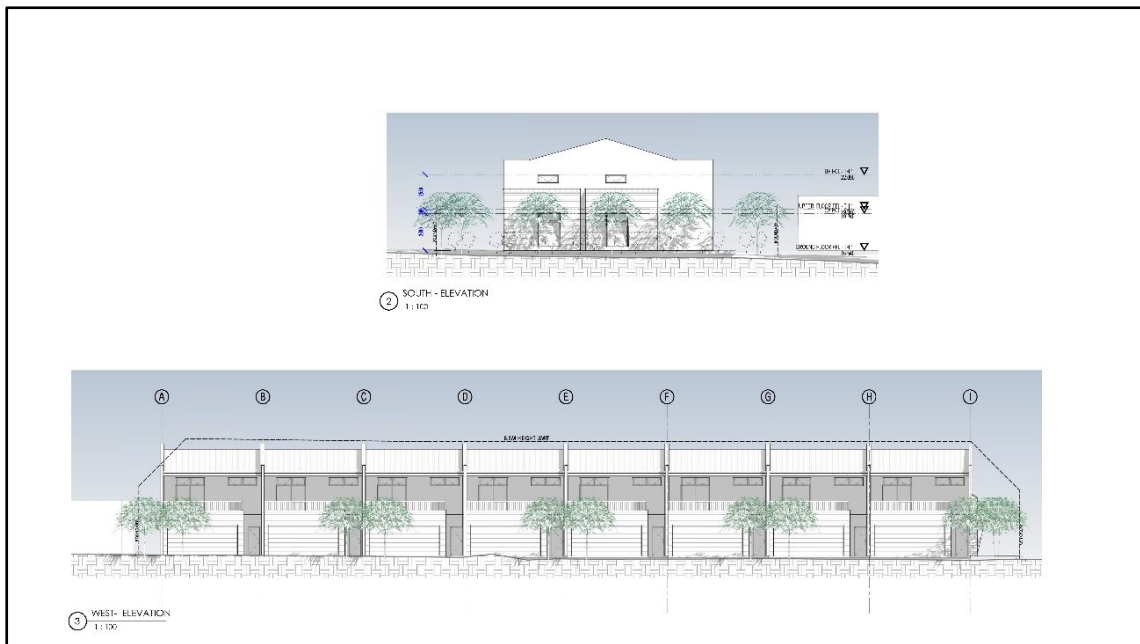


Figure 11: Concept Development Proposal – 3D Isometric Views (*Source: IArchitecture)

This PP seeks to initiate this assessment and determination process in accordance with the provisions of the *Environmental Planning & Assessment Act, 1979*, and recommends amendment criteria to SLEP 2014 to achieve the preferred long-term land use strategy for the subject land. This PP seeks to amend SLEP 2014 by:

- rezoning the land from R2 Low Density Residential to R3 Medium Density Residential.

- removing the minimum lot size layer consistent with other R3 zoned land in Shoalhaven LEP 2014;

The concise statement setting out the objective or intended outcome of this Planning Proposal is as follows:-

“Proposed amendment to rezone 49 Queen St and 20 Edward St, Berry from R2 Low Density Residential to R3 Medium Density Residential and removal of the Minimum Lot Size layer.”

The objective of this Planning Proposal is to rezone the subject sites known as Lot C DP 379984, 49 Queen Street, Berry and Lot 18 in DP 803611, 20 Edward Street, Berry to facilitate redevelopment of this site for multi dwelling housing.

The site currently contains a light industrial/commercial building which benefits from existing use rights and has historically been used for light manufacturing, retail and office premises. Redevelopment of the site for business purposes has been explored, however has proven to be less feasible due to the location and the lower demand for commercial spaces outside of the main street of Berry. There is, however, a demand for additional housing in Berry township, particularly for multi dwelling housing that will provide for additional dwellings in walking distance to the main street to support the economic activity in Berry.



3.0 Part 2 – Explanation of Provisions

The intended outcome of this Planning Proposal is to rezone Lot C in DP 379984, 49 Queen Street and Lot 19 DP 803611, 20 Edward Street, Berry from R2 Low Density Residential to R3 Medium Density Residential and remove the minimum lot size layer for consistency with other R3 zoned land in Shoalhaven LEP 2014.

The proposed outcome will be achieved by amending the Shoalhaven LEP 2014 map as follows:

- Shoalhaven Local Environmental Plan 2014 (SLEP2014) Land Zoning Map in accordance with the proposed zoning map (refer Part 4 Mapping);
- Shoalhaven Local Environmental Plan 2014 (SLEP2014) Lot Size Map in accordance with the proposed lot size map map (refer Part 4 Mapping);

4.0 Part 3 – Justification

In accordance with Clause 3.33 of the *EP&A Act*, this Planning Proposal has been prepared on behalf of Dunfrod Pty/Ltd for consideration by the planning proposal authority of the Planning Proposal. This section of the PP sets out the justification for making the proposed instrument in accordance with Clause 3.33(2) and (3) of the *EP&A Act*.

4.1 Planning Secretary Requirements

Clause 3.33(3) of the *EP&A Act* allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal as outlined in NSW DPIE's "*Guide to Preparing Local Environmental Plans*". The Secretary's requirements include:

- Specific matters that must be addressed in the justification of the planning proposal (included within Part 3 of this Planning Proposal); and
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal. The project timeline forms Part 6 of this planning proposal.

4.2 Section A – Need for the Planning Proposal

4.2.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No, this Planning Proposal (PP) is not directly the result of a strategic study or report. The PP is initiated by the landowner following a review of the existing commercial use of the site and the feasibility of the ongoing commercial use of the land. The PP aims to provide suitable multi dwelling housing to support the Berry Town Centre in accordance with Direction 2.1 of the Illawarra Shoalhaven Regional Plan.

Shoalhaven City Council is yet to endorse a Local Strategic Planning Statement, however the LSPS must be in force by 1 July 2020 in accordance with State Government requirements. Whilst the draft LSPS is not in place, Shoalhaven City Council sought feedback on a draft Shoalhaven Growth Management Strategy 2019-2041 discussion paper and draft Shoalhaven Character Assessment Report which will be technically meet the requirement for an LSPS to be in place.

The draft Shoalhaven Character Assessment Report identifies that the Shoalhaven local context has a lack of housing diversity and affordability, "housing in Shoalhaven is predominately low density separate dwellings and a very small proportion of medium density dwelling, providing little choice or diversity in housing options", other relevant observations in the Report is the aging community and fluctuating population with the large tourism sector in Shoalhaven.

The Shoalhaven Growth Management Strategy (GMS) Version 1 was adopted in 2012 and was endorsed by the State Government in 2014. The overarching aim of the GMS is to ensure adequate housing is provided to accommodate growth, while ecological environments are retained and enhanced. Rural Towns including Milton, Berry and Kangaroo Valley are identified as being low to medium sized urban settlements with mainly tourist/commercial activity. The Growth Considerations for these towns that are relevant to this proposal include:

- Development to focus and strengthen commercial centres
- Increased housing choice through diverse housing styles to reduce impact of ageing population

Given the location of the subject land in the vicinity of the Berry Town Centre and other residential development, our client's see an opportunity to provide a suitable multi dwelling housing development to meet the future housing needs in the Shoalhaven LGA and the Illawarra-Shoalhaven region. The development can provide a diverse housing type and density to meet the changing housing needs of the community.

Having regard to the nature of the surrounding development and the existing character of the Berry Town Centre, the proposed rezoning while not consistent with existing strategies or reports, can be considered complementary to the existing residential area as infill development. Genuine residential density development sites that are within walking distance to town centres are in relatively short supply in Berry LGA. Increased residential density within this locality would provide an increase in available housing product and residents to support the Berry Town Centre and provide a complimentary development that is consistent with the neighbouring medium density residential development.

4.2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the only means of legally achieving the objectives or intended outcomes rezone the subject land in Shoalhaven LEP 2014 to permit multi dwelling housing.

The following options are available to Council:

- a. Amend the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to allow for a change in the land zoning from R2 to R3 with no minimum lot size, via Mapping.

This option is the best means of achieving the intended outcome as it will permit multi dwelling housing consistent with the objectives of the R3 Medium Density Residential zone.

- b. Amend the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to allow for a change in the land zoning from R2 to R1 with a minimum lot size of 500m², via Mapping.

This alternative zone R1 General Residential is would be consistent with the adjoining R1 General Residential zone, however there is other R3 zoned land in Berry. The R3 zoning would be more consistent with the proposed development density.

- c. Amend the Shoalhaven Local Environmental Plan 2014 (SLEP2014) to permit multi dwelling housing via Additional Permitted Use.

This option is not favoured as the proposed multi dwelling housing development would be inconsistent with the objectives of the R2 Low Density Residential zone and is additional permitted uses is not preferred by Council or the Department of Planning, Industry and Environment (DPIE). This option would also be inconsistent with Direction 6.3.

The R1 zone has been reviewed as a potential zoning option for the site given the location of other R1 zoned land to the west, however the proposed shape of this site is suited to multi dwelling housing in the terrace/row housing form which is more consistent with the objectives of the R3 zone and a feasible development results in a FSR of 0.7:1 consistent with the Floor Space Ratio provision of 0.7:1 in Chapter G13 Medium Density and Other Residential Accommodation in Shoalhaven DCP 2014.

Therefore, the Planning Proposal, is the best means of legally achieving the objectives and intended outcomes.

4.3 Section B – Relationship to Strategic Planning framework

4.3.1 Will the planning proposal give effect to the objectives and of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the *Illawarra Shoalhaven Regional Plan (ISRP)*, which identifies increased demands/targets for housing within the region. In this regard, the Plan is very focussed on a collective vision “...for a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances...” To achieve this, five main goals have been set down, being:-

- 1) a prosperous Illawarra-Shoalhaven;
- 2) a region with a variety of housing choices, with homes that meet needs and lifestyles;
- 3) a region with communities that are strong, healthy and well-connected;
- 4) a region that makes appropriate use of agricultural and resource lands; and
- 5) a region that protects and enhances the natural environment.

In terms of the above goals, the most relevant in this instance is “Goal 2 – a variety of housing choices, with homes that meet needs and lifestyles”, given the existing residential development and site’s context.

The relevant Directions from the Regional Plan are discussed below:

Direct 2.1 – Provide sufficient housing supply to suit the changing demands of the region.

Direction 2.1 aims to provide housing to cater for the demands from tourism and the nature of the housing markets. The projected housing need for Shoalhaven LGA is 8, 600 by 2016-36. A large percentage of future dwellings will be located in the Nowra-Bomaderry Urban Release Areas, however given the need for infrastructure and the staged release of lands, there is need for immediate housing supply. This infill development will provide for suitable housing supply and choice in existing urban area.

This PP provides for additional housing supply in walking distance to Berry Town Centre and is consistent with this Direction.

Direction 2.2 – Support housing opportunities close to existing services, jobs and infrastructure in the region’s centres.

Direction 2.2 aims to provide housing in existing urban areas as a sustainable option to take advantage of existing job markets, infrastructure, commercial and retail opportunities, public transport and facilities for pedestrians and cyclists.

Berry is identified as one of the Southern centres as the focus for increased housing activity and this PP is therefore consistent with this Direction.

Direction 5.1 - Protect the region’s environmental value by focusing development in locations with the capacity to absorb development

This Planning Proposal is also consistent with Direction 5.1 as additional housing will be provided in an existing urban centre, consequentially protecting the regions environmental value.

4.3.2 Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

Shoalhaven City Council Community Strategic Plan

The Community Strategic Plan (CSP) sets Council's vision, mission values and principles to reflect the community vision for Shoalhaven. This PP is generally consistent with Council's Community Strategic Plans, including:

- Theme 2 – Sustainable, liveable environments, and
- Action 2.2. – Plan and manage appropriate and sustainable development.

4.3.3 Is the planning proposal consistent with applicable state environmental planning policies?

Yes. A review and assessment against the proposal's consistency with the applicable SEPPs is attached as *Appendix 3* of this report. In this regard,

Whilst a number of the SEPPs are applicable, most are not relevant to the proposed reclassification and this Planning Proposal. The following SEPPs are relevant to this Planning Proposal:

- **SEPP 55 – Contaminated Land**

The subject land has been historically used for light industrial manufacturing/commercial. Clause 6 of the SEPP requires a preliminary contamination assessment to be prepared.

A Preliminary Site Investigation has been prepared by Douglas Partners Pty Ltd (2020) and is provided in Appendix 12 of this report.

The Assessment concluded:

Based on the findings of this PSI, no evidence of substantial or widespread contamination has been identified that would preclude the re-zoning of the site. However, it is considered that there is potential for contamination to exist primarily associated to the potential for fill of an unknown origin and the storage of hazardous chemicals which, if present, may pose a risk to identified receptors.

Further investigation may be warranted if development is proposed at the site, depending on the details of the proposed development.

The Planning Proposal is not inconsistent with the SEPP and any future development will be subject to the provisions of the SEPP.

4.3.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

Yes. A review and assessment against the proposal's consistency with the applicable Section 117 Directions is attached as *Appendix 4* of this report. Being mindful of this assessment, it is considered that this Planning Proposal is clearly consistent with the relevant current strategic State-based planning initiatives applying to the site.

This PP is deemed to be generally consistent with the applicable Section 9.1 Directions. Any inconsistency with the Directions are discussed below.

2.3 Heritage Conservation

The subject land is not listed as a “heritage item” in Schedule 5 of Shoalhaven LEP 2014 or the NSW State Heritage Register. Directly opposite the site is a Heritage Listed “Federation Weatherboard Cottage” at 50 Queen Street, Berry. Given the location of the site in the context of this heritage item, it is considered that the proposed impact will be minimal and the change of zone will provide an opportunity for redevelopment of the site for a land use and building form that is sympathetic and in keeping with the surrounding development and historic characteristics of the Berry Town Centre. Any future development will be required to be sympathetic to nearby heritage items and the local character of Berry through the existing Clause 5.10 in Shoalhaven LEP 2014.

It is understood that Council has recently conducting additional assessments of buildings in the Berry Town Centre for potential Heritage Listing in Shoalhaven LEP 2014, however a Planning Proposal has not yet been prepared to identify these items.

The site is an existing developed site that has been greatly disturbed, there is no indication that items of Aboriginal Significance are located on site and an Aboriginal Cultural Heritage Assessment (ACHA) is not required at this point.

A Character Analysis has been prepared by iArchitecture and early development concepts have been prepared to detail the proposed urban form. The site is located outside of the Berry Town Centre and key heritage precincts in Berry.

Given the existing controls in the LEP and the site not containing any heritage values, the inconsistency is considered to have minor significance.

2.6 Remediation of Contaminated Land

Direction 2.6 was introduced in April 2020 and is applicable, however not relevant as the Planning Proposal does not change the use of the land. A future redevelopment of the site will potentially change the use of the land this will be addressed in further detail at the Development Application stage.

A Preliminary Site Investigation has been undertaken by Douglas Partners which concludes the following:

Based on the findings of this PSI, no evidence of substantial or widespread contamination has been identified that would preclude the re-zoning of the site. However, it is considered that there is potential for contamination to exist primarily associated to the potential for fill of an unknown origin and the storage of hazardous chemicals which, if present, may pose a risk to identified receptors.

Further investigation may be warranted if development is proposed at the site, depending on the details of the proposed development.

3.1 Residential Zones

This direction applies because the PP relates to residential zoned land. The PP is consistent with this direction because:

- It will increase the choice and variety of housing by rezoning the land from R2 to R3 to permit multi dwelling housing
- The existing infrastructure and services have capacity to service the proposed development.

3.3 Home Occupations

Home occupations are permitted in the R2 zoned land and will continue to be permitted in the R3 zone in Shoalhaven LEP 2014.

The Planning Proposal is not inconsistent with this Direction.

3.4 Integrating Land Use and Transport

The Planning Proposal (PP) is generally consistent with this Direction as it promotes the creation of medium density residential development close to main roads, public transport and open space networks. The site is close to existing public transport services including bus services to Nowra, Gerringong and Wollongong/Sydney via stops on Queen Street and Berry Railway Station which has regular train service on the South Coast Line. The site has access to the footpath network on Queen Street providing a direct pedestrian route to Berry Town Centre. The site is close to the nearby the North Street pedestrian footpath which provides access to Huntingdale Estate/Kangaroo Valley Road and recreational areas in Berry.

A Traffic Impact Assessment (TIA) can be undertaken for any future development application, however given that Queen Street was previously at a much higher capacity as the Princes Highway, an assessment is not considered necessary for this minor Planning Proposal.

The PP is inconsistent with this direction, however any the proposed traffic impacts are of minor significance given the existing commercial/light industrial use and the minor nature of this Planning Proposal.

4.1 Acid Sulfate Soils

The subject land is mapped as potentially having Class 5 – Acid Sulfate Soils (see Figure 8). Given the location of the site in relation to higher class Acid Sulfate Soils, there is a low probably of Acid Sulfate Soils being present on site.

A PP must not be prepared that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils or the inconsistency is of minor significance.

Given the very low probably of Acid Sulfate Soils being present on site, a study has not been undertaken and the inconsistency with this direction is of minor significance.

4.3 Flood Prone Land

A small area of 49 Queen Street is identified as being at or below the Flood Planning Level as defined in Clause 7.3 of Shoalhaven LEP 2014 (see Figure 9). The potential for flooding on this site was modelled through Broughton Creek Floodplain Risk Management Study and Plan adopted in 2012, however additional flood modelling has been completed by the Roads and Maritime Services (RMS) which indicates the Berry Bypass to the north of Berry Town Centre has essentially redirected most flooding impacts through the centre of Berry.



The intention of the Planning Proposal is to increase the residential density on this land, however given the minor flooding affectation in this location, a detailed Flood Impact Assessment is not considered necessary and this inconsistency is considered minor.

5.10 Implementation of Regional Plans

The land is not explicitly identified in the Illawarra Regional Plan or a Local Strategy, however the Planning Proposal is consistent with directions in the Regional Plan to provide greater housing supply, variety and choice within existing urban centres.

This Planning Proposal (PP) is inconsistent with this Direction but the inconsistency may be justified as it is of minor significance.

6.1 Approval and Referral Requirements

The Planning Proposal (PP) does not include provisions that require concurrence, consultation or referral of the PP, nor does it identify development as designated development. The PP is consistent with this Direction.

The PP is not inconsistent with this Direction.

6.3 Site Specific Provisions

This Direction applies to the PP. The PP proposes to rezone the site from R2 Low Density Residential to R3 Medium Density Residential and remove the Minimum Lot Size layer.

This PP does not propose any site-specific provisions to be adopted for the subject site and the PP is not inconsistent with this Direction.

4.4 Section C – Environmental, Social and Economic Impact

4.4.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject site is currently zoned residential in an existing urban setting. The Planning Proposal is to rezone land from one residential zone to another and there is unlikely to be any environmental impact directly caused by this change of zone. The subject lands are not identified as currently being affected by critical habitat or threatened species, populations or ecological communities, or their habitats and there is unlikely to be any environmental impact directly caused by the reclassification.

4.4.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is not directly affected by any natural hazards such as bushfire hazard, , landslip or the like, however part of the land is identified as being flood prone. A Stormwater Concept Plan has been prepared by Indesco (see Appendix 11) to demonstrate proposed capacity for stormwater management on site. A Flood Impact Assessment is not considered necessary due to the minor extent of flooding and given the minor increase in residential yield and the site is currently developed for commercial/light industrial use.

Additionally, the land subject to this Planning Proposal is not known to contain any items of aboriginal significance, nor European heritage. Notwithstanding, should the site be redeveloped in the future, any other potential impacts of proposed new development on site by an applicant would be dealt with at the development application/assessment stage.

Some impact on nearby heritage items and the local character is expected, however will be managed by the existing Clause 5.10 Heritage Conservation in Shoalhaven LEP 2014 and existing Development Controls in Shoalhaven Development Control Plan (DCP) 2014.

Based on the information above, any potential environmental effects can be mitigated/addressed through the Post Gateway requirements of this Planning Proposal and at the development application stage if/when the land is rezoned for medium density development.

4.4.3 How has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal will provide additional housing supply in Berry. This is expected to have a positive social and economic impact due to the following reasons:

- Increased affordability, housing choice and supply in Berry Town Centre and the broader dwelling numbers required to accommodate growth in Shoalhaven LGA
- Increased employment during construction of a future development
- Additional residents within walking distance of the Berry Town Centre to support the economic activity in local stores
- The industrial development on site is out of character with surrounding land uses and residential nature of this site
- The potential redevelopment will result in a loss of jobs; however, the site is not currently zoned for the light industrial/commercial development on site
- From an Urban Design perspective, the existing development is an eyesore on the main street of Berry, the proposed redevelopment will compliment the existing streetscape and ensure the entrance to Berry is aesthetically pleasing.
- Redevelopment of a site that is out of character with the immediate context to reduce land use conflict with light industrial/commercial and surrounding residential uses.

4.5 Section D – State and Commonwealth Interests

4.5.1 Is there adequate public infrastructure for the planning proposal?

Yes. The subject land is within an existing urban area with access to water, sewer, power, telecommunications, and the like. No changes to the public infrastructure is proposed as part of this Planning Proposal. A summary of existing infrastructure is outlined below:

Water and Sewer

Existing Shoalhaven Water Mains and Sewer Infrastructure is available for connection with capacity for eight (8) x residential units. See Appendix 13 for advice from Shoalhaven Water Planning and Development Team.

Electricity

Existing capacity is available in the Electricity Network. Initial advice from Endeavour Energy and the an accredited Level 3 Service Provider, Power Line Design (No.2486) has been sought (see Appendix 14). Endeavour Energy has confirmed that there is upstream high voltage capacity in Endeavour Energy's network to support increased residential yields in the township of Berry. To determine whether there is capacity available from the local distribution transformer in Edward Street an assessment will need to be undertaken by Endeavour Energy's network connection team.

The Level 3 Service Provider, Power Line Design has made application for this assessment to Endeavour Energy. The outcome of this assessment will be provided to Council once received. The current advice from Power Line Design is based on Endeavour Energy's Technical Bulletin TB88A (see Appendix 15) which has been used as the basis of the expectant electrical load at the site based on the number of units. The figures in TB88A are adopted by Endeavour Energy as a worst-case situation for residences and units during planning when the actual maximum demand is unknown. Based on an ADMD of 6.5kva per unit and the presently connected load being removed, the net gain on Endeavour Energy's network will be zero. Endeavour Energy will issue a Supply offer outlining their requirements which will be provided following a Gateway Determination.

Stormwater

A Stormwater Concept Plan has been prepared by Indesco (Appendix 11) to determine suitable stormwater management on site. Stormwater Management solutions include a proposed On Site Detention tank, grated inlet pits, with connection to the existing kerb inlet pit across the road on the corner of Edward Street/Queen Street.

Telecommunications

The property has existing access to the telecommunication network including the National Broadband Network (NBN). Figure 12 below illustrates that the site is part of the NBN Co rollout area with a fixed line service. Additional capacity information can be sought from NBN Co if required, however there is existing capacity for the current commercial premises which should be more than adequate for the proposed medium density residential zone.

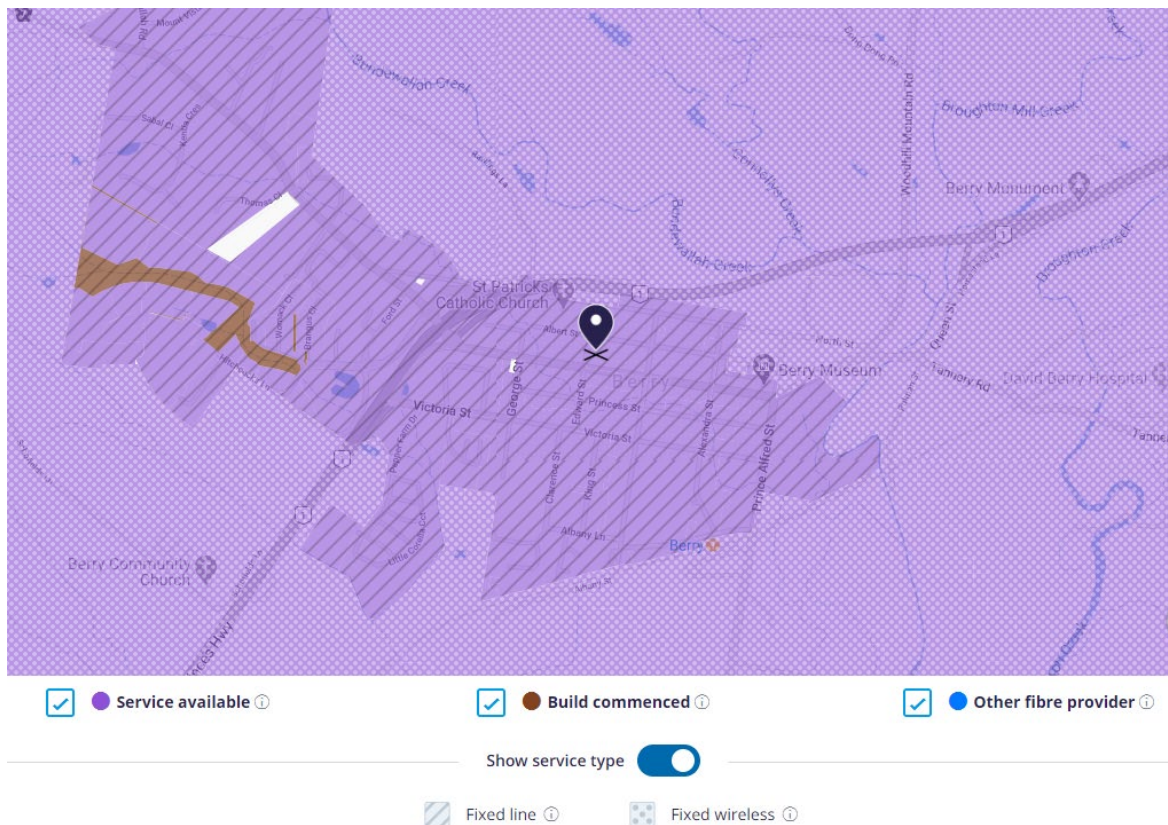


Figure 12: NBN Co Rollout Map (*Source: NBN Co)

Traffic

In addition, access to the subject sites are gained via the public roads, which services the immediate residential area. The traffic generation characteristics will not be dramatically altered by this by this Planning Proposal, and there is ample capacity within the existing/proposed public road network to accommodate existing traffic levels. Queen Street was previously the Princes Highway prior to the Berry Bypass being completed and has capacity to carry much higher loads than currently experienced. Edward Street is a local wide that is suitable for the proposed development.

A Traffic Impact Assessment is not proposed to be undertaken at this stage, however, may be undertaken following a favourable Gateway Determination or as part of a future Development Application.

4.5.2 What are the views of State and Commonwealth Public authorities?

No consultation has occurred with State and Commonwealth Public authorities prior to the lodgement of this Planning Proposal. Consultation with the relevant State and Commonwealth authorities will be undertaken as required by the gateway determination during public exhibition.

5.0 Part 4 Mapping

The proposed mapping changes to the Land Zoning and Minimum Lot Size layers are outlined below. The Planning Proposal seeks to rezone the land known as 49 Queen Street and 20 Edward Street, Berry and consistent with other R3 zoned land, remove the minimum lot size.

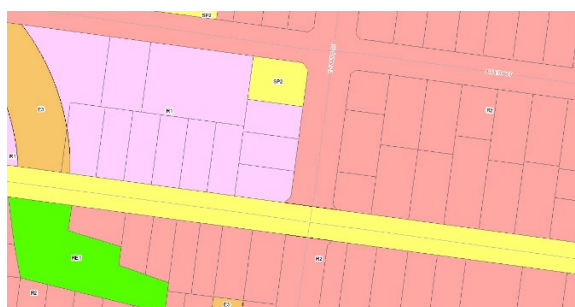


Figure 13: Existing zoning



Figure 14: Proposed zoning



Figure 15: Existing lot size



Figure 16: Proposed lot size

5.1 Part 5 Community Consultation

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, community consultation will generally involve an exhibition period for a minimum of 14 days. The community are likely to be notified of the commencement of the exhibition period via a notice in a local newspaper and through publication on Council's website. Additionally, notification letters will be distributed to surrounding and nearby property owners.

5.2 Part 6 Project Timeline

Task	Time Period	Anticipated Timeframe
Council Meeting to consider the Planning Proposal	2 months	August 2020
Planning Proposal Submitted to NSW DPIE requesting Gateway Determination	2 Months	October 2020
Date of Gateway Determination	2 Months	December 2020
Completion of Gateway Determination Requirements	2 Months	February 2021

Public Exhibition	14-28 Days	March 2021
Post exhibition consideration of PP – report to Council and submission of Final PP to NSW DPIE requesting finalisation	1 Month	April 2021
Council finalise the draft LEP amendment and seek Parliamentary Counsel Opinion	1 Month	May 2021
Finalisation and notification of Plan by Parliamentary Counsel and NSW DPIE	2 Months	July 2021

Given the indicative timeline provided, a Gateway Determination period of 9-12 Months is requested for completion of any Gateway Determination requirements, Public Exhibition, Council Reporting, submission of the final Planning Proposal, and finalisation of the LEP Amendment.

6.0 Conclusion

This Planning Proposal seeks to rezone the 49 Queen Street and 20 Edwards Street, Berry from R2 Low Density Residential to R3 Medium Density Residential with the minimum lot size layer removed for consistency with other R3 zoned land in Shoalhaven LEP 2014.

This Planning Proposal report has been prepared for Council in consideration of the requirements under Section 3.33 of the EP&A Act, together with the NSW DPI's "A guide to preparing planning proposals" (October 2012), the Planning Secretary Requirements and the LEP Practice Note PN16-001.

A review of the relevant planning matters for consideration in this instance has been undertaken, and it is considered that the subject rezoning has strategic merit and should proceed.

It is concluded that the Planning Proposal can be justified relative to environmental, social and economic effects and will be in the public interest. Accordingly, the Planning Proposal should be forwarded to the Department of Planning, Industry and Environment for favourable gateway determination in accordance with Section 3.34 of the EP&A Act, 1979.



APPENDIX 1:

"Planning Proposal Lodgement Form"

Planning Proposal Lodgement Form

Planning, Environment & Development

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541

Address all correspondence to: The General Manager, PO Box 42, Nowra, NSW, Australia, 2541

council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au | Phone: (02) 4429 3111 | Fax: (02) 4422 1816

1 Property Description

No.(s): **49 and 20**
Street: **Queen St and Edward St**

Suburb: **Berry** Postcode: **2535**

Lot(s)/Section(s)/Deposited Plan(s): **Lot C DP 37994**
and Lot 19 DP 803611

2 Planning Proposal Description / Intended Outcomes

Proposed amendment to Shoalhaven LEP 2014 to rezone 49 Queen St and 20 Edward St, Berry from R2 Low Density Residential to R3 Medium Density Residential and remove the Minimum Lot Size layer to facilitate multi dwelling housing.

3 Proponent Details

Name: **MMJ Wollongong**
Address: **PO Box 1167**

Suburb: **Wollongong** Postcode: **2500**

Phone: **(02) 4229 5555**

Mobile: **0406660122**

Fax: _____

Email: **lauren.turner@mmj.com.au**

4 Owner's Consent

The section must be completed and signed by the owner(s) of the property which the Planning Proposal proposes to amend the relevant LEP provisions (this includes every person who owns the property). If the property is strata titled, the application must be signed by the Body Corporate with the strata seal.

Name: **Steven Franey**
Organisation / Company (if applicable): **Dunfrod Pty Ltd**

Address: **49 Queen Street, Berry**

Phone: **0414775022**

Email: **steve.franey@coreis.com.au**

Signature: 

Date: **4/6/20**

If there is insufficient room above, or as an alternative to the above, the proponent can provide a signed letter from the respective owner(s) consenting to the lodgement of the Planning Proposal.

If the property is owned by a company/companies an authorised delegate from the company/ companies must provide a signed letter on letterhead paper identifying themselves as an authorised delegate of the company and consenting to the lodgement of the Planning Proposal.

Please note that if you have only very recently purchased your property, Council's records may still show the previous owner as the owner of the property. In such an event, a letter from your conveyancer or solicitor will be required stating that you are now the owner of the property.

Privacy Notification: The information will be used solely by Council staff for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on voluntary basis and they may apply to Council for access or amendment of the information at any time.

This form may be published on Council's website in accordance with Government Information (Public Access) Act 2009

OFFICE USE ONLY

Form Number: 870	Issue Date: 03/2018
Version Number 6	Next Review date: 12/2019





APPENDIX 2:

"Planning Proposal Consent Letter"

1st June 2020

General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

**RE: 49 QUEEN ST AND 20 EDWARD ST, BERRY
LOT C DP 37994 AND LOT 19 DP 803611**

To Whom It May Concern,

Authority is hereby given to Martin Morris & Jones (MMJ Wollongong) Pty Ltd to submit the required Planning Proposal application with Shoalhaven City Council regarding the above-described property owned by the company Dunfood Pty Ltd. This letter confirms that the signatories are authorised delegates of the company and consent to the lodgement of the Planning Proposal.

Also, we are not aware of any person having a financial interest in the application, made a 'reportable political donation' or 'gift' to a Councillor or Council employee within a two (2) year period before the date of this application.

Yours faithfully,

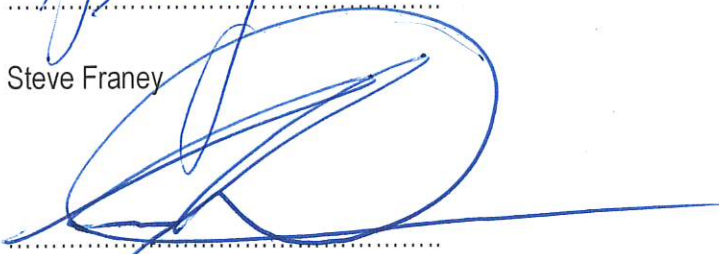
Signature:


.....

Name:

Steve Franey

Signature:


.....

Name:

Cary Dunn

APPENDIX 3:

"SEPP Checklist"

State Environmental Planning Policies Checklist

SEPP	Date	Name	Applicable	Not inconsistent
19	10.12.08	Bushland in Urban Areas	x	NA
21	24.04.92	Caravan parks	✓	NA
33	13.03.92	Hazardous and Offensive development	x	NA
36	16.07.93	Manufactured home estates	x	NA
44	06.01.95	Koala habitat protection	✓	✓
47	17.11.95	Moore Park Showground	x	NA
50	10.11.97	Canal estate development	x	NA
55	28.08.98	Remediation of land	✓	✓
64	16.03.01	Advertising and signage	x	NA
65	26.07.02	Design quality of residential flat development	✓	✓
70	31.05.02	Affordable Housing (Revised Schemes)	✓	✓
--	6.02.19	State Environmental Planning Policy (Aboriginal Land) 2019	x	NA
--	31.07.09	Affordable Rental Housing 2009	✓	✓
--	25.06.04	Building Sustainability Index: BASIX 2004	✓	✓
--	03.04.18	Coastal Management 2018	x	NA
	28.02.19	Concurrences and Consents 2018	✓	✓
--	01.09.17	Educational Establishments and Child Care Facilities 2017	✓	✓
--	27.02.09	Exempt and Complying Development Codes 2008	✓	✓
--	31.03.04	Housing for Seniors or People with a Disability 2004	✓	✓
--	01.01.08	Infrastructure 2007	✓	✓
--	12.12.07	Kosciuszko National Park – Alpine Resorts 2007	x	NA
--	30.06.89	Kurnell Peninsula 1989	x	NA
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✓	✓
--	21.11.86	Penrith Lakes Scheme 1989	x	NA
	28.02.19	Primary Production and Rural Development	✓	✓
--	01.10.11	State and Regional Development 2011	✓	✓
--	25.05.05	State Significant Precincts 2005	✓	✓
--	01.03.11	Sydney Drinking Water Catchment 2011	x	NA
--	28.07.06	Sydney Region Growth Centres 2006	x	NA
--	31.05.13	Three Ports 2013	x	NA
--	15.12.10	Urban Renewal 2010	x	NA
--	25.08.17	Vegetation in Non-Rural Areas	✓	✓
--	21.08.09	Western Sydney Employment Area 2009	x	NA
--	06.03.09	Western Sydney Parklands 2009	x	NA



APPENDIX 4:

"Section 9.1 Directions Checklist Review"

Local Planning – Section 9.1 Directions

Directions	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable.
1.2 Rural Zones	Not Applicable.
1.3 Mining, petroleum Production and Extractive Industries	Not Applicable.
1.4 Oyster Aquaculture	Consistent. This PP will not affect Priority Oyster Growing Areas located in the lower Shoalhaven River.
1.5 Rural Lands	Not Applicable.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. This PP relates to existing urban land with no environmental sensitive areas.
2.2 Coastal Protection	Not Applicable.
2.3 Heritage Conservation	<p>Inconsistent.</p> <p>The subject site is not listed as an item of heritage significance, however it is within the vicinity of Heritage Items and is therefore protected by Clause 5.10 in Shoalhaven LEP 2014.</p> <p>The proposed rezoning will have a minor effect on Heritage Values in proximity to the site, however as detailed above Clause 5.10 of Shoalhaven LEP 2014 requires development within the vicinity of a Heritage Item is sympathetic and in keeping with those Heritage Items.</p> <p>A Character Analysis has been prepared by iarchitecture and early development concepts have been prepared to detail the proposed urban form. The site is located outside of the Berry Town Centre and key heritage precincts in Berry.</p> <p>Given the existing controls in the LEP and the site not containing any heritage values, the inconsistency is considered to have minor significance.</p>
2.4 Recreation Vehicle Areas	Not Applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable.
2.6 Remediation of contaminated land	<p>Applicable, however not relevant as the Planning Proposal does not involve a change of use. Residential development is already a permitted use on the site.</p> <p>A Preliminary Site Investigation has been undertaken by Douglas Partners which concludes the following: “Based on the findings of this PSI, no evidence of substantial or widespread contamination has been identified that would preclude the re-zoning of the site. However, it is considered that there is potential for contamination to exist primarily associated to the potential for fill of an unknown</p>

Local Planning – Section 9.1 Directions

	<p>origin and the storage of hazardous chemicals which, if present, may pose a risk to identified receptors.</p> <p>Further investigation may be warranted if development is proposed at the site, depending on the details of the proposed development.”</p>
3. Housing	
3.1 Residential Zones	<p>Consistent.</p> <p>The Planning Proposal is consistent with the objectives of this Direction, being to broaden the choice of housing types for the Region; make efficient use of existing infrastructure and services to ensure new housing has appropriate access to infrastructure and services; and minimises the impact of residential development on the environmental and resource lands.</p> <p>As above, all services are already available to this residential land. The subject site is also located in the heart of an already existing residential urban area, and will not result in the consumption of rural land for housing and associated urban development on the urban fringe.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable.
3.3 Home Occupants	Consistent. The Planning Proposal proposes to change the zone from R2 Low Density Residential to R3 Medium Density Residential, however home occupations are permitted in both the R2 and R3 zone.
3.4 Integrating Land Use and Transport	Minor Inconsistency. The PP is inconsistent with this direction; however, any the proposed traffic impacts are of minor significance given the existing commercial/light industrial use and the minor nature of this Planning Proposal.
3.5 Development Near Licensed Aerodromes	Not Applicable.
3.6 Shooting Ranges	Not Applicable.
3.7 Reduction in non-hosted short term rental accommodation period	Not Applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Minor Inconsistency. The subject land is mapped as Class 5 Acid Sulfate Soils. The proposed zone change will have minimal affect on the risk of Acid Sulfate Soils being present.
4.2 Mine Subsidence and Unstable Land	Not Applicable.
4.3 Flood Prone Land	Minor Inconsistency. The intention of this Planning Proposal is to increase the residential density of this site; however the existing dwelling yield is approximately 4-5 as dual occupancies are permitted with consent and the proposed yield is 8 dwellings. This is not a significant increase in residential density and the land is within the catchment of the existing Broughton Creek Flood Risk Study and Plan. A small section of land is within the Flood Planning Area and

Local Planning – Section 9.1 Directions

	any future Development Application will consider the potential flood impacts and will be addressed accordingly. It is considered that the inconsistency with this direction is of minor significance.
4.4 Planning for Bushfire Protection	Not Applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not Applicable
5.2 Sydney Drinking Water Catchments	Not Applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable.
5.9 North West Rail Link Corridor Strategy	Not Applicable.
5.10 Implementation of Regional Plans	Consistent. The proposed rezoning is consistent with the objectives of the Illawarra Shoalhaven Regional Plan with a proposed rezoning to increase residential density and increase housing variety in an existing urban area will not contradict the objectives and actions of ISRP.
5.11 Development of Aboriginal Land Council Land	Not Applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent.
6.2 Reserving Land for Public Purposes	Not Applicable.
6.3 Site Specific Provisions	Consistent. The Planning Proposal does not include site specific provisions.



APPENDIX 5:

“Prelodgement Meeting Advice”

18/12/2019

MMJ Real Estate Wollongong
PO Box 1167
WOLLONGONG NSW 2500

By email only: Lauren.Turner@mmj.com.au

Dear Lauren

**Pre-Lodgement Meeting - Possible Planning Proposal –
Lot 19 DP 803611 (20 Edward Street) and Lot C DP 379984 (49 Queen Street), Berry**

I refer to the pre-lodgement meeting I had with you and Steve Franey at Council on Monday, 16 December 2019, regarding a potential planning proposal (rezoning) for the above land.

The purpose of this letter is to provide preliminary feedback on matters that would need to be addressed in a planning proposal (PP) application. It is stressed that this is preliminary feedback and other matters may be identified.

Background

The land is currently zoned R2 – Low Density Residential under SLEP 2014. The maximum building height under the LEP is 8.5 m. It is understood that the site has historically been used for manufacturing and retail purposes.

Based on our discussion, I understand you wish to have the land use zoning changed, possibly to 'B2 – Local Centre'. As you know, if you wish to change provisions in SLEP 2014 you will need to submit a formal Planning Proposal (PP) application to Council. Guidance on information required in PP applications and the steps in the process is provided in [Council's Planning Proposal guidelines](#). The PP request must include a Planning Proposal Lodgement Form (signed by the landowner/s), a PP report, and a copy of Council's pre-lodgement meeting outcomes letter (i.e. this letter).

Matters to be addressed in a PP application

Based on the information provided on the intended use(s) of the site, as a minimum, the following matters need to be covered in your PP report:

- A description of the proposed uses.
- What "existing use rights" do you believe the properties benefit from and the justification in this regard?

- The strategic justification for the requested rezoning and consistency with existing plans etc.
- Demand for additional commercial use in Berry vs capacity of the existing business zones to accommodate this.
- Site analysis plan.
- Any proposed design details and how it relates to the character of this location and Berry generally.
- Potential land contamination as a result of previous uses.
- Traffic management and car parking.
- Capacity of existing services to accommodate the additional development, including electricity, sewerage and water.
- Stormwater management (refer to DCP Chapter G2).
- Relevant Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act including but not limited to:
 - 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation, noting that a Heritage item
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 5.10 Implementation of Regional Plans

The above information is based on a preliminary assessment of the information provided to Council and does not preclude additional matters from being identified. If you are proposing to increase the maximum height of buildings, an urban design study, including massing diagrams, shadow diagrams, photomontages etc will be required.

Should you lodge a PP application, the application and supporting information will be made available for viewing on Council's website prior to the matter being considered by Council. Guidance on Council's community engagement process is included in the Planning Proposal Guidelines. Should Council decide to progress the PP, the process and proposed outcomes will be managed and controlled by Council.

If you need further information about this matter or you would like further feedback before submitting a PP request, I can be contacted on (02) 4429 3320 or email eric.hollinger@shoalhaven.nsw.gov.au. Please quote Council's reference 50572E (D19/447542).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Eric Hollinger', with a long, sweeping horizontal line extending to the right.

Eric Hollinger
Coordinator - Special Projects Team



APPENDIX 6:

"Detailed Site Survey"



DETAIL AND LEVEL PLAN OF
LOT C, D.P.379984 & LOT 19, D.P.803611
AT 49 QUEEN STREET, BERRY
FOR DUNFROOD PTY. LTD.

DATE : 30 JANUARY, 2020

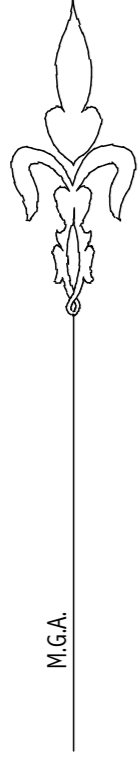
DATUM : A.H.D.

LEVEL ORIGIN : SSM133198 (R.L.16.38)

REDUCTION RATIO : 1 : 200(A1) 1 : 400(A3)

SURVEYORS REFERENCE : 19118

ALL DIMENSIONS ARE IN METRES
UNLESS OTHERWISE STATED



THIS PLAN IS PREPARED FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF DESIGNING NEW CONSTRUCTIONS ON THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT BY FIELD SURVEY.

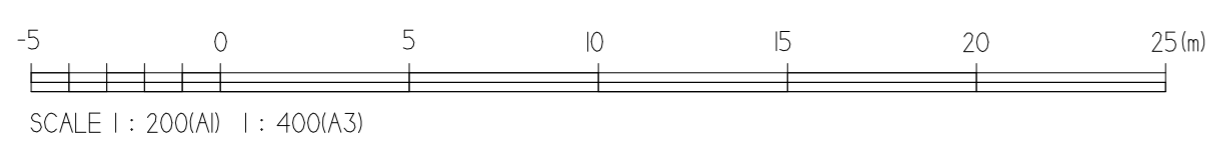
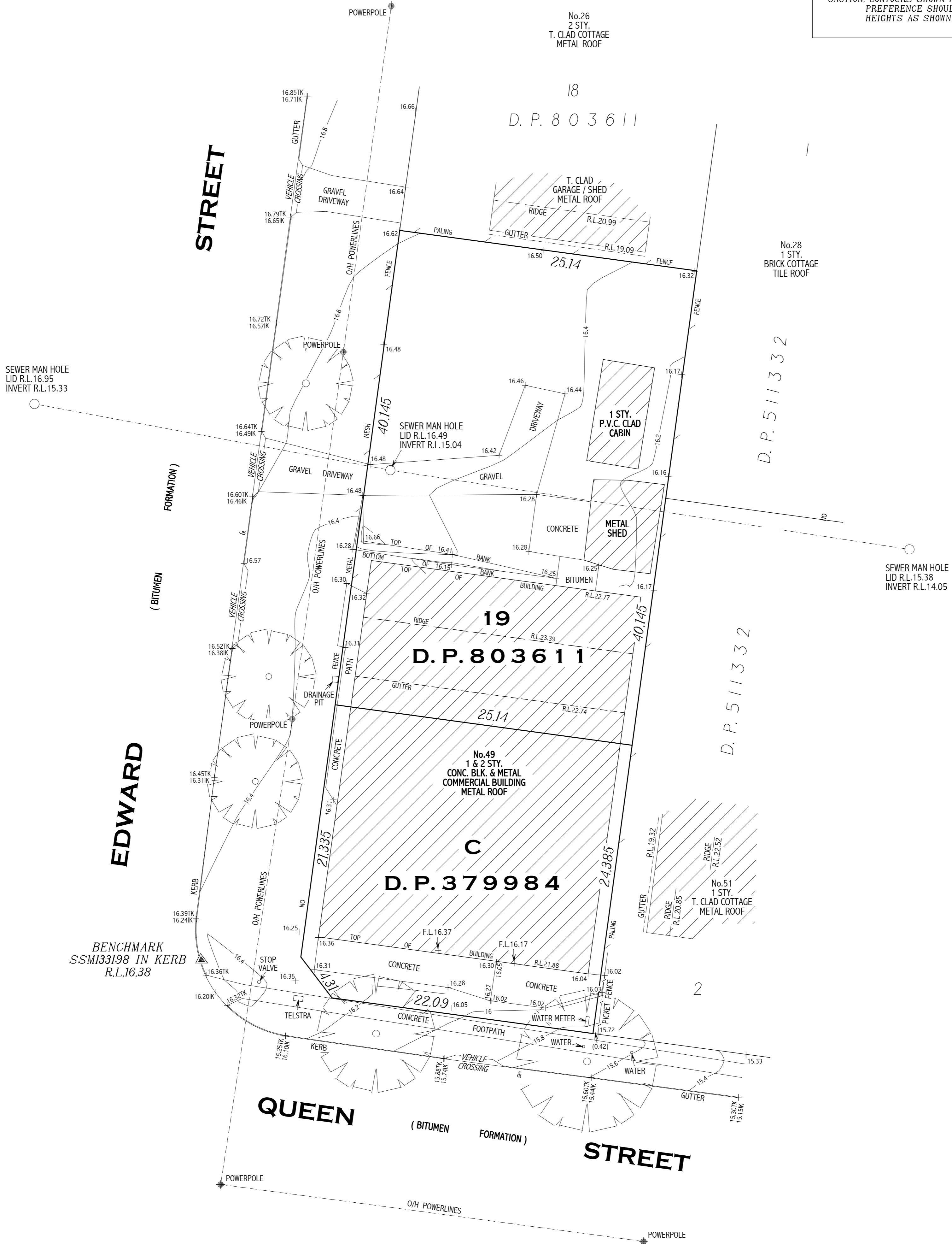
SERVICES HAVE NOT BEEN LOCATED BY FIELD SURVEY.

PRIOR TO EXCAVATION THE CONTRACTOR MUST:

- NOTIFY A.G.L.
- OBTAIN TELSTRA'S 'DUTY OF CARE' DOCUMENT REGARDING WORKING IN THE VICINITY OF TELSTRA PLANT.
- VERIFY CO-AXIAL/OPTIC FIBRE CABLE LOCATION

PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR LOCATION OF UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

CAUTION: CONTOURS SHOWN HEREON ARE INDICATIVE ONLY PREFERENCE SHOULD BE GIVEN TO SPOT HEIGHTS AS SHOWN.





APPENDIX 7:

“Detailed Site Analysis”



PHOTO 1



PHOTO 2



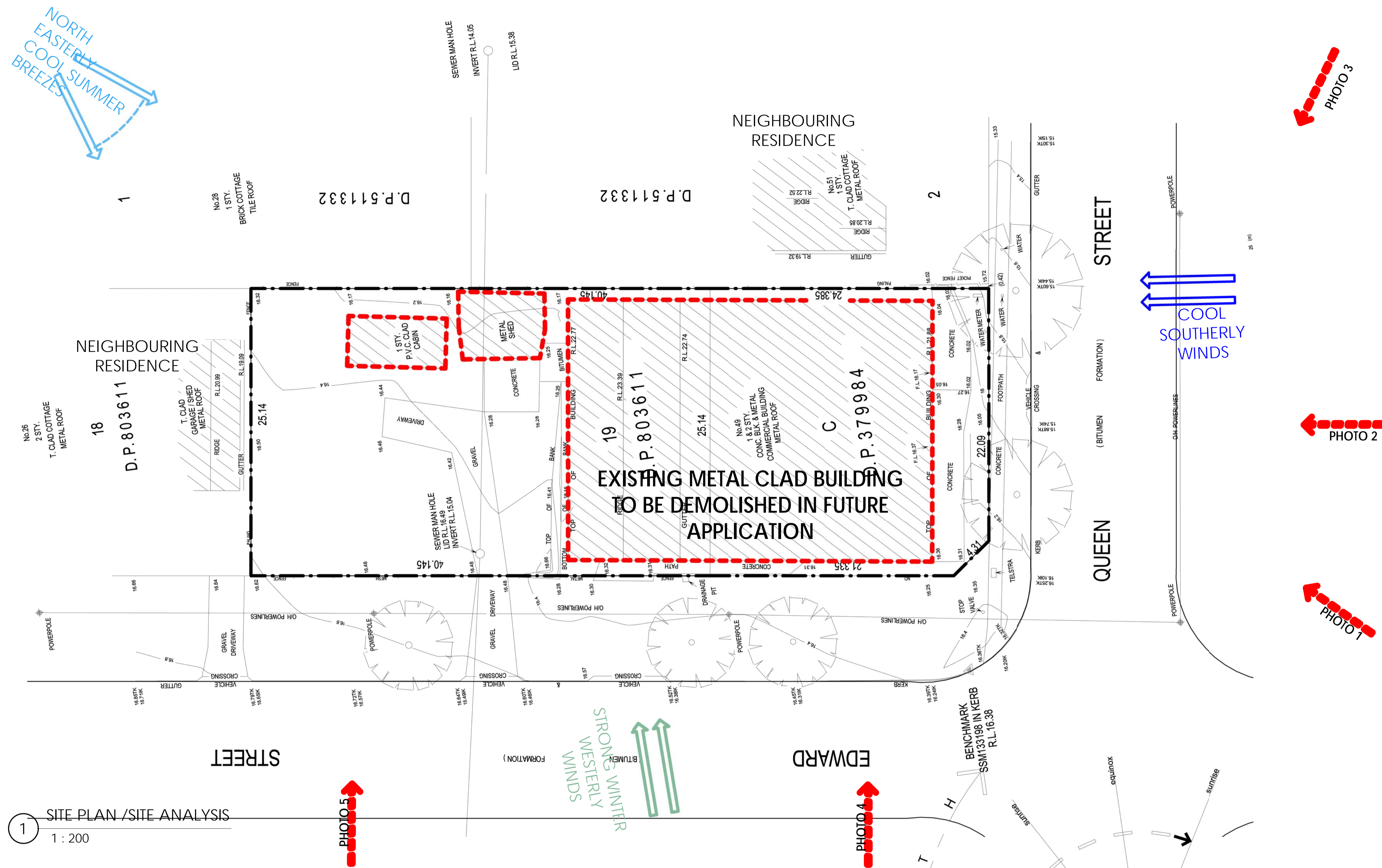
PHOTO 3



PHOTO 4



PHOTO 5



1 SITE PLAN / SITE ANALYSIS
1 : 200

NOTE:

1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY.
2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY.
3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT.
4. DO NOT SCALE THE DRAWINGS, USE FIGURED DIMENSIONS.
5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM.
6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.
8. PROVIDED CERTIFIED (EMERITUS) MEMBER SYSTEM 10 AS 3840.1

LEGEND:

No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			

No	DATE	ISSUE	No	DATE	ISSUE

www.iarch.com.au ARCHITECTURE
PH: 02 44212588 INTERIORS
50 JUNCTION STREET HERITAGE
NOWRA URBAN DESIGN
SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49	SCALE: As indicated	A100
SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW	DATE: AS NOTED	
CLIENT: DUNFROOD PTY LTD	JOB No: 8583	SHEET No.
DRAWING: EXISTING SITE ANALYSIS		2/04/2020 12:56:53 PM

APPENDIX 8:

“Existing Character Analysis”

EXISTING LOCAL CHARACTER ANALYSIS WITHIN 400m OF THE PROPOSED SITE



1. THE PROPOSED SITE: EXISTING COMMERCIAL METAL CLAD BUILDING. IT'S LARGELY UNBROKEN MASS MAKES IT A RELATIVE OUTLIER COMPARED TO SURROUNDING BUILDINGS IN THE AREA. THIS BUILDING WILL BE PROPOSED AS DEMOLISHED IN FUTURE DA APPLICATION.



2. EARLY 1900'S EDWARDIAN HOUSES LIKE THIS ONE ARE A KEY TYPOLOGY'S WITHIN THE AREA. COMMON FEATURES INCLUDE METAL HIPPED ROOFS WITH LOW PITCH VERANDAHS. HORIZONTAL WEATHERBOARD CLADDING AND TIMBER WINDOWS ARE ALSO FEATURED.



2. NEIGHBOURING HOUSE TO THE EAST OF THE PROPOSED SITE. - EARLY 1900'S EDWARDIAN HOUSES LIKE THIS ONE ARE A KEY TYPOLOGY'S WITHIN THE AREA. COMMON FEATURES INCLUDE METAL HIPPED ROOFS WITH LOW PITCH VERANDAHS. HORIZONTAL WEATHERBOARD CLADDING AND TIMBER WINDOWS ARE ALSO FEATURED.



4. THE LOCAL MOTEL ON QUEEN STREET COMPLETED CIRCA 1998 ADAPTS THE LOCAL CHARATER'S ELEMENTS HOWEVER DETAILED IN CONTEMPORARY WAY FOR ITS TIME.



5. 1950-60'S HOUSE RENOVATED WITH WEATHERBORAD CLADDING AND STONE CHIMNEY.



6. EARLY 2000'S TOWNHOUSE DEVELOPMENT ON ALBERT STREET. THESE PRESENTS AS TRADITIONALLY SCALED FORMS IN SIMPLIFIED CONTEMPORARY LAUNGAGE.



7. RECENTLY CONSTRUCTED RETAIL/COMMERCIAL BUILDINGS FEATURING VERANDAH, GABLE END ROOFS AND HIGHLIGHT DORMA WINDOWS. THE BUILDING IS CLAD IN METAL WITH ALUMINIUM WINDOWS.



8. EXAMPLE OF OLDER FEDERATION STYLE BUILDINGS ABUTING NEWER RETAIL SPACES WITH BRICK CLADDING.



9. LOCALALY HERITAGE LISTED HOUSE DIRECTLY SOUTH OF THE PROPOSED SITE.



10. RECENTLY BUILT SINGLE STOREY VILLAS MAINTAINING TRADITIONAL FEDERATIONS MATERIALITY AND FORM.



11. CIRCA 1960'S HOUSE SOUTH WEST OF THE PROPOSED SITE.



12. MIX OF RETAIL BUILDING FORMS ALONG QUEEN STREET

No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW
C	30.04.20	FOR REZONING APPLICATION

No	DATE	ISSUE

www.iarch.com.au ARCHITECTURE
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49	SCALE: AS NOTED	A001 SHEET No.
SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW	DATE: AS NOTED	
CLIENT: DUNFROOD PTY LTD	JOB No: 8583	
DRAWING: LOCAL CHARACTER ANALYSIS		

APPENDIX 9:

“Concept Architectural Plans”



DEVELOPMENT DATA

EXISTING ZONING:	R2
PROPOSED ZONING:	R3
COMBINED SITE AREA :	1617.91M2
FSR:	0.7 TO 1
ALLOWABLE FLOOR AREA:	1132.53 M2
MAX. HEIGHT	8.5M
FRONT SETBACK	5.5M
SIDE SETBACK (SECONDARY ROAD)	3.0M
SIDE SETBACK	1.2 - 2.0M

HERITAGE: WITHIN 100M OF LOCAL HERITAGE

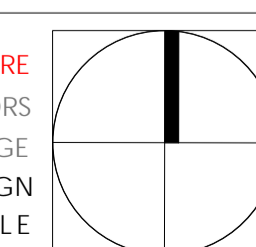
NOTE:	LEGEND:
<ol style="list-style-type: none"> 1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY. 2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY. 3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT. 4. DO NOT SCALE THE DRAWING. USE FIGURED DIMENSIONS. 5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM. 6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION. 7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT. 8. PROVIDOR CERTIFIED (EMERALD BARREL SYSTEM, 10 AS 3660) 	

No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			



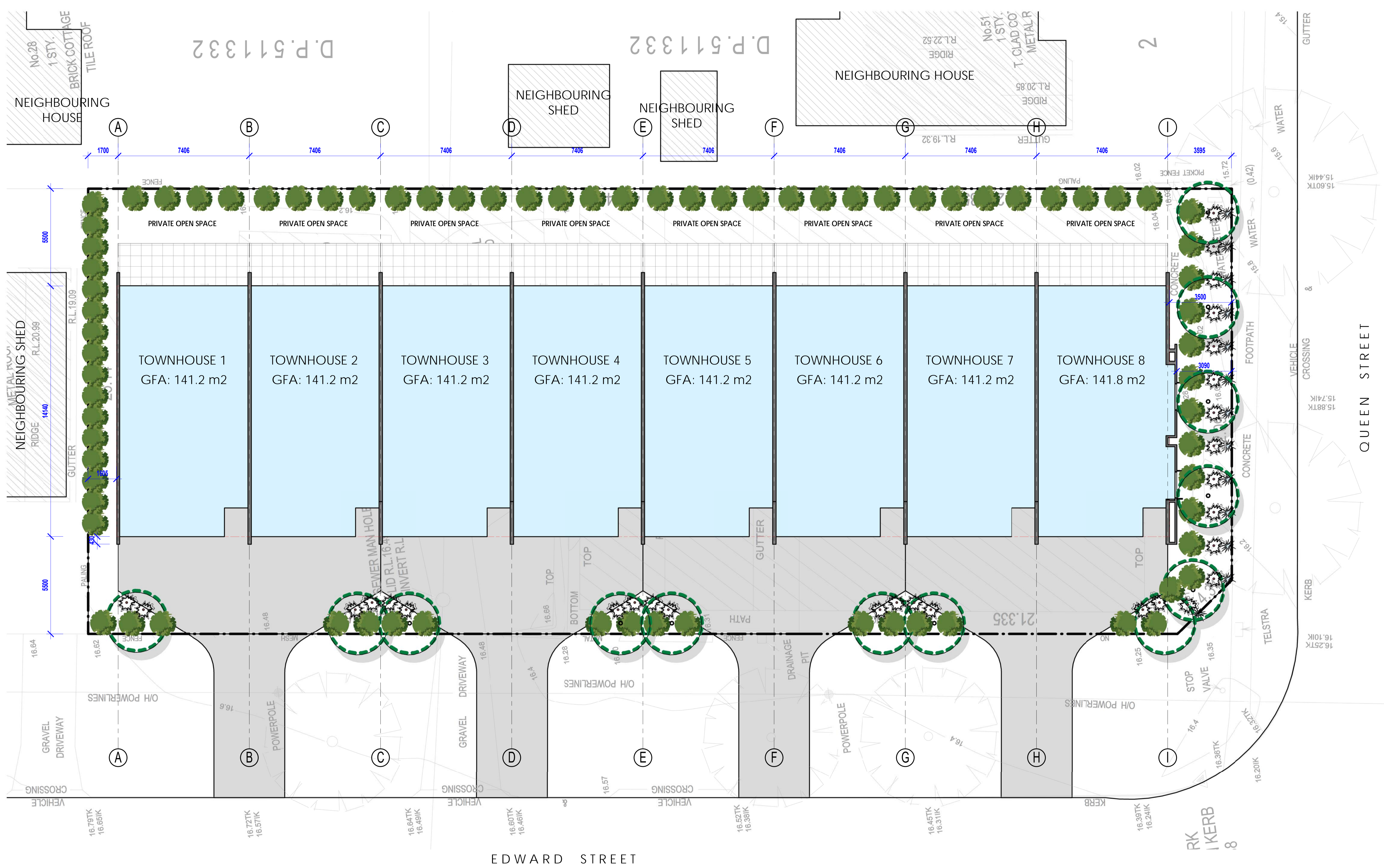
www.iarch.com.au
 PH: 02 44212588
 50 JUNCTION STREET
 N O W R A

ARCHITECTURE
 INTERIORS
 HERITAGE
 URBAN DESIGN
 SUSTAINABLE



PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49
 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW
 CLIENT: DUNFROOD PTY LTD
 DRAWING: LOCATION PLAN - DEVELOPMENT DATA

SCALE:
 DATE: AS NOTED
 JOB No: 8583
 SHEET No: A000



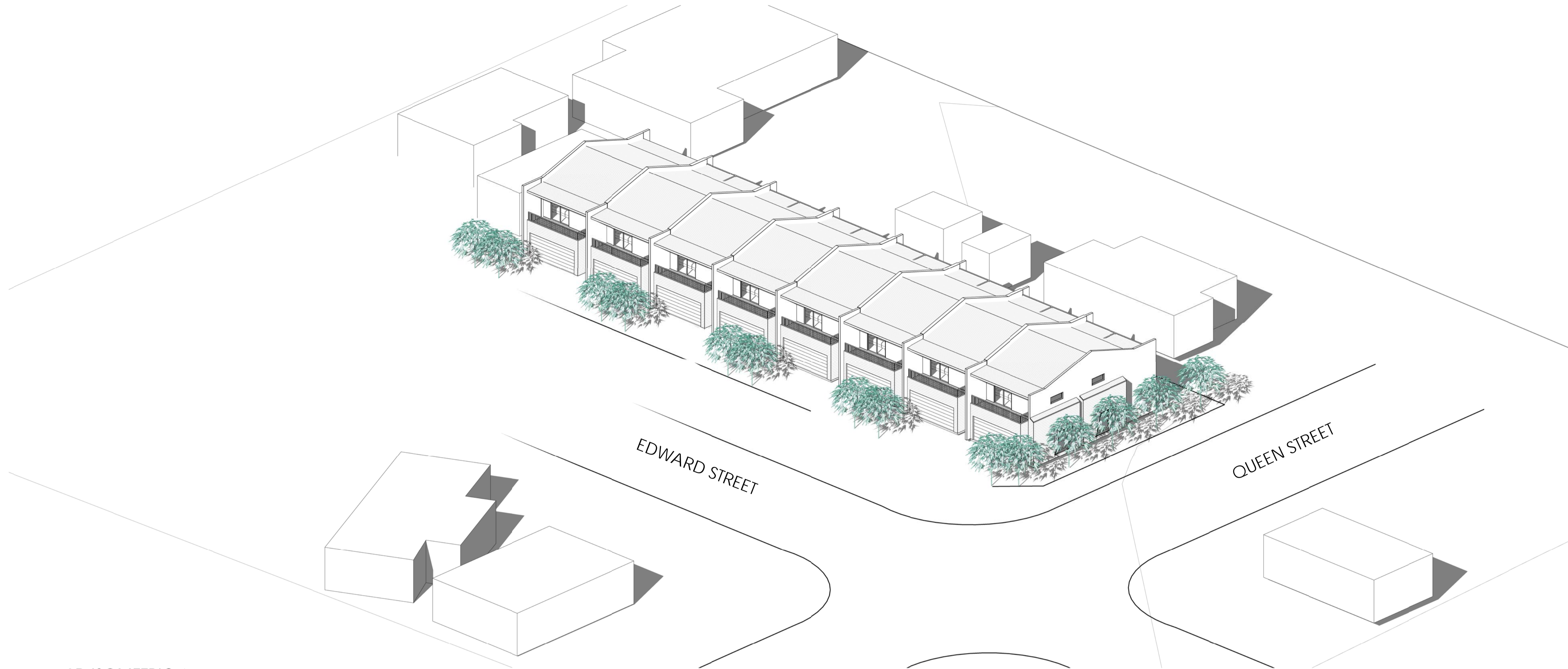
1 SITE PLAN/ MASTERPLAN
1 : 100

<p>NOTE:</p> <ol style="list-style-type: none"> 1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY. 2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY. 3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT. 4. DO NOT SCALE THE DRAWING. USE FIGURED DIMENSIONS. 5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM. 6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION. 7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT. 8. PRODUCT CERTIFIED (EMERALD BARRIER SYSTEM 100 AS 3660). 	<p>LEGEND:</p>
---	-----------------------

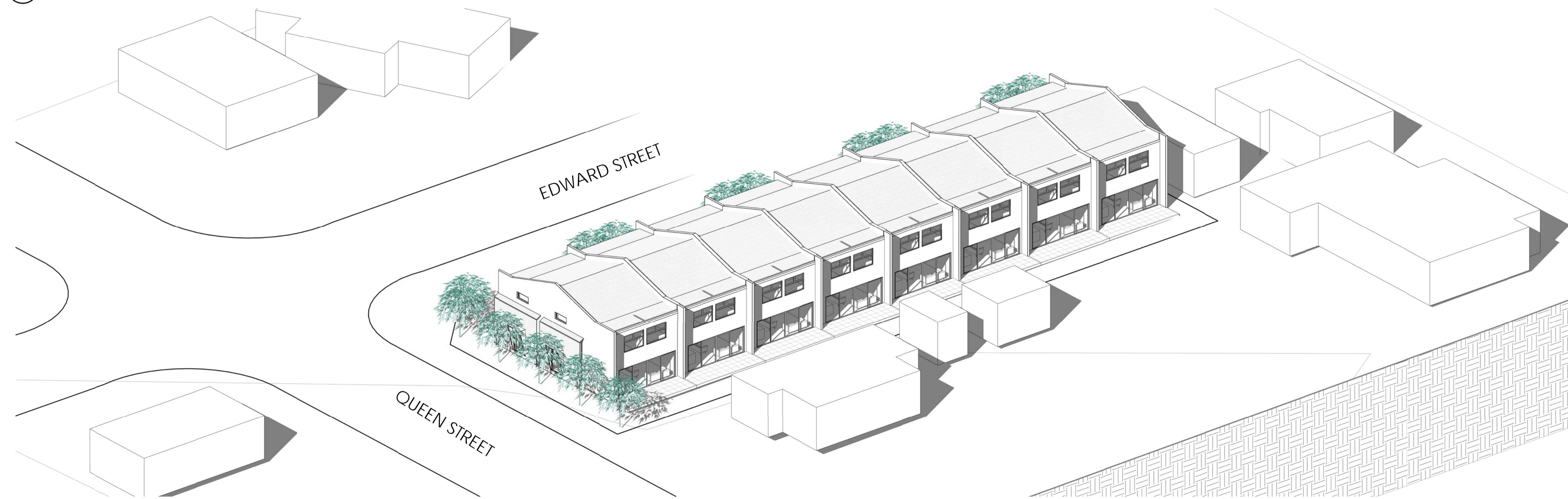
No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			

www.iarch.com.au ARCHITECTURE
PH: 02 44212588 INTERIORS
50 JUNCTION STREET HERITAGE
N O W R A URBAN DESIGN
SUSTAINABLE

<p>PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW</p> <p>CLIENT: DUNFROOD PTY LTD</p> <p>DRAWING: SITE PLAN/ MASTERPLAN</p>	<p>SCALE: 1 : 100 DATE: AS NOTED</p> <p>JOB No: 8583</p>	<p>A003 SHEET No.</p>
--	--	---------------------------



1 3D ISOMETRIC 1



2 3D ISOMETRIC 2

<p>NOTE:</p> <ol style="list-style-type: none"> TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT. DO NOT SCALE THE DRAWINGS, USE FIGURED DIMENSIONS. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT. PROVIDER: CERTIFIED (EMERGENCY) BARRIER SYSTEM (EAS 3660.1) 	<p>LEGEND:</p>
--	-----------------------

No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			

www.iarch.com.au **ARCHITECTURE**
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

<p>PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW</p>	<p>SCALE: DATE: AS NOTED</p>	<p>A004</p>
<p>CLIENT: DUNFROOD PTY LTD</p>	<p>JOB No: 8583</p>	<p>SHEET No.</p>
<p>DRAWING: 3D MASSING</p>		



2 GROUND FLOOR PLAN
1 : 100

- EXISTING WALL
- NEW BRICKWORK
- NEW BLOCKWORK
- NEW CONCRETE WALL
- NEW STUD WALL
- DEMOLISHED WALL
- DOOR NUMBER
- WINDOW NUMBER
- BOUNDARY

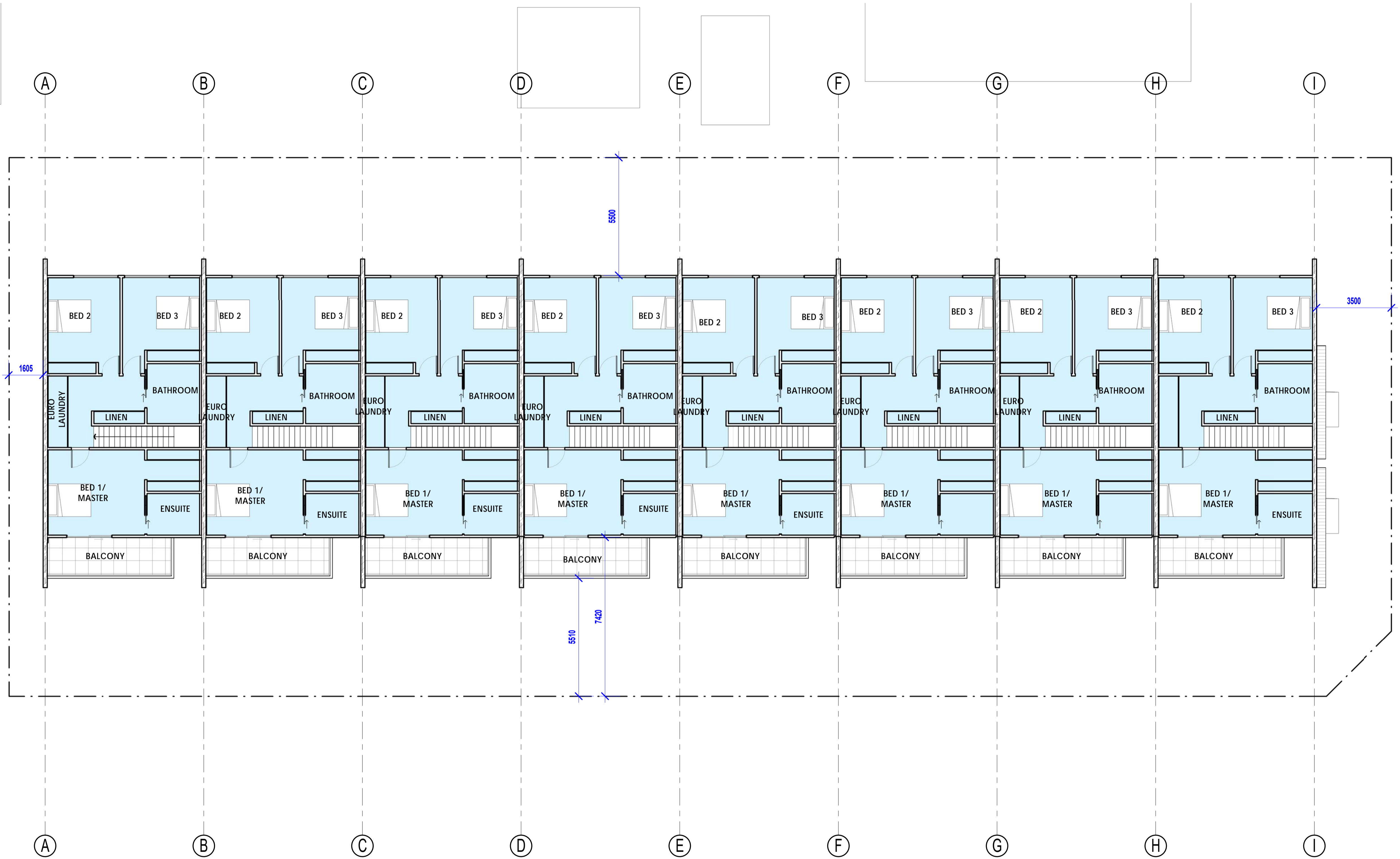
NOTE:
 1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY.
 2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY.
 3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT.
 4. DO NOT SCALE THE DRAWING. USE FIGURED DIMENSIONS.
 5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM.
 6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
 7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.
 8. PROVIDOR CERTIFIED (PERMITS) BARRIER SYSTEM (AS 3846.1)

LEGEND:

No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			

i architecture
 www.iarch.com.au ARCHITECTURE
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49	SCALE: 1 : 100	A102
SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW	DATE: AS NOTED	
CLIENT: DUNFROOD PTY LTD	JOB No: 8583	
DRAWING: GROUND FLOOR PLAN		SHEET No.



1 UPPER FLOOR PLAN
1 : 100

NOTE:
 1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY.
 2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY.
 3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT.
 4. DO NOT SCALE THE DRAWING. USE FIGURED DIMENSIONS.
 5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM.
 6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
 7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.
 8. PROVIDER CERTIFIED (EMITE) BARRIER SYSTEM (S2 AS 3660.1)

LEGEND:

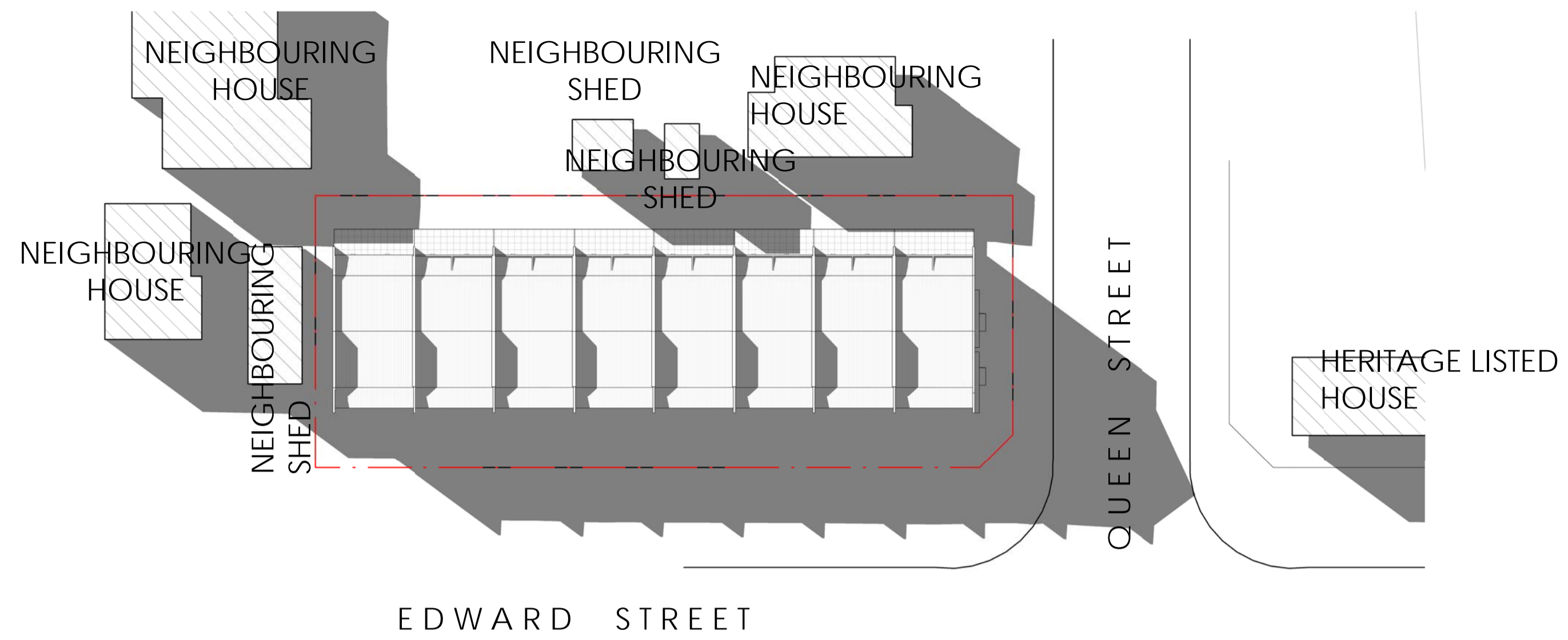
No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW
C	30.04.20	FOR REZONING APPLICATION

No	DATE	ISSUE

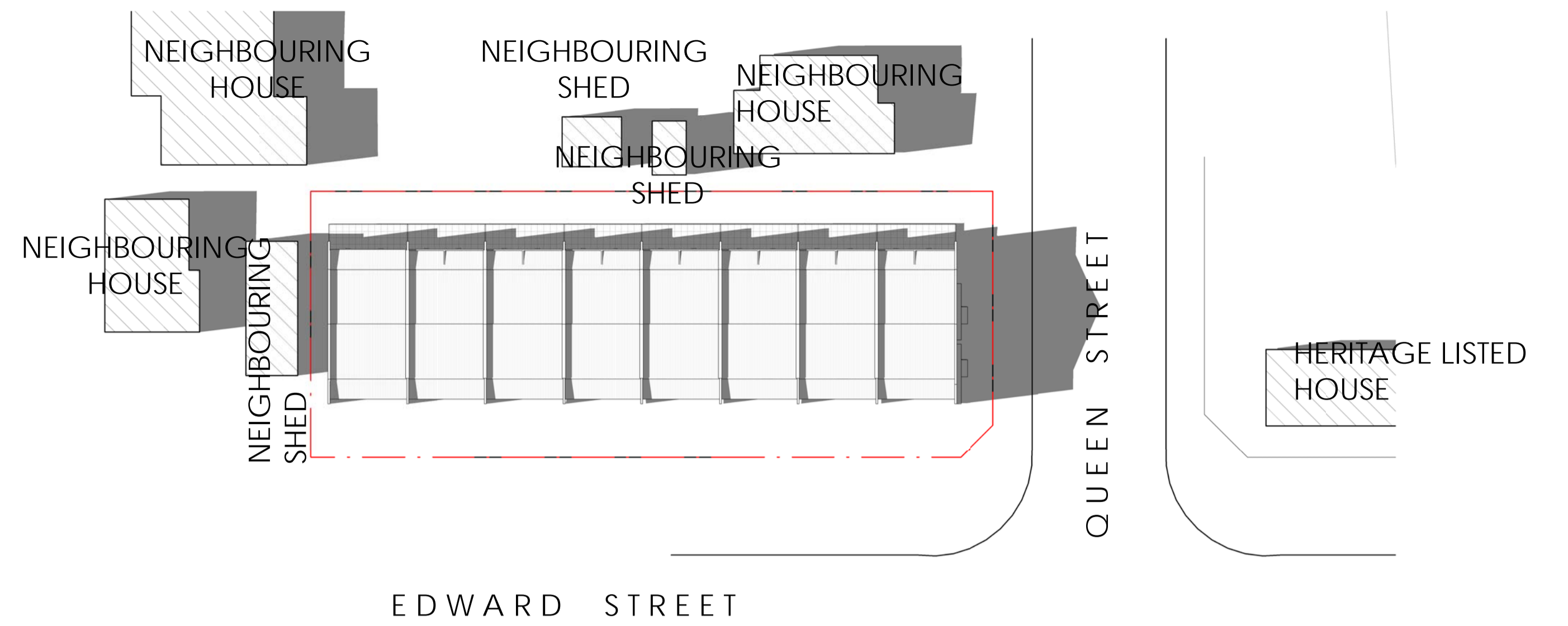
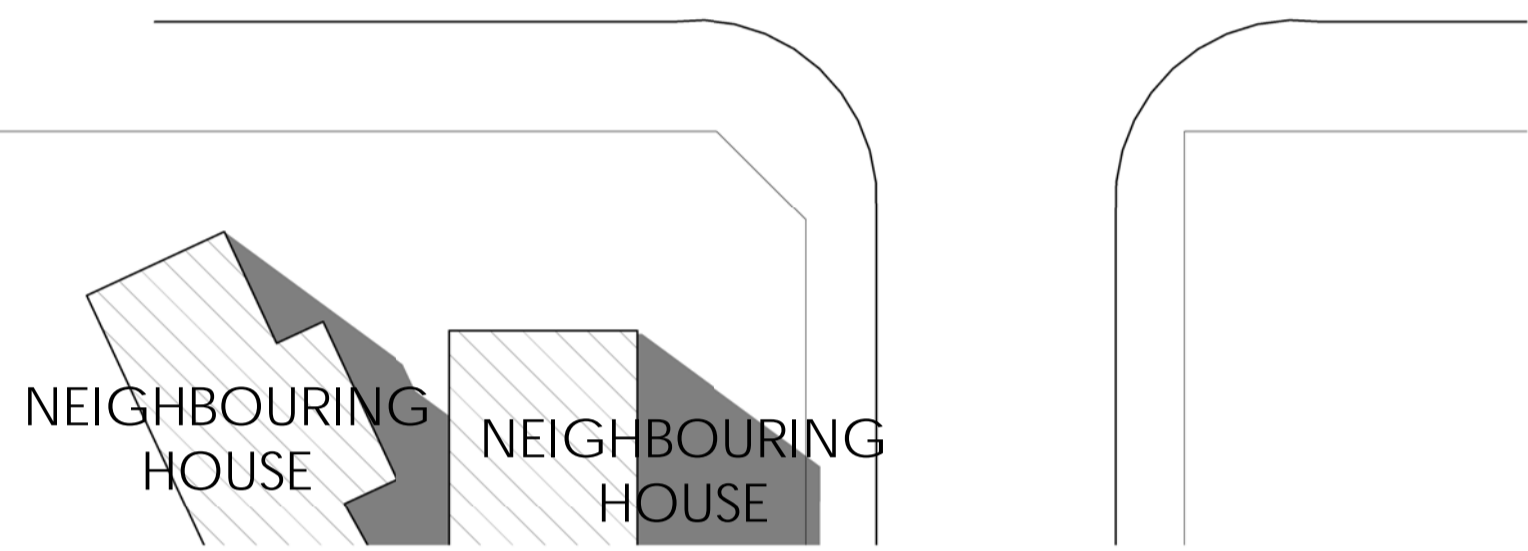
www.iarch.com.au **ARCHITECTURE**
 INTERIORS
 HERITAGE
 URBAN DESIGN
 NOWRA SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49
 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD
 STREET, BERRY NSW
 CLIENT: DUNFROOD PTY LTD
 DRAWING: LEVEL 1 FLOOR PLAN

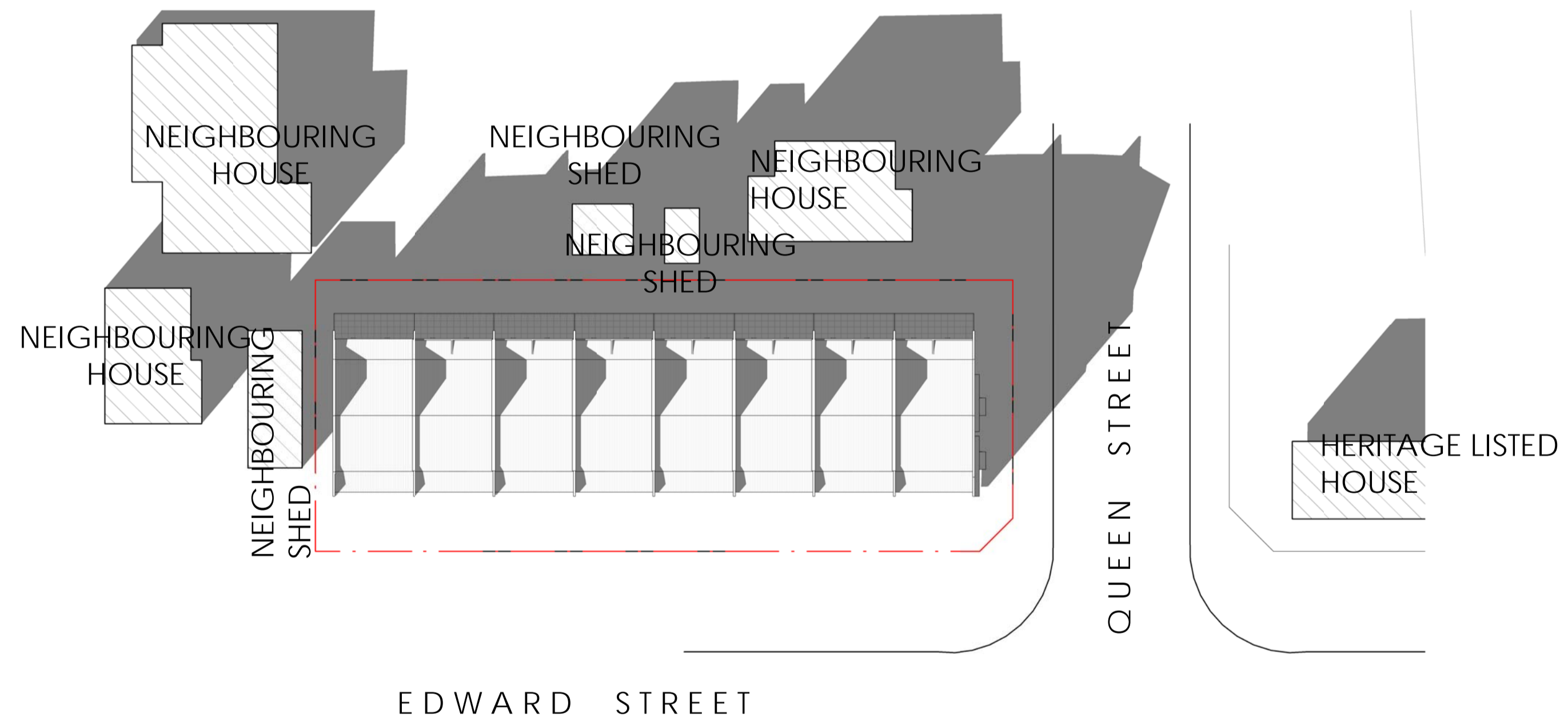
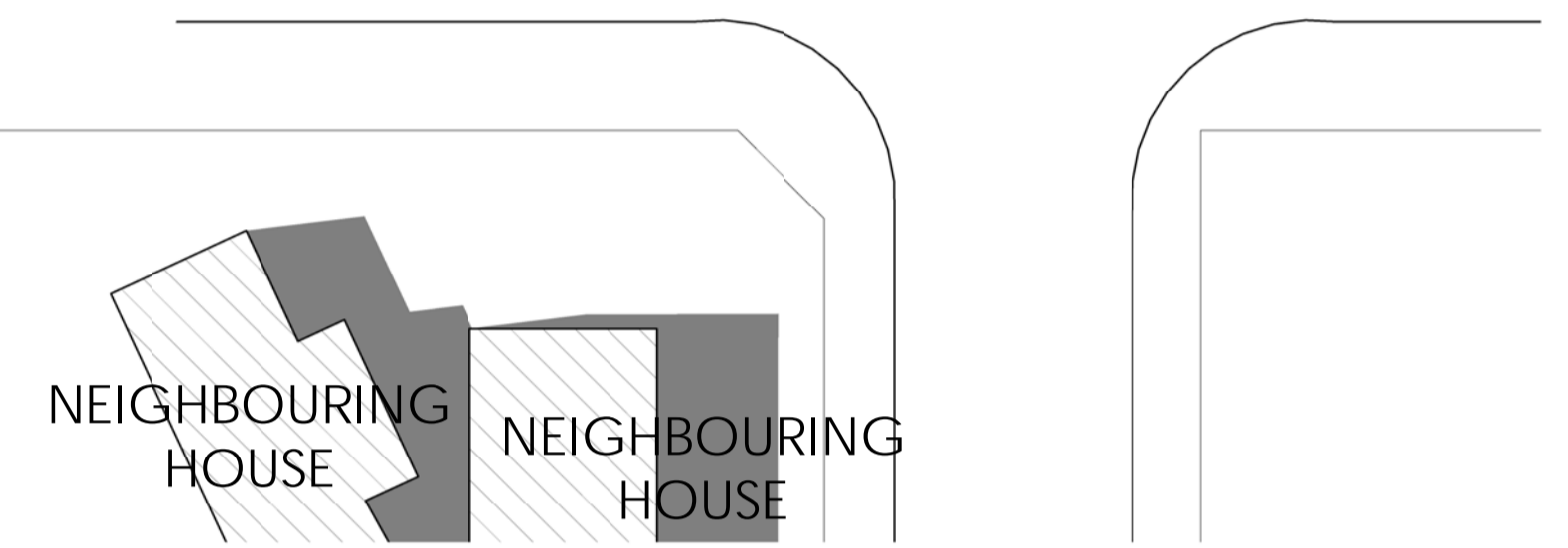
SCALE: 1 : 100
 DATE: AS NOTED
 JOB No: 8583
 SHEET No: A103



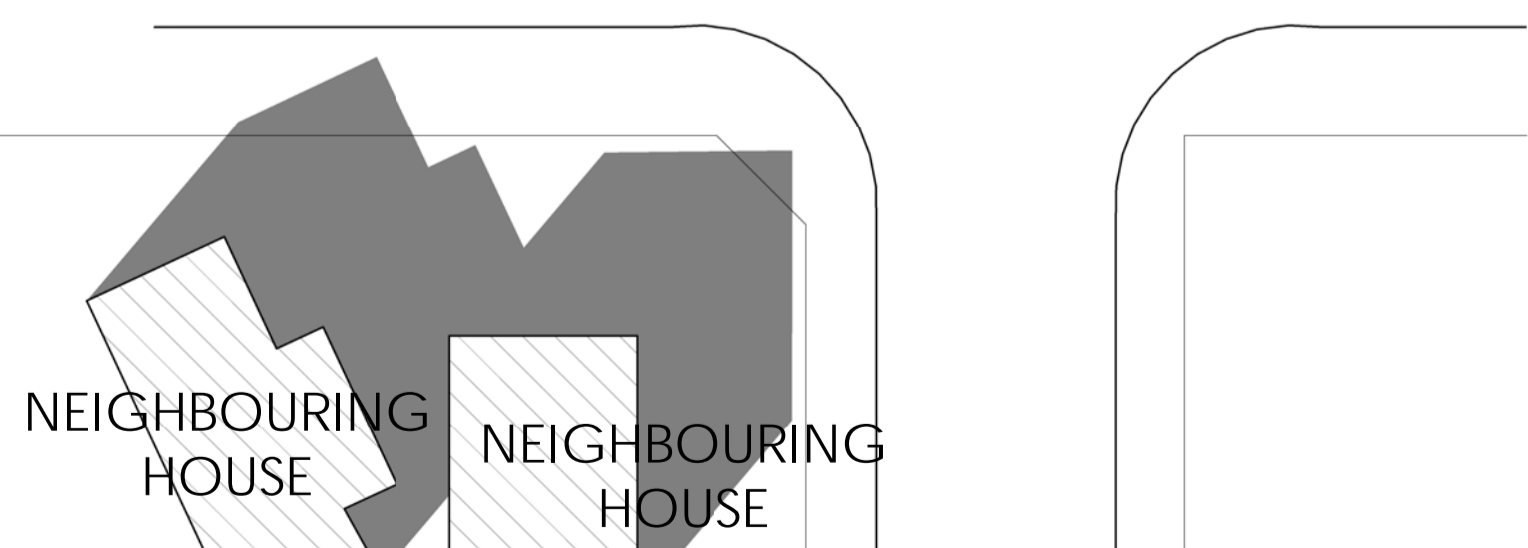
1 9AM 21ST JUNE
1 : 400



2 12 NOON 21ST JUNE
1 : 400



3 3PM 21ST JUNE
1 : 400



NOTE:
 1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY.
 2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY.
 3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT.
 4. DO NOT SCALE THE DRAWING. USE FIGURED DIMENSIONS.
 5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM.
 6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
 7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.
 8. PROVIDER CERTIFIED (EMERGENCY) BARRIER SYSTEM (EJ AS 3661)

LEGEND:

No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW
C	30.04.20	FOR REZONING APPLICATION

No	DATE	ISSUE

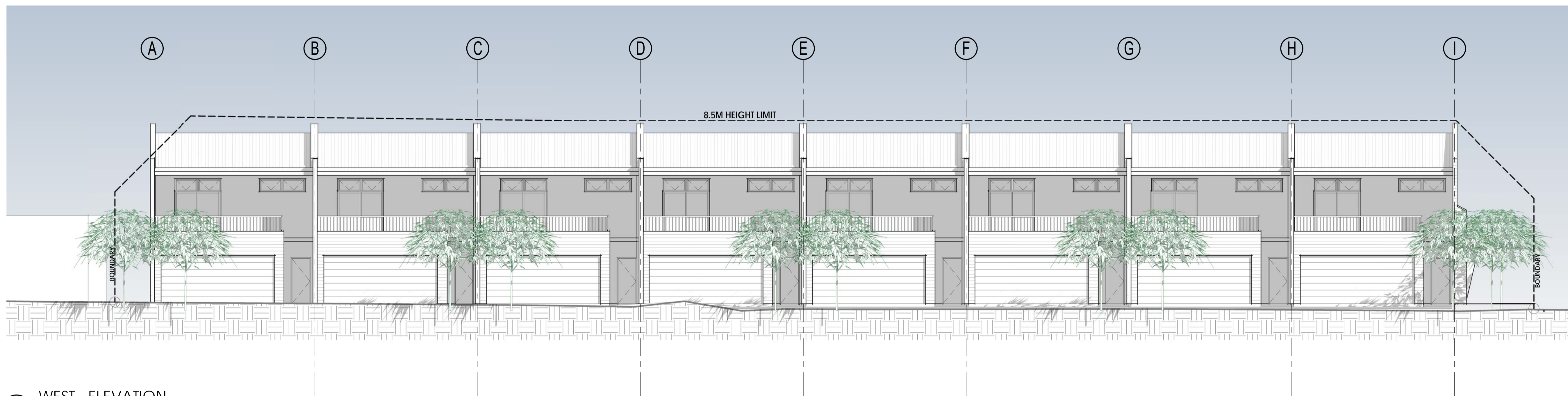
www.iarch.com.au **ARCHITECTURE**
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49
 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD
 STREET, BERRY NSW
 CLIENT: DUNFROOD PTY LTD
 DRAWING: SHADOW DIAGRAMS

SCALE: 1 : 400
 DATE: AS NOTED
 JOB No: 8583
 SHEET No: A107



2 SOUTH - ELEVATION
1 : 100



3 WEST- ELEVATION
1 : 100

NOTE:

1. TIMBER FRAMING AND WIND BRACING TO COMPLY WITH AS 1684 AND TO NSW TIMBER FRAMING MANUAL, AMENDED TO SUIT WIND TERRAIN CATEGORY.
2. SELECTED WINDOWS AND DOORS TO SUIT DESIGNATED WIND TERRAIN CATEGORY.
3. ALL SITE CONDITIONS INCLUDING LEVELS TO BE CONFIRMED, AND ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT PRIOR TO COMMENCEMENT.
4. DO NOT SCALE THE DRAWINGS, USE FIGURED DIMENSIONS.
5. CHECK ALL DIMENSIONS ON SITE BEFORE FABRICATING ANY ITEM.
6. DRAWINGS TO BE CHECKED AND CERTIFIED BY A PRACTISING STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
7. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.
8. PROVIDER CERTIFIED (EMERALD BARBER SYSTEM 102 AS 3662)

LEGEND:

No	DATE	ISSUE	No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT			
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW			
C	30.04.20	FOR REZONING APPLICATION			

www.iarch.com.au **ARCHITECTURE**
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

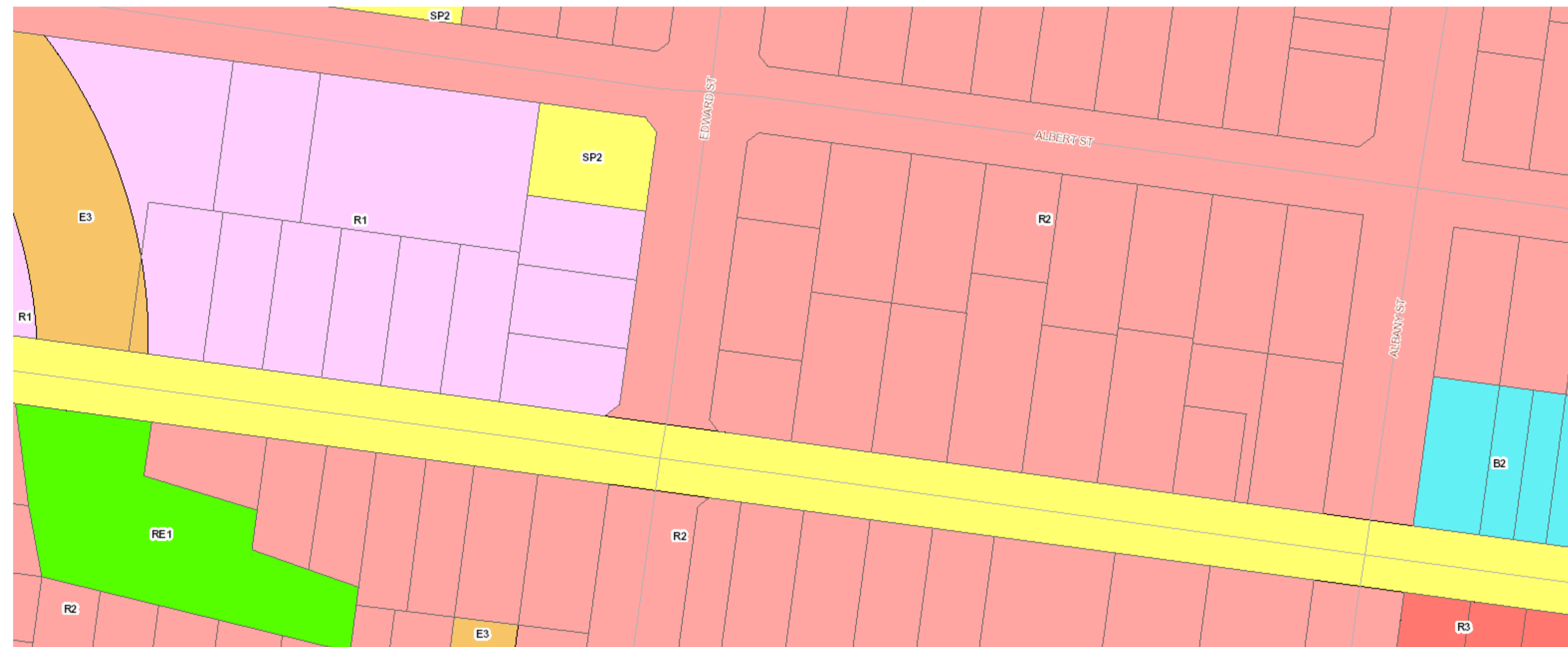


PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49
 SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD
 STREET, BERRY NSW
 CLIENT: DUNFROOD PTY LTD
 DRAWING: ELEVATIONS

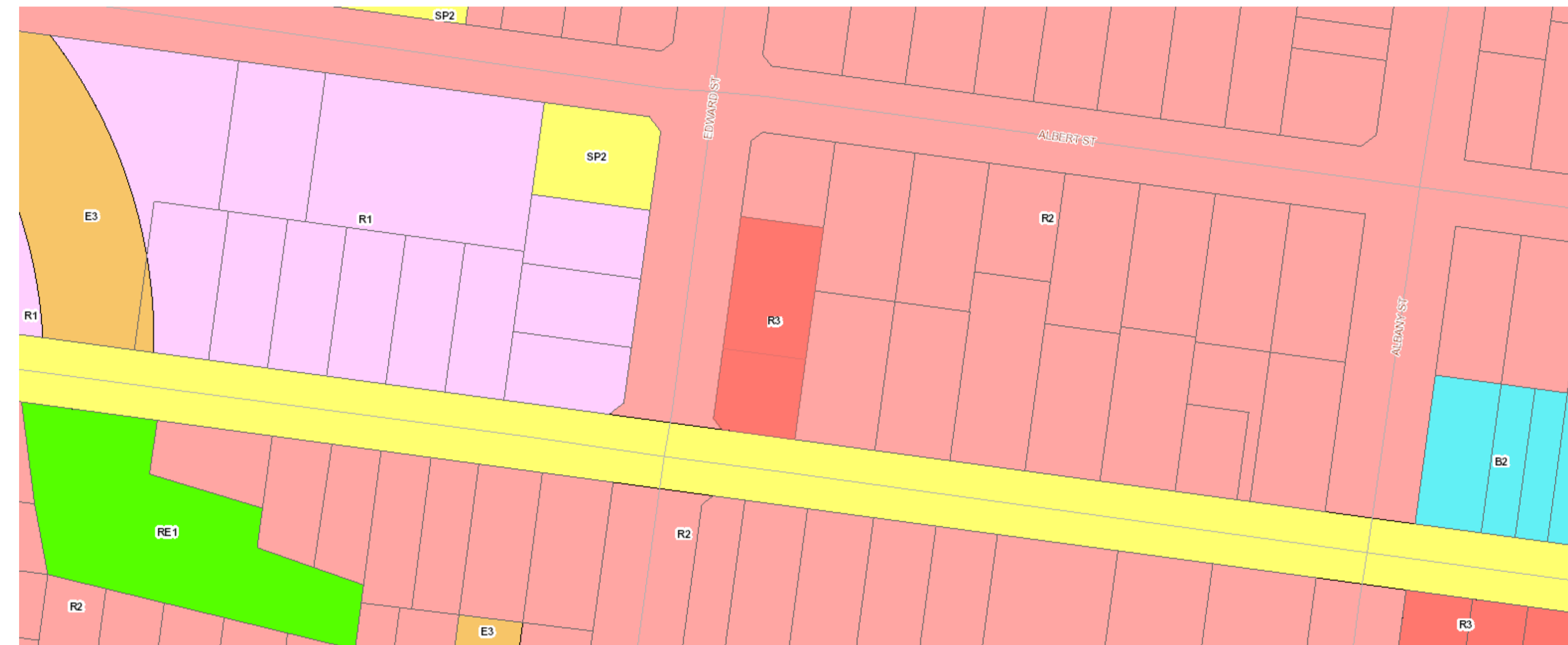
SCALE: 1 : 100
 DATE: AS NOTED
 JOB No: 8583
 SHEET No: A201

APPENDIX 10:

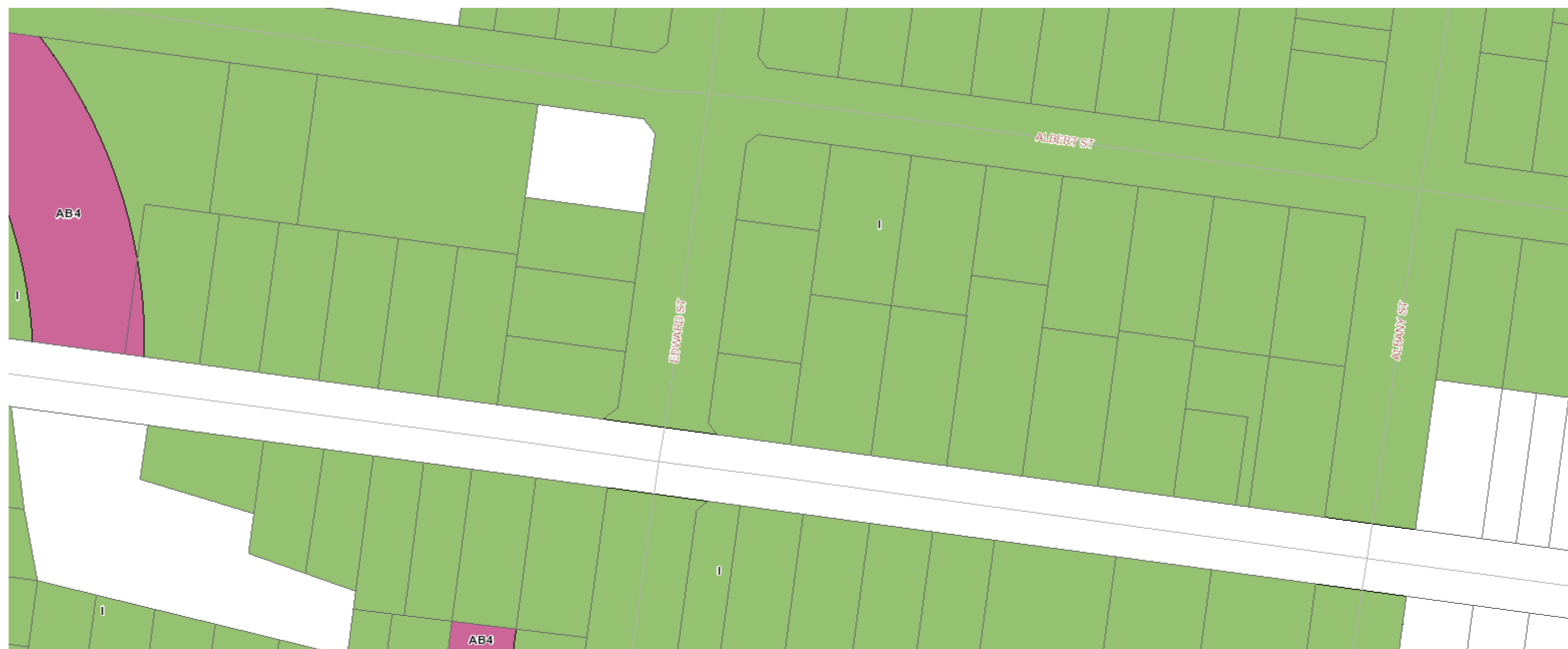
“Proposed LEP changes mapping”



EXISTING LAND USE ZONES



PROPOSED LAND USE ZONES



EXISTING MINIMUM LOT SIZE



PROPOSED MINIMUM LOT SIZE

No	DATE	ISSUE
A	10.04.20	DRAFT FOR CONSULTANT
B	22.04.20	DRAFT FOR CONSULTANT & CLIENT REVIEW
C	30.04.20	FOR REZONING APPLICATION

No	DATE	ISSUE

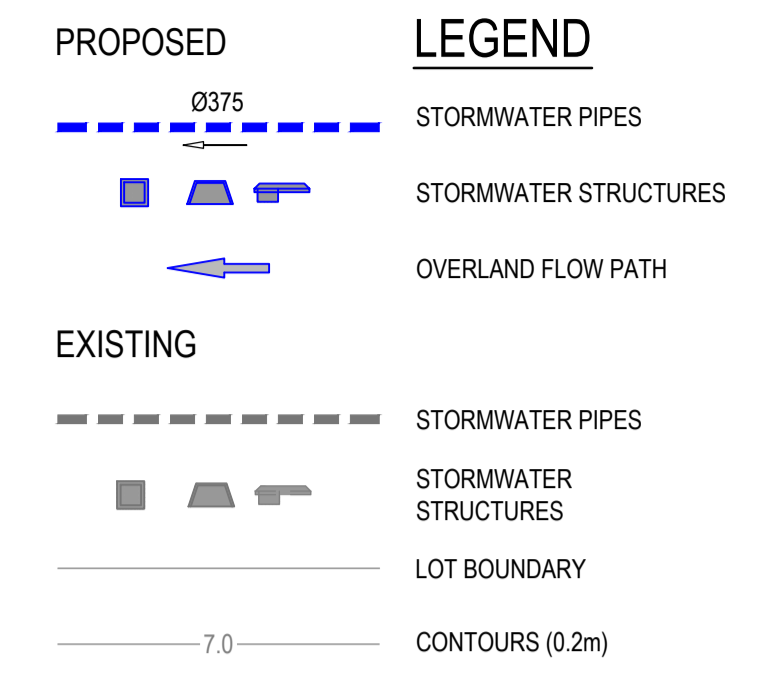
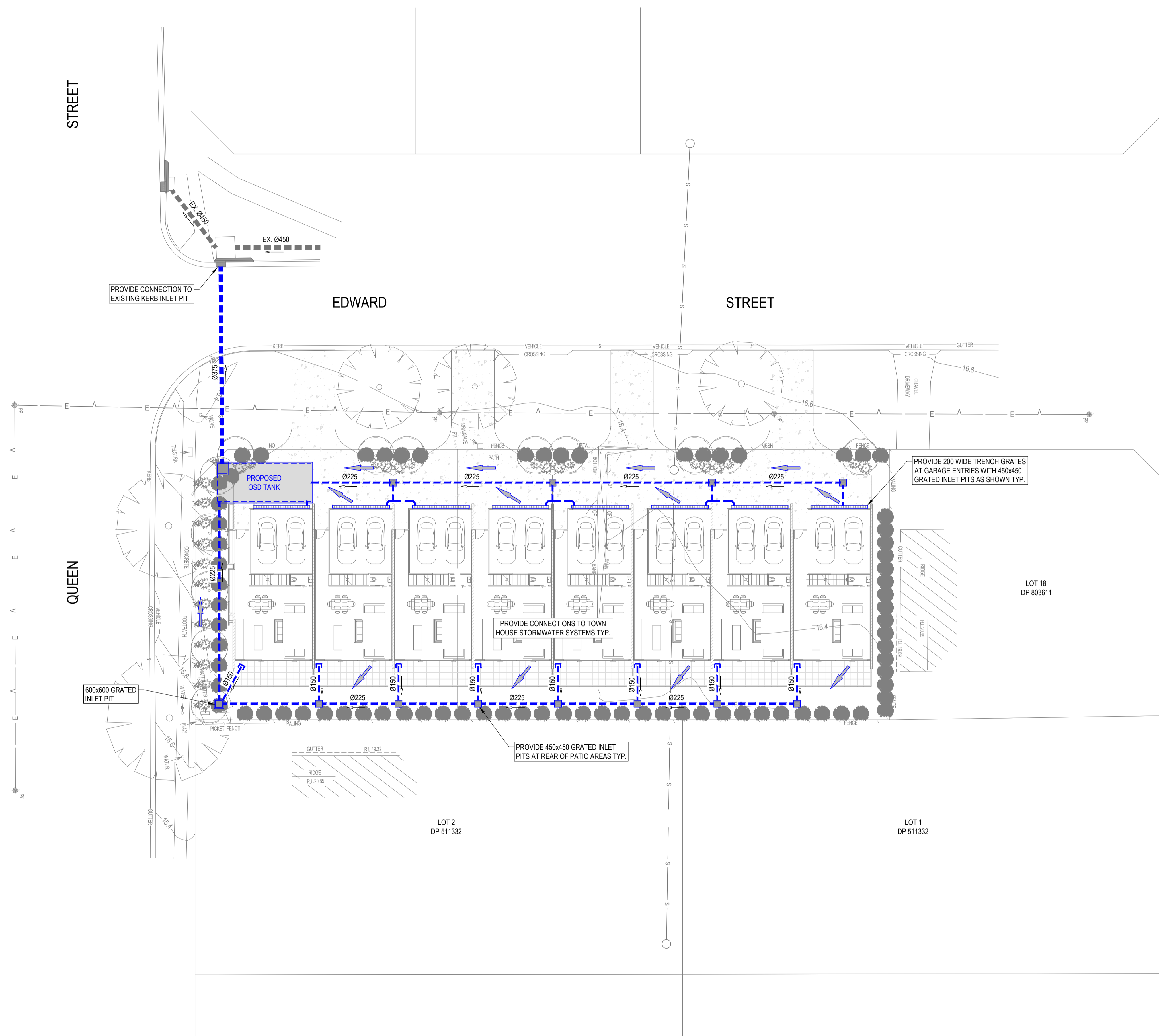
www.larch.com.au ARCHITECTURE
 PH: 02 44212588 INTERIORS
 50 JUNCTION STREET HERITAGE
 N O W R A URBAN DESIGN
 SUSTAINABLE

PROJECT: PROPOSED TOWNHOUSES LOT C, DP 379984, 49	SCALE:	A002
SITE: QUEEN STREET & LOT 19, DP 803611, 20 EDWARD STREET, BERRY NSW	DATE: AS NOTED	
CLIENT: DUNFROOD PTY LTD	JOB No: 8583	SHEET No.
DRAWING: LEP ZONE MAPPING		

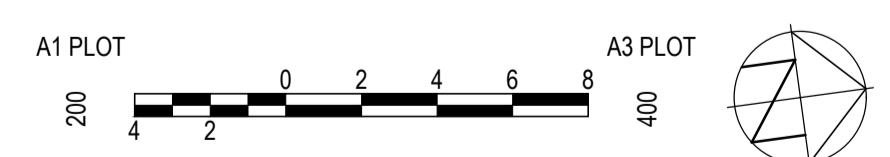


APPENDIX 11:

“Stormwater Concept Plan”



- NOTES:**
- DESIGN BASED ON ARCHITECTURALS DATED 14.02.2020.
 - SURVEY INFORMATION FROM 'JOHN PROCTOR SURVEYS' TOPOGRAPHIC SURVEY DATED 30.01.2020.
 - EXISTING STORMWATER ASSETS DEPTH AND LOCATION TO BE CONFIRMED PRIOR TO CONSTRUCTION.
 - IT HAS BEEN DETERMINED THAT NO OSD IS REQUIRED AS THE IMPERVIOUS AREA PERCENTAGE HAS REDUCED COMPARED WITH EXISTING CONDITIONS.



No.	AMENDMENT	APPROVED	DATE	AMENDED BY
2	REVISED TO REFLECT CHANGES FROM UPDATED ARCHITECTURALS	MAR	02.06.2020	MR
1	ISSUED FOR INFORMATION	MAR	29.05.2020	MR

**PRELIMINARY
NOT FOR CONSTRUCTION**

CLIENT



APPROVED	MAR	DATE	29.05.2020
CHECKED	MAR	DATE	29.05.2020
DESIGNED BY	MR		
DRAWN BY	MR		
CAD FILE Q:\ISC00221-49 Queen St\Acad\Civil\10 - DA\ISC00221-10-C001.dwg			
SCALE	1:200	ORIGINAL SIZE	A1

PROJECT

**49 QUEEN STREET, BERRY
CONCEPT STORMWATER
DESIGN**

DRAWING TITLE		
CONCEPT STORMWATER DESIGN LAYOUT PLAN		
PROJECT No.	DRAWING No.	AMDT
ISC00221-10	C001	2



APPENDIX 12:

"Preliminary Site Investigation on Contamination"



Douglas Partners

Geotechnics | Environment | Groundwater

Report on
Preliminary Site Investigation for Contamination

Proposed Rezoning
20 Edward Street and 49 Queen Street, Berry

Prepared for
Dunfrod Pty Ltd

Project 99043.00
April 2020

Integrated Practical Solutions





Douglas Partners

Geotechnics | Environment | Groundwater

Document History

Document details

Project No.	99043.00	Document No.	R.001.Rev0
Document title	Report on Preliminary Site Investigation for Contamination Proposed Rezoning		
Site address	20 Edward Street and 49 Queen Street, Berry		
Report prepared for	Dunfrod Pty Ltd		
File name	99043.00.R.001.Rev0		



Document status and review

Status	Prepared by	Reviewed by	Date issued
Revision 0	David McIntosh	Glyn Eade	30 April 2020

Distribution of copies

Status	Electronic	Paper	Issued to
Revision 0			Stephen Franey, Dunfrod Pty Ltd

The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		30 April 2020
Reviewer	 For Glyn Eade	30 April 2020



Douglas Partners Pty Ltd
ABN 75 053 980 117
www.douglaspartners.com.au
1/1 Luso Drive
Unanderra NSW 2526
PO Box 486
Unanderra NSW 2526
Phone (02) 4271 1836

Table of Contents

	Page
1. Introduction.....	1
2. Scope of Works.....	1
3. Site Description and Regional Geology	2
4. Site History	3
4.1 Historical and Current Title Deeds.....	3
4.2 Historical Aerial Photography	4
4.3 NSW EPA Public Registers	5
4.4 SafeWork NSW Search	5
4.5 Council Records.....	5
4.6 Section 10.7 (2&5) Certificate.....	6
5. Site Walkover	6
6. Preliminary Conceptual Site Model.....	7
6.1 Potential Contamination Sources and Contaminants of Concern	7
6.2 Potential Receptors.....	8
6.3 Potential Pathways	8
6.4 Summary of Preliminary CSM	8
7. Conclusions and Recommendations	9
8. References.....	9
9. Limitations	10
Appendix A: About this Report	
Appendix B: Drawing 1	
Appendix C: Site Photographs	
Appendix D: Historical and Current Title Deeds	
Appendix E: Historical Aerials	
Appendix F: SafeWork	

Report on Preliminary Site Investigation for Contamination Proposed Rezoning 20 Edward Street and 49 Queen Street, Berry

1. Introduction

This report presents the results of a preliminary site investigation for contamination (PSI) undertaken for a proposed rezoning at 20 Edward Street and 49 Queen Street, Berry (hereinafter referred to as 'the site'). The investigation was commissioned in an email dated 26 March 2020 received Stephen Franey of Dunfrod Pty Ltd, and was undertaken in general accordance with Douglas Partners' proposal WOL200082, dated 19 February 2020.

It is understood that a planning proposal is being prepared for the rezoning of the site to reflect the existing land use and to provide an increased residential density for the remainder of the land. The PSI is therefore required to provide preliminary information on the potential for land contamination as a result of previous land use(s) for submission to Shoalhaven City Council with the Rezoning Planning Proposal.

This report must be read in conjunction with the notes presented in Appendix A, and other explanatory notes, and the report should be kept in its entirety without separation of individual pages or sections.

2. Scope of Works

The scope of work for the PSI comprised:

- A desktop review of readily-available site information, comprising geological and topographical maps, and groundwater bores registered with the NSW Department of Primary Industries Water;
- A review of readily-available site history information, comprising:
 - o Current and historic Title Deeds;
 - o Historical and current aerial photographs;
 - o Public databases held under the *Contaminated Land Management Act 1997* and the *Protection of the Environment Operations Act 1997*;
 - o Records held in the SafeWork Stored Chemical Information Database (SCID); and
 - o Readily-accessible Council Records and the Section 10.7 (2 & 5) certificate;
- A site walkover inspection to identify conditions that may indicate a potential for contamination and assess associated environmental receptors; and
- The preparation of this report describing the methodology and the findings of the PSI, including commentary on the potential for contamination at the site; identifying observed potential sources of contamination and associated potential contaminants, and the compatibility of the site with the proposed development; and recommendations for further assessment (if required).

Identification details for the site are outlined in **Table 1** below. The site location and features are shown in Drawing 1 in Appendix B.

Table 1: Site Identification

Item	Description
Street Address	20 Edward Street and 49 Queen Street, Berry
Registered Lot and Plan	Lot C D.P. 379984 and Lot 19 D.P. 803611
Approximate Area (ha)	0.16 ha
Local Government Authority	Shoalhaven City Council
Current Zoning	R2 Low Density Residential
Current Owner of the Land	Stephen Franey
Current Occupier and use	Stephen Franey, commercial and industrial

3. Site Description and Regional Geology

The site is known as 20 Edward Street and 49 Queen Street, Berry which is identified as Lot 19 Deposited Plan 803611 and Lot C Deposited Plan 379984 and is approximately rectangular in shape with an area of approximately 0.16 ha and maximum length and width dimensions of approximately 63 m and 25 m respectively (refer to Drawing 1, Appendix B). The site is bounded to the north by residential properties, to the west by Edward Street with residential properties beyond, to the south by Queen Street with residential properties beyond and to the east by residential properties. It is understood that the northern portion of site is currently used for material storage, ute parking along with a site meeting shed, the centre of site has a shed used for boat maintenance and, and the southern portion of site is currently used for commercial shops and office space.

The surface level of the site is relatively flat at approximately 16 m relative to Australian Height Datum (AHD), with the site falling in a general south easterly direction from the highest point at the north western corner of the site at 16.9 m AHD to the lowest point in the north eastern corner of the site at 16.1 m AHD. No surface water features are present on the site, however, the regional topography generally gradually slopes towards an unnamed tributary located to the south east. A draining line is also running east west through the centre of site. This tributary flows in a south easterly direction and connects onto Broughton Mill Creek. From there Broughton Mill Creek connects onto the Shoalhaven River which flows out to the Tasman Sea.

At the time of undertaking the site investigation, 20 Edward Street comprised open space with some parked utes, a demountable site office, a small storage shed and a large industrial shed. 49 Queen Street was largely taken up with a commercial building, concreted hardstand area with minimal access to soils. Further details on various features observed during the investigation are provided in the site walkover discussion presented in Section 6 and shown on site photographs, provided in Appendix C

Reference to the Geology of NSW SCCA Quaternary Geology Sheet indicates that the site is underlain by silt, clay, fluvial sand and gravel of Pleistocene age. This formation typically comprises clayey silt,

silt, sandy silt, silty sand, very fine to very coarse sand or gravel, with minor organic mud, peat or clay, displaying a high degree of chemical weathering and pedogenesis.

Reference to the 1:25 000 Acid Sulfate Risk Map, *Wollongong* (Soil Conservation Service of New South Wales 1995), indicates that the site is not located in an area mapped as requiring investigations for acid sulfate soils.

A search of the NSW Department of Primary Industries Water (DPI Water) online map of registered groundwater works (<http://allwaterdata.water.nsw.gov.au/water.stm>) was undertaken on 02 April 2020. This identified one registered groundwater borehole within a 500 m radius of the site. Table 1, provides brief details on the borehole.

Table 1: Groundwater Borehole Summary

Borehole Identification	Year of Installation	Depth of Borehole (m)	Standing Water Level (m)	Purpose
GW011451	1956	27.40	3.0	Domestic

4. Site History

4.1 Historical and Current Title Deeds

A Title Deeds search was conducted by InfoTrack Pty Ltd, Settlement Agents and Legal Searchers. Title information can assist in the identification of previous land uses through the recorded occupation of individual land owners, or by a descriptive company name and may establish potentially contaminating activities which have occurred or are occurring at the site.

Table 2: Summary of Title Deeds for the Site

Ownership Date Range	Owner and Occupation where available	Inferred Land use
09.10.1926 (1926 to 1931)	John Coughtrie Leiper Nisbet Clement (Baker)	Commercial / Industrial
08.01.1931 (1931 to 1952)	Ellen Davis (Widow)	
06.03.1952 (1952 to 1952)	Frederick Leonard Davis (Hotel Keeper) Raymond Edward Davis (Hotel Keeper) Reginald James Davis (Company Director) (Transmission Application not investigated)	
02.06.1952 (1952 to 1971)	Francis Richard Ellison (Agricultural Engineer)	
03.02.1971 (1971 to 1989)	Edwin Keith Hodges (Member of the Royal Australian Navy) Shirley Lillian Hodges (Married Woman) Now Shirley Lillian Schmidt	
14.07.1989 (1989 to 1991)	Robert George Ray Beverley Joy Ray	
03.09.1991 (1991 to 2009)	Peter William Carson	
02.06.2009 (2009 to 2012)	Kallawar Holdings Pty Limited	
31.07.2012 (2012 to Date)	# Dunfrod Pty Limited	

It is noted that in establishing the inferred use of the site, information has also been drawn from other sources such as historical aerial photography and council records; see below.

The full results for the Title deed search, including a cadastral plan showing the site as described above, are provided in Appendix D.

4.2 Historical Aerial Photography

Six aerial photographs were examined from the years 1949, 1961, 1984, 1996, 2010 and 2019, to identify any changes to the site and surrounding area which may include potential land contaminating activities or significant environmental features. The aerials were sourced from reputable and reliable reference documents, all of which were official records held by Government departments/agencies. Copies of the aerial photographs from the years 1949 to 2019 are included in Appendix E. A summary of the findings is provided below.

1949: The site appears to be undeveloped. The site is bounded to the north by residential properties, to the east by residential and commercial properties, to the south by Queen street with residential properties beyond, and to the west by Edward Street with residential properties beyond. It is noted that the quality of the 1949 aerial photograph is poor.

1961: The site appears to be relatively partially developed in the south east corner. The surrounding lands to the north, east and south have undergone further developments. It is noted that the quality of the aerial photograph is poor.

1984: The site appears to be developed further in the southern portion of the site. The site and surrounding land use appear to be relatively unchanged.

1996: The northern portion of the site appears to have undergone some form of change / development, and it is observed that the southern portion of site comprises near entirely of buildings. The land to the west has undergone further developments. The surrounding land to the north, east and south appears to be relatively unchanged.

2010: A shed is visible adjacent to the north-eastern boundary of the site. A couple of vehicles are also visible in the northern portion of the site. The northern portion of the site appears to be primarily grass covered with a few trees. The surrounding land use appears to be relatively unchanged.

2019: An additional structure (the demountable office) is visible in the north eastern portion of the site. The rest of site and surrounding land use appears to be relatively unchanged.

4.3 NSW EPA Public Registers

A search, undertaken on 2 April 2020, for current Statutory Notices issued under the *Contaminated Land Management Act, 1997* and *Protection of the Environment Operations Act, 1997* available on the NSW EPA website, showed that there were no notices or licenses issued for the site or nearby sites.

A search of the NSW EPA's "*List of Contaminated Sites Notified to the EPA*" did not return any results on the site. It is noted that a service station at 75 Queen Street, Berry is listed on the EPA list of notified sites as "*contamination currently regulated under POEO Act*", which is located approximately 250 m east of the site up gradient.

4.4 SafeWork NSW Search

A search of the SafeWork NSW Stored chemical Information Database (SCID) was commissioned for the site with the records showing the storage of Hazardous Chemicals such as paint and turpentine substitute at 20 Edward Street and 49 Queen Street, Berry.

A copy of the results, dated 17 April 2020, is included in Appendix G.

4.5 Council Records

A search of Council records for the site was conducted by Council staff with a list of the available files provided electronically for review on 9 April 2020.

The only listed file for 20 Edward Street was in relation to a "*fibro/brick Extension to Factory*" dated 20 October 1972.

Most of the listed files for 49 Queen Street related to the sites historical and ongoing use as commercial properties. Currently the commercial properties include a recycled furniture store, a wool store and as office space for Core Integrated solutions Pty Ltd. The listed files included development applications related to the progressive development of the site and building applications related to additions and alterations to the commercial property (shop fronts, garden areas, advertising etc.).

Based on a review of the provided files, the information included shows the site has undergone progressive development.

4.6 Section 10.7 (2&5) Certificate

The Section 10.7 Planning Certificates (2&5) for the site, dated 26 March 2020 are included in Appendix G.

The Certificates indicates that 20 Edward Street (Lot 19 Deposited Plan 803611) and 49 Queen Street (Lot C Deposited Plan 379984) are zoned as *R2 Low Density Residential*.

There are no matters listed under Section 10.7(2) of the Contaminated Land Management Act 1997 which should be specified on the Certificates, Section 10.7(2) concerns matters that must be included within a Section 10.7 Planning Certificate in relation to the land being significantly contaminated, any regulatory orders applying and the existence of a site audit statement or a site audit report pertaining to the property.

Information provided in the Section 10.7(5) Planning Certificate states that Council has no advice regarding contaminated land.

5. Site Walkover

A site walkover inspection was undertaken by DP personnel on 31 March 2020. Site photographs taken during the walkover are provided in Appendix C. The following main site features were noted:

- The northern portion of the site (20 Edward Street) was mostly open space (refer to photo 1), with 49 Queen Street predominately taken up by an industrial shed and a commercial building (refer to photo 2);
- 20 Edwards Street was fenced along all boundaries, and 49 Queen Street was fenced along the eastern boundary;
- A storage shed was observed adjacent to the eastern boundary. The shed appears to have been constructed out of galvanised steel and wood and was used for the storage of building supplies (refer to photo 3) and was full at the time of the inspection;
- A demountable office was also observed along the eastern boundary (refer to photo 4);
- A stockpile of plastic piping was observed within the northern portion (refer to photo 5);
- Some waste debris was observed along the northern and eastern boundary of site including plastic (soft and hard) cardboard, ceramic tile, concrete, polystyrene, cloth, brick and glass (refer to photo 6);

- General building materials were observed along the northern and eastern boundary including timber, PVC piping, and tin;
- A raised fill area was observed along the western boundary (refer to photo 7).and
- A bin storage area in the south eastern corner of site and evidence of surface waste;

6. Preliminary Conceptual Site Model

A preliminary conceptual site model (CSM) has been developed based on the available historical information and observations made during the site inspection. The CSM identifies potential sources of contaminants of potential concern (CoPC), sensitive receptors, and potential transport mechanisms that could expose sensitive receptors to unacceptable ecological and/or health risks.

The objective of the CSM is to highlight actual or potential exposure pathways that may exist and identify any data gaps that may need to be addressed during this investigation.

For potential ecological and/or health risks to be present, all of the following elements of an exposure pathway are required:

1. Contaminant source (e.g. fuel tank or filling);
2. Receptor (e.g. site worker, site occupier or aquatic ecosystem); and
3. Transport mechanism / exposure route between the source and receptor (e.g. vapour / groundwater migration, ingestion or inhalation).

If all three elements are present, it is considered that a complete exposure pathway exists. Partial or incomplete exposure pathways may also be present. A qualitative assessment of the presence, or otherwise, of the above elements at the site and the CSM is discussed in the following subsections

6.1 Potential Contamination Sources and Contaminants of Concern

The findings of the site history investigation and site walkover indicate that the site has previously been used for commercial and industrial purposes as discussed in section 3 and remains that way today. It is therefore considered that there is a potential for contamination to exist at the site primarily through the progressive development of the site due to:

- Fill to have occurred during the development of the site beneath the existing buildings and adjacent areas;

As such, and based on the findings of the site history and site walkover, the potential sources (S) of contamination comprise:

- S1 – Uncontrolled filling of unknown origin at the site beneath building and adjacent areas; and
- S2 – Storage of Hazardous Chemicals for furniture manufacturing;

Common CoPC associated with the above identified potential sources include metals / metalloids, total recoverable hydrocarbons, monocyclic and polycyclic aromatic hydrocarbons, volatile organic compounds, polychlorinated biphenyls (PCB), phenols and asbestos, zinc, lead-based paint, PCB and synthetic mineral fibres (SMF) in hazardous building materials.

6.2 Potential Receptors

Receptors (R) that potentially could be influenced by the potential contaminants at this site include:

Potential human health receptors include:

- R1 - Current and future site users (commercial / Industrial);
- R2 - Construction workers during any potential future developments; and
- R3 – Adjacent users (commercial and residential).

Potential environmental receptors: include

- R4 - Groundwater;
- R5 - Surface Water (Unnamed Tributary); and
- R6 - Flora and Fauna.

6.3 Potential Pathways

Potential pathways (P) for contaminants to come into contact with identified receptors, with consideration to the site's proposed end use, current condition, and geological, topographical and hydrogeological characteristics, include:

- P1 - Direct contact with soil (ingestion and dermal);
- P2 - Inhalation of dust / vapours;
- P3 - Leaching of contaminants and vertical migration into groundwater;
- P4 - Surface water run-off;
- P5 - Lateral migration of groundwater providing base flow to watercourses; and
- P6 - Direct contact of contaminated ground with ecological receptors.

6.4 Summary of Preliminary CSM

A 'source–pathway–receptor' approach has been used to assess the potential risks to human and environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways.

The possible pathways between the sources and receptors are provided in Table 3.

Table 3: Potential Complete Pathways

Source	Transport Pathway	Receptor	Action Recommended
S1 – Uncontrolled fill of unknown origin associated with historical development of the site and adjacent areas. S2 – Storage of Hazardous Chemicals	P1 - Ingestion and dermal contact	R1 - Current and future users	An intrusive investigation is required to assess possible contamination including chemical testing of the soils. Testing of soils will be used as a screen for potential surface water and groundwater contamination. A hazardous building materials assessment of the site structures must be undertaken prior to any demolition works
	P2 - Inhalation of dust / vapours	R2 – Construction workers	
	P2 - Inhalation of dust / vapours	R2 - Adjacent users	
	P3 - Leaching of contaminants	R4 – Groundwater	
	P4 - Surface water run-off	R5 - Surface water	
	P5 - Lateral migration of groundwater		
P6 - Contact with terrestrial ecology	R6 - Terrestrial ecology		

7. Conclusions and Recommendations

Based on the findings of this PSI, no evidence of substantial or widespread contamination has been identified that would preclude the re-zoning of the site. However, it is considered that there is potential for contamination to exist primarily associated to the potential for fill of an unknown origin and the storage of hazardous chemicals which, if present, may pose a risk to identified receptors.

Further investigation may be warranted if development is proposed at the site, depending on the details of the proposed development.

8. References

1. CLM Act, *Contaminated Land Management Act 1997*;
2. CLM Regulation, *Contaminated Land Management Regulation 2013*;
3. SCS (1990), *1:100,000 Wollongong-Port Hacking Geology*, Soil Conservation Service of NSW;
4. NEPC (2013), *National Environment Protection Council National Environment Protection (Assessment of Site Contamination) Measure 1999, amended 2013*, National Environment Protection Council
5. SCS (1990), *1:100,000 Wollongong-Port Hacking Soil Landscapes*, Soil Conservation Service of NSW;
6. SCS (1995), *Acid Sulphate Soil Risk Map of Wollongong*, Soil Conservation Service of NSW.

9. Limitations

Douglas Partners (DP) has prepared this report for this project at 20 Edward Street and 49 Queen Street, Berry in accordance with DP's proposal dated 19 February 2020 and acceptance received from Stephen Franey of Dunfrod Pty Ltd dated 26 March 2020. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Dunfrod Pty Ltd for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

The contents of this report do not constitute formal design components such as are required, by the Health and Safety Legislation and Regulations, to be included in a Safety Report specifying the hazards likely to be encountered during construction and the controls required to mitigate risk. This design process requires risk assessment to be undertaken, with such assessment being dependent upon factors relating to likelihood of occurrence and consequences of damage to property and to life. This, in turn, requires project data and analysis presently beyond the knowledge and project role respectively of DP. DP may be able, however, to assist the client in carrying out a risk assessment of potential hazards contained in the Comments section of this report, as an extension to the current scope of works, if so requested, and provided that suitable additional information is made available to DP. Any such risk assessment would, however, be necessarily restricted to the (geotechnical / environmental / groundwater) components set out in this report and to their application by the project designers to project design, construction, maintenance and demolition.

Douglas Partners Pty Ltd

Appendix A

About This Report

About this Report

Douglas Partners



Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;

- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Symbols & Abbreviations

Douglas Partners



Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

▷	Water seep
▽	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
E	Environmental sample
U ₅₀	Undisturbed tube sample (50mm)
W	Water sample
pp	Pocket penetrometer (kPa)
PID	Photo ionisation detector
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	Lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
slt	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough


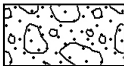
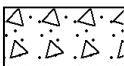

Other

fg	fragmented
bnd	band
qtz	quartz






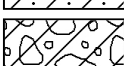


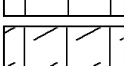
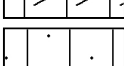

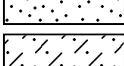
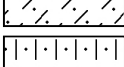
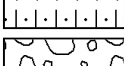
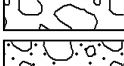
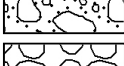

Symbols & Abbreviations

Graphic Symbols for Soil and Rock




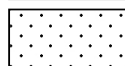
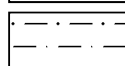
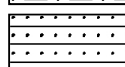
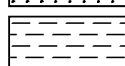

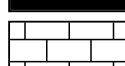
General

	Asphalt
	Road base
	Concrete
	Filling

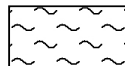
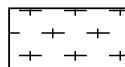
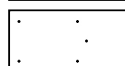
Soils

	Topsoil
	Peat
	Clay
	Silty clay
	Sandy clay
	Gravelly clay
	Shaly clay
	Silt
	Clayey silt
	Sandy silt
	Sand
	Clayey sand
	Silty sand
	Gravel
	Sandy gravel
	Cobbles, boulders
	Talus

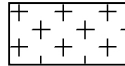

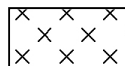
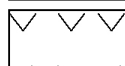

Sedimentary Rocks

	Boulder conglomerate
	Conglomerate
	Conglomeratic sandstone
	Sandstone
	Siltstone
	Laminite
	Mudstone, claystone, shale
	Coal
	Limestone

Metamorphic Rocks

	Slate, phyllite, schist
	Gneiss
	Quartzite

Igneous Rocks

	Granite
	Dolerite, basalt, andesite
	Dacite, epidote
	Tuff, breccia
	Porphyry



Sampling

Sampling is carried out during drilling or test pitting to allow engineering examination (and laboratory testing where required) of the soil or rock.

Disturbed samples taken during drilling provide information on colour, type, inclusions and, depending upon the degree of disturbance, some information on strength and structure.

Undisturbed samples are taken by pushing a thin-walled sample tube into the soil and withdrawing it to obtain a sample of the soil in a relatively undisturbed state. Such samples yield information on structure and strength, and are necessary for laboratory determination of shear strength and compressibility. Undisturbed sampling is generally effective only in cohesive soils.

Test Pits

Test pits are usually excavated with a backhoe or an excavator, allowing close examination of the in-situ soil if it is safe to enter into the pit. The depth of excavation is limited to about 3 m for a backhoe and up to 6 m for a large excavator. A potential disadvantage of this investigation method is the larger area of disturbance to the site.

Large Diameter Augers

Boreholes can be drilled using a rotating plate or short spiral auger, generally 300 mm or larger in diameter commonly mounted on a standard piling rig. The cuttings are returned to the surface at intervals (generally not more than 0.5 m) and are disturbed but usually unchanged in moisture content. Identification of soil strata is generally much more reliable than with continuous spiral flight augers, and is usually supplemented by occasional undisturbed tube samples.

Continuous Spiral Flight Augers

The borehole is advanced using 90-115 mm diameter continuous spiral flight augers which are withdrawn at intervals to allow sampling or in-situ testing. This is a relatively economical means of drilling in clays and sands above the water table. Samples are returned to the surface, or may be collected after withdrawal of the auger flights, but they are disturbed and may be mixed with soils from the sides of the hole. Information from the drilling (as distinct from specific sampling by SPTs or undisturbed samples) is of relatively low

reliability, due to the remoulding, possible mixing or softening of samples by groundwater.

Non-core Rotary Drilling

The borehole is advanced using a rotary bit, with water or drilling mud being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from the rate of penetration. Where drilling mud is used this can mask the cuttings and reliable identification is only possible from separate sampling such as SPTs.

Continuous Core Drilling

A continuous core sample can be obtained using a diamond tipped core barrel, usually with a 50 mm internal diameter. Provided full core recovery is achieved (which is not always possible in weak rocks and granular soils), this technique provides a very reliable method of investigation.

Standard Penetration Tests

Standard penetration tests (SPT) are used as a means of estimating the density or strength of soils and also of obtaining a relatively undisturbed sample. The test procedure is described in Australian Standard 1289, Methods of Testing Soils for Engineering Purposes - Test 6.3.1.

The test is carried out in a borehole by driving a 50 mm diameter split sample tube under the impact of a 63 kg hammer with a free fall of 760 mm. It is normal for the tube to be driven in three successive 150 mm increments and the 'N' value is taken as the number of blows for the last 300 mm. In dense sands, very hard clays or weak rock, the full 450 mm penetration may not be practicable and the test is discontinued.

The test results are reported in the following form.

- In the case where full penetration is obtained with successive blow counts for each 150 mm of, say, 4, 6 and 7 as:
4,6,7
N=13
- In the case where the test is discontinued before the full penetration depth, say after 15 blows for the first 150 mm and 30 blows for the next 40 mm as:
15, 30/40 mm

Sampling Methods

The results of the SPT tests can be related empirically to the engineering properties of the soils.

Dynamic Cone Penetrometer Tests / Perth Sand Penetrometer Tests

Dynamic penetrometer tests (DCP or PSP) are carried out by driving a steel rod into the ground using a standard weight of hammer falling a specified distance. As the rod penetrates the soil the number of blows required to penetrate each successive 150 mm depth are recorded. Normally there is a depth limitation of 1.2 m, but this may be extended in certain conditions by the use of extension rods. Two types of penetrometer are commonly used.

- Perth sand penetrometer - a 16 mm diameter flat ended rod is driven using a 9 kg hammer dropping 600 mm (AS 1289, Test 6.3.3). This test was developed for testing the density of sands and is mainly used in granular soils and filling.
- Cone penetrometer - a 16 mm diameter rod with a 20 mm diameter cone end is driven using a 9 kg hammer dropping 510 mm (AS 1289, Test 6.3.2). This test was developed initially for pavement subgrade investigations, and correlations of the test results with California Bearing Ratio have been published by various road authorities.



Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are based on Australian Standard AS 1726-1993, Geotechnical Site Investigations Code. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle size (mm)
Boulder	>200
Cobble	63 - 200
Gravel	2.36 - 63
Sand	0.075 - 2.36
Silt	0.002 - 0.075
Clay	<0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle size (mm)
Coarse gravel	20 - 63
Medium gravel	6 - 20
Fine gravel	2.36 - 6
Coarse sand	0.6 - 2.36
Medium sand	0.2 - 0.6
Fine sand	0.075 - 0.2

The proportions of secondary constituents of soils are described as:

Term	Proportion	Example
And	Specify	Clay (60%) and Sand (40%)
Adjective	20 - 35%	Sandy Clay
Slightly	12 - 20%	Slightly Sandy Clay
With some	5 - 12%	Clay with some sand
With a trace of	0 - 5%	Clay with a trace of sand

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained shear strength (kPa)
Very soft	vs	<12
Soft	s	12 - 25
Firm	f	25 - 50
Stiff	st	50 - 100
Very stiff	vst	100 - 200
Hard	h	>200

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (PSP). The relative density terms are given below:

Relative Density	Abbreviation	SPT N value	CPT qc value (MPa)
Very loose	vl	<4	<2
Loose	l	4 - 10	2 - 5
Medium dense	md	10 - 30	5 - 15
Dense	d	30 - 50	15 - 25
Very dense	vd	>50	>25

Soil Descriptions

Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Transported soils - formed somewhere else and transported by nature to the site; or
- Filling - moved by man.

Transported soils may be further subdivided into:

- Alluvium - river deposits
- Lacustrine - lake deposits
- Aeolian - wind deposits
- Littoral - beach deposits
- Estuarine - tidal river deposits
- Talus - scree or coarse colluvium
- Slopewash or Colluvium - transported downslope by gravity assisted by water. Often includes angular rock fragments and boulders.


Appendix B

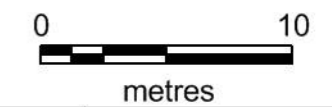
Drawing 1



Site Location

Legend

 Approximate Site Boundary



Appendix C

Site Photographs



Photo 1: View of of site from the centre of site looking north.



Photo 2: View of the southern boundary of site from the corner of Edward Street and Queen Street.



Photo 3: View of the onsite storage shed along the eastern boundary.



Photo 4: View of northern portion of site and demountable site office.



Photo 5: View of pipe stockpile located along the northern boundary of site.



Photo 6: View of general waste material on surface of site along the eastern boundary.



Photo 7: View of fill mound from the western boundary looking east.

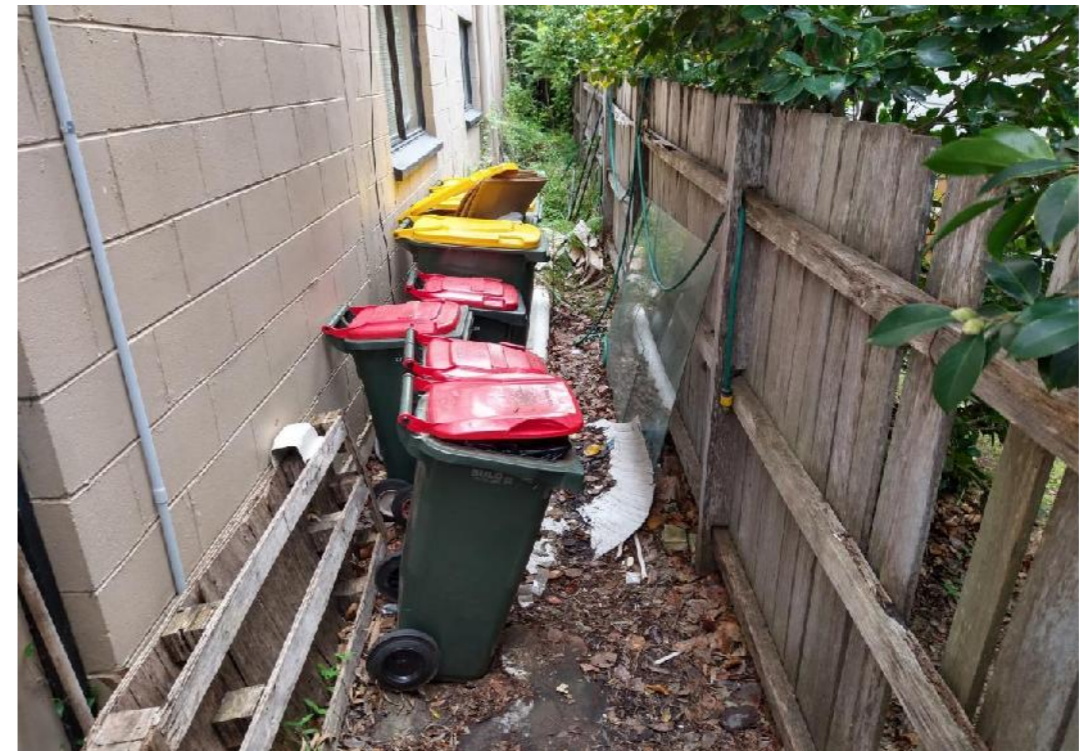


Photo 8: View of alley way from the south eastern corner of site looking north

Appendix D

Historical and Current Title Deeds



ABN: 36 092 724 251
Ph: 02 9099 7400
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Summary of Owners Report

Address: - 20 Edward Street and 49 Queen Street, Berry

Description: - Lot C D.P. 379984 and Lot 19 D.P. 803611

As regards Lot C D.P. 379984 – 49 Queen Street

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.10.1926 (1926 to 1931)	John Coughtrie Leiper Nisbet Clement (Baker)	Vol 2466 Fol 13
08.01.1931 (1931 to 1952)	Ellen Davis (Widow)	Vol 2466 Fol 13
06.03.1952 (1952 to 1952)	Frederick Leonard Davis (Hotel Keeper) Raymond Edward Davis (Hotel Keeper) Reginald James Davis (Company Director) (Transmission Application not investigated)	Vol 2466 Fol 13
02.06.1952 (1952 to 1971)	Francis Richard Ellison (Agricultural Engineer)	Vol 2466 Fol 13 Now Vol 6639 Fol 3
03.02.1971 (1971 to 1989)	Edwin Keith Hodges (Member of the Royal Australian Navy) Shirley Lillian Hodges (Married Woman) Now Shirley Lillian Schmidt	Vol 6639 Fol 3
14.07.1989 (1989 to 1991)	Robert George Ray Beverley Joy Ray	Vol 6639 Fol 3 Now C/379984
03.09.1991 (1991 to 2009)	Peter William Carson	C/379984
02.06.2009 (2009 to 2012)	Kallawar Holdings Pty Limited	C/379984
31.07.2012 (2012 to Date)	# Dunfrod Pty Limited	C/379984

Denotes current registered proprietor

Leases and Easements: - NIL



ABN: 36 092 724 251
 Ph: 02 9099 7400
 (Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
 Sydney 2000
 GPO Box 4103 Sydney NSW 2001
 DX 967 Sydney

As regards Lot 19 D.P. 803611 – 20 Edward Street

As regards the part numbered (1) on the attached Cadastral Records Report

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.10.1926 (1926 to 1931)	John Coughtrie Leiper Nisbet Clement (Baker)	Vol 2466 Fol 13
08.01.1931 (1931 to 1952)	Ellen Davis (Widow)	Vol 2466 Fol 13
06.03.1952 (1952 to 1952)	Frederick Leonard Davis (Hotel Keeper) Raymond Edward Davis (Hotel Keeper) Reginald James Davis (Company Director) (Transmission Application not investigated)	Vol 2466 Fol 13
02.06.1952 (1952 to 1976)	Alfred Williams (Hospital Attendant)	Vol 2466 Fol 13 Now Vol 6613 Fol 110
06.02.1976 (1976 to 1985)	Dorothy Jean Dinsdale (Married Woman) (Section 94 Application not investigated)	Vol 6613 Fol 110
27.11.1985 (1985 to 1989)	Edwin Keith Hodges (Member of the Royal Australian Navy) Shirley Lillian Schmidt	Vol 6613 Fol 110
14.07.1989 (1989 to 1991)	Robert George Ray Beverley Joy Ray	Vol 6613 Fol 110 Now 19/803611

As regards the part numbered (2) on the attached Cadastral Records Report

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.10.1926 (1926 to 1931)	John Coughtrie Leiper Nisbet Clement (Baker)	Vol 2466 Fol 13
08.01.1931 (1931 to 1952)	Ellen Davis (Widow)	Vol 2466 Fol 13
06.03.1952 (1952 to 1952)	Frederick Leonard Davis (Hotel Keeper) Raymond Edward Davis (Hotel Keeper) Reginald James Davis (Company Director) (Transmission Application not investigated)	Vol 2466 Fol 13
02.06.1952 (1952 to 1971)	Francis Richard Ellison (Agricultural Engineer)	Vol 2466 Fol 13 Now Vol 6639 Fol 3
03.02.1971 (1971 to 1989)	Edwin Keith Hodges (Member of the Royal Australian Navy) Shirley Lillian Hodges (Married Woman) Now Shirley Lillian Schmidt	Vol 6639 Fol 3
14.07.1989 (1989 to 1991)	Robert George Ray Beverley Joy Ray	Vol 6639 Fol 3 Now 19/803611



ABN: 36 092 724 251
Ph: 02 9099 7400
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Continued as regards the whole of Lot 19 D.P. 803611

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
03.09.1991 (1991 to 2009)	Peter William Carson	19/803611
02.06.2009 (2009 to 2012)	Kallawar Holdings Pty Limited	19/803611
31.07.2012 (2012 to Date)	# Dunfrod Pty Limited	19/803611

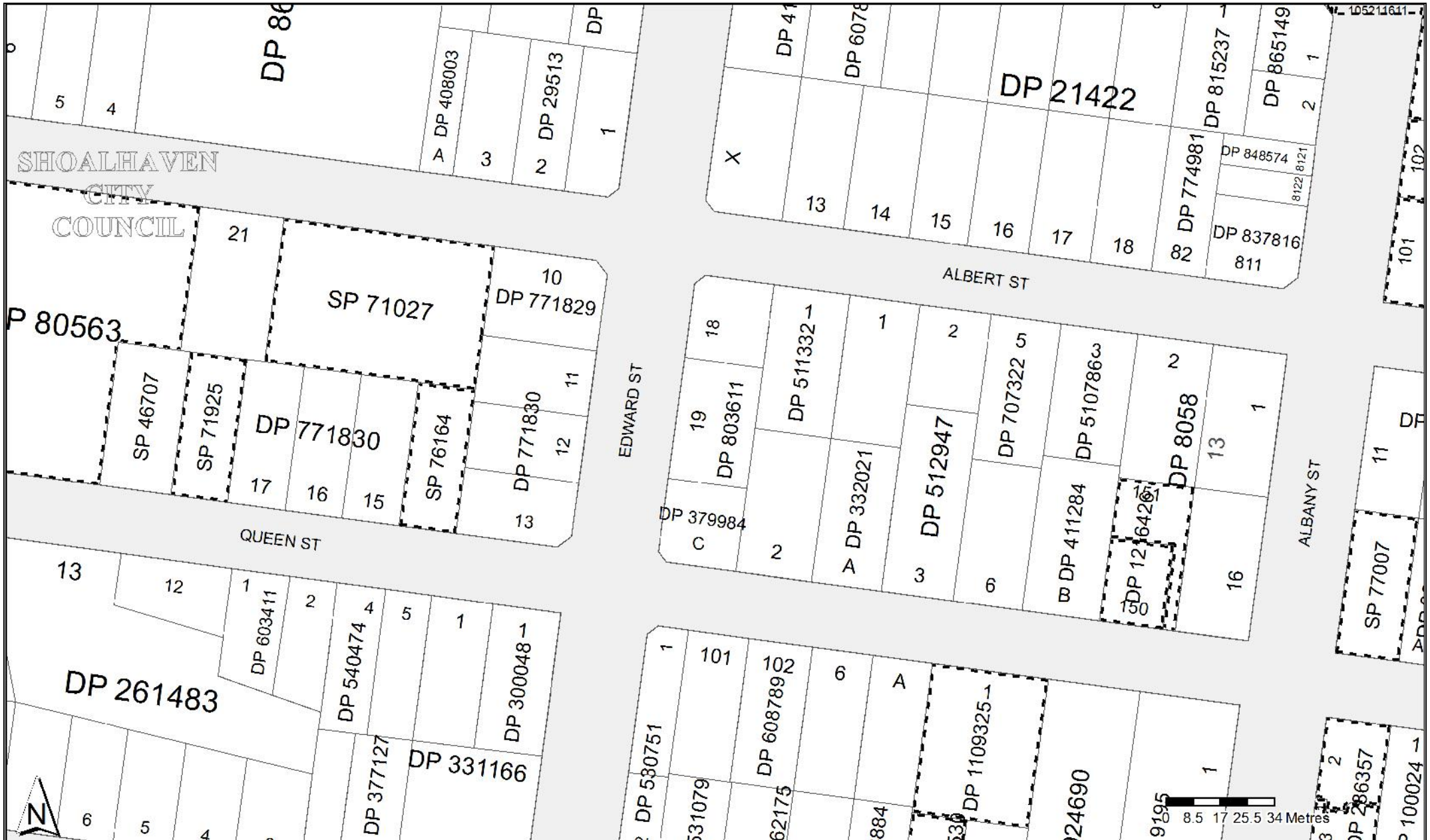
Denotes current registered proprietor

Leases: -

- Various leases were found from 13.11.1995 that have since expired or have been surrendered, not investigated

Easements: - NIL

Yours Sincerely
Mark Groll
31 March 2020





SEARCH DATE

31/3/2020 2:44PM

FOLIO: C/379984

First Title(s): OLD SYSTEM
Prior Title(s): VOL 6639 FOL 3

Recorded	Number	Type of Instrument	C.T. Issue
2/9/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
4/7/1990	DP803611	DEPOSITED PLAN	FOLIO CREATED EDITION 1
3/9/1991	Z890002	DISCHARGE OF MORTGAGE	
3/9/1991	Z890003	TRANSFER	
3/9/1991	Z890004	MORTGAGE	EDITION 2
25/1/1993	I68308	DISCHARGE OF MORTGAGE	
25/1/1993	I68309	MORTGAGE	EDITION 3
2/6/2009	AE724255	DISCHARGE OF MORTGAGE	
2/6/2009	AE724256	TRANSFER	
2/6/2009	AE724257	MORTGAGE	EDITION 4
14/7/2010	AF627221	TRANSFER OF MORTGAGE	
31/7/2012	AH121094	DISCHARGE OF MORTGAGE	
31/7/2012	AH121095	TRANSFER	EDITION 5

*** END OF SEARCH ***

RP 13

STAMP DUTY



2
890003 X

TRANSFER
REAL PROPERTY ACT, 1900

T

	of		R /
\$			

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
FOLIO IDENTIFIERS C/379984 and 19/803611	WHOLE	AT BERRY

DESCRIPTION OF LAND
Note (a)

TRANSFEROR
Note (b)

ROBERT GEORGE RAY and BEVERLEY JOY RAY

ESTATE
Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$216,000.00 and transfers an estate in fee simple in the land above described to the TRANSFEREE

TRANSFEREE
Note (d)

PETER WILLIAM CARSON

OFFICE USE ONLY

TENANCY
Note (e)

as joint tenants in common

PRIOR ENCUMBRANCES
Note (f)

subject to the following PRIOR ENCUMBRANCES 1.
2. 3.

DATE 8-8-91

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION
Note (g)

Signed in my presence by the transferor who is personally known to me

Signature of Witness

LINDSAY BRIEN

Name of Witness (BLOCK LETTERS)

SOLICITOR OF

Address and occupation of Witness

1 FARADAY ROAD PASSTON

Signed in my presence by the transferee who is personally known to me

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

[Handwritten Signature]
X B-Ray
Signature of Transferor

[Handwritten Signature]
Signature of Transferee

TO BE COMPLETED BY LODGING PARTY
Notes (h) and (i)

LODGED BY		LOCATION OF DOCUMENTS	
BURKHART & COMPANY PTY. LTD. DX 654 SYDNEY Phone: 299 3171		CT	OTHER
Ref: 155 S Delivery Box Number: 155 S Stacks Carson-Ray		2	Herewith.
			In L.T.O. with
			Produced by
Checked 150	Passed	REGISTERED	Secondary Directions
Signed	Extra Fee	03 SEP 1991	Delivery Directions

OFFICE USE ONLY

Form: .01T
Licence: 05-11-638
Licensee: Softdocs
[FirmName]

2

TRANSFER
New South Wales
Real Property Act 1900



AE724256X

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the use of this form for the establishment and maintenance of the Real Property Act Register made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only

Office of State Revenue	
NSW Treasury 176469	
Client No: 1411509	2652
Duty: 52	Trans No: 5379445
Accol details:	

(A) FOLIO OF THE REGISTER

C/379984 & 19/803611

(B) LODGED BY

Document Collection Box <i>USA</i>	Name, Address or DX, Telephone, and LLPN if any <i>197 PROSPECT HIGHWAY SEVEN HILLS NSW 2147</i>	CODE T TW (Sheriff)
	Reference (optional):	

R230116
09103103

(C) TRANSFEROR

PETER WILLIAM CARSON

(D) CONSIDERATION The transferor acknowledges receipt of the consideration of \$ 825,000.00 and as regards the folio

(E) ESTATE of the Register specified above transfers to the transferee an estate in fee simple.

(F) SHARE TRANSFERRED

(G) Encumbrances (if applicable):

(H) TRANSFEE

KALLAWAR HOLDINGS PTY LIMITED ACN 103 071 549

(I) TENANCY:

DATE

17 / 04 / 09

(J) I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the transferor.

Signature of witness:

M. LECORNU

Signature of transferor:

AW Carson

Name of witness:
Address of witness:

MAXINE LECORNU
253 cabbage tree
lane Nowra 2540

Certified correct for the purposes of the Real Property Act 1900 by the person whose signature appears below.

Signature:

Alexander Meadows Rendel

Signatory's name: ALEXANDER MEADOWS RENDEL
Signatory's capacity: Solicitor, 66 Collins Street, Kiama

7-7-08

trans



FOLIO: C/379984

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
31/3/2020	2:43 PM	5	31/7/2012

LAND

LOT C IN DEPOSITED PLAN 379984
AT BERRY
LOCAL GOVERNMENT AREA SHOALHAVEN
PARISH OF COOLANGATTA COUNTY OF CAMDEN
TITLE DIAGRAM DP379984

FIRST SCHEDULE

DUNFROOD PTY LIMITED (T AH121095)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

31/3/2020 2:44PM

FOLIO: A/379984

First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 6613 FOL 110

Recorded	Number	Type of Instrument	C.T. Issue
2/9/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
29/11/1989		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
4/7/1990	DP803611	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***



SEARCH DATE

31/3/2020 2:44PM

FOLIO: 19/803611

First Title(s): OLD SYSTEM

Prior Title(s): A/379984

VOL 6639 FOL 3

Recorded	Number	Type of Instrument	C.T. Issue
4/7/1990	DP803611	DEPOSITED PLAN	FOLIO CREATED EDITION 1
3/9/1991	Z890002	DISCHARGE OF MORTGAGE	
3/9/1991	Z890003	TRANSFER	
3/9/1991	Z890004	MORTGAGE	EDITION 2
25/1/1993	I68308	DISCHARGE OF MORTGAGE	
25/1/1993	I68309	MORTGAGE	EDITION 3
13/11/1995	O683426	LEASE	EDITION 4
9/5/1996	2142916	LEASE	EDITION 5
27/2/1998	3824155	TRANSFER OF LEASE	
2/6/2009	AE724255	DISCHARGE OF MORTGAGE	
2/6/2009	AE724256	TRANSFER	
2/6/2009	AE724257	MORTGAGE	EDITION 6
14/7/2010	AF627221	TRANSFER OF MORTGAGE	
31/7/2012	AH121094	DISCHARGE OF MORTGAGE	
31/7/2012	AH121095	TRANSFER	EDITION 7

*** END OF SEARCH ***



FOLIO: 19/803611

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
31/3/2020	2:43 PM	7	31/7/2012

LAND

LOT 19 IN DEPOSITED PLAN 803611
AT BERRY
LOCAL GOVERNMENT AREA SHOALHAVEN
PARISH OF COOLANGATTA COUNTY OF CAMDEN
TITLE DIAGRAM DP803611

FIRST SCHEDULE

DUNFROOD PTY LIMITED (T AH121095)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

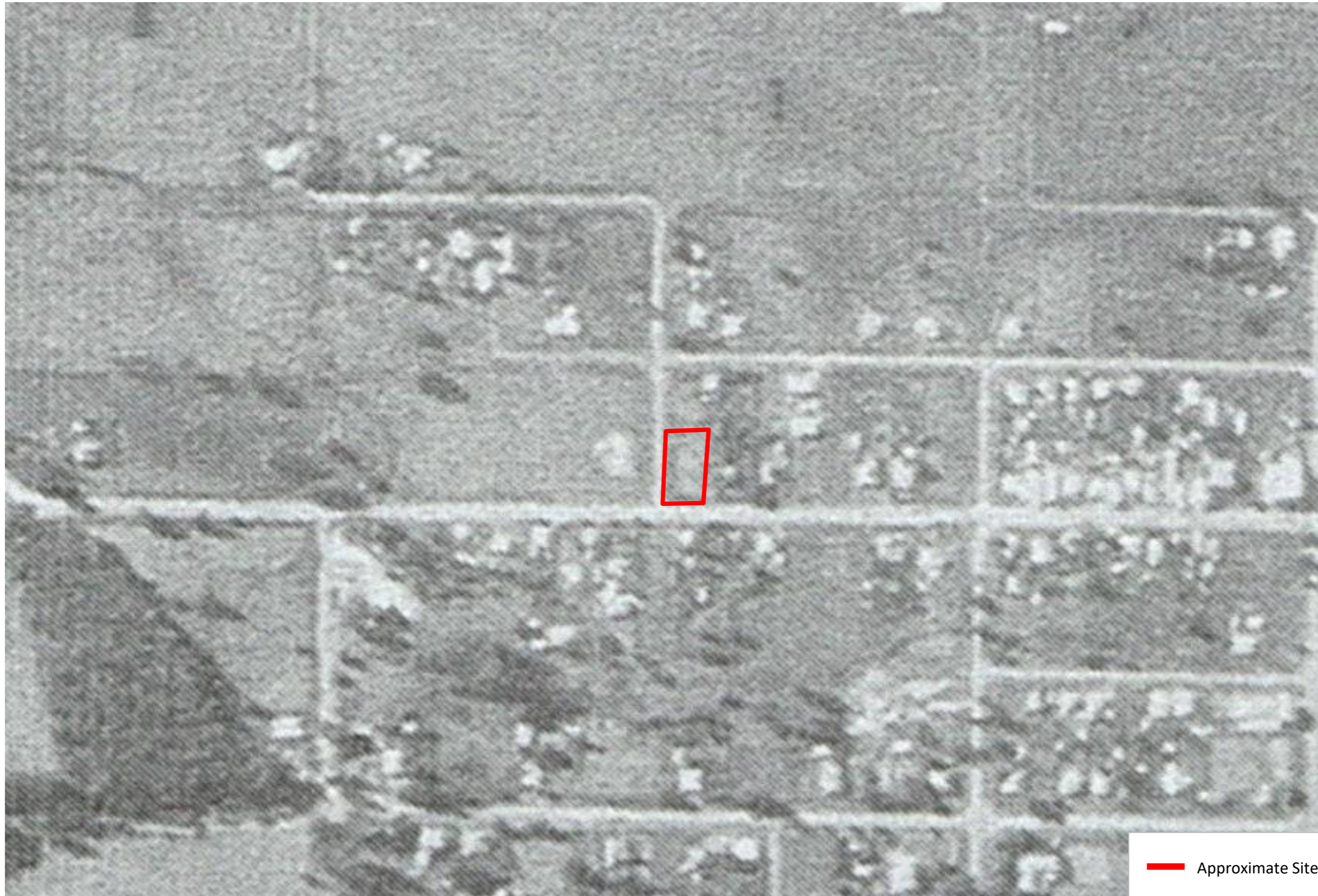
NOTATIONS


UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Appendix E

Historical Aerials



 Approximate Site Location




Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 1949
Preliminary Contamination Assessment
Proposed Rezoning, Berry

Project No.	99043
Plate no	1
Revision:	0



 Approximate Site Location



Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 1961
Preliminary Contamination Assessment
Proposed Rezoning, Berry

Project No.	99043
Plate no	2
Revision:	0



 Approximate Site Location




Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 1984
Preliminary Contamination Assessment
Proposed Rezoning, Berry

Project No.	99043
Plate no	3
Revision:	0



 Approximate Site Location




Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 1996
Preliminary Contamination Assessment
Proposed Rezoning, Berry

Project No.	99043
Plate no	4
Revision:	0



 Approximate Site Location




Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 2010
 Preliminary Contamination Assessment
 Proposed Rezoning, Berry

Project No.	99043
Plate no	5
Revision:	0



 Approximate Site Location



Client: Dunfrod Pty Ltd	
Office: Wollongong	Drawn by: DPM
Scale: NTS	Date: Apr-20

Aerial Photograph 2019	
Preliminary Contamination Assessment	
Proposed Rezoning, Berry	

Project No.	99043
Plate no	6
Revision:	0

Appendix F

SafeWork



SafeWork NSW

Locked Bag 2906, Lisarow NSW 2252

Customer Experience 13 10 50

ABN 81 913 830 179 | www.safework.nsw.gov.au

Our Ref: D20/101651

17 April 2020

Mr David McIntosh
Douglas Partners Pty Ltd
PO Box 486
UNANDERRA NSW 2526

Dear Mr McIntosh

RE SITE: 20 Edward and 49 Queen St, Berry NSW

I refer to your site search request received by SafeWork NSW on 14 Dec 2020 requesting information on Storage of Hazardous Chemicals for the above site.

Enclosed are copies of the documents that SafeWork NSW holds on record number 35/031978 relating to the storage of Hazardous Chemicals at the above-mentioned premises.

For further information or if you have any questions, please call us on 13 10 50 or email licensing@safework.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Ross'.

Customer Service Officer
Customer Experience - Operations
SafeWork NSW



**** REMINDER NOTICE ****
APPLICATION FOR RENEWAL
OF LICENCE TO KEEP DANGEROUS GOODS

ISSUED UNDER AND SUBJECT TO THE PROVISIONS OF THE DANGEROUS GOODS ACT, 1975 AND REGULATION THEREUNDER

DECLARATION: Please renew licence number 35/031978 to 2002/2003. I confirm that all the licence details shown below are correct (amend if necessary).

.....
(Signature) (Please print name) (Date signed)
for: EVERYTHING ETHNIC PTY LTD

THIS SIGNED DECLARATION SHOULD BE RETURNED TO:

WorkCover New South Wales
Dangerous Goods Licensing Section
GPO BOX 5364
SYDNEY 2001

Enquiries: ph (02) 9370 5187
fax (02) 9370 6104

Details of licence on 15 May 2002

Licence Number 35/031978 Expiry Date 6/08/2001 No. of Depots 1

Licensee EVERYTHING ETHNIC PTY LTD ACN 080 501 980
PLATEAU PIECES

Postal Address: PLATEAU PIECES 49 QUEEN ST BERRY NSW 2535

Licensee Contact ANGELA MURRAY Ph. 02 44642353 Fax. 02 44641040

Premises Licensed to Keep Dangerous Goods
EVERYTHING ETHNIC PTY LTD PLATEAU PIECES
49 QUEEN ST BERRY 2535

Nature of Site FURNITURE MANUFACTURING

Major Supplier of Dangerous Goods UNKNOWN OR OTHER

Emergency Contact for this Site ANGELA MURRAY Ph. 0412 533159

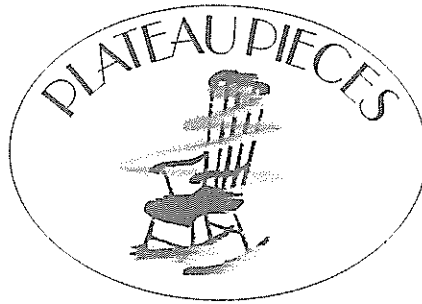
Site staffing 8HRS 7DAYS

Details of Depots

Depot No.	Depot Type	Goods Stored in Depot	Qty
1	ROOFED STORE	Class 3	460 L
		UN 1263 PAINT, (ZINC RICH KIT)	120 L
		UN 1263 PAINT, (ZINC RICH KIT)	320 L
		UN 1300 TURPENTINE SUBSTITUTE	20 L

EVERYTHING ETHNIC (PTY) LTD ACN 080 501 980

Trading as -



Angela & Eddie Murray

BERRY

49 Queen Street

Berry NSW 2535

Ph: (02) 4464 2353

Fax: (02) 4464 1040

MIRANDA

Shop 3014

Westfield

600 The Kingsway

Miranda NSW 2228

Ph: (02) 9526 7912

Fax: (02) 4237 5166

31.5.02

Dear Sirs,

Non - removal of licence of Goods

49 Queen St Berry

No licence necessary as

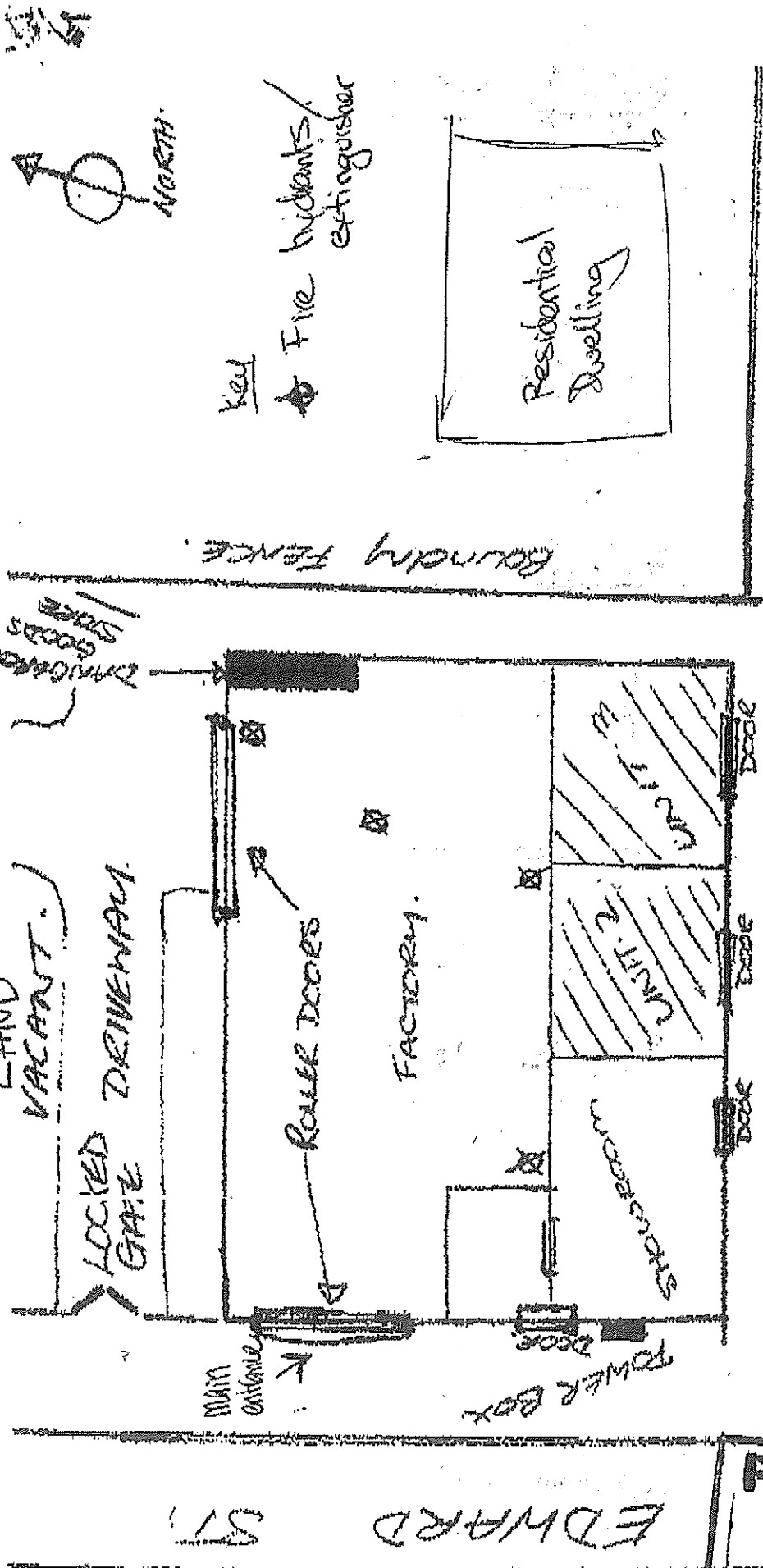
dangerous goods no longer

stored.

Yours faithfully

Murray

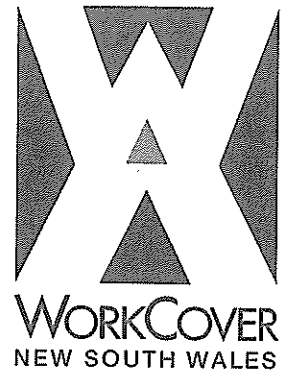
Please carefully read the instructions in Part B of the guide before sketching the site.



RECEIVED
 07 AUG 1996
 SCIENTIFIC SERVICES
 BRANCH

Ref. 35/03/978

Application for Licence to Keep Dangerous Goods



Application for new licence amendment transfer renewal of expired licence

Exp date 7/8/98

conditional
App de lic issued on condition that storage is in compliance to minor storage requirement of AS 1940-199 ACN by 22/5/98 -> R/S

PART A - Applicant and site information

1 Name of applicant

CYPRUS PL T/A PLATEAU PIECES 062 646 575

2 Postal address of applicant

Suburb/Town

Postcode

P.O BOX 3084 NTW NOWRA NSW 2541

3 Trading name or site occupier's name

PLATEAU PIECES FURNITURE Conditional Licence Issued 7-7-98

4 Contact for licence inquiries

Phone

Fax

Name

044 642353 641040 DAVID J. B. PORTER

5 Previous licence number (if known)

35/ 0 31978

6 Previous occupier (if known)

7 Site to be licensed

No

Street

49 QUEEN ST BERRY

Suburb / Town

Postcode

2525

8 Main business of site

FURNITURE MANUFACTURING. 2920

9 Site staffing: Hours per day

8

Days per week

7

10 Emergency contact

Phone

Name

044 460347 DAVID PORTER

11 Major supplier of dangerous goods

WATTYL (NSW)

12 If a new site or for amendments to depots

Plan stamped by:

Name of Accredited Consultant

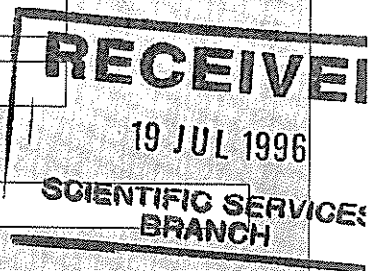
Date stamped

I certify that the details in this application (including any accompanying computer disk) are correct and cover all licensable quantities of dangerous goods kept on the premises.

13 Signature of applicant

Date

8/7/96



Please send your application, marked CONFIDENTIAL, to:

Dangerous Goods Licensing, Level 3, Locked Bag 10, Clarence Street, SYDNEY NSW 2000

PART C - Dangerous Goods Storage Complete one section per depot.

If you have more depots than the space provided, photocopy sufficient sheets first.

add

Depot Number	Type of depot	Depot Class	Maximum storage capacity
1	ROOFED STORE MINOR STORAGE	3	490 L

UN Number	Correct Shipping Name	Class (I, II, III)	PG (I, II, III)	Product or common name	Typical quantity	Unit, e.g. L, kg, m ³
1263	3YE	3	II	ISOGARD LACQUER	80	L
1263	3YE	3	II	ISOLAC	80	L

Depot Number	Type of depot	Depot Class	Maximum storage capacity
1			

UN Number	Correct Shipping Name	Class (I, II, III)	PG (I, II, III)	Product or common name	Typical quantity	Unit, e.g. L, kg, m ³
1263	3YE	3	II	LACQUER STYLANOOL	60	L
1263	3YE	3	II	AP 504 THINNER	60	L

320L

Depot Number	Type of depot	Depot Class	Maximum storage capacity
1	3YE	3	40

UN Number	Correct Shipping Name	Class (I, II, III)	PG (I, II, III)	Product or common name	Typical quantity	Unit, e.g. L, kg, m ³
1263	3YE	3	II	C3 LQ THINNER	40	L
1263	3Y	3	III	FADE RESISTING STAIN	120	L

Depot Number	Type of depot	Depot Class	Maximum storage capacity
1			

UN Number	Correct Shipping Name	Class (I, II, III)	PG (I, II, III)	Product or common name	Typical quantity	Unit, e.g. L, kg, m ³
1300	3Y	3	III	TURPS.	20	L



APPENDIX 13:

“Shoalhaven Water/Sewer Feasibility”

From: [Ljupco Lazarevski](#)
To: [Lauren Turner](#)
Subject: RE: Attn: Shoalhaven Water, Planning & Development - Ljupco Lazarevski - 49 Queen Street Berry
Date: Tuesday, 24 March 2020 4:01:04 PM
Attachments: [image001.png](#)
[image004.png](#)

Lauren,

Shoalhaven Water advise that there is capacity within the DN100 water main and DN150 gravity sewer main to support an approved development with 7 – 8 townhouses over No. 49 Queen St and No. 20 Edward Ave BERRY.

Please note that the existing DN150 gravity sewer main may need to be protected should the development be designed too close or over to the sewer main in accordance with Council's building Over Sewer policy including adjustment of sewer junction/s. In addition, there may need to be adjustment to the DN100 water main and/or its components (ie, hydrant in Edward Ave) should they be located within a driveway.

I trust the information is of assistance.

Regards

Ljupčo Lazarevski
Unit Manager – Project/Development
Shoalhaven Water – Shoalhaven City Council

02 4429 3255
Bridge Rd (PO Box 42) Nowra NSW 2541
Ljupco.Lazarevski@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au



From: Lauren Turner <Lauren.Turner@mmj.com.au>
Sent: Tuesday, 17 March 2020 2:19 PM
To: Council Email <Council@shoalhaven.nsw.gov.au>
Cc: Town Planning Archive <townplanningarchive@mmj.com.au>
Subject: Attn: Shoalhaven Water, Planning & Development - Ljupco Lazarevski - 49 Queen Street Berry

Attention: Ljupco Lazarevski

Dear Ljupco

I hope you are keeping well.

I am currently preparing a Planning Proposal on behalf of the landowners at 49 Queen Street and 20 Edward Street, Berry.

The purpose of the Planning Proposal is to rezone the site from R2 Low Density Residential to R3 Medium Density Residential. A prelodgement meeting has been held with Eric Hollinger from Strategic Planning and Council has requested that the Planning Proposal address capacity of existing utility services.

The proposed change in zone will likely permit a 7-8 two storey townhouse development. The site currently contains old wool store commercial premises with 4-5 shops and sheds at the rear.

Can you please advise if there is existing water/sewer capacity to accommodate this change of zone or if there are any upgrade works required?

Please give me a call on (02) 4229 5555 or 0406 660 122 if you would like to discuss.

Kind Regards



Lauren Turner
Senior Town Planner, MMJ Real Estate, Wollongong
[02 4229 5555](tel:0242295555) | [02 4226 2040](tel:0242262040)
Lauren.Turner@mmj.com.au | www.mmj.com.au
[6-8 Regent Street, PO Box 1167, Wollongong NSW 2500](#)

MMJ Real Estate
Unrivalled, Market Leading Expertise | mmj.com.au



60 YEARS STRONG

Trusted Advisors for **Sixty Years**

Martin Morris & Jones Pty Limited liability is limited by a scheme approved under Professional Standards Legislation.

—

About MMJ Real Estate:

MMJ Real Estate (MMJ) is a leading provider of property related services. The MMJ network currently has offices located in NSW, the ACT, VIC and WA. With a team of over 150 professionals, MMJ expertly delivers most commercial, retail, industrial and residential services, including Sales, Leasing, Valuation, Property Management, Project Marketing and Town Planning to its corporate, institutional and private clients.

Cyber Warning:

Please be aware that there is a significant risk posed by cyber fraud, specifically affecting email accounts and bank account details. IT IS VERY RARE FOR OUR BANK ACCOUNT DETAILS TO CHANGE DURING THE COURSE OF A TRANSACTION AND WE WILL NOT CHANGE OUR BANK DETAILS VIA EMAIL. Please be careful to check account details with us in person if received via email and in any doubt. We will not accept responsibility if you transfer money into an incorrect account.

Confidential:

The information in this message is intended for the recipient names on this email. If you are not that recipient, please do not read, copy or distribute or act upon the message as the information in it may be privileged and confidential. If you have received this message in error, please notify us immediately. We do not accept any liability or responsibility for: (1) changes made to this e-mail after it was sent, or (2) virus transmitted through this e-mail or any attachment.

This message may contain both confidential and privileged information intended only for the addressee named above. If you have received this email in error, please notify the sender immediately then destroy the original message.



APPENDIX 14:

“Electricity Services Investigation”

From: [Lauren Turner](#)
To: [Lauren Turner](#)
Subject: RE: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry
Date: Wednesday, 17 June 2020 2:35:28 PM
Attachments: [image001.png](#)
[image006.png](#)
[image008.png](#)

From: Laurence McKinnon <laurence@powerdesign.com.au>
Sent: Wednesday, 3 June 2020 1:41 PM
To: Cary Dunn <Cary.Dunn@coreis.com.au>
Cc: Steve Franey <Steve.Franey@coreis.com.au>; AdminTeam <adminteam@powerdesign.com.au>
Subject: RE: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry

Hi Cary,

Further to Jeanne's Email, please see attached Endeavour Energy's Technical Bulletin TB88A which has been used as the basis of the expectant electrical load at your site based on the number of units.

The attached figures in TB88A are adopted by Endeavour Energy as a worst case situation for residences and units during planning when the actual maximum demand is unknown.

Based on an ADMD of 6.5kva per unit and the presently connected load being removed the net gain on Endeavour Energy's network will be zero.

Endeavour Energy will issue a Supply offer outlining their requirements which you will be able to use with your zoning application.

Kind Regards

Laurence McKinnon
Managing Director



POWER LINE DESIGN PTY LTD
Head Office: Po Box 338 Mittagong NSW 2575 P: 02 4872 1920 F: 02 4872 1240
Bega Office: Po Box 867 Bega NSW 2550 P: 0468 579 656
www.powerdesign.com.au

From: Cary Dunn <Cary.Dunn@coreis.com.au>
Sent: Wednesday, 3 June 2020 11:41 AM
To: Laurence McKinnon <laurence@powerdesign.com.au>
Cc: Steve Franey <Steve.Franey@coreis.com.au>; AdminTeam <adminteam@powerdesign.com.au>
Subject: RE: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry

Laurence,

Can you please provide me with a copy of the submission and the indicative load calculations so we can issue with our current Zoning Application.

Kind Regards,

Cary Dunn

From: Laurence McKinnon <laurence@powerdesign.com.au>
Sent: Friday, 29 May 2020 3:04 PM
To: Cary Dunn <Cary.Dunn@coreis.com.au>
Cc: Steve Franey <Steve.Franey@coreis.com.au>; AdminTeam <adminteam@powerdesign.com.au>
Subject: RE: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry

Hi Cary,

Thank you for your Email.

Confirming this has been actioned and an application has been submitted to Endeavour Energy for 8 units at 6.5kva each.

I am expecting to receive a response from Endeavour Energy shortly.

Kind Regards

Laurence McKinnon
Managing Director



POWER LINE DESIGN PTY LTD
Head Office: Po Box 338 Mittagong NSW 2575 P: 02 4872 1920 F: 02 4872 1240
Bega Office: Po Box 867 Bega NSW 2550 P: 0468 579 656
www.powerdesign.com.au

From: Andrew Hardy <Andrew.Hardy@endeavourenergy.com.au>
Sent: Thursday, 19 March 2020 3:37 PM
To: Lauren Turner <Lauren.Turner@mmj.com.au>
Subject: RE: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry

Hi Lauren

There is upstream high voltage capacity in Endeavour Energy's network to support increased residential yields in the township of Berry.

To determine whether there is capacity available from the local distribution transformer in Edward Street an assessment will need to be undertaken by our network connection team. Please completed the attached 'Application for Connection of Permanent Load including Strata Developments' and email: cwadmin@endeavourenergy.com.au. For network connection enquiries, please contact the Network Connection team via 133 718.

Endeavour Energy is committed to making provisions for customers to connect to its network in a fair and equitable manner. This is in line with reasonable user pays principles and in a manner which will ensure an acceptable quality of supply for all existing and future customers.

Regards

Andrew Hardy
Capacity Planner
Asset Planning and Performance
D: 02 4252 2886

F: 02 4252 2892

T: 131 081

E: andrew.hardy@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au



From: Lauren Turner <Lauren.Turner@mmj.com.au>

Sent: Thursday, 19 March 2020 1:25 PM

To: Andrew Hardy <Andrew.Hardy@endeavourenergy.com.au>

Cc: Town Planning Archive <townplanningarchive@mmj.com.au>

Subject: Enquiry - Network Capacity - Rezoning to increase residential yield - 49 Queen St and 20 Edward St, Berry

Dear Andrew

I just spoke with Peter, Senior Capacity Planner in Head Office and he advised that I should email my enquiry to you.

I am preparing a Planning Proposal to rezone land at 49 Queen Street and 20 Edward Street, Berry (please see attached survey).

The purpose of the rezoning is to increase the residential yield of the site to allow approx. 7-9 townhouse units (2-3 Bedroom units). The site currently contains an existing shed previously used for manufacturing with 4-5 shop units on Queen Street.

Council has requested that the Planning Proposal outline the potential capacity in the network for an increased residential yield. It is noted that a substation is located close by at 7 Edward Street, Berry (see aerial below).

Can you please advise if there is existing capacity for a future load increase at this site?



Please give me a call on (02) 4229 5555 or 0406 660 122 if you would like to discuss.

Kind Regards

Lauren Turner
Senior Town Planner, MMJ Real Estate, Wollongong



02 4229 5555 | 02 4226 2040
Lauren.Turner@mmj.com.au | www.mmj.com.au
6-8 Regent Street, PO Box 1167, Wollongong NSW 2500

MMJ Real Estate
Unrivalled, Market Leading Expertise | mmj.com.au



60 YEARS
STRONG

Trusted Advisors for Sixty Years

Martin Morris & Jones Pty Limited liability is limited by a scheme approved under Professional Standards Legislation.

—

About MMJ Real Estate:

MMJ Real Estate (MMJ) is a leading provider of property related services. The MMJ network currently has offices located in NSW, the ACT, VIC and WA. With a team of over 150 professionals, MMJ expertly delivers most commercial, retail, industrial and residential services, including Sales, Leasing, Valuation, Property Management, Project Marketing and Town Planning to its corporate, institutional and private clients.

Cyber Warning:

Please be aware that there is a significant risk posed by cyber fraud, specifically affecting email accounts and bank account details. IT IS VERY RARE FOR OUR BANK ACCOUNT DETAILS TO CHANGE DURING THE COURSE OF A TRANSACTION AND WE WILL NOT CHANGE OUR BANK DETAILS VIA EMAIL. Please be careful to check account details with us in person if received via email and in any doubt. We will not accept responsibility if you transfer money into an incorrect account.

Confidential:

The information in this message is intended for the recipient names on this email. If you are not that recipient, please do not read, copy or distribute or act upon the message as the information in it may be privileged and confidential. If you have received this message in error, please notify us immediately. We do not accept any liability or responsibility for: (1) changes made to this e-mail after it was sent, or (2) virus transmitted through this e-mail or any attachment.



Technical Bulletin

TB 0188A - Changes to MDI0030 ADMD Schedule

Purpose

The purpose of this technical bulletin is to update the existing ADMD schedule specified within MDI0030 amendment 3. As a result, this technical bulletin replaces the existing TB 0188 – Changes to MDI0030 ADMD Schedule.

Background

The ADMD values used in LV planning have been reviewed by the Asset Strategy and Planning branch in the recent release of the special report S044 After Diversity Maximum Demand (ADMD) Schedule version 2.

The report details the new ADMD schedule to be used in standards relating to LV planning.

Actions

The ADMD schedule to be used for new URD development areas is the following:

The revised ADMD can be implemented immediately.

Impacted Standards

The contents of this technical bulletin will be included in the next update of the following standard:

- MDI 0030 – Method of Calculating Low Voltage Drop in Low Voltage Mains

Table 1: New ADMD Schedule

Dwelling Type	Geographic Area	Density (Land Size)	ADMD (kVA)
Houses	Urban	Low (>350m ²)	6.5
		Medium (<350m ²)	5.0
	Rural Residential	Low	10
Apartments*	All	High	3.5

*Note: This excludes any material spot loads associated with the development.

Existing dwelling ADMDs can be calculated in accordance to clause 5.1 in MDI0030 where the figures above can be used in the absence of maximum demand indicator readings.



APPENDIX 15:

"Confirmation of Existing Use Rights"

Address all correspondence to
The General Manager, PO Box 42, Nowra NSW 2541 Australia

DX5323 Nowra Fax 02 4422 1816
COUNCIL REFERENCE: 4393e
CONTACT PERSON: Craig Crompton

23 July 2015

Mr. Steve Franey
Director – Dunfrod Pty Ltd
PO Box 448
BERRY NSW 2535

Dear Sir

RE: Notification of New Tenant
Lot C DP 379984 – Shop 5, 49 Queen Street, BERRY

I refer to your letter dated 25 March 2015 advising of a new tenant seeking to occupy a building on the subject site. I apologise for the late reply.

The subject site is currently zoned R2 Low Density Residential in accordance with the Shoalhaven Local Environmental Plan 2014. While 'light industry' is not a permitted use in a R2 zone, Council's records (and the submitted research prepared by Cowman Stoddart) indicate that previous furniture restoration and associated retail activities have been carried out on the subject site ("Aladdin's Antiques").

It is further noted that Amendment 19 of the now-repealed Shoalhaven Local Environmental Plan 1985 provided for certain additional development on the subject site; this amendment permitted development for the purposes of *light industry, car parking, additions and alterations to the existing building on the land and landscaping and ancillary uses.*

IN2

Please be advised that the proposed use, minor furniture repairs and ancillary retail, is supported as a continuation of the existing use.

Should you require further information about this matter, please contact Craig Crompton, Development Planner on (02) 4429 3319 **between the hours of 9:00am and 10:30am Monday to Friday.** Please quote Council's reference 4393e.

Yours faithfully



Craig Crompton
Development Planner