

2024 Berry Heritage Review Planning Proposal

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What is a Planning Proposal?

A Planning Proposal (PP) is a document which outlines and explains proposed changes to planning controls in a Local Environmental Plan (LEP).

A Local Environmental Plan (LEP) is the primary piece of planning legislation that regulates land use and development in a Local Government Area (LGA). For Shoalhaven, the primary LEP is Shoalhaven LEP 2014. It contains provisions such as zoning, what land uses are permitted in each zone, when development consent is required, and standards that apply to development such as maximum building height and minimum lot size for subdivision.

A PP is not the same as a Development Application (DA). A DA is a more detailed process to consider the specific

impacts of a particular development including supporting technical reports and detailed plans.

Why is Council amending Shoalhaven LEP 2014?

In response to ongoing community feedback about new development impacting on the unique heritage character of Berry, Council commenced the process to introduce an additional Heritage Conservation Area (HCA) and new heritage listings in Berry (east of the Princes Highway) in 2023. The subsequent heritage investigation identified additional sites / properties that are considered worthy of heritage listing in Schedule 5 of Shoalhaven LEP 2014.

Council resolved on 29 July 2024 to prepare the PP and submit it to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination (required approval to proceed).

A Gateway determination was received in late June 2025 which authorised the PP to proceed to public exhibition.

What changes are proposed ?

The PP proposes to heritage list fifteen dwellings, one public reserve, one tree and one item of infrastructure (sandstone kerbing on Prince Alfred Street) as heritage items and one new HCA (Princess Street) within Berry.

What does heritage listing mean?

Heritage listing means identification in Schedule 5 of Shoalhaven LEP 2014. This provides formal recognition that a place or building (for example) has heritage significance and will be subject to development controls that seek to manage the impacts of development on that heritage significance.

Heritage listings may have local, state or national significance. All of the heritage listings proposed in this PP are identified as having local significance.

Types of heritage listings include heritage items, heritage conservation areas (HCAs), or archaeological sites. In some instances, a property will be affected by more than one listing.

A heritage inventory sheet will set out the reasons why the building or place is considered important and has been listed as a heritage item. This information is then made accessible on the NSW State Heritage Inventory.

Council will also consider the impact of development in the vicinity of a heritage item or a HCA when considering relevant development applications.

What is a heritage item?

A heritage item is typically a building, object or place determined to be of individual importance for its historic, aesthetic, social and/or technical value.

What is a heritage conservation area (HCA)?

HCAs are places where a streetscape or broader built environment of significance is identified. In these areas a group of buildings, often combined with the subdivision pattern or open spaces or natural features, will form the significant townscape or streetscape.

A HCA usually has a consistent form, scale and architectural character that is considered worthy of protection.

What is a contributory item in a HCA?

A HCA is made up of contributory and non-contributory items. A contributory item is a building or property that has some heritage value but not enough to warrant a listing as a heritage item. It is contributory because it makes a positive contribution to the heritage values of the HCA. A non-contributory item in a HCA does not contribute to the heritage significance of that HCA.

What studies support the heritage listings?

The proposed heritage listings are supported by independent assessments which establish their heritage significance. These include the Princess Street HCA Heritage Assessment by Louise Thom Heritage which can be viewed at the project's Get Involved page: https://getinvolved.shoalhaven.nsw.gov.au/berry_dcp?page=1

Heritage inventory sheets have been prepared for the proposed heritage items and are included in the PP document.

How do I know if my property is a proposed heritage item or in a proposed HCA?

This PP affects land in certain parts of Berry. Refer to the PP which identifies the proposed heritage items and HCA or contact Council for further information. All landowners of property which is identified as a proposed heritage item and/or within the proposed HCA have been notified by letter.

Can I make changes to my property if it is a heritage item or located within a HCA?

Yes. A heritage listing or HCA does not prevent you from making changes to your property or undertaking additions or new work. However, any new work or new uses must be compatible with, and/or complement, the heritage significance of the building or area. Applicants may need to submit a heritage impact statement or heritage conservation management plan to support proposed changes. Contributory and non-contributory items in a HCA may have different development potential due to the significance of the item.

Can I demolish a heritage item or a place within a HCA?

Heritage listing does not necessarily prohibit full or partial demolition, however each case will be carefully considered on its merits, including likely impacts on the character or significance of the heritage item or HCA, whether significant elements and features of a place are able to be retained, the condition of the building, safety considerations, and so forth.

Is development consent always required for work on heritage items or properties within HCAs?

Development consent is required except for the following:

- Works that can be undertaken as exempt development.
- Works that are of a minor nature or for maintenance, such as repainting or replacing a roof, and the work will not have an adverse heritage impact. Before any work commences Council must be notified in writing and provide a written response allowing the works to proceed. Refer to clause 5.10(3) of Shoalhaven LEP 2014.
- Some works in a HCA that may be undertaken as complying development. Refer to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)

What are the next steps for the PP?

Following exhibition, the PP will be reported back to Council to consider community feedback received during the exhibition period and will determine how to proceed. Council may finalise the PP as exhibited, or make changes to the PP prior to finalising it, or decide not to proceed with the PP.

Where can I get further information?

Further information can be found on Council's Documents on Exhibition webpage:

<https://www.shoalhaven.nsw.gov.au/Council/Publicly-available-information/Documents-on-exhibition>

Please contact the Berry Planning & Heritage Project Team, City Development, on 1300 293 111 or via email council@shoalhaven.nsw.gov.au for more information.

Have Your Say

Submissions are invited during the exhibition period and should be made in writing, and addressed to:

Post: The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

E-mail: council@shoalhaven.nsw.gov.au

Website: via the form on the Exhibition page at:
<http://shoalhaven.nsw.gov.au/My-Council/Publicexhibition/Documents-on-exhibition>

All submissions must be received in writing by **5pm Friday 19 September 2025**, quoting Council's reference **76082E**.