

# Explanatory Document

## Draft Chapter N2 – Town of Berry Shoalhaven Development Control Plan 2014

### Subject Land

The draft Development Control Plan (DCP) Chapter is proposed to apply to the urban area of Berry east of the Princes Highway (Bypass), as shown in **Figure 1**.



Figure 1: Subject Land Map

### Overview

Development Control Plans (DCPs) are generally prepared by Council and apply to specific areas of land and/or types of development. They provide detailed guidelines and controls to support the Local Environmental Plan (LEP) provisions and guide how land may be used and developed.

In response to community representations about development eroding the unique character and heritage of Berry, Council has prepared a new draft DCP Chapter for Berry to strengthen local character and heritage considerations/protections.

The process commenced with a series of community engagement activities from December 2023 to June 2024 which gathered the community’s ideas, themes and priorities. The outcomes and recommendations from this which have informed the draft DCP Chapter are provided in the [Engagement Outcomes Report](#).

The resulting draft DCP Chapter aims to address the issues important to the community while being clear, concise and applicable where it can have the most effect on the desired future character of Berry. It proposes new guidelines for development relating to built form, heritage and character, including existing and desired character statements. It also aims to reinforce Berry’s role as a rural service centre and enable / encourage new development that is compatible with the desired character.

To ensure the draft DCP Chapter is well balanced and consistent with the broader public interest, its preparation has also taken into consideration:

- The potential DCP Chapter which the Berry Forum submitted to Council for consideration in 2022;
- The work supporting the new proposed heritage conservation area at Princess Street (see *Planning Proposal - 2024 Berry Heritage Review (PP075)* which is being exhibited alongside this Draft DCP Chapter on the [Exhibition webpage](#));
- The NSW State Government codes that permit development that meets prescribed criteria, for example, the NSW Complying Development Codes permit residential development without the need to comply with a DCP or consider local character;
- Guidance from NSW Government, Land and Environment Court and other Council’s on certain relevant matters, for example, character statements.
- The need to provide an appropriate degree of flexibility to enable development to respond to different site and area constraints/opportunities.

## Draft DCP Chapter N2: Town of Berry

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The draft Chapter is organised into eight parts:

Part	Purpose/details
Part 1: Purpose	Outlines the overall purpose of the draft Chapter. In addition to protecting Berry’s character and heritage, it seeks to reinforce Berry’s role as a rural service centre and enable opportunities for compatible new development.
Part 2: Application	The draft Chapter applies to the town centre and residential areas within the older part of Berry, outlined in <b>Figure 1</b> . This area is identified as having the most significant character and heritage qualities and is where the draft Chapter can have the most effect.  The draft Chapter proposes to absorb the existing DCP Chapter N2 which applies to Berry Town Centre.

Part 3: Context	Provides contextual information about Berry and the draft chapter.
Part 4: Objectives	Outlines the draft Chapter objectives for development which elaborate on the Purpose in Part 1.
Part 5: Character	Includes draft statements of existing and desired future character for the town centre and the residential area, the specific elements or qualities that are to be retained, and how character is to be considered in the design and assessment of new development. The draft character statements are adapted/expanded from Council's adopted 'interim' <a href="#">character statements</a> prepared by consultants RobertsDay in February 2020.
Part 6: Berry Town Centre	This part of the draft chapter incorporates/absorbs the existing <a href="#">DCP Chapter N2: Berry Town Centre and its Supporting Map</a> which have been reviewed and updated. Additional guidelines have been added for built form, scale, character and the pedestrian environment. This part also recognises opportunities for compatible growth and development in the town centre, including residential accommodation, to enhance activity and economic vitality.
Part 7: Development in Residential Areas	Includes proposed controls addressing built form, scale, site coverage, streetscape, landscaping, trees and vegetation, car parking and access for development in the residential area. The draft controls seek to enable new housing opportunities that complement the existing character described in Part 5. They also apply to some types of non-residential development that are permitted in the residential zones.
Part 8: Heritage Conservation	Includes proposed controls to guide development of <i>heritage items</i> and in <i>heritage conservation areas</i> , both within the town centre and the residential area. This part expands on existing heritage provisions in the Shoalhaven DCP 2014 to help clarify requirements and improve the consistency of assessments. This part of the chapter includes a new proposed Supporting Map 2 which identifies Contributory Items in Heritage Conservation Areas.

The draft DCP Chapter is supported by the following proposed changes:

Item	Proposed Changes
Draft Revised Supporting Map 1: Berry Town Centre	The existing map has been reviewed to improve its readability and updated for changes that have occurred since it was prepared. The revised map includes additional business zoned land on Queen Street (west of Alexandra St).
Draft New Supporting Map 2: Contributory Items in Heritage Conservation Areas	New Map identifying Contributory Items in Heritage Conservation Areas (HCA). Note: A contributory item refers to a building that is not heritage listed but that reinforces the heritage character of the HCA because of its age, scale, materials, details, design style or intactness.

	Note: the new map may be adjusted to reflect any changes made to the related Planning Proposal resulting from public exhibition.
Draft amendment to Shoalhaven DCP 2014 Dictionary	Add definitions for the following terms which are used in the draft DCP Chapter: <ul style="list-style-type: none"> <li>• Adaptive reuse</li> <li>• Draft heritage item</li> <li>• Draft heritage conservation area</li> <li>• Partial demolition</li> </ul>

## Complying Development and Other NSW Government Codes

When considering this draft DCP Chapter, it is important to recognise the implications of State Codes which provide a streamlined pathway for certain developments such as Complying Development.

Complying Development will continue to be available to people who wish to construct a new dwelling, dual occupancy or alterations/additions in Berry, except in certain limited circumstances, for example, where the land is heritage listed or is within a heritage conservation area.

If the draft DCP Chapter were to include controls perceived as overly strict or inflexible, it would possibly result in more people using the Complying Development pathway and thus involve less consideration of local character.

As such, the draft DCP Chapter seeks a balance between the protection of local character and what is permitted through Complying Development. Thus, some of the proposed draft DCP controls are stricter than the Complying Development Codes while some are more relaxed.

Similar State Codes also apply to:

- Rural/agricultural development (e.g. farm buildings)
- Seniors living development
- Berry Showground (note: this is heritage listed in the LEP and owned by Council which provides a level of control and protection over future development within it)
- Berry Public School

The draft DCP does not apply to these sites/precincts as it would likely be of limited or no effect.

## Exhibition Documents

The Draft Shoalhaven DCP 2014 Chapter N2: Town of Berry is on public exhibition from **Wednesday 6 August to Friday 19 September 2025** (inclusive) and available to view online on the Exhibitions webpage: <https://www.shoalhaven.nsw.gov.au/Council/Publicly-available-information/Documents-on-exhibition>

Electronic copies of the exhibition package will be available for viewing at Council's City Administration Centre (Bridge Road, Nowra) and at the Ulladulla Administration Building (Deering Street, Ulladulla) during business hours (Nowra: 9am-4pm, Ulladulla: 10am-2pm) for the duration of the exhibition period.

The exhibition package includes:

1. Public Notice
2. This Explanatory Document.
3. Draft DCP Chapter N2: Town of Berry
  - a. Draft Supporting Map 1: Berry Town Centre
  - b. Draft Supporting Map 2: Contributory Items in Heritage Conservation Areas
4. Draft Amendment to the Shoalhaven DCP 2014 Dictionary

The following materials are not part of the exhibition package but provide relevant background information:

1. Berry DCP Engagement Outcomes Report ([link](#)).
2. Report to Council - Proposed Draft Chapter N2: Town of Berry ([link](#)) 29 April 2025
3. Frequently Asked Questions - DCP

## Community 'Drop-in' Information sessions

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Council will hold two community 'drop-in' information sessions on **Tuesday 19 August 2025:**

- **Session 1:** Broughton Court (pop up stall near Milkwood Bakery) from 12pm to 2pm (weather dependent).
- **Session 2:** Berry School of Arts, (19 Alexandra Street, Berry) from 4pm to 6pm.

Interested community members are invited to attend the sessions, ask questions and discuss the draft DCP Chapter with Council staff.

Note: the 'drop-in' sessions are not formal meetings, elected Councillors may not be present and there will be no presentation.

## Request For Comment

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Submissions on the draft Shoalhaven DCP 2014 Chapter N2: Town of Berry are invited during the exhibition period and should be made in writing, addressed to:

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

**E-mail:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

**Website:** via the form on the Exhibition page at:

<https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition>

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

Please note that correspondence submitted to Council on this matter may be open to public inspection without notifying the correspondents. Pre-printed form letters, which have been individually signed, will be considered but not formally acknowledged. All persons who lodge a submission are required to declare any relevant political, donations and/or gifts in accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*.

Enquiries should be directed to the Berry Planning & Heritage Project Team, City Development on 1300 293 111, quoting Council's reference **76082E**.