

NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



# DRAFT CHAPTER N2: TOWN OF BERRY

# Draft Chapter N2: Town of Berry

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<b>Amendment history</b>			
<b>Version Number</b>	<b>Date Adopted by Council</b>	<b>Commencement Date</b>	<b>Amendment Type</b>
1			Draft
2			

## 1 Purpose

The purpose of this Chapter is to facilitate **development** in Berry that:

- Reinforces Berry’s role as a rural town and service centre.
- Provides opportunities for new housing and commercial **development**.
- Protects Berry’s unique rural town character and **heritage significance**.

**Note:** This Chapter should be read in conjunction with:

- Supporting Map 1: Berry Town Centre.
- Supporting Map 2: Heritage Conservation Area Contributory Items.
- All other relevant provisions of this **Development Control Plan**.

If there is an inconsistency between the provisions in this Chapter and a Generic Chapter of this **Development Control Plan**, this Chapter will prevail to the extent of the inconsistency.

## 2 Application

This Chapter applies to the area of Berry located to the east of the Princes Highway (Bypass), as shown in **Figure 1**. It does not apply to the more contemporary residential areas on the south and west edges of the Subject Land.



**Figure 1: Subject Land Map**

### **3 Context**

Berry is a rural town and service centre with a rich cultural history. The town is set within a productive rural landscape at the confluence of Broughton Creek and its tributary Broughton Mill Creek, at the base of the Great Dividing Range. Known for its historic **buildings**, **tree lined streets**, parks and low-rise neighbourhoods featuring homes in a garden/landscape setting, Berry is a popular destination for tourists, local visitors and residents alike.

Queen Street is the main street and heart of a thriving commercial and retail service centre which is well connected by **road** and rail. Newer residential estates are located on the western and southern outskirts. Contemporary low and medium density housing **developments** are emerging within the established neighbourhood, not all of which are sympathetic to Berry's character.

This Chapter seeks to achieve a balance in protecting the historic rural character of Berry whilst facilitating appropriate opportunities for economic growth, housing and high-quality **development** in the town centre and surrounding residential areas.

### **4 Objectives**

The **objectives** of this Chapter are to:

- i. Ensure that new **development** complements the desired future character of Berry.
- ii. Enable Berry to grow in a managed way that respects and complements its heritage and rural town character.
- iii. Ensure that new **development** considers and retains key features of Berry's landscape setting, retains **views** to and from the surrounding rural land and prominent landforms, and is not prominent in longer distance views to Berry.
- iv. Support the economic growth and vitality of the town centre and the role of Berry as a service centre.
- v. Retain, and where possible, enhance the significance of Berry's **heritage items**, **heritage conservation areas** and cultural heritage.
- vi. Promote the principles of **ecologically sustainable development** in the planning and design of new **development**.
- vii. Provide a safe, accessible and efficient movement network.

## 5 Character

This Section applies to all **development** within the subject land. It outlines the existing and desired future character of Berry and how character is to be considered in the design and assessment of new **development**. Berry has a high sensitivity to change and the consideration of the impact of future **development** on character is critical.

### 5.1 Existing Character

Leafy and surrounded by rolling countryside, Berry is a charming historic town, set within a rural landscape at the confluence of Broughton Creek and Broughton Mill Creek. Its east-west aligned streets frame views of the escarpment and surrounding landscape.

Berry's history is reflected in its traditional grid layout, significant heritage **buildings** from the Victorian, Federation and Inter-war periods and notable early **tree** plantings along its streets. Queen Street is a traditional high street and the centre of retail, commercial and civic activity. Newer residential areas are located on the settlement edges to the south and west.

Berry is the gateway to Shoalhaven and is highly accessible by **road** and train. It delights and welcomes locals and visitors alike with its boutique **shops**, heritage hotels, **cafes**, galleries, and **restaurants**.

#### Town Centre

Queen Street is characterised by historic one and two **storey buildings** comprising an early collection of masonry and weatherboard Victorian, Federation and Inter-war **shops**, interspersed with contemporary commercial **buildings** that reinforce the street wall. **Buildings** incorporate varying forms of facade **articulation**, pitched roofs, **parapets** and finishes that complement and do not dominate the heritage **buildings**. The significant two-**storey** Victorian heritage **buildings** at the intersections of Queen Street with Prince Alfred Street and Alexandra Street frame the high street. The collection of historic **buildings** and modest **scale** define the historic character of the Town Centre. A pedestrian friendly public domain lined with **active shop fronts** creates a vibrant, safe and welcoming atmosphere.

**Development** at the periphery of the town centre is smaller **scale** with varied uses. Albert Street and Princess Street feature predominantly single **storey**, heritage **dwellings** occupied by commercial and residential uses. Queen Street, west of Alexandra Street, has a range of commercial, boutique retail, tourist and residential uses in contemporary and heritage **buildings**. Built form is one and two **storey**, with a variable **setback** pattern reflecting the variety of uses.

#### Residential area

Berry's residential neighbourhoods are characterised by **tree** lined streets and historic, single **storey dwellings** in a garden/landscape setting. **Lots** are generally long and rectangular and occupied by a single **dwelling**. **Dwellings** from the Victorian, Federation and Inter-war periods define the streetscape. Characteristics of prevailing built form include:

- Modest **building** footprints that do not dominate the site.

- Varying roof forms and elements that provide relief and visual interest, such as pitched roofs, pavilions and roof overhangs.
- Traditional materials and finishes such as timber, weatherboard, stonework, tiles, shingles and corrugated iron.
- Architectural elements and detailing on facades such as porches, verandahs and awnings.
- Low open fencing (timber or masonry), hedges or no fencing.

Dwellings from the post-war and contemporary periods are found throughout the residential area, some up to two storeys in height, of both heritage style and contemporary architecture. Some dwellings are used for short term accommodation, catering to Berry's appeal as a visitor destination.

Open spaces, waterways and high-quality landscaping are woven into the residential fabric. Streets have an open feel with wide verges, moderate front setbacks and tree canopies embedded in front, rear and side boundary setbacks. Not all streets have kerb and gutter. Carports and garages are modest and do not dominate the dwelling or the street frontage.

Newer development comprises mainly single dwellings, dual occupancies and alterations/additions to existing dwellings. Some new development complements the existing character by incorporating characteristics of existing built form. However, there are examples with large bulk/scale, contemporary architectural styles and materials which are not sympathetic to the existing character.

## 5.2 Desired Future Character

Berry, the 'Town of Trees', will continue to be an iconic heritage town and highly desirable place to live and visit. The town respects and showcases its rural landscape, green spaces and heritage to appeal to locals and visitors. New development retains and complements Berry's existing character by incorporating key elements of the existing built form and streetscape.

### Town Centre

The town centre will retain its historic rural charm and prominence as a local service centre. Queen Street will remain a busy high street and the heart of the thriving retail and commercial centre. Buildings that address the street and pedestrian-friendly spaces will foster a vibrant community life. The town continues to respect and celebrate its significant heritage buildings which will accommodate diverse town centre uses. The two-storey heritage buildings on Queen Street will remain visually prominent to provide legibility, wayfinding and a strong sense of place.

Development is of modest scale and complements the streetscape by incorporating heritage architectural styles and elements. New, low-key forms of residential accommodation and visitor accommodation enhance the vitality of the centre. There are opportunities for new retail and commercial developments on Queen Street (west of Alexandra Street) and

between Queen Street and Princess Street, supported by an enhanced pedestrian environment.

**Development** in the town centre incorporates:

- Modest **scale** (presents as no more than two **storeys**).
- Fine grain architectural style and patterns of use. Large format **development** is discouraged.
- Architectural styles, finishes and detailing that respect and integrate with existing heritage **buildings**.
- Roof forms that integrate with the existing varied pattern of roof forms.
- **Active shop fronts** and ground floors to existing and planned pedestrian areas and public spaces.

### Residential area

The residential area will retain its historic, low-rise, leafy character which is showcased through modest built form (up to two **storeys**), moderate **setbacks** and generous landscaping in front, rear and side **setbacks**. Heritage **dwellings** in a garden setting will continue to define the streetscape. New **development**, including ancillary **buildings**, complements the existing **scale** and built form in terms of architectural style, materials and finishes. **Tree** canopy and landscaping is integrated into every **development**. **Tree** lined streets have an open feel and include improved pedestrian paths along key routes.

**Development** in the residential area incorporates:

- Modest **scale** (no more than two storeys).
- Increased **setbacks** to any second **storey building** elements to reduce bulk and **scale**.
- Moderate front boundary **setbacks** that incorporate canopy **trees** and landscaping.
- Architectural styles and elements that complement existing built form and streetscape character.
- Roof forms that provide relief and visual interest such as pitched roofs, pavilions and roof overhangs.
- External finishes that are consistent with traditional materials and colours.
- Careful consideration of heritage and streetscape character in the design of any new **footpaths**, driveways, kerb and gutter and utilities to service the **development**.

### **5.3 Character Objectives**

The character **objectives** for Berry are to:

- i. Ensure that **development** respects and complements Berry's heritage and rural town character.
- ii. Ensure that new **development** contributes to the Desired Future Character of Berry .
- iii. Retain the existing low-rise leafy character of the residential area by retaining characteristic built form, **scale**, materials, colours and **setback** patterns.
- iv. Retain the heritage character of the town centre while enabling appropriate **development** that enhances the centre's vitality and pedestrian environment.
- v. Ensure that the importance of **trees** and **landscaped areas** is recognised and that these values are maintained and enhanced.

### **5.4 Mandatory Controls**

1. **Development** on all land subject to this Chapter is consistent with the Desired Future Character described in section 5.2.
2. The Statement of Environmental Effects clearly outlines how the **development** addresses the Character objectives in Section 5.3 and Mandatory Clause 5.4.1 above.



## 6 Berry Town Centre

Berry has a vibrant and historic town centre with a retail core fronting Queen Street, neatly framed by prominent two-storey heritage items at the corners of Prince Alfred Street and Alexandra Street. The Queen Street streetscape is characterised by two storey parapeted buildings that reinforce the street wall and an early collection of weatherboard Federation and Inter-war shops that are interspersed with contemporary buildings. The collection of historic buildings and modest scale defines the historic village character of the Berry Town Centre.

The town centre has a thriving commercial and retail presence which will continue to cater for the community while balancing local visitors and tourists. Future commercial growth will complement the village scale and retail experience. There are opportunities to provide residential accommodation and other uses that enhance activity and economic vitality in the town centre. It is important that new development is sympathetic to the vibrant heritage character of the centre by incorporating characteristic elements of existing built form in a contemporary context.

This section applies to the Berry Town Centre, as shown in Figure 2.



Figure 2: Berry Town Centre

**Note:** This section should be read in conjunction with the following (not exclusively):

- Supporting Map 1: Berry Town Centre.
- **Section 8** Heritage Conservation of this Chapter.
- The following chapters of this **Development Control Plan**:
  - Chapter G17: Business Commercial and Retail Activities.
  - Chapter G18: Streetscape Design for Town and Village Centres.
  - Chapter G22: Advertising signs and Structures.

The **objectives** for the Berry Town Centre are to:

- i. Retain the prominent built form along Queen Street.
- ii. Encourage **development** that respects existing built form and contributes positively to the desired future character of the town centre.
- iii. Retain a fine grain architectural style and patterns of use that contribute to a mix of small, unique and interesting retail and other visitor experiences.
- iv. Provide safe, accessible and efficient paths for pedestrians.
- v. Identify opportunities for providing additional public car parking facilities.
- vi. Provide guidelines for public domain improvements.
- vii. Provide active frontages to key public spaces, pedestrian areas and **car parks**.
- viii. Minimise potential conflicts between commercial and residential uses.
- ix. Encourage residential **development** and other compatible uses that promote street level activity and economic vitality in the town centre.



## 6.1 General Controls

This subsection applies to all **development** within the Berry Town Centre.

### 6.1.1 Built Form and Character

Performance Criteria	Acceptable Solutions
<p>P1 New <b>development</b>:</p> <ul style="list-style-type: none"> <li>Retains the prominent built form along Queen Street.</li> <li>Demonstrates consistency with and is sympathetic to the heritage and character context in the vicinity.</li> </ul>	<p>A1.1 <b>Development</b> in Precincts 1 &amp; 2 fronting Queen Street must:</p> <ul style="list-style-type: none"> <li>Present as a maximum of two <b>storeys</b> when viewed from the street.</li> <li>Have a maximum <b>parapet</b> height that is lower than architectural features of the key two <b>storey</b> heritage <b>buildings</b> in the vicinity, as demonstrated in <b>Figure 3</b>.</li> </ul> <p>A1.2 <b>Development</b> in all other areas of the town centre is limited to a maximum of two <b>storeys</b>.</p> <p>A1.3 <b>Development</b> above one <b>storey</b> must:</p> <ul style="list-style-type: none"> <li>Demonstrate how the bulk and <b>scale</b> does not detract from the town centre character.</li> <li>Retain the prominence of the key two <b>storey</b> heritage <b>buildings</b>.</li> </ul>
<p>P2 New <b>development</b> complements the existing built form and historic character of the town centre.</p>	<p>A2.1 New <b>development</b> shall:</p> <ul style="list-style-type: none"> <li>Comply with <b>setbacks</b> identified for the site (refer to Supporting Map 1: Berry Town Centre), or where no <b>setbacks</b> are identified, retain the existing <b>setbacks</b>.</li> </ul> <div style="background-color: #f0f0f0; padding: 5px; margin: 10px 0;"> <p><b>Note:</b> <b>Setbacks</b> may need to be greater than specified to protect the visual <b>curtilage</b> of a <b>heritage item</b>.</p> </div> <ul style="list-style-type: none"> <li>Have a pitched roof and the form, pitch and <b>parapet</b> height of new <b>buildings</b>/additions should match or be similar to adjoining and adjacent <b>buildings</b>.</li> <li>Have verandah elements to <b>active shop front</b> areas, such as <b>awnings</b>, that match or are similar to adjoining <b>buildings</b>.</li> </ul>

- Be divided into 'modules' with facades that are varied and articulated to provide visual interest.
- Minimise the length and amount of blank walls that can be seen from the street.
- Be built of a mix of lightweight materials, timber weatherboards and masonry.

**Note:** Metal and concrete panels and urban contemporary external materials are not appropriate.

- Have corrugated metal roofs.
- Have visible facades, including ancillary and service building facades, designed with similar detailing to be consistent with the principal facades of the main building/s.

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P3 The design of new development is sympathetic to heritage items and heritage conservation areas in the vicinity and demonstrates consistency with the existing built form, setbacks and density of the town centre.

A3.1 Development in the vicinity of a heritage item or conservation area shall be designed to avoid adverse impacts on the heritage significance by:

- Design that is sympathetic to the setting, setbacks, form, scale and style of the adjoining item/s.

**Note:** The setting incorporates elements such as property boundaries, significant vegetation and landscaping features, and views to and from the item.

- Retention of significant and original landscape features.
- The use of materials, finishes and colours which avoid strong contrast with the heritage item/s.

**Note:** A Heritage Impact Statement may be required where the proposal may adversely impact the setting, views or values of adjoining heritage items or heritage conservation areas.

A3.2 Where new development is proposed in the vicinity of the key two-storey heritage buildings located on the corners of Prince

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Alfred and Queen Street, and Alexandra and Queen Street, a streetscape study must be provided that demonstrates the relationship of new **development** to these **buildings**.

**Note:** Council may require a photomontage to demonstrate that streetscape values are not impacted by the proposed **development**.

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P4 New **development** contributes to interesting activated public spaces, improved comfort, amenity, safety and security.

A4.1 Pedestrian access routes must be:

- Provided in accordance with Supporting Map 1: Berry Town Centre.
- Direct and minimise potential conflicts with vehicles.

A4.2 **Buildings** must:

- Provide continuous overhead weather protection along pedestrian areas and retail **shop** corridors.
- Provide separate entrances for each use in a **mixed use development**.
- Provide **windows**, entrances, architectural details and ornamentation where ground floor levels are located along pedestrian areas and retail **shop** corridors.

**Note:** Pedestrian malls and retail shop corridors are indicated on Supporting Map 1: Berry Town Centre.

- Be designed to encourage casual surveillance of public spaces.

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P5 **Development** in the Berry Town Centre minimises conflict between residential and commercial activities.

A5.1 Residential uses in employment zoned areas, such as **shop top housing**, must be designed and located to avoid potential conflicts with adjoining commercial uses.

A5.2 A Noise Management Plan must be submitted with **development** for noise-generating uses e.g. **tourist and visitor accommodation** when in the vicinity of sensitive residential receivers.

A5.3 **Development** on land that adjoins a zone boundary must be designed and located to minimise conflicts with existing and potential uses in the adjoining zone.

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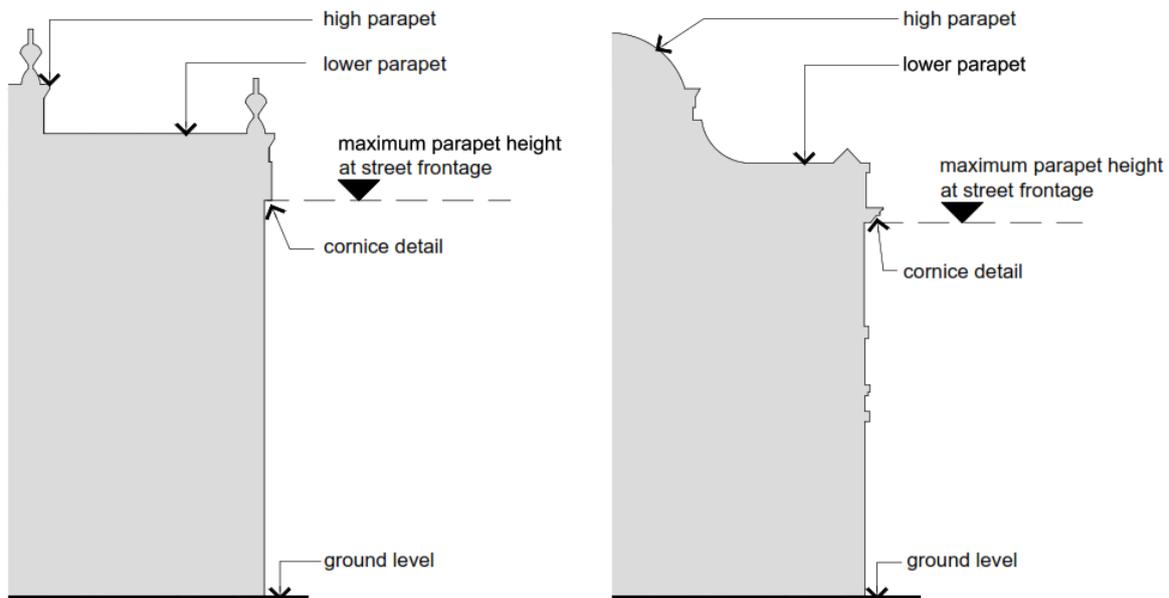


Figure 3: Maximum parapet heights in relation to key two-storey heritage buildings.

### 6.1.2 Landscaping

Performance Criteria	Acceptable Solutions
P6.1 The appearance and amenity of new development is enhanced through high quality landscape design.	A6.1 Identified <b>vistas</b> that reinforce townscape qualities must be retained and, where possible, enhanced. Refer to Supporting Map 1: Berry Town Centre.
P6.2 Landscaping design promotes community safety.	<p>A6.2 <b>Development</b> that proposes works on paved pedestrian areas and pedestrian links, shown on Supporting Map 1, must provide <b>tree</b> planting and paving works that comply with the specifications in:</p> <ul style="list-style-type: none"> <li>• Supporting Map 1: Berry Town Centre.</li> <li>• Chapter G18: Streetscape Design for Town and Village Centres of this <b>Development Control Plan</b>.</li> </ul> <p>A6.3 Landscaping must:</p> <ul style="list-style-type: none"> <li>• Minimise site disturbance and preserve <b>trees</b> which positively contribute to the character of the area.</li> <li>• Not impede sight lines for pathways and ensures that pedestrian areas are visible from public areas.</li> </ul>

### 6.1.3 Outdoor Advertising and Signage Requirements

**Note:** Outdoor advertising, outdoor dining and [footpath](#) displays require approval from [Council](#) under the *Local Government Act 1993*.

This Section should also be read in conjunction with Chapter G22: Advertising Signs and Structures of this [Development Control Plan](#).

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Performance Criteria	Acceptable Solutions
P7 <a href="#">Signage</a> and <a href="#">advertising signs</a> respects and enhances the historic village character of the Berry town centre.	A7.1 <a href="#">Signage</a> and <a href="#">advertising signs</a> must: <ul style="list-style-type: none"><li>• Be in keeping with the <a href="#">scale</a> and architectural character of the <a href="#">building</a> they are attached to.</li><li>• Not detract from the streetscape.</li><li>• Not visually prominent in the streetscape.</li><li>• Not be neon, digitally animated or otherwise not in keeping with the streetscape character.</li></ul>

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**Note:** [Signage](#) or [advertising signs](#) located on a [heritage item](#) or within a [heritage conservation area](#) must consider **Section 8** Heritage Conservation of this Chapter.

## 6.2 Additional Precinct Specific Controls

This subsection applies to all [development](#) within the nominated precincts below, in addition to the general controls at subsection 6.1 above.

### 6.2.1 Precinct 1 – Albert Court and Surrounds

Precinct 1 consists of the land bounded by Alexandra, Albert, Prince Alfred and Queen Streets, as shown in **Figure 2**. This precinct includes land within the Queen Street [Heritage Conservation Area](#).

The specific [development](#) controls for Precinct 1 are:

- The rhythm of existing residences (open space, [building](#), open space) in Albert Street is important in maintaining the village character of Berry. [Development](#) that fronts the [car park](#) must acknowledge this spatial rhythm.
- Frontages to Albert Court and the internalised public [car park](#) denoted as ‘Active’ on Supporting Map 1: Berry Town Centre must use this frontage for commercial or retail purposes and incorporate [active shop fronts](#).

- **Development** that proposes to provide car parking and/or off-street servicing to Albert Street in front of the **building** must show that the:
  - Car parking and/or off-street servicing will allow for front gardens to be retained to maintain the residential streetscape of Albert Street.
  - Area to be used for servicing is restricted to the area which would normally be used to access a domestic garage.

**Note:** The backing of service vehicles from Albert Street up to the size of a small rigid truck is acceptable. Larger service vehicles will need to utilise on street loading from within the on-street parking zone or from within the off-street public **car park**.

- Servicing to 80 Albert Street may be provided on the street or is to be shared with the adjoining 78 Albert Street with access from Albert Street.
- The Magnolia x soulangeana (Saucer Magnolia) at 68 Albert Street must be retained.

## 6.2.2 Precinct 2 - Mixed Use Commercial/Residential

**Note:** Any **development** at 120 Queen Street must comply with the requirements of both Precinct 2 and Precinct 3.

Precinct 2 consists of the land bound by Queen, Prince Alfred, Princess and Alexandra Streets, as shown in **Figure 2**. This precinct includes land located within the Queen Street **Heritage Conservation Area**.

The **intent** of this precinct is to provide:

- A new public **car park** at 77 Princess Street (the proposed eastern **car park**).
- To provide a one-way service lane at the rear of the properties fronting Queen Street that forms U-shaped vehicle circulation from the existing **car park** off Princess Street (Lot 1012 DP 872963) to the proposed eastern **car park**.
- To activate the internal pedestrian area.

The specific **development** controls for Precinct 2 are:

- **Development** that fronts on to the internalised pedestrian area must:
  - Use this frontage for commercial or retail purposes and incorporate **active shop fronts**.
  - Provide **windows**, doors and so forth to encourage pedestrian activity and provide informal surveillance.
- Commercial **development** that fronts onto Princess Street shall be designed to complement the residential streetscape and amenity.

### 6.2.3 Precinct 3 – Berry Hotel (120 Queen Street)

**Note:** Any **development** at 120 Queen Street must comply with the requirements of both Precinct 2 and Precinct 3.

Precinct 3 consists of the Berry Hotel site at 120 Queen Street, as shown in **Figure 2**. The **intent** of this precinct is to provide the opportunity for **mixed use development** which fits into the local context and contributes to the heritage character of the **heritage item** and site. The subject land is located within the Queen Street **Heritage Conservation Area**.

The specific **development** controls for Precinct 3 are:

- Built form on the site must be responsive and cohesive with the surrounding built form pattern within Precinct 2.
- The location and massing of the built form shall have minimal impact on **solar access** to public space or habitable spaces of adjoining properties.
- Adequate car parking and service access must be provided on site without compromising streetscape character, landscape or pedestrian amenity and safety.
- Pedestrian **footpath** links shall be provided to nearby commercial properties, public **car parks** and Queen Street.

## 7 Development in Residential Areas

This section applies to residential and non-residential **development** on the land shown in **Figure 3**.



Figure 4: Residential Area Subject Land

### 7.1 Siting and Site Coverage

**Note:** **Development** must consider Chapter G2: Sustainable Stormwater Management & Erosion Sediment Control of this **Development Control Plan**.

The specific **objectives** are to:

- i. Limit the **building** footprint to provide opportunities for **landscaped areas**, **deep soil landscaping**, permeability and **private open space**.
- ii. Ensure that new **development** is consistent with and compliments the prevailing pattern of built form and density in Berry.

Performance Criteria	Acceptable Solutions
P8 <b>Development</b> density is in keeping with prevailing built form in the street.	A8.1 The maximum <b>site coverage</b> for <b>development</b> , shall be as follows: <ul style="list-style-type: none"> <li>• 55% of the area of the <b>lot</b>, if the <b>lot</b> has an area less than 450m<sup>2</sup>.</li> <li>• 50% of the area of the <b>lot</b>, if the <b>lot</b> has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>.</li> </ul>

- 40% of the area of the lot, if the lot has an area of at least 900m<sup>2</sup>.

P9	New development maintains the existing pattern of single dwellings fronting the street.	A9.1	Secondary dwellings must be located to the rear of the primary dwelling.
		A9.2	Dual occupancy development shall orientate only one dwelling to a street frontage.
		A9.3	Despite A9.2, if both dwellings are orientated to a street frontage, the built form presents as individual dwellings.

**Note:** Refer to section 7.6 in this Chapter for additional controls for car parking, garages and the like.

## 7.2 Landscaping, Trees and Vegetation

Landscaping helps integrate new development into the surrounding streetscape and context, which greatly increases the amenity for residents and visitors. Landscaping and buildings need to be integrated and designed together.

Tree cover is an important part of Berry’s residential character and identity. Trees provide benefits for the whole community by creating healthy, cooler and liveable neighbourhoods whilst also enhancing biodiversity and habitat connectivity.

The specific objectives are to:

- i. Provide environmental, aesthetic, cultural and economic benefits to the community by retaining and enhancing tree canopy.
- ii. Provide opportunities for deep soil landscaping and permeability.
- iii. Improve the local micro-climate and control climatic impacts on buildings and outdoor spaces.
- iv. Maximise opportunities for landscaping around buildings to soften the appearance of the built form and provide streetscapes that are sensitive to the character of Berry.

Performance Criteria	Acceptable Solutions		
P10.1	Development provides adequate and appropriate landscaping that softens the appearance of new development and complements the desired streetscape character.	A10.1	At least 35% of the total site area must be provided as landscaped area, and at least half of this total is to be located behind the primary building line.
P10.2	Landscaped areas facilitate water infiltration.	A10.2	At least 50% of the landscaped area referred to at A10.1 must be provided as deep soil landscaping with deep soil plantings (trees, shrubs). The deep soil landscaping areas must:

P10.3 **Landscaped areas** support canopy **trees** that help ameliorate the heat island effect.

- Have a minimum dimension of 3m in any direction.
- Provide a minimum of 65% of the required **deep soil landscaped area** behind the primary **building line**.
- Not be fragmented by sub-surface **drainage** infrastructure.
- Minimise areas of turf or gravel.

A10.3 The **landscaped area** referred to at **A10.1**, which is not dedicated **deep soil landscaping**, shall have a minimum dimension of 1.5m in any direction.

**Note:** Exceptions to **A10.1 - A10.3** will be considered for non-residential **development** where the performance criteria has been achieved.

P11.1 **Development** recognises the importance of **trees** and other **vegetation** to the amenity and desired future character of Berry.

A11.1 Existing **trees** (including street **trees**) shall be retained and integrated into the design of the **development**.

P11.2 **Development** provides and retains adequate and appropriate landscaping and **tree** coverage that softens the appearance of new **development** and complements the desired streetscape character.

A11.2 Where **development** could impact existing trees on the subject land or any other land (including street **trees**), an Arboricultural Impact Assessment prepared by a suitably qualified consulting **arborist** is provided with the development application, that clearly identifies potential impacts and any required mitigation methods in accordance with Australian Standard AS4790-2009 Protection of Trees on Development Sites.

**Note:** Submitted plans clearly and accurately locate all existing **trees** within 10m of the extent of the **development**, including **trees** on adjoining land and in the public domain.

A11.3 With the exception of alterations and additions, **secondary dwellings** and ancillary **buildings**; residential **development** must provide at least one street **tree** at the **lot** frontage, to fill in any missing street **trees** within the road reserve. Where practical, new street **trees** are to be:

- Spaced evenly with other established **trees** within the road reserve.
- Located to consider overhead and underground services.
- Located a minimum of 1m from the extent of the street kerb or where a kerb does not exist, in alignment with **trees** in the immediate vicinity.

**Note:** Street **tree** species selection is to be in accordance with the:

- [Town Entry Street Tree Planting Strategy](#).
- [Species list for Berry](#)

or as otherwise approved by Council.

A condition requiring a bond for new street **trees** may be imposed by Council.

The planting or removal of street **trees** will require a separate s138 approval under the *Roads Act 1993*.

A11.4 **Development** must achieve the following on the **development** site:

- A minimum of one medium **tree** for every 250m<sup>2</sup> of **site area** (rounded up).
- At least one medium **tree** is to be provided in both the front and rear **setback** areas.
- All new **tree** plantings must be located at least 3m from any **dwelling** or ancillary **structure** on the site.

**Note:** Existing **trees** that are retained on the site count towards achieving the requirements of **A11.4**.

A medium **tree** has a minimum canopy spread of 8m or greater at maturity which can provide 50m<sup>2</sup> of canopy cover.

Council may condition the use of Section 88B restrictions to retain adequate **tree** coverage.

Landscaping should use a variety of species that are identified in the Shoalhaven Species List for Berry.

Where a distance of 3m is not achievable, root control methods may be considered.

### 7.3 Building Height and Envelopes

**Building height** shapes the character of neighbourhoods and defines the level of enclosure and the **scale**/ proportions of streets and public spaces. In combination with **setbacks** and **site coverage** requirements, **building height** completes the **building envelope** within which **development** can occur, and provides certainty around the bulk and **scale** of the future built form for the **community**, landowners and developers.

Berry's residential area is renowned for its predominantly single **storey** built form and historic architecture.

The specific **objectives** are to:

- i. Ensure that **building height** is appropriate to the low-rise residential **scale** and character of the street and local area.
- ii. Minimise impacts of new **development** on privacy, **solar access** and **views** of the **development**, neighbouring properties, streets and public places.

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Performance Criteria	Acceptable Solutions
<p>P12 <b>Development</b> responds sensitively to prevailing built form and <b>scale</b> in the vicinity and supports the desired character of the residential area.</p>	<p>A12.1 <b>Development</b> must comply with the maximum <b>building heights</b> in clause 4.3 of <b>Shoalhaven LEP 2014</b>.</p> <p>A12.2 <b>Buildings</b> must be sited within a <b>building envelope</b> determined by projecting a plane at 45 degrees at the following heights above the <b>ground level (existing)</b>:</p> <ul style="list-style-type: none"> <li>• For lots with a width of 22m or less at the front <b>building line</b>: at a height of 5m at the side boundary. See <b>Figure 5</b>.</li> <li>• For lots with a width greater than 22m at the front <b>building line</b>: at a height of 3.6m at the side boundary. See <b>Figure 6</b>.</li> </ul>

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**Note:**

1. Exemptions to building envelope encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys.
2. For site slopes greater than 10%, or involving cut, fill or site excavations, the ground level (existing) and proposed building levels must be clearly identified on the plans and verified by a registered surveyor.

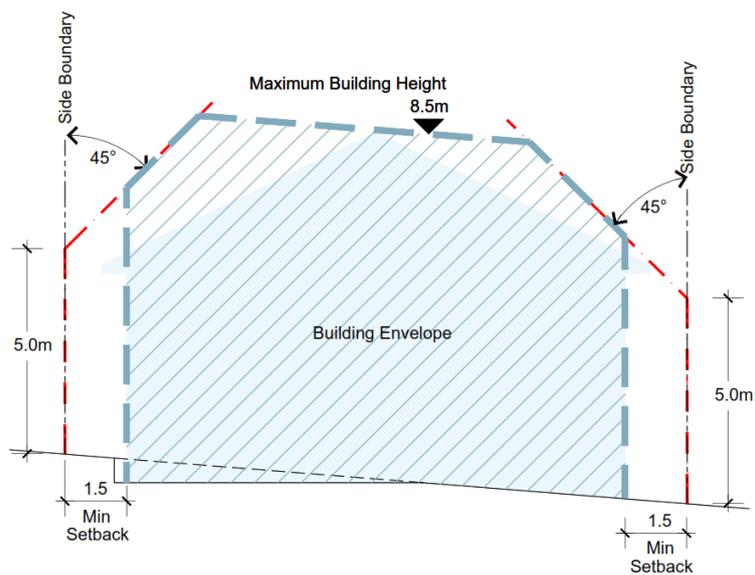


Figure 5: Building envelope for lots less than 22m in width at building line

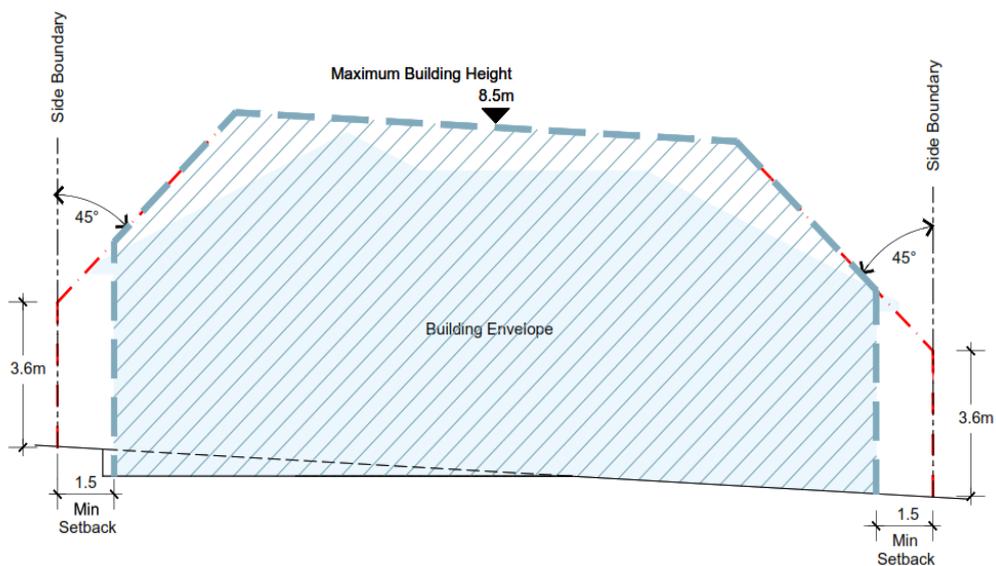


Figure 6: Building envelope for lots greater than 22m in width at building line

## 7.4 Setbacks

Berry’s residential neighbourhoods are characterised by generous **setbacks** and extensive landscaping, contributing to the landscaped garden setting of **dwelling**s.

**Setbacks** to street frontages are an integral part of the streetscape and fundamental to the amenity and character of a neighbourhood. Combined with **building height** and **road** reserve width, they define the proportion, **scale** and visual enclosure of the street. **Setbacks** to street frontages not only establish the alignment of **buildings** along the street, they also provide for landscaping, entries to **dwelling**s, enhancement of the setting of the **dwelling**(s), enable **views** from the **building** to and from the street, and provide a transition between public and private space.

Setbacks enable connected areas of deep soil that enable mature **trees** and **habitat** corridors which contribute to **biodiversity**, residential amenity and improve the local microclimate. Often these mature **trees** can be seen from the street which adds to the desired ‘garden suburb’ neighbourhood character.

Side **setbacks** are particularly important in residential neighbourhoods that experience an increase in density, as they facilitate appropriate separation to neighbouring sites to allow for sunlight access, and visual and acoustic privacy.

The specific **objectives** are to:

- i. Ensure new **development** reinforces the desired streetscape character.
- ii. Support the desired streetscape character with appropriate massing and space between **buildings**.
- iii. Create a transition between public and private space which balances passive surveillance of the street, enables residential privacy and ensures compatibility with other **buildings** in the street.
- iv. Create **landscaped areas** that are able to support mature **vegetation**, water infiltration and the creation of consolidated landscaped corridors.
- v. Retain privacy and minimise overlooking/overshadowing.
- vi. Protect and enhance significant **view** corridors from public places.

Performance Criteria	Acceptable Solutions
P13.1 New <b>development</b> establishes the desired spatial proportions of the street and defines the street edge.	A13.1 <b>Setbacks</b> shall be provided in accordance with <b>Table 1</b> .
P13.2 Front <b>setbacks</b> closely relate to the neighbouring built form and character of the street and do not undermine the integrity of the prevailing <b>building lines</b> .	<p><b>Note:</b> <b>Setbacks</b> may need to be greater than outlined in <b>Table 1</b> to achieve appropriate levels of residential amenity, retain significant <b>vegetation</b> and/or protect the visual <b>curtilage</b> of a <b>heritage item</b>.</p>
P13.3 <b>Setbacks</b> for upper <b>storeys</b> are progressively increased to reduce bulk and overshadowing, whilst maintaining adequate daylight, sunlight, ventilation,	

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landscaping and privacy to neighbouring properties.

P13.4 The bulk and **scale** of **development** complements the desired character of the residential area.

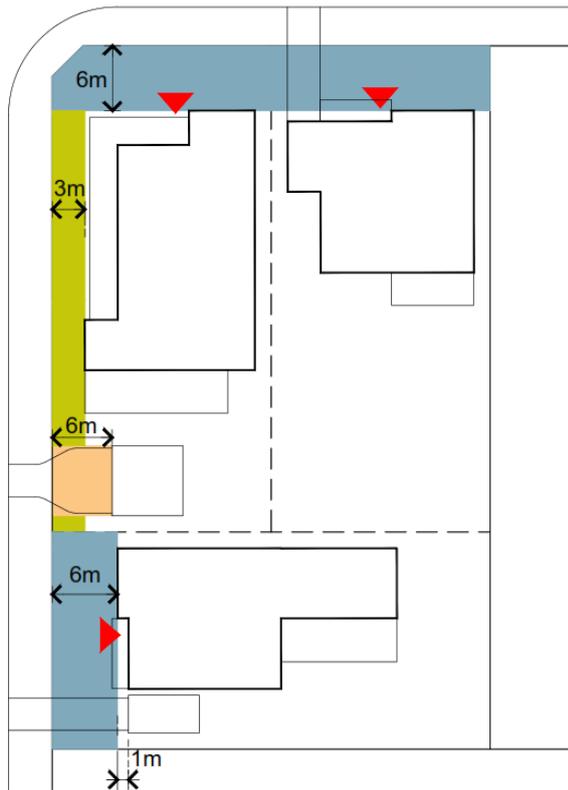
P13.5 Opportunities for intermittent **views** from the public domain to the surrounding rural landscape are preserved.

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**Draft Chapter N2: Town of Berry**

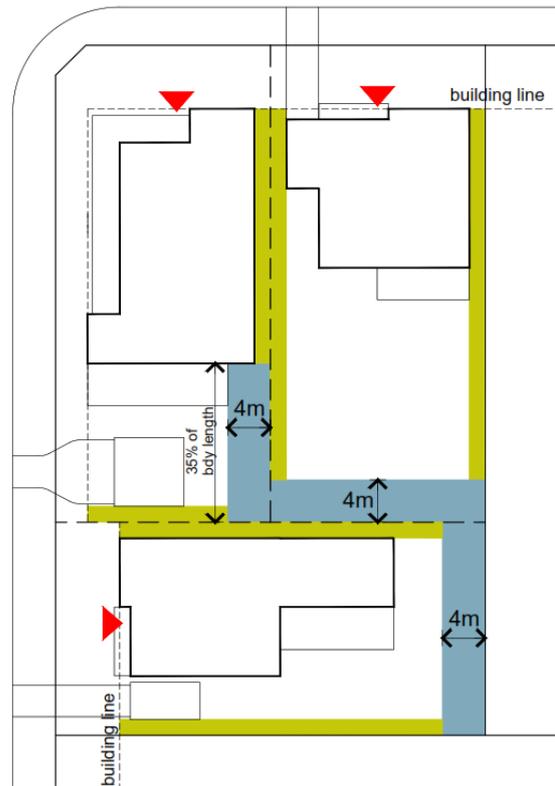
**Table 1: Setbacks for Development in Residential Areas**

<b>Front Setback</b> <i>Primary road frontage</i>	<b>Side Setback</b> <i>Secondary road frontage corner lots</i>	<b>Side Setback</b>	<b>Rear setback</b>
<p>Refer to <b>Figure 7</b> and <b>Figure 9</b>.</p> <ul style="list-style-type: none"> <li>6m, or the average of the setbacks of the two nearest adjoining dwellings or primary development, whichever is the greater.</li> </ul> <p>In addition to above:</p> <ul style="list-style-type: none"> <li>Garages and carports are setback an additional 1m.</li> <li>Upper storey building elements including balconies are setback an additional 4m.</li> <li>Covered entry porches, verandahs, decks and the like at ground level may extend a maximum of 1m into the front setback.</li> </ul>	<p>Refer to <b>Figure 7</b>.</p> <ul style="list-style-type: none"> <li>3m.</li> <li>6m to garages and carports.</li> </ul>	<p>Refer to <b>Figure 8</b>.</p> <ul style="list-style-type: none"> <li>1.5m.</li> </ul>	<p>Refer to <b>Figure 8</b> and <b>Figure 10</b>.</p> <ul style="list-style-type: none"> <li>4m and within the building envelope determined by the following method: Planes are projected at 45 degrees from ground level (existing) at the rear boundary.</li> <li>Corner lots: 4m for at least 35% of the length of the side boundary.</li> </ul> <p><b>Note:</b> Rear setbacks for corner lots are located in accordance with <b>Figure 8</b>, to protect the amenity of adjoining private open space and landscaped areas.</p> <p>Rear setbacks may be reduced for single storey ancillary structures such as carports, garages or sheds, where:</p> <ul style="list-style-type: none"> <li>Wall height does not exceed 3m.</li> <li>Overall height does not exceed 4.5m.</li> <li>All mature vegetation is retained.</li> <li>There are no adverse amenity impacts.</li> </ul>



- Legend**
- Front setback to primary street min 6m or average of adjoining development
  - Side setback to secondary street min 3m or average of adjoining development
  - Garage setback to secondary street min 6m
  - Front entry

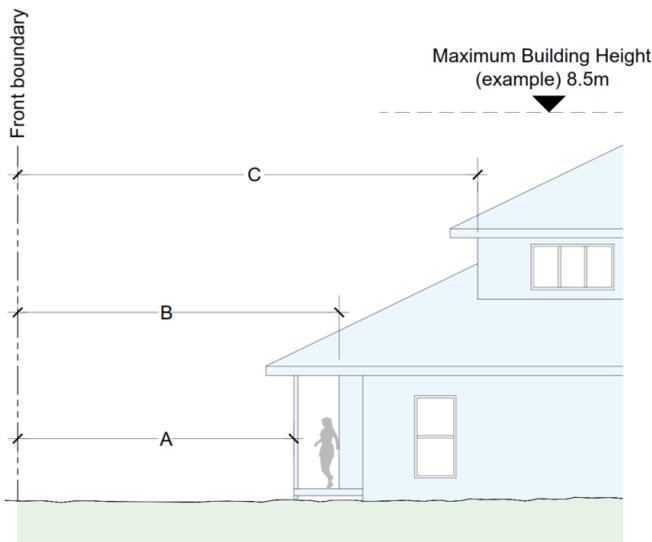
**Figure 7: Street frontage setbacks and building entry points**



- Legend**
- Minimum side setback of 1.5m
  - Rear setback minimum of 4m for min 35% of the length of the side boundary on corner lots
  - Front entry

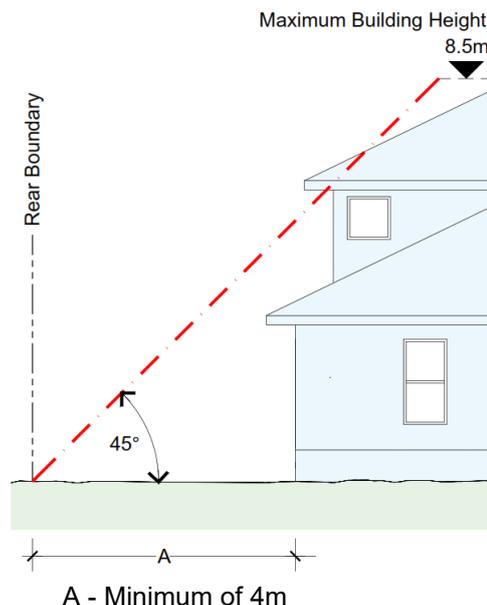
**Figure 8: Rear and side setbacks**





A = B minus 1m (e.g. 5m)  
 B = Minimum setback (e.g. 6m)  
 C = B plus 4m (e.g. 10m)

**Figure 9: Example of front setback requirements**



A - Minimum of 4m

**Figure 10: Example of rear setbacks to dwelling houses and ancillary development**

## 7.5 Built Form and Streetscape

Neighbourhood character is directly influenced by the buildings, structures and landscaping at the interface between private development and the public domain. Every development should make a positive contribution to the streetscape and wider context.

Dwellings in the residential area of Berry are predominantly freestanding, single storey cottages with pitched roofs, both hipped and gabled, and extensive established garden areas at the front, side and rear. Good building design can add to local character by respecting and enhancing features that make a place special through compatible built form, bulk, scale, height, landscaping, fencing and canopy cover. The pattern of building elements, including roof forms, overhangs, doors, windows, balconies and decorative elements are important, as is the careful choice of materials, textures, finishes and colours.

The specific objectives are to:

- i. Ensure development complements the streetscape and the desired character of residential areas in Berry.
- ii. Ensure the architectural appearance of development provides interest and contributes to the streetscape character.
- iii. Clearly define the boundaries between public and private land and between neighbouring properties.
- iv. Reduce bulk and scale of development, in particular for any second storey built form.
- v. Maintain the consistent residential form for non-residential uses in residential areas.

- vi. Encourage design that promotes social interaction, neighbourhood safety and surveillance of the public domain.

Performance Criteria	Acceptable Solutions
<p>P14.1 <b>Building</b> form, composition and facade design break up the built form and bulk of the <b>development</b> and provide visual interest.</p>	<p>A14.1 <b>Buildings</b> shall incorporate <b>articulated</b> front and side facades with:</p>
<p>P14.2 <b>Development</b> incorporates key architectural features of existing <b>development</b> that contributes to the desired character of the residential area.</p>	<ul style="list-style-type: none"> <li>• A maximum unbroken <b>wall</b> length no greater than 8m.</li> <li>• Features such as verandahs and <b>awnings</b>.</li> <li>• Roof overhangs of 600mm or greater.</li> </ul>
	<p>A14.2 The roof design must:</p> <ul style="list-style-type: none"> <li>• Be integrated harmoniously with the overall <b>building</b> form and is compatible with adjoining <b>development</b>.</li> <li>• Utilise built form elements, such as pavilions with individual roof elements, to reduce the <b>scale</b> of large roof areas.</li> <li>• Incorporate a primary roof pitch of 26.5 degrees (minimum).</li> </ul> <div data-bbox="957 1265 1430 1473" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> Lower pitches may be considered where it is demonstrated that a lower pitch is the dominant characteristic style, or if the lower pitch roof area is minor to the overall roof area.</p> </div>
	<p>A14.3 All <b>development</b> shall be consistent with the prevailing residential built form and character, even if the <b>development</b> is non-residential in nature.</p>
<p>P15 <b>Development</b> does not have a detrimental impact on <b>heritage significance</b>.</p>	<p>A15.1 <b>Development</b> in the <b>vicinity of a heritage item or heritage conservation area</b> (including <b>draft heritage items</b> and <b>draft heritage conservation areas</b>) shall be designed to avoid adverse impacts on the heritage significance by ensuring:</p> <ul style="list-style-type: none"> <li>• Design that is sympathetic to the setting, <b>setbacks</b>, form, <b>scale</b>, <b>materials</b> and style of the adjoining item/s.</li> </ul>

**Note:** The setting in relation to a **heritage item** incorporates elements such as property boundaries, significant vegetation and landscaping features, and views to and from the item.

- Retention of significant and original landscape features.

**Note:** A **Heritage Impact Statement** may be required where the proposal may adversely impact the setting, **views** or values of adjoining **heritage items** or **heritage conservation areas**.

**Setbacks** may need to be greater than specified in **A13.1** to protect the visual **curtilage** of a **heritage item**.

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P16.1 New **development** addresses the street and contributes to safety and security in the public domain.

P16.2 The **building** incorporates design elements that enable use and activation of the front **setback** area.

A16.1 Where **development** has a frontage to a public street, the design shall provide a visible entry point and **habitable room windows** facing the street frontage.

A16.2 **Development** adjoining pedestrian walkways and public domain areas shall provide **windows** from **habitable rooms** enabling casual surveillance of the public domain.

A16.3 Façades that address the street must have no more than 5m of **wall** length without a door or **window**.

A16.4 A covered entry porch, verandah, deck or the like shall be provided on the front building facade with a depth of at least 1.5m and a width of at least 20% of the **dwelling** width.

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P17 **Development** uses **building** materials, finishes and colours that are sympathetic to the streetscape and desired character of the residential area.

A17.1 **Development** shall incorporate external materials that are not out of character with prevailing **development** in the street.

A17.2 Colours must be consistent with predominant colours of surrounding **buildings**. Bright colours are avoided unless used as a detail only.

A17.3 A schedule of materials, finishes and colours must be submitted with the development application.

A17.4 Ancillary **structures** (e.g. garages and sheds) must not be prefabricated sheet

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metal such as Colorbond unless the [building](#) is not visible from the street.

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P18 **Fences**, especially those along the public street, complement the desired character and maximise passive surveillance of the street.

A18.1 On corner **lots**:

- The return **fence** along the **secondary frontage** must be a maximum height of 1.2m and extends 4m behind the **building line**.
- **Fences** along the **secondary frontage** shall have a maximum height of 1.5m (refer to **Figure 11**).

**Note:** The return **fence** is the side **fence** between the front boundary to behind the front **building line** of the **dwelling** as illustrated in **Figure 11**.

A18.2 Return **fences** on non-corner **lots** must extend 2m behind the **building line** and must be the same height and design as **fences** on the **primary frontage** or coordinated with adjoining neighbour.

A18.3 **Fence** materials and design shall be consistent with prevailing neighbourhood character. Concrete blocks, corrugated iron, Colorbond or similar metals shall not be used for **fences** adjoining the public domain.

**Note:** Picket, masonry or woven wire are preferred where this is consistent with the character of the area.

Refer to **Section 8** of this Chapter for additional fencing requirements in [heritage conservation areas](#) and [heritage items](#).

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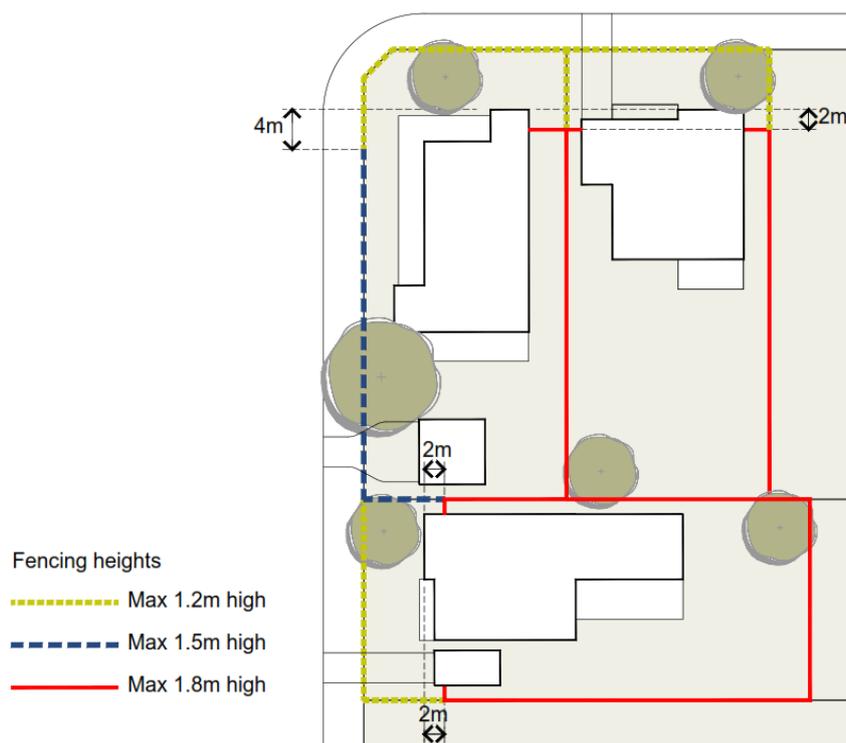


Figure 11: Fence height and configuration requirements

## 7.6 Carparking and Access

**Advisory Note:** In addition to the provisions outlined in this Section, you must refer to the relevant provisions of Chapter G21: Car Parking and Traffic of this [Development Control Plan](#).

The design and location of car parking can have a significant impact on the existing and desired future character of Berry. The location and design of car parking needs to be carefully considered to minimise visual impact on the streetscape. It is critical that new [development](#) is not dominated by car parking areas.

The specific [objectives](#) are to:

- i. Provide adequate and safe vehicular access without compromising streetscape qualities.
- ii. Ensure the location of on-site car parking minimises impact on the streetscape and is characteristic of existing [development](#) in the locality.
- iii. Implement design strategies to reduce the visual and physical impact of car parking on the streetscape.

Performance Criteria	Acceptable Solutions
<p>P19 The provision of onsite vehicle parking does not detract from the setting or streetscape character of the area or dominate existing buildings on the site.</p>	<p>A19.1 The location of garages, carports and the like, must reflect the existing pattern of surrounding development in the street.</p> <p>A19.2 Garages, carports and the like, must:</p> <ul style="list-style-type: none"> <li>• Demonstrate design quality and architectural detailing compatible in form and character with the primary building on the site and area.</li> <li>• Complement but remain subsidiary to the primary dwelling on the site.</li> <li>• Not dominate the street frontage.</li> </ul> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px; margin: 10px 0;"> <p><b>Note:</b> Industrial and agricultural style garage doors or doors that are excessively large are not appropriate where visible from the street frontage.</p> </div> <ul style="list-style-type: none"> <li>• Be accessed from a side or rear frontage where possible.</li> </ul> <p>A19.3 Dual occupancy development on a battle-axe lot must locate car parking for the street facing dwelling to the rear, where it is not visible from the street.</p> <p>A19.4 A maximum of two standard width single garage doors or a combined standard width double garage door shall face directly to each street frontage.</p> <p>A19.5 Car parking areas for non-residential development in residential areas shall be located at the rear or side of buildings, where possible. Where this is not possible due to genuine site constraints, the part of the car parking area that is located forward of the front building line, including driveway, must include perimeter screen planting, with a minimum planting bed width of 1.5m.</p>
<p>P20 The design and location of the driveway is characteristic of Berry streetscapes and minimises visual intrusion and disruption of streetscape continuity.</p>	<p>A20.1 The location of the driveway crossover must reflect the existing driveway pattern in the street.</p> <p>A20.2 A maximum of one driveway crossover per street frontage is provided unless it can be demonstrated that the property was historically associated with more</p>

than one crossover. Driveway crossovers shall have a maximum width of:

- 3m for residential development
- 4.5m (combined) for dual occupancy (attached).

A20.3 Driveways must be separated from the side boundary by a minimum of 1m.

A20.4 Driveway paving colour, texture and material must be sympathetic with the character of the area.

**Note:** A driveway is vehicle access associated with the proposed development that is constructed within the lot boundaries (private land).

Additional provisions apply to driveways located on a heritage item or within a heritage conservation area. Refer to Section 8: Heritage Conservation of this Chapter.

A20.5 Driveway crossovers must not result in the loss of existing street trees in the public domain.

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## 8 Heritage Conservation

This section applies to all culturally significant heritage sites, [buildings](#) and elements within the subject land area at **Figure 1**, including:

- Aboriginal Heritage.
- [Heritage items](#) (including landscape and archaeological items and [building](#) elements) as identified in [Shoalhaven LEP 2014](#).
- [Buildings](#) and sites within [Heritage Conservation Areas](#) (HCAs) as identified in [Shoalhaven LEP 2014](#).
- [Draft heritage items](#) and [draft heritage conservation areas](#).

**Note:** This section should be read in conjunction with:

- Supporting Map 2: Heritage Conservation Area Contributory Items.
- Chapter 2 of this [Development Control Plan](#).

### 8.1 Principles of Heritage Conservation

Heritage includes the places, objects and stories that we have inherited from the past and want to protect for future generations. It gives us a sense of our history and provides meaningful insights into how earlier generations lived and developed. It also enriches our lives and helps us to understand who we are.

**Note:** Clause 5.10(8) of [SLEP 2014](#) outlines the consent requirements for carrying out [development](#) in an [Aboriginal place of heritage significance](#).

Aboriginal Cultural Heritage is considered and managed in accordance with Chapter 2: General and Environmental Considerations in this [Development Control Plan](#).

The approach to historic (non-Aboriginal) heritage conservation in this [Development Control Plan](#) is based on the underlying principles in the Australia International Council on Monuments and Sites (ICOMOS) Charter for the Conservation of Places of Cultural Significance (The Burra Charter).

These principles are that change should:

- Be based on an understanding of cultural significance of [heritage items](#) and places.
- Respect and not diminish this cultural significance.

## 8.2 Heritage Controls

Berry contains a rich and diverse range of **buildings**, sites and elements that provide evidence of the town's establishment and **development** and contribute strongly to its unique character. It is important that the heritage value of Berry is recognised, celebrated and conserved to allow present and future generations to appreciate its history and character.

**Development** incorporating **heritage items** can support the ongoing viability of the heritage **buildings** that contribute to the valued character of Berry. It is important that the practical application of heritage conservation principles and consideration of the design and suitability of **development** retains heritage values for future generations.

Design controls for items and areas of cultural heritage in Berry aim to preserve special qualities that give Berry its character by respecting what is old, while reflecting new needs and uses of **buildings**. Designing in a historical context requires sympathetic solutions based on careful analysis of **buildings**, the setting and the surrounding areas to ensure new **development** retains the character that the community values. This can be achieved through consideration of massing, built form, **building envelope**, external proportions, use of external materials, finishes and colours, and landscaping.

The specific **objectives** of this section are to:

- i. Ensure cultural heritage is conserved for future generations.
- ii. Ensure the cultural significance of heritage in Berry is identified and understood and new **development** is based on an understanding of these significant features and associations.
- iii. Ensure that new **development** respects and complements the significance of **heritage items** and **heritage conservation areas**.
- iv. Encourage new **development** to restore and enhance **heritage items**.
- v. Ensure **development** maintains the setting of **heritage items** including the relationship between items and their surroundings.
- vi. Ensure new uses of **heritage items** are compatible with its cultural significance.
- vii. Ensure that contributory items within **heritage conservation areas** are retained, conserved and maintained for their historic streetscape value.

**Note:** Clause 5.10(3) of **Shoalhaven LEP 2014** enables certain minor works or **maintenance** to be undertaken on a **heritage item**, **archaeological site**, or within a **heritage conservation area** without **development consent**.

Any application for the exemption will be considered by **Council** on a case-by-case basis and must be made in writing.

Supporting Map 2 shows the contributory items within the four **Heritage Conservation Areas**.

Controls in this section that apply to **heritage items** and **heritage conservation areas** also apply to **draft heritage items** and **draft heritage conservation areas**.

Performance Criteria	Acceptable Solutions
<p>P21 <b>Development</b> demonstrates an understanding of, and responds to, the significance of the <b>heritage item</b> or <b>heritage conservation area</b>.</p>	<p>A21.1 Applications for the <b>development</b> of <b>heritage items</b>, <b>draft heritage items</b> or within <b>heritage conservation areas</b> or <b>draft heritage conservation areas</b> must be accompanied by either a:</p> <ul style="list-style-type: none"> <li>• <b>Heritage impact statement</b> prepared by a suitably qualified heritage consultant, in accordance with the NSW Government's <a href="#">Guidelines for preparing a statement of heritage impact</a> (as updated over time); or</li> <li>• <b>Heritage conservation management plan</b>, prepared by a suitably qualified heritage consultant in accordance with the NSW Government's <a href="#">Guidance on developing a conservation management plan</a> (as updated over time).</li> </ul> <div style="background-color: #f0f0f0; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> A <b>heritage conservation management plan</b> must be provided for <b>development</b> that proposes substantial alterations, subdivision and/or change of use to a <b>heritage item</b>.</p> <p>A <b>post-development heritage conservation management plan</b> may also be required where the setting and use of the <b>heritage item</b> is substantially altered by the <b>development</b>.</p> </div> <p>A21.2 The <b>development</b> application must include measured and coloured drawings that clearly indicate at an appropriate <b>scale</b> all existing <b>building</b> elements to be retained, and those proposed for removal or alteration.</p>
<p>P22.1 <b>Infill development</b>, including the incorporation of <b>heritage items</b> in new <b>development</b>, ensures that :</p> <ul style="list-style-type: none"> <li>• New elements are complementary in form and consistent with the heritage characteristics of the item or area.</li> <li>• Significant elements of <b>heritage items</b> are retained and conserved.</li> </ul>	<p>A22.1 <b>Development</b> of a <b>heritage item</b>, incorporating a <b>heritage item</b> in new <b>development</b> or <b>development</b> within a <b>heritage conservation area</b> must be designed to respect and be compatible with the established heritage character of those items or areas, in terms of:</p> <ul style="list-style-type: none"> <li>• <b>Scale:</b> Primary and ancillary <b>development</b> shall be consistent with the characteristic height, bulk, density and fine grain <b>scale</b> of</li> </ul>

<p><b>Note:</b> Infill development applies to both residential and commercial/retail settings.</p> <p>P22.2 External finishes are appropriate to the significant periods of development or architectural character of the item or area.</p> <p>P22.3 Development ensures contributory items in heritage conservation areas are retained, conserved and maintained for the demonstrated intrinsic streetscape heritage value.</p>	<p>existing development through consistent setbacks, orientation, massing and window and door fenestration.</p> <ul style="list-style-type: none"><li>• <b>Form:</b> Roof forms must adhere to and be subservient to existing adjoining ridge and parapet heights. Residential roof pitches are generally 26.5 degrees or steeper with gabled or hipped roof forms. The main roof profile may be broken by shallower pitches only where this is demonstrated as consistent with the building style, or the low-pitched roof is minor in area and links separate pitched roof forms.</li><li>• <b>Materials and colours:</b> A colour and material schedule must be provided that demonstrates that materials, colours and finishes, including door and window finishes, are compatible with the characteristic predominant style in the use of tone and palette of colours.</li><li>• <b>Detail:</b> Significant external elements such as chimneys, awnings and balustrading must be retained, and new development reinterprets these traditional details. Reinstatement of these features, where historical evidence exists, is strongly encouraged.</li></ul> <p><b>Note:</b> Compatibility does not mean sameness or replication. It is a relationship that is created where new development is capable of existing together with the established heritage in harmony. This relationship is created through appropriate consideration of the elements of setting, form, scale, finish and detailing.</p> <p>A22.2 Alterations and additions must:</p> <ul style="list-style-type: none"><li>• Avoid changes to the front elevations, with new work located to the rear or behind the original building.</li><li>• Generally be located away from the original and intact areas of the</li></ul>
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	<p><b>heritage item</b>, with new work clearly differentiated from original fabric.</p> <ul style="list-style-type: none"> <li>• Ensure roof extensions are lower than the original roof.</li> <li>• Ensure the original room configuration of <b>heritage items</b> remains discernible and can be interpreted.</li> <li>• Be designed to ensure new work complements the original <b>scale</b>, form and massing of the <b>building</b>.</li> <li>• Retain original and significant fabric such as chimneys, verandahs, porches and balustrading.</li> <li>• Not involve painting or rendering previously unfinished face brick.</li> </ul> <p>A22.3 <b>Development</b> of contributory items must:</p> <ul style="list-style-type: none"> <li>• Not significantly alter the appearance of the principal or significant street façades, except to remove detracting elements.</li> <li>• Generally, be located to the rear or away from street frontages.</li> </ul>
<p>P23.1 <b>Development</b> respects the historical character of Berry with predominantly single <b>storey</b>, detached <b>scaled buildings</b>.</p> <p>P23.2 <b>Development</b> does not compromise the form, <b>scale</b> and appearance of <b>heritage items</b> and contributory items when <b>viewed</b> from the public domain.</p>	<p>A23.1 Two <b>storey development</b> in residential areas is generally not appropriate and will only be considered where:</p> <ul style="list-style-type: none"> <li>• The <b>development</b> is alterations and additions and the second <b>storey</b>:             <ul style="list-style-type: none"> <li>- Is located to the rear of the principle <b>building</b> and has low visibility when <b>viewed</b> from the public domain.</li> <li>- Does not extend for the full width of the principal <b>building</b>.</li> <li>- Is not located directly above the significant original room layout of the principal <b>building</b>.</li> </ul> </li> <li>• The <b>development</b> is new infill and the second <b>storey</b>:             <ul style="list-style-type: none"> <li>- Presents as single <b>storey development</b> when <b>viewed</b> from the public domain.</li> </ul> </li> </ul>

	<p><b>Note:</b> Front setbacks may need to be increased to achieve this requirement.</p> <ul style="list-style-type: none"> <li>- Does not extend for the full width of the single storey street frontage component.</li> <li>- Has a ground floor level that does not exceed 1m from existing ground level.</li> </ul> <p>A23.2 Roof and attic additions to a heritage item will only be considered where:</p> <ul style="list-style-type: none"> <li>• The development will not alter the existing roof pitch, eave and ridge height or internal ceiling height.</li> <li>• Any dormer windows are located on the rear elevation only.</li> </ul> <p>A23.3 Upper storeys within the roof space in a heritage conservation area will only be considered if:</p> <ul style="list-style-type: none"> <li>• The development does not exceed a wall height of 4.5m within 6m of the front building line and 7m in all other locations, when measured from existing ground level.</li> </ul>
<p>P24 Significant public domain features in heritage conservation areas are retained and conserved.</p>	<p>A24.1 Development in heritage conservation areas must identify, retain and conserve evidence of early infrastructure in the public domain, including:</p> <ul style="list-style-type: none"> <li>• Road services and associated features.</li> <li>• Stone kerbing and guttering.</li> <li>• Street furniture.</li> <li>• Signposts.</li> <li>• Paving.</li> <li>• Sandstone steps and retaining walls.</li> <li>• Drainage infrastructure.</li> </ul>
<p>P25 Development retains significant subdivision characteristics.</p>	<p>A25.1 Where the original subdivision and/or building pattern is significant and remains intact, development that proposes lot boundary changes must:</p> <ul style="list-style-type: none"> <li>• Reinforce the townscape pattern.</li> </ul>

	<ul style="list-style-type: none"> <li>• Demonstrate that the significant features and settings of the item or area are not compromised.</li> </ul>
<p>P26 Development involving demolition or the relocation of buildings or items does not adversely affect the heritage significance of the item or area.</p>	<p>A26.1 The demolition or partial demolition of heritage items or contributory items in a heritage conservation area must be supported by adequate justification.</p> <p>A26.2 A development application proposing demolition or partial demolition of a heritage item must be accompanied by a demolition report prepared by a suitably qualified heritage consultant that:</p> <ul style="list-style-type: none"> <li>• Provides information about the potential heritage significance of the building, or part of building, to be demolished.</li> <li>• Includes a structural report prepared by a suitably qualified engineer or a pest inspection report that demonstrates that the demolition is required, and the building is beyond reasonable repair.</li> </ul> <p>A26.3 A development application proposing demolition, partial demolition or relocation of a contributory item must be accompanied by a heritage impact statement prepared by a suitably qualified heritage consultant that demonstrates that the heritage values of the heritage conservation area will not be adversely impacted by the proposal.</p> <p>A26.4 A development application to relocate a heritage item must demonstrate that the setting or curtilage of the item is not integral to the value of the heritage item or heritage conservation area.</p>
<p>P27 Solar energy panels are located to be unobtrusive and minimise impacts on heritage significance.</p>	<p>A27.1 Where solar panels are proposed to be installed on roofs of heritage items or within heritage conservation areas, the solar panels must:</p> <ul style="list-style-type: none"> <li>• Where possible, be located on roofs which have a low level of significance.</li> <li>• Be located on roofs that have low visibility.</li> </ul>

	<ul style="list-style-type: none"> <li>• Be mounted parallel to the roof plane.</li> <li>• Be recessive in colour and pattern.</li> <li>• Have a minimum 300mm buffer from a ridgelines, dormers and chimneys.</li> <li>• Be symmetrical in arrangement.</li> </ul> <p><b>Note:</b> State Environmental Planning Policy (Transport and Infrastructure) 2021 permits certain solar energy system installations on <a href="#">heritage items</a> as <a href="#">exempt development</a> only where the installation would involve no more than minimal impact on the significance of the item or area.</p>
<p>P28.1 <a href="#">Development</a> contributes to the heritage values of the <a href="#">heritage item</a> or <a href="#">heritage conservation area</a> through the promotion of a high level of landscape design which is consistent with these values.</p> <p>P28.2 External landscape elements are consistent with the streetscape, historic context, style and setting of existing <a href="#">buildings</a>.</p>	<p>A28.1 <a href="#">Development</a> upon a site containing a <a href="#">heritage item</a> or within a <a href="#">heritage conservation area</a> must provide a landscape concept plan that:</p> <ul style="list-style-type: none"> <li>• Is prepared by a suitably qualified landscape professional in accordance with Chapter G3: Landscape Design Guidelines of this <a href="#">Development Control Plan</a>.</li> <li>• Considers the heritage values of the item or area.</li> <li>• Clearly identifies all existing landscape elements (including original and early <a href="#">tree</a> plantings and fencing) to be retained and those proposed for removal or alteration.</li> </ul>
<p>P29 New fencing on <a href="#">heritage items</a> or within <a href="#">heritage conservation areas</a> is consistent with the heritage characteristics of the item or area.</p>	<p>A29.1 New fencing and gates forward of the <a href="#">building line</a> must be:</p> <ul style="list-style-type: none"> <li>• Compatible in design, pattern, height, material and colour appropriate to the relevant style and period of the heritage <a href="#">building</a> or the prevailing style and period of the <a href="#">heritage conservation area</a>.</li> <li>• No higher than 1.2m, unless reinstatement of known early fencing exceeding 1.2m is proposed.</li> </ul>
<p>P30 The integrity of the <a href="#">heritage item</a> and its setting, or the <a href="#">heritage conservation</a></p>	<p>A30.1 The <a href="#">development</a> shall retain the original driveway crossover location.</p>

<p>area, is retained in the siting and materials used for new driveways.</p>	<p>A30.2 Driveway materials must be sympathetic to the period and prevailing style of the heritage item or heritage conservation area.</p> <p><b>Note:</b> Unfinished solid concrete or stencilled concrete driveways are generally not acceptable. Gravel, asphalt, strip driveways, sleepers or other sympathetic materials are more acceptable in Berry's context.</p>
<p>P31 Development ensures that garages and carports are designed to minimise visual and physical impacts on the heritage item.</p>	<p>A31.1 Garages and carports must not be physically connected to a heritage item unless the point of connection retains heritage fabric and is located to the rear of the building or low visibility areas.</p> <p>A31.2 Where a freestanding garage or carport is proposed to the side of a building with significant features, the garage must be located to the rear of those features.</p>
<p>P32 Development that changes the use of a heritage item or incorporates a heritage item into new development, ensures that the heritage values will not be adversely impacted.</p>	<p>A32.1 Where development involves the adaptive reuse of a heritage item, the development shall retain an appropriate setting to allow for the continued appreciation and integrity of the item.</p> <p><b>Note:</b> A good adaptive reuse is one that is sympathetic to the existing building and its historic context, and inserts new work, or makes changes that enhance and complement the heritage values of the heritage item.</p>
<p>P33 Development ensures that upgrades to achieve compliance are considered at the development application stage to ensure impacts on the heritage values are considered.</p>	<p>A33.1 Development applications must provide detail on measures required to upgrade the heritage item to meet National Construction Code (NCC) requirements, where the development proposes any of the following:</p> <ul style="list-style-type: none"> <li>• Substantial alterations representing more than 50% of the total volume of the heritage building.</li> <li>• A change of building classification.</li> <li>• A change of use that will involve building upgrades.</li> <li>• Significant external upgrades to provide appropriate access for people with a disability.</li> </ul>

	<p><b>Note:</b> A NCC compliance capability report may be required where the <b>development</b> is likely to require significant upgrades which may result in adverse impacts to the heritage values of the item or area.</p>
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## 9 Advisory Information

### 9.1 Other legislation you may need to check

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<b>Council Policies &amp; Guidelines</b>	Shoalhaven Contributions Plan Shoalhaven Local Approvals Policy Shoalhaven Heritage Strategy <a href="#">Shoalhaven Species List for Berry</a> <a href="#">Town Entry Street Tree Planting Strategy</a> <a href="#">Streetscape Technical Manual</a>
<b>External Policies &amp; Guidelines</b>	Australia ICOMOS <a href="#">The Burra Charter</a> NSW Government: <ul style="list-style-type: none"><li>• <a href="#">Assessing Heritage Significance</a> (2023)</li><li>• <a href="#">Investigating Heritage Significance</a> (2021)</li><li>• <a href="#">Guidelines for preparing a statement of heritage impact</a> (2023)</li><li>• <a href="#">Guidance on developing a conservation management plan</a> (2021)</li></ul> NSW Government Architect: <ul style="list-style-type: none"><li>• <a href="#">Better Placed</a> (2017)</li><li>• <a href="#">Design Guide for Heritage</a> (2019)</li></ul> NSW Heritage Office <a href="#">Design in Context</a> (2005) National Construction Code (NCC)
<b>Legislation</b>	Shoalhaven Local Environmental Plan 2014 <i>Heritage Act 1977</i> <i>National Parks and Wildlife Act 1974</i> <i>Local Government Act 1993</i>

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