

Preserve Berry's Character

Subject Site



Heritage item -
81 Queen Street







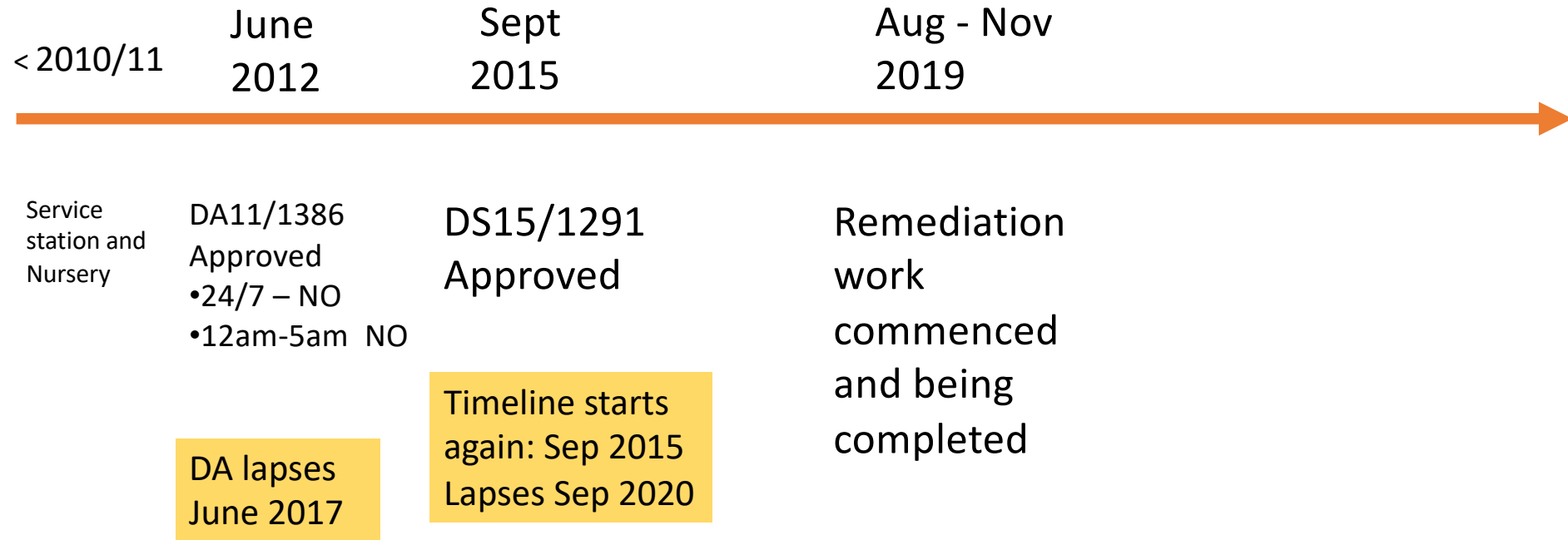
Subject Site

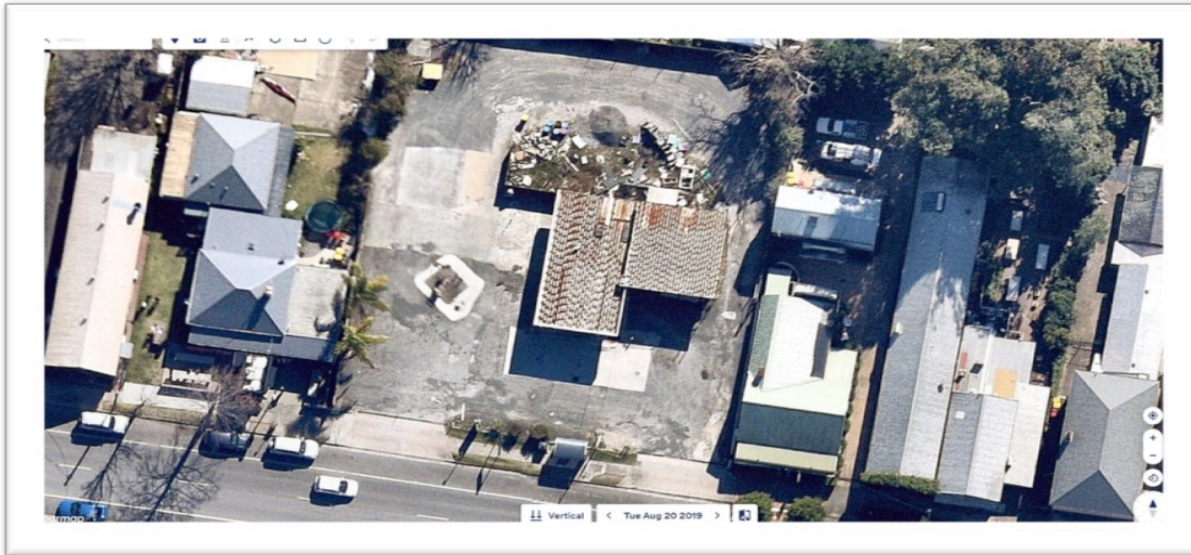
LEP Heritage items



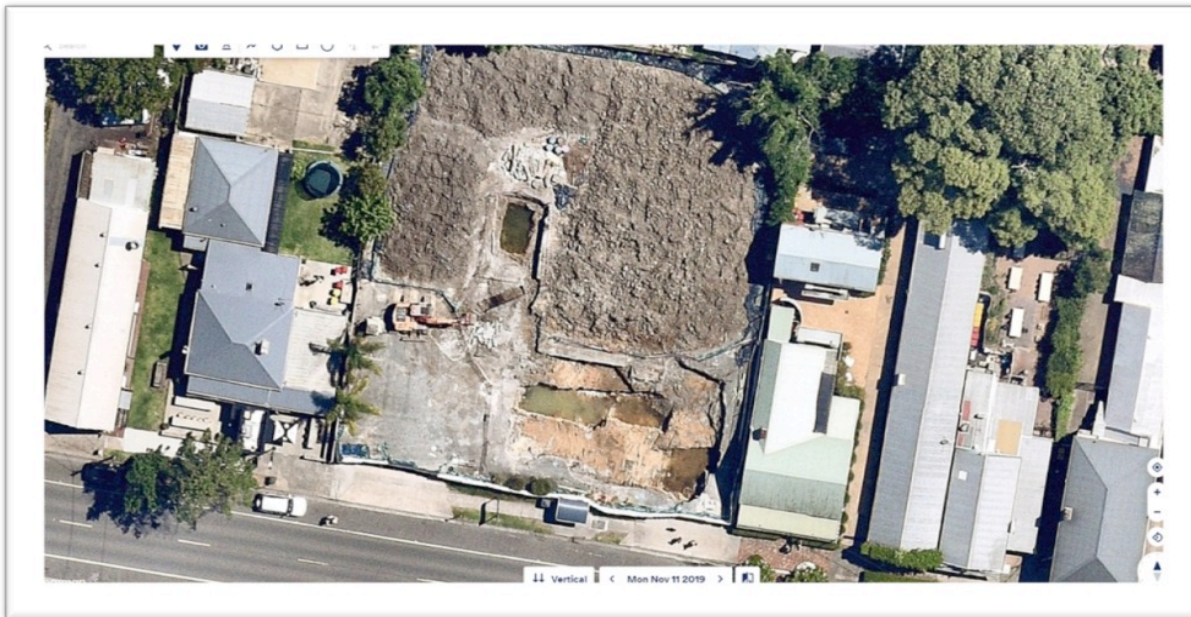
Figure 5 – Extract from Heritage Map (ePlanning, 2022)

Timeline



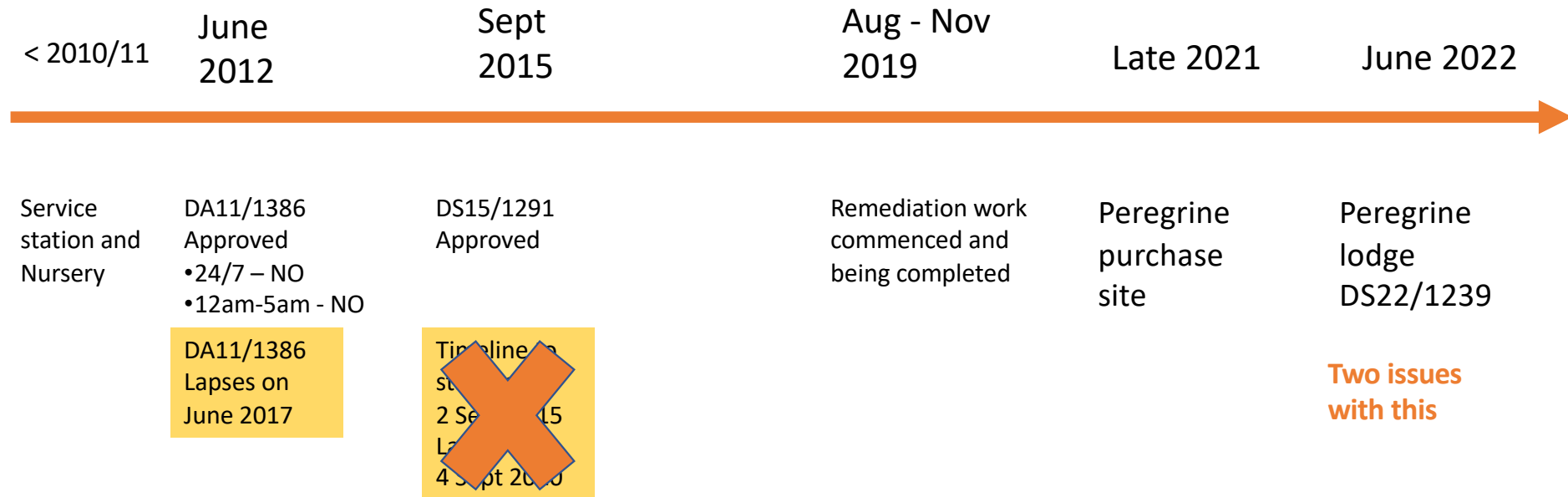


Extract from Nearmaps of the Site dated 20 August 2019



Extract from Nearmaps of the Site dated 11 November 2019

Timeline



NSW LEC “*Kinder Investments v Sydney City Council* [2005], Chief Justice Preston determined:

- Council’s approval DS15/1291 purported to extend the lapsing date to Sep 2020
- **such an extension would be void and of no effect.**
- **the lapsing date for the Original Consent of June 2017 remained in effect.”**

Description	Original DA	Proposed	Comments
Underground fuel tanks	5	2	<ul style="list-style-type: none"> 60% reduction NO EV charging
Fuel dispenser pumps	7	3	<ul style="list-style-type: none"> 55% reduction
Canopy	286 sqm	196 sqm	<ul style="list-style-type: none"> 45% reduction
Convenience store Length of wall Set back from street	186 sqm 3m high x 8m long 11m	279 sqm 4.6m high x 13.3m long 5.8m	<ul style="list-style-type: none"> 21% increase 249% increase
Operating hours - car wash	<u>6am to 10pm</u> 7am to 8pm	<u>24/7 x 365</u> 7am to 10pm	<ul style="list-style-type: none"> OTR – NO social impact
Signage	Small sign	9m x 2m sign	
Stormwater	87 kL	42 kL	<ul style="list-style-type: none"> 59% reduction Will fill with <26mm rain Then discharge onto street
Noise wall for neighbours	3.5m concrete	2.1m Colorbond	<ul style="list-style-type: none"> Colorbond fence = 5dBA

Does Shoalhaven Council have authority to approve?

1: CONSENT HAS LAPSED - NO POWER TO EXTEND OR MODIFY

2: NOT SUBSTANTIALLY THE SAME DEVELOPMENT

- No longer consistent with the definition of a service station

Description	Original DA (2012)	Proposed by OTR	Comments
Underground fuel tanks	5	2	<ul style="list-style-type: none"> 60% reduction
Fuel dispenser pumps	7	3	<ul style="list-style-type: none"> 55% reduction
Canopy	286 sqm	196 sqm	<ul style="list-style-type: none"> 45% reduction
Convenience store Length of wall Set back from street	186 sqm 3m high x 8m long 11m	279 sqm 4.6m high x 13m long 5.8m	<ul style="list-style-type: none"> 21% increase 249% increase in wall area – huge impact upon heritage cottage (Co-Lab)
Operating hours - car wash	<u>6am to 10pm</u> 7am to 8pm	<u>24/7 x 365</u> 7am to 10pm	<ul style="list-style-type: none"> OTR – NO studies to indicate a need for a 24/7
Signage	Council DA signage specs	9m x 2.m sign (3 stores) Illuminated 24/7	
Stormwater	87kL	42kL	<ul style="list-style-type: none"> 59% reduction Will fill with <26mm rain
Noise wall - neighbours	3.5m concrete noise attenuation	2.1m Colorbond	<ul style="list-style-type: none"> Colorbond fence = -5dBA

Where to Next?

- Council needs to decide if it agrees with our legal advice that the DA has lapsed.