

**Q1.** 'Complying' development that does not consider retention of heritage character is increasing in Berry -

- Will you prioritise protection of local character through LEP local character planning controls, additional heritage conservation areas and strengthening Berry's DCP?

**Amanda Findley** (Mayoral)

*Australia's Heritage is rich and is absolutely at threat of being lost to rapid modernisation. Protection for streetscapes is a priority and I am happy to prioritise working with the community and a heritage consultant to ensure that the character controls that are needed to maintain character are in place. I have a track record in heritage protection. In 2016 I brought forward the resolution to Council in regards to a heritage conservation area for Nowra. I have also consistently voted against the destruction of heritage across our city. Collectively we also need to undertake far more work to understand the rich Aboriginal Heritage of our city.*

**Patricia White** (Mayoral)

*I am aware of the community's and residents' concerns regarding the heritage and local character of the township of Berry. I have engaged with many individuals and community groups in relation to properties (especially when Development Applications have been lodged over properties), adjacent property owners and current streetscapes.*

*There are rights for property owners and where a property is listed for heritage there are additional costs for owners and maybe difficult to obtain an DA for any works. However, when people are purchasing a heritage listed property or a property adjacent, they should carry out their due diligence and implications of owning this type of property, what type of approvals are required, and especially the local character. Often without investigations into these issues, it leads to unauthorised works on heritage properties.*

*Recent work has been carried out by the Department of Planning on identifying character and place. Effective engagement with the community early in the planning processes are required. Residents of the local area are best placed to provide insight into the community's values and aspirations. Towns that develop that identify local character and agreed desired future character are likely to be more sustainable and contribute to good quality of life.*

*Council has undertaken a Heritage Study by a Consultant for Berry, which endorsed more properties and Heritage conservation areas to be established. Council resolved a few months ago to heritage list properties and the area around the Showground after Community Consultation following the study.*

*In relation to complying development this raises issues for Council. Private certifiers are able to approve developments and alter Council approved DAs without Council's knowledge, unless significant or do not meet current policies. They are required to notify Council once the development has been constructed and occupied. Many residents will also know that the full Council does not see every DA unless there is a policy issue, or it is 'called in' or it is refused or has significant public interest.*

*Council's Strategic Land Use Planning Statement from September 2020 expresses Heritage Items and Place as priority planning objectives for the Shoalhaven over the next 20 years. This should be a priority for the community to ensure there is limited further loss of Heritage.*

*I fully support the Berry Community, residents, and Defend Berry Heritage. The recent study which resulted in properties and the Conservation area listed was commenced by a Notice of Motion to Council following representations from residents. We need to work together for greater outcomes.*

*I have had many discussions with Forum members regarding:*

- 1. Establishing a review of the DCP to strengthen it; and*
- 2. Reviewing the LEP; and*
- 3. Increasing listings for Heritage properties and conservation areas*

*This work can be established by referring them to the Council's Strategic Planning Works program and residents can write to Council and request.*

*Food for thought - Braidwood township is fully listed under Heritage and currently they do not have many issues.*

**Paul Green** (Mayoral)

*I will always try to endorse community directions if I am convinced it's the full desire of a majority of the community. We need to stick with the planning contract that council has made with the community through full and transparent consultation.*

*Being mindful that there is always some creative design that challenges the boundaries of planning laws and design but by and large I am supportive of setting the framework by which the community wishes to be known by.*

**Nina Digiglio** (Mayoral)

*Over the past 5 years in Council I have supported many decisions to protect and respect local heritage and character across the Shoalhaven especially in the Berry, Kangaroo Valley and Bellawongarah areas. I have actively supported the protection of the Berry Local Character and consistently voted to strengthen Berry's DCP as passed in the recent review. This will certainly continue if I am elected. The community voice is just as important as the developers if not more, especially since residents in the end are forced to live with the legacy.*

*My other commitment is to encourage language at council that engages and educates the community about the DCP / LEP processes. These are difficult planning laws for the general person to get their heads around. The aim of this is to allow better engagement and understanding. This will ensure outcomes that bring pride to community infrastructure projects and deliver balanced housing stock v's environmental and heritage protections across the region. This is vital in places like Berry given the significant landscape, heritage buildings and vibe of the town, which needs to be maintained to continue attracting people to the town for day visits or longer. It is envisaged that residents and businesses in Berry have their views valued and respected and the expectations of the community are largely met or have reached an appropriate compromise or consensus.*

**Greg Watson** (Mayoral)

*As it was me who submitted the original notice of motion about 4 years ago to have the Council adopt enhanced heritage controls to protect the older residential part of Berry I have no hesitation in agreeing with the sentiment expressed in the question.*

**Serena Copley** (Ward 1)

*Put simply, yes! The character of Berry is unique and unmatched across the State. It is important that Shoalhaven City Council do everything it can to protect the history and heritage of Berry. Shoalhaven City Council has failed however to engage appropriately and successfully with the community to ensure this occurs. Planning controls around 'complying development' across the city, including Berry, must be further examined by Shoalhaven City Council and the NSW Government to ensure it is not used as a vehicle to destroy heritage and character of our towns and villages.*

*Berry has a wonderful history, however, it is important that we plan for its future. If successful on December 4, I will be seeking to move a notice of motion that establishes a Taskforce made up of members of the community and the Berry Forum, Council staff, and independent, professional conservation experts to assist develop a plan which strikes a balance between protecting and preserving Berry's unique character and history, whilst recognising the need for sensible, sustainable development.*

**Tonia Gray** (Ward 1)

- I will prioritise the protection of Berry's local character, which I understand to be our environmental heritage, the heritage significance of our built environment, archaeological sites and Aboriginal objects and places of heritage significance in Berry. Indeed, this is set out in the objectives of our LEP at 5.10 on heritage conservation. The Greens would support the creation of a Heritage Officer position within Council.*
- Part of the lure for many tourists and residents to Berry is our traditional village charm. The unique architectural heritage, coupled with picturesque rural amenity, lifestyle choices and laid back community atmosphere, make Berry a desirable location. As a prospective councillor, my core values will be underpinned by a strong legacy mindset and desire to preserve our unique heritage.*
- These three measures are vital. Their very formulation and the consultation that is involved in their preparation is important for gaining community consensus in the support of protecting Berry's local character. Development standards in the LEP, being specified requirements and fixed standards, are particularly important and should be upheld. The DCP is also important but given that they are not mandated standards, we need Councillors who are willing to exercise their discretion to support heritage preservation measures in a DCP in relation to any particular development application.*
- I understand that the heritage conservation areas in Berry have recently been extended and believe that this should be an ongoing process. We don't want to go the same way as Kiama where heritage houses have recently been bulldozed to make way for multilevel, medium- density housing which is characterless and has no relationship to Kiama's history or landscape.*
- According to the LEP (at 5.10), Councillors are only required to 'consider the effect' of a proposed development on the heritage significance of the item or area. You will be able to trust me to prioritise heritage preservation and not merely 'consider' it and then prioritise other factors.*
- I have a long personal connection with heritage protection. In the 80s, my parents won an Australia Day Award for heritage renovations undertaken on their rural property, "Warrabank" at Toolijooa. Additionally, my previous residence was a Heritage Listed 1871 miners cottage in Kiama and I owner-builder managed a major renovation for it 21 years ago. Retaining the original character was of paramount importance and I worked with Council ensure the streetscape did not change in bulk, scale or set back. However,*

*within the roof cavity was a cleverly encased architecturally designed two storey, modern sun- drenched renovation to the back. I believe that contemporary architecture can be successfully married with the past by sympathetic attention to heritage design components, so a win-win is achieved for all parties.*

- *Recently endorsed by Shoalhaven Council, the Berry Community Strategic Plan identified retention of heritage character as an important strategic priority. The Greens will ensure that additional development in Berry has appropriate and sympathetic design (in terms of bulk, scale, setback etc). I am concerned about the private certification process and how it can facilitate inappropriate development. Also, the State Environmental Planning Policy (Exempt and Complying Development Codes) has the potential for DAs to bypass Council with the result that they are not subjected to necessary scrutiny and robust evaluation.*

**John Wells (Ward 1)**

*I appreciate community concerns around the erosion of local character and heritage and support the recent initiative to Defend Berry Heritage*

*I supported the recent additions in Berry to the heritage schedule which involved a number of individual item/properties and the Heritage Conservation Area which in that instance involved properties adjacent to Berry's magnificent showground precinct.*

*I think it is important to acknowledge the rights of property owners in classifying properties as 'heritage' as such action carries with it certain limitations and obligations in terms of changing/altering the fabric of the property so classified. I believe however that where a property is owned by an institution or public authority, a higher level of obligation to so classify the property should prevail.*

*New development can be a challenge in maintaining local character and managing this issue can be problematical where an approval pathway does not involve Council as a consent authority, involving community consultation on a proposal. Using the State's complying development code and private certification might, for example, exonerate a development from character and heritage considerations. Further, not all Development Applications which might have character /heritage implications are dealt with by the elected Council – 95% plus of DA's are determined under delegation. Elected Councillors need to be alive to issues surrounding heritage, and intervene if necessary.*

*I have strongly supported Council's adoption of its Strategic Land Use Planning Statement (adopted Sept 2020) which specifically articulates:*

- 1)Protecting and Enhancing Neighbourhoods*
- 2)Heritage items and Places*

*as priority planning objectives for the City over the next two decades.*

*I support the current work, interagency collaborations and actions which Council is taking to progress these objectives including the establishment of a heritage design advisory service, updating the City's Heritage Study and enhancing the City's Development Control Plan 2014 with built form statements which ensure development contributes to local character.*

*We wait with bated breath for NSW Planning's character controls to be released and trust such controls will support Council's work on heritage and character in its LEP and DCP instruments*

*Finally, I propose that the work referred to above will -*

- 1. not be Council or heritage advisor led but will enfold groups such as Defend Berry Heritage, and*
- 2. give character and heritage priority in the next Council's Strategic Planning Works Program.*

**Matthew Norris** (Ward 1)

*Yes, As we aim to keep the "charm" of Berry we need to use all the tools at our disposal to keep the heritage character, it is not simply set and forget we need to keep a close monitor on this so complying developments aren't just forced through council at warp speed and slowly we lose the heritage appeal of Berry and the destination tourism the township thrives on. We must have sympathetic development that enhances Berry.*