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25 June 2024
Ref: 221788.17L

The Chair
Southern Regional Planning Panel
By email: enquiry@planningpanels.nsw.gov.au

Dear Sir,

PPSSTH-326 – Shoalhaven – RA23/1002 – Alterations and additions to the Berry Hotel – Public Meeting on 26 June 2024 – Submission on behalf of the Applicant

We represent the Feros Hotel Group Pty Ltd, the Applicant for the above Development Application at the Berry Hotel.

The purpose of this submission is to provide some additional context to the consideration of the above matter by the Panel.

We have reviewed the DA Assessment Report before the Panel and note that it relates to the documentation submitted to Council in September 2023 (**the Original DA**).

As the Panel will be aware, the DA is the subject of an appeal to the Land and Environment Court. As part of the appeal process, the Applicant is working with the Council and its experts to address the issues raised in relation to the Original DA. These issues are made out in Council's Statement of Facts and Contentions and are reflected in the DA Assessment Report before the Panel.

As you may be aware, the Land and Environment Court Proceedings are listed for a mandatory conciliation conference in July. The Applicant has, and will continue, to conciliate in good faith. It is preparing amended plans and additional information to address the Council's and community's concerns. The object of those changes is to produce a proposal that is regarded by the community as being respectful of the heritage and character of the Town Centre.

To this end, the Applicant and its team have already been in contact with Council's lawyers and experts to discuss the potential amendments and information and is grateful to have been provided with that opportunity to date.

Broadly, the Applicant's team is of the view that the DA has the potential to result in a number of benefits to the Berry Town Centre and wider area.

Firstly, the DA will result in the upgrading of the Berry Hotel, both to the building itself and its offering to the community. Many of the public submissions provided in relation to the Original DA acknowledge that the Hotel is run-down in its existing state, lacking amenity and were actually supportive of its proposed upgrade.

The intent for the DA is to facilitate the operation of the Hotel as a family-friendly venue, upgraded and expanded to provide improved amenity, with a strong focus on food and dining. The Applicant has now operated the Hotel in its existing state for some time and is well-positioned to understand and respond to the local context and community desires in relation to hospitality and leisure facilities. As a consequence, the DA will have economic benefits for the Town Centre as it will continue to support the community and tourism functions of Berry in an improved manner.

The DA will also provide additional hotel accommodation in the Berry Town Centre which is needed to support the tourism function of Berry. Submissions on the Original DA have noted that there are insufficient accommodation options in the Town Centre, including different accommodation types and room sizes. The site is well-located for such a function, which will also result in down-stream economic benefits and support for existing businesses in Berry and the wider area.

Together, the proposed development will serve the needs of the local community and visitors to Berry and the wider region.

The proposal also includes the upgrading of the Council's public parking at 77 Princess Street, an aspect of the proposal which is supported in the DA Assessment Report as it is consistent with the proposals in the DCP.

We note that the DA does not rely at all on that public parking to meet the parking requirements of the DA. That parking is separate from the level of parking provided for the DA. That parking will continue to be "public" parking consistent with the existing situation.

In addition, we note that Council provided its consent, as the owner of 77 Princess Street, to the making of the DA to facilitate the upgrade of the public parking which will be of benefit to Council and the community at no expense to Council.

In summary, the Applicant and its team of experts have listened to the feedback received in response to the Original DA from the Council and those who chose to make a submission in relation to it. In response, the Applicant intends to continue to work towards an acceptable outcome for the DA that responds to and resolves the matters raised in the DA Assessment Report during the Land and Environment Court process so that the projected benefits for the Berry Town Centre and surrounding area may be realised.

Yours Faithfully,
DESIGN COLLABORATIVE PTY LTD

A handwritten signature in dark ink, appearing to read 'James Lidis', with a stylized flourish extending to the right.

James Lidis
Managing Director