

# Verons Estate Rezoning Investigations

## Landowner meeting - Summary of discussion

**18 November 2010**

**Reception Room,  
Shoalhaven City Council**

### **Attendees**

NSW Department of Planning (DoP): Brett Whitworth, Mark Parker, Lisa Kennedy,  
NSW Department of Environment, Climate Change & Water (DECCW): Ben Addison, Miles Boak  
NSW Department of Industry & Investment (I&I NSW): Alan Lugg  
Shoalhaven City Council (SCC), Strategic Planning & Infrastructure Group: Peter Adams, Amanda Moylan, Marie-Louise Foley  
Councillors: Cllr Greg Watson & Cllr John Fergusson (arrived during meeting).  
Landowners: ten (10)

### **Agenda**

- Welcome & introductions – Cllr Bob Proudfoot
- Background & overview – Peter Adams (SCC)
- Strategic planning overview & rezoning investigations update – Amanda Moylan (SCC)
- South Coast Regional Strategy – requirements that relate to Swan lake (SCC)
- Swan Lake status - Ben Addison (DECCW)
- Joint NSW Government agency advice
- Options & considerations
- Discussion
- Next steps – Peter Adams

The meeting was opened by Councillor Bob Proudfoot who welcomed those present.

Copies of the presentations by SCC and DECCW have also been placed on Council's website.

A summary of main points of discussion is provided below. Comments are colour coded as follows:

Black = generic comment  
Green = Comments by landowners  
Purple = Comments by DoP staff  
Dark blue = Comments by DECCW staff  
Light blue = Comments by SCC staff  
Red = Comments by SCC Councillors

Disclaimer: The summary attempts to capture the key points that were discussed concerning the rezoning issues, but it may not have captured all comments.

- How can 32 lots impact upon the lake when there are already houses on the lake? When it rains, water runs down the road and straight into the lake! If it hasn't impacted upon the lake yet, it never will.
- Biodiversity around the lake doesn't matter as there is a bushfire that goes through every couple of years.

- The NPWS referencing system no longer operates and DECCW have formally indicated to Council that acquisition is no longer considered.
- When was the lake opened?
- How can you draw lines in the environment?
- No direct creek through Estate. Flooding filtered through vegetation before it gets to the lake.
- Lake not pristine, birds not there.
- Council staff get paid regardless of outcome, landowners are payees so very frustrated.
- Swan Lake is relatively pristine, so need to prevent more impacts. Natural filters retain sediments up to a point to stop sediment entering the lake but once these are exhausted, sediment will impact lake.
- Fire natural process some species rely on it.
- What's the difference between landowners shooting animals and fire killing them?
- Some landowners have been in Sussex Inlet all their lives and never seen a hooded plover, (don't come there, wrong environment).
- Sea level rise is going to totally change lake anyway.
- If land is so pristine then why doesn't Government step in and buy it?
- Explanation: this is a rezoning process and that Government is not required to acquire it.
- If the land had not already been subdivided, it would not be considered for rezoning. However, environmental issues (such as water quality impacts on Swan Lake) need to be considered as part of the rezoning process. Based on advice from other agencies, it will be very unlikely to achieve the water quality outcomes for Swan Lake.
- Bushfire issues were discussed.
- Why is DoP now stepping in at this late point (re Swan Lake)?
- Previously DoP didn't have full knowledge of the Lake's sensitivity, but have consistently indicated there is concern about development in Swan Lake catchment.
- Discussion on impacts of rural uses.
- There are three main sources of pollution in Swan Lake: Swanhaven, Cudmirrah and treatment works.
- Explanation of the Bio-certification process under Threatened Species Act. Mechanism to derive a solution for the whole site.
- Verons Estate is being treated like a new subdivision but that it is not.
- The constraints are showing one dwelling per lot is not feasible.
- What happens if studies were to show that there would be no impact on the lake?
- DoP would defer to DECCW etc. but experience shows that unlikely. DoP's recommendation is not to waste money, as it would require an in-depth study. Encourage Council/owners to concentrate on that part of the Estate which drains to Badgee Lagoon. Landowners need to talk with one another to come up with a solution.
- A solution could be to allow higher dwelling yield in the Badgee catchment and for owners to cede the remainder to the Government.
- Growing concerns with growth and sewerage – not capacity but with discharge into dunes. Becoming apparent with Lucas proposal. One Tree Bay not necessarily support. DoP also concerned with people losing out financially.
- Always recognised limitations of onsite effluent disposal, but there are solutions.
- Landowner just wants to be able to develop his land, doesn't want to wait another 20 years.
- Swan Lake catchment out, need to work on solution for another area.

Landowner gave presentation:

- Paying rates plus special rates. Can't expect people who aren't getting dwelling entitlement to keep paying.
- Not giving up his land. Landowners united in wanting one dwelling per lot.
- Re-subdivision proposal, ending up with 5 acre lot not what he wants.
- Development of the Estate will provide a bushfire buffer for Sussex Inlet.
- Way forward – do whatever we need to do to make rezoning happen – not develop St Georges Basin. If need to leave rural so be it, will live out there illegally as with other

Estates. Development with controls would help lake. Was farmed before. Landowners concerned about the state of the road.

- In regards to NORBE (Neutral or Beneficial Effect), many existing impacts: settlements, boating etc but water quality still good, can't measure what hasn't happened. Need to be realistic about impact of 14 dwellings. If such concern, why are boats allowed, why service station etc. How can 14 dwellings impact?
- Requirements to protect Swan Lake not just applied to Verons. It has also impacted on Crown land between Berrara and Cudmirrah. This was supported by the sensitive urban lands review. Recognition that we can't change what has occurred, efforts to minimise impact. See point only 14 lots, why so bad? Not sewered so impacts, envirocycle, worm systems still have impacts, plus clearing destabilises soil. Again, landowners paying for studies. Do you want them done?
- Landowner: can we rezone the bits that we can and worry about the rest later?
- If landowners wish but unlikely to get development in the rest.

Peter Adams continued the presentation with discussion of options to proceed.

- Landowner requested to have environmental studies provided.
- Peter Adams (SCC): will consider this and will send out presentation and be asking for comments, before reporting back to Council. [Note: this has been done]
- Landowner: options not clear. Council should not adopt negative resolutions until landowners provided with costs plus timing to consider.
- Cllr Proudfoot encouraged landowners to respond back to Council for Councillors to consider.

Meeting closed at 9:43pm.