



# **Verons Estate Rezoning Investigations**

**Landowner Briefing  
18 November 2010**



# Agenda

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

# Verons Estate

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## Introduction & purpose of meeting

Peter Adams  
**Director Strategic Planning  
& Infrastructure Group**

# Events leading up to today's meeting

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- Rezoning investigations re-commenced in 2006
- Letter in July 2009 to NSW agencies to clarify requirements of DOP's South Coast Regional Strategy (SCRS) concerning Swan Lake
- Joint Government response dated 31 May 2010
- Report on matter considered by Council's development committee on 10 August

# Events leading up to today's meeting - Report recommendations:

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- a) Council accept that land within the Swan Lake catchment is unsuitable for development and investigate the options suggested by the NSW Government agencies which could potentially benefit all landowners.
- b) Arrange a meeting to advise the landowner of the status of the rezoning and the decision in this regard and the relevant State Government agencies be requested to participate in the meeting.

On 24 August Council resolved to defer the matter pending a meeting with the landowners

# Meeting Objectives

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- Explain the relevant requirements of the South Coast Regional Strategy & advice received from State Government regarding impacts on Swan Lake
- Discuss options & possible outcomes
- Provide an update on the rezoning investigations

# Planning context

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- Subdivision plan registered 20 Feb 1920
- First planning scheme gazetted on 28 Feb 1964 (IDO No. 1) replaced by SLEP 1985
  - The zoning *generally* prevents the erection of dwellings on individual allotments under 40 ha
- 1988: NSW NP&WS “referenced” part of the Estate

Advice from NPWS at the time was that land would only be acquired when the owner was prepared to sell, and subject to availability of funding and state wide priorities.

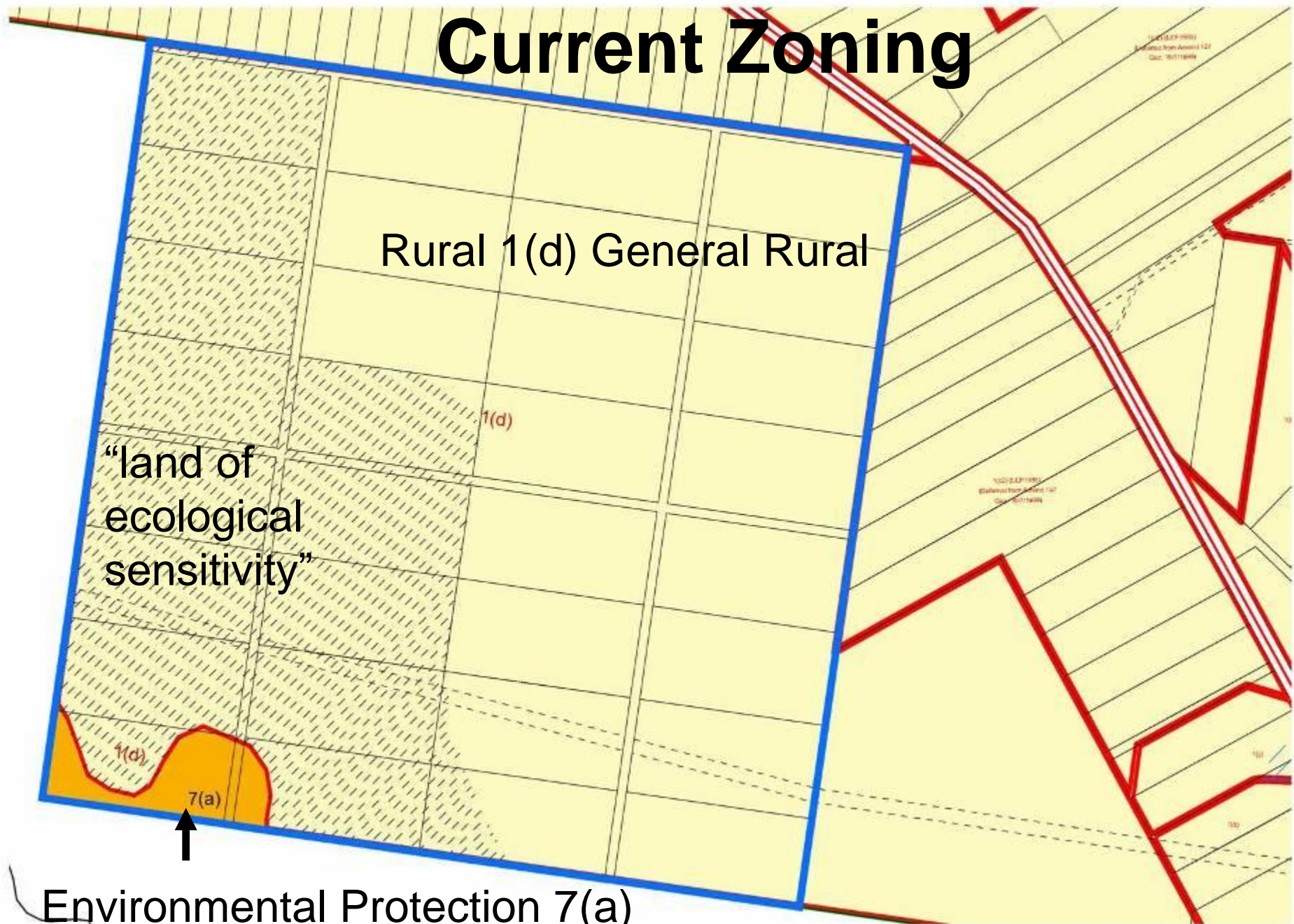
# Current Zoning

Rural 1(d) General Rural

“land of  
ecological  
sensitivity”



Environmental Protection 7(a)





# Rezoning process initiated '93

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1993: Council resolved to investigate rezoning of Verons Estate

*“ with the objective of allowing for the erection of a dwelling on each allotment, the cost of the environmental study and draft plan being met by the individual landowners .... and Council re-iterate to the affected landowners that all costs involved with the provision of acceptable services to the area must be borne by the landowners.”*

1994: Draft Local Environmental Study prepared

# Rezoning moratorium 1994 – 2007

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1994: NSW Government moratorium on rezoning of rural land in the Sussex Inlet Area pending completion of a broader planning strategy by DoP, which never eventuated.

2004: NSW Government agreed to fund preparation of Sussex Inlet Settlement Strategy (SISS)

2006: Whilst preparing draft SISS, Council borrowed \$150K and recommenced rezoning investigations

2007: SISS completed by Council, endorsed by Department of Planning in August '07

# Sussex Inlet Settlement Strategy

Shoalhaven City Council, 2007

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- Prepared by Council, endorsed by DoP
- Draft exhibited May-June 2006
  - Consider subdivision down to 2 ha outside of Swan Lake and 1 dwelling per lot within the Swan Lake catchment
  - Proposal to allow further subdivision was not supported by State agencies
- Finalised August 2007
  - 1 dwelling per lot to be investigated



# Rezoning investigations overview

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- Special rates introduced 2006/07 to fund rezoning investigations
  - \$150 K budget + \$2,571 carried over from an earlier landowner contribution
  - topped up with \$13K road design budget and \$10K from Strategic Planning budget (to be recouped at a later date)

# Rezoning investigations - Work completed:

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- Threatened biodiversity – draft report by Bushfire & Environmental Services in Dec '09. To be finalised when direction on Swan Lake issue is resolved.
  - Watercourse & riparian land mapping – by GHD Pty Ltd
  - Aboriginal archaeology & cultural heritage – by Australian Museum Business Services June'09
- Range of constraints affect all lots in the Estate to varying degrees. Development would need to be confined to least constrained areas.

# South Coast Regional Strategy (SCRS) Department of Planning, 2007

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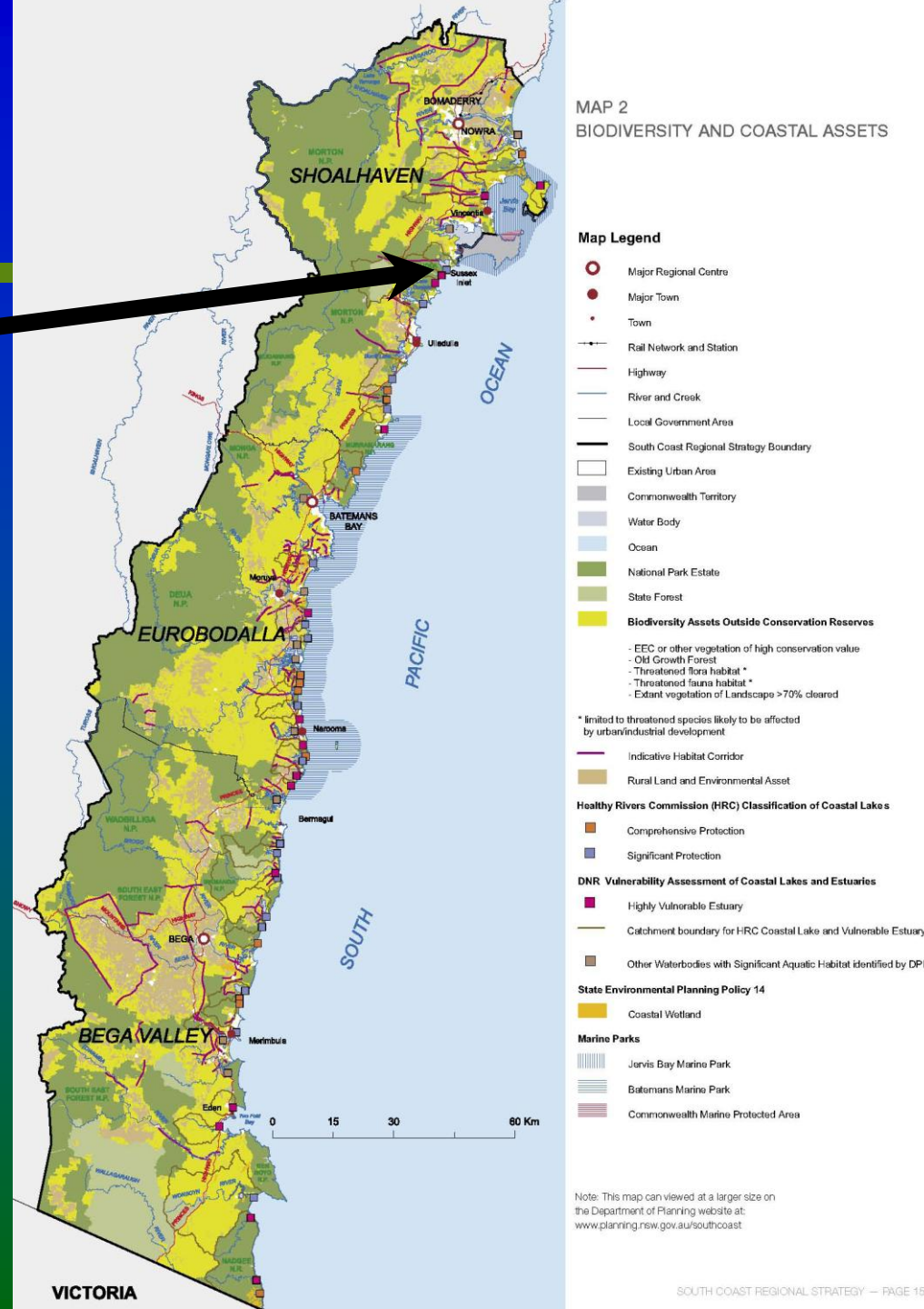
- 25 year plan for sustainable growth covering Shoalhaven, Eurobodalla & Bega LGA's
- Released February 2007
- S.117 of the EP&A Act (Ministerial direction 5.1) requires that rezoning proposals are consistent with the SCRS
- Actions in SCRS include requirements for:
  - sensitive coastal water bodies (**Swan Lake**) &
  - SEPP 14 wetlands



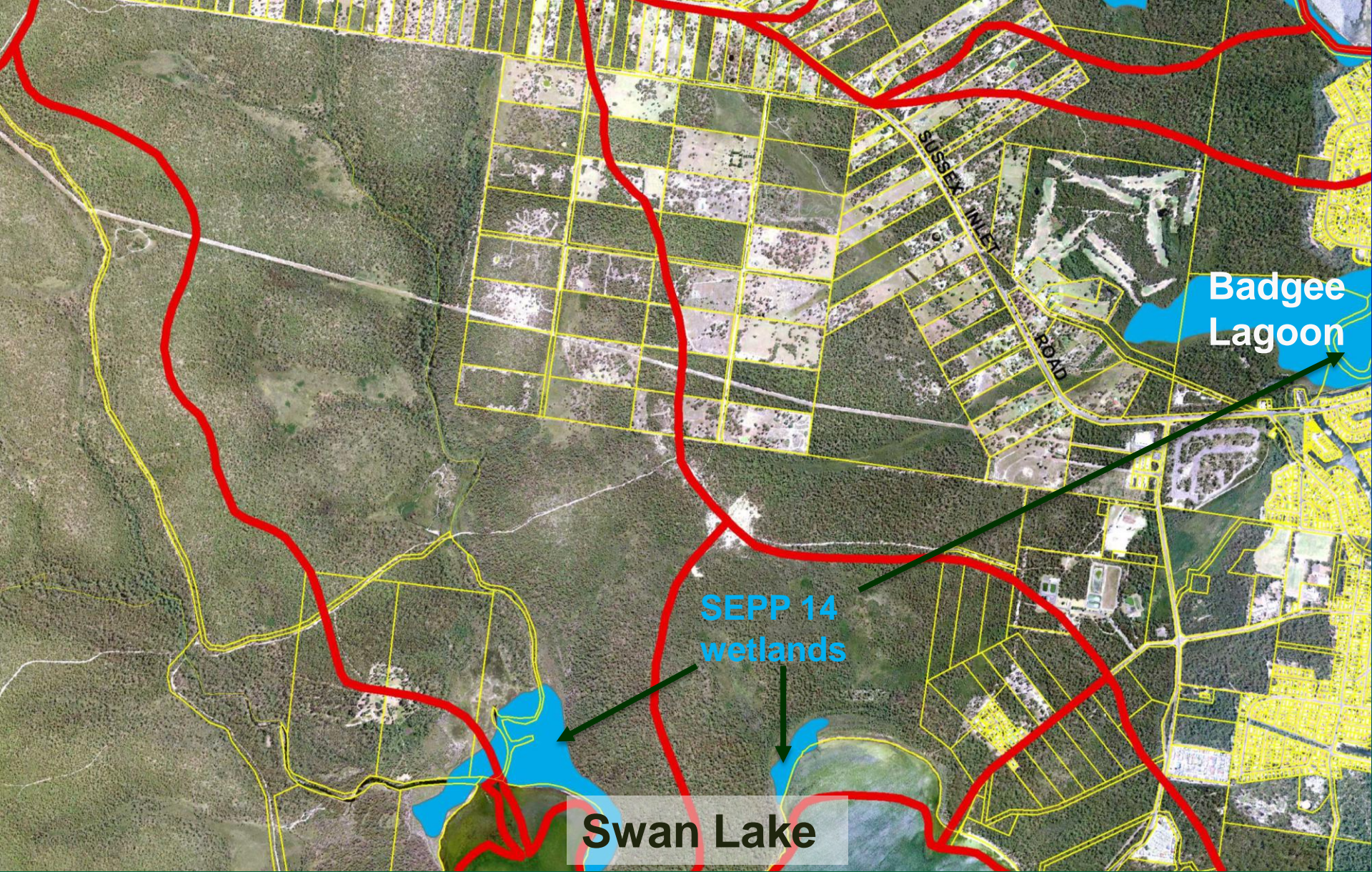
# Swan Lake

## South Coast Regional Strategy 2006 – 2031

## Biodiversity & Coastal Assets







**Swan lake / Badgee Lagoon**  
**Sub-Catchment Boundary**





# Questions

## Rezoning Process



# NSW Department of Environment, Climate Change & Water

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## Conservation Status of Swan Lake

Ben Addison  
Unit Manager,  
Urban and Coastal Water Reform Programs



# SCRS: Sensitive coastal waterbodies (Swan Lake)

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Affects part of Verons Estate:

*“Local environmental plans will not include further residential or rural residential zoning in the catchments ... unless it is demonstrated that a neutral or beneficial effect on water quality as measured at the boundary of the proposed new zoning can be achieved.”*



# SCRS: SEPP 14 wetlands

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Affects all of Verons Estate:

*“Future development in these catchments will need to demonstrate no net impact on the hydrology, water quality or ecology of these wetlands.”*

# SCC Letter to State agencies

## July '09

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- Is detailed modelling required?
- Use NorBE framework for Drinking water catchments SEPP?
- Responsibility for doing assessments: Council, DECCW other?
- Quantitative/qualitative criteria?
- Water cycle management requirements for rural res. development in Verons Estate?

# Joint NSW Government agency response 1 June 2010

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*“Whilst it is difficult to exactly predict the resultant impact on the condition of Swan Lake if development within its catchment was increased, it is well established that increased development leads to increased delivery of sediment and nutrients to receiving waters.”*

# Joint NSW Government agency response 1 June 2010

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*“DECCW, I&I NSW and DoP consider that it is unlikely that any water quality controls could be designed and implemented with sufficient certainty to avoid impact ...As such any proposed rezoning for rural residential development... would appear to be unable to meet the neutral or beneficial effect test...”*



# Joint NSW Government agency response 1 June 2010

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*“Instead of pursuing what are likely to be costly, but ultimately fruitless water quality studies, DECCW, I&I NSW and DoP strongly urge Council to refocus its investigations for rural residential development only within the Badgee Lagoon catchment but with the aim of providing a return for all lots within Verons Estate.”*

# Joint NSW Government agency response 1 June 2010

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*“The key to this is to ensure that the ecological values of the non-developable lands in the Swan Lake catchment are linked to the development outcomes in the other parts of the Estate.”*

*“...there are significant constraints in the Badgee Lagoon catchment which will need to be further investigated...”*

*“Biocertification could be used to provide lands with no development potential with a return...”*

# NSW Government clarification/comment

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# Option 1 : Proceed based on 1 dwelling per lot

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- Undertake NorBE assessment subject to agreement on methodology
  - Model selection e.g. MUSIC, CMSS, E2
  - If required, data collection, e.g. soils, water quality, hydrology
  - Identify potential footprint on each lot where development is proposed based on land constraints
  - Seek & assess quotations and commission assessment
- Depending on outcome of NorBE assessment, complete remaining work: finalise threatened species report; prepare bushfire assessment and effluent disposal assessment; financial analysis

# Option 1 Considerations

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Considerations for proceeding based on 1 dwelling per lot

- Cost
- Timing
- Outcome not guaranteed

## Option 2 : Proceed based on no development in Swan Lake

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- Investigate options for providing a beneficial outcome to all landowners in consultation with landowners and agencies. May include: biocertification; land pooling; trading &/or resubdivision
- Consider whether special rates should be retained or removed from any properties. Needs to be done prior to March 2011 if special rates are to be removed for 2011/2012
- Complete remaining work: finalise threatened biodiversity report; prepare bushfire assessment and effluent disposal assessment; calculate development costs



## Option 2 : Considerations

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- 1964 holdings – some in Swan Lake catchment, some in Badgee catchment.
- May not be possible to achieve benefit for all
- May be difficult to get consensus for an overall solution



# Questions & Discussion

# Next steps

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- Copy of presentation will be sent to owners in next few days. 3 – 4 weeks to comment.
- Report the matter back to Council's Development Committee for consideration in early in new year
  - All owners will be notified via correspondence as soon as Business Paper report has been finalised.



Thank you for your time