



Our reference: DOC18/838711-9
Your reference: 2653E (D18/75904)

Mr Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA, NSW 2541

By email: council@shoalhaven.nsw.gov.au

Dear Mr Pigg

RE: Request to certify Verons Estate Development under clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017

Thank you for your letter of 15 March 2018, and further letter of 5 October 2018, requesting certification of the Verons Estate Development under clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

I am writing to advise you that following a detailed review of the information provided, I am satisfied that the planning arrangements for the Verons Estate Development meet the requirements of clause 34A. I have therefore decided to certify the development as set out in the attached certification order.

The implication of this order is that all future development applications for the Verons Estate Development, identified as land in the Shoalhaven Local Environment Plan – Amendment 1, do not require assessment under the *Biodiversity Conservation Act 2016*. Instead the former planning provisions apply with respect to assessment of biodiversity impacts.

The certification sets out a requirement for all proposed development to comply with the relevant planning arrangement. The relevant planning arrangement is Chapter S1: Verons Estate, Sussex Inlet in the Shoalhaven Development Control Plan 2014 (DCP). Page 13, A7.1 of the DCP prescribes three options for applying a legally binding conservation agreement or equivalent to secure offsets. These mechanisms are no longer available following the introduction of the Biodiversity Conservation Act 2016. Instead equivalent conservation measures will need to be used, as provided for in the DCP. OEH considers that the following mechanisms under the Biodiversity Conservation Act 2017 to be equivalent to those listed in the DCP:

1. Biodiversity Stewardship Agreements
2. Conservation Agreements

Should you have any further queries regarding this matter please contact Kelly Carbery, A/Senior Team Leader Planning on 02 9995 6727 or at kelly.carberry@environment.nsw.gov.au.

Yours sincerely

Jane Gibbs
Director

ORDER PURSUANT TO CLAUSE 34A(4) OF THE BIODIVERSITY CONSERVATION (SAVINGS AND TRANSITIONAL) REGULATION 2017

I, Jane Gibbs, Director, Planning and Risk of the Office of Environment and Heritage (OEH), as delegate of the Chief Executive of OEH, certify under clause 34A(4) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* that:

- a) the Verons Estate Development is part of a relevant planning arrangement for which the biodiversity impacts of the proposed development have been satisfactorily assessed before 25 August 2017, and
- b) conservation measures to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts have been secured into the future.

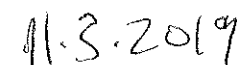
Proposed development the subject of a development application is only certified by this order if it strictly complies with the provisions of the relevant planning arrangement.

For the purposes of this order:

- 1) the **Verons Estate Development** comprises development on land at Sussex Inlet, being Lots 1-32, DP 9897 identified on the map at Attachment A to this Order.
- 2) the **relevant planning arrangement** is the Shoalhaven Local Environmental Plan 2014 (Amendment No 1) as in force immediately before its repeal and Chapter S1: Verons Estate, Sussex Inlet in the Shoalhaven Development Control Plan 2014 as in force on the day this Order is made.



Jane Gibbs
Director Planning and Risk
Office of Environment and Heritage



Date

Attachment A: Verons Estate Development

