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## **REPORT OF GENERAL MANAGER**

### **DEVELOPMENT COMMITTEE**

**TUESDAY, 1 DECEMBER 2009**

## **STRATEGIC PLANNING AND INFRASTRUCTURE**

### **1. Status Report - Verons Estate Rezoning Investigations and Budget Issues** **File 1422E (PDR)**

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#### **Purpose of the Report:**

To update Council on the status of the Verons Estate rezoning investigations and clarify budget issues

**RECOMMENDED that the status report on the Verons Estate rezoning investigations and budget issues be received for information.**

#### **Options:**

Not applicable as this is an update or status report.

#### **Details/Issue:**

The following assessments have been completed or are nearing completion.

#### ***Threatened Biodiversity Survey & Assessment***

*Status:* Being finalised by EcoLogical Australia Pty Ltd (ELA). Fieldwork completed from June – September 2007 (stage 1: vegetation survey & preliminary habitat assessment) and February 2008 - February 2009 (stage 2: targeted surveys). Preliminary draft report completed in June 2009. Comments provided in July 2009. Currently awaiting final draft report. Revised completion deadline: late 2009.

*Comment: The findings will be reported to Council when the report has been finalised.*

#### ***Aboriginal & European Archaeological & Cultural Heritage Assessment***

*Status:* Field survey undertaken in March 2009 and overall assessment completed by Australian Museum Business Services in June 2009.

*Summary:* Two Aboriginal sites were identified within the south-western part of the subject land. The site of most importance is located on land currently zoned Environment Protection 7(a) (Ecology) which affects lots 24 and 25. It was recommended that the environment protection zone be retained over this area. The other site was located west of Wandra Road and south of the transmission line. Consent would be required under section 90 of the *National Parks and Wildlife Act, 1974 (NP&W Act)* if development or disturbance was proposed at this location.

Other areas within and adjacent to swamps and creeks were considered to have archaeological sensitivity and potential for “substantial *in situ* archaeological deposit”. These areas cover parts of lots 1,2, 3 and 16. If development was proposed within these areas further archaeological investigation involving sub-surface excavation, would be required under a section 87 permit (*NP&W Act*).

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### **Mapping Verification of Riparian Land**

**Status:** Field survey undertaken in October and November 2008. Completed by GHD Pty Ltd in April 2009.

**Summary:** Provided verified mapping of watercourses and categories, and water bodies within the subject land.

### **Clarification of State Government Requirements for Assessing Impacts on Swan Lake**

Chapter 4 (Natural Environment) of the South Coast Regional Strategy, states that:

*“Local environmental plans will not include further residential or rural-residential zoning in the catchments of coastal lakes and estuaries shown on Map 2 [includes Swan Lake] 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.”*

The above requirement was discussed at a meeting with staff from the Department of Planning (DoP), the Department of Environment, Climate Change and Water (DECCW) and the Department of Primary Industries (DPI) on 27 May 2009. Correspondence was sent to DoP and other relevant NSW Government agencies formally seeking clarification on the above requirements in early July 2009.

The correspondence sought clarification on the following:

- Preferred decision support tool(s): is detailed modelling required? Is it intended that the REP framework be applied to the SCRS for sensitive water bodies or is an alternative proposed?
- Responsibility for doing the assessments: Council, DECCW, other?
- Quantitative &/or qualitative criteria.
- Any particular water cycle management requirements for rural-residential development in the context of Verons Estate.

At present a formal response has not been received from DoP. This is needed to enable Council to formulate and assess possible development scenarios and commence the necessary further water quality related assessments.

Other assessments that will also still need to be done will include:

- Bushfire
- Onsite effluent disposal and water cycle management

It is anticipated that once all the required assessments are prepared they will be pulled together and options to progress this matter will be reported to Council for consideration. Landowners will be notified in writing prior to the matter being considered in detail by Council.

### **Economic, Social & Environmental (ESD) Consideration:**

ESD considerations are discussed where relevant in the body of the report.

### **Financial Considerations:**

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As at 30 September, \$166,966 had been spent on the rezoning investigations. \$150,000 was borrowed in 2006 as part of the Special Rate variations to fund the Verons Estate rezoning investigations. This is being repaid by the landowners over a 10 year period through a special rate levy – the landowners are now in the 4<sup>th</sup> year of this repayment program. A summary of special rate expenditure has been provided on Council's website and is updated quarterly. Note that the loan amount was based on a very preliminary budget and prior to release of the State Government's South Coast Regional Strategy which potentially requires additional expense to assess the impacts on Swan Lake.

An amount of \$12,968 has been transferred to the Verons Estate rezoning budget from the Verons Estate road design budget and \$5,213 was transferred from the Verons Estate road construction budget. As a result of these transfers there was a \$3,786 surplus at 30 September 2009, which will not be sufficient to complete the rezoning investigations. In the short term, the Strategic Planning Consultants budget will be utilised to temporarily fund the rezoning investigations, but this will need to be recouped from the landowners at a later date. Potential mechanisms for recouping the additional costs currently include: development contributions, voluntary planning agreements or a special rate. A decision on the cost recovery options will need to be made when the total cost is more clearly known. At this stage, the cost of completing the further assessments required by the State Government could vary greatly depending on the level of detail required to assess impacts on Swan Lake.