

Verons Estate, Sussex Inlet – Detailed planning history

Overview

The Verons Estate subdivision was registered in 1920. Like other ‘paper’ subdivisions in the Shoalhaven LGA, the land remained undeveloped when land use zoning was introduced in 1964 in the form of Shoalhaven Interim Development Order No.1 (IDO No. 1).

Under IDO No.1, the Estate was zoned “non-urban”, generally precluding development of the individual lots because they are less than 40 hectares. This 40-hectare restriction continued under subsequent planning schemes: Shoalhaven Local Environmental Plan (LEP) 1985 and continued to apply under Shoalhaven LEP 2014 (SLEP 2014).

Upon finalisation of the Verons Estate Planning Proposal (rezoning) the Estate was rezoned to a mix of Environmental zones and the minimum lot size map that forms part of SLEP 2014, was amended allowing one dwelling per lot on Lots 1 to 19. (Note: Lots 20, 28 and 29 are “1964 holdings”, meaning that they also each have a dwelling entitlement.)

To support the changes to the LEP, a site-specific chapter (Chapter S1) was added to the Shoalhaven Development Control Plan 2014.

Decision to investigate rezoning in 1993

In response to requests by the landowners over several years, on 6 July 1993, Council resolved to investigate rezoning the land to allow one dwelling per lot in the Estate subject to the owners paying the full cost associated with rezoning the land and provision of services and infrastructure.

A draft local environmental study was then commissioned but before it could be completed, a rezoning moratorium was imposed by the NSW Department of Planning pending completion of a regional environmental plan or settlement strategy.

In 2004, the NSW Government provided funding for preparation of the Sussex Inlet Settlement Strategy (SISS). Consideration was given to allowing further subdivision on the Badgee Lagoon side of the Estate during preparation of the SISS but this was abandoned before it was finalised in 2007.

The rezoning moratorium was lifted when the SISS was adopted by Council and endorsed by the State Government on 25 August 2007. In relation to Verons Estate, the SISS stated that one dwelling per lot would be investigated and considered.

Decision to exclude Swan Lake catchment from rezoning

The north-east part of the Estate drains to Sussex Inlet via Badgee Lagoon. The south-west part of the Estate drains to Swan Lake. Swan Lake was identified as a “sensitive coastal waterbody” through the Healthy Rivers Commission Independent Public Inquiry into Coastal Lakes in 2001. The NSW National Parks and Wildlife Service had opposed

development of that part of Verons Estate which is within the Swan Lake catchment due to the potential impacts on the Lake.

The South Coast Regional Strategy (SCRS) was released by the NSW Department of Planning in 2006. The Natural Environment Section of the SCRS includes the following action which is of particular relevance to Verons Estate:

“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.”

A joint State Government agency letter dated 1 June 2010, stated that the Government:

- *Considers that any further development within the Swan Lake catchment is highly likely to adversely impact on water quality flowing into the Lake (i.e. increased sediment and nutrient loads);*
- *Considers that it is unlikely that water quality control measures could be designed and implemented with sufficient certainty to prevent adverse water quality impacts;*
- *Considers that it would be costly to undertake the water quality and hydrological assessments to investigate the issue further, and the result is unlikely to be favourable;*
- *Might support an approach where the least constrained land in the Badgee Lagoon catchment is re-subdivided for the purpose of providing a benefit to the owners of lots within the Swan Lake catchment;*
- *Believes Council should investigate the use of Biocertification to provide some form of financial return for lots that are within the Swan Lake part of the catchment.*

Note: *this option was not investigated further due to a lack of landowner support/interest.*

Following a series of reports and landowner consultation, Council resolved on 19 April 2011, to “Accept that land within the Swan Lake catchment is unable to be rezoned for rural residential development, until a neutral or beneficial effect study (NorBE) is undertaken and demonstrated...”

Verons Estate Planning Proposal (rezoning)

On 26 June 2012, Council resolved to prepare and submit a draft Planning Proposal, with the following components:

- The minimum lot size overlay would allow one dwelling per lot on the land within the Badgee Lagoon catchment;*
- Proposed zoning (based on State Government’s comments): Swan Lake catchment: E2 [Environmental Conservation] and E3 [Environmental Management]. Badgee Lagoon catchment: E2 and E4 [Environmental Living], subject to addition of E4 to SLEP 2009 and extensive agriculture as a permissible use (in either the land use table or Schedule 1 - Additional Permitted Uses) [Comment: this was achieved via Schedule 1 - Additional Permitted Uses];*
- No biodiversity overlay.*

The above resolution (MIN12.658) was made in response to a report to Council’s Development Committee on 5 June 2012. [Click here to view the report.](#) (PDF 1.0 mb)

The Planning Proposal was submitted to the NSW Department of Planning & Infrastructureⁱ (DP&I) in April 2013. DP&I issued gateway approval on 7 June 2013. The gateway determination, Planning Proposal and associated documentation can be viewed on the NSW Department of Planning and Environment's (DPE's) [Planning Portal](#).

The Verons Estate Planning Proposal (rezoning) was publicly exhibited from 21 August to 20 September 2013. A report on feedback received during the exhibition was considered by Council's Development Committee on 20 January 2014. [Click here to view the report](#). (PDF 1.5 mb) In response, Council resolved to:

1. *Write to the NSW Department of Planning and Infrastructure (DP&I) requesting that the Verons Estate Planning Proposal be finalised.*
2. *Commence preparation of a draft Development Control Plan (DCP) for Verons Estate to facilitate the development, bushfire risk mitigation and environmental outcomes outlined in the Planning Proposal and this report in accordance with the Environmental Planning and Assessment Act 1979 and associated statutory requirements.*

Important notes:

1. *On 1 December 2021, the prefix for all Environmental Zones in NSW was changed from 'E' to 'C'. For example, the 'E2 Environmental Conservation' zone became 'C2 Environmental Conservation'. This information sheet has been updated to respond to this change.*
2. *Where Council reports and resolutions predate this change, references to "E2 Environmental Conservation" have not been amended.*

Existing use rights

An existing use (defined in section 4.65 of the *Environmental Planning and Assessment Act 1979*) is a use that is lawfully commenced but subsequently becomes a prohibited use under a new local environmental plan or other environmental planning instrument.

Existing use rights provide for the continuation of previous rights to operate the same use on the parcel of land.

The onus is on the landowner/applicant to demonstrate that existing use rights apply. Existing use rights do not apply if vegetation has been cleared without any necessary approvals. Council's approval has been required for the removal of trees in the Estate since 9 December 1989 under the Shoalhaven Tree Preservation Order (TPO).

ⁱ The NSW Department of Planning and the NSW Department of Planning and Infrastructure are superseded by the NSW Department of Planning and Environment.