

7 April 2011

## Jerberra Estate update

Shoalhaven City Council has issued letters to the permanent residents in Jerberra Estate asking them to enter into arrangements to vacate the Estate within certain times.

The land within the Estate is zoned 1(b) and 1(d) under the Shoalhaven Local Environmental Plan 1985. Under the current zoning, Council has no legal ability to approve dwelling houses on the land. The unauthorised structures on the lots may be unsafe and not fit for occupation. Council does not have sufficient information to confirm compliance with the current requirements for bushfire, Building Code of Australia or effluent disposal.

Council has been involved in legal action in the Land and Environment Court in November 2010 against one landowner. The Court ruled that the landowner could not occupy the structures on their property after 30 September 2011. The Court also ruled that the landowner is to remove the structures on the property by 31 December 2013.

Council has also prosecuted another landowner for illegally removing trees in the Estate. The landowner was fined \$11,000 by the Local Court and was also ordered to rehabilitate the land.

Council has advised all landowners in the Estate that legal action will continue to be taken in relation to both new and existing unauthorised structures as well as any illegal clearing.

Currently there are 150 lots in the Estate. Council has been pursuing a rezoning for the Estate and in conjunction with the Department of Planning and Department of Environment, Climate Change & Water, has identified three new possible zones for the Estate. These zones reflect the environmental attributes of the land and will have different development potential. In some parts of the Estate, the current lots will need to be amalgamated for development to proceed and some parts of the Estate will not be able to be developed.

Council has completed various planning and environmental studies on the area since 1994. In 1995 the State government advised Council that the matter could not continue until the Jervis Bay Settlement Strategy was completed. This strategy was completed in 2003. In 2005 Council borrowed \$350,000 and recommenced rezoning investigations. Planning and environmental studies have again been completed in 2005-2007. Since 2007 Council has been awaiting feedback from the NSW government on an option to balance environmental and development needs in the estate.

After working closely with the NSW government and consulting with the landowners in the Estate, in early 2011 Council resolved to proceed with the zoning option outlined above. Council is currently progressing this rezoning proposal and is committed to resolving the matter and consulting with landowners at appropriate stages during this process.

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