

29 June 2010

Council considers legal action against Jerberra land owners

Shoalhaven City Council is considering commencing further legal action in the Land and Environment Court against 15 land owners in the Jerberra Estate Tomerong.

Council has been forced to take this action as Council believes there are unauthorised structures on each of the lots and these structures are being used for occupation or are capable of being occupied without approval. The owners of each lot have been advised of the proposed action by letter.

Council has previously written to owners of lots in the Estate advising that the construction of any dwelling or structure is illegal. Council at this stage is not seeking orders in the Court to demolish any dwellings on the properties.

Council's General Manager Russ Pigg said the Council intends to commence proceedings in accordance with a Council resolution. Council has also resolved on Tuesday 22 June to make urgent representations to the State government regarding the proposed rezoning in Jerberra Estate.

Council has completed various planning and environmental studies on the area since 1992. These have included commissioning and obtaining environmental studies and bushfire assessment reports that are necessary to assess the rezoning.

Council has also engaged with NSW ministers and NSW government departments including the Department of Planning and the Department of Environment, Climate Change and Water.

In 2000 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 began rezoning investigations. Planning and environmental studies have again been completed in 2005-2007.

The most recent response from the Department of Planning and the Department of Environment, Climate Change and Water has rejected the rezoning proposal submitted last year and calls on Council "to refocus its investigations for rural residential development outside the area with significant environmental values but with the aim of providing a return for all lots within Jerberra Estate."

Both departments have also stated: "The options available to achieve this would include community title, bio-certification, or a combination of the two."

Director Strategic Planning and Infrastructure Peter Adams said he expected a further meeting with the Department of Planning shortly to work through a model to progress a community title option. "A lot will depend on the full cooperation and agreement by the landowners," Mr Adams said.

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