

18 June 2010

Council takes legal action against Jerberra Estate land owner

Shoalhaven City Council has begun legal action in the Land and Environment Court against a land owner in the Jerberra Estate Tomerong.

Council has been forced to take this action as the structures have been constructed without Council's consent and are illegal buildings. The owner has refused the opportunity of working with the Council to remove the structures.

Council has previously written to owners of lots in the Estate advising that the construction of any dwelling or structure intended for occupation or habitation is illegal.

Council's General Manager Russ Pigg said the Council has commenced proceedings in accordance with a Council resolution to commence legal action. It has done so only after attempts to resolve the matter failed.

Council has completed various planning and environmental studies on the area since 1994. 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. Since 2007 Council has been awaiting feedback from the NSW government on an option to balance environmental and development needs in the estate.

Unfortunately, the State Government is not in a position to rezone the land and it seems that some residents have become impatient with the process and taken matters into their own hands. In those circumstances, Council needs to take action.

Mr Pigg said that further legal proceedings in relation to properties at Jerberra estate were imminent. "Council regrets having to take such actions but when people undertake this type of illegal activity, it leaves Council little option but to commence proceedings."

CONTACT: General Manager Russ Pigg (02) 4429 3260