

Attachment Reference No. 3

Land within DP 9897, "Verons Estate" Sussex Inlet

Background

The Verons Estate subdivision comprising Lots 1-32 DP 9897 was registered by the Land Titles Office on 20 February 1920, but it is not a subdivision approved by Council under the current Shoalhaven Local Environmental Plan 2014 (SLEP 2014) or any earlier planning instrument. At that time, legislation did not require roads and service infrastructure to be provided at current day standards.

Prior to 31 October 2014, Verons Estate was zoned part 'RU2 - Rural Landscape' and part 'E2 - Environmental Conservation' and the entire Estate was mapped as 40 ha on the minimum lot size map under SLEP 2014. As such, dwellings could generally not be approved on the individual lots because they are less than 40 ha, with the exception 'existing holdings' (1964 ownership).

In 1993 Council resolved to investigate the zoning of Verons Estate:

"with the objective of allowing for the erection of a dwelling on each allotment, the cost of the environmental study and draft plan being met by the individual landowners ...". and

"Council re-iterate to the affected landowners that all costs involved with the provision of acceptable services to the area must be borne by the landowners."

Verons Estate rezoned on 31 October 2014

The Verons Estate rezoning (Amendment No. 1 to SLEP 2014) was notified on 5 September and commenced on 31 October 2014. The amendment gives effect to the Planning Proposal that was exhibited in 2013 after several years of investigation by Council. The following changes were made to SLEP 2014 in respect of the Estate.

1. Zoning changes:

E2 – Environmental Conservation: applies to watercourse and riparian land in the Estate as well as land previously zoned E2.

E3 – Environmental Management: applies to land in the Swan Lake catchment that is not zoned E2.

E4 – Environmental Living: applies to land in the Badgee Lagoon catchment that is not zoned E2. This only affects Lots 1 to 19.

- 2. The minimum lot size was reduced from 40 ha to 7 ha on the E4 land. Under Clause 4.2D of SLEP, one dwelling per lot can potentially be approved on Lots 1 to 19.**

3. The 40 ha minimum lot size has been retained on the land that drains to Swan Lake, including all of Lots 20 to 32, as well as the E2 land in the Badgee Lagoon catchment.
4. In respect of the E4 land, 'extensive agriculture' is permissible (with Council consent) under Schedule 1 - Additional permitted uses.

Finalisation of the Verons Estate Planning Proposal also culminated in preparation of a site specific development control plan for the Estate. See below.

Development Control Plan (DCP) 'Chapter S1' - Verons Estate

'Chapter S1 - Verons Estate' forms part of the new overall Shoalhaven DCP. Shoalhaven DCP, including Chapter S1 came into effect on 22 October 2014. Chapter S1 provides additional objectives, controls and guidance in regard to the rezoning that commenced on 31 October 2014, to enable one dwelling per lot on Lots 1 to 19.

Key elements of the DCP Chapter S1 include:

- A combination of performance based and prescriptive measures designed to achieve a balance between allowing development whilst managing bushfire risk and achieving positive environmental outcomes.
- The Supporting Map provides guidance on the location and extent of residential development on Lots 1 to 19.
- Additional bushfire planning requirements to ensure there is safe access to/from dwellings in the event of a bushfire emergency. These measures were prepared in consultation with the NSW RFS.
- Residential development will be sited to minimise impacts on the key environmental and cultural heritage values.
- The remainder of the property not affected by the development will be protected via a legally-binding conservation mechanism such as a property vegetation plan (PVP), voluntary conservation agreement (VCA) or biobanking agreement. This will not apply to land that has been or will be lawfully cleared (i.e. in conjunction with a development approval or where existing use rights apply).

Further information on the new planning controls can be found on Council's website at:

<http://shoalhaven.nsw.gov.au/Planning-and-Building/Strategic-planning/Paper-subdivisions/Verons-Estate>

Special Rates & Road Upgrade Costs

Council's decision to investigate rezoning Verons Estate in 1993 was made on the basis that **the costs would be borne by the landowners**. This principle was also recommended by the Heritage Estates Commission of Inquiry in 1999.

The roads within the Estate need to be upgraded to mitigate bushfire risk and enable the Estate to be safely developed consistent with the rezoning outcome. Refer to Shoalhaven Development Control Plan 2014, Chapter S1 and the accompanying Supporting Map.

The infrastructure required to enable Verons Estate to be safely and appropriately developed is expected to cost \$2.13 million, of which 83% will be paid for by the Estate's landowners, and 17% will be met by Council (in proportion with the potential benefit derived from other users).

Council consulted with affected landowners in late 2016 / early 2017, and then applied to IPART for a 'Special Variation' to increase rates above the 1.5% 'rate pegging limit', in part, to allow special rates to be levied on Verons Estate properties for a period of 20 years.

IPART approved the application in May 2017, albeit only for one year at this stage. (A further SV application will be required if Council wishes to increase its overall rate revenue above the rate pegging limit beyond 2017/2018). Significantly, IPART's approval specifically requires that the additional income from the special variation must be used for "... *providing the necessary fire safety and road infrastructure for Verons Estate as outlined in the council's application and listed in Appendix A*".

Commencement of Special Rates on 1 July 2017

On 13 June, Council resolved to adopt the IPART approved Special Rate Variation of 13.2% for the 2017/18 Financial Year; this consists of:

- the rate peg of 1.5%
- an overall special variation of 11.5% to address Council's asset renewal and maintenance backlogs and contribute to Council's financial sustainability
- 0.2% to service the loan required for the infrastructure requirements for Verons Estate.

Hence, the Verons Estate Road Upgrade Special Rates commenced from 1 July 2017 and will be in place for 20 years. In keeping with landowners' request, an option to pay upfront is available, for a limited period only. Landowners wishing to pay upfront must submit an expression of interest in writing by Thursday, 7 September 2017, via one of the following:

Email:	council@shoalhaven.nsw.gov.au
Post:	The General Manager P.O. Box 42 Nowra NSW 2541
Fax:	(02) 4422 1816

Enquiries concerning rates should be directed to Council's Rates and Revenue Unit on (02) 4429 3210. For a general update, contact Council's Strategic Planning section on (02) 4429 3426.

Threatened Biodiversity

Planning studies have identified a range of threatened flora and fauna in the Estate, some of which are protected under both State and Commonwealth environmental legislation and some of which are only protected under State environmental legislation. The orchid *Pterostylis ventricosa* which occurs in Verons Estate is now listed as “critically endangered” on the NSW Threatened Species Conservation Act (TSC Act). Refer to information provided in section 5.2 of DCP Chapter S1.

Roads

On 20 September 2005 Council resolved to acknowledge that the roads within the Verons Estate constituted in DP 9897 are public roads. A Council report on 2 November 2005, discussed the issue of road maintenance in the Heritage Estates and other paper subdivisions. In response to this report, Council resolved to: *Erect signs indicating that roads within Heritage, Nebraska, Verons and Jerberra Estates are not maintained by Council* (MIN05.1555).

Some sections of the road reserve network in the Estate will remain unmaintained indefinitely. Note that seasonal restrictions apply to slashing and mowing where threatened orchids occur within the road reserves – refer to DCP Chapter S1.

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