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## **REPORT OF GENERAL MANAGER**

### **DEVELOPMENT COMMITTEE**

**TUESDAY, 5 APRIL 2016**

## **PLANNING AND DEVELOPMENT**

### ***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

- |           |  |                   |
|-----------|--|-------------------|
| <b>1.</b> | <b>Nebraska Estate Planning Proposal - Landowner Survey Outcomes</b> | <b>File 1013E</b> |
|-----------|--|-------------------|
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**SECTION MANAGER: Gordon Clark**

#### **PURPOSE:**

Consider landowner feedback on the available options and obtain direction on the progression of the Planning Proposal (PP).

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee**

- a) Adopt revised version 2 of Option 1 – Lower Density Residential Development outlined in this report and provided in Attachment D, as the preferred option to move forward with, and the Planning Proposal be amended accordingly.**
- b) Prepare the required water cycle assessment.**
- c) On completion of a) and b) publicly exhibit the Planning Proposal.**

#### **OPTIONS**

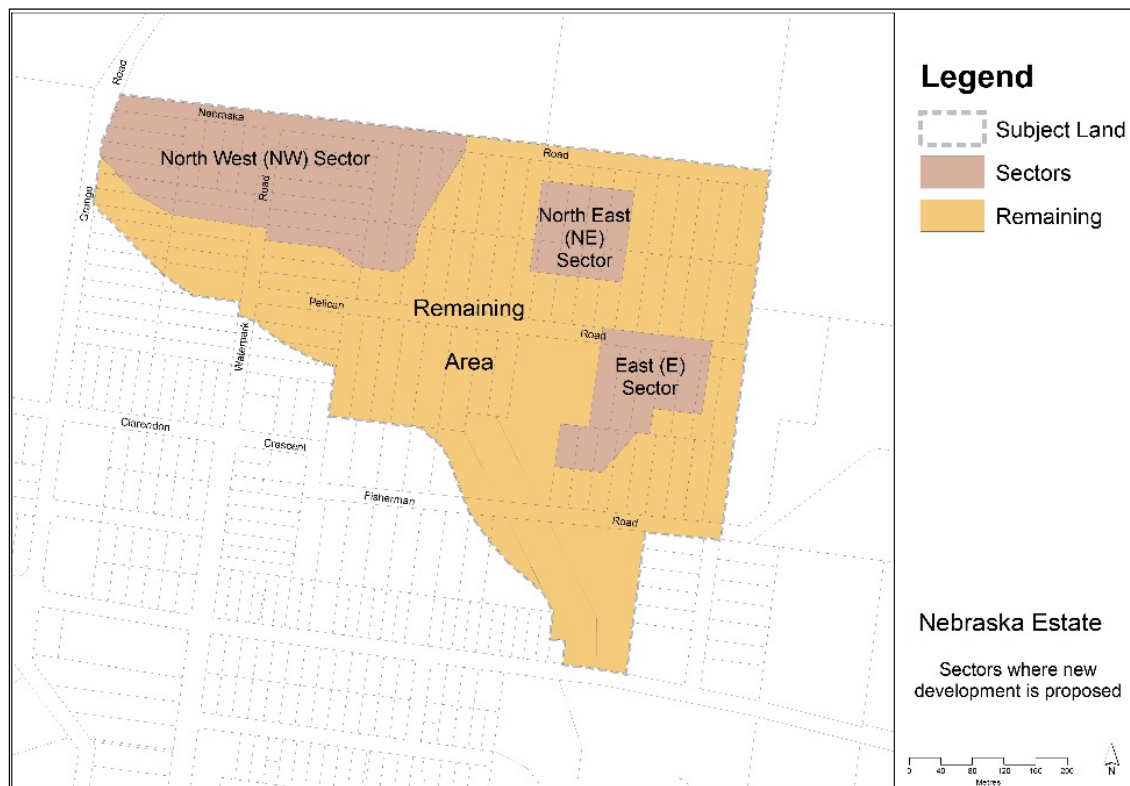
- 1. Adopt the revised version of development Option 1 as recommended in this report.
- 2. Adopt Option 1 without any revision or modification.
- 3. Adopt an alternative variation and provide direction to staff in this regard.

#### **DETAILS**

##### **Planning Proposal Overview**

The draft PP was submitted to the NSW Department of Planning and Environment (DP&E) for consideration in late 2014. Key elements of the PP include the proposed

zoning and lot size maps. Three discreet areas of land within the Estate have some limited development potential, the least constrained of which is in the north western sector (NW Sector). Please see Figure 1. The remaining land is highly constrained and is proposed to be zoned 'E2 – Environmental Conservation'.



*Figure 1 - Areas with development potential*

Three residential options were included in the PP for the NW Sector: one lower density option and two higher density options. However Council was requested by DP&E to select the preferred option and then complete a water cycle assessment (to ensure stormwater can be managed and that the downstream environment is not adversely effected) before the PP can be formally publicly exhibited.

- # A brochure summarising each option for the Estate is provided as **Attachment “A”**. The brochure was prepared in collaboration with DP&E and the NSW Office of Environment and Heritage (OEH) and circulated to landowners in September 2015 to enable their feedback to be considered in determining which option to pursue. The features, positives and negatives of each option provided to landowners for feedback in 2015 are summarised below.

### **OPTION 1 – Lower Density Residential (Version 1)**

#### **Features**

- 21 new dwellings on lots ranging from 2,500 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>)
- Cost estimates include reticulated water and sewerage
- Perimeter fire trail proposed on eastern edge of NE Sector.

### Positives

- Appears to be more cost effective than Options 2.1 or 2.2.
- Needs less landowner coordination than Options 2.1 and 2.2.
- Less infrastructure needed compared to Options 2.1 and 2.2.
- Proposed density/lot size is more consistent with those directly to the south of the subject land.

### Negatives

- Lower yield - fewer lots to share infrastructure costs.
- Would require localised land pooling and re-subdivision.

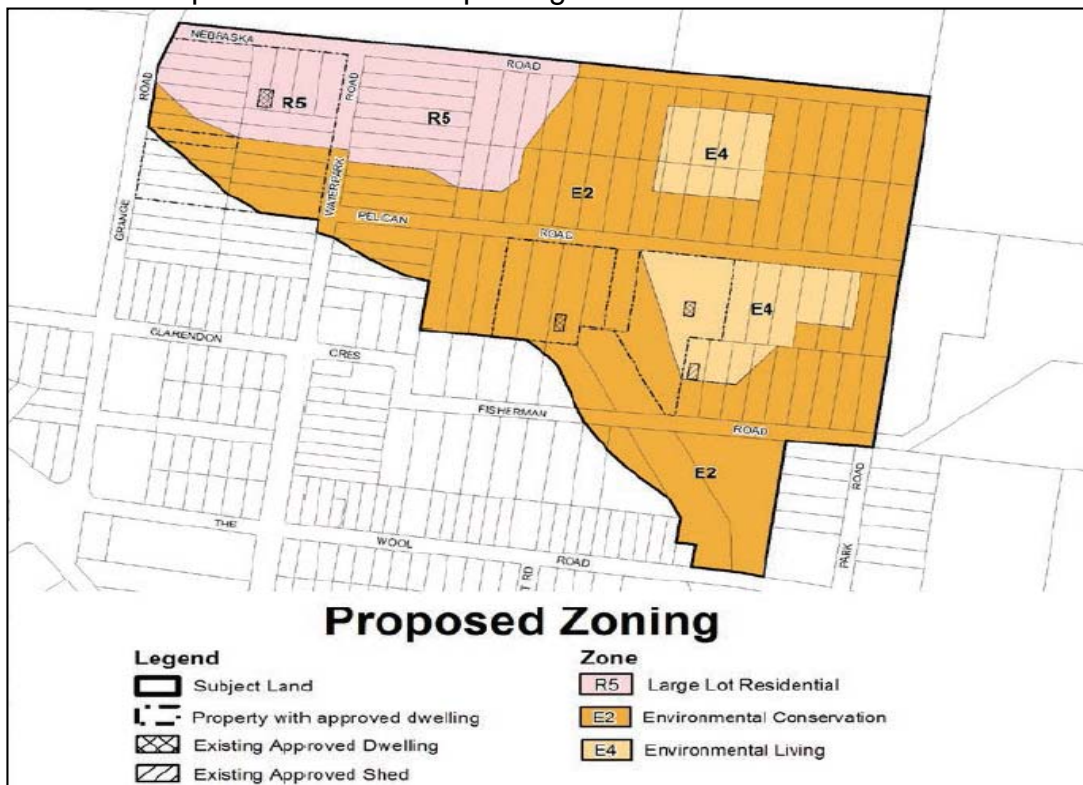


Figure 2 - Proposed zoning for Option 1

## OPTION 2.1 Higher Density Residential

### Features

- A total of 35 new dwellings on lots ranging from 1,000 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>).
- Perimeter fire trail proposed on eastern edge of NE Sector.
- New perimeter road required on eastern edge of NW Sector (Options 2.1 and 2.2).
- New road required to service dwellings 26 – 31 (similar to Option 2.2).

### Positives

- New perimeter road would delineate boundary between development area and conservation land to the east.

### Negatives

- Least cost effective option.
- Land would need to be pooled and re-subdivided before it could be developed.
- Higher infrastructure demands than Option 1.
- Density of development in NW Sector higher than nearby residential areas.

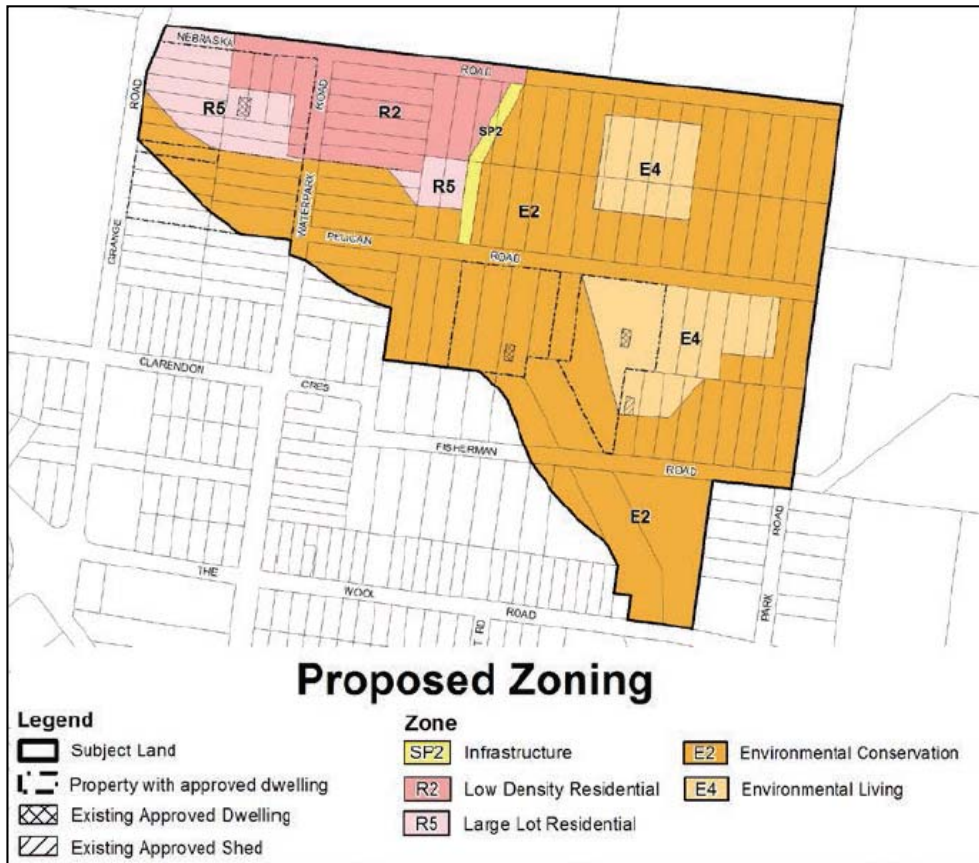


Figure 3 - Proposed zoning for Options 2.1 and 2.2

## OPTION 2.2 Higher Density Residential

### Features

- A total of 44 new dwellings on lots ranging from 750 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>).
- Perimeter fire trail proposed on eastern edge of NE Sector (all options).
- New perimeter road required on eastern edge of NW Sector (Options 2.1 and 2.2).
- New road required to service dwellings 32 – 39 (similar to Option 2.2).

### Positives

- More cost effective than Option 2.1.

### Negatives

- Land would need to be pooled and re-subdivided before it could be developed.
- Higher infrastructure demands than Option 1.
- Density of development in NW Sector higher than nearby residential areas.

### Landowner consultation on preferred option

# A landowner survey was conducted from 28 August to 23 October 2015 to obtain feedback on the preferred option for the NW Sector, and on the PP in general. The survey was sent to landowners with a reply paid envelope. A copy of the survey is

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provided as **Attachment “B”**. Landowners were also able to complete the survey online.

An information day was held on 19 September 2015, at the St Georges Basin Community Centre and attended by staff from Council, DP&E and OEH. Approximately 10-15 landowners attended. Landowners unable to attend the information day were also invited to make an appointment to discuss the PP with Council staff.

### **Survey results**

A total of 23 survey responses were received, representing 50% of landowners. A sector by sector breakdown of the number of responses and response rate is provided in Table 1 below. Another three (3) landowners advised Council in writing that they were not willing to complete the survey.

Sector	# Responses	# landowners (excl. Council)	Response rate (%)
NW Sector	10	14	71
NE Sector	4	6	67
E Sector	2	6	33
Remainder (To be zoned E2)	7	20	35
<b>TOTAL</b>	<b>23</b>	<b>46</b>	<b>50</b>

*Table 1 - Breakdown of survey numbers and response rates*

Two thirds of landowners in the NW and NE Sectors completed the survey, compared to around one third of owners in the E Sector and the proposed E2 land.

Landowners' preferences for the options differed by sector, as shown in Figure 4 below.



Figure 4 - Breakdown of landowner support/opposition by sector. Note: The totals do not necessarily add up because some respondents did not indicate their preference for all options.

The key findings in relation to landowners' preferences for Options 1, 2.1 and 2.2 are:

- Across all sectors there was marginally more support for Option 1.

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- There was a higher level of opposition to Options 2.1 and 2.2, specifically from owners in the NW Sector and of the land proposed to be zoned E2.
  - Option 1 was the only option not to be opposed by any landowners in the NW Sector.

Other findings/trends of relevance are:

- 50% of respondents do not accept that the proposed E2 land is highly constrained and unsuitable for development. **Comment:** The lack of acceptance of the constraints is likely to be a significant barrier to finalising and implementing this PP.
- 52% of respondents believe lots within the Estate should be able to be developed regardless of statutory planning requirements. **Comment:** See above comment.
- 20% of respondents disagree with the principle that the benefitting landowners will be required to pay for essential subdivision infrastructure. **Comment:** While the majority of respondents accepted this principle, the cost of providing the infrastructure to the required level is likely to be problematic, whichever option is chosen.
- 50% of respondents agree that changes to the lot layout will be necessary.
- Of the owners whose land will potentially be rezoned to E2, 67% of respondents indicated that they are interested in Council exploring options to establish a formal conservation arrangement over the land including possible financial incentives. 25% indicated they are not interested and the remainder were unsure. **Comment:** Unless there is wide landowner interest among the 'E2 owners', future options such as biobanking are likely to be out of reach due to the fragmented land ownership. Given that only 33% of the 'E2 owners' completed the survey, further resources should not be allocated to this issue unless supported by a critical mass of landowners.

# A number of opportunities were provided in the landowner survey for comments to be provided. The comments received are detailed in **Attachment "C"** in consolidated form and include a range of comments/concerns/questions. Key matters raised in relation to progression of the PP include:

- Criticisms of the broad nature of the preliminary feasibility analysis and that detailed costs were not presented for individual properties. **Comment:** The financial information was provided as a rough indication of the average cost/benefit per dwelling in respect of infrastructure costs, potential land value, and the residual land value/profit. To present more detailed information would require a much more in-depth financial assessment, the cost of which would be considerable.
- Essential infrastructure should be paid for by Council/government. Over time costs would be recouped through rates. **Comment:** Council's decision to initiate the rezoning investigation process in 1992 was founded on the principle that the costs would be borne by the benefitting landowners. If the costs were to be recouped via a special rate as previously envisaged, landowners would be able to repay over time.



- Suggestion that if sewerage is provided, buffers to the protected vegetation could be reduced. **Comment:** The revised version of Option 1 (discussed below) is premised on reticulated sewerage being provided. The buffers to protected vegetation have been reduced in places where necessary to achieve a balanced and implementable planning outcome.
- Questions in relation to how land pooling would work, e.g. *‘how to reconfigure the land and how to share ownership after reconfiguration?’* **Comment:** Option 1 has been revised (based on reticulated sewerage being provided) to minimise the need for land pooling/reconfiguration. Advisory information on [consolidation options](#) which may assist is provided in Chapter N20 (Jerberra Estate) of Shoalhaven DCP 2014.
- Criticisms and concerns about planning history and that not all lots can be developed. **Comment:** The PP is based on the overall development footprint adopted by Council in 2010 after considering detailed environmental and land capability assessments.
- The owner of the largest holding in the Estate which is located between Grange Road and Waterpark Road (NW Sector) provided a map of suggested changes to the conceptual subdivision and development map in relation to their property. **Comment:** These suggested changes have been incorporated into the revised version of Option 1 (see below).

### Option 1 – Revised Version

# In response to the landowner feedback, a revised version of the conceptual subdivision and development map for Option 1 has been prepared for Council’s consideration. A copy is provided in **Attachment “D”** and the changes are summarised in Table 2 below.

*Table 2 - Summary of changes made to Option 1*

Sector	# New dwellings		Comments
	Version 1	Version 2	
NW Sector (west of Grange Rd)	4	2	This land is currently in one ownership. The changes to this area of land are in response to the landowner's request.
NW Sector (east of Grange Rd)	9	11	The extent of land pooling and re-subdivision has been reduced, limiting the owners involved in any particular development to three, and except for two of the dwellings on the bushland fringe, delivering an outcome equivalent to one dwelling per lot.
NE Sector	4	4	The overall footprint has been increased southwards to make land pooling and re-subdivision more achievable, in response to a landowner submission. The land would need to be carefully managed to ensure the adjacent threatened orchid populations are protected and monitored (similar to parts of Jerberra and Verons Estates). The orchids located directly downslope from the development would be at greatest risk, hence the importance of providing reticulated sewerage.



E Sector	4	6	The provision of reticulated sewerage to this location would enable two additional dwellings. Changes have been made to the proposed building lines to provide greater separation from the orchards to the north.
Total	21	23	The buffers to threatened vegetation have been reduced slightly in consultation with OEH (OEH feedback is discussed below).

# The proposed changes (version 2) to Option 1 have OEH in-principle support, as stated in their letter dated 17 February 2016 (see **Attachment “E”**).

If this version (No. 2) is adopted as recommended, the zoning and lot size maps will be revised accordingly.

### Challenges and difficulties

Due to the extent and nature of the land's constraints, it is simply not possible to provide an outcome which is more favourable to landowners. Any rezoning proposal to allow development in the NW, E and NE Sectors needs to be consistent with legislative requirements and its progression will depend on landowner involvement and support.

Even though the changes (version 2) to Option 1 should generally be supported by the benefitting landowners, experience suggests that finalising and implementing this PP will be difficult.

If the PP is ultimately finalised, Council would need to follow a similar process to that for Jerberra Estate:

- Prepare a site-specific development control plan (DCP). This would be progressed concurrently with the PP as far as possible.
- As has been the case with Jerberra Estate, it is likely that Council would need to coordinate the provision of essential infrastructure, subject to cost recoupment arrangements being put in place. This would involve:
  - preparing detailed designs for roads and road drainage, water, sewerage, electricity and telecommunications;
  - preparing cost estimates; applying to the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation; and
  - if approved, managing the tendering and construction processes.

Although Option 1 appears to be the most financially viable option, the subdivision infrastructure costs would be significant and may be beyond the financial means of some owners. Furthermore a proportion of landowners believe that they should not be required to pay for subdivision infrastructure, despite this being Council's position since 1992. As such, putting in place any proposed cost recoupment arrangements is likely to prove very challenging (as was the case for Jerberra Estate).

Furthermore, more than one third of the Estate's landowners own land that is heavily constrained and not able to be rezoned for development. Any options to resolve the tenure and management of this land appear very limited. Some form of formal conservation arrangement could potentially provide a solution, but only if landowners are

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supportive and have realistic expectations about any potential financial return. Feedback from the 'E2' landowners is not particularly promising.

### **FINANCIAL IMPLICATIONS:**

In 2006, Council borrowed \$200,000 to fund the rezoning investigations. This is being repaid by the landowners via a special rate over 10 years (ceases on 30 June 2016), except for the properties entirely within the proposed E2 zone – the rezoning special rates have not applied to these since 1 July 2010. Their component has been spread across the broader residential rate base. As at 31 December 2016, \$88,194 remained unspent. It is anticipated that this will be sufficient to complete the required water cycle assessment and preparation of a site-specific DCP chapter.

### **COMMUNITY ENGAGEMENT:**

The PP has evolved over several years in consultation with landowners and the relevant Government agencies. Council reports documenting this process can be accessed from Council's website at:

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

The changes proposed to the PP are in response to landowner feedback provided as part of a non-statutory consultation process in 2015. If the recommendations of this report are adopted, the PP would be formally publicly exhibited upon completion of an integrated Water Cycle Assessment.

### **CONCLUSIONS**

Of the options presented in the PP, Option 1 had marginally more landowner support. This report recommends that a revised version (No. 2) of Option 1 be progressed which is premised on provision of reticulated sewerage. The changes to Option 1 respond to landowner feedback to minimise the need for land pooling and re-subdivision, while balancing the need to protect environmentally sensitive areas, manage bushfire risk and protect water quality. The next step will be to complete an integrated water cycle assessment, update and then publicly exhibit the PP.

Tim Fletcher

**DIRECTOR PLANNING AND DEVELOPMENT SERVICES**

R.D Pigg

**GENERAL MANAGER**



# Nebraska Estate Planning Proposal (Rezoning)

A project of Shoalhaven City Council  
in collaboration with  
NSW Office of Environment and Heritage and the  
NSW Department of Planning and Environment



Planning &  
Environment



Office of  
Environment  
& Heritage

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## History

The Nebraska Estate subdivision was registered in 1919. The zoning of the land within the investigation area has generally prohibited development since the first planning controls were introduced in 1964. In 1992, Council resolved to investigate rezoning the land for the purpose of allowing low density residential development.

Differing stakeholder opinions and Government agency concerns led to the rezoning investigations being halted by the State Government in the late 1990's pending completion of a settlement strategy for the Jervis Bay area. The moratorium was lifted in 2003 with completion of the Jervis Bay Settlement Strategy.



# Origin of this rezoning proposal (Planning Proposal)

Any potential rezoning outcomes for the Estate must be consistent with accepted planning principles, including:

- Land affected by flooding and inundation will not be rezoned for development.
- Sensitive environmental features will be conserved and protected.
- Water quality and downstream aquatic ecosystems will not be diminished or harmed.
- Bushfire risk can be managed in accordance with Planning for Bushfire Protection guidelines.
- It is feasible to provide infrastructure and services. (Note: Costs will have to be met by the benefiting landowners.)

Council recommenced the rezoning investigations in earnest in 2006 with a review of the constraints and land capability information, and completion of a biodiversity assessment and a preliminary flood assessment. The findings showed that substantial parts of the Estate are affected by one or more significant constraints including flooding, acid sulfate soils, threatened biodiversity, bushfire and Aboriginal archaeology.

Following a report on these findings in 2010, Council resolved that three parts of the Estate could have some potential for residential development and that the remaining land is unsuitable for development due to the constraints (min10.376). A report in 2012 outlined a potential rezoning outcome, which included two zoning options for the north western sector of the Estate. Council resolved to prepare and submit a Planning Proposal (PP) for 'gateway determination', based on this report, which is the first formal step in the rezoning process (min12.868).

## Overview of the Nebraska Estate PP

The Nebraska Estate PP was submitted to the NSW Department of Planning and Environment (DPE) in late 2014. Key elements of the PP include the proposed zoning and lot size maps. A conceptual subdivision and development map provides an indication of how the land could be developed under each zoning option.

The most highly constrained land is proposed to be zoned 'E2 – Environmental Conservation'. Options for resolving the long term tenure and management of this land are being investigated.

The PP includes one lower density option and two variations of the higher density residential subdivision option for the north western sector. The PP proposes four (4) low impact dwellings in both the eastern sector and the north eastern sector to protect sensitive environmental values in these locations.

Whichever zoning option is ultimately pursued, the existing lot layout will need to be reconfigured in conjunction with development of the land. Even for the lower density option, some land pooling and re-subdivision will be required. Fragmented land tenure is a significant barrier to achieving this. Hence, it will be difficult to progress any of the rezoning options without landowner involvement and support.

Finalisation of the PP would culminate in an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014. The PP will also provide the basis for more detailed planning controls and guidelines in the form of a development control plan (DCP) chapter for the Estate.

Upon commencement of new LEP and DCP controls for the Estate, attention would be turned to infrastructure design and cost recoupment planning.



## OPTION 1

### Lower Density Residential

## FEATURES

A total of 21 new dwellings on lots ranging from 2,500 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>).

It has been assumed that reticulated water and sewerage would be provided – see preliminary feasibility assessment below.

Perimeter fire trail proposed on eastern edge of NE Sector.

## POSITIVES

Appears to be more cost effective than Options 2.1 or 2.2.

Needs less landowner coordination than Options 2.1 and 2.2.

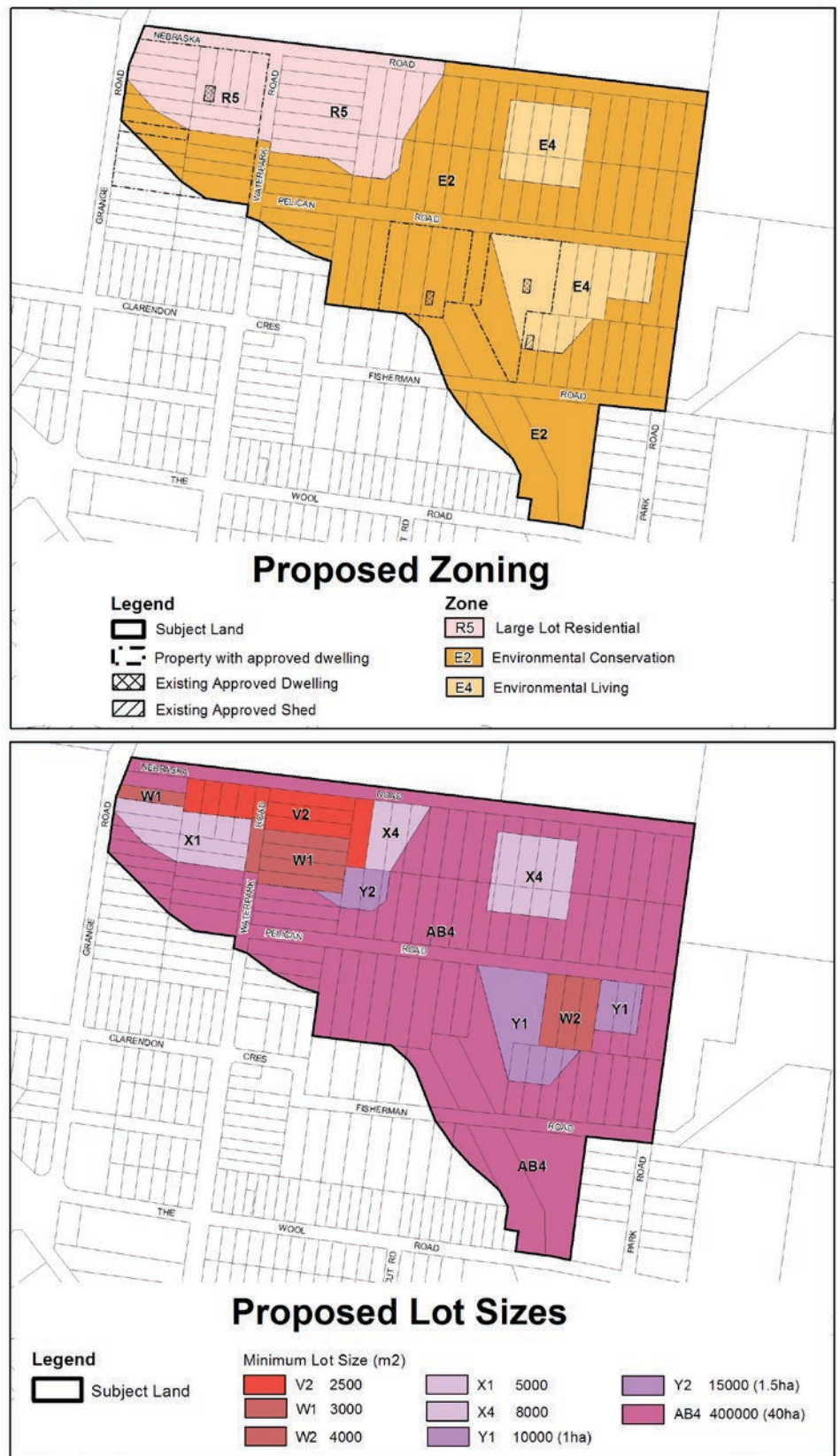
Less infrastructure needed compared to Options 2.1 and 2.2.

Proposed density/lot size is more consistent with those directly to the south of the subject land.

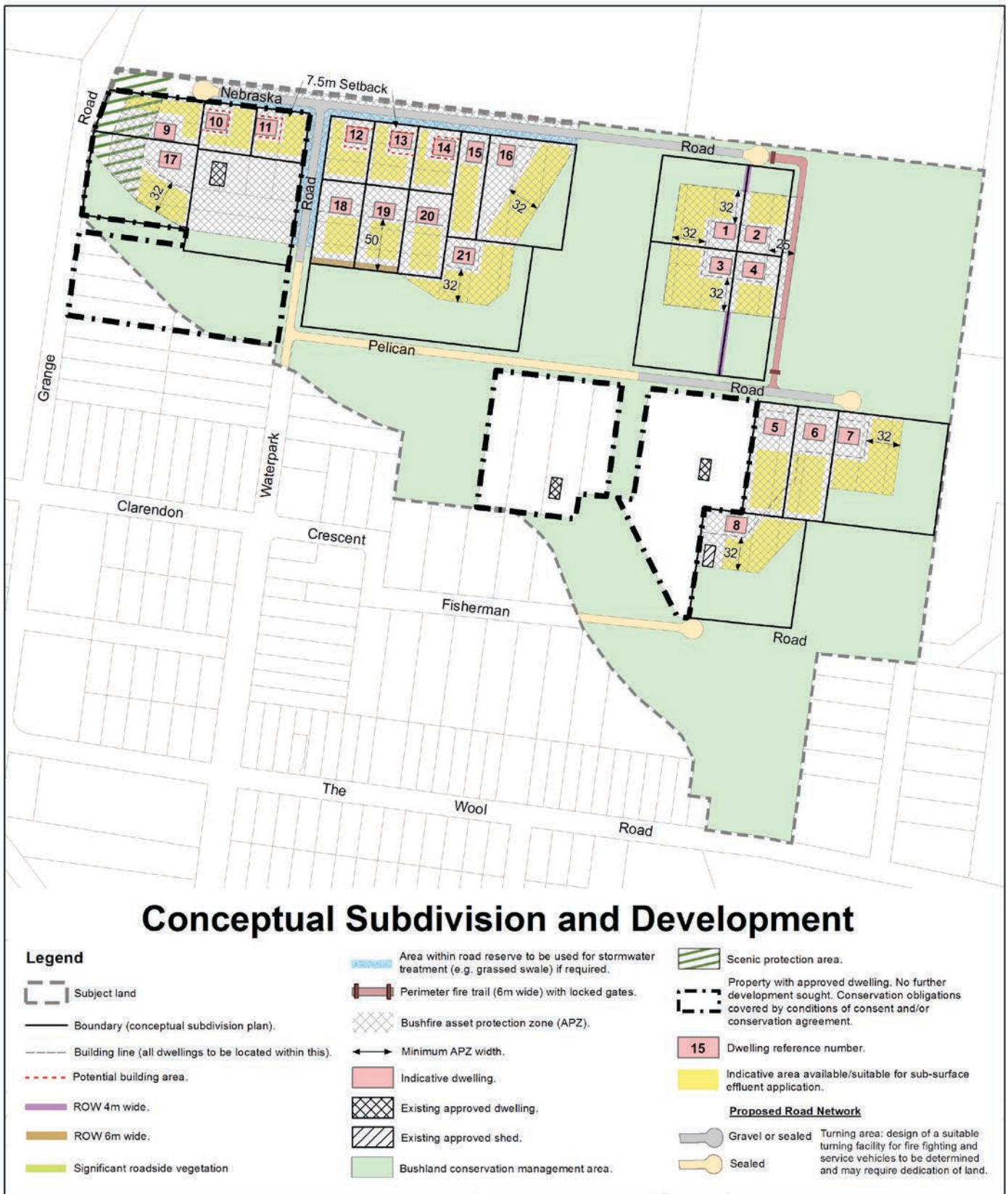
## NEGATIVES

Lower yield - fewer lots to share infrastructure costs..

Would require localised land pooling and re-subdivision.







Option 1

### PRELIMINARY FEASIBILITY ASSESSMENT FOR OPTION 1

Typical lot size (m2)	2,500
Number of New Dwellings	21
Indicative infrastructure cost per dwelling <sup>1</sup>	\$175,351
Indicative potential land value <sup>1</sup>	\$220,000
Residual land value/profit per dwelling <sup>1</sup>	\$44,649
Total residual land value/profit <sup>2</sup>	\$937,629

<sup>1</sup> Rough indication only. Comprises several variables with different levels of uncertainty. The above infrastructure costs above include water and sewerage.

<sup>2</sup> Number of new dwellings x residual land value per dwelling.

# OPTION 2.1

## Higher Density Residential

### FEATURES

A total of 35 new dwellings on lots ranging from 1,000 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>).

Perimeter fire trail proposed on eastern edge of NE Sector.

New perimeter road required on eastern edge of NW Sector (Options 2.1 and 2.2).

New road required to service dwellings 26 – 31 (similar to Option 2.2).

### POSITIVES

New perimeter road would delineate boundary between development area and conservation land to the east.

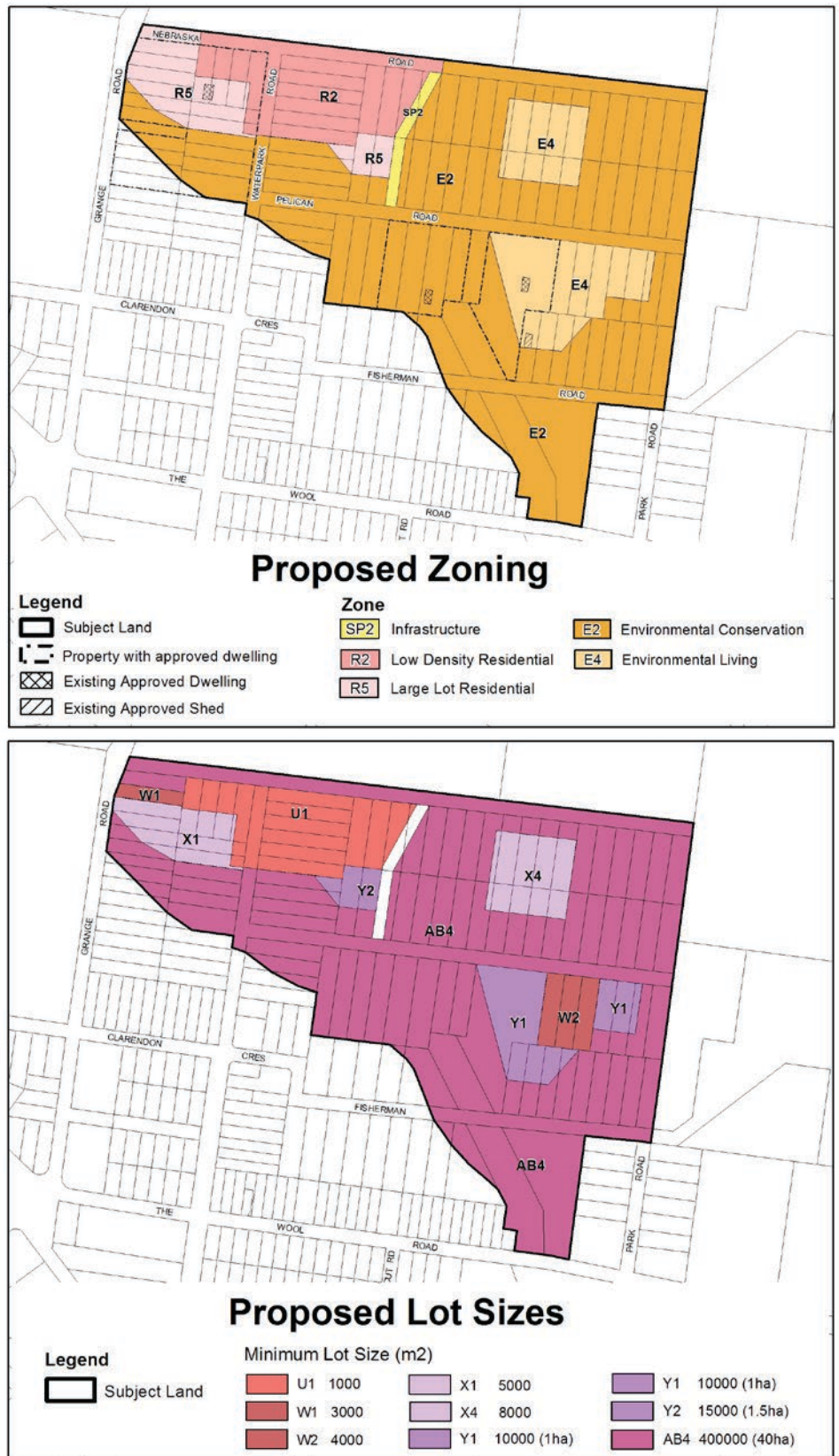
### NEGATIVES

Least cost effective option.

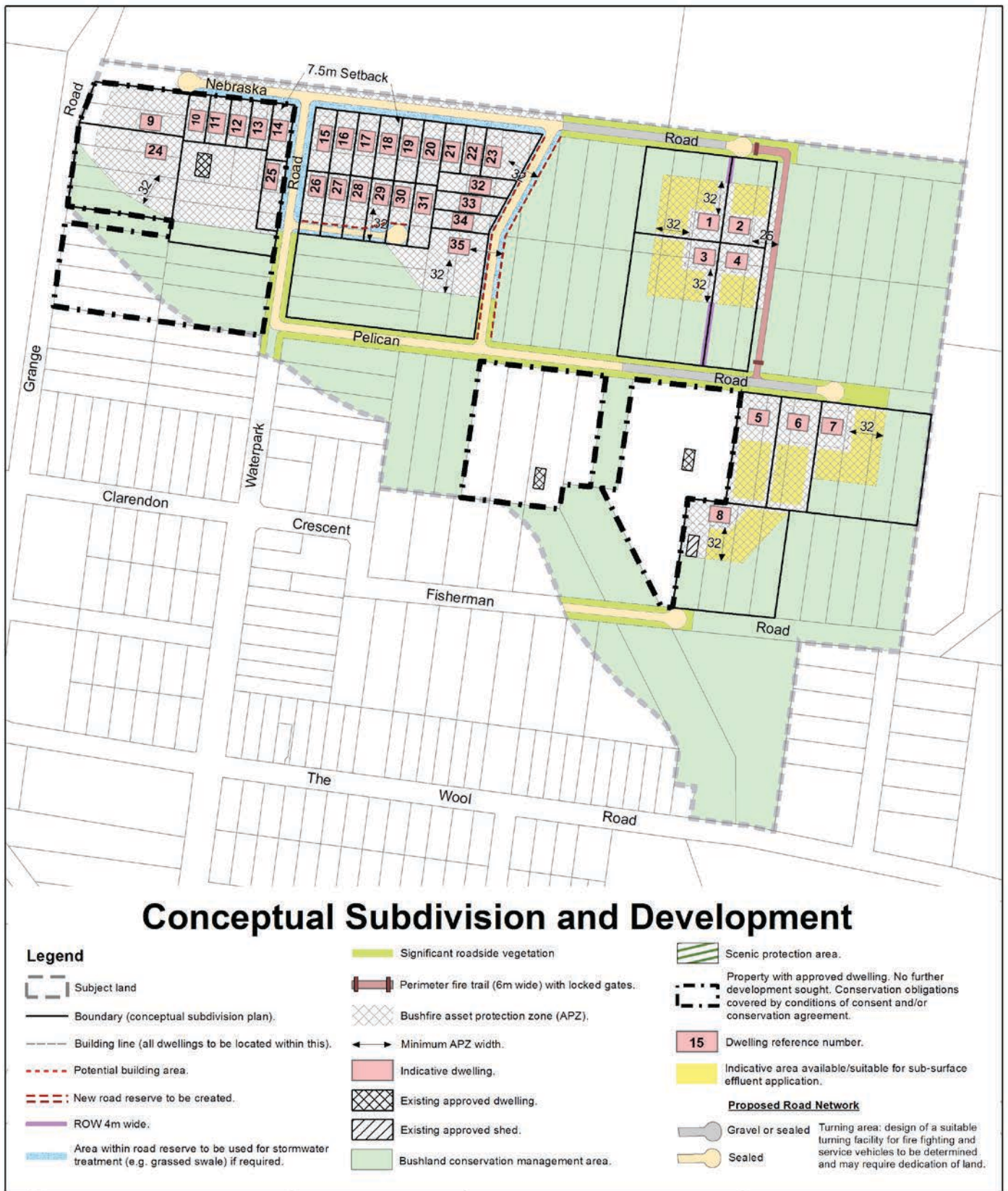
Land would need to be pooled and re-subdivided before it could be developed. Thus, high level of owner agreement will be needed.

Higher infrastructure demands than Option 1.

Density of development in NW Sector higher than nearby residential areas.







Option 2.1

**PRELIMINARY FEASIBILITY ASSESSMENT FOR OPTION 2.1**

Typical lot size (m <sup>2</sup> )	1,000
Number of New Dwellings	35
Indicative infrastructure cost per dwelling <sup>1</sup>	\$140,930
Indicative potential land value <sup>1</sup>	\$150,000
Residual land value/profit per dwelling <sup>1</sup>	\$9,070
Total residual land value/profit <sup>2</sup>	\$317,450

<sup>1</sup> Rough indication only. Comprises several variables with different levels of uncertainty<sup>2</sup> Number of new dwellings x residual land value per dwelling.

## OPTION 2.2

# Higher Density Residential

### FEATURES

A total of 44 new dwellings on lots ranging from 750 m<sup>2</sup> to 1.5 ha (15,000 m<sup>2</sup>).

Perimeter fire trail proposed on eastern edge of NE Sector (all options).

New perimeter road required on eastern edge of NW Sector (Options 2.1 and 2.2).

New road required to service dwellings 32 – 39 (similar to Option 2.2).

### POSITIVES

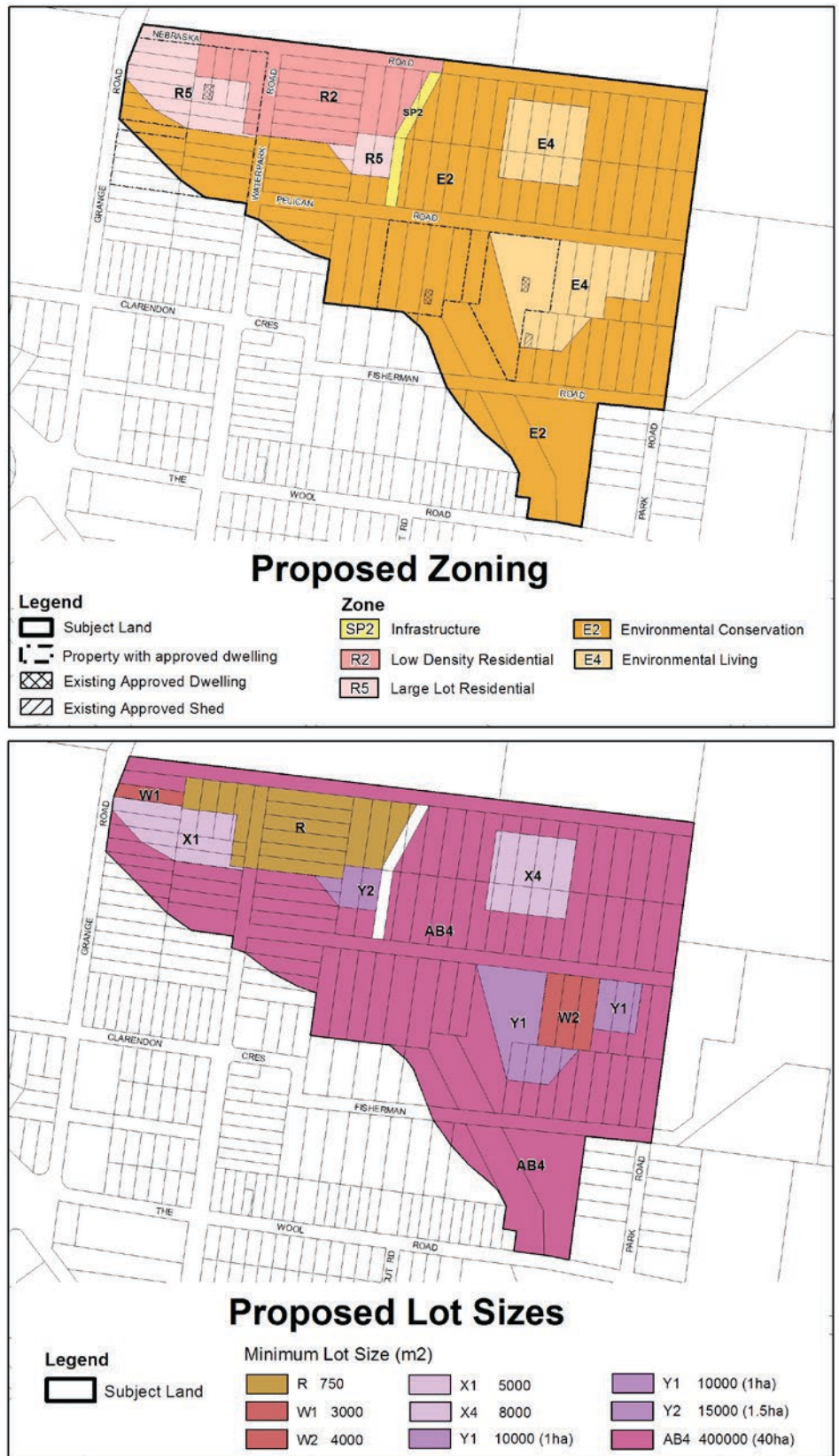
More cost effective than Option 2.1.

### NEGATIVES

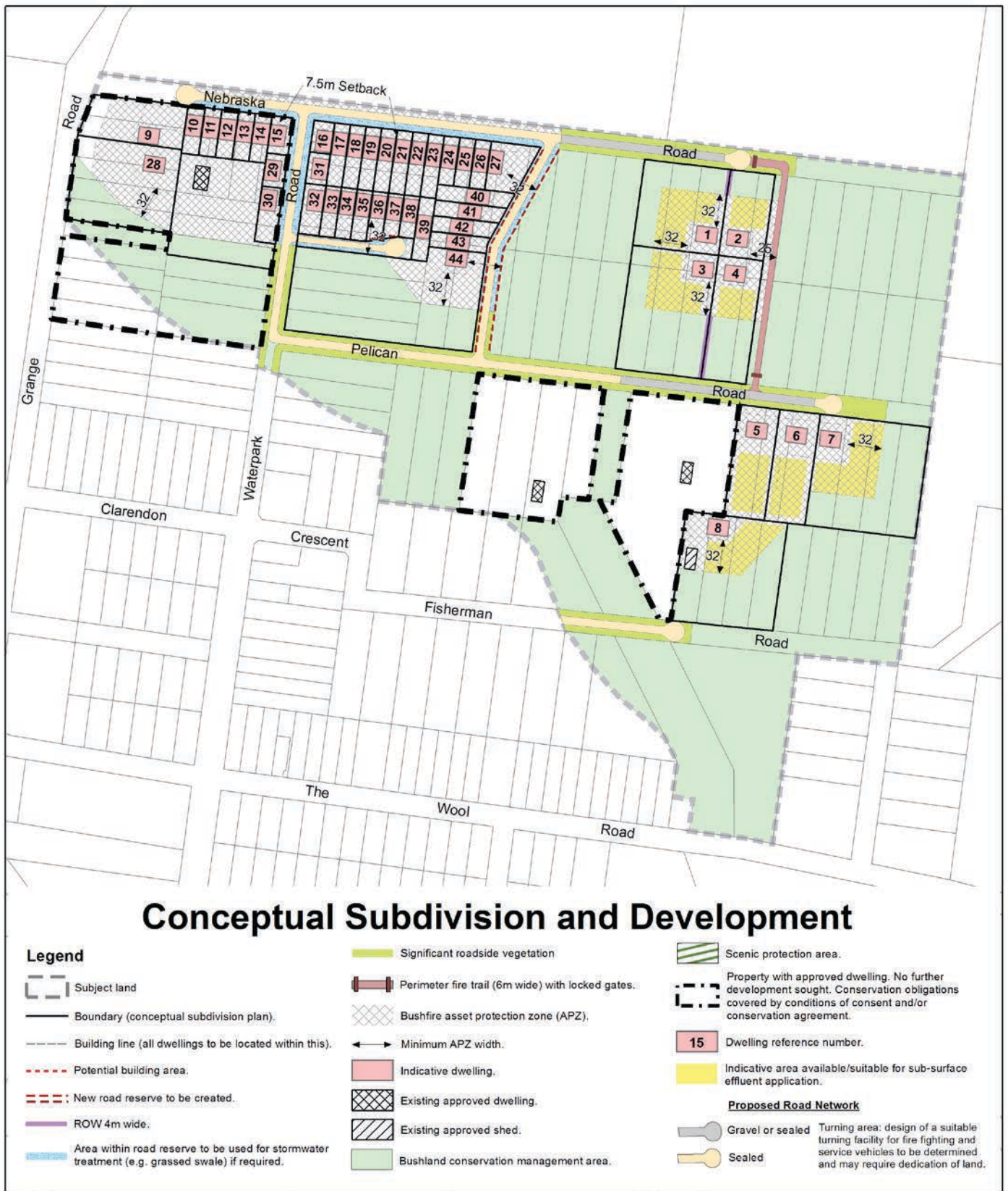
Land would need to be pooled and re-subdivided before it could be developed. Thus, high level of owner agreement will be needed.

Higher infrastructure demands than Option 1. More stormwater infrastructure may be required due to higher density.

Density of development in NW Sector higher than nearby residential areas.







Option 2.2

### PRELIMINARY FEASIBILITY ASSESSMENT FOR OPTION 2.2

Typical lot size (m <sup>2</sup> )	750
Number of New Dwellings	44
Indicative infrastructure cost per dwelling <sup>1</sup>	\$122,327
Indicative potential land value <sup>1</sup>	\$130,000
Residual land value/profit per dwelling <sup>1</sup>	\$7,673
Total residual land value/profit <sup>2</sup>	\$337,612

<sup>1</sup> Rough indication only. Comprises several variables with different levels of uncertainty

<sup>2</sup> Number of new dwellings x residual land value per dwelling.

## Alternative Options

Due to the extent and nature of the land's constraints there is very limited scope to vary the proposed zoning maps. Council is still likely to proceed with rezoning the highly constrained land to 'E2' to better reflect the environmental values and the constrained nature of that land.

**Any rezoning proposal to allow development in the NW, E and NE Sectors needs to be consistent with legislative requirements and its progression will depend on landowner involvement and support.** (see below).

## Your feedback is needed

Please complete the accompanying survey and return it to Council by **Friday 16 October 2015**.

- Send it to Council in the enclosed reply paid envelope; or
- Scan it and email it to [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)
- Alternatively, the survey can be completed online. A link is provided on the Nebraska Estate page (see below)

## Next steps

Feedback from the survey will be collated and reported to Council before the PP is progressed further. Landowners will receive notification prior to this report being considered by Council.

Once a preferred option for the NW Sector is determined, Council would then commission an integrated water cycle assessment. The PP will then be formally exhibited.

## Further information and contacts

Council has a webpage dedicated to the Nebraska Estate rezoning investigations:

[www.shoalhaven.nsw.gov.au/Planning-amp-Building/Strategic-planning/Paper-subdivisions/Nebraska-Estate](http://www.shoalhaven.nsw.gov.au/Planning-amp-Building/Strategic-planning/Paper-subdivisions/Nebraska-Estate)

If you would like to discuss the Nebraska Estate Planning Proposal, contact

**Eric Hollinger, Senior Project Planner on (02) 4429 3320.**

Please quote Council reference 1013E in any correspondence.

## Frequently Asked Questions

**Q Why can't the land be developed as it is?**

**A** The current zoning does not allow dwellings to be built on the existing lots.

Land capability and environmental assessments have shown that some of the land is highly constrained and unsuitable for development. A detailed explanation of the constraints is provided in the PP. For a range of reasons, the lot layout within the remaining less constrained land needs to be reconfigured to enable the land to be developed.

**Q What will happen if landowner feedback is not positive in respect of any of the options presented?**

**A** Council may decide to defer rezoning some parts of the land if the response rate from landowners is poor and/or the feedback that is received is generally not supportive.

**Q My land is proposed to be zoned E2 – Environmental Conservation zone. What will this mean for me?**

**A** The E2 zone focuses on the protection of environmental values and as a result fewer uses are permissible than in the current RU2 – Rural Landscape zone. The 40 ha minimum lot size that currently applies for residential development will also be retained.

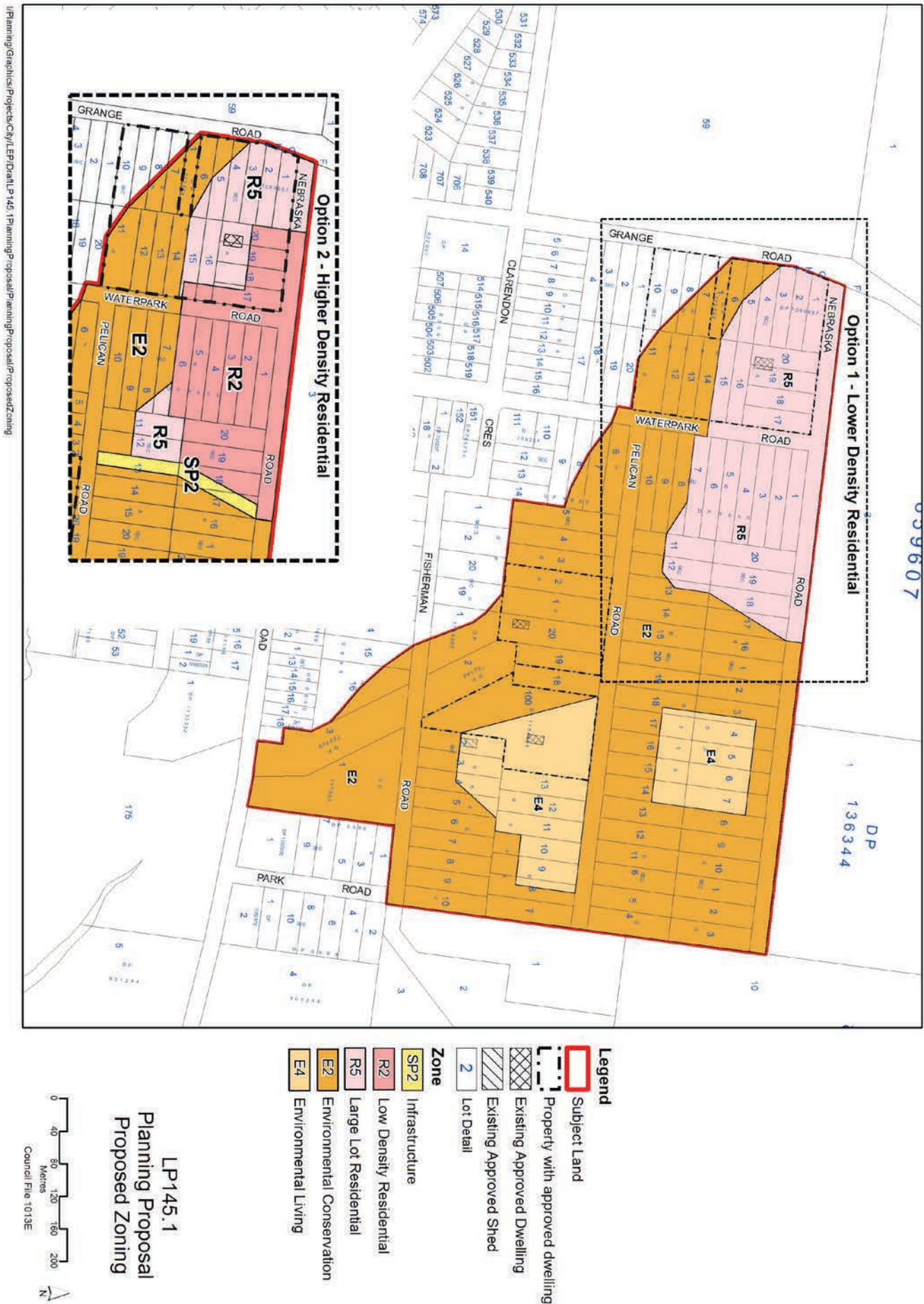
The long term tenure and management of this land will not necessarily be resolved as part of the Planning Proposal (rezoning) process. However, potential formal conservation options and associated financial incentives are being investigated. The outcome of these investigations will be discussed with any interested landowners.

**Q Will reticulated water and sewerage be provided?**

**A** To ensure nearby downstream environments are protected, provision of reticulated sewerage and water has been included in the preliminary cost estimates for all three options. It is considered essential for the higher density options and highly desirable for the lower density option given the land's close proximity to St Georges Basin. These services can be provided (at landowners' expense) subject to feasibility. Refer to preliminary feasibility information.









The purpose of this survey is to obtain your feedback on the Nebraska Estate Planning Proposal (PP) and in particular to determine your level of support for the options for the NW Sector of the Estate. To help us resolve the future development potential of land in Nebraska Estate, we would appreciate your assistance by completing this survey.

You can submit more than one survey, however, only the most recently submitted survey will be considered per property.

The survey can also be completed online (and you are encouraged to use this option if possible) at: <https://www.surveymonkey.com/r/8RCJKK2>

If you require any assistance, please contact Eric Hollinger, Senior Project Planner, on (02) 4429 3320. Survey feedback closes on **Friday, 16 October 2015**. Completed surveys should be sent to:

The General Manager (File reference: 1013E/1)  
Shoalhaven City Council  
PO Box 42  
Nowra, NSW, 2541

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1. Name and contact details (Personal details will remain confidential.)

Name	
Phone	
Email	

2. Have you read the information brochure on the Nebraska Estate Planning Proposal? **Note:** *It is recommended that you do read the brochure before completing this survey.*

☐ YES ☐ NO

3. Who have you discussed the PP with?

- ☐ Landowners within the Estate
- ☐ Council planning officers
- ☐ NSW Government planning officers (DPE and/or OEH)
- ☐ Other planning professionals (e.g. planning consultants)
- ☐ Elected Councillors
- Other (please specify) \_\_\_\_\_

4. Which zone(s) are proposed for your land? (tick all boxes that apply to your land) *If unsure, please contact Council on (02) 4429 3320*

- ☐ R5 - Large Lot Residential (NW Sector)
- ☐ R2 – General Residential (NW Sector)
- ☐ SP2 – Infrastructure (NW Sector)
- ☐ E4 – Environmental Living (E Sector)
- ☐ E4 – Environmental Living (NE Sector)
- ☐ E2 - Environmental Conservation (remaining land)

5. To what extent do you support/oppose each of the rezoning/development options for the North Western (NW) Sector?

	Strongly support	Support	Neutral /unsure	Oppose	Strongly oppose
<b>Option 1:</b> Lower density residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Option 2.1:</b> Higher density residential (1,000 m <sup>2</sup> lot size in the NW sector)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Option 2.2:</b> Higher density residential (750 m <sup>2</sup> lot size in the NW sector)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you have any comments, questions or concerns?

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7. To what extent do you agree with /accept the following statements?

	Agree	Neutral /unsure	Disagree
Land proposed to be zoned E2 is highly constrained and is not appropriate for development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benefitting landowners will be required to pay for essential infrastructure, e.g. via special rates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regardless of which option is pursued, changes to the lot layout will be necessary to enable residential development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The existing lots in the Estate should be able to be developed regardless of statutory planning requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Do you have any comments, questions or concerns?

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9. Does your land form part of a development lot on the Conceptual Subdivision and Development maps? If you are unsure, please contact Council on (02) 4429 3320.

☐ YES - go to question 10

☐ NO – go to question 11

#### Intentions for land that could potentially form part of a developable lot

10. If you answered YES to question 9, what would you most like to do with the land if it is rezoned?

☐ Sell your land

☐ Develop your land. **Note:** land will need to be pooled and subdivided to varying extents, and landowners would be required to pay for the provision of infrastructure.

Go to question 12.

#### Intentions for land proposed to be zoned E2 and could not form part of a developable lot

11. If you answered NO to question 9, what is your level of interest in exploring options to establish a formal conservation arrangement over the land including possible financial incentives?

Interested	Unsure	Not interested
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The E2 zone focuses on the protection of environmental values and as a result, fewer uses are permissible than in the current RU2 (Rural Landscape) zone. The 40 hectare minimum lot size that currently applies for dwellings will be retained.

The long term tenure and management of the E2 land will not necessarily be resolved as part of the rezoning process. However, potential formal conservation options and associated financial

incentives are being investigated. The outcome of these investigations will be discussed with landowners at the appropriate time.

12. Do you have any other comments, questions or concerns?

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Thank you for taking the time to complete this survey





## Nebraska Estate Landowner Survey, 2015 – Landowner comments

The Nebraska Estate landowner survey included several 'comments' boxes. The comments received are provided below and are generally verbatim except for some more lengthy comments, which have been summarised.

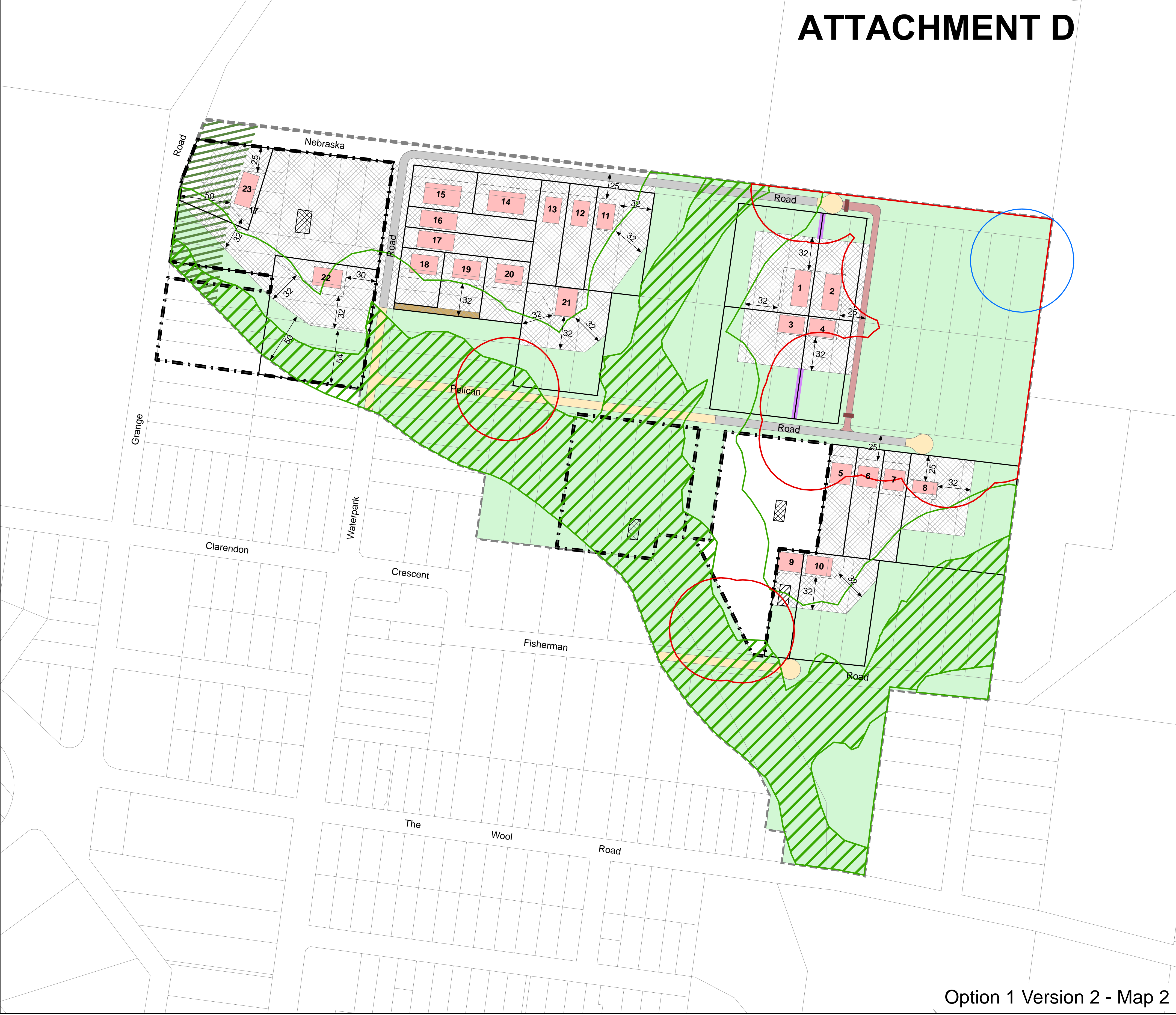
Table 1 - Comments provided in Nebraska Estate landowner survey

Date/time entered	Comments
Oct 28, 2015 2:00 AM	<i>We feel the proposed infrastructure works in Option 1 would be the best option for the estate. however believe the E2 area to be very excessive. under Option 1 we would have to purchase the surrounding 5 blocks to put a little holiday shack on it..this is basically an impossible task for landowners and would deem the land useless.. The ideal situtaion would be to pair back the E2 zone to the absolute minimum allowing more properties to have use of their land.</i>
Oct 26, 2015 5:47 AM	<i>Want to keep it 1 acre - 1 home  Lot 1/2 DP 9699 (1-3 Waterpark Rd, St Georges Basin)</i>
Oct 23, 2015 5:30 AM	<i>Why not all blocks converted to minimum E4?</i>
Oct 23, 2015 3:33 AM	<i>The higher density lots could equate to a significant increase in impacts on this area, particularly in regards to traffic movement, water runoff, rubbish etc. It is essential that the natural and cultural values of the estate are not compromised</i>
Oct 22, 2015 11:32 PM	<i>my concern is my land is fronted by a main rd which has sewer and water and power access but can not be built on because of your zoning when my surrounding neighbours have build with the same forna and flora and enviroment.</i>
Oct 22, 2015 7:17 AM	<i>What happens to my land if either options 2.1 or 2.2 go ahead? How will I be able to re coupe a dollar value for my land after successive govts. (at all levels) have mislead and misdirected landowners with changing policies over the years? What is the \$ breakdown for my block in relation to turning the blocks around and my block becomes the back end of three other new blocks? I cannot accept "any thing is better than nothing" when I have been paying rates and 'special rates' for over thirty years! Do the sums! I am sure there other land owners who have owned land for longer than myself who must be asking the same question.</i>
Oct 15, 2015 4:20 AM	<i>I do not mind what options are approved outside of my 10 acre block</i>
Oct 12, 2015 11:12 PM	<i>Dwellings in the NE sector should be moved south so they are within lots 14-18</i>
Sep 18, 2015 4:33 AM	<i>In Options 2.1 &amp; 2.2 I have proposed road going through. Would like to know my options prior to agreeing</i>
Sep 18, 2015 2:18 AM	<i>Why only able to tick one box under each category? I support all three options. My concern is that you give indicative "Residual land value/profit per dwelling" for each proposal, not the resultant value to an existing single block owner, so the numbers mean little to us. Of course bigger blocks will give a return, but with fewer (new) blocks and the large number of existing owners affected, there is less value in this proposal. Your survey does not help an existing owner make an informed decision as it is more directed at Council's planning than at value to existing land owners, who would not be able to retain ownership of their own land, and have to pool with others, some of whom had bought land of lesser value (with restrains present, such as flood prone etc). Are all affected land owners under each proposal to receive equal portions of the financial pie? No where in the planning proposal are these issues addressed.</i>

Sep 14, 2015 12:28 AM	<i>Strongly oppose the proposed E zone. It will financially effect the greater number of landowners. The E-zoned area should be reduced to the rear of all blocks. We will lose out financially in a big way.</i>
Sep 8, 2015 12:44 PM	<i>1. How to reconfigure the land and how to share the ownership after reconfiguration? 2. Should the land owner bear all the development cost, how and when to pay the cost?</i>
Sep 8, 2015 4:12 AM	<i>As our land is E2 we are unaffected by either option but as Option one seems the most reasonable and easiest to implement it is supported in an attempt to resolve the problem.</i>
Oct 28, 2015 3:33 AM	<i>rates paid in past years should be recognised. They provided assets/services for Shoalhaven residents and that should be returned in kind.</i>
Oct 28, 2015 2:00 AM	<i>Yes - we feel the proposed E2 zoning is excessive, and would encourage a review of this. We ask that if the sewer infrastructure is approved and implemented then there would not need to be such a large perimeter from the protected areas. therefore permitting development on a few more blocks. Namely ours!</i>
Oct 26, 2015 5:47 AM	<i>No land pooling</i>
Oct 23, 2015 5:30 AM	<i>Why our rates used to subsidise other Shoalhaven projects yet Shoalhaven rats can't subsidise Nebraska rezoning?</i>
Oct 22, 2015 11:32 PM	<i>by council purchasing some blocks of land for roads far more blocks will be accessible and purchased by those that can not get land.</i>
Oct 22, 2015 7:17 AM	<i>essential infrastructure should be bourne by council/govt. and would, over time be recouped through levied rates to all landowners, present and future.</i>
Oct 21, 2015 4:44 AM	<i>I have been paying rates on my land for four decades. I paid full asking price - more fool me! I think Council should buy back the land for the rates paid or a sensible compensation amount.</i>
Sep 18, 2015 2:18 AM	<i>A few plants and bird life, not present in 1975, are being used to force "Environmental Conservation" over land after they invaded it. My land is not affected, but it sticks in my throat how this special interest group forces zoning changes with help from the Council. I do support meaningful environmental concerns but Nebraska Estate should not be the convenient (they pay) whipping boy because of previous Council's actions and inactions</i>
Sep 15, 2015 2:44 AM	<i>Who ultimately makes the decision and how long will it be before a decision is made?</i>
Sep 14, 2015 12:28 AM	<i>Will owners in the E2 zone be compensated in any way?</i>
Sep 8, 2015 4:12 AM	<i>I am unsure if Lot 16 Sec B DP9699 Nebraska Road is not appropriate for for development as I'm not sure what the particular constraints are now. They have been many and varied over the years but I do know that of the past many surveys only one, Option 7, in your correspondence 92/2728 JK/GA dated 7/4/98 has indicated the possibility of a dwelling in the top RH corner of a reduced size block.</i>
Oct 28, 2015 3:41 AM	<i>Act of dispossession based on lie/incompetence. Comments on history of wildlife corridor (HC4) that became 'disturbed vegetation and habitat'. "At some time in the future... my descendants may benefit even if I can't. Until then I want to retain my legal right of tenure of land I purchased in good faith..."</i>
Oct 28, 2015 2:07 AM	<i>We really want to work with council to attain the best possible outcome for all land owners - some of the options dont really make sense to us. We would encourage proper sewer infrastructure works to be completed for the estate and the land to be recognised as usable for development. The area is in a growth phase and the ability to use the land will generate jobs and benefit many residents. We hope that a long term view would be considered when reviewing the estate. We appreciate your efforts thus far and look forward to continuing the conversation.</i>



Oct 23, 2015 5:40 AM	<i>Not enough info re financial incentives. Wildlife corridor HC4 was not viable &amp; should be abolished. Why was Gabriel Kibble's advice ignored? Please prove that orchid exists &amp; doesn't exist elsewhere. Please prove that other endangered flora doesn't exist outside Nebraska Estate. How can HC4 be sustainable with Bayswood, Worworing &amp; all development along Island Pt Rd?</i>
Oct 23, 2015 3:36 AM	<i>As existing residence in an E2 zone, we would be interested in purchasing other E2 lots for the purpose of maintaining their natural values and further supporting our dwelling in this zoning.</i>
Oct 22, 2015 11:46 PM	<i>As i have had a continued interest in this land since 1964 I have been saddened to see that council has taken so long to rectify the problem that they created by not making good decisions when they had the chance to.</i>
Oct 22, 2015 7:17 AM	<i>I still have concerns regarding outside elements of public interfering with process,ie; Au. orchid conservation coalition and comments made by A.W. Stephenson in relation to "land owners must be stopped at all costs", refering to Nebrsaka Estate Speculantha ventricosa. As well as any work conducted by Bushfire Environmental Services, (now SET) on behalf of Landowners who had no choice in who council engaged for the initial investigations, at landowners cost.</i>
Oct 22, 2015 6:06 AM	<i>Hope that this will lead to the land being rezoned</i>
Oct 21, 2015 4:46 AM	<i>I don't understand why this subdivision was allowed in the first place. Whose right was it to sell it? What government approved it? Why is Bayswood all ok but it obviously an environmental disaster!</i>
Oct 15, 2015 4:25 AM	<i>Propose lower density variation of option 1 resulting in a total of 3 dwellings - see maps provided. Contesting the width of the buffer along the creek. Infrastructure costs are too high.(summarised)</i>
Oct 13, 2015 11:44 PM	<i>My land never looked like it was going to be rezoned from the first inspections yet i was made to keep paying along with those who would definitely benefit. What are the options for people in this position, i have paid more in rates then the property is worth for Zero benefit.</i>
Sep 18, 2015 4:35 AM	<i>Only that Lot 17 has the road going through it, as I purchased the property as an investment, would like to know my benefit.</i>
Sep 18, 2015 2:18 AM	<i>As a pensioner, I am unable to pay for further Council Special Rates in expectation of some distant and unspecific time when my property can be" developed" and sold. These costs should only accrue when the benefit exists- ie the land is saleable. I have been paying rates since 1976, and special rates more recently, and apart from paperwork and plans for the future, nothing concrete has happened. I am sick of paying for future developments that always fade into the distant future, and probably beyond my lifetime.</i>
Sep 15, 2015 2:45 AM	<i>My only concern is that it has come this far and we have paid higher fees for a couple years and the project will stop.</i>
Sep 14, 2015 12:32 AM	<i>Owners of E2 land will lose out financially. We bought our block in 1993 from a current Councillor. We never expected to have our retirement investment taken away. A very few blocks will be rezoned and most will be zoned E2. It is wrong and distressing. We are not being treated equally. The E2 should be reduced to the rear of all lots thus allowing all to be rezoned.</i>
Sep 11, 2015 5:18 AM	<i>This subdivision was approved initially by council decades ago. It should stay exactly as is and council should approve it for dwellings and stop all this bullshit.</i>
Sep 8, 2015 4:13 AM	<i>Council's letter 8107-4 of 13/11/06 raised the possibility of a land swap for land that was not appropriate for rezoning. Is that still a proposition? Because of the constraints on this block I never thought it met Section 538 criteria for the Special Rate and said so in previous correspondence, in that we the ratepayers of the block "would derive special benefit from road design works etc" because the block was never going to be rezoned residential. Hopefully the possible financial incentives mentioned in your Landowner Survey form may consider refund of the special rates paid.</i>



Option 1 Version 2 - Map 2

# Conceptual Subdivision and Development

Legend

- Subject land
- Boundary (conceptual subdivision plan)
- Building line (all dwellings to be located within this)
- Potential building area
- ROW 4m wide
- ROW 6m wide
- Significant roadside vegetation
- Perimeter fire trail (6m wide) with locked gates

- Bushfire asset protection zone (APZ)
- Minimum APZ width
- Indicative dwelling
- Dwelling reference number
- Existing approved dwelling
- Existing approved shed
- Revised E2 Zoning (Proposal)
- Scenic protection area

- Property with approved dwelling. No further development sought. Conservation obligations covered by conditions of consent and/or conservation agreement.
- Proposed Road Network**
  - Gravel or sealed
  - Sealed
  - Turning area: design of a suitable turning facility for fire fighting and service vehicles to be determined and may require dedication of land.
- Environmental Constraints**
  - Biconvex Paperbark and/or EEC plus 50m buffer
  - Pterostylis ventricosa 50m buffer
  - Cryptostylis hunteriana 50m buffer





Office of  
Environment  
& Heritage

Date: 17 February 2016  
Your reference: Option 1 Ver 2  
Our reference: DOC16/77571  
Contact: Calvin Houlison  
4224 4179

Eric Hollinger  
Senior Project Planner  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541  
E-mail: [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au)

Dear Eric

**RE: Nebraska Estate Revised Option 1 Version 2 – Preliminary Comments**

Thank you for consulting us with regard to the abovementioned development option for Nebraska Estate, which has been revised following landowner consultation on three development scenarios in October 2015. We are generally supportive of Council's approach to seek a balanced development outcome which manages sensitive ecological values and provides long term habitat protection within the locality, whilst addressing challenging legacy planning issues associated with this paper subdivision.

In particular, threatened species located in the Estate include the vulnerable Biconvex Paperbark (*Melaleuca biconvexa*), Swamp Sclerophyll Forest Endangered Ecological Community (EEC), critically endangered *Pterostylis ventricosa* orchid and vulnerable Leafless Tongue Orchid (*Cryptostylis hunteriana*), as listed under the NSW Threatened Species Conservation (TSC) Act 1995. Biconvex Paperbark and Leafless Tongue Orchid are also identified as vulnerable under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999.

Specific comments on the revised option are provided below:

- We suggest relocating Lot 22 building envelope slightly to the west or reorienting vertically, further avoiding the extent of 50m Biconvex Paperbark / EEC buffer.
- It is acknowledged from previous studies that the outer edge of Asset Protection Zones (APZ's) would inevitably overlap with the 50m buffer in some instances. The APZ's overlap most with the 50m buffer in the north western development lots. The reorientation of Lot 4 building envelope, and to a lesser extent Lot 3 building envelope, is supported as it allows for the 50m buffer to threatened *Pterostylis ventricosa* orchids to be maintained. However much of the buffer within these lots is also affected by APZ's, as is a significant portion of the EEC buffer within Lot 21.
- Managing overlapping edges as part of the buffer and revegetation opportunities within the APZ entitlements should be investigated. Part 5.2.3 of Jerberra Estate DCP and Part 5.2.5 of Verons Estate DCP provided development controls in this respect, and we envisage a similar approach being adopted for Nebraska Estate.
- Lots 5-8 building envelopes are also partially located within the 50m buffer to threatened orchids. As these building envelopes are located downslope from threatened orchids and separated by the

road, this is less of an issue than in other locations. Notwithstanding, you may wish to consider increasing the setback to be fully located outside the buffer area.

- Reticulated sewerage is proposed for the vast majority of development lots and is supported, as it removes risks associated with on-site systems and associated effluent management areas. The effluent management area for the remaining on-site system at Lot 23 should be identified as being located outside the 50m buffer.
- The NSW RFS 10/50 Vegetation Clearing Code of Practice was introduced in August 2014 and subsequently amended in September 2015. The Code prevents clearing on land that has a legal obligation for vegetation conservation, including conditions of development consent, Section 88B instruments, voluntary conservation agreements and Property Vegetation Plans. These mechanisms are available options to protect threatened vegetation and associated buffers within 50 metres of a dwelling from being cleared.

Finally, we wish to reiterate our preference for a scheme which allows for the threatened *Pterostylis ventricosa* orchids in the north eastern corner to be effectively managed. Providing for ongoing protection of threatened orchids through an appropriate conservation mechanism remains a key priority for our agency. Site amalgamation in the north eastern corner is preferable regardless of which conservation option is pursued. Single ownership or a reduced number of land owners would simplify administration of sensitive ecological values associated with threatened orchids in this location.

Please do not hesitate to contact me on 4224 4179 or via e-mail [calvin.houlison@environment.nsw.gov.au](mailto:calvin.houlison@environment.nsw.gov.au) should you have any further queries.

Yours sincerely



**CALVIN HOULISON**  
**Conservation Planning Officer**