

Verons Estate, Sussex Inlet – Paper Subdivision

Introduction

A 'paper subdivision' is an old, undeveloped subdivision registered before land use zoning was introduced. They pre-date the requirement for infrastructure to be provided before registration of a subdivision plan. Paper subdivisions therefore typically lack formed roads, drainage, reticulated water, sewer or electricity.

This factsheet provides information on the Verons Estate paper subdivision at Sussex Inlet (refer to Map on page 4). Verons Estate was registered in 1920 and comprises 32 lots, each 8 hectares in size.

New planning controls for the Estate came into effect on 31 October 2014, permitting dwellings on Lots 1-19 (subject to individual development assessment). The Estate was rezoned to a combination of *C4 Environmental Living*, *C3 Environmental Management*, and *C2 Environmental Conservation* under the Shoalhaven Local Environmental Plan 2014 (LEP). The minimum lot size map overlay in the LEP was amended to enable consideration of housing applications on the less constrained areas within Lots 1 to 19. The 40-ha minimum lot size was retained in the Swan Lake catchment, generally preventing housing applications on Lots 20 to 32.

A site-specific chapter (Chapter S1) was added to the Shoalhaven Development Control Plan 2014 (DCP) providing more detailed planning objectives and controls to guide development in the Estate. The status of Lots 20, 28 and 29 as '1964 holdings' is noted in the DCP. Therefore, dwellings may be permitted on these lots, subject to development assessment and satisfying the relevant planning requirements.

Assessing impacts of development on biodiversity

The Estate's planning controls include detailed biodiversity provisions. Chapter S1 (Verons Estate) requires the impacts of development to be offset by placing legally-binding, in-perpetuity environmental conservation and restoration mechanisms over at least 75% of each property. Legally binding conservation mechanisms can include conservation agreements, biobanking agreements, and positive covenants (88B Instruments).

New biodiversity and vegetation clearing laws were introduced across NSW in 2017. In recognition of the previous environmental assessment and protections provided through the Estate's planning controls, in 2019, the State Government certified the Verons Estate planning

controls as a 'relevant planning arrangement' under cl. 34A of the *Biodiversity Conservation (Savings & Transitional) Regulation 2017*.

This means that applications for development in the Estate that comply with the biodiversity conservation provisions in Shoalhaven LEP 2014 and the DCP (Chapter S1) are assessed under the legislation that applied prior to commencement of the *Biodiversity Conservation Act, 2016*.

In other words, the cl. 34A certification enables development applications that comply with the Estate's planning controls to be assessed without the need for a Biodiversity Development Assessment Report (BDAR). The NSW Biodiversity Offsets Scheme will also not apply to development applications that conform with the Estate's planning controls.

As was the case prior to commencement of the *Biodiversity Conservation Act*, an assessment of significance, known as a '7-part test' will need to be prepared by an appropriately qualified person. Note that targeted surveys will need to be done at the appropriate time of year/season. These should be done prior to lodging a development application to minimise the risk of delays. For example, surveys for the threatened orchid *Pterostylis ventricosa* must be undertaken during its flowering period (March to May).

See [current cl. 34A certification](#) and [State Government's covering letter](#).

For further information you can:

- lodge an online [Development Planner Enquiry](#) and a Council Officer will be in contact within 2-5 business days
- Contact Council on (02) 4429 3111
- View the current [DCP Chapter S1 Verons Estate Sussex Inlet](#)
- View the [Verons Estate Threatened Biodiversity Assessment](#) (Ecological Australia 2011). Note: Maps 5 - 8 & 10 have been removed having regard to Section 161 of the NSW National Parks & Wildlife Act 1974 & Clause 12, Schedule 1 of the Government Information (Public Access) Act, 2009
- View the [Verons Estate Watercourse & Riparian Land Mapping Assessment](#) (GHD 2009)

Special rates to upgrade the Estate's roads

Special rates to upgrade the roads in the Estate began on 1 July 2017.

In late 2016 / early 2017, landowners were asked to provide feedback on a proposed funding arrangement whereby Council would borrow \$2.13M to upgrade the roads; 83% of the repayments would be met by special rates levied on Verons Estate properties, and Council would meet 17% of the cost based on the potential benefit derived by the broader community.

On 13 June 2017, Council resolved to adopt the Special Rate Variation of 13.2% approved by IPART for the 2017/18 Financial Year. **The Verons Estate Road Upgrade Special Rates commenced from 1 July 2017 and will be in place for 20 years**, in line with landowner feedback. Further information is available from:

- [Verons Estate - Outline of Proposed Special Rate Variation](#)
- [Frequently Asked Questions \(FAQ\)](#)
- [Road upgrade design drawings](#) (pdf, 6 mb)
- [Staff presentation to public meeting, Sussex Inlet Community Centre, 19 January 2017](#)
- Council's Revenue Management Team – ph: (02) 4429 3111

Other information

- [Exhibited Planning Proposal](#) (2013) describing planning control changes and supporting studies.
- [Verons Estate Aboriginal & European Archaeological & Cultural Heritage Assessment](#) (Australian Museum Business Services 2009) Note: Some information has been removed having regard to Section 161 of the NSW National Parks & Wildlife Act 1974 & Clause 12, Schedule 1 of the Government Information (Public Access) Act, 2009.
- [SCC / DECCW presentation to landowner meeting 18 November 2010](#) (PDF 2 mb)
- [Landowner meeting 18 November 2010 - summary of discussion](#) (PDF 248 kb)
- [Summary of planning history of Verons Estate](#) (2014)

Council reports and resolutions

Date	Report	Resolution
22-Jun-1993	Report to Council to prepare a draft local environmental plan for Verons Estate	MIN93/1593
1-Dec-2009	Status report to Development Committee on rezoning investigations and budget issues (Received for information)	MIN09.1691
10-Aug-2010	Report to Development Committee on requirements of South Coast Regional Strategy and resolution to defer consideration pending a landowner meeting	MIN10.972
5-Apr-2011	Report to Development Committee regarding rezoning investigations and request to remove special rates from Swan Lake properties	MIN11.309
05-Jun-2012	Report to Development Committee – on zoning options	MIN12.658
16-Jul-2013	Report to Development Committee - Gateway determination, Verons Estate Planning Proposal	MIN13.715
20-Jan-2014	Report to Development Committee on outcomes of Planning Proposal exhibition	MIN (Item 7)
15-Jul-2014	Report to Development Committee seeking approval to exhibit Draft DCP Chapter S1 Verons Estate	MIN (Item 8)
07-Oct-2014	Report to Development Committee on DCP public exhibition outcomes	MIN (Item 5)
11-Oct-2016	Report to Strategy & Assets Committee (SA16.13) – Special Rate Variation to Upgrade Roads	MIN16.13 (SA)
04-Jun-2019	Report to Development Committee (DE19.48) to update Chapter S1 Verons Estate of Shoalhaven DCP to reflect update on cl.34A certification for biodiversity assessment	MIN19.369

02-Jun-2020	Report to Development & Environment Committee (DE20.49) – DCP Amendment 38, pre-exhibition report	MIN20.385
03-Nov-2020	Report to Development & Environment Committee (DE20.124) – DCP Amendment 38, post-exhibition report and adoption	MIN20.814

Important notes:

1. On 1 December 2021, the prefix for all Environmental Zones in NSW was changed from 'E' to 'C'. For example, the 'E2 Environmental Conservation' zone became 'C2 Environmental Conservation'. This Factsheet has been updated to respond to this change.
2. Where Council reports and resolutions predate this change, references to "E2 Environmental Conservation" have not been amended.
3. Council will update all other references to 'E2' zones as soon as possible.



Figure 1 - Verons Estate subdivision (DP9897)