

## Jerberra Estates, Tomerong - Paper Subdivision

**Updated 2 December 2021**

A “paper subdivision” describes land containing lots that only have recognition on paper and, in many cases, have no formed roads, reticulated water, sewer or electricity. This factsheet provides information on the Jerberra Estate Paper Subdivision at Tomerong (refer to Map at the end of this fact sheet).

### **Important note:**

*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.*

### **New Planning Controls Commenced in 2014**

The Jerberra Estate LEP (*Shoalhaven Local Environmental Plan (Jerberra Estate) 2014*) legally commenced on 22 February 2014. (The Estate has a stand-alone LEP for the time being but will be incorporated into the city-wide LEP at some stage in the future.) A site-specific chapter for Jerberra Estate is in the overall Shoalhaven Development Control Plan (DCP) that became effective on 22 October 2014.

Development applications can only be considered if the proposal meets the relevant planning requirements, including the minimum lot size and development area maps in the LEP, and the detailed controls contained in the DCP. Links to the Jerberra LEP and DCP are provided below.

- [Shoalhaven Local Environmental Plan \(Jerberra Estate\) 2014](#) (written instrument & maps)
- [Development Control Plan Chapter N20 \(Jerberra Estate\)](#) & Supporting Information
  - [List of native plants in Jerberra Estate](#) (pdf)
- [Information for buyers and sellers](#) (pdf - 0.3 mb)
- [Information for owners of C2 - Environmental Conservation land](#) (pdf - 0.5 mb)
- [Forms of development that are not 'exempt' in Jerberra Estate](#) (pdf - 0.2 mb)
- [Register of orders issued by Council](#) to date (opens in separate window). Contact Council's Compliance Unit for enquiries.
- [EPBC referral for Jerberra Estate](#) (EPBC Reference Number: 2012/6415) (22 kb)

### **Biodiversity Certification - Implications for development**

In 2019 the State Government certified the Jerberra Estate planning controls as a 'relevant planning arrangement' under cl. 34A of the Biodiversity Conservation (Savings & Transitional) Regulation 2017. As a result, applications for development in the Estate that comply with the biodiversity conservation provisions in

the Estate's LEP and DCP (Chapter N20) will be assessed under the legislation that applied prior to commencement of the *Biodiversity Conservation Act, 2016*. Click [here](#) to see a copy of a letter to landowners dated 29/4/19 explaining what this means.

Click [here](#) to see a copy of the current cl. 34A certification\* and [here](#) to see the covering letter, both dated 7/12/2020. For further information, contact Council's Environmental Assessment Unit.

\* Note – Amendment 38 to Shoalhaven DCP (Chapters N20 and S1) was adopted by Council in November 2020 and commences on 4 January 2021. The amended DCP Chapters were re-certified under cl. 34A on 7 December 2020.

## **Jerberra Estate Development Application Information**

From 1 January 2021, we require lodgement of all Development Applications (DAs) and Complying Development Certificates (CDCs) to be via the [NSW Planning Portal](#). This change is in line with the NSW Government's plan for all Councils to participate in their ePlanning platform for application lodgement. Further guidance is provided at:

<https://www.shoalhaven.nsw.gov.au/Planning-Development/Types-of-Approval/Development-Application>

Before you submit your application, it is recommended that you contact Council's Building and Compliance section prior to lodging your application to ensure your application contains all the necessary information and is consistent with the Estate's planning controls, thereby avoiding unnecessary processing delays.

## **Policy – Voluntary Acquisition of Residual C2 Environmental Conservation Land - Jerberra & Nebraska Estates**

On 5 October 2021, Council's Development & Environment Committee adopted the above Policy which allows owners of 'residual C2 Environmental Conservation land' in the Jerberra Estate, to potentially sell their land to Council (should they wish). The Policy is available on Council's website under Council/Access to Information or by clicking here:

<https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL21/44>

'Residual C2 land' is land that is zoned C2 Environmental Conservation under the Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 and

- does not have a dwelling entitlement; and
- is not proposed for consolidation into a larger development parcel.

The residual C2 land in Jerberra is shown in Figure 2 of the [Policy](#) (bounded by a thick dashed brown line).

If you own 'residual C2 Environmental Conservation land' in the Jerberra Estate, this means you can now potentially sell this land to Council (if you wish) subject to an independent land valuation, prepared in accordance with the Policy.

Should you wish to initiate the process (without any obligation) you can do so by providing a written expression of interest in selling your property to Council via:

- Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) OR
- Write to:

The Chief Executive Officer  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Please quote Council reference 3599E and mark your correspondence for the attention of: Technical Services, Property Unit. The Property Unit will then, in consultation with you, engage a registered Land Valuer to prepare an independent land valuation.

The Council reports and accompanying attachments that were considered by Council in the lead-up to the Policy being adopted, and Council's resolutions are all available at Council's Get Involved Page: <https://getinvolved.shoalhaven.nsw.gov.au/jerberra-nebraska-estates>

## **Jerberra Estate Essential Infrastructure and Special Rates**

Essential infrastructure includes roads and perimeter fire trails, road drainage, electricity, and minimal street lighting. Properties must be self-reliant in respect of water and on-site effluent management in accordance with the DCP. [Click here](#) to open the Frequently Asked Questions (FAQ) updated in May 2015.

The Estate's essential infrastructure has been funded by special rates which commenced in 2015/2016 and will generally be in place for a period of 10 years, as approved by the Independent Pricing and Regulatory Tribunal (IPART).

### **History of the Estate's planning controls**

Documentation associated with the Planning Proposal (rezoning) process can be accessed on the State Government's [LEP Tracking System](#). Other background planning information is provided below.

- Report on the outcomes of the Planning Proposal exhibition to Council's [Development Committee on 4 December 2012](#) ( PDF 2 mb)
- Resolution to adopt minor changes to the exhibited Planning Proposal and submit it to DP&I for finalisation. ([MIN12.1348](#)).
- **Adopted Planning Proposal maps:**
  - [Planning Proposal Map 1 - Proposed zones](#) (PDF 257 kb)
  - [Planning Proposal Map 2 - Proposed minimum lot sizes](#) (PDF 311 kb)
  - [Planning Proposal Map 3 - Bushfire risk management](#) (PDF 420 kb)
  - [Planning Proposal Map 4 - Conservation management](#) (PDF 887 kb)
  - [Planning Proposal Map 5 - Bushfire & conservation management](#) (PDF 377 kb)
- Exhibited [Jerberra Estate Planning Proposal](#) (PDF 5 mb)
- Exhibited Appendices
  - [Council reports & resolutions on the rezoning investigations 2010-2012](#) (PDF 5 mb)
  - [Integrated water cycle & stormwater assessment](#) (PDF 5 mb)
  - [Strategic onsite effluent disposal assessment](#) (PDF 7 mb)
  - [Flora & fauna assessment report \(BES, 2007\)](#) (PDF 2 mb)
  - [EPBC Referral](#)

- [Preliminary bushfire assessment](#) (PDF 6 mb)
- [NSW RFS letter dated 22 December 2011](#) (PDF 52 kb)
- [Aboriginal archaeological and cultural heritage assessment](#) (PDF 2 mb)
- [NSW Heritage Council letter dated 6 November 2006](#) (PDF 383 kb)
- [Preliminary electricity design & report](#) (PDF 2 mb)
- [Traffic assessment](#) (PDF 1 mb)

## Historical Information

The Jerberra Estate subdivision (DP11629) to the east of the village of Tomerong was registered in 1922 but was largely undeveloped and held in two ownerships until 1986. From when the first planning controls were introduced in 1964 until 22 February 2014, the Estate had a rural zoning that effectively prohibited dwellings on the individual lots. However many of the lots were sold separately from 1986 onward on the presumption that the land would be rezoned to allow dwellings. After repeated requests from landowners, in 1992 Council resolved to investigate rezoning the lots in Jerberra Estate to allow residential development.

### Old rezoning reports & Council resolutions

[Property & Planning Committee report - 2 April 1996](#) (PDF 547 kb) [MIN96.604](#) (PDF 20 kb)

[Property & Planning Committee report - 8 December 2003](#) (PDF 136 kb)

[Development Committee report - 5 October 2004](#) (PDF 253 kb) [MIN04.1330](#) (PDF 22 kb)

[Rates Working Party report - 18 December 2006](#) (PDF 5 kb) [MIN07.44](#) (PDF 22 kb)

[Policy & Planning Committee report - 12 June 2007](#) (PDF 277 kb) [MIN07.846](#) (PDF 26 kb)

[Presentation to Jerberra landowners 21 June 2007](#) (PDF 1 mb)

[Policy & Planning Committee report - 22 January 2008](#) (PDF 193 kb) [MIN08.19](#) (PDF 22 kb)

[Ordinary Meeting report - 13 May 2008](#) (PDF 124 kb) [MIN08.641](#) (PDF 24 kb)

[Development Committee report - 3 February 2009](#) (PDF 38 kb) [MIN09.173](#) (PDF 27 kb)

[Development Committee report - 5 May 2009](#) (PDF 477 kb) [MIN09.586](#) (PDF 23 kb)

[Development Committee report - 6 October 2009](#) (PDF 253 kb) [MIN09.1382](#) (PDF 16 kb) [MIN10.754](#) (PDF 53 kb)

### Special rates - Old reports

[Report to Rates Working Party 24 January 2005](#) (PDF 180 kb)

[Report to Policy & Planning Committee 8 February 2005](#) (PDF 56 kb) [MIN05.125](#) (PDF 20 kb)

[Report to Rates Working Party 16 December 2005](#) (PDF 121 kb) [Minute](#) (PDF 55 kb)

[Report to Ordinary Meeting 20 December 2005](#) (PDF 56 kb)

[Report to Extra Ordinary Meeting 24 January 2006](#) (PDF 1 mb) [MIN06.04](#) (PDF 99 kb)

[Presentation to landowners 1 March 2006](#) (PDF 4 mb) [MIN08.590](#) (PDF 24 kb)

[Report to Extra Ordinary Meeting 17 June 2008](#) (PDF 108 kb)

[Report to Extra Ordinary Meeting 29 June 2010](#) (PDF 1 mb) [MIN10.763](#) (PDF 16 kb)

[Presentation, removal of special rate 16 June 2010](#) (PDF 21 mb)

[Report to Budget Working Party 12 April 2011](#) (PDF 31 kb) [MIN11.401](#) (PDF 16 kb)

### Transfer of land in lieu of unpaid rates

Under this policy Council will, if requested, accept the transfer of land in full satisfaction of rates and charges.

See [the policy for transfer of land in lieu of unpaid rates](#) (PDF 71 kb)

### Roads - Old reports & information

### Other documents & information

[Counselling services](#) (PDF 178 kb)

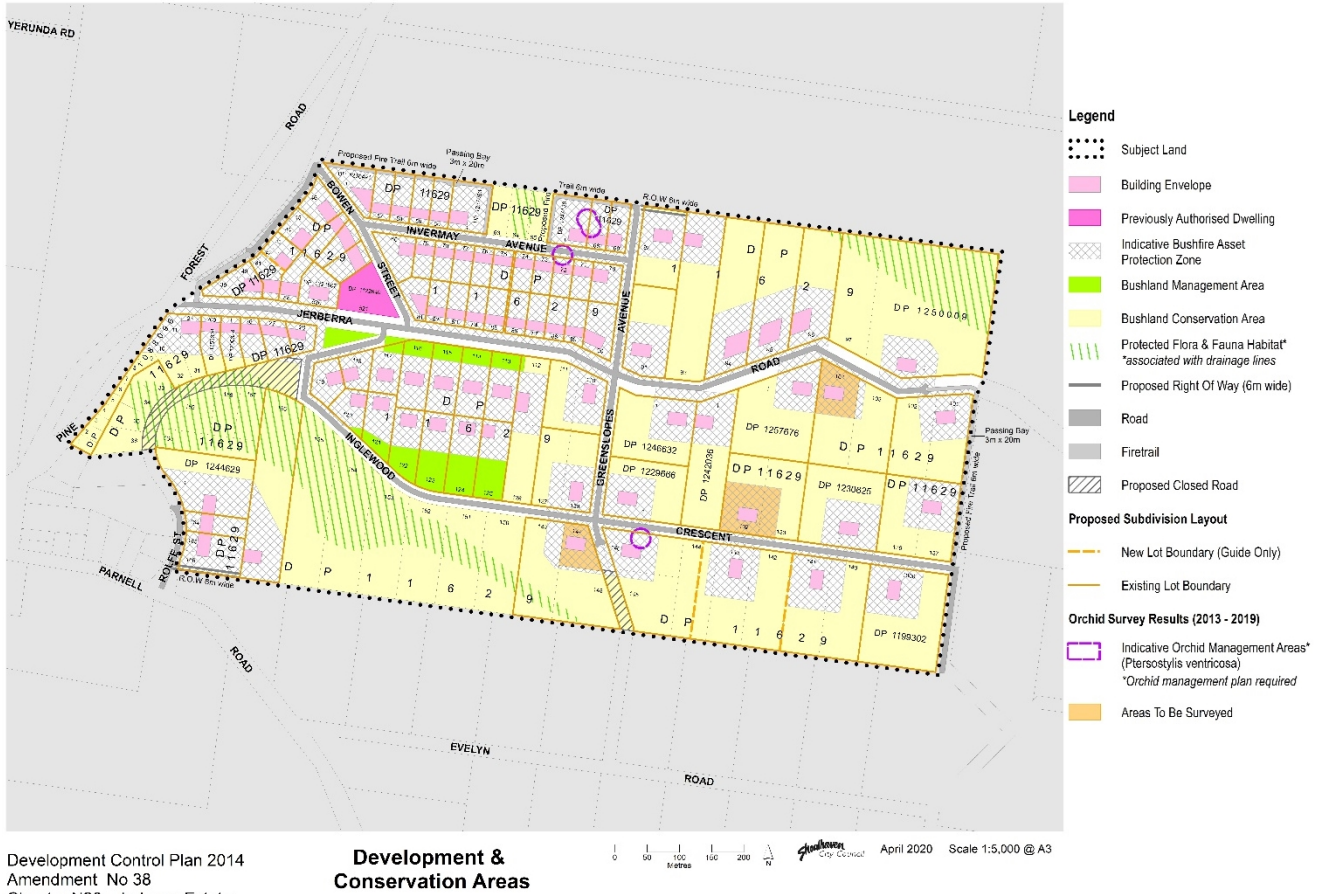


Figure 1 - Excerpt from Draft DCP Chapter N20 (Amendment 38 to SDCP 2014)