Questions & Answers

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

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

Environmental studies have identified threatened species that are protected under both NSW and Commonwealth laws and need to be excluded from development. The existing subdivision layout does not comply with the requirements for bushfire protection, particularly in respect of bushfire asset protection zones (APZ) and perimeter access. Some of the lots are too small to safely allow onsite effluent disposal.

People already co-exist with threatened species in the Estate. Why can't each lot be developed provided no threatened species are harmed?

Limited residential development may not have a significant impact on threatened species in the Estate however, it is clear that even if strict environmental conditions were in place, building on every lot in the Estate would have significant cumulative environmental impacts, arising from, amongst others:

- Clearing of trees and vegetation for each dwelling, bushfire Asset Protection Zones, provision of services such as power and telephone, and effluent disposal facilities;
- Erection of fences along boundaries of each lot, and associated clearing;
- Keeping grazing animals (such as horses, goats, or sheep) which can remove some species of plants and prevent the regeneration of others;
- Keeping of cats, which are predators of some of the threatened species found in the Estate;
- Introduction of plants which may become 'environmental weeds' in surrounding bushland; and
- Water quality impacts, particularly as a result of onsite effluent disposal.

All of these activities, if occurring on each lot in the Estate, would result in significant impacts on the range of flora and fauna in the area, including threatened species. Both options attempt to balance development outcomes and conservation of the most environmentally sensitive areas.

Is Jerberra Estate being treated the same as other developments?

Yes. Development of other nearby residential areas in Tomerong and Vincentia has had to make sure that the environmental values of the sites were protected and managed as conservation areas. Some parts of these lands have been rezoned from residential development to environmental protection.

Why are buffer areas of native vegetation required between watercourses and developed areas?

Buffer areas of native vegetation can help to maintain water quality by capturing nutrients and sediments that come from developed areas and preventing these from entering low-lying areas and watercourses. The vegetated buffer acts like a water quality filter. At Jerberra, state and nationally listed threatened species including Biconvex Paperbark and Swamp Sclerophyll Forest also occur in low-lying areas and along watercourses. This vegetation is sensitive to weeds and to changes in nutrients and water quality. Buffers will protect these areas from weeds and from the impacts of clearing, earthworks and effluent disposal that will need to occur for residential development at Jerberra.

Will any alternative options be considered?

Yes, provided environmental and equity issues can be addressed. The two rezoning options presented in this brochure attempt to balance development and environmental outcomes.

Drop-in information day

Saturday 4th September 2010

Tomerong School of Arts from 10am to 3pm

Further information

Shoalhaven City Council's website:
http://www.shoalhaven.nsw.gov.au/council/pubdocs/communityissues/default.htm

Contact: Eric Hollinger - Senior Project Planner, Shoalhaven City Council (02) 4429 3320

Jerberra Estate

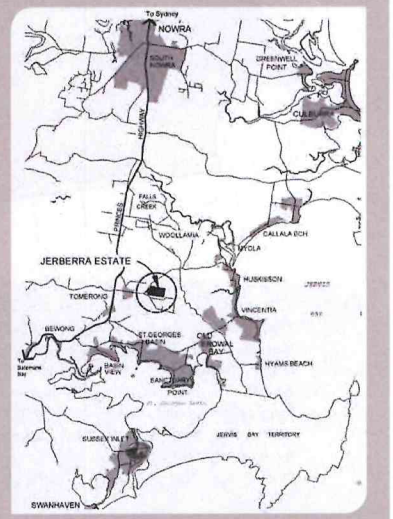
Rezoning and Development Options

History

The Jerberra Estate subdivision was registered in 1922 but was largely undeveloped and held in two ownerships until 1986. Since Shoalhaven's first planning controls were introduced in 1964, the Estate has had a non-urban or rural zoning that effectively prohibits dwellings on the individual lots. The lots within Jerberra Estate range from less than 1000 m^2 up to 1.7 hectares. Despite the fact that dwellings were unable to be approved on individual lots, many of the lots were sold separately from 1986. After repeated requests from landowners, in 1992 Shoalhaven City Council resolved to investigate rezoning 152 lots in Jerberra Estate to allow residential development.

Rezoning and development options

Detailed studies undertaken since 2005 on a range of issues, including flora and fauna, bushfire and Aboriginal archaeology, have identified high conservation value lands that need to be set aside for protection and cannot be developed. The remaining land in the Estate has some potential for housing. However the investigations have shown that not every lot can have a house due to the need to protect sensitive environmental areas, manage bushfire risk, and provide services and infrastructure.



A decision now needs to be made on which of the two remaining rezoning options to pursue to completion. Both options protect the high conservation value land and identify a potential living area of similar size.

Option A - Constrained Development - In this option the number of dwellings would be limited by the existing subdivision pattern. Landowners within the potential environmental living area would benefit. The remaining lands would be zoned for environment protection, although a limited number of dwellings would be potentially allowed.

Option B – Land Pooling/Community Title - This option involves pooling all the lots together and re-subdividing the potential living area to increase the overall number of dwellings. The high conservation value land would be protected as a single consolidated lot managed under a community title scheme. All landowners would potentially benefit in some way. A variation to this option would be to allow a limited number of dwellings in the conservation area, but fewer dwellings in the living area.

Future character

Whichever option is pursued, there will be a significant change to the existing "bush" character of the Estate. Within the potential living area, native bushland would be removed to make way for housing and associated improvements. Infrastructure and services such as electricity, effluent disposal, bushfire trails and roads would need to be provided to the relevant standards.

Rezoning process

Once one of the two rezoning options is selected, Council will prepare a draft local environmental plan (LEP) to rezone the Estate to identify separate residential and conservation areas and also specify lot sizes for a dwelling house. The draft LEP will be placed on public exhibition after which Council will consider submissions, make any necessary changes and forward it to the NSW Minister for Planning who will then consider whether to make the LEP. A contributions plan or equivalent will also be prepared and exhibited at this stage to outline how landowners will fund required the infrastructure. This process could take around 12 months.

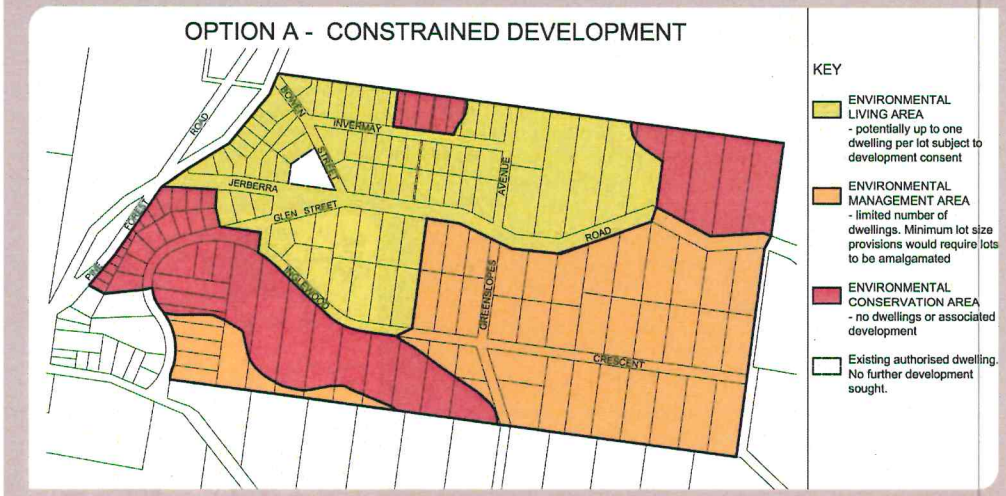
NSW GOVERNMENT Planning

Shoalhaven City Council

NSW GOVERNMENT Environment, Climate Change & Water

Option A - Constrained Development

The number of dwellings would be limited to the existing subdivision pattern. Only some of the landowners would potentially benefit due to the need to protect sensitive environmental areas, manage bushfire risk and provide services and infrastructure.



Existing lots would fall into one of three categories:

1. Environmental Living Area — Could be developed subject to a development consent for each house. Some lots may still need to be consolidated to have sufficient area for onsite effluent disposal and bushfire management. Native vegetation would need to be retained on larger lots.
2. Environmental Management Area — Could not be developed for a dwelling on their own but would need to be amalgamated with one or more other lots to create up to 10 larger developable lots. These lots would contain high conservation value vegetation and be zoned and managed for conservation.
3. Environmental Conservation Area — Lots where development is not proposed or supported. This area contains Commonwealth and NSW threatened species and associated buffers.

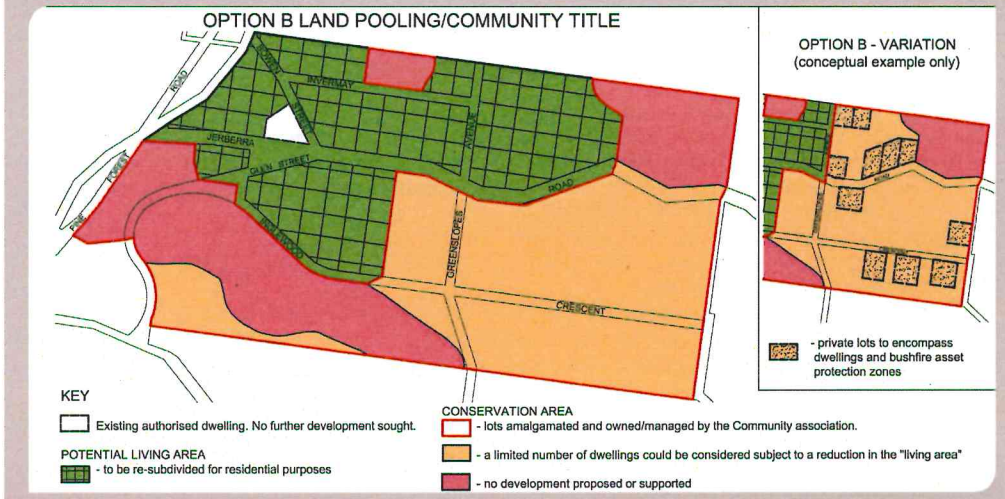
Once the land is rezoned, a development application would need to be prepared for each proposed dwelling, as is normally the case. Each application would need to address potential environmental impacts, bushfire protection and servicing.

	Comments on Option A – Constrained Development
Equity	Some landowners will benefit, some will not.
Approval process	The environmental living area and lot size will be identified. Some lots would need to be amalgamated with others so that a development application could be lodged. Approval of each house will require a development application addressing environmental and other issues.
Resolution of zoning and tenure	Zoning uncertainty would be resolved. Future tenure of lots outside the potential living area would depend on negotiations between landowners.
Development Outcomes	About 70 houses in the environmental living area (maximum one dwelling per lot) and up to 10 houses in the environmental management area.
Development Cost	Servicing costs per house are likely to be higher as there would be fewer lots to share the costs.
Environmental outcomes	Conservation areas in fragmented ownership which could result in diminished conservation value over time. Individual land owners would be responsible for conservation management.
Effluent Management	Individual exisiting lots may be too small for effluent disposal. Lots may need to be amalgamated to comply with a minimum lot size requirement.

Option B – Land Pooling/Community Title

Community title is a form of land subdivision that enables individual freehold lots to be created and allows shared ownership of a common area.

Under this option the number of houses in the potential living area can be increased while the conservation areas are protected. The lots within the living area would be privately owned and all landowners would jointly own the conservation area.



To achieve this option all the current lots would be pooled together and a new subdivision layout designed. Landowners would need to be involved in designing the new subdivision. It would assist if there was a landowner representative with development expertise to help drive and co-ordinate the process.

A variation to this option, where some dwellings are allowed within the conservation area could be considered. However, the loss of additional high conservation value vegetation would need to be offset by a reduction in the potential living area (see conceptual example in inset map - Option B Variation).

	Comments on Option B – Land Pooling/Community Title
Equity	All landowners potentially benefit. Owners would need to collectively agree on how equity in the new subdivision would be allocated. This could be complex and would require the establishment of a landowner entity (e.g. a body corporate).
Approval process	Needs to be supported by a large majority of owners. There would be a step-by-step process in designing the new subdivision. Approvals for housing in the potential living area could be simplified.
Resolution of zoning and tenure	Zoning uncertainty and future tenure of all lots within the estate would be resolved.
Development Outcomes	About 110 houses could be accommodated in the potential living area if effluent is treated on each lot. For the variation of this option where some houses would be allowed in the conservation area, the overall number of houses in the potential living area would be less (because the potential living area would need to be reduced to offset vegetation losses in the conservation area).
Development Cost	Servicing costs per house are likely to be lower as there would be more lots to share the costs.
Environmental outcomes	The conservation area would be owned and maintained by the community association with greater certainty for protection than if held in fragmented private ownership. All land owners would, through the Community Association, collectivley manage the conservation area.
Effluent Management	A common effluent system (CES) could be possible and would allow smaller lot size than if effluent is treated on individual lots.