
REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 3 DECEMBER 2013

PLANNING AND DEVELOPMENT

ITEMS TO BE REFERRED TO COUNCIL

1. **Planning Proposal (Rezoning) - Lot 14 DP 773481 Moss Vale Road, Kangaroo Valley** **File 1089E (PDR)**

SECTION MANAGER: Gordon Clark.

PURPOSE: Delivery Program Activity: 2.4.2.3

To detail a Planning Proposal (Rezoning) (PP) that has been received for Lot 14 DP 773481 Moss Vale Road, Kangaroo Valley, and to obtain direction from Council on the Planning Proposal.

RECOMMENDED that Council support the progression of the Planning Proposal with the following changes or inclusions, and forward it to the Department of Planning and Infrastructure for a 'Gateway' Determination.

- a) Flood prone land remains in a non-urban zone such as RU1 or E3 with the lot size map to be used to allow for the creation of smaller lots which include flood prone land.
- b) Controls placed over the entire lot restricting the equivalent tenements (ETs) of any subdivision and future development to a maximum of 15 ETs.
- c) Restrictions placed on the proposed cluster lot to:
 - i) Ensure that the ETs from all dwellings constructed on the lot do not exceed the ETs allocated i.e. 4 ETs.
 - ii) Ensure that the dwellings constructed on the lot are to be used for seniors housing.
- d) A 20m riparian buffer area along Barrengarry Creek to possibly be transferred via a voluntary planning agreement to Council to ensure ongoing management and protection of the water and to provide potential for a future walking track (subject to landowner agreement).
- e) Investigate including provisions to facilitate low cost housing options for local people as part of the proposed development.
- f) Include a mechanism to enable the eventual surrendering of the existing development consent for the tourist facility over the subject land.

OPTIONS

1. Support the Planning Proposal with the following changes or inclusions and forward it to the Department of Planning and Infrastructure (DP&I) for a 'Gateway' Determination.
 - a) Flood prone land remains in a non-urban zone such as RU1 or E3 with the lot size map to be used to allow for the creation of smaller lots which include flood prone land.
 - b) Controls placed over the entire lot restricting the equivalent tenements (ETs) of any subdivision and future development to a maximum of 15 ETs.
 - c) Restrictions placed on the proposed cluster lot to:
 - i. Ensure that the ETs from all dwellings constructed on the lot do not exceed the ETs allocated i.e. 4 ETs.
 - ii. Ensure that the dwellings constructed on the lot are to be used for seniors housing.
 - d) A 20m riparian buffer area along Barrengarry Creek to possibly be transferred via a voluntary planning agreement to Council to ensure ongoing management and protection of the water and to provide potential for a future walking track (subject to landowner agreement).
 - e) Investigate including provisions to facilitate low cost housing options for local people as part of the proposed development.
 - f) Include a mechanism to enable the eventual surrendering of the existing development consent for the tourist facility over the subject land.

Implications

This would be consistent with the adopted Growth Management Strategy (GMS) which identified this area for investigation in the short term. This is the preferred option as the changes suggested would address some of the issues that have been raised prior to the submission of the plan for 'Gateway' Determination. It would also ensure that some of the desired outcomes are achieved – possible seniors housing, lower cost housing options for local people and surrendering the existing consent.

2. Support the Planning Proposal as submitted and forward without changes to the DP&I for a 'Gateway' Determination.

Implications

This would be consistent with the adopted Growth Management Strategy (GMS) which identified this area for investigation in the short term. However, this is not the preferred option as some issues have been identified which should be addressed in the Planning Proposal prior to it being forward to the DP&I for a Gateway Determination.

3. Not support the Planning Proposal in the short term and re-consider it after the completion of the second iteration of the GMS.

Implications

This option would be preferable to a number of community members that made submissions but would be contrary to the GMS as this area was identified for investigation in the short term.

DETAILS

- # Council received a Planning Proposal (Rezoning) (PP) on 25 September 2013 to rezone land at Lot 14 DP 773481 Moss Vale Road, Kangaroo Valley to R5 Large Lot Residential to allow for subdivision into 11 large residential lots and 1 cluster housing lot (to accommodate 6 possible dwellings). The PP notes that there appears to be a need for a broader range and greater affordability of residential accommodation within Kangaroo Valley including for older residents wishing to remain in the locality and for young and working families. A copy of the proponent's concept plan is shown in **Attachment 'A'** and a copy of the PP document has been placed in the Councillors' Room and on the sharepoint site prior to this meeting.
- # Lot 14 is located north of Hampton Bridge, is essentially cleared land and has an existing secured approval for a tourist development. Accordingly, the site was allocated 15 ETs under the Kangaroo Valley Sewage Scheme. The site is shown in **Attachment 'B'**.
- # The property in question was initially identified and exhibited in the draft GMS as a "long term" investigation area to enable further community consultation. In adopting the GMS, Council resolved that the subject site be identified as a "short term" investigation area. The adopted GMS map can be viewed in **Attachment 'C'**. The community who made submissions on the GMS were notified of the Council meeting but no deputation was made at this meeting, possibly in the belief that the subject property would remain a long term investigation area, which would allow for additional community consultation/engagement as part of the proposed iteration number two of the GMS. The GMS is currently with the DP&I awaiting endorsement.

Given the interest in this proposal arising from the GMS process, the subject planning proposal has been released for comment prior to its consideration by Council. The PP was made available for viewing for a period of 3½ weeks at Council's Administration Building, on Council's website and at The Gallery in Kangaroo Valley. This 'pre-consultation' is not a requirement of the PP process. The intention of this pre-consultation is to give the Council an understanding of the community's opinions on this proposal to assist them in making a decision whether to proceed with the PP.

Council staff comments

The PP was circulated to relevant groups of Council for comment. The staff comments are summarised by issue below.

- Effluent disposal

Sewerage services are available to serve the development. The Kangaroo Valley sewerage scheme has made an allowance of 15 ET's loading for the site based on an existing approved development. The proposed cluster has an allocation of 4 ETs which can accommodate the 6 dwellings proposed provided that there is a combination of different sized dwellings e.g. 2 x 3 bedroom and 4 x 2 bedroom dwellings.

3 bedroom dwelling = 0.80ET

2 bedroom dwelling = 0.60ET

ET's = (2 x 0.8) + (4 x 0.6) = 4.0 ET's for cluster development.

Pressure sewer infrastructure shall be extended to serve the proposal. The pressure sewer units shall be installed by Shoalhaven Water. Each pressure sewer unit shall be owned and operated by Council.

- Water availability

Water supply is available to serve the development. Water supply infrastructure (100mm NS water mains) will need to be extended to serve the proposal. The proposal will not have any detrimental effect on the normal operation of the water supply system.

- Access

The recent approval for a cheese factory on the adjoining lot (owned by the same landowner) has not been completed and it is noted that the Roads and Maritime Service (RMS) required a basic left turn treatment BAL and an auxiliary right turn treatment AUR for the driveway which has not yet been constructed. These access requirements will need substantial works on Moss Vale Road which as a result of the rezoning may require even more extensive intersection works.

Note: The RMS would be consulted as part of the progress of any PP and their feedback considered.

- Flooding

Part of the land is high hazard floodway, which is not suitable for subdivision and development. Flood liable land should not be rezoned to R5 residential. Appropriate buffers to the riparian area will also be consistent with the Ministerial s117 Direction not to encourage intensification of flood liable land.

- Water quality

The Sydney Catchment Authority (SCA) should be involved at the rezoning stage so any water quality issues can be dealt with so that Council is not providing a rezoning that cannot be subdivided or is severely restricted.

Note: the SCA will be consulted as part of the progress of any PP and their feedback considered.

- Riparian land

The South Coast Regional Strategy suggests that for new urban areas riparian areas should be appropriately zoned and managed. A buffer of a **minimum** of 50m from the top of bank should be applied. This allows for a 40m core riparian area to be rehabilitated and a 10m buffer area. This is also consistent with the clause in the adopted draft LEP. This riparian area should be zoned as E2 to reflect the values for which it is to be managed. This buffered area should be fenced off to limit domestic animals (e.g. horses) from accessing the creek and causing erosion and pollution.

- Open Space

An area of approximately 20m from bank of river should be brought into public ownership. This would create a buffer to the river system and give ability to effectively manage the land. It would also provide continuation of Council's existing land holding giving the potential to develop a walking track in the future.

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- Prime Agriculture land

This site has a high productive capacity and is one of the few areas within the LGA to be classed in the top 3 agricultural classification (being Class 2 and 3 agricultural lands).

Note: the Department of Primary Industries (Agriculture) will be consulted as part of the progress of any PP and their feedback considered.

Community comments

A total of 24 submissions were received on the PP. Of these submissions, 5 supported the PP, 1 was neutral and 18 objected to the PP. Copies of all submissions can be viewed in the Councillors' Room and a summary of submissions is included as **Attachment 'D'**. The comments made in the submissions are set out below.

In support:

- Residential subdivision is desperately needed in Kangaroo Valley, particularly seniors living.
- Land is not flood prone.
- Land is not used as agricultural land.
- Opportunity to create a walking track around the perimeter of the lot, from the Hampden Bridge along the Kangaroo River to the junction of Barrengarry Creek and up the creek to the road, joining the current walking track along Moss Vale Road.
- The lay of the land makes it suitable for seniors living, as it is level and provides a comfortable, flat walk into the village.

Objections:

- Area is located outside of the township.
- Proposed development is too close to Barrengarry Creek.
- Access and traffic issues associated with Hampden Bridge and the area around the bridge.
- Impact on the heritage nature of the area.
- Impact on native fauna, particularly wombats.
- Concern that this is financial gain for the landowner at the expense of the community.
- The subject site was shown in the draft GMS as a long term investigation area and the community was advised that it was at least 10-15 years away from being investigated.
- Pre-empts further discussion involved in Stage 2 of the GMS and consideration of all options equally.
- There is already land zoned for residential development in the village.
- Continues ribbon development along Moss Vale Road.
- Short sighted to rezone good agricultural land for housing.
- Inconsistent with DCP 66.
- Contrary to the South Coast Regional Strategy as it states that:

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- o smaller and more isolated villages should be a low priority for development given the lack of potential of these settlement to reach critical thresholds for service delivery;
 - o future urban development should be prioritised to support infill housing as well as new residential subdivisions located adjacent to existing well serviced centres and towns away from isolated and sensitive locations. Kangaroo Valley is an isolated and sensitive area;
 - o agricultural lands will be protected from urban expansion and unplanned rural residential development.
 - Council indicated its willingness to work with the Kangaroo Valley Community, through the GMS process, to discuss appropriate opportunities for future small scale residential and aged care development in Kangaroo Valley via a media release dated November 2010. This has not been adhered to.
 - There is nothing to tie the developer to providing seniors living on the site.
 - Rezoning of the land sets a bad precedent for other landholders with further housing potential.
 - The concept plan is not a clear indicator of the development that may actually occur on the site, nor are there any controls in place to ensure that land is sold to those intending to reside permanently in Kangaroo Valley.
 - No evidence is provided of a need for further residential land in Kangaroo Valley.

Conclusion

The pre-consultation indicates that there is community concern with the proposal for a variety of reasons. There is particular concern with timeframe for this development as this site was exhibited in the draft GMS as for “long term” investigation (approximately 10-15 years) and changed to “short term” investigation (approximately 1-5 years) through the adoption of the GMS. If the subject area have remained a “long term” investigation area, there would have been further opportunities for community consultation.

Those submissions that are in support are particularly interested in a seniors living component to the development.

The proposal is generally consistent with the adopted GMS (awaiting endorsement), which identifies the site for investigation in the short term, and therefore, should proceed so that the issues raised can be fully investigated through the PP process. Should the DP&I's Gateway Determination support the continuation of the PP, it will also outline further studies that are to be undertaken and the State Government agencies to be consulted.

The proposal fits within the allocation of ETs for the site, although there should be controls imposed on the overall PP area and on the cluster lot to ensure that eventual development does not exceed the ET allocation for the site.

The flood prone land should not be rezoned for rural residential development. The lot size map could be amended to allow the creation of the proposed larger lots with a split zoning so there is an area of R5 zone where a dwelling can be constructed and the remainder of the lot would have a non-urban zone e.g. RU1 Primary Production or E3 Environmental Management.

Prior to submission of the PP for a Gateway Determination, Council should contact the proponent to discuss their willingness or otherwise to dedicate land along the river to Council, possibly via a voluntary planning agreement. This would allow for better management of the riparian area and potentially for a walking track along Kangaroo River and Barrengarry Creek from the existing walkway along Moss Vale Road and across the Council reserve adjoining the subject property.

Given that there appears to be some support for seniors housing and low cost housing options for local people this should specifically be considered through the advancement of the planning proposal. Provision of seniors and/or low cost housing in Kangaroo Valley is a desirable planning outcome and in the public interest.

FINANCIAL IMPLICATIONS:

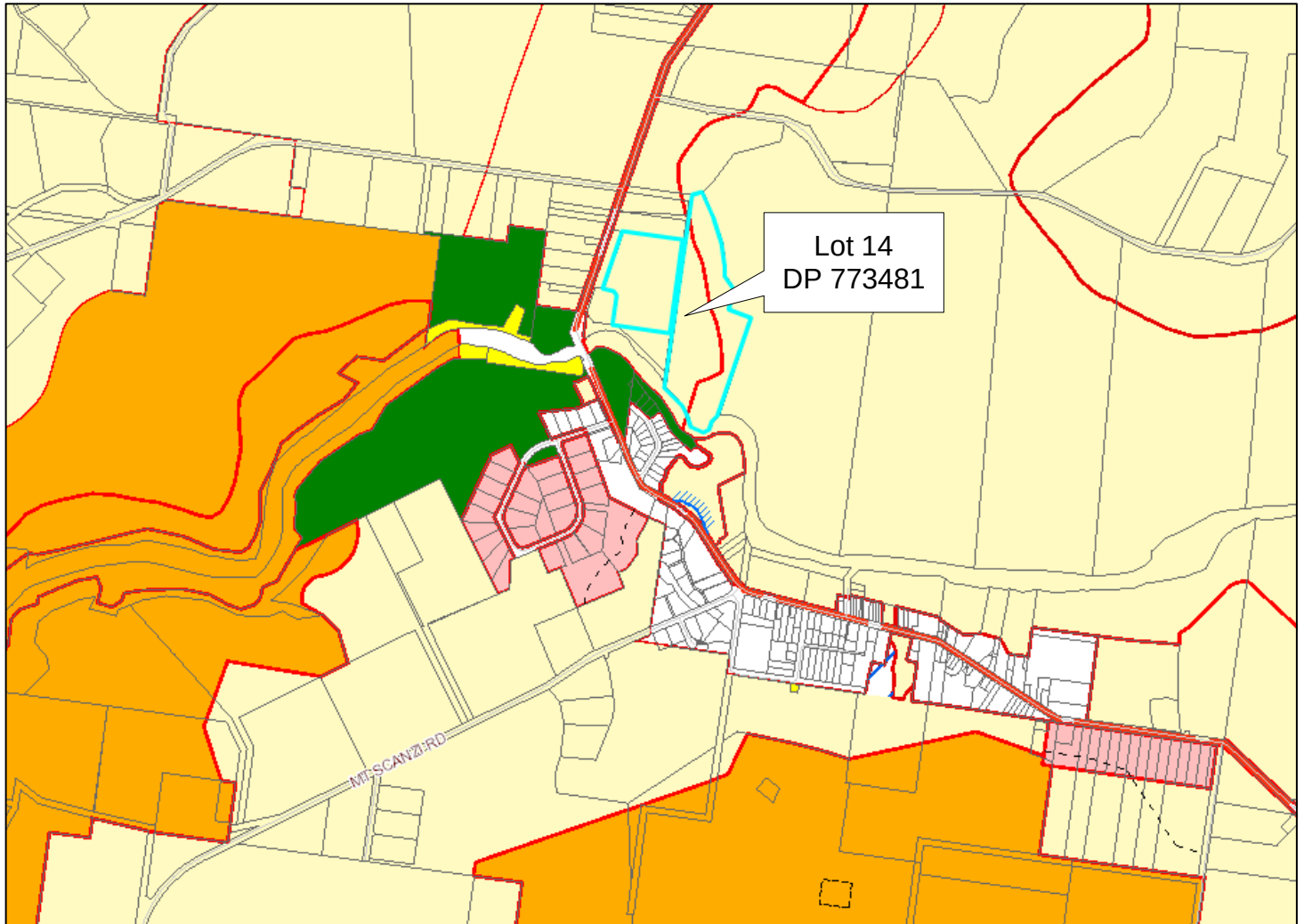
The proponent has paid the initial fee for lodging a PP for consideration by Council as per Council's fees and charges. Should Council support the PP, additional fees will apply to some extent recoup the cost in staff time and resources required to undertake this project. Should Council not support the PP, 40% of the lodgement fee may be refunded to the proponent.

COMMUNITY ENGAGEMENT:

Council has been proactive in undertaking pre-consultation with this proposal. This has provided an initial understanding of the opinions and concerns of the Kangaroo Valley community.

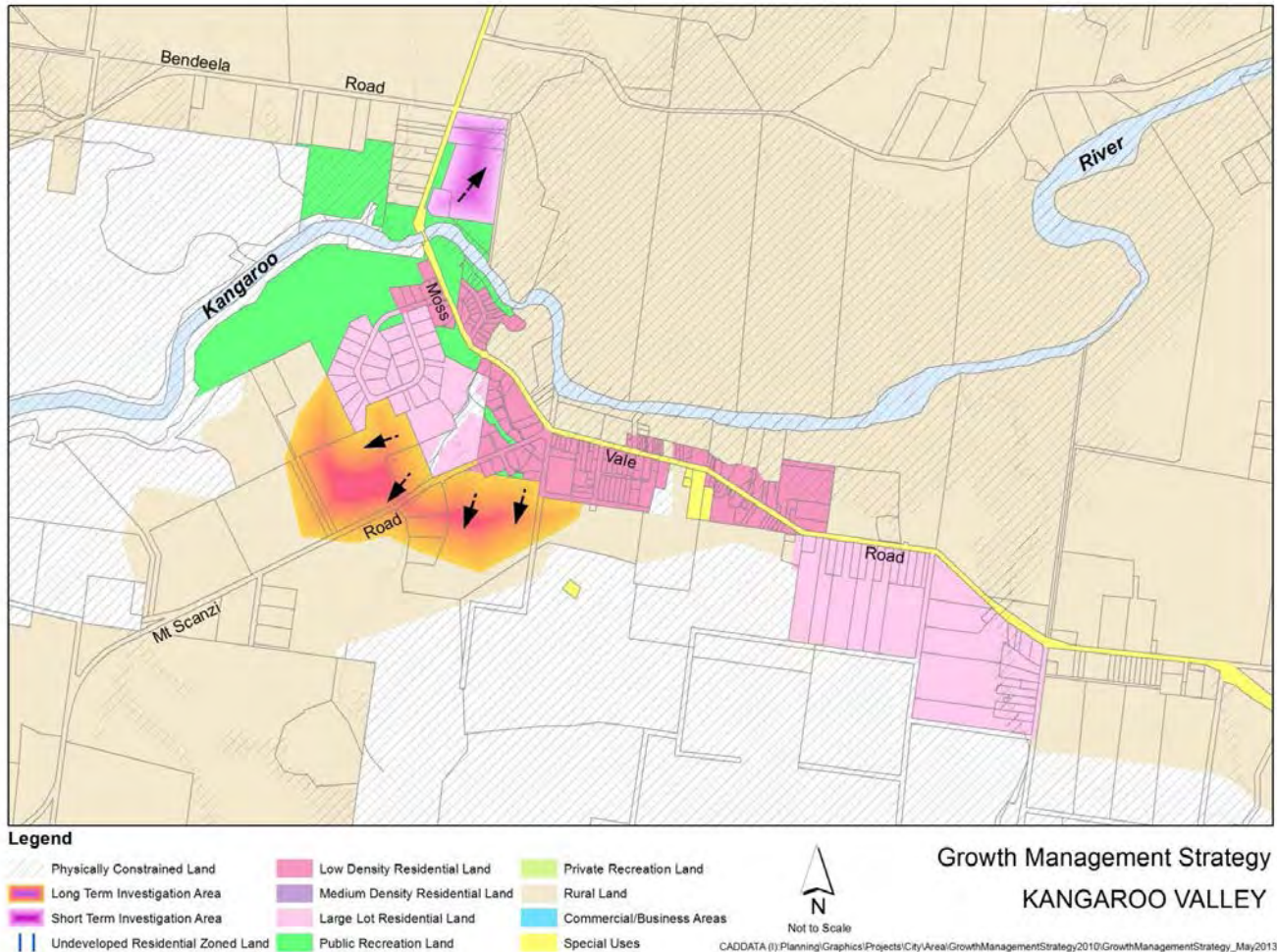
Should the PP proceed, under the Council's Community Engagement Policy – Engagement Matrix the preparation of the Planning Proposal as local area high impact and implementation is proposed to be at the 1 level to 'inform' and 'consult' the community as per the matrix key. Community consultation would be implemented as per legislative requirements (generally set in any Gateway Determination) and the appropriate sections of the Council's Community Engagement Policy Handbook.

Attachment "A" – Subject Site





Attachment 'C' – Growth Management Strategy Map for Kangaroo Valley



No.	Supports	Submission content
1.	Yes	Have lived in Kangaroo Valley for over 40 years, and support the application for subdivision. State that the land is not flood prone, not currently used for agricultural purposes, and that Kangaroo Valley is desperately in need of more residential subdivision.
2.	No	Objects to the proposed development and believes it would be short-sighted to rezone prime agricultural land for the purposes of building development. Believes the proposal, if approved, will set a precedent for further ribbon development along Moss Vale Road, and radically alter the character and heritage significance of Kangaroo Valley. Concerned that the proposal states that this development will provide property opportunities for retirees and young families, yet there is no mention of a caveat to ensure that these will be the only people permitted to acquire the properties. Concerned the properties could be sold to anybody willing to purchase, regardless of their age and intention to live permanently or part-time in the Valley.
3.	No	Opposed to the proposed development as it is outside the Township and is close to the Barrengarry creek.
4.	No	Objects to the proposed rezoning due to the detrimental effect that future development will have on the habitats of native wildlife including snakes, lizards and wombats, which are known to live in the area. States that increased traffic generated as a result of further residential development will inevitably cause more deaths to native animals, particularly wombats, whose numbers may not be sustainable with increased mortality rates. Concerned that the development, which is wrapped up as “a good thing for the community”, is primarily for the financial gain of the developer and those who profit from land and housing sales. States that the local community has worked hard to protect the picturesque beauty and historical significance of the Valley from local farmers and developers looking for monetary gain, and is concerned that approval of the rezoning will set a precedent for other landholders with further housing potential. Calls for Council to support Kangaroo Valley and protect the area from development, and from people who seek financial gain by rezoning land under the guise “it is for the community”.

5.	No	Objects to the proposed rezoning, and believes this proposal pre-empts the further discussion intended for the Growth Management Strategy for Kangaroo Valley and should not be dealt with ahead of that consultation. Concerned that allowing this rezoning will set a precedent that could potentially lead to scattered strip development, of which many local residents oppose. States that vacant residential land currently exists in and around the former Bowling Club site, enabling approximately 12 dwellings, with additional vacant land within the Village. Concerned that controls will not be enforced to ensure the land is rezoned and used in accordance with the proposal. This could potentially result in unsuitable development on the site in the future. Concerned about the increased traffic generated from such a proposal, and the disruption to traffic flow around Hampden Bridge. States that additional road widening and turning points would be necessary to accommodate the increased traffic around the site, which could have a very detrimental effect on the approaches to the bridge and to existing adjacent businesses.
6.	No	Objects to the proposed rezoning and believes the proposal is inappropriate. Concerned about the loss of agricultural land, and the undesirable precedent this rezoning would set for further rural subdivision and strip development along Moss Vale Road. States that it was indicated that the land was to be included in the longer term 10-15 year investigation in the Growth Management Strategy (GMS); this application is well in advance of that timeframe and should not be considered. The inclusion of the site in DCP66 itself precludes approval of the application. Concerned that overdevelopment could turn Kangaroo Valley into another Shellharbour, causing the tourism industry to fold. The Valley is renowned for its visual amenity and heritage significance, and the local economy depends on maintaining its integrity and character. Other issues to consider include the proximity of the proposed structures to the banks of the Kangaroo River and potential environmental impact. Concerned about the increased traffic flow resulting from the proposed development, and the detrimental impacts this will have on the safety and efficiency of traffic flow along Moss Vale Road, particularly around Hampden Bridge. States that Kangaroo Valley is a unique place and needs to be protected. It is not just another urban area waiting to be exploited. To have it destroyed by speculative rezonings and subdivisions is simply unconscionable.

7.	No	Objects to the proposed rezoning, stating that Councillors and staff implemented the current zoning for very good reasons, and that if the public are to have any trust in the planning system, the zoning should be changed only for equally good reasons. Questions the viability of additional residential land when, historically, the sale of land within the village environs has been slow. States that there is an undemonstrated need for additional residential land, particularly for a development that is likely to require massive expenditure to overcome inevitable traffic problems associated with the development. Concerned that, if approved, such a development is likely to face widespread resistance from the Kangaroo Valley community, wasting huge amounts of Council time and money. Calls for better judgement from our elected representatives, and states that this proposal clearly benefits an individual however at the expense of the greater community. Isn't this central to the current corruption furore unravelling in NSW?
8.	Yes	Supports the proposal, however offers the following advice for Council to consider: 1. There is an opportunity to create a scenic walking track around the perimeter of the lot, from the Hampden Bridge along the Kangaroo River to the junction of Barrengarry Creek and up the creek to the road, joining the current walking track along Moss Vale Road. This would meet the need for public walking tracks within the Valley that are away from the main road, and may increase tourism potential with improved access to the river. Suggests implementation via a condition of consent. 2. Suggests the roads shown on the proposal are paid for by the developer, but ultimately become public roads allowing access to the public reserve along the river. 3. Concerned that some of the lots are too small, and suggests a 4000m² minimum lot size in this area, consistent with existing lots. 4. Supports the proposal for seniors housing on the cluster lot, however would like to see measures in place to ensure that this lot is used for this purpose and not low-cost rental or tourist accommodation. 5. Suggests applying conditions of consent to ensure all housing within the development fits into the amenity of the area, with environmentally sensitive design and finishes, appropriate vegetation, etc...

9.	No	Objects to the proposed rezoning at present, particularly as they live across the road from the subject site and are likely to be directly impacted by the proposal. Understands that a need for future development of Kangaroo Valley will arise and that this site may be suitable for that development, however does not believe that demand for such development currently exists. Provides comment on the two components of the proposal: the Rezoning, and the Concept Development. <u>Rezoning</u> Objects to the proposed rezoning. States that during the GMS process, it was indicated that this area was included as a “long-term 10-15 year” investigation area, and it is unclear as to why this area should be rezoned ahead of Council and State Government plans when other residential-zoned land remains underutilised. Supports the existing zone under the current LEP, as it provides greater development controls to protect the character of the area. Concerned that rezoning will remove this layer of preservation. Concerned about the potentially detrimental impacts the development will have on traffic flow, particularly around Hampden Bridge, which already forms a “choke point” for traffic. Currently, the majority of the population are on the same side of the bridge as businesses and other services, however additional traffic movements resulting from development on the northern side of the river will likely require road widening, significantly affecting neighbouring properties and changing the visual amenity of the entrance to the Village. A second bridge or residential road access across Glenmurray causeway may be triggers for considering development on the northern side of the bridge, but not before. <u>Concept Development</u> Does not object to the concept plan as provided, however states that this area should have larger yards consistent with existing development (minimum ½ acre lots, preferably 1 acre). Supports the setbacks, and use of existing facilities for scenic preservation, however expresses concern that this is a concept plan only, and may differ considerably to what is ultimately approved.
10.	Neutral	Neither supports or objects to the proposal, however thanks Council for the opportunity to comment and provides the following considerations. Concerned the development may lead to further future subdivision, potentially resulting in a ribbon development similar to that of Jenanter Drive. Additional traffic from the development may increase traffic congestion at the bridge. Council should consider that the zoning of the former Bowling Club site permits comparable development without ribbon development.

		Supports the proposal for retirement units, stating that an urgent need for such properties exists for those residents who wish to downsize without leaving the Valley. States that there is also a long-term need for low-cost housing for young Kangaroo Valley residents who cannot afford current housing prices. Urges Council to balance the need for further development against the desire to conserve the rural nature of Kangaroo Valley and its close-knit community, and consider whether the proposed rezoning and any other subsequent rezoning will satisfy genuine community aspirations.
11.	No	Objects to the proposed rezoning, however thanks Council for the opportunity to comment. Concerned about the increased traffic movements and detrimental effect to traffic that will result from the development, particularly around Hampden Bridge. Concerned that the proposal as presented is just Stage 1 of a far larger development, one that may result in additional housing blocks or cluster housing. This is a rural area and should remain as such. Housing development should be limited to the urban area south of Hampden Bridge, perhaps around the former Bowling Club site. Concerned that property prices will continue to remain beyond the reach of ageing residents and the younger generation of working families. Urges Council to seriously consider the repercussions of approving such a proposal in this location. The rural atmosphere that draws the majority of tourists to the area will be gone forever, with the town losing its uniqueness, becoming just like any other town.
12.	No	Acknowledges that a reasonable and limited amount of growth is required in Kangaroo Valley, however strongly objects to the proposed rezoning due to the number of problems associated with it. States that this rezoning constitutes ribbon development, which is contrary to the spirit of DCP 66 and something which the residents of the Valley have fought long against. Concerned about the detrimental impacts this development would have on traffic flow around Hampden Bridge. States that the bridge is already compromised by a single lane, which is congested particularly during holiday periods, and this would be exacerbated by future development.

		Concerned that approval of this rezoning will set a bad precedent, prompting many rezoning applications from other landowners hoping to cash in on their land. Questions why these particular applicants should be allowed to rezone their land when others are not, and states that they should not be allowed. Kangaroo Valley is a rural scenic escape, and should not be destroyed for the sake of a small number of people hoping to make more money. The privilege of owning land does not come with the right to destroy it. Concerned that allowing this rezoning will open the door to all kinds of future development. As no Development Application (DA) has been submitted with the proposal, it is unclear as to the type of development that will eventually be permitted on the site. States that the former Bowling Club site already has a DA with Council for over ten new houses, so at this stage there is no need to rezone precious agricultural land for additional houses that are likely to be owned by absentee landholders. States that Council already knows all this, and this rezoning deal was not something promised as part of the GMS process, nor something they want.
13.	Yes	Supports the proposed rezoning, and its potential for development of an aged care facility on the site. Mentions a previously unsupported rezoning application of Kangaroo Valley – Colys Group, 2010 – and the subsequent Council resolution and media release, which stated: “...Council also indicated its willingness to work with the Kangaroo Valley Community, through the Growth Management Strategy process, to discuss appropriate opportunities for future small scale residential and aged care development in Kangaroo Valley.” States that Committee representatives have had a number of meetings with Council staff, including one meeting with Tim Fletcher, where it was indicated that the subject site was identified as one of a very few with potential for development of a seniors accommodation complex. As a result of this advice, the Committee has opened dialogue with the owner of the subject site, advising him of the Committee's aims and that this property is one of very few in the valley with potential for a seniors living complex. States that the owner has been very sympathetic to their aims. However, notes that, after discussions with developers and operators of such facilities, the 0.57ha set aside for a cluster housing complex may not be of sufficient size for such a facility.

		States that the Committee notes that such a facility would likely require more than the 15 Equivalent Tenements (ET) currently allotted to the site. Notes a meeting held in May 2012 with Director of Shoalhaven Water, Carmel Krogh, in which it was unable to be predicted the extent of any surplus capacity above the already allocated ETs. Ms Krogh noted the Committee's objective, and advised that at that stage no application for surplus capacity had been received. States that the Committee would like to see any rezoning approval specifically note that any development should be such that it does not affect the potential for a seniors living complex to be situated within the site.
14.	No	Objects to the proposed rezoning on the following grounds: Concerned about the detrimental impacts on traffic flow, particularly regarding the site's proximity to Hampden Bridge. Concerned about increased traffic volume, turning traffic, congested access to the bridge, and adverse effects on adjacent businesses. Concerned about the degradation to the historical nature and visual amenity surrounding Hampden Bridge. Believes that housing will intrude on the environs of the bridge, resulting in a shift in amenity from picturesque to suburbanised. Concerned that, if the rezoning is approved, there may be further applications for development on the site that would compound adverse impacts on the bridge locality and the local community. States that further expansion of housing development in Kangaroo Valley needs to be very carefully considered with regards to limits to village size, maintain prime agricultural land, traffic volume, parking, sewerage capacity and general amenity. It is of high importance that the historic, scenic, rural village nature of Kangaroo Valley be maintained. If further housing development in the Valley is considered acceptable, this should be confined within existing village boundaries rather than encouraging a linear type development spread out along the main road
15.	Yes	Supports the proposed rezoning, and believes the subdivision is an excellent use of the land that, at present, has no agricultural use at all. Believes the development could not be construed as over-utilisation of the site, and should mature into an attractive subdivision with no overcrowding. States that the land is level and therefore suitable for older residents of the Valley who wish to downsize without leaving the Valley. The pathway to the village is essentially a flat path, providing comfortable access to the village.

		Believes that proposal satisfies a real need in the community and should not depreciate the values of the village. It should enhance the lifestyle through spacious blocks that will offer privacy and development of attractive homes.
16.	No	Objects to the proposed rezoning, as the area north of Hampden Bridge is a protected scenic area and should be preserved. Concerned the development would become a physical eyesore, and future development should be limited to areas such as Tallowa Dam Road and the town area. Concerned about the disruption to traffic flow around Hampden Bridge, and the apparent necessity to widen the road to accommodate the development. This would impinge on the frontages of homes on both sides of Moss Vale Road.
17.	No	Objects to the proposed rezoning, and is amazed that Council would even consider the application, as Kangaroo Valley is the most beautiful valley in Australia and should be preserved for eternity. Concerned that such a rezoning would set a precedent that would destroy the Valley forever, for which Council would be responsible. Calls for Council to take their responsibility seriously, and not give into greed-driven action.
18.	No	Objects to the proposed rezoning, and feels that future expansion of Kangaroo Valley should be limited to the southern side of Hampden Bridge. Potential traffic problems could arise from the development, which is likely to require road upgrade and widening. This would greatly affect the residents living along the opposite side of Moss Vale Road. Concerned that future use of the site would not be limited to that which is presented in the concept plan provided with the proposal. The peaceful country atmosphere of Kangaroo Valley could be spoiled forever. Calls for Council to consider the rural tranquillity of Kangaroo Valley when making their decision regarding the rezoning of this land.
19.	No	Objects to the proposed rezoning as it is contrary to what the Kangaroo Valley community were advised during GMS meetings in 2012. States that it was indicated that the subject site, together with all other sites identified in the Valley, was part of the "long-term" investigation area, and that future development was likely to occur 10-15 years away.

		States that they were promised this was just Version 1 of the GMS, and that further consultation would be forthcoming. Such consultation has not occurred. Concerned about the potential layout of the future subdivision. The land is currently agricultural land used for crops, vineyard and olive trees. The owner has indicated that the olive grove could be used for retirement accommodation in the future. Concerned that the proposed use of the site is unsuitable because of its proximity to Hampden Bridge, which is listed as a State Significant heritage item. Additionally, the traffic problems would be horrendous. Concerned about the perceived need for additional residential development. The town is isolated and offers little job opportunities. States that there are over 50 properties currently available for sale, and the former Bowling Club site, which is correctly zoned for development, has a DA before Council that will provide up to 12-15 more housing lots. States that if we are to keep Kangaroo Valley one of Shoalhaven's jewels, then we must avoid linear development and the further breakup of agricultural land. One person's development request must not overcome the real needs of this community.
20.	No	Objects to the proposed rezoning as it is contrary to what the Kangaroo Valley community were advised during GMS meetings in 2012. States that it was indicated that the subject site, together with all other sites identified in the Valley, was part of the "long-term" investigation area, and that future development was likely to occur 10-15 years away, when a need for additional housing had been identified. Concerned that, one year on from the GMS process, a proposal has been submitted to Council without establishing whether this need for additional housing has arisen. If it has not arisen, then the land should not be rezoned. If the need has arisen, exactly what is to be built on the rezoned land? States that, if the need for additional land has been established, then a specific building plan for the land should be presented to allow neighbours and the community opportunity to comment on the exact proposal, rather than a conceptual housing plan that may not eventuate.

21.	No	Objects to the proposed rezoning due to inconsistencies with the following planning documents: 1) <u>Contrary to the DCP 66</u>-changes of this magnitude should initiate a review of the DCP Conflicts with DCP 66 are; a) Page 2 of the document shows that Lot 14 is outside the Village and is part of the Environs. This request is therefore a clear expansion along Moss Vale Rd and is a strip development and sets a precedent for more. b) Objective of the DCP 66 –the first objective is “ to maintain the unique rural character of the village” c) The property is clearly agricultural zone and as a buffer for the village is shown on the DCP 66 main drawing to “Maintain and extend vegetation backdrop/buffers and reinforce planting to creek systems.” d) Traffic Generating Development (point 5.6-page 6) is defined in the DCP (page 4), clearly states development should have minimal impact on residential amenity and through traffic. A zone change for the lot 14 would generate in excess of 150 car movements per day (RTA) and with the existing food centre and spare land to be developed in the future, the development would certainly impact on the Hampden Bridge access and the amenity of the neighbours on Moss Vale Road. 2) <u>Contrary to the Growth Management Strategy</u> a) Desired future character (point 7.4.5-page 89) states “to be determined in conjunction with the community following additional engagement and consultation for 2013 as part of version 2 of the GMS. Why has this project jumped the queue? b) Version 1 was presented as a fait accompli at the public exhibition on Aug 8 2012. The vast majority present soundly rejected the proposed expansion areas promoted by staff. The only exceptions were the various developers. c) Timing of strategy (point 7.4.8) -the attendees at the above noted exhibition were verbally told that all areas would be strategy for the future with no exceptions. The document clearly states “Long Term Investigation Area “(any development would occur in 15 years from now –page 99). Again, why has this development jumped the queue? d) The map in the GMS on page 91 showing proposed growth areas in K.V specifically notes that all areas highlighted were to be ‘long term investigation areas’. The attendees left the meeting with this commitment clearly stated by staff. 3) <u>Media Release-dated November 2010</u> Issued by council to announce the Council’s resolution to not support the Colys Pty Ltd rezoning/planning proposal made it quite clear that “In resolving not to support the rezoning proposal Council also indicated its willingness to work with the Kangaroo Valley Community, through the Growth Management Strategy process, to discuss appropriate opportunities for future small scale residential and aged care development in Kangaroo Valley” This commitment has clearly not been adhered to.
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		4) <u>South Coast Regional Strategy</u> General-Kangaroo Valley is a village not a town. The actual village only has approximately 110 houses (Jenanter Drive is not considered in the village under DCP 66 and not zoned village). Many of the houses are not owner occupied being long term rent, short term tourist lets or remain empty until owners visit. The South Coast Regional Strategy deems us a village. a) Page 38- “ only consider additional development sites if it can be demonstrated that they satisfy the ‘ sustainability criteria’ This criteria is not available to the public to make a valued judgement and the communities acceptance with this limited information could initiate the Gateway Process. b) Page 21 (23)- “ smaller and more isolated villages should be a low priority for development given the lack of potential of these settlement to reach critical thresholds for service delivery” c) Page 22- Outcomes “future urban development will be prioritised to support infill housing as well as new residential subdivisions located adjacent to existing well serviced centres and towns away from isolated and sensitive location”. Kangaroo Valley is not a ‘well serviced centre’, is isolated and is a sensitive location. Further, there is little prospect for work. e)Page 28 -“agricultural lands will be protected from urban expansion and unplanned rural residential development”. This property is zoned agriculture, has been farmed in the past and is farmed now. It is bounded by two water courses with water extraction rights. 5) <u>Access</u> - Previous attempts to develop this site were thwarted by the conditions applied by the RMS. Conflict at the access of the north entry of the Hampden Bridge with its angle of approach, required extensive lane widening with serious effects on existing shops, residences and the Pioneer Farm. Parking would also be lost or restricted. The standing tourist development DA which has been active for 12 -15 years (?), could not attain access and therefore he sold out and left. States that there are ample sites within the village, and as a long-term strategy to the south along Mt Scanzi Road. It is unacceptable to destroy the public’s perception of a quaint tourist village and over-ride long-term planning. Residents are willing to have true Community Consultation, input into the GMS and/or a review of DCP 66.
22.	Yes	Supports the proposal and feels the subdivision layout is an excellent use for this land. The development seems simple and spacious and would probably become an attractive wee suburb of Kangaroo Valley. Believes the proposal meets a real need in the Valley to settle the older residents, without forcing them from the Valley.

23.	No	Kangaroo Valley Community Association (KVCA) circulated impartial information on the proposal to a wide range of community members and asked them to respond directly to Council with copies to KVCA. The issues raised include the following: • “Need” – who has established this? • No consultation – after the initial meeting in August 2012 residents were told there would be more consultation would follow. • Deceptive information – residents expected the 10 to 15 years advised at the community meeting to be honoured. • Location – most were against any expansion – particularly linear style – of the Village • Traffic congestion at Hampden Bridge – single way Bridge; current difficult approach angles, etc. • Contrary to DCP 66 • Contrary to South Coast Regional Strategy • No mention is made in the Concept Proposal of what will become of the remaining portion of Lot 14 once rezoning occurs. • Loss of agricultural land • Sets a precedent – three adjoining properties are part of the identified land in this area under Version 1 Growth Management Strategy. Should other landholders not be given the same advantage? With just one exception, all responses were against this rezoning application. Only a group seeking a location for an aged care facility expressed some support, yet this is not included in the Concept Proposal. Therefore, the KVCA cannot support this proposal. The Association would support planned development in other locations in consultation with the community.
24.	No	Strongly objects to the proposed rezoning as this will represent a loss of agricultural land, which is an important part of the aesthetics of Kangaroo Valley. Concerned about the potentially dangerous disruption to traffic flow, particularly around Hampden Bridge. Questions the viability of further development in the area due to the number of properties currently for sale, many of which have been for sale for a number of years. States that this demonstrates a lack of demand for further housing development in Kangaroo Valley, other than for the profiteering of the real estate agents or developers at the expense of the Kangaroo Valley.