



Mr Raoul Harper  
General Manager  
Flinders Council  
4 Davies Street  
Whitemark  
FLINDERS ISLAND 7255

18 December 2013

Dear Raoul,

**RE: Development Application 247 West End Road, Leeka, Flinders Island**

This letter is prepared in support of a proposal by Cohen & Associates Pty Ltd on behalf of Mr Allen Bryan for the subdivision at land identified in CT228091/1.

The proposal is aimed to create three new lots of the subject land as detailed within the Plan of Subdivision prepared by Cohen & Associates Pty Ltd as well as a road lot to rectify the public road encroachment which will in turn be transferred to Council. One title currently exists and it is proposed to create three lots, Lot 1 – 3 hectares, Lot 2 – 1.3 hectares and Lot 3 – 2 hectares. An Agricultural Report prepared by AK Consultants concludes that “the title has no agricultural value now and no agricultural potential. The majority of the title supports a threatened vegetation community (*Callitris rhomboidea* forest (NCR)) and is likely to support from threatened flora and possibly threatened fauna, however none were identified on the site visit. The subdivision will have minimal impact on the identified natural values.”

The subject land is zoned Rural within the Flinders Planning Scheme 1994 (the Scheme) and is within the “ecologically sensitive” special area. Subdivision has a discretionary development status.

The proposed subdivision furthers the Intent and Desired Character of the Rural Zone. The land in question does not have a recent history of farming activities. The proposal to subdivide the land and create two (2) additional allotments does not contradict the Intent or Character Guidelines of the Zone.

The development of two additional lots allows for buildings to be constructed at substantial distances from the road frontage, at least similar to existing dwellings and buildings located adjacent to Lot 2 and 3. The combination of Natural Values assessment and Bushfire Hazard Assessment, provide adequate building areas to both ensure safety from risk of bushfire and gives consideration to the natural vegetation. All new lots provide opportunities for buildings to be separated physically apart, similar to the dwellings located within a few hundred metres of the subject site. The configuration of the lots and the location of existing access points provides for further physical separation of single dwelling locations on each of the two proposed new lots. The proposal is consistent with the rural characteristics of the surrounding area and hence context. A number of small allotments are located along this section West End Road. The proposed density is considered to be consistent with the character of the area and will not detract from the rural context and hence character of the zone, due to the existing physical division of the lot by West End Road.

The land has not previously been utilised for agricultural activities due to the constraints as outlined in the report by AK Consultants. It is noted that the anticipated purpose of the subdivision is to provide 3 larger allotments which could potentially be for the purpose of accommodating residential development. It is noted though that development, other than subdivision works, is not proposed at this stage, it is noted that the potential of the land for agricultural activity or adjacent agricultural activities would not be jeopardised by the siting of residential development.

Clause 5.8.3(a) of the Scheme states that the 'minimum lot size is 40 hectares'. The subdivision proposed shows that all allotments will be less than 40 hectares in area (3ha, 1.3ha and 3ha respectively). Clauses 5.8.3(b) and (c) are therefore applicable. All lots less than 40 hectares are for a use consistent with point (ii) of Clause 5.8.3(b). The subject property is not currently used for agricultural activities and has very limited potential. The lots will not be used for an intensive agricultural use due to constraints of the site. The Zone Intent and the Desired Zone Character and Zone Guidelines, allow for non-agricultural uses that are considered compatible in certain circumstances. As such, future development on the three lots could be considered a consistent non-agricultural uses.

Clause 5.8.3(c) requires a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant. The Agricultural Report prepared by AK Consultants clearly outlines that the existing land and proposed subdivision and subsequent lots of less than 40 hectares are not suitable for agricultural use, due to the existing constraints of the land. There will be no impact on the ability to conduct



agricultural activities through a reduction in lot size purely because the land is not capable of supporting agricultural activity. If both of the vacant lots were to be further developed in the future, development is not considered to adversely impact the agricultural capacity of the land on the adjoining properties. It is considered that the subject property does not exhibit any agricultural capacity, due to the many constraints on the site.

The proposal is considered to be consistent with Clause 5.8.3(b) and (c) and furthers the Intent and Desired Character of the Rural Zone within the Flinders Planning Scheme 1994, and should therefore be considered for approval.

Kind Regards,

A handwritten signature in black ink that reads 'Rebecca Green'.

Rebecca Green

Senior Planning Consultant  
m – 0400 058 958  
e – rgreen@planningds.com.au