

Ms Jo Oliver  
Senior Consultant Town Planner  
Flinders Council  
4 Davies Street  
Whitemark  
FLINDERS ISLAND 7255

28 October 2013

Dear Jo,

**RE: Development Application Harleys Road, Whitemark**

This letter is prepared in support of a proposal by Cohen & Associates Pty Ltd on behalf of Mr Jason Lees for the subdivision at land identified in CT164994/5.

The proposal is aimed to create two new lots of the subject land as detailed within the Plan of Subdivision prepared by Cohen & Associates Pty Ltd. One title currently exists and it is proposed to create two lots, Lot 1 – 15 hectares, and Lot 2 – 26 hectares. An Agricultural Report prepared by AK Consultants concludes that “the proposed subdivision productivity or potential of the land. The title is dominated by bracken fern and does not have any existing agricultural value and has very little agricultural potential due to size of title, current land use, isolation Land Capability limitations and lack of irrigation water resources.”

The subject land is zoned Rural within the Flinders Planning Scheme 1994 (the Scheme). Subdivision has a discretionary development status. It is also noted that part of the land is with the Buffer Area located around an adjacent quarry. We note that the quarry is very low impact as there is no blasting or crushing, the material is only excavated and transported away. We also understand that the quarry activities have now moved further east. It is our understanding that the Buffer Area will be removed in the proposed Interim Planning Scheme and become a performance based assessment of any future development upon the proposed three lots. The existing Scheme and Buffer Area currently prohibit residential use on the lots; however there are currently many other allowable uses that may occur on the lots.

A number of dams located south of Lot 2 form part of the Whitemark water supply. Cohen and Associates Pty Ltd have obtained initial comments from Ben Lomond Water management that they do not have any issues with the proposal.

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 one (1) additional allotment does not contradict the Intent or Character Guidelines of the Zone.

The development of two lots allows for buildings to be constructed at substantial distances from the road frontage, at least the same or further than existing dwellings and buildings located adjacent to Lot 1 and Cemetery Road. Both lots are considerably wide lots, providing opportunities for buildings to be separated physically apart, similar to the dwellings located within a few hundred metres of the subject site (i.e. approximately 300m separation is possible). 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 lots. The proposal is consistent with the rural characteristics of the surrounding area and hence context. A number of smaller allotments (many smaller than the proposal) are located along Harleys Road, Cemetery Road and Memana 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.

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 (whilst not possible with the current Buffer Area) is to provide 2 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. The standard setback requirement is considered adequate except for the northern boundary of Lot 2 and the southern boundary of Lot 1, where a 50 metre setback is recommended by AK Consultants and could be conditioned on any approval.

Clause 5.8.3(a) of the Scheme states that the 'minimum lot size is 40 hectares'. The subdivision proposed shows that both allotments will be less than 40 hectares in area (15Ha and 26Ha respectively). Clauses 5.8.3(b) and (c) are therefore applicable. Both 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 two 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 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.

Whilst the Buffer Area currently prohibits residential forms of development, other forms of development are capable of being provided. 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](mailto:rgreen@planningds.com.au)