



Consultant Town Planner  
Flinders Council  
4 Davies Street  
Whitemark  
FLINDERS ISLAND 7255

30 November 2015

Dear Sir/madam,

**RE: Development Application – North East River Road, Palana**

This letter is prepared in support of a proposal by Cohen & Associates Pty Ltd on behalf of M.G. and P. Willems for a four lot subdivision at land identified in CT 115105/1.

The proposal is aimed to create Lot 1 – 28.44 hectares, Lot 2 – 29.92 hectares, Lot 3 – 25.15 hectares and Lot 4 – 15.89 hectares as detailed within the Plan of Subdivision. One title currently exists and it is proposed to create three additional lots. The site is located on North East River Road. To the south of North East River Road an area is cleared for a landing strip and is bordered to the east, south and west by the Wingaroo Nature Reserve. The site is vegetated with heathland and scrub with small sections of cleared land directly adjacent to the road. The scrub and heathland has regenerated from previous clearing.

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 the north-western tip of the lot is within the Visually Sensitive Special Area.

The proposed subdivision furthers the Intent and Desired Character of the Rural Zone. The proposal to subdivide and create three additional lots does not contradict the Intent or Character Guidelines of the Zone. The title has very marginal agricultural value now and has little (if any) agricultural potential for development for primary industry purposes, as detailed further with the Agricultural, Natural Values and Bushfire Report prepared by AK Consultants.

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, the future development on all lots is to be considered as compatible, considering the size and shape of the lots and the fact that the site is considered to have very marginal agricultural value currently and little to no agricultural potential. The development allows future separate ownerships, no future development or new or intensification of uses are proposed at this point in time. The configuration of the lots and the location of existing access points provides for physical separation of the 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 of North East River 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 of the site. It is noted that the potential of the land for agricultural activity and adjacent agricultural activities would not be jeopardised by the siting of future residential development and/or extensions.

Clause 5.8.3(a) of the Scheme states that the 'minimum lot size is 40 hectares. The subdivision proposed shows that all lots will be less than 40 hectares in area (ranging from 15.89 hectares to 29.92 hectares). 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). There is no irrigation water resources associated with the title and there is no capacity to develop irrigation on the title. The published land is all Class 5 land capability with the exception of a small portion of Class 6 associated with the more elevated and steeper land on the north-western boundary corner.

The site possesses only very marginal agricultural value; it is unlikely that investing in developing the subject title for primary industry use in conjunction with adjacent farming titles would provide a reasonable return for investment.

Clause 5.8.3(c) requires a detailed assessment of the proposal prepared by a suitably qualified, independent, agricultural consultant. The 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.

Schedule 7 of the Planning Scheme requires consideration in relation to Bushfire Prone Areas. The subdivision is designed so that lots are of sufficient size and appropriate shapes to provide separation from potential risk to future buildings. The provision of water supply and access construction at the time of future development upon the lots will be required to meet Code requirement.

The 'Visually Sensitive' area mapped on the north-western tip is likely that it is not within the subject title at all and in fact a cadastre issue. No vegetation clearing would be proposed in this small section of the subject site anyway due to the terrain being quite steep.

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". The signature is written in a cursive, flowing style.

Rebecca Green

Senior Planning Consultant mob: 0409 284 422