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Mr Jason Bailey
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Department of Planning, Transport and Infrastructure

By email: dptiplanningreformsubmissions@sa.gov.au



URPS

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Dear Jason,

Draft Planning and Design Code – Submission on behalf of Thomas Food International.

URPS acts on behalf of Thomas Foods International (TFI).

Background

In January 2020, TFI lodged a \$300 million development application with the Rural City of Murray Bridge for a whole of cycle stock processing facility (including composting facility). The development application will be processed as a “merit” development and is a Category 2 application for the purpose of public notification.

The development is of State and national significance and is being coordinated with the State Department for Trade, Tourism and Investment.

The Subject Land

The subject land for the purposes of this submission comprises the five allotments comprised in the following:

- (a) Certificate of Title Register Book Volume 5320 Folio 898;
- (b) Certificate of Title Register Book Volume 5320 Folio 903;
- (c) Certificate of Title Register Book Volume 5928 Folio 982;
- (d) Certificate of Title Register Book Volume 6146 Folio 866.

Current Development Plan

The subject land is located in the Primary Production Zone of the Murray Bridge Council Development Plan (consolidated 21 February 2019). It is also located in the North Central Policy Area 5.

Intensive animal keeping is listed as an envisaged land use.

Proposed Planning and Design Code

Under the draft Planning and Design Code, the TFI site will be placed within the Rural Zone. The draft Code also introduces a Dwelling Excision Overlay over the subject land.

Other proposed overlays are:

- Environment and Food Production Area Overlay;
- Hazards (Bushfire – General Risk) Overlay;
- Murray Darling Basin Overlay;
- Native Vegetation Overlay; and
- Prescribed Water Resources Area Overlay.

The policies also desire a minimum allotment size of 400000 square metres, (40 hectares).

Recommended Amendments to the Planning and Design Code

“Rural vs Rural Intensive Enterprise” Zone

The draft Code is proposing the incorporation of the Rural Zone. However, a more appropriate Code Zone is the Rural Intensive Enterprise Zone. The latter’s Zone Policy Objective states *“The productive value of land for a range of intensive rural activities (such as intensive animal husbandry) and associated value adding processing, processing of animal and food products (including stock slaughter works), washing and packing of produce, bulk commodity storage, feed and hay processing, storage, warehousing and distribution activities is supported, protected and maintained. The proliferation of dwellings and other land uses that may be sensitive to those activities is avoided.”*

The Code’s Rural Intensive Enterprise Zone appears to better reflect the intensive nature of the TFI activities and the need to avoid threatening encroachment of sensitive land uses on intensive agricultural activities.

Sensitive Uses - Restricted Development

The subject land was selected for the \$300 million development because of its significant distance away from dwellings (not owned by TFI).

Given this important State and national facility, the long-term operations of the facility needs to be protected from incremental encroachment from sensitive land uses (including dwellings). Sensitive uses (as defined in Part 7 of the Code within 1 kilometre of the TFI facility) should be classified as “restricted” development.

Overlays

The TFI site and surrounding land (say within a 1-kilometre buffer from the allotment boundaries of the TFI site) should have the benefit of the proposed “Significant Industry Interface” and “Dwelling Excision” Overlays.¹ This will further discourage sensitive uses being established within the buffer area.

¹ These overlays should not prevent TFI with the opportunity to construct a caretaker’s residence or workers accommodation.

The expression of the Native Vegetation Overlay needs to be reviewed. We acknowledge that PO 1.1 anticipates that where it cannot be practically avoided, the removal of native vegetation is envisaged. However, the following DTS / DPF's appear to undermine the policy by requesting a declaration should be submitted with an application stating that no native vegetation will be removed.

Performance Assessment Development Policies

The Rural Intensive Enterprise Zone incorporate policies that in our opinion are not required and are not reflective of contemporary high-quality agribusiness developments. Some of these provisions include the following:

- The policies state that agricultural buildings should not have a total floor area exceeding 250m² nor a height of more than 10 metres. Many medium to large-scale rural industries will have a floor area of greater than 250m². With respect to the current development application, the main processing building will have a length of some 450 metres and a width of up to 175 metres. The building is relatively tall in order to accommodate the processing and storage areas having roof heights of between 13.3 metres and 20.2 metres. The Code's proposed policies are inappropriate.

We appreciate that these are only Designated Performance Features (DPF) and that they are used by planning authorities as an example of how to interpret the Performance Outcomes. We further appreciate that it is intended that the DPFs should not derogate the need to assess development applications on its merits against all relevant policies. However, we are concerned that some planning authorities will use these DPF as a "benchmark" and interrogate any significant variation to the benchmark.

These policies should be suitably amended to ensure they are not a hinderance to future agribusiness.

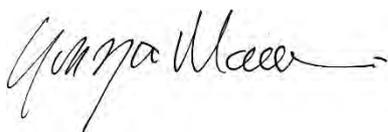
Summary

As the State will appreciate, the need to ensure an effective buffer around the TFI site is criterial to its long-term operations. Planning policy should be drafted to avoid any risk of the encroachment of sensitive land uses (e.g. dwellings) within 1 kilometre of the TFI allotment boundaries.

Having regard to the scale of operations proposed on the TFI site, the Code's Rural Intensive Enterprise Zone (with amendments as recommended in this submission) is a more appropriate zone that reflects TFI operations.

We would be pleased to meet with you to discuss these recommended updates.

Yours sincerely



Grazio Maiorano RPIA (Fellow)

Director

CC Nicolle Sincock, Department for Trade, Tourism and Investment
Michael Sedgman - Chief Executive Officer - The Rural City of Murray Bridge.