



17 November 2020

Michael Lennon  
Chair – State Planning Commission  
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Dear Michael

**Planning and Design Code – Submission on behalf of Mitolo Family Farms - 1304 Angle Vale Road, Virginia.**

URPS acts on behalf of Mitolo Family Farms (MFF).

**Previous Submission**

In response to the release of the draft Planning and Design Code (Code) in late 2019, MFF provided a submission to the State Planning Commission (SPC). The submission highlighted the importance of transitioning the draft City of Playford Value Adding (Virginia) Development Plan Amendment (DPA) into the Code<sup>1</sup>. The DPA was prepared concurrently with the Section 46 Ministerial declared major development affecting the MFF Virginia site.

The DPA and major development declaration sought to foster continued investment at the MFF site.

I have attached a PowerPoint previously presented to the SPC in support of the major development declaration.

**The Site**

The MFF Virginia site is the the principal South Australian processing, packaging and administration base for MFF fresh potato and onion operations. The operations occurring at Virginia have grown to be one of the largest, if not the largest, of its nature in Australia, bolstered by the recent acquisition of the Thomas Foods International potato business.

The Virginia facility incorporates the following Certificates of Title:

- Volume 6206 Folio 503

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<sup>1</sup> The DPA was authorised by the Minister for Planning on 30 April 2020.

- Volume 6171 Folio 860
- Volume 6171 Folio 859
- Volume 5566 Folio 93.

### Recent DPA and Existing Major Development Declaration

MFF is progressing the planning investigations associated with the major development declaration affecting the Virginia site.

The recently approved DPA also provided MFF with longer term confidence to continue to reinvest at the Virginia site. The intent of the DPA was to recognise the presence and the economic significance of the activities, along with the unique characteristics which come with operations of this nature. Key policy outcomes from this DPA included the introduction of the 'Value Adding (Virginia) Policy Area 25' within the Primary Production Zone. Amongst, other things, this Policy Area recognises:

- The State significant industrial nature of the activities occurring on the sites
- The need and support to accommodate ancillary office and shop space which is not constrained by arbitrary floor space limits
- The need and support to accommodate buildings of significantly larger scale and height than otherwise may be anticipated
- The accompanying road transport terminal and warehouse type activities which comes with packaging, processing, and movement of horticultural produce
- Activities and operations will be of a 24-hour nature.

### Revised Code

The current draft of the Code proposes to zone the sites 'Rural Intensive Enterprise Zone' and apply the following Overlays:

- Defence Aviation Area Overly (Airport Defence (Area Control) Regulations Overlay – All structures over 90 metres
- Building Near Airfields
- Defence Aviation Area
- Environment and Food Production Area Overlay
- Hazards (Flooding)
- Hazards (Bushfire – General)
- Hazards (Flooding – General)
- Major Urban Transport Routes
- Prescribed Wells Area
- Regulated Trees
- Traffic Generating Development
- Water Resources.

While the Code’s proposed Rural Intensive Enterprise Zone is a better outcome than the previous Horticulture Zone, it erodes many of the policies authorised by the Minister in April 2020 via the mentioned proponent funded DPA.

## Proposed Code Amendments

### Virginia Value Adding Subzone

In the absence of applying a bespoke zone as originally requested, it is now considered even more important to insert a subzone which recognises the significance of both the current and future activities on the sites. Further, a subzone would provide for the facilitation of development in a manner which is consistent the intent of Value Adding (Virginia) Policy Area 25 as inserted via the Value Adding (Virginia) DPA; the policies of which have not been carried through into the Code.

Of particular relevance for inclusion within a subzone is policy which addresses the following:

Policy shortfall	Code’s Rural Intensive Enterprise Zone	Proposed Subzone policy Content
<b>Land Use and Intensity – Anticipated land uses</b>	DTS/DPF 1.1 – absence of land uses including shop and office	The DPA specifically anticipates the development of ancillary activities in the form of: <ul style="list-style-type: none"> <li>• Shop</li> <li>• Office</li> </ul>
<b>Land Division</b>	DTS/DPF 4.1 - Ambiguity as to minimum site area	Identification of a minimum site area of 0.5 ha for consistency with the current Development Plan
<b>Agricultural Buildings</b>	DTS/DPF 5.1 – restrictive criteria: <ul style="list-style-type: none"> <li>• Minimum site area of 40 hectares.</li> </ul>	Value Adding (Virginia) Policy Area 25 incorporates only 11 hectares. The Major Project declaration affects a smaller area. The Major Development declaration illustrates that state significant and intensive rural value adding sites don’t necessarily require 40 hectares of land area.  The Subzone should be cognisant of this fact and provide for a reduced minimum site area.
	<ul style="list-style-type: none"> <li>• Minimum setback distances of 40 metres.</li> </ul>	Where incorporated with appropriate build form design and landscaping, a significant smaller

Policy shortfall	Code's Rural Intensive Enterprise Zone	Proposed Subzone policy Content
		<p>setback provision is appropriate. The current MFF architecturally designed administrative centre has a setback of some 10 to 13 metres.</p> <p>The subzone needs to recognise reduced setbacks are appropriate in this circumstance.</p>
	<ul style="list-style-type: none"> <li>Maximum building height of 10 metres.</li> </ul>	<p>Intensive agribusiness buildings will incorporate taller buildings. As an example, the Mitolo Major Development proposal incorporates a maximum building height of approximately 17 metres, plus.</p> <p>The subzone should reflect the need to accommodate buildings of more substantial bulk and height.</p>
	<ul style="list-style-type: none"> <li>Maximum floor area of 250 square metres.</li> </ul>	<p>Having regard to the performance outcomes of the zone, the 250 square metre office building restriction appears to be contrary to the objectives of the zone and the identified intentions for the sites identified in the existing Policy Area. MFF will require office space in the order of 400 to 500 sqm, plus</p>
<b>Miscellaneous</b>	Desired Outcome Table 2 – Deemed to Satisfy Development Classification and Table 3 – Applicable Policies for Performance Assessed Development	There is a need for the Subzone to recognise and specifically anticipate 24-hour operations. This should be reflected in the Desired Outcome of the Subzone and the appropriate assessment tables.

## Conclusion

The Virginia MFF facility is of national Significance and in our view, it is unlikely that any other potato and onion processing facility within Australia comes close to the scale that is proposed for the sites. This significance has been recognised by the City of Playford via the Value Adding (Virginia) DPA which was

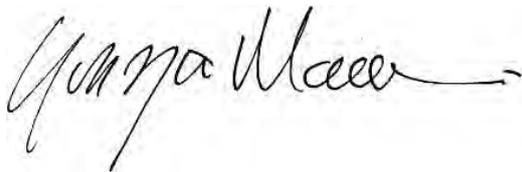
gazetted on 30 April 2020. It is however noted that the absence of this distinct policy within the Code is a shortcoming which must be addressed.

Whilst our preference remains for the sites to transition to the Code via a bespoke zone, it is acknowledged that the intention for the sites can be realised by an appropriately constructed Subzone. The content of this Subzone needs to reflect that which is contained in the current Value Adding (Virginia) Policy Area 25.

MFF has invested significantly in its operations and will continue to do so via the major development application. Its long-term growth is dependent on planning controls that provides certainty for its future expansion plans (beyond the major development process).

The current proposed changes are not considered appropriate and in some instances represent a retrograde position from the policy adopted via the DPA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grazio Maiorano', with a long horizontal flourish extending to the right.

Grazio Maiorano  
**Director**