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Department of Planning, Transport and Infrastructure

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Dear Jason

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

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

Background to the Mitolo Family Farms

MFF is a family owned company based in South Australia and is the largest supplier of fresh potatoes and onions in Australia. It has over 35 years' experience of growing, harvesting and packing, with a focus on supplying the freshest produce to Australia's supermarkets, market wholesalers and numerous export markets.

MFF owns several thousand hectares across Australia and also purchases from suppliers that have another 3,000 to 5,000 hectares of land. These sites are located at:

- South Australia
 - > Virginia
 - > Riverland: Nildottie, Woolpunda, Pyap and Overland Corner
 - > Mallee: Pinnaroo, Peebinga, Parrakie, Karte and Yarrahville
- Victoria
 - > Thorpdale
- New South Wales
 - > Hillston
 - > Eastern Creek (Packing and Distribution Facility)
- Queensland
 - > Lockyer Valley
 - > Atherton.

As a result of its ability to provide a reliable, consistent high-quality year-round supply of produce, the Group's potatoes and onions are sold in most States and Territories. Large shipments of the MFF's onions

are currently exported between January and November to Canada, Fiji, France, Italy, Malaysia, Norway, The Netherlands, Germany, Japan, the Seychelles, Spain, Taiwan, Kuwait, United Arab Emirates and the United Kingdom.

Some 50 administration staff and 150 other workers are employed at the Virginia site with MFF employing between 690 – 750 people Australia wide.

MFF was recently showcased on ABC Catalyst. Refer to iview (Feeding Australia (Part 1) Foods of Tomorrow).

Facilities at Virginia

MFF's potato and onion facility located on the corner of Angle Vale and Johns Road, Virginia incorporates two major processing lines which have a combined daily packing capacity of 500 tonnes. Potatoes are dug, washed, packed and shipped within 24 hours. MFF's aim is to provide the freshest supply possible.

The onion processing line at Virginia has the capacity to pack around 100 tonnes of onions daily, with machinery used to remove outer husks and stems and then to size the onions.

The Virginia facility incorporates the following Certificate of Titles:

- Volume 6206 Folio 503
- Volume 6171 Folio 860
- Volume 6171 Folio 859
- Volume 5566 Folio 93.

Concurrent Major Development and DPA

The Minister has declared the Mitolo Virginia site as a Major Development pursuant to Section 46 of the Development Act. The Minister has issued the associated Guidelines for the preparation of the Development Report. MFF is currently preparing the required documentation to progress the application.

Concurrently, Council is finalising the City of Playford Value Adding (Virginia) Development Plan Amendment (DPA). The DPA seeks to provide long term certainty to MFF. The DPA has completed its public consultation process and Council staff are progressing with finalisation of the DPA.

The DPA recognises that in order to provide more certainty for the significant agri-business proposal, it is considered necessary to amend policies in the Development Plan to provide greater recognition for larger-scale agri-business facilities that have an industrial/commercial nature and appearance.

In accord with this objective, the proposed Value Adding (Virginia) Policy Area contains the following extracts from the draft Desired Character statement:

“Development within the policy area will be of an industrial nature, primarily in the form of largescale processing, value adding, packing and storage of primary produce. Produce may be sourced locally, regionally or interstate. Other uses in the policy area may include offices and shop where associated with, ancillary and subordinate to the principal processing activities in the policy area. Where directly associated with industry envisaged in the policy area, ancillary handling

(including the loading and unloading of vehicles used to transport received and processed goods) and distribution activities are envisaged.

Industrial building(s) housing plant and or loading/unloading facilities, including structures that require a specified clearance for larger commercial vehicles and processing and packaging machinery used in the handling and transport of produce, will necessarily be of a substantially larger scale and building height than typically envisaged in other parts of the zone.”

In addition to the abovementioned MFF allotments, the DPA affects three allotments fronting Johns Road (not owned by MFF). These allotments are identified by the following Certificates of Title:

- Volume 5566 Folio 91
- Volume 5312 Folio 387
- Volume 5566 Folio 90

Proposed Planning and Design Code

Under the draft Planning and Design Code, the Mitolo site is proposed to be zoned “Rural Horticulture”. The site is also proposed to be affected by the following overlays:

- Defence Aviation Area Overly (Airport Defence (Area Control) Regulations Overlay – All structures over 90 metres
- Major Urban Transport Routes Overly
- Traffic Generating Development Overly
- Environment and Food Production Area Overlay
- Limited Land Division Overlay
- Hazards (Bushfire – General Risk) Overlay
- Hazards (Flooding) Overlay
- Prescribed Wells Area Overlay
- Regulated Trees Overlay

The following table provides our summary response to the proposed Code provisions.

Code Provisions	URPS Response
<p>Rural Horticulture.</p> <p>The zone is set aside for:</p> <ul style="list-style-type: none"> (i) <i>“Intensive agriculture in the form of horticulture and associated value adding enterprises and activities”</i> and (ii) <i>“the establishment of <u>appropriately scaled industries</u> for washing, processing, bottling and packaging</i> 	<p>This zone does not appropriately recognize the national / international scale of MFF. Reference to “appropriately scaled industries” is a retrograde position from the current DPA that seeks “large scale” operations. Moreover, it fails to recognise the nature and scale of the existing and approved land use currently occurring at the site.</p>

Code Provisions	URPS Response
<p><i>primary produce and servicing and supporting horticulture”.</i></p> <p>The Zone also desires:</p> <p>(iii) <i>Offices to have a gross leasable area <u>not exceeding 100m2.</u></i></p> <p>(iv) <i><u>Industry, store, transport distribution and/or warehouse with a total floor area greater than 250m2 will be publicly notified.</u></i></p>	<p>The proposed 100 square metres office provision is inappropriate. MFF will require approximately 350 square metres of office space on the Virginia site. This is reflected in the DPA. The DPA removes any relevant quantifiable office floor area restrictions. Furthermore, the proposed public notification proposed by the Code is also inappropriate. With respect to public notification, the DPA notes that Category 1 Public Consultation (e.g. no notification) includes reference to “Industry other than special industry, that includes processing, packing, storage or distribution of primary produce (including associated site works and activities in association with, ancillary and subordinate to the industry) within Value Adding (Virginia) Policy Area 25, except where the development involves a prescribed activity of environmental significance as defined by the Environment Protection Act 1993.</p>
<p>Defence Aviation Area Overly (Airport Defence (Area Control) Regulations Overlay</p>	<p>No significant implications.</p>
<p>Major Urban Transport Routes Overly</p>	<p>Clarity is required if this overly directly affects the Mitolo site.</p>
<p>Traffic Generating Development Overly</p>	<p>No significant implication. Referral to Commissioner of Highways still anticipated.</p>
<p>Environment and Food Production Area Overlay</p>	<p>Current legislation identifies the site within the Environment and Food Production Area. No amendments are proposed by the Code.</p>
<p>Limited Land Division Overlay</p>	<p>The DPA seeks to incorporate greater flexibility for land division were associated with the proposed value adding developments.</p>

Code Provisions	URPS Response
	Contrary to the provisions of the DPA, the proposed overlay inappropriately restricts future land division.
Hazards (Bushfire – General Risk) Overlay	The Current Development Plan identifies the site within a “General Bushfire Risk” area. No amendments are proposed by the Code.
Hazards (Flooding) Overlay	Publicly available flood mapping, prepared by AWE for the Gawler River Flood Management Authority in September 2015, indicates that only a small portion of the south-eastern corner of the Mitolo Site would be affected by a 1-in-100 year average return interval flood event (refer to DPA). These minor flood issues will be resolved in association with the Major Development Application. There is no need for this site to be identified in the Hazard (Flooding) Overlay.
Prescribed Wells Area Overlay	No significant implications.
Regulated Trees Overlay	No significant implications.

Proposed Code Amendments

Option 1: Bespoke Code Zone

MFF’s preferred option is a bespoke zone that reflects the policy content in the City of Playford Virginia (Value Adding) DPA.

The DPA has progressed to post public consultation stage and has been prepared in collaboration with the Major Development Declaration. Significant investigations have been undertaken to inform the DPA’s Value Adding Policy Area. The faithful transfer of the DPA’s policy provisions to the Code is desired.

Option 2: Rural Intensive Enterprise Zone

If Option 2 is not accepted by the Minister / DPTI, we recommend that the area affected by the DPA should be incorporated into the Code’s “Rural Intensive Enterprise Zone”. This zone contains the following Desired and Performance Outcomes:

- Multi-purpose intensive agricultural production, processing facilities and supporting ancillary industries that are important economic and employment assets to the State.

- 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 Rural Intensive Enterprise Zone's DTS/DPF 1.1 list of land uses should be expanded to include

- Brewery
- Carport
- Cidery
- Distillery
- Excavation and filling
- Fence
- Outbuilding
- Store
- Workers accommodation
- Winery

Furthermore, DTS/DPF 5.1 relating to agricultural buildings should be amended to delete reference to:

- Minimum site area of 40 hectares. The DPA affected area 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.
- Minimum setback distances of 40 metres. Where incorporated with appropriate build form design and landscaping, a significant smaller setback provision is appropriate. The current MFF architecturally designed administrative centre has a setback of some 10 to 13 metres.
- Maximum building height of 10 metres. Intensive agribusiness buildings will incorporate taller buildings. As an example, the Mitolo Major Development proposal incorporates a maximum building height of approximately 17 metres. A maximum building height is not required in the zone.
- Maximum floor area of 250 square metres. Having regard to the performance outcomes of the zone, the 250 square metre building restriction appears to be contrary to the objectives of the zone.

With respect to public notification, we content that no notification is required for development that is listed in DTS/DPF 1.1 (irrespective if it's on a site that is adjacent to land in a different zone). We note the the current DPA lists certain forms of processing facilities as Category 1 (e.g. no public notification required).

We are conscious that a "Sub-Zone" may be required that discourages the site to be used stock slaughter works etc.

Conclusion

The Virginia Mitolo facility is of State Significance. In our view, no other horticultural facility within the region is of a similar scale (particularly when considering the major development application). Such a facility warrants a zone that seeks intensive large-scale developments.

Our preference is for the Code to reflect a bespoke zone that reflects the policy content in the City of Playford Virginia (Value Adding) DPA.

If our preference is not accepted by the Minister / DPTI, we recommend that the area affected by the DPA should be incorporated into the Code's "Rural Intensive Enterprise Zone" and the Zone should be amended as follows:

- Include a wider list of land uses (not dissimilar to land uses envisaged in the Rural Horticulture Zone).
- Delete reference to minimum site areas.
- Delete reference to minimum setbacks or at the very least reduce the required primary road setback distance to approximately 10 metres.
- Delete reference to maximum building heights.
- Delete reference to any form of floor area / land use restriction.
- Ensure development anticipated in the zone does not trigger any public notification.

In addition, the Hazards (Flooding) Overlay should not apply to the site.

MFF has invested significantly in its operations and will continue to do so via the Major Development application. Its long-term viability is dependent on planning controls that provides certainty for its future expansion plans.

The current proposed changes are not considered appropriate and in some instances represent a retrograde position from the policy being adopted via the DPA and directly threaten continued investment on the site.

We are keen to meet with you to further discuss our position and potential amendments to the Code as it relates to the site.

Yours sincerely



Grazio Maiorano RPIA (Fellow)

Director

CC Paul Johnson, City of Playford