4 December 2019

Mr Michael Lennon
Chairperson
State Planning Commission
By email: DPTI.planningreformsubmissions@sa.gov.au

Dear Mr Lennon

Submission: Re: Draft Planning and Design Code – Sturt Highway, Kingsford

1.0 INTRODUCTION

This submission has been prepared by MasterPlan SA Pty Ltd on behalf of JW & LD Phillips and Ian McDonald in relation to land (subject land) located at Sturt Highway, Kingsford which is currently located in the Primary Production Zone, General Farming Policy Area and Horticulture Precinct of the Light Regional Council Development Plan.

The Draft Planning and Design Code – Phase 2 Rural Areas Consultation document transitions the existing zoning into a Rural (Horticulture) Zone.

The following review describes the subject land in relation to the surrounding area which is shown in the Land Tenure Site Plan in Attachment A.

The subject land is wedged between the northern boundary of Hewitt, the Sturt Highway, the Kingsford Industrial Estate, the North Para River and the Eastick Dam. The land is of poor quality and not suitable for agriculture and horticulture. There are buffer restrictions relating to the Kingsford Industrial Estate and there are also restrictions that apply to the adjoining residential area for farming purposes. Access restrictions for farm implements on Sturt Highway also make it extremely difficult for the properties to be farmed.

The proponents have continuously been advocating for a change to the zoning and related policy of the subject land for approximately 20 years. A summary of the various submissions prepared in relation to the subject land since 2001 is provided in Section 3.
2.0 SUBJECT LAND

The Subject Land is held in four titles as follows:

- Allotment 1 in Deposited Plan 115997 in the area named Kingsford, Hundred of Nuriootpa and comprised in Certificate of Title 6199, Folio 128 (36.5 hectares);
- Allotment 3 in Deposited Plan 117785 in the area named Kingsford, Hundred of Nuriootpa and comprised in Certificate of Title 6205, Folio 251 (87.2 hectares);
- Allotment 508 in Deposited Plan 76633 in the area named Kingsford, Hundred of Nuriootpa and comprised in Certificate of Title 6017, Folio 269 (87.2 hectares); and
- Allotment 510 in Deposited Plan 76636 in the area named Kingsford, Hundred of Nuriootpa and comprised in Certificate of Title 6018, Folio 588 (McDonald land).

3.0 BACKGROUND SUMMARY

The proponents have been continuously advocating for change to the relevant strategy, planning policy and zoning relating to the subject land for the past 20 years. In 1995, the Gawler Strategic Plan recommended urban expansion northwards into the Light Regional Council area including the subject land which was immediately adjacent to Hewitt and which had capacity in services to expand northwards. The following is a chronological summary of the various submissions prepared in relation to the subject land since 2001.

2001 Light Regional Council Development Plan Review – proposed the establishment of the Kingsford Industrial Park including a 500-metre buffer located within the subject land. The submission objected to the buffer and the stormwater management issues on the subject land. It was also recommended that the General Farming Zone be changed to a Rural Living Zone.

2002 Ministerial PAR Urban Growth Boundary – submission to include subject properties within the urban boundary.

2003 Gawler River Management Authority review – submission in regard to the North Para Mitigation Dam located on the subject land.

2004 Light Regional Council Development Plan Review – submission recommending rezoning of the land to Rural Living

2007 Sturt Highway Upgrade – submission regarding restriction of access to the subject land for farm implements.

2007 North Para Flood Control Dam construction – submission to Development Assessment Commission and Mount Lofty Ranges Natural Resources Management Board regarding access and impacts.

2007 Urban Growth Boundary Amendments – submission to Light Regional Council and the Barossa Council to include properties within the urban boundary.
2007 Industry (Kingsford Regional Estate) Zone DPA – submission re impact on subject land, buffer issues and on-going stormwater issues.

2010 Barossa Valley & McLaren Vale Protection Districts – submission to have properties removed from the proposed Barossa Protection District. (Note: Area within Light Regional Council removed in 2012).

2012 Light Regional Council Strategic Directions Report – submissions requesting rezoning from Primary Industry to Rural Living with appropriate measures for a suitable buffer and stormwater detention and management techniques regarding the adjoining Kingsford Regional Estate.

2013 30 Year Plan for Adelaide – further submission and meetings with DPTI and Council. Council Report December 2013 Support for Placemaking Exercise leading to Privately Funded Developer DPA?

2016 Environment and Food Production Area (EFPA) – submission to Minister for Planning requesting removal of properties from proposed EFPA.

Note: the EFPA came into effect 1 April 2017 to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment.

4.0 PLANNING & DESIGN CODE TRANSITION

The Draft Planning and Design Code transitions the subject land from Primary Production, General Farming Policy Area and Horticulture Precinct to the Rural (Horticulture) Zone which is the closest zone module in the SAPPL. There are a number of overlays applicable to the subject land including:

- Dwelling Excision Overlay
- Environment and Food Production Overlay
- Hazards (Bushfire – General Risk) Overlay
- Nature Vegetation Overlay
- Water Resources Overlay
- Minimum Lot Size Overlay

The Overlays provide information similar to current requirements relating to the Excision of Dwellings, EFPA, Hazards (Bushfire – General Risk), Native Vegetation, Water Resources and Minimum Lot Size.

We note that there are two Concept Plans in the Light Council Development Plan which relate to the subject land. Concept Plan Map Lig/5 which was prepared for the Kingsford Regional Estate contained stormwater management policy that relates directly to the subject land including statements that direct all stormwater leaving the site should be drained to the east. The Concept Plan shows an outlet pipe along Sturt Highway and Scott Road and extending into the subject land. The policy relating to stormwater management does not appear to be reflected in any text and for this reason, there is justification for Concept Plan Lig/5 to be retained in the Code.
This approach would be consistent with the retention of Concept Plan Map Lig/13 in the Code. Concept Plan Map Lig/13 is for the Roseworthy Town Expansion and shows the Future East West freight link extending into the subject land.

The current zone and the general policy regarding the Interface between Land Use Policy includes a 500-metre buffer from the Kingsford Industrial Estate within the subject land.

It is noted that the 500-metre buffer is removed in the Code and that performance-based criteria for buffer principles apply. This approach is supported as the 500-metre buffer has been a major restriction for future development proposals on the site. A performance-based buffer approach is supported in this situation.

It is also noted that there are a number of land uses mentioned in the new zone which are currently not listed in the envisaged uses list of the existing zone, i.e. industry, shop, small ground mounted solar facility, tourist accommodation transport distribution. This provides more flexibility than the current zone and is supported.

5.0 ENVIRONMENT AND FOOD PRODUCTION AREA

In regard to the Environment and Food Production Area (EFPA) Overlay, the proponent lodged a submission in 2015 to the Minister for Planning to have the EFPA removed from the subject land to be consistent with the removal of the Barossa Valley Protection District from the subject land which occurred in 2012. The submission was rejected, and we again request that this matter be reviewed in the transition.

The Environment and Food Production Area was established to protect vital agricultural land surrounding Metropolitan Adelaide from urban development. The EFPA should not be applicable to the subject land given the poor quality of the agricultural land and the restrictions placed on the land by the adjoining land uses. Further the land either in individual parcels or collectively are inadequate to comprise a productive asset. The land is not vital agricultural land and has not been for the whole of the time these submissions have been made.

In 2013, the proponents successfully argued that inclusion of the land in the Barossa Valley Protection District would prevent an orderly and economical change of use of the subject land in the future. All of the subject land except for that portion adjacent to the North Para River within the Barossa Council was subsequently removed. We submit that the EFPA should be removed from the same area and for the same reasons as the previous action.

6.0 PLANNING AND DESIGN CODE AMENDMENT

While the transition to a Rural (Horticulture) Zone in the draft Planning and Design Code is a logical transition of the available zone modules, it is still not an appropriate zone for the subject land. We consider that a proposal to rezone the land to a more appropriate zone, which has been the subject of the numerous previous submissions should be placed high on the agenda for a future code amendment.
The events that have taken place on and surrounding the subject land over the years have made it extremely difficult to use the property for primary production/horticulture activities. The development of the dam and the duplication of the Sturt Highway has reduced the amount of cropping land to approximately 130 hectares which is not a viable rural holding. It is not prime farming or horticulture land and is not vital agriculture land due to shallow soils and lack of suitable water supplies.

About a third of the land included on all the properties is unsuitable for anything other than grazing. Much of it is too steep and a large part of that is the river valley which is subject to regular visits by the Natural Resources Management Board. The water in the river was tested many years ago and found to be unsuitable for anything other than salt tolerant crops such as some types of Lucerne. The best results for the cropping lands in a good year is about 3 tons per hectare of wheat compared with 4 tons in nearby farms. The only suitable land for horticulture is along the Sturt Highway and most of that was acquired when the road was duplicated.

The property has been share farmed in the past, but in recent years there has been a reluctance to farm the property. One of the reasons for this is the current restrictions for access of large farming implements along the Sturt Highway. The traditional access was cut-off with the Sturt Highway Duplication Works and the access restrictions have been in place ever since.

The rezoning of the land is also required to find a solution to the on-going stormwater management issues of the Kingston Industrial Estate which continue to seriously affect the subject land.

As mentioned previously, the existing reference to stormwater management within the Development Plan relating to the subject land has been removed in the Code transition. In December 2010, a one-in-50-year rain event caused considerable damage to the subject property. The stormwater detention basins were designed to hold a one-in-100-year rain event but as it had been raining steadily for a week before the local storm and the basins were already full. At that time, water flooded the Sturt Highway at the Ahrens culvert and flowed onto the subject land. As a result, this culvert was enlarged after the flood. Further development of land to the west will exacerbate this issue and further reduce the capacity of the land for primary production purposes.

In accordance with previous submissions and discussions with the relevant authorities, it is recommended that the subject land be taken out of the EFPA and rezoned from Rural (Horticulture) to Rural Living with appropriate measures for a suitable buffer and stormwater detention and management techniques relating to the development of the adjoining Kingsford Industrial Estate.

7.0 SUMMARY

On behalf of our clients, we submit the following:

• That Concept Plan Lig/5, Kingsford Industrial Estate be retained in the Planning and Design Code, along with Map Lig/13 because it contains stormwater management policy that is not reflected in the text.
• That a Code Amendment be prepared to rezone the land to Rural Living with appropriate measures for a suitable buffer and stormwater detention and management techniques relating to the development of the adjoining Kingsford Industrial Estate at the earliest opportunity; and

• That the Environment Food Protection Area overlay be removed from the subject land.

We respectfully request your most serious consideration of the above as it materially affects the reasonable use and development of the land.

We look forward to your earliest response.

Should you require any further information regarding this submission, please do not hesitate to contact the undersigned on [contact information redacted].

Yours sincerely

Wayne Gladigau
MasterPlan SA Pty Ltd

enc: Attachment A - Land Tenure Site Plan.

Ian McDonald.