Ref: 19ADL-0470

25 November 2019

Attention: Anita Allen

The Department of Planning, Transport and Infrastructure
By email: dpti.planningreformsubmissions@sa.gov.au

To whom it may concern

Submission - Planning & Design Code Phase 3 – Glenellen Poultry.

Introduction

URPS has been engaged by Glenellen Poultry to prepare this submission in relation to the zoning of the following properties:

- 9 (allotment 5) Sanders Lane, Echunga (CT 5308/457).
- 14 (allotment 4) Ironstone Road, Echunga (CT 5308/456).
- 65 (allotment 10) Ironstone Road, Echunga (CT 5894/829).
- 111 (allotment 20) Ironstone Road, Echunga (CT 5548/324).
- 177 (section 181) Ironstone Road, Echunga (CT 5563/203).
- 335 (allotment 11) Hawthorn Road, Mount Barker (CT 5894/830).
- 355 (allotment 40) Hawthorn Road, Mount Barker (CT 5468/894).
- 371 (allotment 1) Hawthorn Road, Mount Barker (CT 5431/175).
- 271 (allotment 19) Old Mount Barker Road (CT 5975/302).
- 273 (allotment 24) Old Mount Barker Road (CT 5975/301).
- 351 Old Mount Barker Road (CT 5409/620).

We have been asked to review and provide a submission on the Draft Planning and Design Code Phase 3 (‘the Code’) as it relates to the above properties and our client’s site.

The following maps are contained within Appendix A to assist:

- Current Development Plan Zones, Policy Areas and Precincts.
- Draft Planning and Design Code Zones.
- Recommended Draft Planning and Design Code Zone Boundary.

Ultimately, our client wishes for the proposed zoning of their land (and land nearby) to be included in the Deferred Urban Zone to promote more orderly, economic and practical development in the future.
Background

Glenellen Poultry currently operates a chicken farm at 65 (allotment 10) Ironstone Road, Echunga (CT 5894/829) as is evident within Appendix A.

The chicken farm has operated on the subject land from 1997 and therefore has established/existing use rights.

Among others, Glenellen Poultry has previously lodged the following applications with respect to the chicken farm:

- **580/881/00 (Amended)** – Construct a Chicken Broiler Shed.
- **580/1216/04** – Addition to existing Chicken Farm by the construction of two additional shed and an addition 82,000 birds being kept (total 150,000 birds on site).

Notably, Development Application number 580/1216/04 was refused for the following reasons:

- The proposed development is not orderly and economic and will adversely interfere with the effective and proper use of other land in the vicinity as a result of the emission of odour, noise and vibration.
- The proposed development will not preserve and maintain the attractive open rural character and natural beauty of the locality, and will impair its amenity.
- It’s location within 400 metres of a dwelling and its production of unacceptable levels of odour.
- The proposed development will not contribute to the maintenance or enhancement of a pleasant and attractive rural landscape, will impair the amenity of the locality, will not ensure the long-term sustainability of rural production in the Mount Lofty Ranges region, and will not extend the economic base of the Mount Loff Ranges region in an environmentally sensitive manner.
- The proposed development will disturb and interfere with the effective and proper use of other land in the vicinity owing to its close proximity to other dwellings in the locality.

As a referral agency, the EPA (Environment Protection Authority) previously advised Council to refuse expansion of the existing chicken farm because the site does not adequately manage odour by providing a sufficient buffer of 750 metres from surrounding dwellings, or land capable of accommodation a dwelling. The ability to manage odour is further implicated by local topography and climatic conditions.

Subsequent to the refusal described above, the Mount Barker District Council introduced the nearby ‘Residential Neighbourhood Zone’ and ‘Restricted Urban Policy Area’ on 16 December 2010 as part of the ‘Mount Barker Urban Growth DPA’.

This DPA further implicated expansion of the existing chicken farm by imbedding specific guidelines into the Development Plan and facilitating future residential expansion that encroaches into the recommended 750 metre buffer, as per EPA comments. These policies have remained in the Development Plan ever since.

Our client has had its expansion plans rejected and now suffers pressure from encroaching new residential land development that will increase conflict with their existing operations.

In addition, surrounding residents have also taken issue with noise from vehicle movements and the emission of odours from the chicken farm. We also understand that Council has allowed residential development within a distance of the chicken farm that further threatens their right to continue the existing use.
Discussion

For planning purposes, the subject allotments are located within, or comprise, the following as per the current Mount Barker District Council Development Plan consolidated 8 August 2017:

- Primary Production Zone.
  - Policy Area 25 – Prime Agriculture.
  - Policy Area 26 – Rural Landscape Protection.
- Mount Lofty Ranges Watershed Area 3.
- Areas of High Environmental Significance.
- Intensive Animal Keeping (i.e. Glenellen Poultry).
- Environment and Food Production Area.

For planning purposes, the subject allotments are located within the following Zone and Overlays as per the ‘the Code’:

- Rural Zone.
- Environment and Food Production Area Overlay.
- Limited Land Division Overlay.
- Hazards (Bushfire – High Risk) Overlay.
- Murray Darling Basin Overlay.
- Native Vegetation Overlay.
- Prescribed Water Resources Area Overlay.
- River Murray Tributaries Area Overlay.
- Significant Landscape Protection Overlay.
- Sloping Land Overlay.

The matters raised above, including the previous reasons for refusal, ultimately prevent the ability for the chicken farm to grow and expand its operations. As such, Glenellen Poultry is willing to consider relocation of their facility provided it is financially viable for the business.

Given on-ground investment in the land, and current zoning conditions, it is difficult to envisage how the land can be sold at an acceptable market rate/price to encourage site relocation.

Glenellen Poultry therefore requests the government to consider that the above listed allotments be re-zoned from the ‘Rural Zone’ to the ‘Deferred Urban Zone’ under preparation of ‘the Code’.

The subject allotments suggested for re-zoning have been selected given they are neatly bound by Hawthorn Road, Ironstone Road and Old Mount Barker Road.

Together the subject allotments currently abut land within:

- Residential Neighbourhood Zone.
- Restricted Urban Precinct.
The Desired Character of the ‘Restricted Urban Policy Area 14’ specifically states:

This policy area is located in proximity to significant intensive animal keeping activities in the form of poultry broiler sheds. Development likely to be sensitive to poultry broiler shed operations should not occur to ensure that adequate separation distances are maintained between the poultry broiler sheds and new urban areas.

Existing dwellings and agricultural activities are expected to continue until the potential for impacts from the poultry broiler sheds no longer exist, after which the area is expected to be developed for urban activities with a focus on residential development.

Further, Principle 2 of ‘Restricted Urban Policy Area 14’ states:

2 Development for intensive urban activities should only occur:

(a) when it can be demonstrated that the potential impacts from poultry broiler shed operations identified as ‘Intensive Animal Keeping (Poultry)’ as shown on Overlay Map(s) MtB/1, MtB/13, MtB/22 - Development Constraints, no longer exist

(b) in a manner that does not interfere with existing agricultural uses.

As explained above, the re-zoning will facilitate the potential relocation of the chicken farm allowing ‘Restricted Urban Policy Area 14’ to be developed for its anticipated purpose (i.e. intensive urban activities).

Under ‘the Code’, the ‘Residential Neighbourhood Zone’ will be converted to the ‘Deferred Urban Zone’.

This means the same interface issues will remain that restrict the anticipated development of the future ‘Deferred Urban Zone’, as per the current situation.

In addition, I note the following:

- Many of the subject allotments already comprise dwellings on them. As such, residential uses are not uncommon to the locality. The future density of residential development on the land will need to be considered in depth with all site-specific characteristics considered.
- The re-zoning will not replace the existing interface issues with others. Low density residential development on the land could be suitably distanced from other primary production land uses in the wider locality.
- The boundaries of the EFPA (Environment Food Production Areas) will need to be re-considered in association with the suggested change.

This re-zoning would increase property value and make the relocation of the existing chicken farm financially viable for our client. More particularly though:

- It would ensure the current and existing constraints on the expansion of this facility is no longer an issue (as our client would have the ability find a more suitable site) and
- The potential for land use tension and interface between this use and the expanding residential areas nearby is removed.
Conclusion

Thank you for considering our submission. For the above reasons, we think the department should give strong consideration to the re-zoning of the land identified as above.

Please contact the undersigned with any questions on [Redacted]

Yours sincerely

Matthew King RPIA
Managing Director
RURAL ZONE

SUBURBAN ZONE

PERI-URBAN ZONE

DEFERRED URBAN ZONE

LEGEND

SCALE: 1:10,000 @ A3