

Australian Chicken Growers' Council Limited



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State Planning Commission of South Australia
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South Australian Planning and Design Code Phase Three Code Amendment for Consultation

The current consultation period is cautiously welcomed by the Australian Chicken Growers' Council (ACGC), and this caution is simply because ACGC submissions during previous Planning and Design Code (P&DC) 'consultation' periods have been entirely ignored. This disregard has been highly frustrating and very disappointing, and does not inspire confidence in the P&DC.

Perhaps those behind the P&DC do not properly appreciate the importance of primary production to South Australia. This state represents less than 7 percent of the Australian population, but around 13 percent of the nation's primary industries value. In 2018-19, South Australian primary industries and agribusiness revenue totalled \$15.2 billion, representing more than 14% of GSP (ABS: 5220.0 Australian National Accounts: State Accounts). Recognising the importance of the primary production sector, on 28th September this year the state government launched its '\$23 billion by 2030' food, wine and agribusiness growth strategy.

The chicken meat industry will play a significant part toward achieving the 2030 target. South Australia produces around 20 percent of Australia's chicken meat, with more than 160,000 tonnes per year exported to other states; more than the domestic and export volumes for any other meat leaving this state. In 2017-18 the chicken industry generated 1.1% of SA's GSP, and 1.06% of SA's FTEs, the latter figure being twice as big as the next state and 130% above the Australian average (BDO EconSearch Analysis).

The South Australian chicken industry has grown quickly over the last 15 years, more than tripling its annual production over this time. This expansion has involved the establishment of many new farms, and in general the planning and approval process has been effective and efficient. In fact, a major reason for the expansion of national companies Baiada Poultry and Ingham Enterprises in SA was the relatively positive planning process, which is now being phased out. From our industry's point of view, the new P&DC is not required, but if it must be adopted, its disadvantages over the previous system should be minimised or eliminated. This is why ACGC has actively participated in the consultation process, as pointless as it has been so far.

The remainder of this document is largely a repetition of ignored submissions already made by ACGC. I am hopeful that the replacement of the state Planning Minister in July this year has brought a new attitude to the managers of the P&DC process, and the concerns of my industry will now be properly addressed.

Michael Moore
Executive Officer, Australian Chicken Growers' Council

Originally submitted on 28th February 2020:

The Australian Chicken Grower's Council (ACGC) appreciates the opportunity to comment on this Planning and Design Code Amendment. ACGC members are active within local government councils covered by both the Phase Two and Phase Three Planning and Design Code amendments, and ACGC submitted comments during the Phase Two consultation period.

Since the closure of the Phase Two consultation period ACGC has attended several meetings that have variously included officers from DPTI and PIRSA, local government planners, planning consultants and representatives of other livestock industries.

This submission is based upon these discussions and is not intended to replace the earlier ACGC submission. Accordingly, the first part of this submission is a reiteration of comments made as part of the Phase Two consultation, with the second part comprised of thoughts formed since then.

PART 1: Previously submitted comments applicable to Phase Two and Three Code Amendments.

The South Australian chicken meat industry has undergone considerable expansion in the last 15 years, with the number of birds grown and processed increasing by over 230 percent since 2004. SA is now a major national supplier of chicken meat, and with demand remaining strong, the state's industry has a solid future ahead.

During this period of expansion, many new farms were established to the north and east of Adelaide, and the development application processes were for the most part reasonably smooth, and certainly easier than for most interstate chicken farm developments over the same period.

These developments have taken place in Councils covered by both the DPTI document *Planning and Design Code Phase Two (Rural Areas) October 2019* and the very recent *Planning and Design Code Phase Three (Urban Areas) October 2019*; such Councils include Wakefield and Loxton-Waikerie (Rural Areas) and Adelaide Plains, Alexandrina, Murray Bridge and Mid Murray (Urban Areas). Within these documents, the Intensive Animal Husbandry and Dairies Overlay is brief and simplistic, as the State Planning Commission intends for such developments to be performance assessed. In both documents, Intensive Animal Husbandry and Dairies is not specifically listed in *Table 3 – Applicable Policies for Performance Assessed Development*, and falls within the catch-all category of *All other Code Assessed Development*.

ACGC is concerned about this, as it seems a backward step from the current system, through which a development application that complies with a local government Development Plan and is supported by referral agencies can be quickly approved. The proposed Planning and Design Code will instead put every Intensive Animal Husbandry and Dairies application through a performance assessment, which will probably add to the time and expense of the process.

In addition, applicants will need to notify neighbouring landholders in writing and the general public through placement of an on-site sign, and this is bound to result in submissions from people who are against intensive livestock farming or the consumption of animal proteins. Even though these people may have no rights to appeal, their involvement could extend the assessment process.

The Performance Assessment process would be more efficient if rural industries had been consulted during the drafting of the Rural Zone Accepted Development Classification Criteria and Deemed to Satisfy / Designated Performance Outcome Criteria, and ACGC hopes that these can still be modified according to industry advice. Examples are provided below:

Water tank: Accepted Development Classification Criteria

2 The tank is part of a roof drainage system.

For biosecurity reasons roof drainage water can't be used in a broiler shed, as the water may be contaminated by wild bird faeces, presenting a biosecurity risk.

3 Total floor area - not exceeding 15m².

On a hot day, a single shed at peak bird density will use around 100,000 litres of water in its evaporative cooling and drinking systems: it is not practical to hold such a volume in tanks with 15m² floor areas. Broiler farms typically use tanks of around 130,000 litres capacity, which may have diameters of 8.6 metres, and floor areas of 58 square metres each.

Intensive Animal Husbandry and Dairies should be an exception to these two criteria.

Excavation and Filling. DTS 8.1 Design in Rural Areas (Earthworks)

DTS / DPF 8.1 - Development does not involve either:

- (a) excavation exceeding a vertical height of 1m;*
- (b) filling exceeding a vertical height of 1m; or*
- (c) a total combined excavation and filling vertical height of 2m or more.*

With modern poultry sheds being 160 - 180 metres long, and a typical bank of 12 x 1 sheds requiring a levelled earthworks pad of perhaps 400m x 200m, it will not be possible to achieve DTS 8.1 (a), (b) or (c) in many chicken growing parts of South Australia.

Although Intensive Animal Husbandry developments are intended to be performance assessed, in which case allowance for non-compliance with DTS 8.1 might be made, it would be more efficient if Intensive Animal Husbandry and Dairies was an activity excluded from these criteria.

Restricted Classes of Development: Dwelling within the Limited Dwelling Overlay

A dwelling in the Rural Zone is a restricted development '*except where it is a replacement dwelling*'.

It is imperative that chicken farm managers live adjacent to their farms in order that emergencies can be quickly dealt with. Where there is more than one chicken farm on one allotment, or a chicken farm is large enough to require a manager and assistant manager, more than one dwelling will be required.

Dwellings DTS/DPF 5.2 (also PO 5.3)

A secondary dwelling on an allotment is:

- (a) located within 20 metres of an existing dwelling on the same allotment;*

This is not practical where two chicken farms are established on one allotment and separated by a 1000 metre biosecurity buffer, and not practical where one staff member will be off shift and trying to sleep while the other staff member may be using vehicles or alarms around their dwelling.

It would be useful if the Planning and Design Code recognised the need for well separated supplementary housing under such conditions.

Part 2: Supplementary comments applicable to both Phase Two and Three Code Amendments

2.1 Potentially unnecessary costs and delays associated with information requests.

ACGC has been informed that under the new Code, once a Council Assessment Manager receives a Development Application, there are ten days within which to request further information, and if this period passes without such a request being made, the Council cannot request further information and the DA will be deemed to comply on matters for which insufficient information is available to Council.

While this is probably designed as a positive move toward speeding up the assessment process, the unintended but unsurprising consequence will be that Councils will take the cautionary option of making sure they request all possible extra information within the ten day period, whether they think they'll need it or not. Providing supplementary information that may not even be necessary could require independent consultants gathering data and writing reports on such matters as likely noise and traffic levels, modelled odour distribution patterns, depth/quality of groundwater and so on.

There should be alternatives to such needless costs and delays. Council planning officers have suggested that a pre-submission meeting between applicants and Council would go a long way toward a solution. Another option would be to allow requests for further information to be made after the ten day period with the agreement of the assessor and the applicant. In addition, perhaps the intended SA Planning Portal could also be used to guide the applicant toward a submission that will minimise the amount of information requested within the following ten days.

2.2 Inadequacy of Part 7 – Land Use Definitions.

- i. As it stands, the definition of 'Farming' is highly simplistic and excludes several major industries, including intensive pork, chicken meat, egg production, and feedlots. While these industries may be covered by other definitions elsewhere, the fact that they are not considered to be 'farming' means that intensive livestock buildings are not considered to be 'agricultural buildings', which are defined as having association with 'farming, commercial forestry or horticulture'. (It is inconsistent that horticulture is excluded from the definition of 'farming', but not 'agricultural buildings').

This could lead to ludicrous situations: a cropper will be able to erect a grain storage silo as a 'deemed to satisfy' development, while his pig producer neighbour wishing to put up exactly the same design of silo to store grain for his piggery will need to go through a 'performance assessment' against the whole Code, perhaps even having to put a public notice up at his fence!

- ii. Another problem with the definitions is that the Development Regulations definitions upon which they are based are not up to date. For example, the definition of 'dairy' attempts to describe the buildings associated with dairyfarming, but does not consider the relatively recent adoption of feedpads as a way of providing supplementary feed to foraging cows. A feedpad is basically a long, roofed and concreted yard with a central corridor for a feedcart to travel along, distributing feed to the left and right. Once the feed is consumed, the cattle are released to return to their paddocks, with the exception of dryland dairyfarming, where the cows do not graze pastures and remain in the yards, where all their feed is provided. Planners have indicated that a development application for a new dairy may entirely proceed as 'deemed to comply' unless a feedpad is included, in which case performance assessment of the feedpad against the entire Code is required. This could result in unnecessary delay,

complication and expense, particularly if the assessment authority decides to play it safe by involving referral bodies.

The same problem may arise due to the definition of 'Intensive Animal Husbandry' referring to 'enclosures or other confinement' for animals, but not associated structures such as pump sheds, generator sheds, packing sheds, feed silos, effluent lagoons and so on.

- iii. Similarly, the definitions of 'Intensive Animal Husbandry' and 'Low Intensity Animal Husbandry' do not adequately cover the increasingly common situation where small numbers of pigs and poultry spend their days foraging outdoors, but are housed at night, and receive the major part of their diets indoors. Such problems could have been avoided through the rewording of one or both of these definitions, or the introduction of a new one.

It appears that PIRSA was not consulted during the drafting of the key definitions related to primary industry, which is disappointing, as difficulties like these could have been dealt with before now. ACGC recommends the involvement of PIRSA in the redrafting of key definitions relating to primary industry as soon as practically possible.

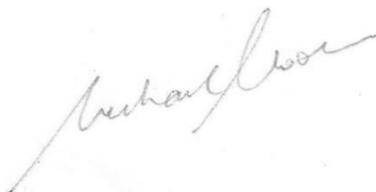
2.3 General comments

- i. It is most regrettable that the promised SA Planning Portal was not publicly available in draft form prior to the closure of the original public consultation periods. This is an important part of the new Planning and Design Code, and to end public consultation periods without it being available for observation was very unsatisfactory and not a little concerning.

In itself this was another good reason to delay the introduction of the P&DC.

- ii. If the purpose of the Planning and Design Code is to make development simpler and less costly, ACGC is worried about advice from Councils that not only will there be a rise in all fees associated with development assessment, but there will be a new lodgement fee introduced by DPTI. If correct, this information really should have been available for the public consultation period. ACGC would appreciate your advice on this.
- iii. The P&DC now appoints the Environment Protection Authority as a body to be referred to for direction when a development proposes '*The keeping of poultry in confined or roofed structure(s) exceeding 1,000m².*' There has been no justification for elevating the EPA's involvement from providing advice to issuing direction, and I understand the EPA itself did not request this change. This provision transfers the power to make an assessment decision from local authorities and qualified planning officers to a CBD-based state authority, which will no doubt bring extra time, complexity and expense to the assessment process.
- iv. The lack of meaningful consultation with PIRSA during the writing of the Planning and Design Code consultation draft was a disappointment and a mistake in the eyes of ACGC, and has resulted in some basic and easily avoidable problems. This opportunity was missed, but ACGC strongly recommends that PIRSA should be a referral body, assessing the biosecurity risk of new or expanding primary production developments.

ACGC wishes you well with the implementation of the Planning and Design Code at the appropriate time, and I repeat my earlier offer to provide further advice to the State Planning Commission if required.



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