

DIT:Planning Reform Submissions

From: Andrew Pointon [REDACTED]
Sent: Wednesday, 2 December 2020 4:19 PM
To: DIT:Planning Reform Submissions
Cc: PIRSA:Minister Basham; 'Andrew Johnson [REDACTED]'; David Lines; Michael Moore
Subject: South Australian Planning and Design Code - Pork SA submission to Phase 3 Amendment
Attachments: Pork SA_DIT_Planning Code_Phase 3_Dec 2020.pdf

Dear P&DC officials

RE: Revised Planning and Design Code Consultation: Phase 3

Please find attached a submission from Pork SA to the Phase 3 Amendment of the Code.

Regards

Andy

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State Planning Commission of South Australia
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2 December 2020

South Australian Planning and Design Code Phase Three Code Amendment for Consultation

Pork SA appreciates the opportunity to comment on this Planning and Design Code Amendment.

During 2019 and 2020 Pork SA has attended and actively contributed at several meetings that have variously included officers from DPTI and PIRSA, local government planners, planning consultants and representatives of other livestock industries.

However, to date our 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.

Pork SA notes that many of its' concerns are shared with the Australian Chicken Growers Council.

Perhaps those behind the P&DC do not properly appreciate the importance of the pig industry to South Australia when in 2018-2019 its contribution comprised:

- o Farm gate value of \$192M
- o Primary Industries and Agribusiness revenue of \$408M (excludes retail)
- o Gross food value in 2018-19 of \$1.04 billion
- o For every 100 sows, the farm injects \$300,000 back into the local community – wages, electrician, plumber, feed-mill jobs etc.
- o The pork industry is more important to SA than any other state on a per capita GDP basis.

Pork SA wishes to particularly emphasise that lack of factual definition of contemporary pig production systems in the Code, leading to likely use of the classification of "Undefined building". The adverse effect of this issue is that it will potentially widen the range of assessments required and minimise the use of "deemed to satisfy".

This lack of clarity will result in inefficient assessment of development applications and extra cost to all parties.

The remainder of this document is a repetition of ignored submissions already made by Pork SA.

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.

Yours faithfully

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

Andrew Johnson
Chair Pork SA

Comments (as submitted Feb 2020)

1. Potentially unnecessary costs and delays associated with information requests.

Pork SA 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. 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. The Australian Pork industry has published guidelines for environmental best practice under the definitions of "indoor" and "outdoor" production systems.

<http://australianpork.com.au/industry-focus/environment/national-environmental-guidelines-for-piggeries/>

http://australianpork.com.au/wp-content/uploads/2016/07/NGforOP_2013_22_lowres.pdf

Such an approach should be considered in refining Definitions to avoid confusion and inefficiencies in lodgement and assessment.

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. PORK SA recommends the involvement of PIRSA in the redrafting of key definitions relating to primary industry as soon as practically possible.

3 General comments

- i. It is most regrettable that the promised SA Planning Portal has not been publicly available in draft form prior to the closure of the public consultation period. This is an important part of the new Planning and Design Code, and to end public consultation periods without it being available for observation is very unsatisfactory and not a little concerning. This is yet another reason to delay the introduction of Phases Two and Three.
- ii. If the purpose of the Planning and Design Code is to make development simpler and less costly, Pork SA 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. PORK SA would appreciate your advice on this.
- iii. The lack of meaningful consultation with PIRSA during the writing of the Planning and Design Code consultation draft is a disappointment and a mistake in the eyes of Pork SA and has resulted in some basic and easily avoidable problems.

Pork SA is willing to assist with further advice to the State Planning Commission if required.