

Expert Panel Planning Review December 2022

I appreciate this opportunity to comment on the SA Planning system

1- The Acts, codes, state & local govt. overlays and complex matters unresolved especially problematic for Rural planning and associated interface issues of urban, peri-urban and competing land uses with change of use process including notification or lack of!

2-Complexity especially relating to Character & heritage overlays.

Implications for applications for developments in these areas normally totally acceptable but interpretation of wording and suitability can create huge delays and uncertainty! Some taking months or years for decision outcomes.

3-Topics include change of rural land use/development and pre-existing major stakeholder rights and abilities to be heard & continuation of their business's to be properly considered by the system including local govt. and CAP Process!

Ability for the Planning system to make needed changes to Act's of Parliament , overlays , codes plus any legislative or regulation errors/omissions.

This must be possible as they become apparent and decisions should be made in a timely fashion for all involved.

4-Accountability and transparency has been lacking in planning systems by some of us closely observing or being involved in lengthy, costly time consuming process's!

5-The true business costs are often hidden, forgotten or dismissed for process and complex overlays or wording through multiple layers in especially regions with protection legislation. creating multiple variations for outcomes which are for some simple developments a hindrance and potentially cost blow outs for families and business's.

6-The lack of especially Rural planning education for those employed by the planning sector.

I believe that this failure in SA for university planning as a subject let alone having a major Rural component for those being employed in regional areas or working in State or Local Govt. from ministerial or department, Rural local govt level including CAP or DAP committee level has brought about many poor decisions and even Legislation and Regulation outcomes. This includes Planning commission members for rural decision making best outcomes.

This Rural planning education element failure can also be seen at local govt. level with many elected council members not understanding the complex interrelationship between even major competing agricultural/ rural land uses .

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7-Key rural stakeholders such as differing groups from cropping, grazing, intensive livestock & piggeries, dairy & forestry seem to be secondary and tend to be ignored to vineyards, secondary industry (value adding) and tourism or not included & either left out of process such as planning development strategies in policy draft formation & then workshops for planning finalization for senior Department progression.

Recently some local govt. economic development plans 2022-2027 did not include all groups such as grain, livestock, dairy, poultry and pigs for involvement in round table policy formation or workshops even though they are major stakeholders in those regions!

What all these stakeholder groups require to be sustainable in all senses has not been understood or put aside as too hard or potentially to be seen as restricting investment by new development groups.

8- To be truly sustainable for all farm groups in the rural areas but particularly those preexisting farms must be able to continue Australian recognized best farm management practice in all aspects a management recognizing crops/ hay/ pasture/livestock systems for production and infrastructure plus financial investment and what is needed for land profitability for worthy succession planning.

The irony is that some of these agricultural stakeholder groups are fostering sustainability declarations for produce by farmers but the planning system is making the ability to be compliant more tedious or impossible to fill out complex forms.

This is due to a continuous path change of adjoining land use to individual land parcels to conflicting land uses without adequate buffers and set-backs from rural production systems.

This leads to not only litigation risk for farmers normal activities – with complex spray drift legislation but also many complaints from farm management normal while seeding spraying harvesting etc- issues of dust, noise, smells/odors, perceived lifestyle disturbance and tourism developments.

Many are without adequate safety set backs from rear or adjoining boundaries. (eg. Fertilizer spreaders or sprayers commonly spread 30 Or 36 metres and to have bystanders looking at application not understanding risk of injury or discomfort)

Farmers have small windows of opportunity to do these operations with climate variation or change putting even more pressure to work extreme hours in between weather fronts as seen this year during winter and spring.)

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9-Very important message I would like to empathize is a statement-

'No Planning Legislation or Regulation should be nonrepairable or adjustable in a quick, timely and orderly fashion.'

In the last 6 odd years excuses have been made on a continuous basis that especially Protection Acts for the Barossa and McLaren regions even though admissions by state and local govt. bodies have stated that **'Unintended Consequences'** have occurred in many instances!

Some of these are Legislation based errors and some are regulation and overlay issues.

Once Planning errors or omissions are demonstrated to bodies such as the Planning commission and Planning Dept. there should be a mandatory maximum time of 6 months to repair or adjust these matters by the Planning Commission.

I was involved in Planning reform process in 2016 and was hoping and believing that the system would improve and be more accountable and professional. Also there was an understanding that the Plan would be a living document and adjustable as required 'on the move' .

Multiple Planning ministers and Planning Department officials and Local govt. Planners have excused their lack of ability to make even small adjustments which have even been tabled as anomalies in Parliament itself due to the excuse of Planning Legislation preventing this!

The reality is that where any State Legislation or regulation can be seen to be wrong in outcome - in making business seriously more compromised /restricted and difficult in normal actions, management and investment there must be change.

Leadership must be taken by the Planning system by either the Planning Minister, Planning Commission, Planning Department, Parliament itself & especially the local member of parliament after being informed for that region where Planning ACT'S such as the Barossa C & H & Food production Act have Unintended consequences or failures.

Once a major fault or additional input should be made a quick Bill Before PARLIAMENT should be tabled and a quick time limit made compulsory for discussion and vote if needed.

Very small changes should not need to go before two houses of parliament and should be able to have adjustments as a living document allows!

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10- I have written to the Minister of PIRSA asking for an understanding who their Primary Industry Dept. see as the rural expert on the Planning Commission Board. Last year the then opposition MP Tony Piccolo tabled a bill in Parliament which Planning and Infrastructure bill 2021 was in May for the second reading. There clearly was indicating concern over lack of rural expertise on the PC board. My question to the Expert Panel which I would like answered please is who on the current Planning Commission has either a University degree in Agricultural Science or Agricultural Business Management or Agricultural Economics? Who are the experts called in for advice for impacts on all agricultural stakeholder groups when varying Bills or Acts are being discussed Are they on the holistic agricultural industry front and seen as independent persons with skills & knowledge base and are not wearing two hats in govt. process's which can known to be industry and grass root respected? While the rural expert would not be needed on meetings where city centric issues are being discussed peri urban and interface with both residential and conflicting land uses including alternative agricultural use and buffers/ set backs must be discussed and implemented for professional business continuation.

11- Food Production Areas and Food Security measures -regulations and legislation have been for some non sensical. To demonstrate this one just has to ask where the better soils are for horticultor production and closer proximity to some reuse water? The soils of Angle Vale, Munno Para, Virginia and Rose worthy are some of the best soils for staple food production so protection would seem sensible but housing has won the game plan and the recent Willaston to Roseworthy development projects prove that food production protection process is seriously flawed! There was many fundamental errors that the assumptions that all soils in the 'Food Production' areas were and are class 1 or worthy of protection. The truth is many soils and individual land parcels are poor in soil class category definition and also true long term viability has been damaged for profitable, sustainable , manageable and succession worthiness due to continuation of isolating land parcels with alternative uses which demand buffers or set backs by the developers adjoining but have none. What will happen when climate continues to challenge normal crop hygiene and disease control becomes increasingly difficult?

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Where is the ability to utilize potentially helicopter or arial fungicide application to control disease outbreaks as ground application may be delayed for weeks or months with long periods of heavy rainfall events as this last spring.

What may not be understood is that agricultural chemicals vary in mandatory set backs from adjoining land uses and ground application set backs can and do vary and commonly arial application will have wider buffers required.

So when a sensitive alternative development occurs without even mandatory notification to the adjoining pre existing broad acre farmer none of these issues can even be put to consider let alone be forced as building or change of use consent requirements from local govt. planning process!

This is not sustainable agricultural planning in any sense of the word or definition. The weather will become less predictable and intense weather events both in temperature and rainfall/ hail , drought and flooding will possibly become a regular feature- where is planning allowing for adjustment for management and crop choices plus hygiene management systems?

12- Farm families had the need for clarity of investment and succession which also include next generation inclusion in farm business. It has become more difficult to build housing on individual titles for even the farm children to be able to stay on farm properties.

This matter has been brought to the attention of multiple Chairs of the Planning Commission and state and Local govt..

Even though reassurances were given that this would be included in the original Protection Acts this did not occur.

Cost of housing for the younger generation has become unaffordable to the point of increasing homeless young adults including in the Barossa Region as other areas of the state.

So why is this fundamental matter of farm houses for farm succession members not being attended to?

Land the state and community want to be farmed and kept agricultural but not necessarily profitably and not even housing for farm family members to be sorted?

What reason or excuse can be given to justify that various investigations such as the Planning 'Buffer' report tabled in Parliament several years had such a limited terms of reference?

It's charter to exclude issues from consideration such as economic impact and sustainability of pre existing agriculture business when development occurs which will or could effect long term management and survival gave a poor outcome

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13- Clarity is needed for position of essential farm buildings such as hay sheds on farm titles so there isn't lengthy costly delays which can impact on protecting income even in the short term such as export hay must be protected from even small rainfall events once baled. So time line between application and ability to build must be quick so contractors and purchase of materials can be facilitated in a timely manner.

14-Question to your panel please is

'How can the State, Local govt. and community demand unprofitable , unmanageable land parcels/titles in Protection Zones be forced to remain agricultural without financial support as the Planning system has in many cases been involved in affecting the viability and management of these blocks? '

I had asked if I could appear before the expert panel in person but was told no. If there are any questions please ask by email and I will be able to provide issues over time to support what is written.

As this is an extremely busy period of time on the farm please excuse grammar or typo errors.

Thanking you Yours sincerely,

Peter Grocke 

16/12/2022

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