



23 July 2018

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Planning Engagement
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Dear Project Manager

**Submission on Technical Discussion Paper
South Australia's Planning and Design Code – How Will It Work?**

Australian Pork Limited (APL) welcomes the opportunity to make a submission on the Technical Discussion Paper, South Australia's Planning and Design Code – How Will It Work? (the "discussion paper").

APL is the peak national representative body for Australian pig producers. It is a producer-owned company combining marketing, export development, research and innovation and strategic policy development to assist in securing a profitable and sustainable future for the Australian pork industry. The Australian pork industry employs more than 36,000 people in Australia and contributes \$5.2 billion in gross domestic product to the Australian economy. During 2015-16, the pig production sector in South Australia contributed around \$385 million (value-added) to the South Australian economy, while supporting 2,485 full time South Australian jobs which generated \$188 million in household incomes for South Australian families.

Overall, South Australia should be commended on the current planning system. In an environment where pig producers across the country face many frustrating situations relating to existing and proposed piggeries, the lack of significant issues in South Australia has been welcome. That said, APL fully supports any efforts to improve the efficiency and effectiveness of the planning and development system in the state. In particular, APL welcomes the approach to harmonise the planning rules and to make the application and assessment process simpler, less onerous, and, most importantly, consistent.

Overall, there are many positives within the proposed changes. These include:

- A harmonised, state-wide approach for planning and design rules
- Consistency to support improved certainty in decision making
- Standardised interpretation to improve assessment and outcome
- Availability of an online planning and development approach
- Flexibility to deal with issues of local and state significance
- A simpler and less onerous application process pathway
- Reduced costs

Equally, there are several uncertainties and concerns that APL has identified for consideration and clarification. Examples include:

- Ensuring the new planning and design rules are fair, equitable and appropriate for all industry segments
- Once established, planning and design rules must be supported by consistent interpretation, requiring significant investment in education and awareness for applicants and assessors
- Tools such as the proposed ePlanning Portal must be supported with extensive guidance and educational material that provides clear and supportive information to proponents and assessors throughout the application and assessment processes
- Local issues management, including the potential for the increase in vexatious appeals, must be undertaken in a way that is open, fair and relevant to ensure that applicants at the individual or sector levels are not unfairly targeted or overly assessed because of local bias
- If the ePlanning Portal is intended to completely replace hard-copy applications, how will issues such as internet connectivity, training, and support be managed by the state government to ensure those in rural and remote areas are equally-placed to prepare and submit a development application to the standard required for consideration and assessment
- Given the new system is designed to be quicker, it is unclear from the discussion paper if fees will be reduced to reflect this simpler, harmonised approach.

With respect to the paper, APL makes the following comments:

1. Fair, Equitable and Appropriate Planning and Design Rules

APL welcomes efforts to harmonise a complex and ambiguous planning and design system. Consistency in planning is discussed and aspired to across the country, and while efforts have been made to move in this direction, the underlying expectation is that the rules must be fair and appropriate, regardless of the locality or industry. APL is concerned about the possibility of industry segments, such as the pig production sector, having rules and requirements that are both overly complex and inappropriate. To support state and local economic development, it is critical that the approach supports industry and its potential for development.

Balancing these competing needs is very challenging. Regulators can be quick to establish excessively cautious rules for some sectors, while implementing overly-relaxed measures for others, especially where these latter industries are seen as ‘trendy’, or the current ‘flavour of the day’. This is a short-term perspective that ignores the many industries that have developed and operated for long periods without any negative impact or effect throughout the state.

In saying this, APL would draw your attention to the array of industry best practice standards and guidance material that has been developed together with governments, producers and independent experts, through its research and development program as a Rural Research and Development Corporation. Documents such as the National Environmental Guidelines for Indoor Piggeries (NEGIP) and the National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP) provide a range of information to producers (or producers-to-be) to ensure their developments and operations are planned, designed and operated in a way that is sustainable and meets the requirements of the Australian and State Government authorities. Use of these standards by the South Australian Environment Protection Authority has been welcomed by industry to provide certainty to producers in their planning and management approach. As such, we would

encourage the South Australian Government to utilise these materials more broadly in their review and refinement of the planning and design rules.

2. Consistent Interpretation and Approach

APL is fully supportive of harmonising the planning and design rules to ensure they are less ambiguous and onerous, and result in timely and reasonable outcomes. Given the often-subjective nature of applications, we believe consistency in interpretation of rules and consideration of local context is just as important. As stated on page 8 of the discussion paper, there must be “*a clear ‘line of sight’ between state interests at the strategic level through to the detail and application of policy for assessment purposes for the Code*”. This line of sight and consistent interpretation is critical for pig producers to ensure that applications are considered with impartiality and fairness, giving due consideration to the contribution made to the economy at the local, state and national levels.

Page 7 of the discussion paper states that the new planning and design Code “*provides a higher degree of certainty for the more common types of development*”. With this in mind, APL has deep concerns that intensive agriculture development is often subject to “not in my backyard” objections. This sentiment is expressed primarily by activists, but also increasingly by neighbours, including farmers. Moreover, councils need processes to deal with potentially high numbers of objections based on philosophical rejection of animal agriculture, so they can deal with those objections based on reason and science. What is proposed does not provide certainty for pig producers. APL recommends that efforts to improve consistency and certainty for applicants should include the removal of the avenues for disruptive and vexatious claims.

APL believes that to achieve consistency in assessment and outcome, the following approach must be applied:

- Clear and concise rules, definitions and terminology
- Clear guidance materials which walk the applicant through the process and explain the logic and assessment pathways – and importantly minimise the risk of iterative applications being made as new requests for information are made over time
- Application requirements clearly articulate the assessment pathways to ensure they provide clarity around process and assessment requirements
- Assessment criteria are performance-based, supporting and promoting industry best practice standards
- Assessment pathways are such that the complexity, risk and type of development are considered and appropriate
- Performance outcomes are set to attract and support innovation
- Justification of assessment interpretation is provided where applications are referred or denied
- Where applications are referred, the logic and reasoning behind the referral is clearly demonstrated

3. Education and Awareness

Harmonising the state planning and design rules, establishing clear application and assessment pathways and achieving consistency in interpretation across 68 local councils will be next to impossible without extensive education and awareness. This point seems to be almost mute in the discussion paper, and without this, APL is deeply concerned that in its absence, even with all the good intentions of the state government, the reforms are

jeopardised from the outset. Education and awareness are critical to ensure that applicants, assessors and public stakeholders have a clear understanding of the approach and expected outcome for all applications, long before a decision is taken.

As such, APL would welcome information on where and how this will take place to ensure we can inform our producers, so they can participate in any educational fora accompanying the roll-out of the new Code. This is even more important when coupled with the intent to move to a (largely) paperless system. Many rural and remote farmers would most likely face difficulties, including unreliable access to internet (let alone fast internet services), lack of technical competency to navigate the system, and inability to pay consultant fees to generate a development application on their behalf.

4. Fees

The Australian pig industry is suffering through a profitability crunch arising from production oversupply, exacerbated by drought and high feed prices. APL is concerned that these reforms will lead to increased costs for applications and assessments. Noting the intent of the discussion paper is to explore avenues to maximise the simplicity, expediency, and certainty of application and assessment processes, APL would welcome a consideration of reduced fees in line with the proposed reforms.

Summary

APL supports any approach by the South Australian Government to improve the efficiency and effectiveness of the planning and design system by harmonising the planning rules across the State and making the application and assessment process simpler, less onerous and, most importantly, consistent. These improvements are welcomed by APL.

APL would be happy to discuss the comments provided in this submission and provide any clarification or industry standards and guidelines if required. Should you require further information or have any questions, please contact Grantley Butterfield, Policy Manager – Planning and Environment, on 02 6270 8820 or grantley.butterfield@australianpork.com.au.

Yours sincerely



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