

Director, Legislative Updates  
Department of Planning and  
Environment  
GPO Box 39  
Sydney NSW 2001



**AUSTRALIAN FOOD  
SOVEREIGNTY ALLIANCE**

**BY EMAIL:** [Regulation.Review@planning.nsw.gov.au](mailto:Regulation.Review@planning.nsw.gov.au)

Dear Sir/Madam

### **Submission to the NSW Environmental Planning and Assessment Regulation 2000**

This submission seeks to provide feedback to inform the Government's review of the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**). We are aware that the current reforms accompany a range of measures to review the State Environmental Planning Provisions (**SEPPs**), the Standard Instrument Local Environmental Plan (**LEP**), Ministerial Directions, and the previously reviewed EPA parent Act. The Australian Food Sovereignty Alliance will be making further submissions the SEPP reforms package in addition to this submission.

#### About the Australian Food Sovereignty Alliance

The Australian Food Sovereignty Alliance (**AFSA**) is a collaboration of organisations and individuals working together towards a food system in which people can create, manage, and choose their food supply from paddock to plate. AFSA is an independent organization and is not aligned with any political party. Currently we have more than 700 individual, organisational, business, and farm members.

In 2014 we established a producers' branch of AFSA, Fair Food Farmers United (FFFU) to provide a balanced voice to represent farmers and advocate for fair pricing for those selling to the domestic market, connect Australian farmers for farmer-to-farmer knowledge sharing, and to be a voice for farmer-friendly regulations and standards.

We are part of a robust global network of farmer-led organisations involved in food security and food sovereignty policy development and advocacy. We are members of the International Planning Committee for Food Sovereignty (IPC), Urgenci: the International Network for Community-Supported Agriculture, and La Via Campesina – the global movement of peasant farmers, and we have strong relationships with Slow Food International and its Australian chapters. We also provide support for the sole Australasian representative on the Civil Society Mechanism (CSM), which relates to the Committee on World Food Security (CFS).

We work extensively with primary food producers and consumers across every state and territory in Australia. Our committee has consisted of published academics and lecturers from the University of Melbourne, RMIT, Deakin University, University of Tasmania, University

of Sydney, and QUT. We have also had representation from farmers from every state, and local advocates and campaigners such as Food Connect, Friends of the Earth, Regrarians, Fair Food Brisbane, and the Permaculture Network.

Our vision is to enable regenerative farming businesses to thrive. Australians increasingly care about the way their food is produced, including its social and environmental impacts. They seek out food that is grown locally and without damage to the environment. Food produced on small regenerative farms is increasingly in demand, and we believe that it is critical that government heeds changing community expectations and facilitates, supports and encourages the growth and viability of regenerative agriculture while protecting the environment and human and animal health.

### Issues with the Current Regulation

#### **Designated Developments**

Under Schedule 3 of the Regulation, the current definition of ‘Designated Development’ (DD) is *a category of local development which is subject to a higher level of assessment and scrutiny due to the potential risk it poses to the environment.*

This definition has captured a number of small-scale farms in NSW, particularly in the areas subject to water catchment area restrictions surrounding Sydney. Among our networks, we are aware of the profound effect this application has had on small-scale, free-range farmers in this region. In particular, the current definitions impose unfair and unrealistic burdens on small-scale, free-range poultry farms situated within a designated drinking catchment.

#### **Livestock Intensive Industries**

The current definition is out-dated with respect to modern expectations from the general public who are increasingly demanding that their food be sourced from production systems that support the ethical treatment of animals.

The definitions of poultry farm and piggeries ought to be formulated in 'plain English' to all stakeholders, including consent authorities, farmers and the community. The new thresholds suggested by the SEPP review program will likely affect these definitions. The Regulations need to facilitate exemptions for small to medium scale farms and remove the requirement for a DD application where certain requirements (based on risk assessment) are met.

### The Proposed Reforms

#### **The Objectives**

The objectives of the reforms are to undertake a comprehensive review of the Regulation in order to:

1. Reduce administrative burden and increase procedural efficiency;
2. Reduce complexity; and

3. Establish a simpler, more modern and transparent planning system.

We are in favour of these objectives as they are currently stated. We add that based on the frequency of reform in planning law in NSW, the Regulations ought to be guided by a forward-thinking approach for future generations to come. The Regulations will have long-term effects on the health and sustainability of prime agricultural land and therefore should consider the relevant visionary aspects of the objectives for rural land throughout the state. These aspects can include, but are not limited to: the preservation of rural zoning for rural purposes, the facilitation of identified ‘food bowls’ within the state, and the guided education and support for newly establishing farmers in the state.

In order for the Department to better regulate the planning controls in regional NSW, there must be a solid foundational understanding of operational farms in the state. Good regulatory practice, assumed to be in place for this set of reforms, involves consultation with all stakeholders affected. The reforms to date have not offered public consultation to the community but have offered consultation with professional stakeholders. The reviews ought to be widely publicised amongst regional and rural networks. The types of farms affected will include all farms that are commercial in nature, regardless of the number of livestock on the property. To our knowledge, a number of affected farms were unaware of the relevant changes to the Regulation, nor to the changes to the EPA parent Act earlier this year.

Recommendation: That the policy officers instrumental to the drafting of this regulation make on-site visits to a number of farms for all types of livestock, including small-scale farms and industrial large-scale operations. The Department should produce a transparent record of their findings. Officers should also make available public consultations explaining the effect of the changes, especially in regards to DDs.

### **Designated Developments**

*The review provides an opportunity to consider whether the current classes of designated development in Schedule 3 remain appropriate, and to review the level of alignment between these activities and those listed in Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).*

In the review, thresholds have been reinforced for DD applications and no changes are apparent.

As stated in the Issues Paper, historically, the classes of DDs under Schedule 3 of the Regulation corresponded closely to the activities listed in Schedule 1 of the POEO Act, which require an environmental protection licence.

These activities in the past have, in some cases, become increasingly intensified, but not all operations captured by the prescribed classes present high levels of risk.

We submit that the greater the intensity of the animal industry operation, the greater the regulatory controls ought to be implemented. This scale-appropriate approach will allow for low-risk farming in designated areas without threatening the health of the landscape but rather improving it with regenerative farming practices. The number of farms captured by the definition of DD has had disproportionate effects on many livestock farmers, many of which are poultry farmers. This is due to the apparent lack of understanding in the regulations of viable farming practices.

After some basic analysis, AFSA has concluded that a stocking density based on the highest sustainable carrying capacity for a low-risk mid-scale pastured poultry farm with the least favourable soil conditions and climate, can be applied as the lowest common denominator.

This stocking density (eg. 450 poultry/Ha where provided for in a code) is a more effective evidence-based threshold for poultry farms that should not require a DD Application in the Rural Zones

Recommendation: Small to medium-scale pastured poultry production should therefore be proportionately regulated according to risk-based analysis, and we propose this would be more effectively captured by a threshold of 450 birds/Ha. This number represents the upper limit of commercially viable, low-risk, small-scale poultry farms.

### Shared Concerns

Our submission shares those concerns as outlined by:

1. Penelope Kothe of Caroola Farm and Southern Harvest NSW Association;
2. Danny O'Brien of My Farm Shop Pty Ltd;
3. Fiona Porteous
4. Bent Shed Produce; and
5. Heike Holdy in their respective submissions.

We would welcome the opportunity to be involved as a stakeholder in the consultations due to occur in 2018.

Yours Sincerely

Sarah de Wit

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The Australian Food Sovereignty Alliance

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