



AUSTRALIAN FOOD SOVEREIGNTY ALLIANCE

Response to the Proposed State Environmental Planning Policy (Primary Production and Rural Development) and related planning reforms

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Australian Food Sovereignty Alliance

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About the Australian Food Sovereignty Alliance (AFSA)

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 and distribution system. AFSA is an independent organisation and is not aligned with any political party. 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.

Background

Recently the NSW Government released their proposed reforms to state planning controls for NSW rural industries. AFSA has made a commitment to our members to engage with the evolving planning reforms in NSW, including the *Environmental Planning and Assessment Act 1979* (to be superseded by the *Environmental Planning and Assessment Amendment Bill 2017*) and the current reforms to the *Environmental Planning and Assessment Regulation 2000* (the **Regulation**). AFSA made a submission¹ to its review on 24 November 2017 to express our views on the requirements the Regulation places on small-scale farmers whose farms are deemed 'Designated Developments' in NSW.

Key to the State Environmental Planning Policies (**SEPP**) reforms for AFSA's members is that five SEPPs relating to agriculture are being merged into one state policy. This process aims to 'modernise and simplify the planning system.'² The Government has identified that the SEPPs need to reflect modern agricultural practices and support commitments in the [NSW Right to Farm Policy](#).

Livestock farms, including pig and poultry farms, are already subject to numerous levels of intervention and layers of costs. Many are subjected to Local Land Services inspections and the requirement to hold NSW Food Authority licences for the farming and transport of poultry, along with licencing costs for the processing and storage of meat and the costs and administrative loads involved in the NLIS scheme. This is an existing layer of regulatory and financial burden that exists.

The proposed package of reforms will add to this further by affecting Local Environment Plans (**LEPs**) and will determine when farms require Development Consent, another layer of administrative burden and cost.

Current Definitions

The current definition for '**intensive livestock agriculture**' is the *keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:*

- (a) dairies (restricted)*
- (b) feedlots*
- (c) piggeries*
- (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.*

¹ Note that this submission is not available on the website DPE submission page because we submitted by email. Receipt dated: 27 November 2017.

The current definition for '**extensive agriculture**' includes:

- (a) The production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) The grazing of livestock for commercial purposes,
- (c) Bee keeping,
- (d) A dairy (pasture-based).

'Feedlot' currently means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy, or piggery.

Proposed Definitions

The proposed definition for '**intensive livestock agriculture**' refers to the *keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, sheep, horses or other livestock, and includes any of the following:*

- (a) dairies (restricted)
- (b) feedlots
- (c) pig farms
- (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

'Intensive livestock agriculture' will continue to be permitted in the RU1 – Primary production, RU2 – Rural Landscape and RU4 - Primary Production Small Lots zones, but may be permitted with, or without, Development Consent.

The proposed definition for '**extensive agriculture**' refers to:

- (a) The production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) The grazing of livestock for commercial purposes, where the animals eat plants growing on the land,
- (c) Bee keeping,
- (d) A dairy (pasture-based), where the animals eat plants growing on the land,
- (e) Supplementary and emergency feeding, and temporary penning or housing of animals for weaning, dipping or related purposes, that is incidental to the grazing of livestock or a dairy (pasture-based).

The proposed definition of '**feedlot**' will mean a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy, or pig farm, or extensive agriculture.

The definition of 'feedlot' will no longer include reference to how the animals are fed.

Issues with the proposed reforms

Consideration for agricultural land needs to be core to the many changes to the NSW planning system if we are to have a food secure future.

The proposed changes to the legislation pose a number of issues for small-scale pastured pig and poultry farms which are likely to trigger the need for Development

Applications. This will place unnecessary burden on low-risk farms, making farming unviable, and add to the administrative burden for local councils.

As a result, concerned organisations and individuals from NSW and across Australia are banding together to lobby for significant changes to the proposed regulations. These include but are not limited to:

- Southern Harvest Association
- SAGE
- SCPA South East Producers
- Small Farms Network Capital Region
- Southside Markets Canberra
- Canberra Regional Farmers Markets
- Slow Food Organisations of NSW
- Pasture Raised On Open Fields (PROOF)
- My Farm Shop
- Slow Food Hunter Valley
- Allsun Farm
- Gundaroo Tiller
- Caroola Farm
- Jennie Curtis
- Santos Organics
- Louise Glut
- Diana Saucedo
- Chicken Caravan
- Food Fossickers
- Friends of the Earth Australia
- Open Food Network
- Social Food Project
- Youth Food Movement Australia
- Byron Shire Council
- FEED Northern Rivers
- Byron Fair Food
- Queanbeyan Palerang Regional Council
- Joe Friend
- Richard Stone

We would encourage the NSW Planning Minister, the Honourable Anthony Roberts, to engage with AFSA to ensure new legislation is appropriately drafted to protect the growing small-scale farming sector.

AFSA's concerns over the impact of proposed reforms in Victoria on small-scale pasture-based farming were noted by the Honourable Jaala Pulford, Minister for Agriculture and Regional Development, after we made a submission to the draft *Planning for Sustainable Animal Industries*. As a result of our efforts, the Minister has instructed her Department to work with us to work through the concerns as they finalise the reforms.

We would encourage the NSW Department of Planning and Environment to do the same by engaging AFSA in consultation directly.

Executive Summary

This response to the Proposed State Environmental Planning Policy (**SEPP**) (Primary Production and Rural Development) and related planning reforms outlines the concerns of our organisation and our members. It will expand on the issues relating to the proposed definitions, animal number thresholds and exemptions, as well as the effects of peri-urban areas on farmers whose access to communities via farmers' markets is considerably affected. This submission focusses on the impacts on the meat, egg and fresh vegetable producers whose commercial viability will be most affected.

A major issue AFSA have identified is the proposed development consent requirement for commercial operations involving any 'intensive' cattle, sheep or goat feedlot, dairy (restricted), pig farm, or egg or poultry production facility within **500 metres** of a dwelling not associated with the development or in an 'environmentally sensitive area'.² Such a distance will deter current and prospective vendors of small lots who wish to start a farm. This onerous trigger of a 500m setback from neighbouring residences and sensitive areas would mean that small-scale pig and poultry farming would be almost impossible without Development Consent due to physical property sizes and geographical constraints.

AFSA have prepared 12 recommendations – the first informs the need to conduct a more thorough literature review before finalising the reforms. We propose that the Government foster NSW's food security by taking into consideration research discussed below in relation to peri-urban planning. In direct response to the relevant subdivision and Right to Farm Policy related reforms, we recommend that the Government create more flexibility for the construction of dwellings built in support of the agricultural purposes on farms, while maintaining and strengthening guards against converting farms to purely residential, lifestyle properties.

Our third recommendation pinpoints a repetitive issue throughout the reforms – that is, the inconsistent interpretations that can be made from certain definitions. All operations apart from those that are 'extensive agriculture' are currently defined as 'intensive livestock agriculture' unless they qualify as a 'Designated Development'. Definitions should reflect the scale of operations determined in the proposed threshold

² Including: Coastal waters of the State; A coastal lake; SEPP wetlands or rainforests; and Aquatic reserves under relevant Marine Park and marine park management acts.

clause. This should be amended by classifying operations below the proposed Development Consent thresholds as 'extensive agriculture' so that the definition for 'extensive agriculture' can include small-scale pasture-based pig farms and poultry farms. In conjunction with this, we recommend that all shed based pig farms are included in the 'feedlot' definition. To further highlight the need for less ambiguity in the definitions, we recommended that not only should all pastured livestock be defined under 'extensive agriculture', but that the term be changed to 'Pastured Animal Production'.

We propose appropriate assessment tools be used for determining Development Consent for pastured pig and poultry farms. AFSA has created forms that councils and farmers could use to assess the trigger to judge a farm 'intensive' or otherwise. In lieu of the 500m setback proposed to all farming systems without distinction, we recommend that, where feeding infrastructure is mobile, a setback from neighbouring dwellings, waterways or 'environmentally sensitive areas' be set at no more than 20m. The Government should also identify suitable resources in relation to planning compliance. We recommend that it develop Codes of Practice in close consultation with small-scale pastured pig and poultry farmers. We have prepared a draft for Pastured Pig Production in Appendix C.

Additionally, regulatory outcomes must be aligned with current industry structure and animal operations in the state. To achieve this, the Government should urgently prepare a regulatory impact statement to effectively devise the reforms.

This submission attempts to communicate to the Department of Planning and Environment that the reforms do not support newcomers to the industry and on a number of accounts contradict the aims and objectives of the new SEPP and related reforms.

What the proposed planning provisions mean for farmers

Most new small-scale pig and poultry farmers will be required to deal with unnecessary, prohibitive and expensive red tape, by way of Development Applications triggered by thresholds of animal numbers (for example, >1000 birds or >200 pigs or 20 sows) or being within 500m of an 'environmentally sensitive area'.

This will in practice make it unviable to establish a farming operation, especially on small acreage properties, when farmers are considering raising animals. This will have a follow-on impact on local employment opportunities both on farms and in value-adding industries.

This is important given that one objectives of the RU1 Primary Production zone is to promote diversity.

What the proposed planning provisions mean for eaters

Access to genuine free-range meat, a growing consumer market, will become harder as small-scale pastured livestock farmers cease to grow under the pressures of an unfair planning scheme. This comes on top of diminishing access to processing facilities. NSW, the ‘farming capital of Australia’, could see the demise of the very farming systems that underpin the diversity and quality of produce for which our state is famous.

What AFSA members want

We call on NSW Planning Minister, the Honourable Anthony Roberts to adjust the definitions of ‘intensive’ and ‘extensive’ agriculture to allow for small-scale pastured pig and poultry farming to continue without impediment through improved definitions in the State Environmental Planning Policies that, as currently proposed, label all pig and poultry farmers ‘intensive.’

We will request, by way of petition to the Legislative Assembly, that clearer definitions are created.

List of Recommendations

Recommendation 1: That the Government foster NSW’s food security and strengthen its efforts to identify ‘Food Sheds’ by consulting with shires and taking into consideration research by UTS and SPUN in relation to peri-urban planning.

Recommendation 2: Create more flexibility for the construction of dwellings built in support of the agricultural purposes on farms, while maintaining and strengthening guards against converting farms to purely residential, lifestyle properties.

Recommendation 3: Amend the interpretational inconsistency by classifying operations below the thresholds as ‘extensive agriculture’ so that the definition for ‘extensive agriculture’ can include pasture-based pig farms and poultry farms.

Recommendation 4: That all shed based pig farms be included in the ‘feedlot’ definition and that pastured pig farms be included in the ‘extensive’ definition.

Recommendation 5: That the trigger to judge a pastured pig farm ‘intensive’ be set at more than 25 SPU/Ha, subject to meeting minimum standards.

Recommendation 6: That all shed based poultry farms be included in the ‘feedlot’ definition and that pastured poultry farms be included in the ‘extensive’ definition.

Recommendation 7: That the trigger to judge a pastured poultry farm as ‘intensive’ be set at more than 450 birds/Ha, subject to meeting minimum standards.

Recommendation 8: That all pastured livestock are defined under ‘extensive agriculture’, but that the term be changed to ‘Pastured Animal Production’.

Recommendation 9: That where feeding infrastructure is mobile, a setback from neighbouring dwellings³, waterways or environmentally sensitive areas be set at no more than 20m.

Recommendation 10: To formulate a separate definition for small-acre (1-40ha) plant agriculture which does not require Development Consent, but rather full and comprehensive notification to the relevant consent authority.

Recommendation 11: Develop Codes of Practice in close consultation with small-scale pastured pig and poultry farmers. (See draft Code of Practice for Pastured Pig Production in Appendix C for what such codes might include.)

Recommendation 12: That a regulatory impact statement be prepared urgently.

³ (that is not associated with the farming operation)

The Case for Reform

Animal Industries in Australia

Industrial agricultural methods require further investigation and should be subject to strict regulation.

A growing scientific literature⁴ demonstrates that the high-density housing of genetically-cloned stock, immunologically depressed by breeding and environmental circumstances, in small spaces on the grounds of economies of scale, results in many acute infections—bacterial and viral—within the very environments in which they tend to evolve greater transmissibility and resistance. The sheds ostensibly built to keep disease out are instead the environments in which pathogenic species flourish.

Highly pathogenic strains of avian influenza A H7N4 and H7N7, for instance, have been documented on large broiler and layer poultry operations in Victoria and Queensland since the 1970s. An on-site increase in the virulence of an avian influenza H7N4 strain from low to high pathogenicity was documented on a large commercial broiler-breeder operation of 128,000 birds.⁵

It is the concentration, scale, and throughput of this method of intensive animal production that are driving the new disease ecology, selecting for the evolution of greater deadliness, and increasing the geographic extent of pathogen transmission.

Industrial pigs have repeatedly suffered disease outbreaks in Australia, including atrophic rhinitis, *Actinobacillus pleuropneumoniae*, *Haemophilus parasuis*, *Pasteurella multocida*, porcine circovirus 2, and swine flu H1N1 (2009). Many such acute pathogens can persist, and spread across multiple regional farms, only under intensive industrial models of production.⁶

The key difference between highly industrial models and the agroecological small-scale farms AFSA members manage is highlighted in this account of the structural differences in how industrial and agroecological farmers heed the signs their land offers them:

⁴ Wallace R.G. and Wallace, R. (eds). 2016. Neoliberal Ebola: Modeling Disease Emergence from Finance to Forest and Farm. Springer, Switzerland.

⁵ D.E. Swayne & D.L. Suarez, 2000. Highly Pathogenic Avian Influenza, Rev. sci. tech. Off. int. Epiz., 19 (2), 463-482.

⁶ Wallace & Wallace, 2016.

High-input methods reduce the need for the grower to pay attention or respond to ecological feedback cycles in the agroecosystem. For example, instead of responding agroecologically to feedback cycles of soil erosion and excessive surface water runoff or leaching by increasing soil organic matter (and thus increasing crop diversity and incorporating forages and green manures), conventional producers are—both structurally and rhetorically—encouraged to simply change the nitrogen-phosphorous-potassium balance of synthetic fertilizer application. The result is an agricultural system that is stabilized through significant investments in engineering, infrastructure, and policy, rather than agroecological system knowledge (Berardi et al. 2011).⁷

Scientists have turned their attention to the growth in pastured pig and poultry production and found many ecological and health benefits:

Outdoor pig farming became more popular in the last 20 years with the rise in public interest in animal welfare and products originating from production systems which take care of the environment. It is designed as a system that allows the pigs outside access including contact with soil and growing plants (Honeyman et al., 2001) in which animals can express their natural behavior (Miao et al., 2004). If this production system is coupled with good management practices it can result in acceptable production performance, high quality of pork with superior taste and health benefits for humans due to the high level of unsaturated fatty acids (Simopoulos, 1991) and absence of residues (growth promoters, antibiotics, pesticides) or biological agents (microorganisms, parasites).⁸

Climatic conditions, land size, and soil characteristics are the main factors that must be considered in pastured pig and poultry management. They comprise the management of housing and feeding, including the type of buildings and materials used, space

⁷ Rotz S. & Fraser E., 2015. Resilience and the industrial food system: analyzing the impacts of agricultural industrialization on food system vulnerability, *J Environ Stud Sci*, 5:459–473.

⁸ Salajpal, Karolyi, Lukovic. 2013, Sanitary Aspects of Outdoor Farming Systems, *Acta agriculturae Slovenica*, Supplement 4, 109–117, Ljubljana.

allowance, ground cover, group size, type of feeds and feeding regime, management of mating and disease prevention.

While the greater risks of industrial livestock production are well known, and to a large extent appropriately managed through each Australian state's planning provisions, there is an element of regulatory capture that appears to be growing worse, as evidenced by the current draft planning provisions that would codify what appear to be an inadvertent inclusion of small-scale pastured livestock farming in the definitions designed for high-risk, high-density intensive pig and poultry production.

It is useful to examine an example from overseas that demonstrates what can happen when a well-meaning government responds to a food safety or ecological crisis and enacts legislation that serves to promote industrial food systems while hindering regenerative, localised food production. Significantly, the Canadian authority responded to the public's concerns and a compromise was achieved that protected all scales of farming satisfactorily.

After the BSE crisis hit British Columbia, the Canadian Food Inspection Agency rushed to adopt a highly prescriptive food policy that required all meat slaughter to be conducted at centralized, publically licensed plants. Predictably, this policy served to protect industrial, export-oriented production against global fears of Canadian meat contamination, while enforcing impossibly onerous transport requirements on more rural, isolated, small-scale meat producers. The subsequent rise in concentration of meat production, slaughter, and processing throughout western Canada led to vocal struggles over food safety standards and system vulnerability.

On the one hand, alternative and small-scale producers and advocates contended that, given the large-scale and broad distribution inherent in concentrated industrial production systems, the risk of a widespread outbreak was high (Miewald et al. 2013). Hence, they argued that the shorter geographic distance between farm-slaughter-customer, which small-scale production and direct to consumer marketing provided, reduced risk along the supply chain (ibid). As such, proponents of more local food systems concluded that small-scale producers and their applicable distribution networks should be valued and supported within British Columbia's regulation.

Industrial production proponents, on the other hand, argued that centralized production allowed for more efficient monitoring and surveillance. In the end, the Miewald et al. (2013) study found that by opening up the policy (and the definition of 'risk' within the policy in particular) to include an appreciation for diversity of scale and distribution, both producers and regulators could facilitate flexibility in enforcement and reduce systemic risk within the meat production system. In effect, these amendments helped to build a more nuanced

*meat inspection policy that appreciated the role that different scales and methods of production and distribution had to play in buffering systemic risk.*⁹

As the Canadian authorities recognised, farmers committed to producing healthy, sustainable food for their local communities should have assistance, support and training for the continual transitions inherent to genuinely regenerative forms of production. Small-scale farmers across Australia are already engaged in agroecological practices that provide nutritious food for their communities while caring for animal welfare, the soil and all other components of their local ecosystems.

The Government is of the view that, if a free-range poultry farm is proposed next to an existing poultry farm, the existing operator may have concerns about biosecurity risks to their farm. Currently, the planning reforms suggest (erroneously) that risks of outdoor operations are greater than those of indoor operations.¹⁰

The case for agroecology

Agroecological farming is the application of ecology to the design and management of sustainable agroecosystems¹¹. Agroecological farmers favour long-term strategies that are flexible and can be adjusted and re-evaluated over time. They aim to diversify production on farm, which creates resilience ecologically, and for farmers and eaters in the face of climate change, but also for shifting market prices¹². At the core of agroecology is the idea that the type of farming undertaken must be appropriate for that particular environment.

This farming philosophy has been gaining an increasing following globally as farmers are beginning to seek out more sustainable farming methods. The concept has been endorsed by the Food & Agriculture Organisation of the UN (FAO) as a means to feed growing populations sustainably¹³.

The aim is to design complex and diverse agroecosystems for all the individual parts to eventually support and sustain each other to prevent the outbreaks of pests and disease

⁹ Rotz S. & Fraser E., 2015. Resilience and the industrial food system: analyzing the impacts of agricultural industrialization on food system vulnerability, *J Environ Stud Sci*, 5:459–473.

¹⁰ Page 20, Draft Planning Guidelines – Intensive Livestock Agriculture Development.

¹¹ Gliessman, S.R., *Agroecology : the ecology of sustainable food systems*. 2007, Boca Raton: CRC Press.

¹² Parfitt, C., et al., *THE PEOPLE'S FOOD PLAN. A common-sense approach to a fair, sustainable and resilient food system.*, in *Working Paper*, C. Richards and N. Rose, Editors. 2013, Australian Food Sovereignty Alliance: Kambah.

¹³ FAO, *Final report for the International Symposium on Agroecology for Food Security and Nutrition*. 2015, Food and Agriculture Organisation of the United Nations: Rome.

common in mono-culture systems. In practice this means incorporating a range of livestock, grains and plants in ways that minimise external inputs by re-using waste on the farm, spreading out the risk of relying on just one crop, conserving water and looking after the soil¹⁴.

The draft SEPP Explanation of Intended Effect (EIE) has indicated that the reforms will facilitate an adaptive approach to new and emerging agricultural practices, technology and industry.

Food Security: Preserving Valuable Land for Farming

The increasing attention of the NSW Premier and the Department of Planning and Environment on further housing for the state¹⁵ has made negative impacts on rural zones in NSW. Peri-urban areas have been targeted as future growth spots, which endangers precious prime agricultural land previously reserved for food production. The increased restriction of rural activities in the Sydney Catchment Water Area has also triggered issues among NSW's small producers, for the impacts of rural development in these areas has been bundled into one collective issue rather than one to be managed based on intensity of the culpable industries.

"In fact, the benefit of Sydney's agriculture to the economy is estimated at upwards of \$4.5 billion. Loss of agriculture therefore presents serious risks to the resilience of the city, to the health of residents and the viability of farmers' operations." ¹⁶

Data from the **Sydney Peri-Urban Network** Issues Paper shows that the peri-urban area is a significant producer of nurseries, perishable vegetables, meat chickens, ducks, turkeys, other poultry and eggs. The data represents historical ties between agriculture and markets on the edges of urban areas. It identifies that this is because of proximity to markets and good growing climate, access to water and soils.¹⁷

The reforms must address this underlying issue of the perceived or actual conflict between residential and agricultural land use. The Rural Production Zones **must** maintain the objectives to preserve land for agricultural use, as the pressures of

¹⁴ SOCLA, *Acroecology: Key Concepts, Principles and Practices*, ed. T.W.N.a.S.C.L.d.A. (SOCLA). 2015, Penang: Malaysia: Jutaprint.

¹⁵ NSW Department of Planning and Environment, Development Assessment Best Practice Guide, March 2017, pg. 2.

¹⁶ University of Technology Sydney. The future of Sydney's food bowl. 17 February 2016. <https://www.uts.edu.au/research-and-teaching/our-research/institute-sustainable-futures/news/future-sydneys-food-bowl>

¹⁷ Edge Land Planning, Sydney Peri-Urban Network Issues Paper, September 2015, pg. 9.

development for non-agricultural uses are being felt in peri-urban areas that have not been responsibly managed to date, and have forced farming further and further from major cities and regional cities.

The objectives of the Zone RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The objectives of the Zone RU2 Rural Landscape are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The objectives of the Zone RU4 Primary Production Small Lots are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.¹⁸*

If the NSW Government is committed to rural development, then it ought to substantiate this commitment by supporting agricultural uses that are compatible with the area. The Government has stated that it is committed to reducing land use conflict and recognised that “[p]rimary producers ... face challenges from changing land uses in rural and regional areas that can lead to conflicts, including increased sensitive uses such as dwellings.”¹⁹ The Government has also identified opportunities for “targeted settlement”. Low-risk agroecological systems are clearly best management practice for NSW’s future food supply, but unfortunately have not been surveyed by the drafters of the new SEPP and related reforms. While impacts on neighbours such as noise, light and

¹⁸ Part 2, Clause 2.3, Standard Instrument—Principal Local Environmental Plan.

¹⁹ Page 6 of the Explanation of Intended Effect, accessed at: <http://www.planning.nsw.gov.au/~media/Files/DPE/Other/primary-production-and-rural-development-eie-2017-10.ashx>

dust are unavoidable in intensive systems, much is to be gained in terms of land-use co-existence if agroecological systems were to be supported.²⁰

The NSW Government conducts thorough geospatial mapping exercises to identify “prime agricultural land” or ‘Strategic Agricultural Land’.²¹ AFSA encourages the Government to further protect these selected areas, to expand them, and to strengthen its efforts to identify “Food Bowls”²² or “Food Sheds”.

The Sydney Peri-Urban Network of Councils (**SPUN**) comprises 12 Councils surrounding Sydney and formed to stimulate discussion and action by all levels of Government. SPUN wrote in its 2015 Report that “peri-urban areas play a vital food security role for Sydney (as a food bowl and due to relatively low “food miles”)”.²³

The University of Technology Sydney’s (**UTS**) Food Shed Project is being conducted by the Institute of Sustainable Futures as part of one of their key research areas, ‘Food Futures’. The research produced ‘Mapping Sydney’s Potential Foodsheds’ through funding from the [LGNSW Building Resilience to Climate Change](#) scheme. SPUN, represented by Wollondilly Shire Council, is a key partner on the project.

The aim of the project is to understand the major factors that affect Sydney’s future food production. Interactive spatial maps of Sydney’s future food production and demand until 2031 show the consequences of failing to value peri-urban food production in the current planning strategy. One such consequence is unconstrained population growth planned under the [Sydney Metropolitan Strategy](#). By engaging with stakeholders, the Food Shed Project researches potential impacts, desirability and feasibility of a range of

²⁰ Explanation of Intended Effect, page 6: “Even with best practice management some farms will have residual noise, light, dust and other impacts that affect neighbours.”

²¹ Sharing and Enabling Environmental Data. Datasets accessible at: https://datasets.seed.nsw.gov.au/dataset?q=agriculture&sort=score%20desc%2C%20metadata_modified%20desc

Accessed via: <https://data.gov.au/dataset/42e2a51d-3c11-431f-ac62-f8511c859516>

²² In Victoria, the University of Melbourne’s *Foodprint Melbourne project* have published a report highlighting that Melbourne’s “foodbowl” is an important building block in a resilient and sustainable food future for the city. The report summarises project findings about what grows in Melbourne’s foodbowl and what it takes to feed the city, and it outlines the economic value generated by Melbourne’s foodbowl. The report highlights that: **1) The loss of Melbourne’s foodbowl is not inevitable as the city grows** if growth on the city fringe can be limited to existing growth corridors and strong targets are set for urban infill and increased urban density; **and 2) Melbourne can plan for a resilient city foodbowl** that provides healthy food for a growing population, promotes a vibrant regional food economy and acts as a buffer against future food system shocks.”

²³ Wollondilly Shire Council, SPUN Action Plan, 2015, accessed at: <http://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/SPUN/Sydney-PeriUrban-Network-of-Councils-SPUN-2015-Action-Plan.pdf>

future food production scenarios and how this contributes to the resilience of cities like Sydney in the face of future shocks and stresses.²⁴

The project essentially mapped where current and potential food producing areas are located around Sydney.²⁵ In the range of scenarios modelled, the first assessed what would happen if Sydney's agriculture was not protected and the proposed population growth under the Metro Strategy occurred in an unconstrained way. This is shown in Figure 1.

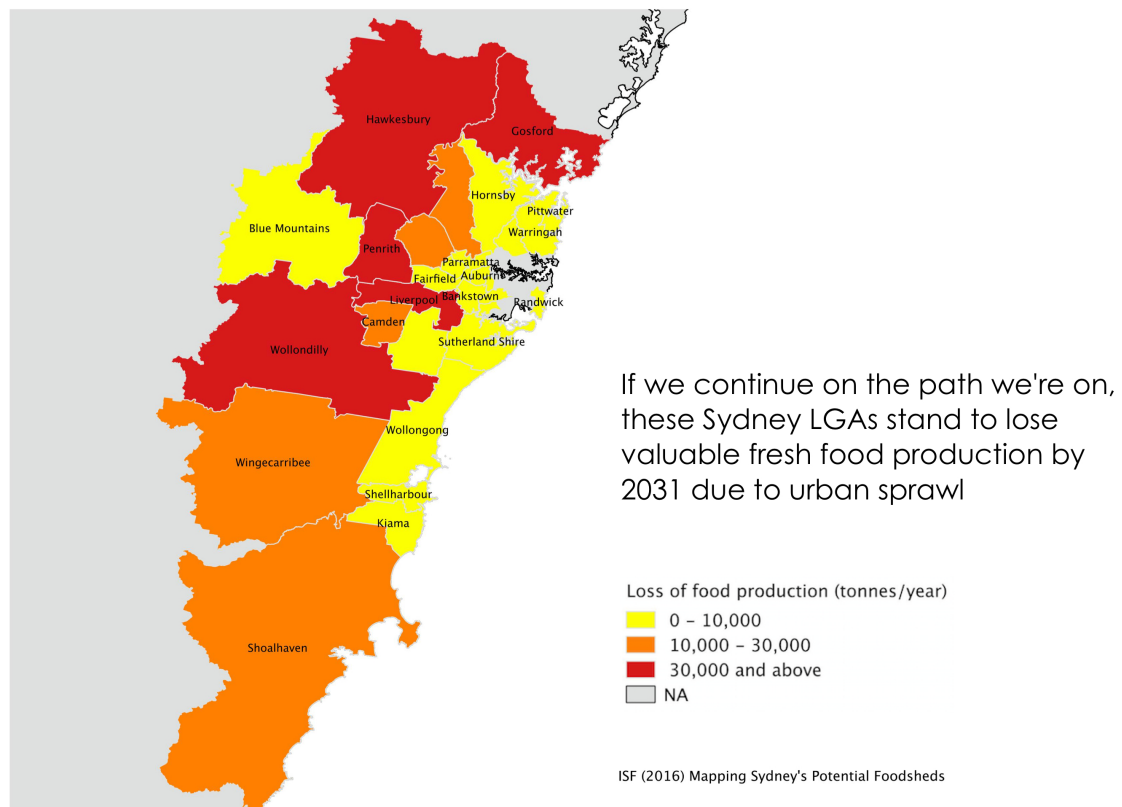


Figure 1. potential loss of food production by LGA under the '2031 urban sprawl' scenario.

²⁴ University of Technology Sydney. Planning Sydney's Food Futures. Accessed at: <https://www.uts.edu.au/research-and-teaching/our-research/institute-sustainable-futures/news/planning-sydneys-food-futures>

²⁵ Maps created by Sydney Food Futures (2015-2016): <https://www.uts.edu.au/research-and-teaching/our-research/institute-sustainable-futures/news/future-sydneys-food-bowl>

Accessed via: <http://www.sydneyfoodfutures.net/>

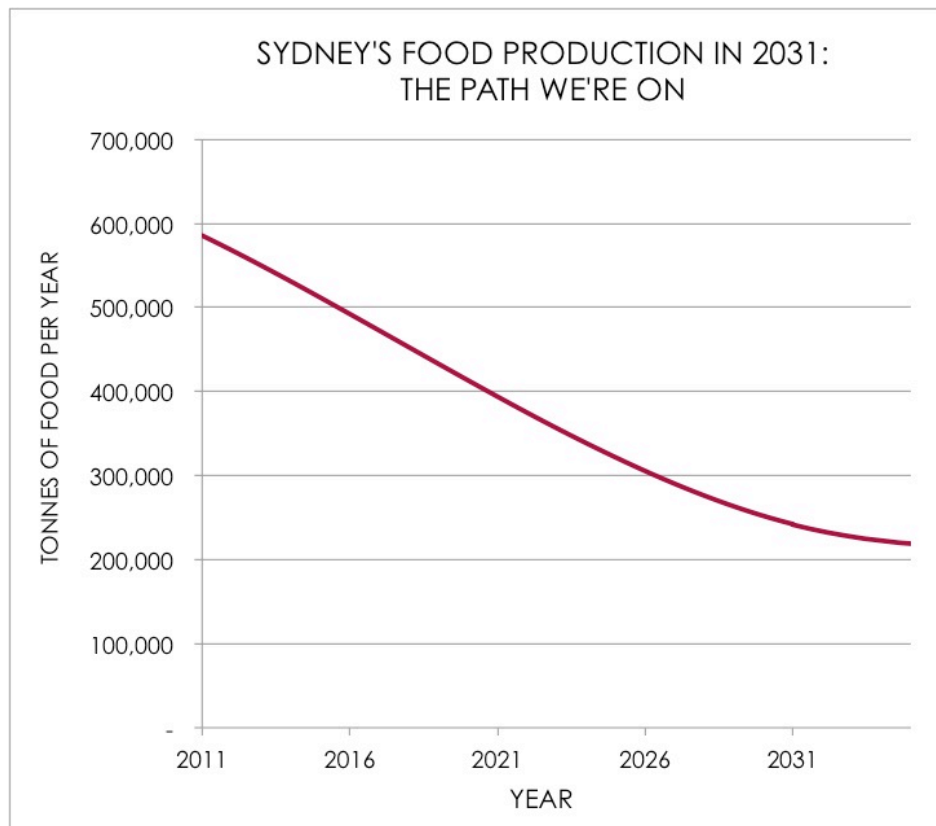


Figure 2: Permanent loss of food production under urban sprawl scenario.

Figure 2 shows that if the urban sprawl scenario continues uninterrupted, Sydney stands to lose approximately **60% of its total food production by 2031**. Vegetables, meat and eggs will be hardest hit: **92% of Sydney's current fresh vegetable production could be lost, 91% of meat and 89% of eggs** (Figure 3 below).

The project found that this is directly caused by the current planning system, which tends not to prioritise agriculture as a land use, meaning urban sprawl into peri-urban areas is permitted. The scenario was based on Sydney's metropolitan strategy, [A Plan for Growing Sydney](#), which allocates new population growth to each local government area, and, concentrates urban growth around North West and South West Growth Centres. Consequently, loss of fresh food production is greatest in Wollondilly, Liverpool, Penrith and Hawkesbury areas.

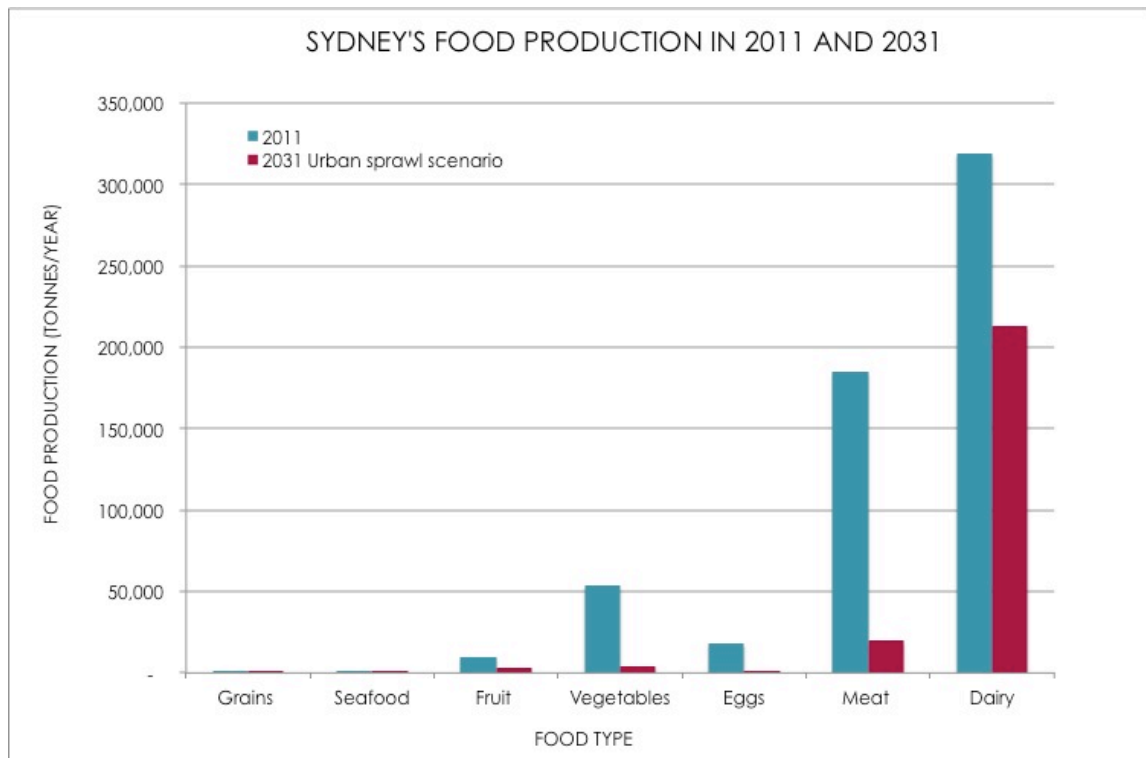


Figure 3: Food loss by food type under urban sprawl scenario.

*As a consequence of this loss of agricultural land to urban expansion, coupled with 1.6 million extra mouths to feed, food production in the basin would only be able to feed **6%** of Sydney instead of the current **20%**, increasing Sydney's vulnerability to a range of risks.*

In a second scenario, the project assessed what would happen if urban development occurred on existing urban land or 'lower priority' agricultural land.

Somewhat surprisingly, this scenario does not result in much protection of Sydney's agricultural land. That is, the loss of agricultural land is only marginally less than the urban sprawl scenario with no protection...This is because there is no Class 1 agricultural land in the Sydney Basin, resulting in very little preservation of existing agricultural production, and hence losses are significant. This means Sydney will still face the same vulnerabilities as the Urban Sprawl scenario.

The third scenario prioritised agriculture, and predicted the result of the proposed population growth under the Metro Strategy if it occurred in a constrained way, such that current urban development could intensify to high density, but not expand onto existing agricultural land.

*This scenario essentially protects the current agricultural base, in terms of production. If we choose a pattern of urban development that involves densification – that is, utilizing the existing urban areas better, growing up instead of out, we could continue to produce around half a million tonnes of food a year. Although importantly, as a proportion of Sydney's growing food demand, food production declines, to only meet **14%** of Sydney's demand. This raises the question of whether protecting the current agricultural base is*

therefore sufficient, or if we need to increase agricultural productivity too? Sydney is less resilient than Melbourne (and the national average) in terms of the proportion of the city population it can feed.

In the fourth scenario, the project hypothesised what were to happen if Sydney maximised its agricultural production in terms of highest yields (tonnes per km²).

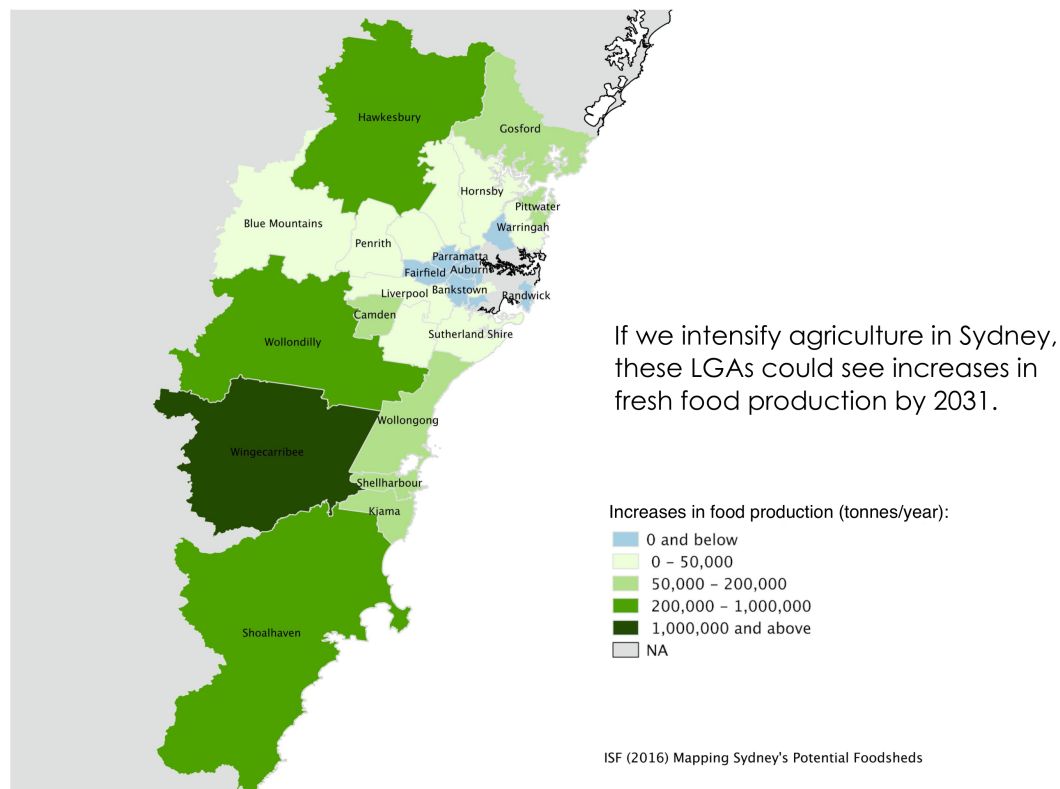


Figure 3. potential gains in food production by Local Government Area (**LGA**) under the 'intensive agriculture' scenario.

*In this scenario, existing farmland is essentially converted into agricultural production systems that maximise output, such as intensive horticulture (greenhouses), poultry sheds and feedlots. While this scenario ignores sustainability factors like environmental pollution, reduced urban amenity, animal welfare and sustainable diets, it does indicate that hypothetically Sydney could increase current food production from 580,000 tonnes per year **eight-fold** to 5,280,000 tonnes of food per year (figure 3). Indeed, Sydney could become an 'exporter' of vegetables, eggs and meat if agricultural productivity was maximised and protected. The hypothetical gains in this scenario are largely associated with converting grazing lands in Wingecarribee to intensive livestock and vegetable production, and to a lesser extent intensifying agriculture in Hawkesbury and Shoalhaven local government areas.*

The Institute cautions that not all of this land would be suitable for intensive agriculture, and many caveats apply to the plausibility and practicality of this scenario given risks related to profitability, capital investment and other matters such as biosecurity. This hypothetical scenario is only intended to provide an idea of the potential maximum food

*production that could be squeezed out of the land, and is not intended to indicate a desirable path for the future.*²⁶

Changes to greater NSW area

In addition to the Sydney Metropolitan Strategy, the *Greater Sydney Commission Act 2015* was set up as a regime for regional and district planning in the greater proportion of NSW. A range of development codes were expanded and standardised, and regional plans have now been brought about as the Government fulfills its ambitions to “make it happen”.¹ Consideration for agricultural land needs to be core to the many changes to the NSW planning system.

The pressures of a growing population must be dealt with in the residential suite of zones, not in Primary Production, Rural Landscape, and Primary Production in Small Lots zones. 88% of NSW Farmers responding to our survey are located in RU1 and RU2 zones.

This is especially critical in the face of the negative impacts of climate change on Australia’s capacity to grow food on the limited arable land available, most of which is concentrated around cities. If the Government continues to allow inappropriate encroachment and urban growth into viable farm land, future generations will become food insecure. A food secure and food sovereign future depends on appropriate planning controls that preserve farm land in perpetuity.

In the case of pastured pig and poultry farms, we propose that they should be wholly unshackled from the well-documented environmental consequences²⁷ of their industrial counterparts and treated independently, because they do not pose a significant risk to environment or amenity. We would recommend that the Government consult with shires with growing populations of pastured pig and poultry farms, such as the forward-thinking Wollondilly, Macleay Valley and Queanbeyan Palerang Regional Councils who share our concerns about the overly onerous requirements of the current scheme for small-scale producers.

Recommendation 1: That the Government foster NSW’s food security and strengthen its efforts to identify ‘Food Sheds’ by consulting with shires and

²⁶ Large parts of this text and data reflect the original work of Sydney Food Futures.

²⁷ Gowri Koneswaran and Danielle Nierenberg, Global Farm Animal Production and Global Warming: Impacting and Mitigating Climate Change, accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2367646/>

taking into consideration research by UTS and SPUN in relation to peri-urban planning.

Subdivision of Rural Land

Changes to the rural subdivision rules have flow on effects from the focus on housing development in NSW²⁸, especially around Sydney. This is directly relevant to the mismanagement of designated developments in NSW. The SPUN Action Plan dated 2 October 2015 identified the "ongoing lack of sound strategic approaches to the management of peri-urban areas is contributing to the disappearance of Sydney's rural landscapes".²⁹ Designated Developments and the Sydney Catchment area becoming exclusively residential and increasingly restrictive of rural activities.

The Government deems subdivision laws as 'consistent with the overarching policy objective of providing flexibility for farmers without encouraging unplanned residential development'. It also states that any updates will protect productive rural land for future generations and minimise potential land use conflict.³⁰

AFSA respectfully submits that the regenerative, agroecological farming movement offers an alternative in which increased population on farms is desirable and supports the purpose of farming as the priority activity. Agrarian intellectual Wendell Berry famously called for a better ratio of 'eyes to acres' – that is, *more* people watching and working the land to ensure it is cared for attentively and sustainably.

Former UN Special Rapporteur on the Right to Food Olivier de Schutter has also pointed out that agroecology is 'knowledge and labour intensive' – surely welcome considering the potential employment opportunities and slowing of rural-urban migration.

Allowing for multiple dwellings on what would be classified a single farm will aid farmers wishing to practice multigenerational farming. This could allow a smoother transition in the farming population as younger farmers will have the opportunity to live on farm with their own families while they learn by doing. Furthermore, holistic farming

²⁸ New South Wales Government, Development Assessment Best Practice Guide, 2017

²⁹ Sydney Peri-Urban Network of Councils, Action Plan, 2015. Accessed at: <http://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/SPUN/Sydney-PeriUrban-Network-of-Councils-SPUN-2015-Action-Plan.pdf>

³⁰ http://www.planning.nsw.gov.au/~/_media/Files/DPE/Factsheets-and-faqs/fact-sheet-subdivision-of-rural-land-for-primary-production-2017-11-03.ashx

on a single plot of land has the potential to support several families making their living from various farming enterprises that support each other socially and ecologically.

While AFSA strongly supports the need to recognise agriculture as the priority activity in the rural zones, we see a need to offer more flexibility to enable farms to construct suitable dwellings for the rich community of workers needed to manage these systems, where those dwellings are genuinely built in support of agricultural purposes.

Recommendation 2: Create more flexibility for the construction of dwellings built in support of the agricultural purposes on farms, while maintaining and strengthening guards against converting farms to purely residential, lifestyle properties.

Issues with the Proposed Planning Provisions

Interpreting the Proposed Definitions

The proposed amendments aim to clarify whether a farm is ‘extensive’ or ‘intensive’. However, we do not believe this has yet been achieved.

Under the proposed definitions, because of their commercial nature and exclusion from the definition of ‘extensive’, all ‘pig farms’ and ‘poultry farms’ will be ‘intensive livestock production’.

These farms will therefore generally require Development Consent in the RU1, RU2 and RU4 zones, unless the Local Environment Plan (LEP) allows for intensive agriculture without consent (to AFSA’s knowledge, no NSW LEPs currently allow intensive agriculture without consent), or if they are exempt according to the current and proposed exemptions to be drafted into the Standard Instrument LEP.³¹

The incorrect classification of most farming practices as ‘intensive’ and therefore consent-determined is problematic. Regardless of the number of animals, stocking density, and other considerations, the Standard Instrument LEP determines all commercially run pig and poultry farms as ‘intensive’.

³¹ Provisions are proposed to be transferred into Clause 6(1) of the Standard Instrument LEP – this is where AFSA understands the ‘thresholds for exemption’ will be contained.

The current definition for 'intensive livestock agriculture' requires a farm to satisfy three elements:

- 1) The farm is commercial;*
- 2) The farm keeps or breeds any type of livestock; and*
- 3) The animals are fed wholly or substantially with externally-sourced feed.*

However, the element of being 'commercial' does not necessitate 'intensive' activities.

The proposed reforms will not change the classification of 'intensive livestock agriculture' (aside from revoking the need to feed animals in a certain way) but Development Consent requirements will provide for a simplistic scale where intensive activities below the thresholds do not require consent.

Historically, the general approach of governments was to not require approval for the establishment of a farm in rural zones.³² The exception has traditionally been where farming activities are intensive. The key issue that has developed is the over-regulation of all farming, which unintentionally captures farms where intensive agricultural techniques (confinement and concentration) have not been implemented, or certainly not to the levels of efficiency in factory farms, which should be captured under the 'intensive' 'feedlot' category. Interpreted correctly, this category identifies agriculture that has potentially adverse environmental impacts, as per the SEPP 30.

The NSW State Government has committed to reducing red tape and better regulation initiatives.³³ However, it has failed to take into account the types of farming that present a low risk to human health and the landscape, such as regenerative and agroecological farming. AFSA objects to the obligations on farmers to fund the costly process of attaining Development Consent when their practices do not present the high risks of industrial livestock production.

Attached in Appendix E Is a current case study of a Pastured Pig operation in Goulburn Mulwaree Shire Council who are in the process of applying for Development Consent, where costs have already exceeded \$12,000. This is for an operation with an annual turnover of \$150,000 and is a clear example of the inappropriateness of scale that the financial burden of Development Applications requires. Other survey respondents have

³² David Farrier and Paul Stein (Eds) (2011) *The Environmental Law Handbook*, 5th Edition, Redfern Legal Centre Publishing, Thomson Reuters (Professional) Australia Limited.

³³ New South Wales Premier and Cabinet, Red Tape Reduction, accessed at: https://www.dpc.nsw.gov.au/programs_and_services/red_tape_reduction
New South Wales Finance, Services and Innovation, Better Regulation, accessed at: <https://www.finance.nsw.gov.au/better-regulation>

indicated costs in the order of \$2,000 to \$7,000 where they have obtained or are in the process of obtaining development consent. This is a huge financial burden on small scale farms with turnovers in the order of \$50,000 to \$150,000.

The SEPPs should fulfil their aims as stated on page 8 of the EIE. Expressly, they include “providing **simplified assessment requirements for low impact land uses**, and routine and emergency irrigation works.” It also aims to support investment in sustainable agricultural development. NSW defines ‘sustainable development’ as *development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs*.³⁴

Whilst the new definition for ‘intensive livestock agriculture’ includes an exemption: it expressly excludes the exemption from pig farms and poultry farms because it “does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief”. In the reform key documents, the Government repeatedly stated it would recognise the low risk nature of small free-range farms, but this is only determined by the abovementioned ‘exemptions’. Although the definition of ‘extensive agriculture’ includes grazing animals that ‘eat plants growing on the land’ and will be amended to include supplementary, emergency and temporary feeding, it remains that pasture-based pig and poultry farms will not be considered ‘extensive’ even though these animals also ‘eat plants growing on the land’ with supplementary feeding. If the intention of the reforms is to provide exemptions for pasture-based farming, then the exemption should also apply to low risk farming practices.

This interpretational inconsistency needs to be amended concurrently with changes to the SEPP. The lack of clarity in the definitions and possible differences in interpretation is not going to solve the issue that the proposed legislation attempts to address, being clarity.

If, as the EIE says, the intent is for all pig farms to be ‘intensive’, then effectively, the Government is not treating free-range or pastured pig and poultry farms with distinction as it has done with cattle, sheep and goats. The legislation relating to cattle, sheep and goats, correctly interprets ‘feedlot’ enterprises as ‘intensive’ and this should

³⁴ Lyster, Rosemary et al. (2016) Environmental and Planning Law in New South Wales, 4th Ed. The Federation Press. Page 61.

be the same in the pig and poultry industries, where there is a distinction between pastured and 'feedlot' production methods.

AFSA is aware that Greater Hume Council is making a submission to the NSW Government to recommend that the SEPP reforms should eradicate the evident ambiguity around definitions relating to 'intensive livestock agriculture'.

Compliance action was taken by the Council in 2015 against a cattle feedlot in Culcairn. The property owner disputed the definition of 'feedlot' and relevant restrictions did not apply. A clause in the current SEPP states Development Consent is not required if a feedlot is temporary, but as the legislation does not specify timeframes, it was argued the feedlot was not permanent. The Council was advised that definitions ought to be given to words such as 'temporary' to avoid similar disputes and will likely comment on this in their submission.³⁵ While it is true that the livestock sector is often characterised by intensification, scale and regional concentration, it should not be regulated without proper classification. Sound policies start with the acknowledgements of the elements of the society it regulates: population size, food consumption, the environment and the types of industry present. Therefore, a legitimate but overlooked part of the total effort is the changing character of livestock production which aims to improve local economies and land management.

Enforcing scale-appropriate regulations on all intensive activities may prove difficult as recognised by the Australian Animal Industries Advisory Committee in the Victorian reform process. Classifying small, pasture based farms as 'extensive' is likely to alleviate this issue and better classify the spectrum of farming practices.

The proposed clause on page 44 of the EIE (stating the thresholds) should practically implement a definition that refers to confinement operations and clearly exclude low-risk, small scale and pasture-based farms. Small, pastured livestock farms should be classified as 'extensive', regardless of the type of species.

³⁵ The Border Mail, Ellen Ebsary, ate Planning poicy reforms will 'mean more bureaucracy', 26 December 2017, accessed at: <http://www.bordermail.com.au/story/5139963/state-planning-policy-reforms-will-mean-more-bureaucracy/>

Recommendation 3: Amend the interpretational inconsistency by classifying operations below the thresholds as ‘extensive agriculture’ so that the definition for extensive can include pasture-based pig farms and poultry farms.

Inconsistent Application of Exemptions

Current exemptions for cattle and pigs will remain and proposed exemptions will expand the types of activities that can be exempt.

That exemption will now prohibit operating a new farm up to the boundary without burdensome Development Consent. It is proposed that exempt operations will still need to abide by the proposed 500m setback.

While AFSA supports the proposed setback applying to intensive forms of agriculture such as feedlots, sheds and broiler farms, we believe the exemptions are aimed at regulating “modern” practices and facilitate a ‘one size fits all’ approach (regardless of whether the operation is indoors or outdoors).

‘Exempt development’ has not been allocated appropriately to deserving practices. For example, the management of feral goats is considered to have little impact on the environment. A feral or ‘rangeland’³⁶ goat depot (a property that is used to aggregate goats prior to sale or slaughter³⁷) “refers to goats which are harvested and have never been confined to a feedlot or subjected to any chemical treatment”.³⁸ Rangeland goats, in operation, is not unlike a pasture-based system in that it does not confine animals in feedlots and does make use of chemical treatment on animals. It appears this exemption might exist because goat depots must be accredited with Livestock Production Assurance (LPA).

All producers who wish to sell meat products must be accredited with the LPA. This program is designed for regulating the export industry and is based on perceived market expectations.³⁹ As accreditation for small producers is already mandated, then

³⁶ ‘Rangeland’ is used by industry to describe the environment from which feral goats have originated for marketing purposes. (EIE pg.12)

³⁷ and operates in accordance with the Industry NLIS Standards for operating a Goat Depot published on the Goat Industry Council of Australia website. (EIE pg.12)

³⁸ 4DPI 2012, NLIS: Feral and rangeland goats
http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0019/732313/NLIS-Feral-and-rangeland-goats-primefact.pdf

³⁹ Meat and Livestock Australia, LPA Rules and Standards, accessed at: <https://www.mla.com.au/meat-safety-and-traceability/red-meat-integrity-system/about-the-livestock-production-assurance-program/lpa-rules--standards/> and the Australian Meat and Livestock Industry Act 1997

application of the exemption for operations such as goat depots should consistently apply to small-scale pasture-based farms. Small producers ought to qualify for the exemption in lieu of being excluded from the definition.

The EIE states on page 7 that '[w]herever possible, matters related to determining the possibility of development and decision-making processes should be included in LEPs.'

As a key consideration, the method by which farmers produce should be included. Greater recognition of the entire gamut of farming practices is crucial to making a consistent approach to assessing development applications across the state.

Further, Section 76 of the EP&A Act (relating to Exempt Development) creates scope for further appropriate exemptions because it includes that exempt activities with minimal environmental impact should be identified. The Government has not identified this scope in the reforms.

Proposed Pig Farm Provisions

NSW continues to be the highest exporter of pork in Australia. NSW has the fourth largest slaughter numbers (under SA, VIC QLD in that order). NSW has the highest percentage of changes in slaughter number compared to the year before.⁴⁰ Additionally, the increased inland concentration of pig farms⁴¹ causes demand for this changing industry to be regulated appropriately.

The proposal in relation to pig farms is to label all such farms 'intensive'.

Other proposals include: a pig farm accommodating 200 or more pigs or 20 or more sows will require Development Consent; free-range and genuine pastured pig farms are not to be excluded, but expressly included in this definition; and exceptions made in land use zones where intensive livestock development is permissible.

Despite the uncertainty about the thresholds under the state policies, the SEPP No. 30 thresholds for development consent will not be changed once transferred into the single

⁴⁰ Australian Pork Limited (October 2017) Australian Imports, Exports and Domestic Production Report. Accessed at: https://gallery.mailchimp.com/52db4830e5889ac1d3f58b58d/files/25d921da-5cc8-4465-a4da-f2dca10a186c/ImportsExportsDom_Prod_October_Report_2017_2.pdf

⁴¹ APL resource from 2006: *Changes in traditional agriculture and greater urban and environmental pressures have meant that production has moved away from coastal areas. Except for an area in the Richmond-Tweed, the majority of the pigs are raised in the inland grain-growing areas of NSW.* https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0006/62916/Understanding_the_pork_industry-Primefact_105-final.pdf

SEPP. This means that development consent is still required for pig farms with 200+ pigs or 20+ sows regardless of the farming method practiced.

Conflation of 'Pig Farms'

The proposals to group all pig farms under the one definition, erases the distinction between intensively reared animals confined in sheds (effectively feedlots) and pastured pig farms. This does not achieve the aims of good planning provisions, which in this case should be to fulfil the objectives of the RU1 Primary Production zone, as well as to support:

- economic development in regional NSW by supporting the growing industry of small-scale pastured pig farms, which also often bring significant agri-tourism to the regions;
- protection of the environment through clear land use terms and a shared understanding of the risk profiles of different production models; and
- community expectations and amenity are met and maintained.

This last issue will perhaps inflict some of the most egregious harm on pastured pig and poultry farming. A pastured farm submitting an application for 20 sows and 2 boars on 25ha, with plans for weekly rotations and fodder cropping, would have to post the same notice for a 'pig farm' as an application for a shed of 500 sows.

This is deeply misleading to the community not to distinguish between these very different production models in the nomenclature, as well as in application of legislative hurdles. This approach also creates unnecessary financial barriers to the small businesses who manage this innovative, low impact method of livestock farming.

Recommendation 4: That all shed based pig farms be included in the 'feedlot' definition and that pastured pig farms be included in the 'extensive' definition.

Setbacks

All new pig farms below the thresholds will not require consent (providing they are further than 500m from environmentally sensitive areas and neighbouring houses).

AFSA have been in contact with a number of farmers who have said they cannot operate under these conditions because their property size is simply too small. Given that many small farms, such as 20 acre farms, are not 500m across, the setback will cause unnecessary burden. The issue here is about the proposed policies not reflecting the

realities in, nor the objectives of, the rural zones. Many Environmental Planning Instruments (EPIs) are concerned with protecting agricultural land from the threat of residential or lifestyle-related subdivision and urban sprawl. For example, the Muswellbrook Local Environmental Plan includes the objective "to protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services."

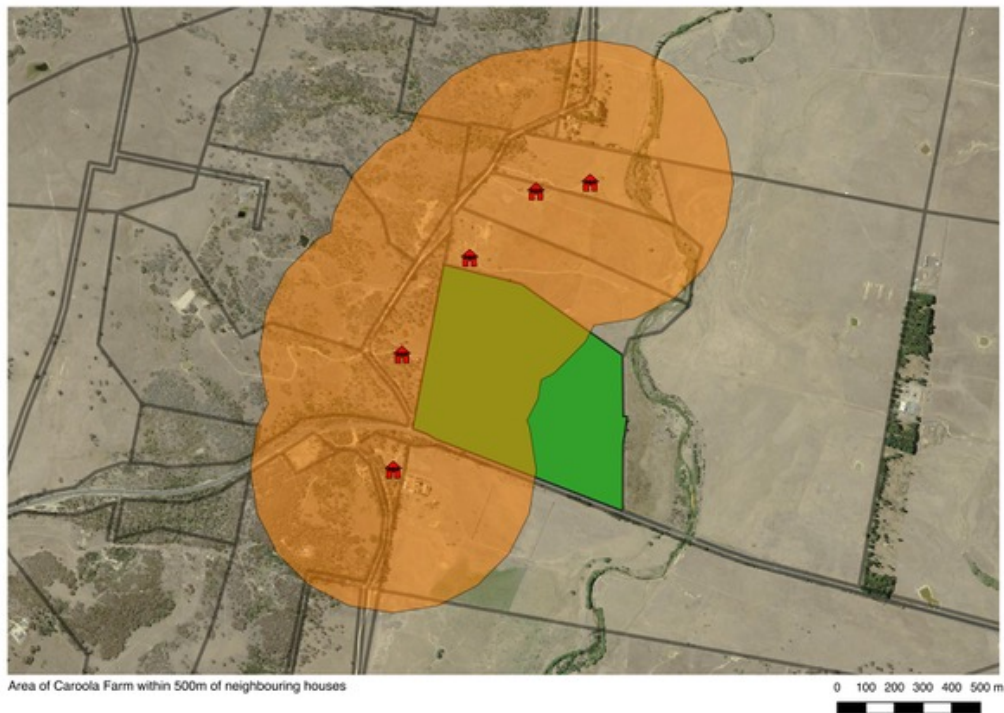
Small Farms Network - Capital Region collected data showing the inadequate management of NSW high number of small lots. The statistics they provided are based on cadastral GIS mapping data which is publicly available. Significantly, the data showed that large amounts of privately owned rural land is managed as small lots. This presents that the small farming sector makes up a significant part of the agricultural industry, a fact not to be ignored.

While many may be dismissed as non-productive hobby farms, small rural lots (1-40ha) account for 35% of the rural lands within 100km of ACT and 23% of the total area. Some properties are made up of multiple lots, but nevertheless this vast area makes up 537,505 hectares in the Capital region alone.

Department officers have said to AFSA staff that the 500m setback is a mere proposal, based on no scientific evidence, and that they are expecting alternative suggestions from the submissions.

In our survey, AFSA found that 92% of respondents' farms are located within 500m of neighbouring dwellings. If they were to be starting a new farm operation on their property, integrating pigs or poultry, they would automatically require Development Consent. The costs of Development Consent would prohibit many of these producers from farming. This also would put the majority of these small-scale systems in the same land use definition as sheds with millions of birds.

While AFSA supports the proposal that no Development Application will be required if the farm meets thresholds of less than 1000 birds or 200 pigs or 20 sows, we do not support the proposal that where the farm is less than 500m from a neighbouring dwelling or environmentally sensitive area, consent is required. Small rural lots account for vast areas of the rural lands in NSW and below is an example of what 500m looks like.



The map provided shows that these properties would need to submit a Development Application **if** they want to run a pig or poultry enterprise.

Because of the intention of the SEPPs to protect the environment, environmentally sensitive areas will always be a trigger for Development Consent. While the need to protect sensitive areas is supported, the list of considerations should include land management practices used on the property.

It should be noted that the industry guidelines for Rotational Outdoor Piggeries do not recommend any setbacks or buffers for this type of farming.

National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP)

The National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP) provide prospective and existing operators of Free Range (FR) and Outdoor Bred (OB) systems with information to size, site, design and manage rotational outdoor piggeries in a way that is sustainable and protects the community amenity and natural resources of an area.

The guidelines encapsulate a national approach to environmental management for rotational outdoor piggeries and incorporates up to date best practice and science as

well as complementing the industry's quality assurance program APIQ[√]® FR and APIQ[√]® OB.

It covers issues such as site selection, planning requirements, separation and buffer distances, pig accommodation and paddock facilities, nutrient budgeting, promoting more even distribution of manure nutrients, land and water protection measures, mortalities management, environmental risk assessment, monitoring and assessment of sustainability and nutrient management plans.

Whilst AFSA fundamentally disagrees with the practices of industrial agriculture, and do not believe (despite paying levies) that APL represents small pasture-based growers, the NEGROP recommendations alone state:

Table 8.1 on page 22 provides recommended buffer distances between the piggery complex of 30m from a watercourse.

The National Outdoor Guidelines for Piggeries recommended minimum fixed separation distances for Free Range and Outdoor Bred Piggeries apply and these are from a Town 750m, Rural residential area 500m and Rural Dwelling 250m. Further, recommended minimum fixed separations distances for re-use areas are Town 300, Rural residential area 150 and Rural dwelling 100.

However, they identify **that it is not necessary to calculate site-specific separation distances for rotational outdoor piggeries because these piggeries pose a low chance of causing a substantial odour impact**, providing they are managed according to sustainable nutrient loading rate criteria.⁴²

Nutrient Management

A further area of concern for livestock farming (intensive farming particularly, but not exclusively) is nutrient management. Concentration of effluent can obviously lead to pollution, environmental degradation, and unpleasant and offensive odours. Both intensive and extensive pig farms can and do manage their nutrition well, albeit very differently, as well-managed extensive systems aim not to concentrate effluent.

⁴² Australian Pork Limited, Outdoor Production, accessed at: <http://australianpork.com.au/industry-focus/environment/outdoor-production/>

The current definition does not helpfully distinguish between different systems and their impacts, be they environmental, social or welfare impacts.

APL funded research in 2014 found that pigs in its rotational outdoor piggery study were ‘adding some 300-600kg N/ha/yr and 100-200kg P/ha/yr [...] presenting environmental risks to both surface water and groundwater.’

Using the Nutrient Balance Calculator available on the APL website, we were able to calculate that a system with 12 sows and 2 boars – total herd size of approximately 100 pigs at any given time on 10ha, where pigs are rotated anywhere from fortnightly to up to two months, adds 15kg N/ha/yr and 6 P/ha/yr. Just one season of growing lupins in the affected area would actually deplete the overall available nitrogen, and balance the phosphorous and potassium.

AFSA further used APL’s Nutrient Calculator and modelled systems from 1 to 150 sows on land sizes from .5ha to 50ha. Short of leaving animals in one spot for 12 months or more at a time, we could not model a system that overly nutrified the soils. As we have described, the farmers we represent move animals regularly (76% move more often than weekly), and run either low density models, or high-density highly-mobile rotational systems.

APL has promoted NEGROP, which are being increasingly adopted by states as a *de facto* code of practice to replace what are considered mostly outdated piggery codes. The NEGROP gives examples of 500- and 1000-sow operations with two-year rotations, whereas AFSA members run between 0 and 100-sow farms (with a median of 9), and 85% move their animals more frequently than monthly.

In alignment with the above statement, AFSA has compiled a simple ‘impact assessment form’ [See Appendix A] to ascertain whether any given farm should require Development Consent. The information in the form clearly shows a number of interrelated triggers to easily ascertain whether any given pig farm is low risk and therefore an ‘exempt development’ as defined in Section 74(2) of the Environmental Planning and Assessment Act 1979 (NSW) (the EP&A Act). It also proposes a basic set of minimum standards. AFSA asserts that the final planning reforms should incorporate the impact assessment form as a ‘trigger’ for Development Applications, or include a clause that directs councils to its use for pig farms that fit under the ‘Extensive Agriculture’ definition (or ‘Pastured Animal Production’).

Recommendation 5: That the trigger to judge a pastured pig farm 'Intensive' be set at more than 25 SPU/Ha, subject to meeting minimum standards.

Proposed Poultry Farm Provisions

All poultry farms will be labelled 'intensive.' These may be permitted with a Development Application (unless there are changes to the LEPs). Further, 1000 or more birds (layers or meat birds) will automatically require Development Consent. Operations below this threshold will not require consent, as long as they are not located near environmentally sensitive areas or houses. Industry developed guidelines⁴³ remain for separation distances and risk assessment plans are required.

The Government proposes that poultry farms of less than 1000 birds will be exempt from development consent. However, if the farm is near a sensitive location or within 500 metres of a neighbouring residence, the exemption will not apply.

AFSA strongly disagrees with the proposed limitations applied to small- and medium-scale pastured poultry farms and the rationale behind these limitations. A fundamental misunderstanding of the risks posed by small- and medium-scale poultry farmers stems from the underrepresentation of pastured poultry production throughout the consultation and drafting periods, and has enabled these proposed planning reforms that fail to achieve their intent and purpose.

Small to medium-scale pastured poultry production should be proportionately regulated, 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.

Conflation of 'Poultry Farms'

The conflation of all poultry farms does not account for the differing systems of production. To effectively manage the proportionate risk, the planning system must take into consideration the production system for all animals, not just ruminants.

⁴³ National Farm Biosecurity manual for Chicken Growers (2010); National Farm Biosecurity manual – Poultry production (2009); Biosecurity of Mass Poultry Mortality Composting (2014).

Intensive shed-based poultry production is the ‘feedlot’ of the poultry industry. The risks to environment and amenity posed by this kind of production are significant and should be regulated as such. AFSA propose that shed-based poultry farms be included in the ‘feedlot’ definition in the legislative changes.

Consumers and producers are increasingly being concerned about the risks posed by these poultry feedlots. NSW is the largest producer of caged eggs in the country and has a vested interest in continuing the use of battery hens.⁴⁴ While the ACCC is addressing increasing consumer concerns about egg labelling,⁴⁵ animal welfare groups continue to advocate for a nationally unified approach which follows international examples where battery hens are banned. The European Union banned battery cage systems in 2012.⁴⁶ Europe, the UK and New Zealand have all shifted to cage-free egg production.

In contrast to intensive shed-based poultry production, low-density pastured animal husbandry is sustainable and potentially regenerative and should therefore be a ‘Permitted without consent’ use in the Primary and Rural Production zones.

In alignment with the above statement, AFSA has compiled a simple ‘Impact Assessment Form’ [See Appendix B] to ascertain whether any given farm should require a Development Application. The information in the form clearly shows a number of interrelated triggers to easily ascertain whether any given poultry farm is low risk and therefore a ‘Permitted without consent’ use in the Primary and Rural Production zones. It also describes a basic set of minimum standards.

NSW has a [Land Use Risk Assessment Guide \(LUCRA\)](#) that provides the process for assessing the risks of a proposal.

It is viable that by using LUCRA, there is a way for landowners to complete the risk assessment and provide this to council by way of a ‘notification’ (much like the way that small scale egg and poultry farms currently provide notification to the NSW Food Authority) that they are farming livestock or other produce. This provides an avenue for

⁴⁴ Ester Han, WA Today, Free Range Egg Farms Fined \$300,000 for misleading shoppers with false claims, 15 April 2016, accessed at: <http://www.watoday.com.au/business/consumer-affairs/free-range-egg-farms-fined-300000-for-misleading-shoppers-with-false-claims-20160415-go70cu.html>

⁴⁵ Legal Vision, In a Scramble over Free Range Egg Claims? Misleading Advertising Update, 29 April 2016, accessed at: <https://legalvision.com.au/28432/>

⁴⁶ Animals Australia, Battery cages banned in Europe, 27 March 2012, accessed at: <http://www.animalsaustralia.org/features/eu-bans-battery-hen-cages.php>

self-assessment that can determine the risk levels present, relieving councils of the onus to expend resources on such assessments. Improving the utilisation of LUCRA in this sense would provide a way for both farmers and councils to reduce the regulatory burden and administrative load and avoid the excesses of Development Applications.

This could be coupled with or combined into one document for self-assessment as per the Impact Assessment Form provided by AFSA in Appendices A and B.

AFSA asserts that the planning document should incorporate the impact assessment form (or a version thereof, incorporating the LUCRA tests) as a 'trigger' for Development Applications or include a clause that directs councils to its use for poultry farms that fit under a 'Grazing Animal Production' definition (or 'Pastured Animal Production').

Additional inconsistencies that stem from the conflation of all production systems include but are not limited to:

- Geese can be 100% pasture raised with no exogenous feed input. This quintessentially highlights the need to account for different production methods.
- Hatcheries sit outside the controls for poultry farms despite the potential significance of their operation (e.g. substantial industrial style construction; increased truck traffic). The proposal appears to ignore this problem despite the example of *Gaist v Campaspe SC* [2-15] VCAT 1662 (16 October 2015). Many small-scale farms hatch their own poultry with none of the same risks to amenity.

Setbacks

The proposed setbacks for small-scale poultry farms are excessive. A highly-mobile, low-stocking density, pastured-poultry farm poses very little risk to environment and amenity and should require setbacks commensurate with this risk. AFSA recommends a consistent setback of no more than 20m for pastured poultry farms of up to and including 450 poultry/Ha, where provided for in a code.

It is important to note that the animal production in these systems is designed to achieve a purpose (e.g. soil aeration) corresponding to an agroecological goal (e.g. increased water retention). A high level of management occurs at all times to achieve

these outcomes and the animal production area never remains in one location long enough to evolve from beneficial effect to detrimental risk.

The total value of poultry meat in peri-urban area is 46.2% of NSW. Poultry grown in these areas including all types of poultry grown for meat and egg production.⁴⁷

In our survey, AFSA found that 72% of pastured poultry farms would not meet the setback requirements for exemption to the Development Application process, which would put the majority of these small-scale systems in the same land use definition as sheds with millions of birds. An example appears below of what 500m looks like on a small farm:



The map provided shows that these properties would need to submit a Development Application **if** they want to run a pig or poultry enterprise.

Nutrient management

Importing more than 50% of the feed for 450 chickens foraging in rotations on 10 ha is a very different proposition to importing 100% of the feed for 10,000 broilers housed in a shed. Whereas the manure in the pastured operation fertilises paddocks directly with no

⁴⁷ Sydney Peri-Urban Network of Councils, Issues Paper, pg. 12. Accessed at: <http://www.wollondilly.nsw.gov.au/assets/Documents/Planning-and-Development/SPUN/20150928-Sydney-Peri-Urban-Network-Issues-Paper.pdf>

need for treatment and removal, in the intensive operation, effluent must be carefully managed to ensure nearby catchments and waterways are not polluted.

In our survey, AFSA found that 84% of pastured poultry farms are mobile, with over 90% moving birds and infrastructure weekly, or more frequently.

In our survey, AFSA found that pastured poultry farmers range from 1 to 1500 birds per hectare with an average of 136 birds/Ha.

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 Development Application in the Primary and Rural Production Zones.

Recommendation 6: That all shed based poultry farms be included in the ‘feedlot’ definition and that pastured poultry farms be included in the ‘extensive’ definition.

Recommendation 7: That the trigger to judge a pastured poultry farm ‘intensive livestock agriculture’ be set at more than 450 birds/Ha, subject to meeting minimum standards.

Recommendation 8: That all pastured livestock are defined under ‘extensive agriculture’, but that the term be changed to ‘Pastured Animal Production’.

Recommendation 9: That where feeding infrastructure is mobile that a setback from neighbouring dwellings⁴⁸, waterways or environmentally sensitive areas be set at no more than 20m.

⁴⁸ (that is not associated with the farming operation)

Intensive Plant Agriculture

One identified issue within the NSW planning system is the lost opportunity to improve the regulation of horticulture. A main concern of our members is the intensive irrigation requirement under the Standard Instrument LEP, which prescribes regulation of all Intensive Plant Agriculture. The definition of 'Intensive Plant Agriculture' *includes any of the following carried out for commercial purposes:*

- *cultivation of irrigated crops (other than pasture or fodder crops),*
- *horticulture,*
- *turf farming,*
- *viticulture*

Horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

The scale of the proposal and/or its location in relation to a sensitive site will determine whether a license is required under Schedule 1 of the *Protection of the Environment Operations Act 1997* or if the proposal comprises 'Designated Development'.

The Government has not responded more effectively to the concerns of many in relation to intensive plant agriculture.⁴⁹ For example, there is an emphasis around irrigated crops being considered intensive. Market gardeners must irrigate their crops to be viable. This currently puts every producer of vegetables for sale, large or small, into the category of intensive agriculture. Horticultural activity for the purposes of the planning regulations should consider the production of any vegetable crops and the methods by which those crops are grown.

<p>Recommendation 10: To formulate a separate definition for small-acre (1-40ha) plant agriculture which does not require development consent, but rather full and comprehensive notification to the relevant consent authority.</p>

⁴⁹ The FAQs as part of the key reform documents state: *Changes in intensive plant agriculture operations have raised community concerns in some locations. Common issues relate to: visual amenity and impacts of crop netting; spray-drift; vegetation removal, water extraction and dam construction; and noise. Many of these matters are regulated by a range of existing legislative requirements, such as the use of pesticides and approvals for the extraction of water.*

Regulatory Process Issues

The EIE states that the reforms will support the overall planning system objective by making it as easy as possible for local communities and industry to locate and be aware of the planning provisions that apply in their local areas.⁵⁰ As part of this, the NSW Department of Planning and Environment should have raised awareness about the draft for public comment as was done in the Victorian Planning reform process. For example, no public consultations were immediately offered to members of the public. Information sessions were only planned for Councils. By request, individuals who found out about the reforms could apply for a consultation; however, many were informed.

Lack of consultation with the community and of representation from small-scale growers have exacerbated the trend towards overregulation and red tape. 'Land use planning and regulation is foundational to any food system. It can prohibit some activities and incentivise others, and generally shape a community's relationship to its land.'⁵¹ The needs of NSW communities are constantly diversifying and regulators need to understand and work with communities and councils to get broad agreement before implementing changes. The proposed regulations are not entirely compatible with good regulatory practice, which should achieve policy objectives at the least cost to the community.

Through land use planning, a government should guide development in the rural and peri-urban zones in pursuit of common goals and values, such nutritious and clean food products, environmental protection and sustainable liveable communities with a sense of place.

Regulatory expression in the reforms will act as a core framework of the operating system to come. The expression must give a sense of clarity and comprehensiveness, as they are the initial steps in the broader process of regulatory application. The Government should foster a more holistic view of regulatory design where an integrated planning model is used in the process of determining what regulatory interventions are needed based on evidence gathered. Rather than codifying perceived scales of agriculture, the regulations could facilitate customised exemptions from the need for a

⁵⁰ Pg. 7, Explanation of Intended Effect.

⁵¹ Good Laws, Good Food: Putting Local Food Policy to Work for Our Communities. Accessed at: <https://www.chlpi.org/wp-content/uploads/2013/12/FINAL-LOCAL-TOOLKIT2.pdf>

Development Application where development is acceptable and does not trigger land use conflict. The LUCRA tests and proposed impact assessments could be used by farmers to ensure acceptable levels of risk.

The Government should carefully monitor and evaluate the inconsistencies within the definitions in the current proposal. Subordinate legislation to the overarching Standard Instrument LEP will follow suit, and the Government needs to take responsibility for ensuring that changes are made based on evidence and locally-relevant community needs. The reforms need to be assessed against potential interpretation differences presented by the relevant Food Safety Act or Regulations and other regulations.

Greater transparency fundamentally gauges community responses to ideas before they are fully formed. If the current proposal is implemented, future courses of action are anticipated between small-scale farmers and responsible authorities. This consequence may be due to the low representation of small-scale farmers in the engagement process. Instead, councils were given information sessions hosted by the staff of the NSW Government department.

The drafters do have or ought to have the discretion to gather evidence from any stakeholders. In this process, they must include animal industry producers (both small and large-scale operations). This will mean that the policy will represent a spectrum of interests within the industry and among consumers. The lack of consultation may have attributed to the subsequent planning, design, construction, operation and management requirements of free-range animal production systems, which have been codified on an erroneous basis that they are all intensive. Continued input from a representative of AFSA would make a valuable contribution to the reform drafting process and will improve the representation of small-scale NSW pastured pig and poultry producers.

This creates concern that the Government has not acted transparently and practically in developing this proposal. The uninterrupted exceptions to cattle feedlots and piggery sheds are seen as further examples of particular primary industry groups seeking to remove controls on intensive uses in rural zones. Ultimate outputs from the regulatory planning system are changes to the real world. The terms then must reflect real agricultural practices to avoid complex, costly and uncertain tribunal procedures. The bypassing of proper consultation depreciates the role and legitimacy of planning and

germinates regulatory issues that will clog the courts without clear regulatory expression for their interpretation.

The Government should consider graduated categories of various livestock systems, which will dictate the consent requirements in each zone. This will reflect a risk-based approach and remove the need for some small-scale farms to obtain a Development Application in certain zones. The definitions proposed do not accurately reflect the levels of risk of industry-specific land uses. Managing different scales of farming practices according to the proposed sections will reinforce the issues that have not been addressed by the draft reforms. We encourage the Government to acknowledge that the proposal has fallen short of its objectives and that it should subsequently reassess where Development Application triggers might be removed.

86% of respondents to the AFSA Pastured Livestock Survey reported that they have decreased confidence in the NSW Government's ability to regulate animal industries since the draft reform was released.

Resources for Councils to Administer Increased Regulatory Burden and Regulatory Impact Statement

It has been acknowledged in other states, such as Victoria, that few planners have any real experience and understanding of intensive animal operations. Responsible authorities require guidance to administer the planning system and the Minister must approve of their conduct.

However, the lack of education included in regards to animal industries raises concerns for how well this government action is scoped.

The information provided about the development approval process should be openly sourced so that emphasis on large industry success is part of and not the main aspect of the support. Technical support for investors from animal industry specialists already have flow on effects that inform local government decisions, and these are not all suitable to for all animal operations. Without proper consultation and research, the reforms could serve only a repeat of 'one-size-fits all' regulation for animal industries.

A regulatory impact statement should be prepared to require regulators to assess the likely impact of their decision on all stakeholders, including community, developers, farming businesses and individuals. Such a statement would treat the impacts as either regulatory impacts or compliance costs.⁵²

Ideally, a regulatory impact statement would align industry structure with the regulatory outcomes needed for each type of animal production identified, and yet to be identified, by the Government. Further communication with not only intensive and export-focused industries but also with communities and small businesses will allow the Government to identify the right programs and resources to educate farmers and regional councils about planning compliance.

Recommendation 11: Develop Codes of Practice in close consultation with small-scale pastured pig and poultry farmers. (See draft Code of Practice for Pastured Pig Production in Appendix C for what such codes might include.)

Recommendation 12: That a regulatory impact statement be prepared urgently.

⁵² Preliminary Assessment Form Guidance Note, Office of Best Practice and Regulation.

APPENDIX A: Impact Assessment Form– Pig Farms

This form is to be used to identify whether a pastured pig farm meets the minimum standard for low-risk pastured animal production. I.e. Extensive Agriculture.

The form is intended for use in the RU1 - Primary Production, RU2 - Rural Landscape, RU4 - Primary Production Small Lots Zones.

If all answers are 'Extensive', the use is 'Extensive Agriculture'.

If **any** answers are 'Intensive', the use is 'Intensive Livestock Agriculture'.

1. Which of the following best describes your farm?
 - a) Pastured Animal Production - Land used for animal production where the animals obtain food by directly grazing, browsing or foraging plants growing on the land. It includes emergency, seasonal and supplementary feeding.
[Extensive]
 - b) Intensive Animal Production - Land used for animal production where:
 - all of the animals' food is imported from outside the immediate building, enclosure, paddock or pen; and
 - the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis. **[Intensive]**

For Q2: Stocking rate refers to the number of SPU/Ha and is applied to the entire animal production area over a year.

E.g. If 100 SPU are contained in a 5Ha paddock and rotated to a new 5Ha paddock every month for 6 months, the total animal production area is 30Ha. Therefore, the stocking rate is $100\text{SPU}/30\text{Ha} = 3.3\text{SPU}/\text{Ha}$ (assuming no paddock was used more than once).

2. Is the stocking rate⁵³:

- a) less than 25 SPU/Ha **[Extensive]**
- b) 25-35 SPU **[Intensive]**
- c) 35 SPU/Ha or more **[Intensive]**

3. Is the housing/shelter and feed infrastructure mobile/impermanent?

- a) Yes **[Extensive]**
- b) No **[Intensive]**

4. How often will animals and mobile facilities be relocated⁵⁴?

Breeding herds:

- a) < 6 months **[Extensive]**
- b) > 6 months **[Intensive]**

⁵³ Max density for animal welfare (Humane Choice) is 25/ha. APL's nutrient load calculator shows approx 108/44/39 Kg of N/P/K over 6 months which equals approx zero net gain/year.

⁵⁴ Rotational Outdoor Piggeries and the Environment 2015 (APL) recommends: "To effectively disperse nutrients, movable facilities must be relocated at least every six months for breeding herds, and every three months for grower paddocks to cover the paddock over the length of the pig phase"

c) NA

Growing herds:

a) < 3 months [**Extensive**]

b) > 3 months [**Intensive**]

c) NA

5. What is the minimum pasture coverage at any one time for the total animal production area?

a) 60-100% [**Extensive**]

b) 40-60% [**Intensive**]

c) 0-40% [**Intensive**]

d) N/A - animals are permanently housed [**Intensive**]

6. Will animals or mobile facilities be less than 20m from:

- A natural watercourse; or
- An environmentally sensitive area

for longer than 3 months continuous?

a) No [**Extensive**]

b) Yes [**Intensive**]

7. Will rest periods for areas defined above be:

a) > 1 month [**Extensive**]

b) < 1 month [**Intensive**]

APPENDIX B: Impact Assessment Form – Poultry Farms

This form is to be used to identify whether a pastured poultry farm meets the minimum standard for low-risk pastured animal production i.e. Extensive Agriculture.

The form is intended for use in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots Zones

If all answers are 'Extensive', the use is 'Extensive Agriculture'.

If **any** answers are 'Intensive', the use is 'Intensive Livestock Agriculture'.

1. Which of the following best describes your farm?
 - a) Pastured Animal Production - Land used for animal production where the animals obtain food by directly grazing, browsing or foraging plants growing on the land. It includes emergency, seasonal and supplementary feeding. **[Extensive]**
 - b) Intensive Animal Production - Land used for animal production where:
 - all of the animals' food is imported from outside the immediate building, enclosure, paddock or pen; and
 - the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis. **[Intensive]**

For Q2: Stocking rate refers to the number of birds/Ha and is applied to the entire animal production area over a year.

E.g. If the average number of birds stocked over one year is 1800 and the total range area used is 4Ha the stocking rate is 1800/4. Therefore, the stocking rate is 450/Ha.

2. Is the stocking rate⁵⁵:

- a) less than 450/Ha **[Extensive]**
- b) 451-600/Ha **[Intensive]**
- c) more than 600 **[Intensive]**

3. Is the housing and feeding infrastructure mobile/impermanent?

- a) Yes **[Extensive]**
- b) No **[Intensive]**

4. How often will animals and mobile facilities be relocated?

- a) <1 month **[Extensive]**
- b) >1 month **[Intensive]**

5. What is the minimum pasture coverage at any one time for the animal production area?

- a) 71-100% **[Extensive]**
- b) 51-70% **[Intensive]**

⁵⁵ 450 broilers/Ha = approx. 225Kg N/Ha/Yr which is approx. equal to zero net gain N per year. Humane Choice recommends densities of 600-4800 as the maximum for animal welfare for various kinds of poultry.

- c) 0-50% [**Intensive**]
- d) N/A - animals are permanently housed [**Intensive**]

6. Will animals or mobile facilities be less than 20m from:

- A natural watercourse; or
- An environmentally sensitive area

for longer than 1 month continuous?

- a) No [**Extensive**]
- b) Yes [**Intensive**]

7. Will rest periods for areas defined above be:

- a) >1 month [**Extensive**]
- b) < 1 month [**Intensive**]

APPENDIX C: Code of Practice for Pastured Pig Farms

[NB: The following draft is not exhaustive, but simply a high-level example of a code of practice for pastured animal production, not dissimilar to the Cattle Feedlot Code of Practice. A parallel document with similar principles could easily be developed for pastured poultry farms.]

Foreword

The Australian pastured-pig farming sector evolved in response to a new understanding of centralised food systems and their effect on environmental sustainability, socioeconomic equality, health and quality of life. Conventional pork production is losing its social licence and the pastured pork industry serves the resulting market demand for ethically-raised pork.

The industry recognises that it has a social and ethical obligation to customers, communities and government to continually deliver improvements to environmental, animal welfare and food safety practices if it wishes to maintain the confidence of these markets.

The Code of Practice is intended to provide nationally consistent guidelines under state regulation for pastured pig farmers regarding the environmentally relevant aspects of the establishment and operation of pastured pig farms. These guidelines encourage not only sustainability but *regeneration* of environments through agroecological practice.

In recent years scientific knowledge and community expectations in relation to meat production have changed. The Australian pastured-pig industry exemplifies a cultural shift back to extensive, ecologically-sound production of ethical pork driven by a scientific understanding of the risks of intensive industrial pork production to public health, local economies, food sovereignty and community resilience.

The industry expects all pastured pig farms to adhere to the Code of Practice along with all other relevant environmental, animal welfare and food safety legislation.

Preface

The Australian pastured-pig farming community considers that the protection and regeneration of the environment is essential for an ecologically- and economically-sustainable agricultural industry. To this end, the industry has been proactive in seeking

to develop and adopt appropriate codes of practice for the management of risks to environment and amenity.

Apparent inconsistencies and differences between the various state and national publications have been a concern to the industry. These differences often simply reflect differences in what was accepted as best practice at the time of drafting the various documents. Accordingly, any inconsistencies between this Code of Practice and existing state codes, guidelines and reference manuals are not to be considered as a criticism of these other publications. It is also intended that this Code of Practice be used as a basis for any state guidelines developed in the future, thereby creating regulatory consistency between the states.

A secondary aim of publishing the new Code of Practice was to reach a consensus between regulatory authorities in the various states so that similar conditions apply to pastured pig farms throughout Australia. This aim for consensus was made while mindful of the different physical environments and the different legislative and regulatory frameworks that may apply in each state.

Legislative Context

This Code of Practice is intended to compliment rather than override or replace federal, state or local government legislation, regulation, plans or policies. It is implied by this Code of Practice that those planning to operate a pastured pig farm will comply with all relevant regulatory requirements.

Audit Requirements

All pastured pig farms can be audited by local councils at their discretion using the Impact Assessment Form. The Impact Assessment Form ensures that the minimum standards are being met.

Definitions

Pastured pig farm

Land used for pig production where:

- a. the pigs obtain food by directly grazing, browsing or foraging plants growing on the land in addition to supplementary feeding;
- b. no less than 60% of the total animal production area is covered by pasture;
- and
- c. housing and feeding infrastructure is mobile/impermanent, except in emergency situations.

Standard Pig Units

Australian Pork Limited have defined Standard Pig Units (SPU's) as shown in the following table.

Type of Pig	SPU Equivalent
Gilt	1.8
Boar	1.6
Gestating Sow	1.6
Lactating Sow	2.5
Suckers	0.1
Weaner	0.5
Growers	1
Finishers	1.6

Stocking Rate

Stocking rate is defined as SPU per hectare over time. It is calculated on the total area used for animal production over the course of a year.

E.g. If 100 SPU's are contained in a 5Ha paddock and rotated to a new 5Ha paddock every month for 6 months, the total animal production area is 30Ha. Therefore the stocking rate is $100\text{SPU}/30\text{Ha} = 3.3\text{SPU}/\text{Ha}$ (assuming no paddock was used more than once).

Description of pastured pig farm activities

Pastured-pig farms are low density, high welfare, high management farms that strive for environmental regeneration. Potential risks to environment and amenity (e.g. dust, odour, run off, over-nutrition) are mitigated, if not completely nullified, by stocking at low densities and maintaining pasture cover to a minimum standard at all times. Pastured-pig farms increase biodiversity and landscape function by rotating their stock regularly. Typically housing and feeding infrastructure is highly mobile. Animal welfare is maintained at the highest level by breeding and raising all pigs outside (with access to mobile housing/shelter/shade) and providing unrestricted access to pasture.

While adherence to a common set of minimum standards allows for easy governance, pastured-pig farms are often at the forefront of sustainable agriculture. Thus, specific agroecological practices and regeneration strategies may vary greatly between farms.

Environment

Pastured pig farms must address the environmentally relevant aspects of the site, production model and continued operation.

That is, pastured-pig farms should be sited and managed so they:

- prevent adverse impacts on surface waters external to the farm and improve soil moisture retention;
- prevent adverse impacts on and improve the quality of groundwater;
- prevent adverse impacts on and improve the quality of the amenity of the surrounding community;
- prevent adverse impacts on and increase the biodiversity and resilience of native flora and fauna and ecological communities;
- ensure the improvement of landscape function over time;
- ensure the operation of the pastured pig farm produces a net gain in available natural resources;
- utilise nutrients contained in animal waste and waste products.

Buffers of 20m from waterways and environmentally sensitive areas should be maintained, except in the case of specific regeneration outcomes (e.g. weed management).

Pastured-pig farms should consider the effects of different feed inputs on potential risk to environment.

Pastured pig farms should have a comprehensive understanding of the soil quality and soil health of land used for animal production and surrounding areas.

APPENDIX D: Survey Data

A Pastured Livestock Farming Survey was created by AFSA and distributed through social media, newsletters and through partner organisations and individuals. The main purpose of the survey was to gather data on pastured livestock farmers regarding the size of their farms, the species farmed, pasture cover, and stocking rates.

The survey collected 100 responses from livestock farmers in all states and territories except NT and ACT. 46.88% (N= 45) of respondents were from Victoria, 29.17% (N=28) from NSW, 12.50% (N=12) from Queensland, 5.21% (N=5) from TAS, 4.17% (N=4) and 2.08 (N=2) from Western Australia.

The data analysed here was collected from the 1st November 2017 to the 14th January 2018.

Farmers in the survey use an average of 177 hectares for animal production, but there was significant variation in size of farming areas with the smallest area being 0.25 and the largest 3238 hectares. The median land size was 41Ha.

65.522% of the respondents farm in a regenerative/agroecological system, 27.59% in an organic or biodynamic, 3.45% in conventional and 3.45% answered “other”.

The majority of respondents (75.86%)) **do not** think the scale of their farm is represented in the planning laws in their states and territories. Only 10.34% of respondents think their scale of farming is represented.

81% of NSW respondents **do not** think the scale of their farm is represented in the NSW Proposed Planning Provisions with others unsure. There were no NSW respondents who think their scale of farming is represented.

Q 8-14 Zoning of farm by state

NSW – 81.81% in RU1, 0.05% in RU2 and 1.36% in Other

Q15 Production system for each species

In poultry production systems, the vast majority of farmers surveyed (94.74%) reported using a pasture based system with feeding (e.g. processed feeds, grain, hay, etc). 5.26%

have poultry in shed based systems with free range access. One respondent said they have a pasture based system without supplemental feeding.

In pig production systems, 96.55% of respondents said they used a pasture based system with supplemental feeding (e.g. processed feeds, grain, hay, etc).

In cattle production, 78.12% use pasture based system without supplemental feeding (grass-fed only), 21.78% use pasture based system with supplemental feeding (e.g. processed feeds, grain hay, etc).

In sheep production, 89.47% use pasture based system without supplemental feeding (grass-fed only). 10.05% said they operated a pasture based system with supplemental feeding (e.g. processed feeds, grain hay, etc).

57.14% of farmers producing goats do so in a pasture based system without supplemental feeding (grass-fed only). 42.86% of farmers keep their goats in a pasture based system with supplemental feeding (e.g. processed feeds, grain hay, etc).

Others also reported on farming rabbits, alpacas, horses and geese in both pasture based system with and without supplementary feeding.

Q16 Regular rotation of livestock.

The vast majority of respondents reported that their animals are managed in a mobile system with regular paddock rotations.

Poultry - 83.86%

Pigs - 97.05%

Cattle - 100%

Sheep - 100%

Goats - 100%

Q18 If system is mobile, are moves based on time or pasture cover?

Respondents were asked whether they rotate their animals based on time or pasture cover.

Of respondents who rotate based on time, 78% move their animal to new ground daily or at least weekly. Only 8% of respondents rotate their animals less often than monthly.

Of respondents who rotate based on pasture cover, 70% will move their animals before pasture cover drops below 50%. One respondent allows animals to stay in one paddock until there is bare soil.

Q19 Percent of respondents growing particular species across Australia.

Poultry 58.62%

Pigs 100%

Cattle 72.41%

Sheep 51.72%

Goats 17.24%

Q20 Average number of animals per hectare (not based on DSE/SPU etc. May fluctuate over seasons)

Poultry – ranges from 1 -1500 with an average of 57.

Pigs – ranges from 1 to 21 with an average of 7.

Cattle – ranges from 1 to 120 with an average of 4.

Sheep - ranges from 1 to 200 with an average of 4.

Goats - ranges from 1 to 30 with an average of 1.

Q23 Distance of production area from dwelling or environmentally sensitive area.

0-30 m – 12.19%

31-50m – 9.76%

51-100m – 29.27%

101-500m 21.95%

>500m 26.82%

Q26 Do you currently hold a Development Application for poultry farming?

83% of respondents who farm poultry in NSW do not currently hold a Development Application.

Q23 Distances from neighbouring dwellings and waterways.

78% of poultry farmer respondents in NSW cannot meet the setback requirements for the proposed Development Application exemption.

39% of pig farmer respondents in NSW cannot meet the setback requirements for the proposed Development Application exemption.

Q27 Is NEGROP appropriate for your farm?

Only 6% of respondents believe NEGROP is appropriate for their farming system.

Q28 How many sows do you have?

0-3 – 39%

4-8 – 19%

9-20 – 32%

20-50 – 6%

50-100 – 3%

Q29 How many boars do you have?

0-1 – 55%

2-5 – 39%

5-10 – 6%

Q33 Since the draft planning reforms were released, has confidence in state Government declined?

86% of respondents have decreased confidence in the NSW Government's ability to regulate animal industries since the draft reform was released.

APPENDIX E: Development Application Costs Example

Farm Enterprise Case Studies

Pastured Pork Producer – Goulburn Mulwaree Shire Council

Zone

- Farm zoning is RU1

General Information

- Farm Area - 160ha
- Production Area - 25ha
- Geology – Bush land, native pasture and rocky outcrops
- Average Rainfall per annum - 675mm/annum
- Surface Soil Textures – Sandy loam / clay
- Production Area Slopes – 2-8°

Proximity

- Dwelling in Separate Ownership – 500m
- Residential Zone or Urban Growth Zone – 15km

Water Supply

- Source (s) – Dams
- Irrigation – Nil
- Reticulation – Pipe

Team

- Full Time - 2 people
- Casual - 0 person
- Years in Operation - 3 years
- Total Production/year - 500 pigs
- Number Processed/week – 5-10 units

- Total other Herd – n/a
- Total pig Feed - 60 tonnes/year

Financials

- Annual turnover – approx. \$150,000
- Abattoir Fees – \$18,500
- Feed Costs – \$27,000
- Wages - N/a
- Development Application costs (so far \$12,000 yet to be completed)
- Submission to council – Yet to be fully processed will be approx. \$650
- Time to prepare – labour estimate costs - Application has been ongoing for 3 years
- External consultants (specify type and cost)
 - Environmental ecologist external consultant: \$1,500
 - Environmental engineer/ ecologist external consultant: \$3,000
- Works to be performed (specify type and cost)

Yet to be agreed with Sydney water catchment may be in the region of \$50,000 - \$100,000. Some works will include bunds and drainage management, additional fencing, extensive planting, run off barriers and wetlands construction.



Tamworth grower pigs on pasture



Litter with sow on pasture



Outdoor farrowing hut with piglets