

Submission to the review of the Review of the NSW Environmental Planning and Assessment Regulation 2000

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We appreciate the opportunity to participate by way of a submission to the review and restructure the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulations).

Below we have detailed specific feedback about the current regulations, with a focus on the definitions for Designated Development, and in particular how the current definitions impose unfair and unrealistic burdens on small scale free-range poultry farms situated within a designated drinking water catchment.

As small-scale, pastured and organic farmers situated within a designated drinking water catchment we would like to be able to farm small numbers of poultry in an integrated and pasture-based system. At the moment we farm cattle, sheep and pigs within the legislative requirements that do not require Designated Development approval; however, the current legislation lacks actual definitions of numbers of poultry that could potentially be farmed in this area without Designated Development approval.

The current definition of Designated Development in Schedule 3 of the EP&A Regulations means that a commercial poultry farm of ANY size within the Shoalhaven catchment are considered to be Designated Development.

Whilst the current Act refers to Poultry Farms, it does not define what a 'Poultry Farm' is. [Insert information here about the local area the council e.g. Our farm is situated in the X shire etc and is administered by the X council]. Our local council has interpreted this as referring to any number of poultry. This means that a single head of commercial poultry will trigger the Designated Development process. As a result, the Council has therefore given us notice that we are unable to have any number of commercial poultry on our farm.

The only definitions relevant to poultry that we can find in any NSW department website are provided by the Department of Primary Industries Food Authority. To our knowledge, no definitions appears in legislation other than the **NSW Food Authority (Food Act 2003 NSW, Food Regulation 2015)**. This says that a poultry farm produces 100 or more birds; however, the definition does not appear in legislation and subsequently, this inconsistency in regulation has likely caused our council to ignore this interpretation.

Whilst we are supportive of the fact that there needs to be controls for environmental reasons within Drinking Water Catchments, we believe that the current definitions are out-dated with respect to modern expectations from the general public who are increasingly demanding that their food be sourced from production systems that support the ethical treatment of animals, whilst at the same time minimising impact on the landscape (and in fact, improve the landscape).

Problems with the current definition of "Livestock Intensive Industries"

As stated in your Planning Assessment issues paper,

"Designated development refers to high impact developments (e.g. those that are likely to generate pollution) or developments located in or near an environmentally sensitive area (e.g. a wetland)."

This is a goal which we support.

However, the current definitions in Section 21 of Schedule 1 do not adequately support achieving this goal due to the following issues:

1. No actual definition of a commercial poultry farm - This means that councils have, and are likely to, interpret poultry farms as falling under this definition no matter the size or grazing method.

2. Inconsistency in controls between species - The location of the operation in relation to sensitive areas such as drinking water catchments is applied against Piggeries and Poultry farms, whilst the same controls are not applied in the case of intensive cattle, sheep, or horse operations.
 - a. The fact is that the production systems used in small-scale, free-range poultry farms has far less impact than a 800 head dairy or a 1000 head Concentrated Animal Feeding Operation (CAFO) would, and yet the latter can operate within a drinking water catchment without being defined as Designated Development.
3. Definitions have not kept up with modern farming practices.
 - a. This issue particularly relates to the evolution of small scale, highly mobile, free-range poultry and pig farming operations that pose very little risk to environment an amenity.

Recommendations:

1. That the definition of 'livestock intensive industries' be updated to:
 - a. Exclude small-scale, low stocking rate free-range poultry farms

For example:

< 450 poultry/Ha; OR

< 2000 birds from the definition of designated development.

OR

- b. To provide a very clear definition of what is meant by a 'piggery' and what is meant by a 'poultry farm' – suggesting the current 200 pigs or 20 sows is appropriate but that 1000 or 2000 birds would also be appropriate.

No doubt you are aware of the current review program of the NSW State Environmental Planning Policies (SEPPs) to integrate five of SEPPs into the one in relation to Primary Production and Rural Development. The proposal is to redefine the definition of 'intensive agriculture' to include all poultry farms and pig farms, meaning that any reference to these terms would include ALL farms with ANY number of pigs and poultry, providing that the operation be commercial in nature. The proposal is to remove reference to 'piggeries' and as such the thresholds that currently exist under the EPA Act may become confused. These changes would then flow through to mean that ALL poultry and pig farmers within any drinking water catchment in NSW would require Designated Development approval, which is a huge imposition of both cost and time on small farmers across the state.

We welcome the opportunity to be involved in the review of the proposed updates to the regulations when that occurs in 2018.

Sincerely,

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