



AL.ORG.AU

AGRITOURISM & SMALL-SCALE AGRICULTURE DEVELOPMENT

AN ANIMAL LIBERATION SUBMISSION

NSW GOVERNMENT DEPARTMENT OF PLANNING,
INDUSTRY & ENVIRONMENT

We acknowledge the
Traditional Owners of
country throughout
Australia and recognise
their continuing
connection to land, waters
and culture.

We acknowledge that this
document was written on
land stolen from and
never ceded by the
Gadigal People.

We pay our respects to
their Elders past, present
and emerging.





DOCUMENT DETAILS

Animal Liberation. 2021. A submission by Animal Liberation in response to the proposed amendments to support farm businesses and regional economies published by the NSW Government Department of Planning, Industry and Environment. Sydney: Animal Liberation.

ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

INTELLECTUAL PROPERTY RIGHTS

© Animal Liberation 2021



Unless otherwise noted, copyright and any other intellectual property rights in this publication are owned by Animal Liberation. All material in this publication is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Licence. Creative Commons Attribution 4.0 International Licence is a standard form licence agreement that allows you to copy, redistribute, remix, transmit and adapt this publication provided you attribute the work, you do not use it commercially and you distribute your contribution under this creative commons licence. The licence terms are available via creativecommons.org/licenses/by-nc-sa/4.0/.

CONTACT & ENQUIRIES

Alex Vince, Campaign Director
Lisa J Ryan, Regional Campaign Co-ordinator

Animal Liberation
301/49 York Street, SYDNEY NSW 2000
ABN: 66 002228 328

Web: www.al.org.au
Email: lisa.r@animal-lib.org.au and alex@animal-lib.org.au
Phone: (02) 9262 3221



19 April 2021

NSW Department of Planning, Industry & Environment
information@planning.nsw.gov.au

We present this submission on behalf of Animal Liberation.

Animal Liberation is grateful to the NSW Department of Planning, Industry and Environment for the opportunity to provide the following submission in response to the proposed Planning Amendment for Agriculture to boost farm business and regional tourism.

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the issues contained within the Options Paper.

Rather, our submission is intended to provide a general examination and responses to select areas of key concern. As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical attention and response.

Alex Vince
Campaign director

Lisa J. Ryan
Regional campaign co-ordinator



AS SOCIETY DEVELOPS, SO TOO MUST THE MANNER IN WHICH IT IS GOVERNED

PART ONE INTRODUCTION

BACKGROUND

- 1.1 The NSW Government Department of Planning, Industry and Environment ('DPIE') is currently seeking public feedback on a range of proposed changes to the NSW planning system. These changes include amendments to existing planning instruments (see subsections 1.2.1-3), the introduction of new terminology, the development of new clauses, the provision of exemption pathways and a range of other modifications or additions.
 - 1.1.1 As expressed in the accompanying letter, provided above, we request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the amendments or changes contained within the explanation of intended effect ('EIE') or the accompanying summary of frequently asked questions ('FAQs'). Rather, this submission will focus on those amendments or developments which we believe require or warrant particular focus.
- 1.2 The proposed amendments principally relate to three (3) documents. These are:
 - 1.2.1 The Standard Instrument (Local Environmental Plans) Order 2006 ('Standard Instrument LEP Order');
 - 1.2.2 The State Environmental Planning Policy (Primary Production and Rural Development) 2019 ('PPRD SEPP');
 - 1.2.3 The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.3 The proposals are framed as measures to "streamline the approval of agritourism development and small-scale agricultural development" under the NSW planning framework. These changes are outlined in the EIE.
 - 1.3.1 Given the attention on agritourism in the EIE, a brief section on this will be provided. However, in assessing the contents of the proposals, particular focus will be on those relating to approval pathways for small-scale processing plants, stock containment areas and biosecurity standards for poultry and pig farms.

PART A: PROPOSED AMENDMENTS – GENERAL

- 1.4 The proposed amendments are framed in the FAQ document as changes intended to "reduce red tape" and "make it easier for farmers to get planning approval while managing environmental impacts" (DPIE 2021a).
- 1.4.1 Over the past two decades, state governments have enacted a slew of reforms often explicitly designed to streamline or simplify planning frameworks. Often, these changes are to existing processes that select stakeholders have routinely critiqued as "uncompetitive and overly-regulatory" (Dunn et al. 2009). Broadly, these efforts have been characterised as efforts to "cut red tape". Though this has not been unique to the agriculture sector, the proposals currently under review and the sweeping amendments to the NSW planning framework previously put forward as the 'Agricultural Land Use Planning Strategy' (currently under review) are examples of such "red tape-busting" initiatives (Animal Liberation 2021).
- 1.4.2 There has been a steady and long-lasting recognition of public distrust in the NSW planning framework. In 2012, the NSW Government acknowledged that "public confidence in the integrity of the processes for making land-use planning decisions" had been "seriously eroded". Such an insight had been "clear for several years" when the findings and recommendations of the NSW Planning System Review were published the same year. "Broad public distrust" was identified as one of three key imperatives for reform" (NSW Government 2012).
- 1.5 The EIE maintains that farmers and their communities face a number of challenges. Many of these relate to regional environmental constraints, such as drought, bushfires and land fragmentation. Others relate to global constraints, such as trade or travel restrictions due to measures adopted to control the spread of COVID-19. The EIE explains that such restrictions have caused the cancellation of regional events and the temporary closure of local businesses (DPIE 2021b).
- 1.5.1 A range of Commonwealth initiatives have been developed to support regional communities in these areas. The sector has and continues to receive drought and bushfire support. For example, the NSW Government continues to offer a range of loans, subsidies and waivers (DPI 2020). State and Federal Government support is also available relating to the impacts of COVID-19. For example, the Business Events Grants program "aims to support businesses that have cancelled events due to COVID-19" and are available to businesses across a range of sectors, including "food and agribusiness" (Commonwealth of Australia 2021; Service NSW 2021).

PART B: AGRITOURISM

- 1.6 The EIE explains that the NSW Government is "committed to supporting the recovery and resilience" of regional communities and the agriculture sector by "growing emerging industries that are supplementary to, or based on, agriculture". It highlights agritourism, which it identifies as "a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education or to participate in activities and events". The EIE maintains that such activities permit farmers to "diversify their income" while simultaneously "maintaining primary production on the land as the principal use" (DPIE 2021b). As such, the amendments include a range of changes recommended to the Department by (unidentified) stakeholders. These include:
- 1.6.1 A broadening of the types of agritourism activities that may be undertaken and the provision of pathways tailored to these;
 - 1.6.2 Supporting farmers during "times of hardship or following natural disaster events";
 - 1.6.3 Reducing land use conflict via the provision of "clearer rules" and improved management of environmental and social impacts;
 - 1.6.4 Clarifying current planning controls and expanding approval pathways for "certain agricultural activities".
- 1.7 Agritourism can be understood as "any practice developed on a working farm with the purpose of attracting visitors" (Barbieri and Mshenga 2008). It is often considered in response to increasing financial strains (Nickerson et al. 2001; Kuo and Chiu 2006; Khanal and Mishra 2014). As such, it can be considered a dual enterprise, wherein primary production exists alongside a commercial tourism component (Sharpley and Sharpley 1997; McGehee 2007; Moraru et al. 2016). Though there is a range of alternative typologies, including "agrotourism", "farm tourism" and "farm-based tourism" which contain elements applicable to the enterprises proposed under the provided amendments, the current submission will use the term adopted by the EIE and defined in subsection 1.6 above (Phillip et al. 2010; Flanigan et al. 2014).
- 1.7.1 Identified positive outcomes of agritourism enterprises include a range of benefits for operators and the surrounding community (Barbieri 2013). For the operator, this may include the creation of a more stable or higher income (Barbieri et al. 2008; Brandth and Haugen 2007). Studies have shown that many successful agritourism operations produce niche products as this provides the tourism element of the enterprise with a unique or more appealing, unique or attractive venue in comparison to

1.7.1 other, more common, types of production (Tew and Barbieri 2012; Hung et al. 2015). It should be noted that these other, less unique or appealing, modes of production are therefore more closely aligned with the functioning industry. Most successful agritourism operations are easily accessible by the public, are near central cities, are enrolled in conservation programs and are organised in partnership with corporations (Bagi and Reeder 2012). This is influenced by visitors preference for enterprises that have a range of "pull attractions", including whether or not they see or interact with wildlife, whether the site has natural aesthetic qualities and whether they have the opportunity to interact with farmed animals (Gao et al. 2014).

1.8 Though the primary motivation for establishing an agritourism enterprise may be diversifying or supplementing income, it is also used as a medium for educating the public on agricultural practices (Colton and Bissix 2005; Petroman et al. 2016; Chase et al. 2018). Public education via patronage to agritourism providers has been identified as a social benefit (Flanigan et al. 2015; Barbieri et al. 2018).

1.8.1 Any such program must be properly and transparently designed and produced in order to ensure that the public is provided with factual representations. Permitting industry participants to produce material to be disseminated during the operation of an agritourism enterprise without such oversight risks exposing the public to a singular perspective that may not reliably represent current practice. This is particularly important vis-a-vis increasing consumer sensitivities towards food production processes, animal welfare and environmental impacts (Olynk et al. 2010). In this manner, it may constitute "humane-washing". This is a concept drawn from "green-washing" wherein deceptive claims are made to mislead the public about certain elements in the production process or operators communicate only select elements in order to maximise consumption (Wrenn 2016; Font et al. 2017; Stucki 2017; Vea 2020). Studies have concluded that consumers of a range of products, including tourism options, frequently encounter potentially misleading claims (Urbański and ul Haque 2020). That this occurs in tourism industries, including those involving animal attractions, should be considered (von Essen et al. 2020).

1.8.2 Clear and transparent information must be provided at every stage. This must include standard practices employed on-site as well as environmental impacts. Farms are far fewer and larger than they once were and production is concentrated on the latter (PC 2005). Though Australian agriculture may have historically been associated with family farming units, this has shifted dramatically as these are increasingly consolidated into larger operations with external labour sources (AFI 2015).

- 1.9 International studies indicate that while those who visit agricultural enterprises as tourists agree with the statement that "agriculture is an important industry", they are also more inclined to agree with the statements "I would oppose the growth of livestock operations in my county" and "I am concerned with the impacts on water quality from livestock operations in my county" (Cummins et al. 2016). Though this may not represent an Australian example, it is incumbent upon the Department to consider and respond to such concerns prior to amending the existing planning framework to further enable agritourism in NSW.
- 1.9.1 Prior to amending the existing planning framework, it is advisable that the Department conduct a thorough assessment of agritourism, including cost and benefit analyses. These assessments should be carried out by independent experts and consider the current trajectory of agricultural industries, particularly those with sustainability issues. The outcomes of these assessments should be made publicly available and be used to consider the proposals contained in the EIE.
- 1.10 Studies have identified a common series of requisites for success in agritourism operations. These include number of employees and managerial level of education. Such studies have concluded that for an operation to be successful, it should "hire an appropriate amount of employees and focus on on-the-job training" (Hung et al. 2015).
- 1.10.1 As many small agricultural holdings are identified as insecure due to a range of stressors, including the increasing pressure associated with large-scale operations, these prerequisites are not considered viable. When considered in combination with the environmental impacts produced by the sector, it is reasonable to maintain that any funding available should be rerouted to support emerging industries with minimal environmental impact or higher sustainability outcomes. This would necessarily include consideration of burgeoning plant-based production that impose significantly less strain on the environment and have been identified as an emerging national and global market (Bashi et al. 2019; Aschemann-Witzel et al. 2020). Such production methods are proactive measures to reduce or remove the impacts of traditional, animal-based agriculture, including resource exploitation or over-use, incompatible or harmful land-use practices, water degradation and associated habitat or species loss (DeBoer and Aiking 2011; Hayek et al. 2020). Consideration, promotion and support of such initiatives is in line with the EIE, which notes that the proposed amendments are "underpinned by the principle of no or low environmental impact" (DPIE 2021b).

1.10.2 Though successive Australian governments have identified sustainability as a valid and increasingly important component of agricultural production, this recognition has not translated into progressive policy. Similarly, though there is widespread recognition of the "inseparable environmental and health impact of dietary habits" and a corresponding rise in awareness of which diets represent best-practice, studies have shown that the willingness to adopt a sustainable, healthy and environmentally-beneficial diet is strongly influenced by education, promotion and accessibility (Van Loo et al. 2017). Studies have also consistently identified public perception to be a significant barrier to the adoption of sustainable consumption practices (Pohjolainen et al. 2015; Lazzarini et al. 2017; Michel et al. 2020). In order to translate the recognition of sustainability as an increasingly important food security policy into practical outcomes, governments must prioritise production practices that provide consumers with the ability to achieve these outcomes.

1.11 Prior to amending the existing planning framework, it is advisable that the Department conduct a thorough assessment of agritourism, including cost and benefit analyses. These assessments should be carried out by independent experts and consider the current trajectory of agricultural industries, particularly those with sustainability issues. The outcomes of these assessments should be made publicly available and be used to consider the proposals contained in the EIE.

References

- Animal Liberation. 2021. Submission in response to the Options Paper: Agricultural Land Use Planning Strategy. Sydney: Animal Liberation.
- Aschemann-Witzel, J., Gantriis, R., Fraga, P. and Perez-Cueto, F. 2020. Plant-based food and protein trend from a business perspective: markets, consumers and the challenges and opportunities in the future. *Critical Reviews in Food Science and Nutrition*, 1-10.
- Australian Farm Institute. 2015. The family farm is becoming less family. Available via [www.austlii.edu.au/au/other/auflii/afin/pubs/20150601.html](#).
- Bagi, F. and Reeder, R. 2012. Factors affecting farmer participation in agritourism. *Agricultural and Resource Economics Review*, 41(2): 189-199.
- Barbieri, C. 2013. Assessing the sustainability of agritourism in the US: a comparison between agritourism and other farm entrepreneurial ventures. *Journal of Sustainable Tourism*, 21(2): 252-270.
- Barbieri, C., Mahoney, E. and Butler, L. 2008. Understanding the nature and extent of farm and ranch diversification in North America. *Rural Sociology*, 73(2): 205-229.
- Barbieri, C. and Mshenga, P. 2008. The role of the firm and owner characteristics on the performance of agritourism farms. *Sociologia Ruralis*, 48: 166-183.
- Barbieri, C., Stevenson, K. and Knollenberg, W. 2018. Broadening the utilitarian epistemology of agritourism research through children and families. *Current Issues in Tourism*, 1-4.
- Bashi, Z., McCullough, R., Ong, L. and Ramirez, M. 2019. Alternative proteins: the race for market share is on. Available via www.mckinsey.com/~/media/McKinsey/Industries/Agriculture/Our%20Insights/Alternative%20proteins%20The%20race%20for%20market%20share%20is%20on/Alternative-proteins-The-race-for-market-share-is-on.pdf.
- Brandth, B. and Haugen, M. 2007. Gendered work in family farm tourism. *Journal of Comparative Family Studies*, 38(3): 379-393.
- Chase, L., Stewart, M., Schilling, B., Smith, B. and Walk, M. 2018. Agritourism: toward a conceptual framework for industry analysis. *Journal of Agriculture, Food Systems and Community Development*, 8(1): 13-19.
- Colton, J. and Bissix, G. 2005. Developing agritourism in Nova Scotia: issues and challenges. *Journal of Sustainable Agriculture*, 27(1): 91-112.
- Commonwealth of Australia. 2021. Restarting Australia's business events sector. Available via www.business.gov.au/grants-and-programs/business-events-grants.
- Cummins, A., Widmar, N., Croney, C. and Fulton, J. 2016. Exploring agritourism experience and perceptions of pork production. *Agricultural Sciences*, 7: 239-249.
- DeBoer, J. and Aiking, H. 2011. On the merits of plant-based proteins for global food security: marrying macro and micro perspectives. *Ecological Economics*, 70(7): 1259-1265.
- Department of Planning, Industry and Environment. 2021a. Agritourism and small-scale agriculture planning reforms: frequently asked questions. Available via https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/FAQs+agritourism+and+small-scale+agriculture.pdf.
- Department of Planning, Industry and Environment. 2021b. Explanation of Intended Effect: Agritourism and Small-scale Agriculture Development. Available via https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Agritourism+and+Agriculture+EIE+-+March+2021.pdf.
- Department of Primary Industries. 2020. Available drought assistance in NSW. Available via www.dpi.nsw.gov.au/climate-and-emergencies/droughthub/drought-assistance.
- Dunn, K., McGuirk, P., Piracha, A., Pelleri, D., Maginn, P., Buxton, M. and Phibbs, P. 2009. What do publics want from the planning system? In P. Maginn, R. Jones and F. Mckenzie (Eds.), *State of Australian Cities Conference: Refereed Proceedings*.
- Font, X., Elgammal, I. and Lamond, I. 2017. Greenhushing: the deliberate under communicating of sustainability practices by tourism businesses. *Journal of Sustainable Tourism*, 25(7): 1007-1023.
- Gao, J., Barbieri, C. and Valdivia, C. 2014. Agricultural landscape preferences: implications for agritourism development. *Journal of Travel Research*, 53(3): 366-379.
- Hayek, M., Harwatt, H., Ripple, W. and Mueller, N. 2020. The carbon opportunity cost of animal-sourced food production on land. *Nature Sustainability*, 4: 21-24.
- Hung, W., Ding, H. and Lin, S. 2015. Determinants of performance for agritourism farms: an alternative approach. *Current Issues in Tourism*, 19(13): 1281-1287.
- Flanigan, S., Blackstock, K. and Hunter, C. 2014. Agritourism from the perspective of providers and visitors: a typology-based study. *Tourism Management*, 40: 394-405.
- Flanigan, S., Blackstock, K. and Hunter, C. 2015. Generating public and private benefits through understanding what drives different types of agritourism. *Journal of Rural Studies*, 41: 129-141.
- Khanal, A. and Mishra, A. 2014. Agritourism and off-farm work: survival strategies for small farms. *Agricultural Economics*, 45(S1): 65-76.

References

- Lazzarini, G., Visschers, V. and Siegrist, M. 2017. Our own country is best: factors influencing consumers' sustainability perceptions of plant-based foods. *Food Quality and Preference*, 60: 165-177.
- Kuo, N. and Chiu, Y. 2006. The assessment of agritourism policy based on SEA combination with HIA. *Land Use Policy*, 23: 560-570.
- McGehee, N. 2007. An agritourism systems model: a Weberian perspective. *Journal of Sustainable Tourism*, 15: 111-124.
- Michel, F., Hartmann, C. and Siegrist, M. 2020. Consumers' associations, perceptions and acceptance of meat and plant-based alternatives. *Food Quality and Preference*, 104063.
- Moraru, R., Ungureanu, G., Bodescu, D. and Donosa, D. 2016. Motivations and challenges for entrepreneurs in agritourism. *Agronomy Series of Scientific Research*, 59(1): 267-272.
- Nickerson, N., Black, R. and McCool, S. 2001. Agritourism: motivations behind farm/ranch business diversification. *Journal of Travel Research*, 40(1): 19-26.
- NSW Government. 2012. *The Way Ahead for Planning in NSW: Recommendations of the NSW Planning System Review*. Sydney: NSW Government.
- NSW Government. 2021. Financial assistance for business and employers. Available via www.nsw.gov.au/covid-19/businesses-and-employment/financial-assistance.
- Olynk, N., Tonsor, G. and Wolf, C. 2010. Consumer willingness to pay for livestock credence attribute claim verification. *Journal of Agricultural and Resource Economics*, 35(2): 261-280.
- Petroman, I., Varga, M., Constantin, E., Petroman, C., Momir, B., Turc, B. and Merce, I. 2016. Agritourism: an educational tool for the students with agro-food profile. *Procedia Economics and Finance*, 39: 83-87.
- Phillip, S., Hunter, C. and Blackstock, K. 2010. A typology for defining agritourism. *Tourism Management*, 31(6): 754-758. 33(1): 215-224.
- Pohjolainen, P., Vinnari, M. and Jokinen, P. 2015. Consumers' perceived barriers to following a plant-based diet. *British Food Journal*, 117(3): 1150-1167.
- Productivity Commission. 2015. *Trends in Australian Agriculture: Productivity Commission Research Paper*. Melbourne: Productivity Commission.
- Service NSW. 2021. Grants, loans and financial assistance. Available via www.service.nsw.gov.au/campaign/covid-19-help-small-businesses/grants-loans-and-financial-assistance.
- Sharpley, R. and Sharpley, J. 1997. *Rural Tourism: An Introduction*. Toronto: Thomson Business Press.
- Stucki, S. 2017. (Certified) humane violence? Animal welfare labels, the ambivalence of humanising the inhumane and what international humanitarian law has to do with it. *American Journal of International Law*, 111: 277-281.
- Tew, C. and Barbieri, C. 2012. The perceived benefits of agritourism: the provider's perspective. *Tourism Management*, 33(1): 215-224.
- Urbański, M. and ul Haque, A. 2020. Are you environmentally conscious enough to differentiate between greenwashed and sustainable items? A global consumers perspective. *Sustainability*, 12(1786).
- Van Loo, E., Hoefkens, C. and Verbeke, W. 2017. Healthy, sustainable and plant-based eating: perceived (mis)match and involvement-based consumer segments as targets for future policy. *Food Policy*, 69: 46-57.
- Vea, T. 2020. The learning of emotion in/as sociocultural practice: the case of animal rights activism. *Journal of the Learning Sciences*, 1-36.
- von Essen, E., Lindsjö, J. and Berg, C. 2020. Instagranimal: animal welfare and animal ethics challenges of animal-based tourism. *Animals*, 10(10): 1830.
- Wrenn, C. 2016. Human supremacy, post-speciesist ideology and the case for anti-colonialist veganism. In D. Moorehead (Ed.), *Animals in Society: Amazing Creatures Who Share Our Planet*. Maryland: University Press of America.

This page intentionally left blank

PART TWO RESPONSES

PART A: SMALL-SCALE PROCESSING PLANTS - GENERAL

- 2.1 The proposal includes amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('the Codes SEPP') to permit "small-scale processing plants" that process meat, honey and dairy to be classified as complying development. The proposal maintains that the creation of such provisions would utilise existing definitions of "livestock processing industries" and "agricultural produce industries" contained within the Standard Instrument LEP.
- 2.1.1 Under the existing Codes SEPP, complying development is defined as that which meets specified standards and complies with requirements. It must not be on land that is critical habitat or land that is or is part of a wilderness area. Similarly, it must not be on land that contains an item listed on the State Heritage Register or is subject to orders concerning heritage.
- 2.2 The EIE notes that under the Environmental Planning and Assessment Regulation 2000 ('EP&A Regulation'), "livestock processing industries and agricultural produce industries [are classified] as designated development by certain locational criteria". It acknowledges that "designated development cannot be complying development" (DPIE 2021b).
- 2.3 The EP&A Regulations are not provided in the EIE. These contain provisions that classify designated development, vis-a-vis agricultural produce industries, as facilities that:
- 2.3.1 release effluent, sludge or other waste -
- i in or within 100 metres of a natural waterbody or wetland;
 - ii in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils.
- 2.4 The EP&A Regulations contain provisions that classify livestock processing industries as designated development for facilities that:
- 2.4.1 are located -

- i within 100 metres of a natural waterbody or wetland;
- ii in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils;
- iii on land that slopes at more than 6 degrees to the horizontal;
- iv on a floodplain;
- v within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

2.5 The proposed amendments include a range of provisions for small-scale processing plants that would thereby become complying development. These include minimum setbacks:

2.5.1 100 metres from a natural waterbody or wetland;

2.5.2 500 metres from the nearest existing dwelling house other than the house located on the property;

2.5.3 5 kilometres from a residential zone.

2.6 These proposals generally mirror those outlined in the Environmental Planning and Assessment Regulations ('EP&A Regulations') and provided in subsections 2.3 and 2.4 above. It is reasonable to conclude that they have been drafted after consideration of these existing regulations.

2.7 The EIE includes a series of consultation questions regarding the proposal to reclassify small-scale processing plants as complying development. These include a question relating to a proposed review of the locational criteria contained in the EP&A Regulations in order to allow plants to be approved as either complying development or via the standard development application ('DA') process (DPIE 2021b).

PART A: SMALL-SCALE PROCESSING PLANTS – RESPONSE

- 2.8 Livestock production and processing have been implicated in harmful environmental impacts for some time (Steinfeld et al. 1996). These include impacts associated with the sectors appropriation of land and other valuable resources (de Vries and de Boer 2010; Djekic 2015). Impacts stemming from the emissions production practices cause have also been well documented (Lopez-Ridaura et al. 2009; Rööös et al. 2013). Animal agriculture has also been cited as a vector of zoonotic disease and corresponding threats to public health (Bellini et al. 2005; Gilchrist et al. 2007; Leblanc et al. 2007; Feagins et al. 2007).
- 2.9 Recent examples of livestock processing companies found in breach of environment protection licences indicate the need for a robust regulatory system underpinned by the existing planning framework.
- 2.9.1 A 2019 decision by the NSW Land and Environment Court convicted a NSW livestock processing company for two breaches of its environmental protection licence. The company pled guilty to two charges, including failing to discharge wastewater in a proper manner. An investigation found that wastewater containing ammonia concentrations "known to cause toxicity to aquatic life" flowed from the facility into a nearby National Park (NSW EPA 2019). Other recent examples include toxic liquid ammonia leaks from poultry processing plants (Page 2020).
- 2.10 As the relevant regulatory body, the NSW Environment Protection Authority ('EPA') should be consulted on the proposed changes to the planning framework. In line with its key objectives and function, the EPA can and should be consulted in matters of this nature.

PART B: STOCK CONTAINMENT AREAS – GENERAL

- 2.11 The proposed amendments concerning stock containment areas relate to the construction of infrastructure to hold animals during or after natural disasters or for the purposes of "routine animal husbandry" practices (DPIE 2021b).
- 2.11.1 The EIE explains that some amendments include the implementation of locational requirements for all stock containment areas. These are in response to impacts some such areas have had on waterways and the oyster industry (DPIE 2021b).

2.12 The Department of Primary Industries ('DPI') identifies "stock containment areas" as a term used for "short term production or maintenance ration feeding" (DPI 2019). Some average pens measures 100m x 50m and can contain up to 400 sheep (Goodwin 2020). They are designed to enable feeding in confined areas at high stocking rates to maintain or improve low levels of groundcover and minimise degradation (Tregrove n.d.).

PART B: STOCK CONTAINMENT AREAS – RESPONSE

2.13 Industry respondents have also indicated that the practice is "hard on stock and not a good experience" (AWI 2017). This corresponds with animal welfare concerns identified by the DPI, who advise that farmers "observe stock daily and learn to recognise normal behaviour, including breathing rate". The Department emphasises that farmers should not "set and forget" as a range of diseases or poor animal welfare outcomes can be associated with the high stocking densities (DPI 2019).

2.13.1 In Australia, welfare standards and guidelines are not mandatory. For animals kept in stock containment areas, such as sheep, the relevant Standards and Guidelines require a person or people to "take reasonable actions" to ensure their welfare, including when confined (AHA 2013). Industry advises producers to consult the recommendations within this document when developing a stock containment area (AWI 2020).

2.14 Though the EIE maintains that the guiding purpose of amendments to permit the development of stock containment areas is to hold animals during or after natural disasters or in order to enable the commission of routine husbandry practices, industry data indicates that a significant percentage of farmers do this simply because it is "more convenient" (AWI 2017).

Producer reasons for using stock containment areas

REASONS	PER CENT SURVEYED
PRESERVE SOIL / PASTURES	53
MORE CONVENIENT TO FEED / MANAGE	39
EASIER TO MANAGE WATER	6

Source: Australian Wool Innovation Ltd. (2017)

2.14.1

Enabling stock containment areas to be developed without consent may enable producers to utilise these systems not for the reasons provided in the EIE, but simply because they are "more convenient". This would also mean that the area could be permanent and not be subject to any initial nor ongoing oversight. They may therefore adopt minimal measures to protect animals from the elements and cause poor animal welfare outcomes.

References

- Animal Health Australia. 2013. Australian Animal Welfare Standards and Guidelines for Sheep. Available via www.animalwelfarestandards.net.au/files/2011/01/Sheep-Standards-and-Guidelines-for-Endorsed-Jan-2016-061017.pdf
- Australian Wool Innovation Limited. 2017. Managing Sheep in Droughtlots: A Best Practice Guide. Available via www.wool.com/globalassets/wool/land/drought-resources/accordion-1/2017-managing-sheep-in-droughtlots.pdf
- Australian Wool Innovation Limited. 2020. Managing Sheep in Containment Areas After Fire. Available via www.wool.com/globalassets/wool/land/bushfires/managing-sheep-in-containment-areas-2020.pdf.
- Bellini, W., Harcourt, B., Bowden, N. and Rota, P. 2005. Nipah virus: an emergent paramyxovirus causing severe encephalitis in humans. *Journal of Neurovirology*, 11: 481-487.
- de Vries, M. and de Boer, J. 2010. Comparing environmental impacts for livestock products: a review of life cycle assessments. *Livestock Science*, 128: 1-11.
- Department of Primary Industries. 2019. Confinement feeding stock. Available via www.dpi.nsw.gov.au/animals-and-livestock/beef-cattle/feed/confinement-feeding-cattle-drought.
- Djekic, I. 2015. Environmental impact of meat industry: current status and future perspectives. *Procedia Food Science*, 5: 61-64.
- Feagins, A., Opriessnig, T., Guenette, D., Halbur, P. and Meng, X. 2007. Detection and characterisation of infectious Hepatitis E virus from commercial pig livers sold in local grocery stores in the USA. *Journal of General Virology*, 88: 912-917.
- Gilchrist, M., Greko, C., Wallinga, D., Beran, G., Riley, D. and Thorne, P. 2007. The potential role of concentrated animal feeding operations in infectious disease epidemics and antibiotic resistance. *Environmental Health Perspectives*, 115: 313-316.
- Goodwin, S. 2020. Containment feeding proves its worth beyond drought. *Farm Online*, 4 August.
- Leblanc, D., Ward, P., Gagné, M., Poitras, E., Müller, P., Trottier, Y., Simard, C. and Houde, A. 2007. Presence of hepatitis E virus in a naturally infected swine herd from nursery to slaughter. *International Journal of Food Microbiology*, 117(2): 160-166.
- Lopez-Ridaura, S., Werf, H., Paillat, J. and Le Bris, B. 2009. Environmental evaluation of transfer and treatment of excess pig slurry by life cycle assessment. *Journal of Environmental Management*, 90: 1296-1304.
- NSW Environment Protection Authority. 2019. Livestock processing company Ridley ordered to pay \$105,000 for environmental breaches. Available via [www.epa.nsw.gov.au/news/media-releases/2019/epamedial90829-livestock-processing-company-ridley-ordered-to-pay-\\$105000-for-environmental-breaches](http://www.epa.nsw.gov.au/news/media-releases/2019/epamedial90829-livestock-processing-company-ridley-ordered-to-pay-$105000-for-environmental-breaches).
- Page, D. 2020. Bartter Holdings, a subsidiary of Baiada that owns Steggles, guilty of breaching its environmental protection licence over toxic liquid ammonia leak that shutdown Beresfield plant. *Newcastle Herald*, 13 August.
- Röös, E., Sundberg, C., Tidåker, P., Strid, I. and Hansson, P. 2013. Can carbon footprint serve as an indicator of the environmental impact of meat production? *Ecological Indicators*, 24: 573-581.
- Steinfeld, H., Haan, C. and Blackburn, H. 1996. *Livestock-Environment Interactions: Issues and Options*. Rome: FAO.
- Trengove, D. n.d. Stock management areas. Available via http://archive.ils.nsw.gov.au/_data/assets/pdf_file/0008/495449/archive-stock-management-areas.pdf.

This page intentionally left blank

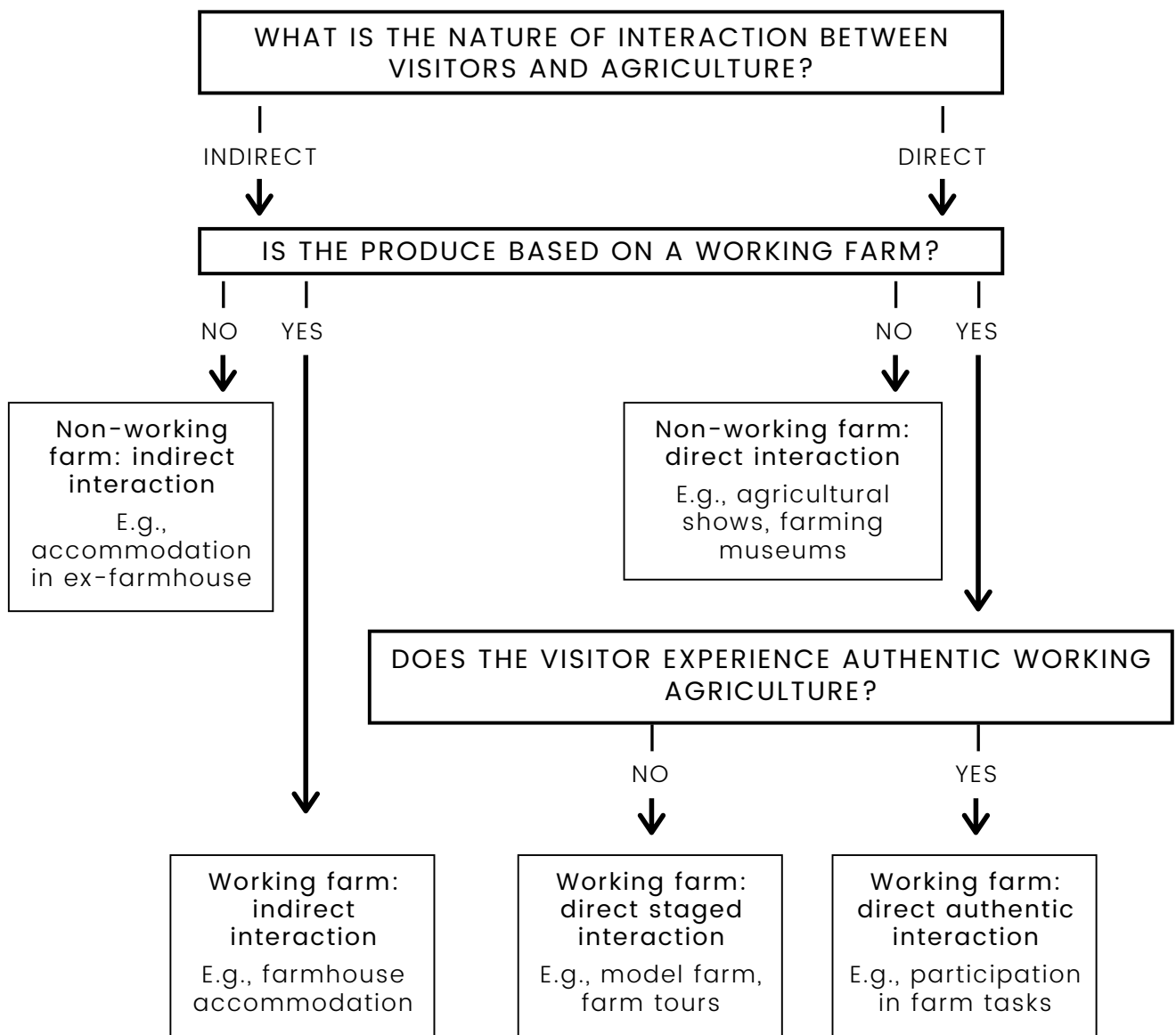
RECOMMENDATIONS

- 3.1 In conclusion, we suggest a thorough and transparent consideration of the following recommendations. We recommend:
- R1 That the Department consider the existence and value of State and Commonwealth initiatives developed to support regional communities in a range of areas, including drought and bushfire support, subsidies, waivers and programs to support businesses in response to COVID-19.
 - R2 That the Department consider the prerequisites for success in agritourism business ventures. This should include consideration of the environmental impacts produced by the sector and assessments regarding whether it is reasonable to amend existing planning instruments. It should also consider the current state of the agriculture sector, its employment demographics and the viability of the proposals provided.
 - R3 That a thorough assessment of agritourism, including cost and benefit analyses, is conducted as a priority. These assessments should be carried out by independent experts and consider the current trajectory of agricultural industries, particularly those with noted or suspected sustainability issues. The outcomes of these assessments should be made publicly available and be used to consider the proposals contained in the EIE.
 - R4 That any educational material produced in conjunction with any agritourism operations be audited by a panel of independent experts prior to dissemination to the public.
 - R5 That the Department thoroughly and transparently considers providing support to emerging industries with minimal environmental impact or higher sustainability outcomes, including plant-based production, noting that the promotion and support of such initiatives corresponds with the EIE's stated principle of "no or low environmental impact"
 - R6 That relevant regulatory bodies, such as the NSW EPA, be consulted on the proposed changes to the planning framework. Responses provided by these bodies should be provided to those who table submissions in this public consultation process.

- R7 That prior to any changes to the planning instruments being undertaken, a consecutive review and consideration is undertaken to ensure no unfair advantage is applied to select industries at the expense of other industries and local communities.
- R8 That prior to any changes to the planning instruments being undertaken, a consecutive review and consideration is undertaken to accommodate mandatory biosecurity legislation and requirements.
- R9 That prior to any changes to the planning instruments being undertaken, a consecutive review and consideration is undertaken to accommodate mandatory food safety legislation and requirements.

APPENDICES

APPENDIX 1 A typology for defining agritourism



Adapted from Flanigan et al. 2014



CONTACT US

Postal Address: 301/49 York Street, Sydney NSW 2000
|ABN: 66 002228 328
Email: alex@animal-lib.org.au
Web: www.al.org.au
Phone: (02) 9262 3221

Alex Vince, Campaign Director

