

PE1 – Good Neighbour Charter relating to the Wollondilly Poultry Industry

PLANNING AND ECONOMY

PE1 **Good Neighbour Charter relating to the Wollondilly Poultry Industry**
266876 TRIM 1150

EXECUTIVE SUMMARY

- The purpose of this report is to detail the work undertaken and feedback received from stakeholders regarding development of a Good Neighbour Charter relating to the Wollondilly Poultry Industry.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - Council note the report and endorse the attached Good Neighbour Charter relating to the Wollondilly Poultry Industry.
 - Council write to NSW Farmer's Federation and various Processing Companies and seek a commitment to implementation of the Good Neighbour Charter as signatories to the document.
 - The General Manager be authorised to sign the final version of the Good Neighbour Charter.
 - The community and industry representatives that participated in the recent Good Neighbour Workshop be acknowledged in writing and congratulated for their considerable effort.

REPORT

BACKGROUND

At the July 2016 Ordinary Meeting, Council considered a report detailing the outcomes of the Poultry Industry Forum and wider consultation. In relation to this issue, Council resolved (in part):

1. *That Council note the contents of the report on the Poultry Industry Forum and that the new term of Council further consider its policy and conditions on this matter.*
2. *That Council engage with poultry industry leaders, relevant State Agencies and community representatives to discuss compliance issues and develop a Good Neighbour Policy for rural coexistence*

and

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7. *That Council obtains the latest figures in regard to the economic benefit that the poultry industry brings to Wollondilly’.*

At the August 2016 Ordinary Meeting, Council considered a Notice of Motion and resolved:

1. *‘That Council investigate holding an additional consultative meeting or forum regarding the poultry industry after the new council is elected.*
2. *That this additional consultative meeting or forum be held prior to the October Ordinary Meeting of Council’.*

WORKSHOP DETAILS

A Workshop facilitated by KJA Engagement Solutions was held on Monday 29 August 2016. The Workshop was attended by representatives of the local poultry industry and community. Representatives from the processing companies, relevant State Agencies and Rural Industry Liaison Committee were also in attendance.

Following the Workshop a draft Good Neighbour document was developed. The draft document sets out the principles to promote co-existence between poultry operators and adjoining residents and seeks various commitments from the stakeholders. Ideally the final document will be signed by Council, the NSW Farmers Federation on behalf of the local poultry growers and the relevant poultry processors.

Given the direction of the draft document it has been referred to as a ‘Charter’ rather than a ‘Policy’. A Policy document generally relates to an organisation’s position, stance or attitude towards a particular issue. A Charter on the other hand tends to outline a set of principles, in this case for the Good Neighbour initiative. A Charter can also have a contractual element.

The draft Good Neighbour Charter was provided to the Workshop attendees for their comment. The comments provided in submissions and the response is detailed in this report.

The revised Good Neighbour Charter is also provided at Attachment 1 to this report.

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RESPONSE TO SUBMISSIONS

Comments	Response
<p>'The statements do not set out a disputes procedure. It does not state a definitive position for council on disputes. It merely encourages communication between the parties and hopes for a resolution. What if all this communication and goodwill fails to resolve the dispute?'</p>	<p>The Charter outlines the principles of the Good Neighbour initiative. It does not outline a position, stance or attitude.</p> <p>A commitment is given by Council is to develop a multilayered approach to address concerns raised by residents in relation to farm operations</p>
<p>'The document does not reinforce, or even mention, the unanimously adopted policy agreed to in 2009.</p> <p>Whilst acknowledging its responsibilities as a regulatory authority, Council has also recognised that some impacts from rural pursuits cannot always be mitigated to 'no impact at any time' and that this is part of being in a rural environment. As a result Council has taken a policy position that if aspects of a lawful rural pursuit that are causing complaint are being undertaken in a reasonable way Council will take no action.'</p>	<p>In 2009, Council resolved that: <i>"Whilst acknowledging its responsibilities as a regulatory authority, Council has also recognised that some impacts from rural pursuits cannot always be mitigated to 'no impact at any time' and that this is part of being in a rural environment. As a result Council has taken a policy position that if aspects of a lawful rural pursuit that are causing complaint are being undertaken in a reasonable way Council will take no action.</i></p> <p>Council may want to incorporate this resolution into the Charter has it's adopted position.</p> <p>The Charter seeks to promote co-existence based upon reasonable amenity and mitigation requirements. The intent is to minimise not eliminate impacts. Taking no action to address the concerns of neighbours is not contemplated in the draft Charter.</p>
<p>'The document places obligations on growers and processors in the poultry industry, but no onus on complaining residents; to put up with intermittent nuisances that may be created through using internationally accepted industry best practice in what are, after all, agricultural production zones RU1 and 2.'</p>	<p>The night time pick-up of birds cause considerable disturbance to adjoining residents. The obligation to reduce these impacts lies with the farmer and processor / transport company. All processes that support the night time pick-ups need to be best practice.</p>

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Comments	Response
'Council has missed an opportunity of stating a definitive position, through a policy, in unambiguous terms to support of a lawful activity in a Zone for the exact purpose that is being carried out in.'	The importance of a viable poultry industry is discussed in the draft Charter. Council's support (or otherwise) of the poultry industry can be demonstrated through the determination of individual applications for farm intensification, removal of curfews etc.
'I support Council's efforts to try and foster communication between parties. However, all parties are entitled to a clear statement from Council as to what their position is towards Best Practices in the poultry industry and the potential nuisances these practices may create.'	Poultry farms are encouraged to adopt best practice in relation to all processes that support the night time pick-up of birds (i.e. use of modern fleet and equipment, no clean out of sheds following pick-ups etc).
'This document, it is difficult to understand and is not balanced leaving most of the good neighbouring to the poultry farmer and the processor.'	The draft Charter seeks a commitment from Council, poultry growers, poultry processors and the community. The commitment by Council is significant.
'I see that this document does not reflect the objectives of the RU1 & RU2 zonings which I believe would be a perfect platform for a workable and balanced policy / charter.'	The zone objectives in Council's LEP are relevant to the assessment of individual applications for farm intensification, removal of curfews etc. The RU1 zone includes an objective to 'minimise conflict between land uses'.
'There are many uncertainties we as farmers face, so any policy / charter has to take into account that farms need to remain viable and sustainable which may require future expansion and neighbours living or moving next to farms need to be aware that farms need to grow, so any good policy must reflect this.'	The draft Charter recognises the increased demand for poultry produce. The need for farms to grow and remain viable has been acknowledged in the revised document.
'Under the "commitment sought by community" : My neighbours and myself have no idea what these two points mean, they feel like they have been "cut and paste" from a text book. If this Good Neighbour Charter / Policy is to be given to residents but they don't even	This section of the document has been revised.

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Comments	Response
know what it means, we are off to a bad start.'	
'You also have under “commitment sought by local poultry growers” - Cooperate with Council, poultry processing companies and neighbours to resolve concerns. Should this not also be a point added to the Poultry Processing Industry. As discussed at the workshop we know that there are areas that are not in the control of the grower (e.g. transport and pick up times), there are certain things that are stipulated by the processor. So if there are issues that keep arising with neighbours around transport and pick up times, this really can only be resolved by the processor.'	The draft Charter seeks a continuous improvement approach through the contractual arrangements between processors and the transport contractors.
'Under the heading of commitment by Council – the 7th dot point is a good start but the “periodic inspection” sentence needs to be more specific, eg monthly or quarterly. The statement that the audits will be “carried out with staff from the processing company” has the potential to not be sufficiently unbiased such that community concern on issues would be alleviated. Unless Council are going to ensure that there is compliance with the DA conditions, then Council may as well not have any conditions. And “ensuring compliance” should go a lot further than just “periodic inspection”'	The frequency of inspections will be based upon a risk management approach. Those farms located close to residents and more prone to complaints will be inspected more frequently than farms located in isolated areas.
'Under the heading of commitment sought by local growers – the second dot point should be substantially strengthened and focus specifically on truck curfews, truck speed, truck weight, odour and noise considerations. At present it is only 1 out of 7 dot points which are mostly	The requirements for bird pick-ups etc are detailed in the individual consents for each farm. The Environmental Management Plan program will drill down to specific farm operations to encourage implementation of best practice initiatives.

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Comments	Response
all motherhoods and so are easily ignored.'	
'Also under heading of commitment by local growers – it would be useful to add another dot point such that there is a provision for truck logs (showing time/date, weight and load content) to be provided to Council electronically from the grower and on a regular basis, eg weekly, in order that Council can run exception reports for trucks operating outside of Council permitted times. Similarly for truck weights.'	See the comments above regarding the Environmental Management Plan initiative.
'Under heading of commitment by Poultry Processing Industry – it would be useful to add another dot point such that there is a provision for truck logs (showing time/date, weight and load content) to be provided to Council electronically from the processor and on a regular basis, eg weekly, in order that Council can run exception reports for trucks operating outside of Council permitted times. Similarly for truck weights.'	This idea could form part of the continuous improvement approach adopted by processors and become a requirement of their contractual arrangements with the transport company.
'Why use a generic poultry shed image when there must be a number of specific Wollondilly images/examples that could have been used? It needs to be more clearly labelled for what it is - specific to Poultry Neighbours.'	The heading of the document can be revised. The cover page photograph can also be amended.
'I understood Council resolved to develop a Good Neighbour Policy. Why has it been transformed into a "Charter"? Has Council carefully considered the meaning of that word?'	The draft document has been labelled a Charter as it outlines the principles of the good neighbour initiative. A Charter can also have a contractual element. A Policy on the other hand tends to outline a position, stance or attitude.
'What's the future for the old Good Neighbour fact sheet - will it be updated and/or amended or just continue to be published as it is?'	The Good Neighbour Fact Sheet will continue to be published.

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Comments	Response
<p>Why doesn't the Preamble include relevant statistics for the population of the Shire? I suggest you should consider including some basics like the population of the Shire, the towns, the population density etc. You can't rely on someone reading other documents for this information. What's the projected Shire population growth percentage?'</p>	<p>The document has been revised to include this information.</p>
<p>'I am concerned and the language used specifically "workable" conditions - workable for whom? Surely Council has specific obligations it must consider in assessing DAs that are beyond "workable". As a neighbour have I now become a "sensitive receiver"? What does this mean?'</p>	<p>A workable condition is one that does not unduly burden or restrict a business. Compliance with the requirement has to be achievable.</p> <p>A sensitive receiver includes a resident, school, hospital, place of worship or active recreational area. The draft Charter has been revised to refer to residents rather than sensitive receiver.</p>
<p>'I don't believe that REDLEA utilise field staff. If they don't does this then have any meaning?'</p>	<p>It is anticipated that each processor will nominate a contact person for complaint handling purposes.</p>
<p>'Why is the wording different viz "Commitment BY Council." "Commitment SOUGHT BY" for the 3 other parties?'</p>	<p>Council has approached the NSW Farmers Federation and the various processors and asked if they would be signatories to the draft Charter. If so, the document can be changed as suggested.</p>
<p>'If this is not a generic good neighbour charter but aimed at the poultry industry and its neighbours, then why does the word poultry NOT appear in any of the community dot points. These points are just cut and paste from the old Fact sheet 4. Why does it make reference to "surrounding agricultural land use"; 'activities associated with the production of agriculture"; "new forms of agriculture"; and 'key agricultural industries"? It's pretty obscure and meaningless given the specifics in the earlier part of the document. Why aren't you picking up on the</p>	<p>The draft Charter has been revised to include these suggestions.</p>

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Comments	Response
earlier references to neighbours, eg read the 149 certificate, comment and contribute feedback to your neighbour and Council on DAs, engage with your neighbour first with complaints etc.'	
'I had the view that we were working together to produce a policy which would set guidelines and processes for the resolution of disputes which might arise between rural residents, the poultry industry and poultry producers. I don't feel this Charter/Initiative provides any solution to any of those involved either through their residency in the rural area or in their involvement in the poultry industry.'	The Charter seeks to achieve continuous improvement in terms of farm practice and community engagement. A commitment is given by Council is to develop a multilayered approach to address concerns raised by residents in relation to farm operations
'Both the Zonings and the adopted policy should be the springboards to the development of a policy and the policy should contain steps towards creating an understanding between all those involved and a mechanism for dealing with complaints which may arise against the industry principals and producers.'	See above comments.
'It must be stated that Wollondilly Council (WC) have unduly relied upon curfews, far exceeding all other Councils.'	The imposition of a night time curfew in Wollondilly arose from a Court case in 2002. Only 7 of the 59 farms in the Wollondilly Shire are restricted in terms of a curfew.
'The EPA were unequivocal where they stated Council had inappropriately applied curfews to farming operations over the years and very simply such an option was not meant to be available under the Policy.'	See the comments above. The curfew stems from a Land & Environment Court case. It is considered valid in law.

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FURTHER CONSULTATION

The draft Good Neighbour Charter was circulated to the Workshop attendees on 13 September 2016. The email correspondence also explored the need for additional consultation following election of the new Council.

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The response was mixed. The poultry industry representatives were adamant that sufficient consultation has been undertaken. The community representatives suggested that there could be some benefit in further consultation with the recently elected Councillors.

In terms of further engagement with the stakeholders, it should be noted that six (6) poultry related items appear on the Agenda for the October 2016 Ordinary Meeting. Under the rules for the Community Forum, two people can speak in favour and two against the recommendation for each item. Hence there would appear to be adequate opportunity for residents to address Councillors at the Community Forum regarding the Good Neighbour Charter, noise mitigation measure or specific development proposals.

ECONOMIC BENEFIT OF THE LOCAL POULTRY INDUSTRY

In response to part 7 of the resolution from the July 2016 Ordinary Meeting, advice was sought from Council's Manager of Economic Development regarding the contribution from the poultry industry towards the Wollondilly economy. The information is provided at Attachment 2 to this report.

FINANCIAL IMPLICATIONS

The workshop held on 29 August 2016 cost approximately \$1,800 for the facilitator and light supper. The cost incurred for this function had no significant financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

1. Draft Good Neighbour Character relating to the Wollondilly Poultry Industry (revised).
2. Economic data relating to the Wollondilly Poultry Industry.

RECOMMENDATION

1. That Council note the report and endorse the attached Good Neighbour Charter relating to the Wollondilly Poultry Industry.
2. Council write to NSW Farmer's Federation and various Processing Companies and seek a commitment to implementation of the Good Neighbour Charter as signatories to the document.
3. The General Manager be authorised to sign the final version of the Good Neighbour Charter.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
17 October 2016

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4. The community and industry representatives that participated in the recent Good Neighbour Workshop be acknowledged in writing and congratulated for their considerable effort.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

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Draft - Good Neighbour Charter for the Wollondilly Poultry Industry



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**Good Neighbour Charter
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Industry**

Preamble

The poultry industry has operated in the Wollondilly Shire since the 1930's when the Estonian community established farms at Thirlmere. By the 1960's Wollondilly was the largest egg producing district in Australia. Wollondilly currently has 59 poultry farms and is the largest producer of Turkey meat in the country. Chicken, egg and duck production also rank highly compared to other regions in the Sydney basin and New South Wales.

The family owned and operated poultry farm is part of the fabric of Wollondilly. Their resilience and hard work has contributed to the success of the local industry.

A number of Sydney based processing companies and two national companies also contribute significantly to the local industry. The ability of family owned and operated farms to expand and service the processing companies is critical to the industries ongoing viability.

In rural areas, Council support the rights of farmers to undertake and pursue agricultural activities which incorporate reasonable and practical measures to avoid environmental harm and minimise impact upon adjoining land. Proactive initiatives introduced by Council include establishment of the Rural Industry Liaison Committee, publication of Agricultural Production Fact Sheets and the Rural Living Handbook. Purchasers of rural land are also notified on zoning certificates of the type of activities that can be expected in the area.

Challenges facing the local Poultry Industry

The rural landscape at Wollondilly has changed considerably since the poultry industry was first established. The Shire has experienced robust population increase in recent times with an annual growth of 2.0%. The population of Wollondilly Shire currently stands at 47,997 but is expected to grow to over 125,000 by 2046.

Whilst much of the area is zoned for rural purposes, Wollondilly is a peri-urban area with lot sizes typically between 2 and 40 hectares. Fragmented land holdings and rural lifestyle aspirations are challenges that need to be addressed if the industry is to remain sustainable in the future.

In March 2016, the local industry through NSW Farmer's Federation, raised concern about enforcement action commenced by Council and the impact of night time curfews upon farming operations. The initial meeting resulted in a Council led initiative to consult with the wider community regarding co-existence issues between farming operations and their rural residential neighbours.

Feedback from Community Consultation

The community consultation work undertaken by Council in mid-2016 suggests the key challenges facing the industry relate to odour generation, noise impact and vehicle movements. The industry through the consultation process has expressed a right to farm on land zoned for rural purposes. The need for sound strategic planning and workable approvals from Council is critically important to the industry. The challenge for Council is to strike a balance between competing priorities and promote co-existence based upon reasonable amenity and mitigation requirements.

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Why is a Good Neighbour Charter required?

The benefits of regular engagement are widely recognised. Ongoing contact between poultry growers and neighbours can be helpful in building goodwill and managing concerns at the first opportunity before those concerns escalate into major issues.

Open lines of communication help to identify problems and apply relevant remedies to minimise impacts upon residents. Routine engagement with neighbours will ensure residents know what is happening avoiding speculation. Key issues that need to be discussed with neighbours on an ongoing basis include odour management, noise minimisation and vehicle movements.

Subject to biosecurity considerations, engagement initiatives such as farm tours can be helpful for residents to gain a better understanding of the practical operation of a poultry farm and the best practice initiatives being implemented.

The demand for poultry produce is forecast to grow between 3% and 4% per annum in the medium term. To meet the growing demand the industry will need to supply an additional 70 million birds by 2021. Based upon these projections the poultry industry is likely to make a significant contribution to the local economy well into the future.

From a social and economic perspective it is important for Council to have a charter concerning good neighbour procedures and practices.

What is the Good Neighbour Charter seeking to achieve?

The Good Neighbour Charter has been developed to promote a collaborative approach to mitigate the impact caused by farming operations. This approach requires a commitment from Council, poultry growers and processing companies, to achieve continuous improvement in terms of farm activities and community engagement.

This approach is supported by NSW Department of Primary Industries and NSW Farmer's Federation who have nominated Wollondilly for a pilot program involving the development and implementation of Environmental Management Plans for poultry farms.

Commitment by Council to the Good Neighbour initiative

- Continue to notify purchases of rural land through zoning certificates of the types of activity that may have implications upon rural living.
- Continue to publish material, such as the Rural Living Handbook and the 'How to be a Good Neighbour in Wollondilly Shire' Fact Sheets, to promote co-existence between agricultural industry and residents.
- Continue to assess applications to establish / modify poultry farms on a case by case basis and if approved, impose workable conditions that reflect the nature of the proposal, features of the site, proximity to residents etc.

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- Seek funding from the State Government to undertake a Rural Lands Study to identify poultry clusters and investigate strategic planning outcomes to reduce land use conflicts.
- The concept of 'rural living – room to grow' be workshopped with the community and further defined to recognise the significant contribution by rural industries to the fabric of Wollondilly Shire.
- Participate in any Environmental Management System pilot program initiated by NSW Farmer's Federation in collaboration with NSW Department of Primary Industry.
- Based upon a risk management approach, program poultry farms for periodic inspection, compliance audits and neighbour engagement. The findings of these audits carried out in conjunction with field staff from the relevant processing company shall be made available to relevant parties.
- Develop a multi layered approach to address concerns raised by residents in relation to farm operations.
- Convene an annual forum to specifically discuss issues relating to the local poultry industry.
- Continue to be involved in forums and networks to keep up to date with best practice governance and engagement initiatives.

Commitment sought by NSW Farmer's Federation and local poultry growers to the Good Neighbour initiative

- Commit to a continuous improvement approach to farm management including active participation in any Environmental Management System pilot program and best practice training.
- Conduct farming operations in accordance with approval requirements and best practice management practices to mitigate impacts.
- Communicate and consult with neighbours.
- Seek opportunities to explain and interpret management practices.
- Provide detailed information about proposed activities or works in progress.
- Be responsive to neighbour concerns and proactively conciliate any issues.
- Cooperate with Council, poultry processing companies and neighbours to resolve concerns.

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Commitment sought by the Poultry Processing Industry to the Good Neighbour initiative

- Incorporate best practice management initiatives into processing operations particularly in relation to the activities surrounding the night time pick-ups of birds to mitigate amenity impacts.
- Commit to a continuous improvement approach to farm management including active participation in any Environmental Management System pilot program.
- By way of contractual agreement with the poultry growers and transport contractors promote a continuous improvement approach to farming operations which is linked to individual Environmental Management Plans.
- Provide Council with an up to date list of field staff who can be contacted in relation to substantiated concerns raised by neighbours.

Commitment sought by the community to the Good Neighbour initiative

- When purchasing your rural property, take into consideration the surrounding poultry farms and how this may affect your decision and ability to live in the environment.
- Be aware of what living in a rural environment means in terms of the activities associated with the poultry industry and how that may influence your ability to live in such an environment.
- Have regard to the fact that poultry farms are subject to change and need to expand in order to remain viable and response to the increasing demand for poultry produce.
- Get to know the poultry farmers in your area and work cooperatively to resolve concerns.

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Part A - Poultry Industry Overview	
Industry Leader	<p>Wollondilly Shire is ranked:</p> <ul style="list-style-type: none"> • Turkey Meat Production - No.1 overall in Sydney, NSW and Australia • Chicken Meat Production - No. 2 in Sydney, No. 3 in NSW and No. 8 in Australia • Duck Meat Production - No. 2 in Sydney and NSW and No. 3 in Australia • Egg Production - No. 4 in Sydney, No. 10 in NSW and No. 19 in Australia
Agricultural Commodity	<ul style="list-style-type: none"> • Poultry meat in the peri-urban area is 46.2% of NSW and 18.0% of Australia's total value. • Poultry meat is the fifth largest agricultural commodity in NSW and is the most consumed meat product in Australia. • In NSW the industry supports 6000 direct jobs and a further 39 000 jobs downstream. • The industry in NSW is dominated by two large national processing companies, Baiada and Ingham, and by three processing companies based in the Sydney Basin: Cordina Chicken, Red Lea Chicken and Pepe's Ducks.
Growth Industry	<p>The industry:</p> <ul style="list-style-type: none"> • is forecast to grow by between 3% and 4% a year in the medium term. • will need to meet demand by building an additional 240 sheds to supply an additional 70 million birds by 2021. This represents an estimated capital investment of approximately \$156 million. • require access to land, infrastructure and investment confidence
Industry Trends	<p>The most notable of these are:</p> <ul style="list-style-type: none"> • Significant growth of free-range production and the associated opportunities and challenges. • The industry has adopted higher welfare standards, such as the RSPCA Approved Farming Scheme, in response to retail and consumer demands. • The main implications for processors and growers are lower stocking densities and increased costs of production. • Pressure on industry to build new farming complexes and expand existing operations in order to remain financially viable. • The changing rural landscape in poultry meat production areas is constraining the operational and expansion capacity of many farms.
Size of farms	<ul style="list-style-type: none"> • Two- or three-shed farms are increasingly no longer economically sustainable, and most new developments consist of eight or more sheds. • Tremendous pressure on smaller farms to expand their operations in order to remain viable. Currently, 105 farms (35%) in NSW consist of three sheds or less. • Expansion of smaller farms in the Sydney Basin. Many of these farms were originally built on relatively small acreages in rural production areas but are enclosed by urban or rural residential developments, making expansion difficult. • Dwindling number of smaller family-owned and -operated farms and a trend towards large farming complexes owned by corporate growing companies.