

**Submission
No 15**

FOOD PRODUCTION AND SUPPLY IN NSW

Name: Dr Belinda Reeve
Position: Co-founder
Date Received: 23 February 2022



THE UNIVERSITY OF
SYDNEY

Dr Belinda Reeve

Senior Lecturer, The University of Sydney Law School
New Law Building, F10 Eastern Avenue
Camperdown, NSW 2006
Email: Belinda.reeve@sydney.edu.au

23 February 2022

Mr AH Greenwich
Chair, Legislative Assembly Committee on Environment and Planning
NSW Parliament House
6 Macquarie Street
Sydney NSW 2000
Email: environmentplanning@parliament.nsw.gov.au

RE: Submission to the Inquiry into Food Production and Supply in NSW

Dear Mr Greenwich,

Thank you for inviting submissions to the *Inquiry into Food Production and Supply in NSW*, which represents a critical opportunity to improve the healthiness, sustainability, and resilience of the food system in NSW. This submission describes the **important role of Australian local governments** in addressing the urgent issues created by 21st century food systems. We call for state government reforms that empower NSW local governments to address food production, distribution, sale, consumption, and disposal at the local level.

I am writing on behalf of a group of researchers based at the University of Sydney, the University of Wollongong, and the William Angliss Institute (Melbourne) who have undertaken a three-year, Australian Research Council funded project on how local governments and communities contribute to the creation of a healthy, sustainable, and equitable food system (*Strengthening local food systems governance*).

As part of our research, we gathered and assessed over 2,000 policy and strategic documents from all local governments in NSW and Victoria (a full report of this study is available on our project website: <https://law-food-systems.sydney.edu.au/>). We analysed these documents against a framework of recommendations for local government action to address food system issues, encompassing the domains of: health and wellbeing; sustainability and environment; economic development; food waste; food quality and safety; social policy; and planning. We also created a database containing relevant extracts from these documents, which is a useful

resource for information on local government food system initiatives: <https://law-food-systems.sydney.edu.au/policy-database/>.

Our policy mapping study found that 13 local governments – and only two in NSW – had a dedicated food system policy. However, local governments addressed food system issues in a wide range of non-food specific policies and strategies. These included the documents created by NSW local governments under the Integrated Planning and Reporting Framework (e.g., Community Strategic Plans), as well as policies on topics such as health, sustainability, and the environment.

The food system issues addressed by the greatest number of local governments were:

- Provide education on/enforce food safety regulations (96.6 percent)
- Support sustainable local food production (92.3 percent)
- Reduce food losses and food waste (89.4 percent)
- Host/support education campaigns and events on food system issues (86.5 percent)
- Support access to safe drinking water (86.0 percent)

The issues addressed by the least number of local governments were:

- Provide pregnancy dietary advice (1.4 percent)
- Use economic measures to encourage affordability/consumption of healthier foods; discourage unhealthier foods (1.4 percent)
- Restrict unhealthy food in vending machines under local government control (1.9 percent)
- Restrict unhealthy food advertising and increase healthy food promotion (3.4 percent).

We found that Victorian local governments were more likely than those in NSW to be acting on food systems, with the greatest differences for topics such as: promoting/supporting breastfeeding; supporting sustainable water management in food production; and partnering with sports clubs to provide healthy options.

For 22 of the 34 recommendations, metropolitan local governments (in both states) were more likely than non-metropolitan (i.e., regional) local governments to have a relevant policy, with the biggest differences being for recommendations to: ensure healthy food retail is easily accessible; support affordable housing; allow food production on local government-owned land; and support home and community gardening.

Often, local governments are thought to be concerned only with ‘rates, roads, and rubbish’. But our research demonstrates that local governments undertake **a broad range of activities that can help to create a healthier, more sustainable, and more equitable food system**. Below we highlight innovative policies and initiatives developed by NSW local governments on topics relevant to this inquiry. There are also key opportunities for further local government action, particularly on **regulating the sale and marketing of healthy foods and beverages**, on which few local governments are acting.

Food security and equitable access to food: Local governments contribute to food security and equitable access to food by seeking to increase local food production, distribution, and consumption. The creation of local food systems can help to address food supply disruptions created by crises such as Covid-19, as (for example) local food producers and businesses are nimble and proximate to supply chain partners, meaning they can innovate more quickly and pivot to new market channels and buyers.¹ Local governments also provide or support a range of programs aimed at increasing food security, such as school breakfast programs, and the Dhungung (Food) Share program, which provides food for local Aboriginal families and is facilitated by Wingecarribee Council in conjunction with Australian Red Cross and OzHarvest.

Reducing food waste and destruction: Local governments play a central role in preventing food waste. Many NSW local governments have a kerbside food organics and garden organics (FOGO) or food-only collection service for household food waste, which is then commercially processed into compost. Some also run organics processing services for commercial businesses. Others undertake educational activities and campaigns for residents that aim to prevent food waste, such as workshops on fermenting/pickling, menu planning, or cooking with leftovers (sometimes in partnership with the *Love Food Hate Waste* initiative or *Halve Waste*), as well as rebates enabling residents to purchase compost bins or worm farms. One ‘quick win’ for reducing food packaging waste would be for the NSW Government to support all local governments to implement the Return and Earn container deposit scheme.

Developing technologies to bring food production into cities: Local governments support initiatives that enable local food production, including forms of urban agriculture. While not a ‘technology’, local governments use regulatory instruments such as planning schemes to dedicate areas of public space to community gardens and other forms of food growing. North Sydney’s Coal Loader Centre for Sustainability is home to the largest publicly-accessible

¹ Dawn Thilmany, Elizabeth Canales, Sarah A Low, and Kathryn Boys, ‘Local Food Supply Dynamics and Resilience During Covid-19’ (2020) 43(1) *Applied Economics Perspectives and Policy* 86-104.

[green rooftop](#) in Sydney. It features a community garden and leased allotment plots, raised wicking beds that are irrigated by recycled stormwater, and an aquaponics system.

Preserving productive land and water resources: Local governments, particularly those on the urban-rural fringe (such as Penrith City Council and Hawkesbury Council) and those in rural areas with significant agricultural industries (e.g., Cabonne and Singleton), are concerned with protecting and preserving arable land for food production. Local governments include objectives on protecting food producing land in documents such as Settlement Strategies and Rural Land Use Strategies. Tweed Shire Council's *Sustainable Agriculture Strategy* includes as an outcome that prime agricultural land is preserved for sustainable primary production and land-use conflicts are avoided or managed.² Local governments in regional areas also have policies and initiatives on using wastewater and effluent for irrigated agriculture, and on managing water assets, as with the *Edward River Agribusiness Masterplan*.³

Managing the impact of climate change: Local governments are heavily involved in managing or mitigating the local impacts of climate change, including in relation to the food system, with support for local food systems being one such one strategy. For example, Ballina Shire Council's *Northern Rivers Food Links* project seeks to mitigate climate change impacts associated with food production, distribution, and consumption by reducing reliance on food sourced from outside the region. Regional local governments also aim to support agricultural industries facing climate change impacts, with Temora Shire housing an agricultural research station that performs research trials related to 'future-proofing' crops against the effects of climate change.

Limiting the impact food production has on the environment, including overfishing: Local governments in regional areas of NSW undertake a range of activities that aim to support more environmentally sustainable forms of agriculture. They provide landholders, food growers, and farmers with information and education on topics such as weed and biosecurity management, sustainable agriculture practices and forms of food production (including those drawing on regenerative, permaculture, and organic principles/practices), responsible land management, and protecting native habitat and biodiversity. They also undertake programs to protect sensitive lands and ecological communities from agricultural activities, manage agricultural run-off into waterways, prevent livestock from entering riparian areas through fencing and stock control, and provide waste collection services for agricultural products. The *Maitland*

² Available from: <https://www.tweed.nsw.gov.au/environment/agriculture-farming>

³ Available from: <https://www.edwardriver.nsw.gov.au/files/assets/public/agribusiness.pdf>

Greening Strategy encourages care of native plant areas, wetlands, and biodiversity through education, environmental awards, the provision of equipment, environmental levies, and salinity credits.

Consideration of workforce challenges and skills development: Many local governments work in partnership with education and training providers (e.g., high schools, TAFE) to provide pathways into agricultural careers. Gwydir Shire is home to a unique project, *The Living Classroom* (TLC). TLC has repurposed 150 hectares of town common to create a unique learning centre that combines education, tourism, regenerative agriculture, and research using a food systems lens.⁴ One component of TLC is a primary industries trade training centre. TLC also works with local high schools to promote agriculture career pathways and provide work experience for students. The *Edward River Agribusiness Masterplan* contains multiple programs aimed at developing the agribusiness sector, including those on upskilling agricultural workers and promoting career opportunities to school students, as well as on promoting pathways for younger farmers into farm ownership.

Development and growth of the food industry (raw or processed) as an export: As well as ensuring food security for residents, councils collaborate with federal and state government departments, industry associations, and businesses to increase opportunities for developing export pathways and relationships. Eurobodalla Shire Council has developed a *Food Production Plan* to enhance the potential of local agriculture and aquaculture industries, including through identifying export markets. It has also held discussions with potential export businesses aimed at improving capacity for growth into Asian markets.

Consideration of Indigenous food and land management practices: Many councils across NSW have established bush tucker gardens that facilitate learning about First Nations Australians' culture and food, and the continuation of connection to Country, sometimes in consultation or partnership with local Aboriginal and Torres Strait Islander residents or groups. These include in: Hawkesbury, Canada Bay, Bellingen, Georges River, Gwydir (within The Living Classroom) and Tamworth.

Councils also facilitate the use of native species and Indigenous knowledge in land management. For example, Cootamundra-Gundagai's *Rural Lands Strategy* encourages exploration of endemic flora and fauna as a source of native food, wood, and fibre, as well as

⁴ For more information on The Living Classroom, see: <https://www.bingara.com.au/the-living-classroom/>; <https://www.gwydir.nsw.gov.au/Venues/The-Living-Classroom>.

using native plants as drought fodder and windbreaks to increase tree canopy, improve water retention, and resilience to drought. Tweed Shire Council's *Sustainable Agriculture Strategy* aims to recognise and promote Aboriginal culture and farming practices, and to provide opportunities for Indigenous partnerships in sustainable agriculture, including Indigenous farm programs. Councils also support the economic opportunities offered by Aboriginal and Torres Strait Islander food knowledge and practices. The Brewarrina Fish Traps are a significant feature of Brewarrina Shire, and Council aims to enhance their tourism benefits (see their [Destination Management Plan](#)). Gwydir is exploring options for scaling-up production of native foods to support a local industry, while Lachlan Shire Council is investigating a bush tucker/bush medicine shop and Aboriginal culture tours.

The examples above demonstrate that NSW local governments provide a wide range of local programs, services, and supports to help create a healthier, and more equitable, resilient and sustainable food system, using policies and initiatives that are tailored to the specific issues facing each area. However, our project also demonstrates that **local governments face significant practical and legislative challenges in undertaking food systems work**. Currently unpublished results from a survey of NSW and Victorian local governments, and case studies of six innovative local governments (three in each state), report on these barriers.

In this part of our project, NSW local governments have described how the lack of legislative and financial support from state government limits their work on food systems. There is an absence of an explicit legislative and/or policy mandate on food systems at the state (and federal) level, and a lack of cooperation between state government departments and agencies with responsibilities in relation to food. This is accompanied by an absence of dedicated, ongoing funding for food system work at the local level. The result is that local government initiatives on food systems are often short-term, limited to the issues on which state government funding is available (such as food waste), and are not evaluated systematically. NSW local governments find it difficult to fund dedicated food systems positions within council, and to maintain comprehensive, ongoing programs of work.

Food system issues are not integrated into other relevant legislative schemes in NSW. For example, the Victorian *Public Health and Wellbeing Act 2008* (and similar public health legislation in SA and WA) requires local governments to create Municipal Public Health and Wellbeing Plans (s 26), which some have used to address food security and diet-related health. The Victorian *Public Health and Wellbeing Plan 2019-2023* and *Climate Change Act 2017* also highlight the need to recognise climate change as a threat to health, creating an opportunity for Victorian LGs to address issues such as agriculture- and food transport-related

greenhouse gas emissions in their Municipal Public Health and Wellbeing Plans. However, the NSW *Public Health Act* 2010 does not place a similar obligation on NSW local governments, limiting their ability to implement policies and programs on diet-related health.

Similarly, the NSW *Planning and Environment Act* 1987 does not include food systems or health promotion as an objective, limiting the extent to which local governments can consider issues such as nutrition or food security in their own planning activities.⁵ For example, local governments cannot refuse development consent to new fast-food restaurants seeking to open in an appropriately zoned area, and are limited in the extent to which they can diversify the mix of food retail outlets based on food access or nutrition concerns.⁶ This means they are unable to address the issue of ‘food swamps’: geographical areas characterised by a high density of fast-food restaurants and other unhealthy food retail outlets, and a relatively low density of healthy food retail outlets (such as supermarkets), often located in areas of low socioeconomic advantage, on the outskirts of cities, and in regional areas.⁷

Examples from Victoria demonstrate what local governments can achieve when they are more fully resourced to undertake food systems work. VicHealth, an independent health promotion agency, has a long history of facilitating local government action on diet-related health, including providing \$5 million to eight councils to address food security as part of its 2005-2010 *Food for All* program. In 2021, VicHealth launched a Local Government Partnership with a specific focus on building LG capacity in relation to food systems policy making. Along with a more supportive legislative environment, this kind of dedicated funding and resourcing may explain why we found greater engagement with food systems policy making by local governments in Victoria as compared to NSW.

The health, sustainability, and equity challenges created by global food systems have been extensively researched and documented. The adoption of healthy and sustainable diets by the world’s population has been identified as ‘potentially the greatest synergy between human

⁵ Christine Slade, Claudia Baldwin and Trevor Budge, ‘Urban Planning Roles in Responding to Food Security Needs’ (2016) 7(1) *Journal of Agriculture, Food Systems, and Community Development* 33–48; Maureen Murphy, Hannah Badland, Helen Jordan, Mohammad Javad Koohsari and Billie Giles-Corti, ‘Local Food Environments, Suburban Development, and BMI: A Mixed Methods Study’ (2018) 15(7) *International Journal of Environmental Research and Public Health*, 1392. Available from: doi:10.3390/ijerph15071392.

⁶ Slade, Baldwin and Budge, above n 4.

⁷ Cindy Needham, Gary Sacks, Liliana Orellana, Ella Robinson, Steven Allender and Claudia Strugnell, ‘A Systematic Review of the Australian Food Retail Environment: Characteristics, Variation by Geographic Area, Socioeconomic Position and Associations with Diet and Obesity’ (2020) 21(2) *Obesity Reviews*, e12941. Available from: doi.org/10.1111/obr.12941.

and planetary health'.⁸ Covid-19 disruption of food supply chains has only heightened the importance of re-framing policy and regulation to create more diversified and resilient food systems, including at the local and regional level.⁹ Action by all levels of government and all sectors of society will be required to achieve this goal, but we argue that **local governments can – and do – play a critical role in addressing food production and supply issues in NSW** (and indeed, across Australia). However, **comprehensive reform at the state level** is needed to activate the potential of local governments and to empower them to contribute to wide-ranging, lasting improvements to NSW's food system.

We support the recommendations proposed in the Consensus Statement on *Towards a Healthy, Regenerative and Equitable Food System in Victoria*.¹⁰ Drawing on that document, and our own research, we propose the following reforms to state-level law, policy, and funding in NSW:

- The NSW Government should follow the examples of Victoria, South Australia, and Western Australia in establishing a public health legislative framework that sets goals and targets at the state level and requires all NSW councils to develop a Public Health and Wellbeing Plan that is consistent with state-level public health plans and legislation, and which explicitly sets targets and requires action on key food system priorities.
- The Government should legislate on climate change (as Victoria has done), and in doing so, make clear the link between climate change and health. The recommended NSW local government Public Health and Wellbeing Plans should require councils to act on both climate change and health, with an explicit focus on food systems.
- NSW (along with other Australian states) needs to urgently amend its planning framework, including state planning legislation, to address council's lack of power to approve or refuse food outlet types based on the healthiness of the food sold, and thus stem the phenomenon of 'food swamps' (geographical areas characterised by a high density of unhealthy food outlets, such as fast-food restaurants, and a relatively low number of stores selling healthy options, such as supermarkets)

⁸ Sylvia Gralak, Luke Spajic, Iris Blom, Omnia El Omrani, Jacqueline Bredhauer, Saad Uakkas, Juliette Mattijsen et al, 'COVID-19 and the Future of Food Systems at the UNFCCC' (2020) 4(8) *The Lancet Planetary Health*, e309-11. Available from: doi.org/10.1016/S2542-5196(20)30163-7.

⁹ Thilmany et al, above n 1.

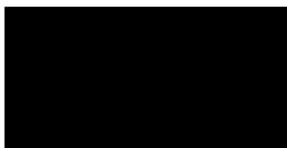
¹⁰ Victorian Food Security and Food Systems Working Group, *Towards a Healthy, Regenerative, and Equitable Food System in Victoria: A Consensus Statement* (2022).

- Reforms to planning legislation and state planning instruments should also recognise and provide for urban agriculture, which could be supported by additional measures such as auditing and identifying suitable public land and creating pathways to facilitate access (e.g., rates discounts), developing dedicated grant streams for community and commercial operators, establishing a Strategy and Advisory group to build capacity across local and state government, and establishing new research institutes to conduct training and research.
- NSW needs to develop a state-wide, integrated, and comprehensive Food System and Food Security plan that sets objectives and targets at the state level (and evaluates progress against these objectives and targets), and which empowers local governments and communities to set local objectives and targets on priority food system issues, and then work toward their achievement. This plan (and other state government activities on food systems) should be implemented and overseen by a new, whole-of-government Food Systems Committee, and be accompanied by dedicated, significant funding for local government food system policies and programs.

We urge you to recommend these actions to the NSW Government, so that NSW local governments can reach their full potential in contributing to a more sustainable, equitable, resilient, and healthier, food system.

Please do not hesitate to me if there is any further information I can provide in relation to this submission.

Yours sincerely,



Dr Belinda Reeve

On behalf of Professor Karen Charlton (University of Wollongong), Dr Nick Rose (William Angliss Institute, Melbourne) and Dr Amy Carrad (University of Wollongong)