



Animal Defenders Office  
*Using the law to protect animals*

ABN: 12837355070 | Member: CLCNSW Inc. | GPO Box 2259 Canberra ACT 2601 | [www.ado.org.au](http://www.ado.org.au) | [www.facebook.com/ADOACT](https://www.facebook.com/ADOACT) | [contact@ado.org.au](mailto:contact@ado.org.au)

---

City of Wagga Wagga Council  
243 Baylis Street  
Wagga Wagga NSW 2650

By email: [council@wagga.nsw.gov.au](mailto:council@wagga.nsw.gov.au)

13 May 2019

Dear Sir / Madam

**Re: opposition to development application DA 18/0408**

**Applicant:** PIC Australia

**Site:** 240 Flanagans Road, Matong NSW 2652

(Lot 48 DP 750854, Lot 51 DP 750854, Lot 54 DP 750854, Lot 1 DP 1085420)

**Proposal:** Pig Farm (Intensive Livestock Agriculture) – 15,000 Standard Pig Unit genetic nucleus herd and associated infrastructure

**Consent Authority:** City of Wagga Wagga (NSW) Council (**the Council**)

On behalf of the Animal Defenders Office, we respectfully submit our opposition to the abovementioned development application.

The Animal Defenders Office (**ADO**) is a non-profit, community legal centre that specialises in animal law. The ADO serves the greater Capital region, including the Australian Capital Territory and neighbouring parts of New South Wales, such as Wagga Wagga. The ADO is a member of Community Legal Centres NSW Inc.

We have reviewed the relevant Development Application (DA) and accompanying Environmental Impact Statement (EIS) provided on the Council's website.

Our key objections to the development application are set out below.

## Animal Welfare

***The Consent Authority is obliged to take considerations about health and welfare of animals into account when determining whether or not to grant development consent. We submit that the level of information provided in the EIS in regard to animal welfare is inadequate and unsatisfactory, and as such, this obligation cannot be discharged.***

The EIS references the *State Environmental Planning Policy 30 - Intensive Agriculture (SEPP 30)*, which has been repealed. As of 28 February 2019, SEPP 30 is replaced with the *State Environmental Planning Policy (Primary Production and Rural Development) 2019 (SEPP PPRD)*. We submit that the relevant information in the EIS is accordingly out-of-date.

In determining whether or not to grant development consent, SEPP PPRD requires the Consent Authority to take into consideration ‘whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals’.<sup>1</sup>

In the instance that this provision does not apply to the development application in question, the *Wagga Wagga Local Environmental Plan 2010* similarly states that ‘whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals’ must be taken into consideration when determining whether or not to grant development consent under the Plan.<sup>2</sup>

The development process is also bound by the Secretary’s Environmental Assessment Requirements (SEARs), as referenced in the EIS. As outlined in Appendix A of the EIS, various matters must be addressed for this specific designated development application, including:

*“...details of how the proposed development would comply with relevant codes of practice and guidelines, including the Model Code of Practice for the Welfare of Animals, Pigs 3<sup>rd</sup> Edition – National Welfare Code for Pigs and Animal Welfare code of practice commercial pig production in NSW.”*

In regard to animal welfare, the EIS states at paragraph 5.2 (page 37):

*“The proposed GN herd facility will comply with the minimum requirements outlined in the Model Code of Practice for the Welfare for Animals – Pigs (welfare code) and Animal Welfare Code of Practice – Commercial Pig Production in NSW. As the proposed development is greenfield, the sheds and equipment will be designed and constructed in accordance with industry best practice. As the facility will be APIQ accredited, it will be audited annually for welfare. The APIQ Quality Assurance reference manual provides an example of the controls that will be in place at the facility. The APIQ website provides a copy of the reference manual.”*

---

<sup>1</sup> Schedule 4, Part 3, section 4(4)(g).

<sup>2</sup> Section 5.18(3)(g).

Further, paragraph 1.3.4 (page 5) states that “PICA’s existing GN herd facilities are APIQ accredited and the proposed GN herd facility will also be APIQ accredited.”

Given this is the full extent of discussion about animal welfare in the EIS, we submit that the applicant has not discharged their obligation to properly detail how the proposed development would comply with relevant animal welfare codes of practice and guidelines.

Namely, as the treatment of pigs is of primary importance to the purpose of this proposed development, detail regarding the care, health and welfare of animals is required. We submit that simply naming the relevant industry guidelines, some without even specifying date or edition, does not satisfy any question about compliance with relevant animal welfare guidelines.

For example, the applicant states that the facility will be APIQ accredited. This assurance is unsubstantiated and depends on a presumption that APIQ will accredit the facility, without providing any information as to how the applicant intends to meet the required standards. The most offered by way of explanation is a reference to “industry best practice”. This phrase on its own is meaningless and subject to change, and fails to specify the animal welfare standards that will be met.

Of particular importance are considerations around compliance with ‘best practice’ for animal housing. Paragraph 5.2.2 of the EIS (page 37) states: *“Pens will be constructed in accordance with the space requirements within the welfare code and the GN herd facility will be sow stall free.”*

We note, however, that the proposed Floor Plan for the Dry Sow Stall Building appears to facilitate the continued use of stalls. In addition, farrowing crates of unidentified sizes are evident in the proposed Floor Plan for the Farrowing Building.

Due to public interest in the overwhelming evidence that sow stalls are extremely detrimental for pig welfare, the Australian pig industry introduced a voluntary initiative to phase out the use of sow stalls. Likewise, farrowing crates – which keep mother pigs isolated without room to move or turn around – are associated with extremely low welfare outcomes for mother pigs.

The ADO maintains that a proposal to build or extend a large intensive piggery that will house pigs in accommodation that has been banned on welfare grounds in a neighbouring jurisdiction,<sup>3</sup> and of which a ban has also been proposed in NSW,<sup>4</sup> should be a significant concern for any Consent Authority.

In consideration of the growing public interest in animal welfare and the resulting initiative from the Australian pig industry to phase out sow stalls, we submit that this new development be carefully considered in terms of whether or not it meets ‘industry best practice’.

---

<sup>3</sup> See *Animal Welfare Act 1992 (ACT)*, which bans farrowing crates and intensive indoor housing of pigs.

<sup>4</sup> See the *Prevention of Cruelty to Animals Amendment (Restrictions on Pig Keeping) Bill 2014* introduced into the NSW Legislative Council in November 2014.

We therefore object to the proposed development application on the basis that it fails to provide adequate information in relation to measures for animal welfare, which are fundamental to the purpose of the development. The applicant has failed to demonstrate that an acceptable standard of animal welfare would be adequately provided for, monitored and managed.

Thank you for the opportunity to submit our objections to the proposed development application.

Regards

Sarah Margo and Tara Ward

Lawyers  
Animal Defenders Office

