



Hilltops Council
Locked Bag 5
YOUNG NSW 2594

mail@hilltops.nsw.gov.au

3 January 2017

Dear Sir / Madam

Development proposal (section 79(1) of the Environment Planning and Assessment Act 1979)

Applicant: Blantyre Farms Pty Ltd

Site: Property known as Eulie, Lots 1 and 2 DP623790 Eulie Road, Harden NSW

Proposal: 2,200 sow piggery consisting of breeder site on Lot 2 for 7,400 Pigs containing 5 Sheds and a grower Site on Lot 1 for 18,000 Pigs containing 16 Sheds

Consent Authority: Hilltops Council

In response to public notification advising Additional Information, and a third public exhibition period, we are writing on behalf of the Animal Defenders Office in opposition to the abovementioned development application.

The Animal Defenders Office (ADO) is a non-profit, community law practice 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 Harden, Young and Boorowa. The ADO provides legal advice and representation to individuals and groups wishing to protect animals. The ADO also raises community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is a member of Community Legal Centres NSW Inc.

We have reviewed the additional information and amended Environmental Impact Statement (the EIS).¹

Our objections to the development proposal are set out below.

¹ Environmental Impact Statement (EIS) (Amended), November 2016. Proponent: Blantyre Farms Pty Ltd.

Animal Welfare

The applicant's assertion that 'all welfare requirements will be satisfied'² cannot be accepted as the assertion is based on repealed legislation and out-of-date or non-existent codes of practice.

Overall the level of information provided in the EIS (as amended) to enable a proper assessment of animal welfare requirements is still extremely inadequate.

Our concerns about animal welfare are set out in detail in this section of our submission.

The *State Environmental Planning Policy No 30—Intensive Agriculture* (SEPP 30)³ requires consent authorities (in this case, Hilltops Council) to take into consideration several matters including:

- the adequacy of information provided, and
- measures for the health and welfare of animals (clause 2(1)(c)).

SEPP 30 also states that in determining whether or not to grant consent to a development application for a piggery, consent authorities must take into consideration:

- the measures proposed to mitigate any potential adverse impacts, and
- whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals (clause 7(3)(g)).

In the EIS the applicant states:

8.16.2 No impact is expected, as all welfare requirements will be satisfied (p125).

8.16.3 Eulie sites will have APIQ accreditation (p126).

We note, however, that the claims about satisfying animal welfare requirements are based on **repealed legislation and out-of-date or non-existent codes of practice**.

The *Prevention of Cruelty to Animals (General) Regulation 2006* cited in the section on Animal Welfare in the EIS (p125) was **repealed in 2012**. The EIS also refers to 'the Model Code of Practise [sic] for the Welfare of Animals: Land Transport of Pigs (SCARM 1997)' (p125). We have been unable to locate this code of practice. Instead we are aware of the 'Model Code of Practice for the Welfare of Animals: Land Transport of Pigs. (1998). SCARM Report 63' and the subsequent 'Model Code of Practice for the Welfare of Animals—Land Transport of Pigs, PISC/SCARM Report 63—CSIRO Publishing 2003'. However, these specific codes of practice relating to the land transport of pigs have since been **replaced** by the *Australian Animal Welfare Standards and Guidelines—Land Transport of Livestock* (Animal Health Australia, 2012). These national Standards have been incorporated into NSW law.⁴

² EIS: 8.16.2, p125.

³ <http://www.legislation.nsw.gov.au/#/view/EPI/1989/825>.

⁴ *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 1*.

The ADO therefore argues that a consent authority could not conclude that the applicant has demonstrated an ‘intention to comply with relevant industry codes of practice for the welfare of animals’, as required under clause 7(3)(g) in SEPP 30. The applicant’s assertion that ‘all welfare requirements will be satisfied’ should be rejected because it is impossible to determine which ‘welfare requirements’ are being referred to. Moreover, the EIS, and therefore presumably the applicant, demonstrates a clearly inadequate knowledge of the relevant regulatory framework relating to animal welfare for intensively housed pigs. This is a very serious concern when the proposal is to house over 25,000 highly sensitive, social and intelligent animals in extremely intensive and confined conditions for their entire lives.

Moreover, the reference to the *Introduction to APIQ Guidelines* (‘Appendix D’), cannot substitute for a required operational and risk management plan which complies with relevant legislation.

Housing

The ADO maintains that the proposal to build a large intensive piggery that will house pigs in accommodation that has been banned on welfare grounds in a neighbouring jurisdiction, and of which a ban has also been proposed in NSW,⁵ should be a significant concern for any consent authority.

Our concerns about the proposed housing are set out in detail below.

The development plans to house up to 2,200 female breeder pigs.

The housing of pregnant and lactating female pigs is of particular concern from a welfare perspective.

The EIS states that ‘the development complies [sic] or exceeds all minimum space requirements’ as allegedly required by an unspecified ‘Welfare Code’.⁶ It is a concern that the information about space requirements in this unspecified ‘Code’ and cited on pages 125–6 in the EIS is not referenced. The EIS’s assertions regarding compliance with minimum space requirements are therefore unsubstantiated.

The EIS refers to the Australian Pig industry initiative for a voluntary phase out of sow stalls, and states that ‘Pregnant sows will be housed in group housing’.⁷

However, it is still difficult to determine the nature of the ‘group housing’ that would be used for pregnant pigs, as no legend is included in Appendix N6 ‘Plan of dry sow shed’. Moreover, Appendix N6 includes plans for approximately 900 ‘dry sow stalls’, which would appear to contradict the applicant’s claim about group housing. The ADO notes that a

⁵ See the Prevention of Cruelty to Animals Amendment (Restrictions on Pig Keeping) Bill 2014 introduced into the NSW Legislative Council in November 2014.

⁶ EIS: 8.16.3, p125.

⁷ EIS: 8.16.3, p126.

gestation-stall-free production system is merely optional in the Australian Pork Industry Quality Assurance Program (APIQ).⁸

There is also no indication as to whether the proposed group housing will provide the animals with access to fresh air, daylight, grass, or mental stimulation. It is therefore difficult to comment on what physical and psychological impact this type of housing will have on these sensitive and intelligent animals during pregnancy. As noted above, the reference to group housing is not consistent with plans submitted to the consent authority by the applicant.

Female pigs who have given birth will be housed in farrowing crates.⁹ These crates keep the mother pig isolated and without room to move or turn around. The crates would therefore be expected to have extremely low welfare outcomes for the mother pig. The EIS states that the mother pigs would be kept in these crates to 'maximise piglet survival' (p126). This is an economic consideration and not a welfare consideration for the female adult pig.

Moreover, the assertion that using farrowing crates 'is the most effective way to limit the number of piglet deaths from the sow squashing the piglets' is not referenced. It is therefore impossible to assess the veracity of this claim as no authority is cited. It remains merely an unsubstantiated assertion.

Furthermore, the ADO notes that intensive indoor housing of pigs in general, and farrowing crates in particular, are **banned** in the neighbouring jurisdiction of the ACT under the *Animal Welfare Act 1992* (the Act). 'Appropriate accommodation' for pigs is defined in the Act as accommodation:

- (a) that allows the pig to—
 - (i) **turn around**, stand up and lie down without difficulty; and
 - (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
 - (iii) maintain a comfortable temperature; and
 - (iv) **have outdoor access**; (s9B(3)) [emphases added]

We note that a person commits an offence under the Act if:

- (a) the person keeps a pig; and
 - (b) the pig is not kept in appropriate accommodation.
- Maximum penalty: 50 penalty units. (s9B(1))

The ban was inserted into the Act in 2014 by the Animal Welfare (Factory Farming) Amendment Bill 2013 (the bill). The Explanatory Statement for the bill states that (p4):

The bill's aim of greater protection of animal welfare can be justified in a free and democratic society. The community expects that animals will be treated well and not be exposed to cruelty, pain or suffering.

⁸ See the *Australian Pork Industry Quality Assurance Program – Standards Manual*. V4.1 10/2015, 'Option A: Gestation Stall Free (GSF)', p37.

⁹ According to the standard in the *Model Code of Practice for the Welfare of Animals—Pigs* (3rd Edition, CSIRO Publishing, 2008), female pigs are kept in these crates for six weeks (4.1.7, p6).

Communities across the greater Capital region, including the ACT and NSW shires such as Harden, Young and Boorowa, would hold these same expectations that animals will be treated well and not exposed to unnecessary cruelty, pain or suffering. This applies equally to animals kept for food as much as to the animals we keep as companions.

As mentioned earlier, a proposal to build a large new intensive piggery that will house pigs in accommodation that has been banned on cruelty grounds in a neighbouring jurisdiction, and a ban of which has recently been proposed in NSW,¹⁰ should be a significant cause for concern for any consent authority.

Moreover, it is reasonable to expect that the welfare standards for pigs raised for food as mandated in the ACT will also be mandated in NSW. When that happens, the proposed factory will be outdated and even viewed as barbaric.

Husbandry practices

Another key measurement of animal welfare outcomes is how surgical procedures will be carried out. We have been unable to find any information in the Additional Information or the EIS (as amended) about the use of pain relief for routine husbandry practices such as castration, tail docking, and teeth clipping. These practices can be extremely painful for piglets.¹¹ Nor have we been able to find information about how the impact of such practices on the pigs' welfare will be monitored.

The EIS states that '[a]ll pigs will be inspected each day to ensure their welfare is maintained'.¹² It is still difficult to have any confidence that this will be achieved given the extraordinarily high number of pigs (up to 25,113¹³) and the very low number of potential full-time staff (20¹⁴). Moreover, the EIS states that not all staff will be working with pigs.¹⁵

We therefore object to the proposed development because insufficient and inaccurate information has been provided in relation to measures for the health and welfare of the animals. In addition, the applicant has failed to demonstrate that an acceptable standard of animal welfare would be adequately provided for, monitored and managed.

¹⁰ See the *Prevention of Cruelty to Animals Amendment (Restrictions on Pig Keeping) Bill 2014* introduced into the NSW Legislative Council in November 2014.

¹¹ See <https://www.voiceless.org.au/the-issues/pigs> for references.

¹² EIS: 8.16.3, p126.

¹³ EIS: 4.1.1, p17.

¹⁴ EIS: Executive Summary, vi; 4.1.4, p19; and 8.17.2, p127.

¹⁵ EIS: 8.17.2, p127.

Social impacts

Paragraph 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW) requires consent authorities to take into account social impacts in the locality of proposed developments.

It is still reasonable to expect that there would be a number of negative impacts on people working in the proposed piggery.

Working in an intensive factory farm may expose individuals to serious health risks. The information provided by the applicant, including the amended EIS, does not address the possibility that piggery workers (and nearby residents) would be exposed to harmful pathogens from pig effluent and significant odour from effluent and rotting pig carcasses.

Working in such facilities may also affect an individual's emotional and mental health and general wellbeing due to the animal suffering and death a worker would cause or witness on a daily basis. Many of the tasks workers would be expected to undertake would involve practices that would not be considered humane or ethical if undertaken on companion animals. For example, regularly delivering 'blunt trauma to the head' of piglets,¹⁶ or docking tails, clipping teeth, or notching or punching ears¹⁷ without anaesthetic or pain relief, or violently prodding mother pigs to stand up in their cramped farrowing crates, would have a psychological effect on workers, and could potentially lead to desensitisation, anger, depression and substance abuse, as occurs with abattoir workers.¹⁸

Ongoing exposure to, and participation in, these aspects of the proposed piggery would not be consistent with a positive and healthy workplace, and could produce serious negative social impacts, including higher crime rates in the local community. A well-publicised study in the USA found an increased rate of violent crimes in communities surrounding slaughterhouses, suggesting that the victimisation of animals leads to victimisation of people. It draws a link between the inherent violence in the killing of animals and violence in human relationships, especially rape and child abuse.¹⁹ Other studies also point to a link between cruelty to animals and domestic violence.²⁰

It is understandable that consent authorities are concerned with increased employment opportunities for their communities. However, responsible authorities should foster and

¹⁶ This is the method for euthanasing piglets in the *Model Code of Practice for the Welfare of Animals—Pigs*, 3rd Edition, CSIRO Publishing, 2008, p29.

¹⁷ As permitted under paragraph 5.6.17 of the *Model Code of Practice for the Welfare of Animals—Pigs*, *ibid*.

¹⁸ *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, Rachel M. MacNair (Praeger, 2002); *Killing for a Living: Psychological and Physiological Effects of Alienation of Food Production on Slaughterhouse Workers*, Anna Dorovskikh, University of Colorado thesis, USA (2015).

¹⁹ *Slaughterhouses and Increased Crime Rates. An Empirical Analysis of the Spillover From "The Jungle" Into the Surrounding Community*, Amy Fitzgerald (University of Windsor), 2010.

²⁰ *Child Abuse, Domestic Violence and Animal Abuse*, Frank R Ascione, and Phil Arkow (1999); 'The Relationship Between Family Violence and Animal Abuse: An Australian Study', Prof. Elenore Gullone and others, *Journal of Interpersonal Violence*, 23: 1277–1295 (2008).

encourage positive workplaces that offer skills development and rewarding career paths for those in their localities and avoid the negative impacts of intensive animal farming.

The record number of objections to the development proposal already lodged with the consent authority shows that the community has serious concerns about the development of another large-scale, intensive animal facility.

The EIS Executive Summary attempts to dismiss the high volume of objections by referring to allegedly 'illegal' footage of 'the Proponent's operation' purportedly obtained by groups opposed to farming.²¹ We note, however, that the applicant does not deny that the footage reveals animal welfare conditions in one of its existing intensive piggeries. We also note that the applicant has not suggested that the conditions at the proposed operation in Harden would be any different from the conditions revealed in the footage. Rather than being a reason to dismiss any concerns, the footage in fact explains why the community is so concerned about the prospect of another intensive facility being constructed and replicating the low animal welfare standards revealed in the existing facility. Moreover, the applicant's argument that the existence of the allegedly illegal footage is a reason to dismiss the objections is an obvious non-sequitur.

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

Regards

Carolyn Brock and Tara Ward

On behalf of
The Animal Defenders Office



²¹ EIS: 'Relevant Background to the Proposal', page vii.