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Dear Sir/Madam

Review of the Environmental Planning and Assessment (EP&A) Regulation 2000

Australian Pork Limited (APL) welcomes the opportunity to comment on the Review of the Environmental Planning and Assessment Regulation 2000 Issues Paper.

APL is the national representative body for Australian pig producers. It is a producer-owned, not-for-profit company combining marketing, research & innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry. APL works in close association with key industry and government stakeholders.

The Australian pork industry employs more than 36,000 people in Australia and contributes approximately \$5.2 billion in gross domestic product to the Australian economy. Pig production alone in New South Wales (NSW) contributes over \$320m to the State's economy and sustains approximately 2,000 jobs.

Issues arising from piggery developments in NSW have highlighted shortcomings in the existing process, to which APL has suggested changes in order to improve the development application process for applicants.

APL supports the objectives of this review of the Regulation to:

- Reduce administrative burden and increase procedural efficiency
- Reduce complexity
- Establish a simpler, more modern and transparent planning system.

APL provides the following comments on the Review of the Environmental Planning and Assessment Regulation 2000 Issues Paper:

I. A more modern and accessible regulation

APL supports using new technology and communication methods for making a submission on a planning matter, however it needs to determine the role of social media in the formal submission process. APL supports retaining Clause 91(3) of the current Regulation, whereby a submission by way of objection must set out the grounds of the objection.

Social media can attract unwarranted negative attention as exemplified by a recent development application lodged by one of our pig producers at Young, which council received over 5,000 objections, the majority by email. These objections were nearly all a variation of a form letter, provided on the website and social media campaign, meaning people agreeing with the anti-animal farming campaign could with a few clicks send an objection that was acceptable to council. Many of these were from countries other than Australia. This hijacked the development application process, placed unnecessary stress on

council and the regulators. This media attention created a high level of community expectation that the application would be refused based on “mass community objection”.

Social media also encourages activism and other unacceptable behaviour by members of the community. This can result in unwarranted illegal activity by activists on pig farms, which causes significant stress and financial cost to the proponent. In addition, pigs can become stressed and suffer animal welfare impacts.

APL recommends that submissions must be able to be verified by requiring mandatory information such as the submitters name, contact details, and entitlement to make a formal submission, for example, being a resident of the local government area or NSW.

APL suggests that local councils and consent authorities develop strict protocols in relation to the role and consideration of activism and submissions arising through the development assessment process. While the role of the development assessment process is to consider impacts to sensitive receptors, it would appear that the door is being opened to consideration of wider community concerns (such as animal welfare) that are best considered through other existing regulatory means. The development assessment process must not be used to thwart legitimate development due to philosophical objections to animal production.

As a precursor, APL recommends that consent authorities including local councils only consider formal submissions and disregard all non-formal submissions.

2. Order of assessment of applications

APL advocates for development applications to be considered in the order in which they are submitted. This would bring NSW legislation in line with all other states. The manner in which applications are currently assessed provides an avenue for disingenuous and reactive applications from opponents to piggery developments, which are lodged with the sole intention of disrupting proper consideration of genuine applications. When such applications are considered and approved before the earlier submitted piggery application, they are included in the modelling assessments and are often the main cause of the piggery application failing.

3. Mandatory consultation

APL has been proactive in engaging with various NSW government agencies to ensure that our members have clear advice on the policies and procedures for establishing or extending piggeries. The planning process continues to be challenging, for example, there is a lack of information for producers to understand what local councils and consent authorities require of them for a smooth assessment process.

To address these concerns and improve transparency, APL urges the Department to facilitate an early mandatory consultation process between local council, consent authorities and producers. Such a process will facilitate a mutual understanding of the proposal, allowing local council and consent authorities to clearly articulate their information and data requirements for decision making and any restrictions that may apply. The intent of such an approach is to streamline the process and prevent poor and/or repeated applications that do not meet assessment requirements.

Consultation with producers on their development intentions will improve the confidence and legitimacy of the application process in the eyes of producers and the wider community. This will result in a more constructive relationship with the consent authorities and local council, and a greater appreciation for the work the Department does in balancing sustainable agriculture, environment and planning priorities.

We look forward to your consideration of these issues, which will improve fairness and certainty for our producers and the communities to which they contribute.

Should you have any questions regarding this submission, please do not hesitate to contact me on 02 6270 8803 or via email deb.kerr@australianpork.com.au.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Deb Kerr', with a stylized, cursive script.

Deb Kerr
General Manager Policy