

Submission  
No 925

## INQUIRY INTO PUPPY FARMING IN NEW SOUTH WALES

**Name:** Neil Southorn

**Date Received:** 20 May 2022

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20 May 2022

The Hon. Michael Veitch, GCertLdshp MLC  
Chair

Dear Sir

**Submission to Inquiry on Puppy Farming in New South Wales**

Thank you for the opportunity to make this submission and appear before the Committee.

I am the Director of Environmental, Planning & Building Services at Bathurst Regional Council. My responsibilities at Council include Development Assessment. Council has dealt with a development application for a dog breeding facility which is now trading as Rockley Valley Park.

The development application (Council reference DA2017/394) was lodged for a facility of 60 dog capacity consisting of multiple kennels and runs, a building for the supervision of whelping, socialisation areas, grooming shed, treatment and quarantine building and associated services such as water supply and effluent disposal. The application was supported by a Statement of Environmental Effects, Acoustic Report, effluent disposal report and a commitment to comply with the Pet Industry Association Standards and Guidelines for Best Practice Breeding Establishments.

The proposal was placed on public exhibition and notified to neighbours resulting in 37 submissions during the exhibition period. The issues raised included the ethics surrounding commercial dog breeding as well as localised issues around noise, effluent and potential impact on a nearby koala population. Council conducted a Forum whereby those making submissions could address Council directly prior to the consideration of the assessment report. A further 4 submissions were received including a petition of 5,190 signatures.

Council was satisfied with the documentation provided in the application, the applicant's response to Council's requests for additional information and the applicant's response to submissions. Given the proposal is a legal use of the land, and represented good practice for such an establishment, Council was able to confine its concerns to local impacts on neighbouring amenity and the environment. The application was approved by Council at its Ordinary meeting in February 2018.

A copy of the assessment report to Council, the plans that were approved, the supporting documents, submissions and the Notice of Determination containing conditions of consent can be made available to the Committee if required. They have all been in the public domain during the assessment process.

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Construction of the facility commenced in May 2020 and has been progressively developed in stages. I inspected the premises during the final stage of construction and was able to observe the high standard of construction, amenity and finishes. At the time, Council was planning for the Bathurst Animal Rehoming Centre (BARC), a \$3.2m impounding and rehoming facility to replace the existing Council Pound, supported by State and Federal funding assistance, to enhance the rehoming success of Council. I was able to take some of my observations to the BARC design team. Construction of BARC is now 75% complete.

Council was appointed the Principal Certifying Authority by Rockley Valley Park enabling Council to oversee construction and ensure all conditions of consent were enacted.

In my opinion, the development application process worked quite well in this case. Council was engaged early in the process, full information was made available to the public and the public had ample opportunity to make submissions. Submissions were properly considered. Conditions of consent were imposed to mitigate local impacts and, as certifying authority, Council was able to provide full oversight and ensure compliance. It is this process which ensures standards are met, with public accountability. Attempts to restrict dog breeding, such as contemplated by 1(j) in the Committee's Terms of Reference, or to make it too onerous to comply will result in some breeders wanting to avoid the proper application and assessment process.

The process is aided by the existence of standards or guidelines that allow a Council to align a development proposal against. A question remains that Council has difficulty with. Absent a Development Application, Council is unable to regulate and only able to act on complaints, a situation that should be avoided. But what scale of dog breeding triggers a Development Application? Rockley Valley Park is clearly of a scale where development consent should be required but without quantitative guidelines, a Council is left to consider the level of offence that might be generated which becomes problematic. For most activities that are potentially offensive to the environment, the noise from barking dogs the most obvious for dog breeding facilities, these matters are contained in schedules Council can refer to; for example, the number of cattle in a feedlot. I note that the Companion Animals Amendment (Puppy Farms) Bill 2021 attempts to create such limits. The upper limit of 10 fertile dogs appears void of particular logic from a planning perspective. If the limits are not endorsed by breeders, some breeders will continue their operations regardless, creating an enforcement scenario that is not resourced.

In regard to enforcement, I am also responsible for Regulatory Services for Bathurst Regional Council, which includes animal control. All Councils including Bathurst must deal with dogs that should not be within the community. Attempts to restrict certain breeds have not been fully successful and my fear is that further restriction on dog breeding will create a black market that will make it even more difficult for Councils to deal with.

The Companion Animals Amendment (Puppy Farms) Bill 2021 proposes that Councils play a significantly greater part in the keeping of a register of breeding establishments,

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granting approval to operate and enforcement of the intent of the Bill, including the seizing of animals that may be fit and healthy but exceed the number of animals entitled to be on the premises. Councils, including Bathurst Regional Council, are not resourced to absorb these responsibilities. Many Councils will not have the facilities to accommodate large numbers of seized animals; even the 40 kennel capacity of BARC will be insufficient. Additional staff will be required to undertake the proposed registration and enforcement functions, not possible without additional sources of funding. Transitioning between existing regulations and those proposed will be complex and fraught, adding a further burden on the reputation of Council and Council officers required to enforce matters of the State. My request is the detail of the Bill in this regard be revised.

Thank you again for allowing me to contribute to your deliberations.

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**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**