

COFFS HARBOUR CITY COUNCIL

DA 0520/21 ANIMAL TRAINING OR BOARDING ESTABLISHMENT

AN ANIMAL LIBERATION SUBMISSION



AL.ORG.AU




We acknowledge the
Traditional Owners of
country throughout
Australia and recognise
their continuing
connection to land, waters
and culture.

We acknowledge that this
document was written on
land stolen from and
never ceded by the
Gadigal People.

We pay our respects to
their Elders past, present
and emerging.





We don't have a duty to **speak** for the animals;
we have an obligation to be **heard** for the animals.

Matt Ball (2006)

DOCUMENT DETAILS

Animal Liberation 2021. Objection to Development Application No. 0520/21: Animal Training or Boarding Establishment, 26 Tiki Road, Moonee Beach (Lot 4 DP243073). A submission by Animal Liberation. Prepared by Lisa J. Ryan.

ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

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**DOGS ARE
NOT OUR
WHOLE LIFE,
BUT THEY
MAKE OUR
LIVES WHOLE**



11 JANUARY 2021

Coffs Harbour City Council

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We present this submission on behalf of Animal Liberation.

Animal Liberation is grateful to Coffs Harbour City Council for the opportunity to lodge a submission in response to the Development Application (DA) No 0520/21 and associated Environmental Impact Statement (EIS) and plans, lodged by Mr Michael Lamont for an Animal Training or Boarding Establishment (for Dog Breeding) in the Coffs Harbour Local Government Area (LGA).

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the issues contained within the scope of the DA, and/or, the corresponding EIS and plans.

Rather, our submission is intended to provide a general examination and responses to select areas of key concern. As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical attention and response.

Lisa J. Ryan
Regional campaign co-ordinator

Alex Vince
Campaign director

DISCLOSURE

In line with section 147(4) of the Environmental Planning and Assessment Act 1979, Animal Liberation confirms its understanding and acceptance that any submissions made in respect of the proposed development are available for public inspection under the provisions of the Government Information (Public Access) Act 2009 (GIPA Request).

In line with Amendments to Local Government and Planning Legislation requiring the public disclosure of donations or gifts when lodging or commenting on development proposals, Animal Liberation discloses and confirms that it has not made any political donations and/or of gifts in the 2 years preceding the application.

EXECUTIVE SUMMARY

ONE The Applicant's EIS has failed to identify, respond to and address all risks and impacts including cumulative risks and impacts as required under Section 4.15 of the Environmental Planning and Assessment Act 1979.

TWO The Applicant's EIS has failed to adequately demonstrate how they would monitor, avoid, minimise, mitigate and manage these risks and impacts as required under Section 4.15 of the Environmental Planning and Assessment Act 1979.

THREE The Applicant has relied on numerous assumptions and the EIS is generally void of adequate justification or evidence to support many non-evidenced conclusions.

FOUR The proposed development does not meet the objectives outlined in the Coffs Harbour Local Environment Plan 2013 (LEP) in respect to the R5 Residential Large Lot zone, and the E2 Environmental Conservation zone, as applied to the subject land.

FIVE The Applicant has failed to consider other relevant and applicable State Environmental Planning Policies (SEPPs), and other relevant planning instruments as contained in the LEP and the Development Control Plan 2015 (DCP).

SIX The Applicant's EIS reference to existing infrastructure and/or approval of a shed or sheds on the subject land, does not include consent for the breeding and housing of puppies and dogs.

SEVEN The proposed development provides no benefit to the local community or the public at large, and is not in the "public interest".

EIGHT The Applicant's submitted plans (Annexure A) are confusing and misleading, notably in reference to "Existing Dwellings", "Dog Enclosure" and "Existing Shed", none of which are drawn to scale. The plans (Annexure A) note the proposed development as a 'Proposed Animal Boarding and Training Establishment' but fails to include "breeding". The plans fail to include size and scale for the "Litter Tray/Play Pen" areas, the roller doors or the concrete area.

NINE The Applicant hasn't confirmed any source reference to the photographic images of the dog and puppy areas included in the EIS, and this omission is potentially very misleading. Commercial and profit driven puppy farmers frequently use "glossy" advertising and promotion to create an 'illusion' which may differ substantially from reality.

TEN The Applicant's EIS has failed to demonstrate any consultation with or consideration of sensitive receptors and the community including consideration of applicable buffer zones and adequate assessment of noise, odour, biosecurity, disease management and emergency planning considerations.

ELEVEN The Applicant's EIS has failed to demonstrate any consultation with relevant agencies to obtain expert technical guidance or input including the NSW Royal Society for the Prevention of Cruelty to Animals (RSPCA), the NSW Environment Protection Agency (EPA) or the NSW Office of Environment and Heritage (OEH).

TWELVE The Applicant's EIS has failed to consider and/or address "public interest" and the required relevant NSW animal welfare legislation, and has paid scant attention to the daily and ongoing welfare needs of the dogs and puppies. The Applicant has not demonstrated their compliance with the relevant NSW animal welfare legislation.

THIRTEEN The lack of detail, and omitted detail in the Applicant's DA, EIS and plans will greatly restrict Council's ability to undertake a comprehensive, objective and meaningful development assessment in line with the mandatory and applicable planning instruments, and public expectations.

**THE LOVE OF A DOG IS A PURE THING
THEY GIVE YOU A TRUST WHICH IS TOTAL
YOU MUST NOT BETRAY IT.**

MICHEL HOELLEBECQ



1. INTRODUCTION

- 1.1 Animal Liberation understands that the Coffs Harbour Council's assessing staff and decision-makers have an onerous responsibility with this planning proposal and that the assessment review must remain independent, objective and informed during the entire process. We acknowledge and appreciate that this planning proposal also includes risks and impacts including, strong public interest, which extends beyond the Coffs Harbour LGA, and accordingly, carries an added and heavy burden of responsibility.
 - 1.1.1 Animal Liberation is strongly opposed to DA No. 0520/21 lodged by Mr Michael Lamont for an Animal Training or Boarding Establishment (for Dog Breeding) in the Coffs Harbour LGA and our points of objection are outlined in the following submission.
- 1.2 Coffs Harbour Council as the primary consent authority is required to thoroughly assess the adequacy of information provided and the measures proposed by the Applicant, to mitigate any potential risks and impacts (including cumulative impacts). This is clearly outlined in the Environmental Planning and Assessment Act 1979 which requires Council to give due consideration to social impacts and public interest relating to any proposed development.
 - 1.2.1 All these considerations are accordingly an important and integral part of any comprehensive, objective and meaningful development assessment in line with the applicable planning instruments. Decision-makers must accordingly consider current strong public perceptions, expectations, and the overwhelming public opposition towards the commercial factory farming of dogs.
- 1.3 The onus is on the Applicant to provide sufficient information and detail in their EIS to enable a comprehensive, objective and meaningful development assessment by the consent authority. It is Animal Liberation's informed and experienced view that the Applicant has failed to do so, as is required in line with the applicable planning instruments.
- 1.4 We have thoroughly reviewed the EIS and plans prepared by the Applicant's consultant, Resource Design & Management Pty Ltd (RDM), and the relevant planning framework and instruments at Council, and State Government levels. Animal Liberation is also familiar with the ongoing strong local community opposition and numerous valid concerns raised by the broad public, which we share.

- 1.5 In general, the Applicant's DA, EIS and plans are confusing and void of critical information, and in many respects is potentially misleading. The Applicant has only included selected information about the new/proposed development but has completely failed to provide sufficient detail regarding others "sheds" and infrastructure, and/or the relationship between this infrastructure, the proposed operations and any current breeding activities.
- 1.6 Current inadequate NSW 'animal welfare' legislation does not meet the behavioural, social and/or emotional needs of dogs. Accordingly, facilities operating to these minimum standards do not provide dogs with a quality of life, and nor do they adequately prepare puppies for life as human companions.
- 1.6.1 The commercial intensive factory farming of companion animals is a major animal welfare issue across Australia and increasingly so in NSW. It is Animal Liberation's strong recommendation that in consideration of the highly contentious nature, and the strong level of public interest in this DA, including the animal welfare issues which require specialist and expert input, Council has a duty and a responsibility to consult a recognised and authorised animal welfare agency such as RSPCA NSW through their Senior Inspector. Animal Liberation contends RSPCA NSW or RSPCA Australia guidance and input is essential.
- 1.7 We acknowledge Council is somewhat constrained by current NSW planning legislation which permits the 'legal' intensive factory farming of companion animals, and that current NSW animal welfare legislation, regulations and the NSW Animal Welfare Code of Practice – Breeding Dogs and Cats, are all seriously outdated, inadequate, and provide bare minimal 'welfare' protection for animals. However, we respectfully remind Council that Section 4.15 of the Environmental Planning and Assessment Act 1979, Clause 1(e), requires and compels Council, as the consent authority, to consider "the public interest".
- 1.8 The Applicant has failed to include any reference to consultation with the Office of Environment and Heritage, or the Environment Protection Authority (EPA) and/or consideration of 'buffers', any, therefore, prevents adequate assessment of noise, odour, biosecurity and disease management risks, impacts and mitigation measures, or consideration of environmental matters including topography, weather patterns, soil, water and general heritage and biodiversity implications. Animal Liberation contends EPA and OEH guidance and input is essential.
- 1.8.1 Alternatively, Council also has the option to establish an Independent Hearing and Assessment Panel (IHAP), to

1.8.1 harness specialist and expert technical guidance and oversight, to ensure all specialist criteria is adequately assessed by qualified experts in their given fields of knowledge and experience.

1.9 In summary, the lack of detail and omitted detail in the Applicant's DA and EIS will greatly restrict Council's ability to undertake a comprehensive, objective and meaningful development assessment in line with the mandatory and applicable planning instruments and public expectations.

1.10 Animal Liberation has no 'economic' or 'vested interest' pertinent to this planning proposal, however, we care deeply about Animals, our shared Environment, and People including our 'Humanity' which extends to our unique rural communities. We also support the democratic process of public exhibition and the right to have an opinion and voice that opinion, and we support and encourage a rigorous and robust Council assessment process.



**IF YOU REALLY
CARE ABOUT ANIMALS
STOP TRYING TO FIGURE OUT
HOW TO EXPLOIT THEM
"COMPASSIONATELY"**

JUST STOP EXPLOITING THEM

GARY FRANCIONE

2. POINTS OF OBJECTION

GENERAL

- 2.1 Under the section 'Related planning information' on the completed Development Application Form for the subject land, the Applicant has recorded the answer "No" to the question, "Is the application for integrated development?" however, under 'Application documents', on the same form, the "Statement of environmental effects" section notes the inclusion, "20068-TP-LE-201124-DA - Inetegrated [sic] Development - Dog Ken". This response is potentially misleading and is confusing for objectors. Integrated development requires a specific, mandatory and detailed assessment of additional criteria.
- 2.2 The Applicant (Mr Michael Lamont), has failed to explain or clarify the business relationship with the two (2) parties identified as the landowners for the subject land, who are accordingly responsible and liable for the daily operation, management and care of dogs and puppies housed either permanently or intermittently at the Moonee Beach facility or elsewhere at "Guardian Homes". "Guardian Homes" arrangements allow commercial breeders to engage in Puppy Factory operations by stealth and further impedes transparency and adequate monitoring with such practices.
- 2.3 We note the Applicant's reference to "approved sheds" (plural as in more than one) in the EIS: "The approved sheds are the primary infrastructure that will be used for the proposed Animal Training or Boarding Establishment (for Dog Breeding)." However, only scant details are provided by the Applicant in relation to one (1) shed (0525/20DA), on the subject land, lodged on 28 January 2020 and approved by council under 'Delegated Authority' on 10 February 2020. We note this 'shed' DA was lodged by an entirely different party, being, Mr Phillip Babbage.
- 2.3.1 The Applicant's EIS, under section D4.2 Design Requirements, states that "the Animal Boarding and Training Establishment (Dog Breeding) is to be operated from existing approved buildings on the site and is compatible with the character of the locality, is isolated from adjoining development so creates no overlooking, overshadowing or impact on views or view corridors". We strongly disagree with this proposition and statement.
- 2.4 In relation to 0525/20DA for the shed on the subject land, this DA did not stipulate the shed would be used to house and breed dogs. In addition, the council's approval of 0525/20DA clearly specified under operational matters that the shed must not be "used for human habitation, industrial or commercial purposes". The proposed development (0520/21DA) clearly states in its corresponding EIS

- 2.4 that “the approved sheds are the primary facility that will be used for the proposed Animal Training or Boarding Establishment (for Dog Breeding)”. Accordingly, such structures must be considered as a commercial venture. As such, they would be in breach of the approval of the 0525/20DA consent conditions. It is entirely unclear from the EIS how many sheds are involved and whether any of these sheds were approved by Council on the basis they were intended for commercial use for the housing and breeding of dogs.
- 2.5 Under ‘Supporting Material’ in the EIS, the Applicant refers to the “Letter of owner’s consent submitted in person 30th October 2020 by the owners to Customer Services”. This document has not however been made available for the public to inspect or validate.
- 2.6 These unclear and ambiguous business relationships coupled with potential animal welfare or environmental liabilities must be clearly clarified and articulated in an accurate, precise and transparent manner. Council must determine precisely who is responsible and who is liable – the landowners, this DA Applicant (Mr Michael Lamont), the Applicant/s for the shed(s) (Mr Phillip Babbage) or the ‘legal’ owners of the dogs and puppies.
- 2.7 Animal Liberation considers it to be imperative that Council review and clarify the following matters, and that Council’s findings are included in its anticipated ‘public’ Council report to ensure full public transparency regarding the operations of the commercial dog breeding facility including, any operating without Council consent, the business relationship between the land owners, Mr Michael Lamont and Mr Phillip Babbage. Animal Liberation finds it confusing and concerning that the Applicant for 0520/21DA is Mr Lamont rather than the land owners and the Applicant for 0525/20DA was Mr Babbage rather than the land owners.
- 2.7.1 We also feel it is critical that Council ascertain and verify how long this dog breeding has been operating, the total number of puppies whelped during this period and any complaints or actions against which may have been lodged against the operators for any matter, and the nature and outcome of any such complaints.
- 2.8 It appears that the two (2) parties referred to in the EIS as the subject land owners (believed to be Kendall Lester, née Poole and Jamie Lester), have been engaging in the commercial breeding of Poodle cross dogs for some time; producing what appears to be an ongoing very large number of puppies, and using common online social media platforms including, Facebook and Instagram as a ‘sales’ vehicle.

2.9 Of concern, the operators have been using different “trading” names across three (3) initial Facebook pages, now two (2), being Groomles by the Bay - Coffs Harbour (Facebook and website) and Sunkissed Oodles (Facebook). Posted videos and the dates of these videos as per the following links:

2.9.1 <https://bit.ly/38wpiR0>

2.9.2 <https://bit.ly/3nqH8sB>

2.10 The videos linked above in subsection 1.9 strongly suggest that the subject landowning “commercial breeders” have in fact been utilising the “proposed” infrastructure (without Council consent); the same infrastructure they are now endeavouring to obtain a Council DA approval for; albeit the DA and therefore any applicable consent conditions would be in the name of the DA Applicant (Mr Michael Lamon), not the landowners. Some of the operator’s posted images and videos of puppies for sale on social media platforms go back three (3) years.

2.11 It is very apparent that the operators are gaining considerable commercial advantage from their puppy trading through the selling of puppies, and their “Guardian Homes” program scheme. According to their ‘Groomles By The Bay’ website, a puppy purchase requires a non-refundable deposit of \$1,000 to enable a prospective purchaser to go onto a “specific priority” list. The “Guardian Homes” scheme involves a four (4) year contract arrangement and also requires a \$1,000 fee. Further, a recent quote for the purchase of a puppy confirmed the astronomical cost of \$6,000 per puppy and \$7,000 for a “merle” puppy.

2.12 A search of the Australian Securities & Investments Commission (‘ASIC’) website has identified the following results for two (2) ABN numbers listed in what we understand is the land owner’s names. The names of the parties include: LESTER, KENDALL TERRY & POOLE, KENDALL TERRY & LESTER, JAMIE SCOTT. The ASIC listing also includes a combined total of three (3) businesses including ‘Groomles By The Bay’, which are all claimed to be operating out of Victoria under postcode 3222.

2.13 The historical details for ABN 93 919 502 610 are as follows:

2.13.1 LESTER, KENDALL TERRY
POOLE, KENDALL TERRY

Main business location: 3222 (VIC)

2.13.1 Business names: Jimmy's Pet Freight; Groodles By The Bay; Drive Geelong

2.14 The historical details for ABN 91 711 275 894 are as follows:

2.14.1 **LESTER, JAMIE SCOTT**

Main business location: 3222 (VIC)
Business name: Groodles Bay The Bay

2.15 This dog transport company cited in s1.15 under ABN 93 919 502 610 ('Jimmy's Pet Freight') is possibly used to transport, invoice and receipt puppies and dogs bred or housed by the operators or 'Guardian Homes'. It is our understanding that the operators claim that this is not the case and that they only contract to "reputable companies" for dog transport services.

LEGISLATION AND PLANNING INSTRUMENTS

2.16 In addition to applicable planning Instruments and regulations, and Government Guidelines; Council must also take the following matters into consideration in line with Section 4.15 of the Environmental Planning and Assessment Act 1979. The provisions of particular interest are:

2.16.1 the likely impacts of that development including environmental impacts on both the natural and built environments and social and economic impacts in the locality;

2.16.2 the suitability of the site for the Development;

2.16.3 any submissions made in accordance with this Act or the Regulations and;

2.16.4 the public interest.

2.17 The Applicant's DA and EIS have failed to identify, respond to and address all risks and impacts and cumulative risks and impacts, and has failed to adequately demonstrate how they would monitor, avoid, minimise, mitigate and manage these risks and impacts as

**THE DOG HAS SELDOM BEEN SUCCESSFUL
IN PULLING MAN UP TO ITS LEVEL OF SAGACITY
BUT MAN HAS FREQUENTLY DRAGGED THE DOG
DOWN TO HIS**

JAMES THURBER



- 2.17 required under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2.18 Animal Liberation contends the lack of detail and omitted detail in the Applicant's DA and EIS will greatly restrict Council's ability to undertake a comprehensive, objective and meaningful development assessment in line with the mandatory and applicable planning instruments and public expectations.
- 2.19 Such omissions can impede sound and effective assessment and decision making which can thereby become flawed and lead to serious, adverse, ongoing, permanent and irreversible consequences. The Applicant's declared level of confidence is also particularly concerning because the Applicant is largely relying on their own self-regulation and non-mandatory practices.

LOCAL ENVIRONMENTAL PLAN ('LEP')

- 2.20 In accordance with section 79C of the Environmental Planning and Assessment Act 1979, as the consent authority Council is required to take into consideration the relevant provisions of this Plan in determining applications for development in the Coffs Harbour Local Government Area ('LGA').
- 2.21 The Coffs Harbour Local Environmental Plan 2013 ('LEP'), applies a R5 Residential Large Lot and an E2 Environmental Conservation zone to the subject land.
- 2.22 The objectives of zone R5 (Residential Large Lot) include provisions to:
- 2.22.1 provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality;
 - 2.22.2 ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future;
 - 2.22.3 ensure that development in the area does not unreasonably increase the demand for public services or public facilities;

- 2.22.4 minimise conflict between land uses within this zone and land uses within adjoining zones.
- 2.23 While “Animal boarding or training establishments” are permitted within the R5 zone, the proposed development is neither an animal boarding or training establishment – it is a dog breeding establishment which is not included in the LEP and would therefore be in breach of the LEP.
- 2.24 The objectives of zone E2 (Environmental Conservation) include provisions to:
- 2.24.1 protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- 2.24.2 prevent development that could destroy, damage or otherwise have an adverse effect on those values;
- 2.25 The Applicant has not adequately considered or addressed potential risks and impacts which apply to the LEP objectives of zone E2 (Environmental Conservation), including the “precautionary principle” which requires ecologically sustainable development (ESD). The ‘precautionary principle’ must be applied in environmental planning decision-making with the conservation of biological diversity and ecological integrity being a fundamental consideration. The precautionary principle requires decision-making to give the environment the benefit of the doubt.

STATE ENVIRONMENT PLANNING POLICIES ('SEPPs')

- 2.26 In accordance with the LEP, 1.9. ‘Application of SEPPs’, this Plan is subject to the provisions of any State Environmental Planning Policy (‘SEPP’) that prevails over this Plan as provided by section 3.28 of the Act.
- 2.27 The Applicant’s EIS has failed to consider at all, any other relevant and applicable State Environmental Planning Policies (SEPPs), which may apply, such as the Koala SEPP. Coffs Harbour has one of the largest koala populations in NSW and to Council’s credit, they have an endorsed Koala Plan of Management (‘KPM’), the first to be adopted in NSW. Council is also guided by a Koala Advisory Management Committee. Given the urgent and perilous situation

A close-up, high-resolution photograph of a dog's eye. The eye is dark and expressive, surrounded by thick, wavy, golden-brown fur. The lighting is dramatic, highlighting the texture of the fur and the depth of the eye. The background is blurred, focusing attention on the eye.

**WHAT A DOG FEELS, A DOG SHOWS
AND CONVERSELY, WHAT A DOG SHOWS**

A DOG ACTUALLY DOES FEEL

JEFFREY MOUSSAIEFF MASSON

2.27 facing NSW koalas, the Koala SEPP, the KPoM, and any other applicable or relevant SEPPs must be thoroughly considered during the assessment of the Applicant's DA.

DEVELOPMENT CONTROL PLAN ('DCP')

2.24 The purpose of the Coffs Harbour Development Control Plan 2015 ('DCP'), is to give effect to the aims of the Coffs Harbour Local Environmental Plan 2013 ('LEP'), to facilitate development that is permissible and achieve the objectives of land use zones under the Coffs Harbour LEP 2013.

2.25 The DCP objectives include the following:

2.25.1 Environmental Sustainability

2.25.2 Social Sustainability

2.25.3 Civic Leadership

2.25.4 Economic Sustainability

2.26 As the proposed development requires consent, provisions contained under the "development or land use for a particular purpose" of the DCP, particularly Parts D (Built Form Controls), E (Environmental Controls), F (General Development Controls) and G (Special Area Controls), may apply. It is imperative that the adequacy of the information provided by the Applicant is assessed against these parts (D, E, F, G) of the DCP and Council's East Moonee/Sapphire Beach Masterplan as it intends to "ensure that development within the urban release area is responsive to the environmental context of the land".

2.26 The subject land lies to the north of the adjacent Skinners Creek which is a tributary of Moonee Creek and the land contains some significant vegetation. Consideration of 'Riparian Zone Buffer Distances' and 'Prescribed vegetation which applies to Land Use Zones regulated by Council under the SEPP (Vegetation in Non-Rural Areas) 2017' is critical.

STATEMENT OF ENVIRONMENTAL EFFECTS ('SEE')

- 2.27 The information provided by the Applicant in the EIS under the headings, "Existing Site" and "Proposed Development" is scant, confusing and completely inadequate to enable an adequate planning assessment and notably under the heading "Overview" from section 2.2.2. to 2.2.12.
- 2.28 The onus is on the Applicant to provide sufficient information and detail in their EIS to enable a comprehensive, objective and meaningful development assessment by the consent authority. Animal Liberation contends the Applicant has failed to meet their obligations and requirements in line with the applicable planning instruments.
- 2.29 In addition to numerous points of objection we have raised above, we request Council also consider the following additional and important points of objection.

ANIMAL WELFARE

- 2.30 Currently the law defines the acceptable treatment of animals according to their use rather than their capacity to suffer. As a compassionate and aware society, we must consider that as history has demonstrated over and over again, just because something is legal, doesn't make it moral, ethical or right. Humanity dictates we all have a moral obligation to challenge injustice and societal wrongs and shape who we are as a society. Our leaders and decision makers, including local government councils, have a clear responsibility to listen, question and act in this regard.
- 2.31 Animal welfare is expected, indeed is demanded, by the community and public. This includes animals being entitled to rights, positive welfare and protection under the internationally recognised '5 Freedoms'. This includes both physical and mental state, and good animal welfare implies both fitness and a sense of well-being.
- 2.32 The Applicant's fleeting responses to animal welfare considerations demonstrate a disconnected and dismissive attitude towards the strong community and public views. Section 79C(1)(b) of the Environmental Planning and Assessment Act requires decision-makers to take into account the social impacts of a proposed development. Consideration of increasing wide-spread public expectations regarding the welfare of animals must therefore be given adequate weight in this DA's review and assessment.

- 2.32.1 The Applicant has confirmed no reticulated water is available on the subject land however, has failed to confirm what water storage capacity is available, and whether this capacity will be sufficient and suitable/hygienic for the dogs and puppies in regards to drinking, bathing and the daily cleaning of kennel and other dog areas.
- 2.32.2 The Applicant's reference to the "HorseMate" proposed as a flooring material in the outside pup runs areas is inadequate. While the "HorseMate" material may be suitable for stabled horses, there is no evidence or veterinary advice included to confirm this product is suitable or safe for dogs and puppies. Horses are long legged animals whereas puppies and dogs with considerably shorter legs, will have much closer physical contact with this material which may be harmful to dogs and especially puppies where contact with newly opened eyes or inhaling or ingesting this material and "dust" may be dangerous and pose health issues. Nor does the Applicant provide sufficient details to confirm whether the commercial bin arrangement will be sufficient for all areas which will require daily cleaning.
- 2.32.3 The Applicant's scant details about the number of dogs/puppies at the facility is completely inadequate. The details provided do not include the combined maximum numbers of puppies and adult dogs which could potentially be housed at the property at any one time, all of which require individual care and attention.
- 2.32.4 The Applicant lists the two (2) property residents as "staff" to care for all puppies and adult dogs on the property in line with applicable legislation to cater for the required animal welfare and general wellbeing needs of the dogs however, fails to incorporate additional staffing needs when one or both residents are indisposed because of illness, annual leave, a day off or merely needing to attend to other common and routine matters including shopping for supplies or everyday appointments.
- 2.32.5 The Applicant has failed to explain or qualify what dog breeding knowledge or experience or general dog care and management skills, qualifications or experience applies to the property owners who would be responsible 24/7 for the welfare and wellbeing of all puppies and dogs at the facility.
- 2.32.6 The Association of Shelter Veterinarian Guidelines

THE CAPACITY FOR LOVE THAT MAKES DOGS SUCH REWARDING COMPANIONS HAS A FLIP-SIDE THEY FIND IT DIFFICULT TO COPE WITHOUT US SINCE WE HUMANS PROGRAMMED THIS VULNERABILITY

IT'S OUR RESPONSIBILITY TO ENSURE THAT OUR DOGS DO NOT SUFFER

JOHN BRADSHAW



- 2.32.6 recommends a minimum of 15 minutes of care time per day for feeding and cleaning of each dog housed (9 minutes for cleaning and 6 minutes for feeding). 20 adult dogs would therefore require a minimum of 5 hours for basic care and then a further time allocation would be required for basic puppy care with cleaning and feeding. Additional hours are then required to adequately socialise each puppy with array of stimuli during the critical 3-14 week puppy socialisation period.
- 2.32.7 The proposed staffing levels are seriously deficient and will prevent adequate monitoring of dogs for disease, whelping complications and basic care (cleaning and feeding), and will result in significant welfare risks and impacts for the breeding dogs and their progeny, and will critically compromise the welfare of the dogs and puppies at the facility.
- 2.32.8 The Applicant refers to the Victorian animal welfare Code of Practice ('COP') which has no authority or relevance in NSW, and yet has failed to incorporate requirements and their compliance with applicable and binding NSW legislation including the Prevention of Cruelty to Animals Act 1979 ('POCTA'), the POCTA Regulations 2012, and the NSW Animal Welfare Code of Practice - Breeding Dogs and Cats.
- 2.32.9 The Applicant has failed to outline any arrangements in place for emergency and after-hours veterinary intervention for puppies or adult dogs through any written agreement with local participating veterinary providers.
- 2.32.10 The Applicant has ignored the critical need to include any emergency management plan. In the event of a fire, flooding or any other emergency, it is imperative that dogs and puppies can be quickly and safely evacuated. The proposed arrangements must be outlined clearly in an emergency management plan.
- 2.32.11 The Applicant has failed to clearly outline any arrangements in place for emergency and after-hours Veterinary intervention and/or disease management for puppies or adult dogs through any written agreement with local participating Veterinary providers. The EIS reference to "certified vet" must be made clear – is this a registered and licenced vet, what is the frequency of visits, and does

- 2.32.11 this include a written agreement. The Applicant has also failed to include any details regarding dog/puppy deaths and disposal.
- 2.32.12 The Applicant has failed to adequately articulate the day to day operations at the facility and has not included any details about records management or disease management including the required quarantine/isolation area. Nor does the Applicant provide any details regarding microchipping and registration requirements.
- 2.33 Animal Liberation is very concerned about the lack of information provided by the Applicant in the EIS about the health screening and hereditary testing of breeding dogs and the potential risks and impacts of hereditary abnormalities which can result from inexperienced operators and impact on the breeding dogs, the puppies and purchasers.
- 2.33.1 The Applicant proposes breeding Poodles crossed with Border Collies, Golden Retrievers and Australian Shepherds. The Applicant has failed to identify whether the Poodles are Standard, Miniature or Toy Poodles – each variety can be impacted by a range of serious, painful and often permanent health issues which require very costly vet care. Poodles are susceptible to hereditary conditions such as hip dysplasia and progressive retinal atrophy for example as well as a vast range of other serious conditions which can be passed from un-screened breeding dogs to puppies and then the public by inexperienced operators.

SUMMARY AND CONCLUSION

- 2.34 Coffs Harbour Council is compelled to act impartially and ensure the correct and consistent application of local, state and federal legislation, including the objective and transparent assessment of planning proposals. Councillors are elected to represent everyone in the community, including balanced consideration of matters which hold strong public interest. It is imperative that decision makers don't ignore public interest, or place the unsustainable, short-term, economic benefits of a privately owned commercial business ahead of the welfare of animals, the environment or the long-term best interests of the broad community.
- 2.35 Animal Liberation thanks Council for reading and considering our objection. For the reasons and rationales outlined above, we request Council refuse this DA.



**IF I COULD BE HALF THE PERSON MY DOG IS
I'D BE TWICE THE HUMAN I AM**

CHARLES YU

JOHN BRADSHAW

We thank Council for
reading and considering
our submission.

ANIMAL LIBERATION



SOURCES AND REFERENCE MATERIAL

APPLICANT DOCUMENTS

Development Application Form, 0520/21DA lodged by Mr. Michael Lamont for an Animal Training or Boarding Establishment (for Dog Breeding) in the Coffs Harbour Local Government Area (LGA).

Development Application, 0525/20DA, lodged by Mr. Phillip Babbage (28 January 2020) and approved by Council under 'Delegated Authority' (10 February 2020).

State of Environmental Impact, 0520/21DA lodged by Mr Michael Lamont for an Animal Training or Boarding Establishment (for Dog Breeding) in the Coffs Harbour Local Government Area (LGA).

Plan, Appendix A, 0520/21DA lodged by Mr Michael Lamont for an Animal Training or Boarding Establishment (for Dog Breeding) in the Coffs Harbour Local Government Area (LGA).

PLANNING INSTRUMENTS AND COUNCIL DOCUMENTS

Environmental Planning and Assessment Act 1979

NSW State Environmental Planning Policies

Coffs Harbour Local Environmental Plan 2013

Coffs Harbour Development Control Plan 2015

Coffs Harbour Koala Plan of Management (KPM)

ANIMAL WELFARE LEGISLATION

Prevention of Cruelty To Animals Act 1979

Prevention of Cruelty To Animals Regulations

NSW Animal Welfare Code of Practice – Breeding Dogs and Cats

Animal Welfare Code of Practice No. 1: Companion Animal Transport Agencies (NSW)

OTHER

Australian Securities and Investment Commission data as per citations in document text

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