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## **Greyhound Owners, Trainers and Breeders Association of Victoria Inc (GOTBA Vic)**

### **Submission on Guidelines for Racing Dog Keeping and Training Facilities (2016)**

#### **About GOTBA Vic**

GOTBA Vic is a member-based organisation that has been representing Victorian greyhound owners, trainers, breeders, attendees and other interested persons for several decades. We aim to promote the welfare of all greyhounds and the education of participants in the care of greyhounds.

GOTBA Vic supports the implementation of the Guidelines for Racing Dog Keeping and Training Facilities (2016) (**Guidelines**). It is expected that the Guidelines, when implemented, will provide for a more satisfactory, common approach to planning infrastructure and the greyhound industry, a necessity for an industry worth hundreds of millions of dollar annually to the Victorian economy.

GOTBA Vic's submissions on the Guidelines and the proposed changes to planning scheme provisions for certain zones (**Zones**) are set out in table form across the pages that follow. They reflect input from our members, many of whom have decades of experience in the industry, including matters relating to planning. In each case the submissions are made on the documents available from <http://www.dtpli.vic.gov.au/planning/about-planning/improving-the-system/greyhound-facilities> as at the date of these submissions.

**Contact:** If there are any questions on any aspect of these submissions, please do not hesitate to contact Ms Sandra Reed, GOTBA Vic President, on 0418 106 870 or by email [gotbav@gmail.com](mailto:gotbav@gmail.com).

Yours sincerely

The Executive Committee

**Greyhound Owners, Trainers and Breeders Association of Victoria Inc**

**7 October 2016**

## SUBMISSIONS

Document: <b>GUIDELINES</b>		
SECTION	ISSUE AND PROPOSAL	REASON FOR SUBMISSION
<p>2 How to use these guidelines</p>	<p><b>ISSUE 1:</b> Property boundary and neighbouring dwelling setback requirements within certain Zones may require permits to be obtained for construction of certain <i>racing dog facilities</i> even where the setbacks at 3.2 (Table 1) of the Guidelines are satisfied.</p> <p><b>PROPOSAL 1:</b> Where the specific Guideline property boundary and neighbouring boundary setbacks required for <i>racing dog facilities</i> are satisfied (Section 3.2, Table 1), they should prevail over inconsistent Zone requirements.</p> <p>This would not affect the need to either comply with other setback requirements specified in Zones (eg setbacks from roads etc) or otherwise obtain a permit.</p> <p>The majority of racing dog keeping and training facilities will be at the smaller end of the scale as to numbers of dogs kept or trained, reflecting the fact that the majority of registered greyhound trainers are deemed as “hobby” trainers. Most of these “hobby” trainers have well less than 20 racing dogs and are likely to own properties that are sized 1 – 5 acres (0.4 – 2 hectares) in Green Wedge A, Rural Conservation or Rural Living Zones.</p>	<p>The Guidelines (section 2) state that no permit is required to construct a building or carry out works for a <i>racing dog facility</i> if (among other things) performance measures in the Guidelines are met and any earthwork and setback requirements in the (applicable) zone are met.</p> <p>Once finalised (see further submissions on those sections below), the setbacks at Section 3.2, Table 1 of the Guidelines are specialist setback requirements for particular types of structures and works that take into account the nature and requirements of the <i>racing dog facility</i> and protection of neighbouring properties.</p> <p>It would be incongruous if the general ‘buildings and works’ section of any Zone effectively cut across this to nonetheless require a permit be obtained when the specialist setbacks within the Guidelines are complied with.</p> <p><u>Two examples:</u></p> <ol style="list-style-type: none"> <li>1. A 15 racing dog <i>kennel</i> proposed for a Rural Conservation Zone to be built 75m from the nearest neighbouring dwelling. At 3.2, Table 1 the Guidelines require a 50m setback from a neighbouring dwelling,</li> </ol>

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	<p>Applying the Zone setbacks rather than the Guideline setbacks for these size properties will result in the majority of facilities actually requiring a permit due to the size of the allowable building envelope on the land, taking into account the Zone setbacks to neighbouring dwellings reducing the available building envelope even further so as to render it, in many cases, impossible to comply to without seeking a permit. It appears to be counter to what the Guidelines are trying to achieve.</p> <p>As per 3.2 the objective of the setbacks in Table 1 is to minimise the impact on character and amenity of the surrounding area, however if a facility meets or exceeds the performance measures detailed in 3.3 through to 3.11, the impact on character and amenity will have already been addressed in relation to building setbacks further justifying allowing Table 1 setbacks to override Zone setbacks.</p>	<p>the Zone requires 100m. That Guideline setback becomes irrelevant. A permit is required.</p> <p>2. A 4 racing dog <i>kennel</i> in a Green Wedge A Zone proposed to be built 2 metres from a neighbouring property boundary and 20m from the nearest neighbouring dwelling. It complies with the Guideline setbacks (3.2, Table 1). The Green Wedge A Zone requires 30m setback from a neighbouring dwelling and 3 metres from the neighbouring property boundary. The Guideline setbacks become irrelevant. A permit is required.</p>
<p><i>3 Objectives and Performance measures – 3.1 Number and density of racing dogs</i></p>	<p><b>ISSUE:</b> The maximum number of racing dogs is expressed to be 10 racing dogs per hectare.</p> <p><b>PROPOSAL:</b> This should be <u>5 racing dogs per acre</u>.</p>	<p>This is consistent with early stage Guideline discussions between parties (including representatives of the planning department, GRV and GOTBA Vic) and represents a reasonable figure taking into account the semi-rural or rural nature of many greyhound properties, including the denomination of the land size of many such properties in acres. Most small properties are in acreage lots.</p>

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<p>3 Objectives and Performance measures – 3.2 Setbacks</p>	<p><b>ISSUE 1:</b> Amend section 3.2 to ensure that minimum setbacks are not breached through no fault of the owner of the <i>racing dog facility</i> by subsequent neighbouring development.</p> <p><b>PROPOSAL 1:</b> Insert the following words as a new second sentence under ‘Objective’ in section 3.2:</p> <p><i>Nothing in this objective (or the performance measure) requires an owner of a racing dog facility to obtain a permit should the type of racing dog facility in Table 1 of cl 3.2.1 not meet the required setbacks in this Table 1 of cl 3.2.1 solely because, following construction of that type of racing dog facility, a property boundary is re-drawn or a neighbouring dwelling on another property is constructed or altered in such a way as to bring it within a minimum setback distance.</i></p> <p><b>ISSUE 2:</b> 3.2.1 The boundary and neighbouring property setback performance measures for racing dog facilities should be expressed to apply to new <i>racing dog facilities</i> only.</p> <p><b>PROPOSAL 2:</b> At 3.2.1 – this should read (addition underlined), ‘The setback distances specified in Table 1 must be met <u>for new racing dog facilities of the type stated in Table 1.</u>’</p>	<p><b>ISSUE 1:</b> The proposed setbacks must not be retrospective in operation (and any doubt should be removed by insertion into the Guidelines of a clarification). Many greyhound racing participants have made significant investment in their properties, in many cases in areas that, over time, have become more developed. Subsequent encroachment of other properties should not result in the need to obtain a permit when none was previously required, as a matter of simple fairness.</p> <p><b>ISSUE 2:</b> The setbacks should only apply to new <i>racing dog facilities</i>. Where a person has an existing racing dog facility, of themselves, these requirements should not be seen to require a person to now obtain a previously unnecessary permit for that existing racing dog facility (and any doubt in that regard ought be removed).</p> <p>This caters for the protection of persons whose construction met setback requirements applying at the time of original construction.</p> <p><b>ISSUE 3:</b> A slipping track is used under immediate supervision for a short period of time, after which greyhounds are returned to kennels, and greyhounds do not bark when running. Visual amenity is preserved by the 5 metre boundary setback and screening. On smaller properties, the 50 metre setback from neighbouring dwellings would greatly restrict the ability to place (short) slipping tracks on the property when</p>

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	<p><b>ISSUE 3:</b> 3.2, Table 1, <i>Slipping track</i> row. A slipping track does not need to be a minimum of <u>50 metres</u> from neighbouring dwellings.</p> <p><b>PROPOSAL 3:</b> 3.2, Table 1, <i>Slipping track</i> row. A slipping track can be <u>20 metres</u> from the nearest dwelling.</p>	combined with kennel blocks and ancillary yards, for no evident planning benefit.
<p>3 Objectives and Performance measures – 3.3 Visual treatment</p>	<p><b>ISSUE &amp; PROPOSAL:</b> The performance measure at 3.3.1 should read (added words underlined):</p> <p><i>...soil, rocks or other natural features, and <u>the visual effect of those building materials kept in good condition</u></i></p>	This performance measure relates specifically to the visual treatment of kennels and associated buildings and works. The words ‘and kept in good condition’ are ambiguous in the sense that they may be taken to suggest that a more general requirement of upkeep contained within a performance measure related solely to visual treatment.
<p>3 Objectives and Performance measures – 3.4 Landscaping</p>	<p><b>ISSUE:</b> The drafting of each of the objective and the performance measure is imprecise and seems to suggest that (in the case of the objective) the entirety of a property that is a <i>racing dog facility</i> and (in the case of the performance measure) all buildings, including residences, must be visually screened from adjoining properties.</p> <p><b>PROPOSAL:</b> Landscaping requirements, if any, should be required only in respect of <i>kennels</i> (and not other buildings or structures, such as residential dwellings or exercise yards, on the property).</p>	<p><i>Racing dog facility</i> is defined (section 5) to mean ‘land used for <i>racing dog keeping or racing dog training</i>’. That is, the whole of the subject land.</p> <p>To require landscaping (whether by objective or performance measure) of any buildings on the land other than kennels is inappropriate and would be inordinately expensive.</p> <p>It is noted in any event that Section 3.3 also addresses visual treatment of <i>kennels</i> and minimises affect on visual amenity.</p>

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	<p>The <u>objective</u> should read, 'To screen views from adjoining roads or properties of buildings on the <i>racing dog facility</i> in which racing dogs are kept or trained'</p> <p>The <u>performance measure</u> should read, '<i>Kennels</i> visible from adjacent roads and dwellings on neighbouring properties must be screened by a 1.5 metre wide strip of vegetation. Vegetation must be at least 1.2 metres in height when fully mature.'</p>	
<p>3 Objectives and Performance measures – 3.5 Fencing and gates</p>	<p><b>ISSUE:</b> 3.5.1 Perimeter fences for <i>racing dog keeping</i> do not need to be higher than 1.5 metres to prevent escape.</p> <p><b>PROPOSAL:</b> Reference in 3.5.1 to 1.8m be amended to read 1.5m</p>	<p>Perimeter fences for <i>racing dog keeping</i> do not need to be higher than 1.5 metres to prevent escape. 1.5 metres has been the norm for many years and has been found perfectly adequate as Greyhounds are not a breed of dog to scale fences by jumping. An escape from kennels or yards is typically caused by open or poorly latched gates. Changing to 1.8 metres would mean great expense to participants with existing facilities as they would be required to change perimeter fencing or apply for a permit.</p>
<p>3 Objectives and Performance measures – 3.10 Site Management</p>	<p><b>ISSUE 1:</b> 3.10.1 "Supervision" is not defined in Section 5 and requires clarification as to what is intended. <i>Racing dog</i> is defined to include all greyhounds that are GRV registered and 4 months of age or older. <i>Racing dogs</i> between 4 months and at least 12 months old are typically kept in <i>Rearing Yards</i> which by definition are outdoor enclosures, yet they are included in 3.10.1 as currently written, requiring supervision because they are</p>	<p><b>ISSUE 1:</b> 3.10.1 Racing dogs can be outside secure buildings in a variety of circumstances that do not require constant supervision, for reasons of animal welfare or otherwise (notably spelling yards and rearing yards where there is no artificial excitement (bearing in mind screening requirements)).</p>

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	<p><i>outside of a secure building</i>. There is no issue with racing dogs that are being exercised in slipping or exercise yards or on straight or circle tracks requiring supervision.</p> <p><b>PROPOSAL 1:</b> The notion of <i>Supervision</i> as it is used in the Guidelines included in the definitions in Section 5. 3.10.1 amended to reflect the supervision appropriate for <u>training activities</u> outside of secure building such as the use of a straight track, circle or oval track and circular training facility.</p> <p><b>ISSUE 2:</b> (3.10.3) Preventing training on a property that can occur inside <i>secure buildings</i> outside daylight hours is not appropriate.</p> <p><b>PROPOSAL 2:</b> 3.10.3 – this should say (additions underlined) ‘<u>Training of racing dogs on site</u> must only occur during daylight hours, <u>provided that such training on site may occur within a secure building other than during daylight hours.</u>’</p>	<p>While no doubt intended to address itself to noise as an amenity impact, supervision (which is an imprecise concept in any event) has minimal impact on noise (from what, it must be said, is by and large a quiet breed of dog). The proposed performance measure applying as broadly as suggested therefore imposes a thoroughly unnecessary and disproportionate attempt to achieve an amenity purpose achievable by other measures (such as response to noise complaints IF and when made).</p> <p><b>ISSUE 2:</b> 3.10.3 – Trainers may well use treadmills, on which dogs may jog (not walk – therefore <i>training</i> applies) to train their greyhounds, in addition to standard trialling and exercise. This should be permitted within <i>secure buildings</i>. Many trainers are hobbyists and, practically, this sort of activity can and does occur outside daylight hours (including for reasons such as a trainer attends a twilight race meeting and returns afterwards to briefly exercise (under supervision) those dogs that remained at the kennels).</p>
5 Meaning of Terms	<p><b>ISSUE AND PROPOSAL 1:</b></p> <p><b>Racing dog</b> – this should read (additions underlined):</p> <p><u>A greyhound (male or female) that is registered with Greyhound Racing Victoria (or another equivalent State controlling body for greyhound racing with whom greyhounds are ordinarily registered for the purposes of</u></p>	<p><b>Racing dog</b> should:</p> <ul style="list-style-type: none"> <li>exclude a greyhound that has been retired by notification to GRV or another controlling body. Failure to do this may capture a significant number of greyhounds in the general community as ‘racing dogs’ that are not so in fact (and are ordinary pets), as greyhounds always remain ‘registered’ with GRV in</li> </ul>

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	<p><u>greyhound racing</u>) that is 4 months or older, <u>but excludes a greyhound notified in writing to Greyhound Racing Victoria (or another equivalent State controlling body for greyhound racing with whom racing greyhounds are ordinarily registered) as being retired as a pet.</u></p> <p><b>ISSUE AND PROPOSAL 2:</b></p> <p><b>Supervision</b> – this should be an included definition and refer to direct supervision only for the purposes of the Guidelines.</p>	<p>the general sense of their litter details, identification (microchip and/or earbrand) and last registered owner remain on record.</p> <ul style="list-style-type: none"> <li>include greyhounds registered in equivalent State controlling bodies but kept on properties located in Victoria for <i>keeping</i> or <i>training</i>.</li> </ul> <p>See discussion at 3.10.1</p>

Document: <b>ZONES</b>		
SECTION	COMMENT	REASON
<p>In each applicable Zone: Section 1 – Permit not required</p> <p><i>Racing dog keeping</i> <i>Racing dog training</i></p>	<p>This should read (additions underlined and bolded):</p> <p><i>Must:</i></p> <ul style="list-style-type: none"> <li><i>be no more than [x] racing dogs; <b>or</b></i></li> <li><i>if more than [x] racing dogs are kept or trained, the performance measures in <b>Part 3 of the Guidelines for Racing Dog Keeping and Training Facilities (2016)</b> must be met.</i></li> </ul>	<p>This more precisely picks up the relevant part of the Guidelines and will avoid confusion.</p>



Document: ZONES		
SECTION	COMMENT	REASON
<p>In each applicable Zone: Section 2 – Permit required</p> <p><i>Racing dog keeping – if section 1 condition is not met</i></p> <p><i>Racing dog training – if section 1 condition is not met</i></p>	<p>This should read (additions underlined and bolded):</p> <p><i>Must meet the objectives in <b>Part 3 of</b> the Guidelines for Racing Dog Keeping and Training Facilities (2016).</i></p>	<p>This more precisely picks up the relevant part of the Guidelines and will avoid confusion.</p>
<p>‘Buildings and works’ section in each applicable Zone</p>	<p>This should allow for specific neighbouring dwelling and property boundary setbacks specified in the Guidelines at 3.2 to prevail where there is inconsistency.</p>	<p>See GOTBA Vic’s submissions on the Guidelines above - 2 <i>How to use these guidelines.</i></p>