

# FAQs: New Planning Requirements for Racing Dog Keeping and Training

*An extract from the Department of Environment, Land, Water and Planning website*

## **Q1. Why is the government introducing new planning requirements?**

These changes come as part of the Victorian Government's commitment to reform the greyhound racing industry, with a task force established in 2015.

The taskforce is overseeing the implementation of two independent investigations into the greyhound racing industry. It comprises members from:

- the Department of Justice and Regulation
- the Department of Economic Development, Jobs, Transport and Resources
- the Department of Environment, Land, Water and Planning (DELWP)
- Greyhound Racing Victoria (GRV).

Part of the Greyhound Racing and Welfare response task force's work program is to implement the recommendations of a report made by the state's Chief Veterinary Officer (CVO) into the greyhound industry. In his report, the CVO noted that guidance material about best practice land use planning would be useful.

## **Q2. How will the new requirements be implemented?**

They will come into effect through Amendment VC139 to all Victorian planning schemes on 29 August 2017.

Where do the new requirements apply?

The new requirements apply to all land in the Rural Living, Green Wedge, Green Wedge A, Rural Conservation, Farming and Rural Activity zones. They apply to an application to use land for racing dog keeping and racing dog training or an application to extend an existing facility.

A facility with an existing permit may continue to operate in accordance with the permit without having to obtain a new permit or comply with the new requirements.

## **Q3. How do the new planning requirements operate?**

The new planning requirements:

- Retain existing exemptions for up to 2 or 5 dogs (depending on the zone) from the need to obtain a planning permit.
- Introduce 8 new key siting and amenity objectives along with 10 approved measures.
- Where all the approved measures are met and the number of dogs does not exceed 20 in a Rural Living, Green Wedge A or Rural Conservation Zone and 50 in a Green Wedge, Farming or Rural Activity Zone a neighbour or community will have no objection or appeal rights to the planning permit application.
- Where a measure is not met (including where there is a greater number of dogs) the planning permit application will be assessed against the relevant objective and council may decide to advertise the application.

## **Q4. What do the key siting and amenity objectives seek to achieve?**

The new planning requirements set out a number of objectives that must be met by all facilities over 2 or 5 dogs depending on the zoning of the land. The objectives:

1. Ensure that the scale of a racing dog facility does not adversely impact the amenity of the surrounding area.
2. Ensure that the facility is set back from boundaries and neighbouring dwellings to minimise any impacts on the character and amenity of neighbouring properties and the surrounding area.
3. Require buildings to be constructed of materials and finishes that minimise their impact on the visual amenity of the surrounding area.
4. Ensure landscaping is used to restrict views of buildings from adjacent roads and dwellings on neighbouring properties to minimise the impact on the visual amenity of the surrounding area.

5. Require that fencing and gates are provided to prevent escape of racing dogs.
6. Ensure that any area where a racing dog is kept is appropriately screened to minimise barking as a result of external activity.
7. Ensure that the management of the racing dog facility minimises its impact on the amenity of the surrounding area.
8. Ensure that the kennels are designed to minimise noise impacts on adjoining properties.

#### **Q5. I already have a permit for my existing facility. Do I need to meet the new requirements?**

No. If you already have a permit, you may continue to operate in accordance with the permit without having to obtain a new permit or comply with the new requirements.

However, if you want to expand your facility, or change the way your facility operates, you may require a new permit or need to amend the existing permit. You should speak to your local council about what requirements will apply to your application.

#### **Q6. Which racing dogs do the new requirements apply to?**

The requirements apply to a dog that is registered with Greyhound Racing Victoria that is 6 months or older.

What do these requirements mean for residents and neighbours near new or expanding greyhound racing facilities?

The new requirements ensure that adequate safeguards are in place to minimise off-site amenity impacts by requiring kennels to be noise attenuated with openings orientated away from neighbouring residents, along with setbacks and screening of facilities to minimise dog barking that may cause a nuisance.

Where an applicant applies to vary these requirements, neighbours will need to be notified and will have the opportunity to lodge an objection outlining any matters that require to be addressed.

#### **Q7. How were the new planning requirements developed?**

The requirements are based on outcomes from a 2013 planning-led working group chaired by the Department of Environment, Land, Water and Planning (then Department of Transport, Planning and Local Infrastructure) and comprising Greyhound Racing Victoria, Department of Economic Development, Jobs, Transport and Resources (then Department of Environment and Primary Industries), Animal Welfare Bureau, Municipal Association of Victoria, Greyhound Owners, Trainers and Breeders Association, Environment Protection Authority, City of Casey, City of Greater Geelong, Greater Shepparton City Council, Wellington Shire Council, City of Ballarat, City of Greater Dandenong and City of Greater Bendigo.

Draft planning requirements were publically exhibited between 1 September and 7 October 2016.

#### **Q8. What testing was done to determine the appropriateness of the requirements?**

An acoustic study was commissioned by DELWP conducted by a recognised noise acoustic consultant to provide kennel construction methods that comply with the necessary noise requirements. These methods are detailed in the planning requirements.

#### **Q9. What was the outcome of the public consultation?**

More than 100 submissions were received from industry, councils and the community, with most from the greyhound racing community who were supportive of the proposal. Approximately 60 per cent of the submissions came from those who participate in the industry or who have a governance role in it.

The balance of submissions came from individuals, animal welfare bodies and other government agencies. Key issues raised included:

- the reliability and transparency of the exhibited self-assessment process
- the establishment of facilities without a permit on or near areas marked earmarked for future urban growth without a permit
- lack of ability to respond to site specific circumstances
- concerns that residential amenity will be eroded with no recourse for neighbours

- noise issues from barking dogs where no planning permit is required.

These concerns have been addressed by maintaining the need to obtain a planning permit to provide the certainty required for the greyhound industry to invest in and upgrade their facilities.

#### **Q10. How are these requirements different from the exhibited versions?**

The exhibited requirements proposed to remove the requirement to obtain a planning permit for facilities with up to 20 or 50 dogs, depending on the zone.

The following changes were made in the final requirements:

- Permit exemptions for facilities have been removed and existing requirements to obtain a planning permit for racing dog keeping and training have been retained.
- Facilities with up to 20 or 50 dogs will not need to be advertised if they meet the approved measures.
- Clearer landscape requirements to clarify that they only apply to buildings rather than the whole facility.
- A lower perimeter fence height from 1.8 metres to 1.5 metres and a higher training facility fencing height from 1 metre to 1.2 metres.
- Allowing indoor training to occur indoors at any time.
- Increasing the threshold for a dog to be considered a puppy from 4 months to 6 months.

#### **Q11. Can a neighbour or community object and subsequently appeal against a proposal if the requirements have been met?**

No. The requirements comprehensively address community, council and industry needs by introducing very specific and clear siting and amenity requirements that can be measured.

Where all the requirements are met, a neighbour or community cannot object or subsequently appeal against a council decision.

I want to establish or expand a facility. My proposal complies with all of the new approved measures. Does that mean council must issue a permit?

If an application complies with the approved measures, it is expected that council will act expeditiously to issue a planning permit accordingly.

If a council refuses to grant a permit for a facility that meets the approved measures or places conditions on the permit that go beyond the approved measures, the applicant can appeal council's decision at the Victorian Civil and Administrative Tribunal (VCAT) and council will have to justify why it hasn't issued a permit to VCAT.

#### **Q12. Can a council introduce planning requirements that override or are inconsistent with the new planning requirements for greyhound facilities?**

Councils cannot introduce planning requirements that override or are inconsistent with the new planning requirements.

What happens if a planning scheme includes an existing local planning policy for greyhound facilities that is inconsistent with the new planning requirements for greyhounds?

If the inconsistency cannot be practicably resolved, the new State standard planning requirements for greyhounds will prevail over an existing local planning policy.

#### **Q13. Do overlays or other planning scheme controls continue to apply?**

Yes, other requirements in the planning scheme continue to apply. For example, a permit may be required to remove native vegetation, or for buildings and works in an area of environmental significance. The considerations under those planning controls will form part of council's decision on the application.

#### **Q14. What if my application needs to be advertised under another planning scheme control?**

The council may require advertising of the proposal. However, if the council gives notice of the application, its consideration of objections should be limited to matters that relate to the purpose of the other planning control (for example, the impact of removing native vegetation on Victoria's biodiversity).

#### **Q15. Do these requirements address concerns around facilities in areas set aside for future urban growth?**

Yes. Councils are still required to make a decision on an application and are able to assess other relevant matters including the future planning for the area. However, council would need to have solid strategic evidence to support refusal of an application.

#### **Q16. Is this change linked to the Code of Practice for the Keeping of Racing Greyhounds?**

No. The new requirements only deal with planning issues, such as the impact a facility may have on the amenity of neighbours.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has recently finished exhibiting a draft Code of Practice for the Keeping of Racing Greyhounds.

The DEDJTR code proposes to deal with operational, management and welfare issues related to greyhound keeping and training.

Source: Department of Environment, Land, Water, and Planning. (2017). *New guidelines for greyhound facilities across Victoria*. Retrieved 30 October 2017 from <https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/new-planning-guidelines-for-greyhound-facilities-across-victoria>

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#### **For further information, please see:**

1. Your local council's website
2. A planner from your local council
3. [Planning requirements for racing dog keeping and training](#) (August 2017) – available on the Department of Environment, Land, Water and Planning website ([link on GRV website](#))