



Objection - Development Application No. 2021/129

Animal Liberation submission
to Muswellbrook Shire Council



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. A submission by Animal Liberation in response to the Development Application (DA) No 2021/129 lodged by Greyhound Racing NSW (GRNSW) for an Animal Boarding and Training Establishment at 1949 Martindale Road, Denman, in the Muswellbrook Shire Local Government Area (LGA).

Prepared by Lisa J Ryan and Alex Vince.

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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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.

23 November 2021

Muswellbrook Shire Council

Via email: council@muswellbrook.nsw.gov.au

We present this submission on behalf of Animal Liberation.

Animal Liberation is grateful to Muswellbrook Shire Council for the opportunity to lodge a submission in response to DA 2021/129 lodged by Greyhound Racing NSW ('GRNSW') for an Animal Boarding and Training Establishment at 1949 Martindale Road, Denman, in the Muswellbrook Shire LGA.

As the capital investment value for the proposed development is \$30,308,000 million (excluding GST), in accordance with Schedule 7, Clause 2 of the State Environmental Planning Policy (State and Regional Development) 2011, the proposed development is deemed 'regionally significant development' as it exceeds the \$30 million capital investment value. As such, the proposed development will be determined by the Hunter Central Coast Regional Planning Panel.

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 Statement of Environment Effects ('SEE'), related documents 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 in line with information available to us.

We appreciate planning staff and decision makers have an onerous responsibility with this complex and technically challenging planning proposal, and that the assessment review must remain independent, objective and informed during the entire process. We acknowledge and further appreciate that this planning proposal includes risks and impacts which extend beyond the Muswellbrook Shire Council LGA, and accordingly, carries an added and heavy burden of responsibility.

As an animal rights organisation, Animal Liberation actively supports the concept of ethical and meaningful animal life-saving as opposed to life-taking. We endorse rescue, rehabilitation, and rehoming programs, including the need for animal sanctuaries as an essential public service. We embrace the No Kill philosophy founded on 'quality of life', and the dedicated and committed role played by rescue, rehabilitation, and rehoming individuals and community organisations, who are predominately self-funded and volunteer-based.

Whilst we note the stated intent of the GRNSW planning proposal and its direct correlation to the NSW greyhound racing industry's Greyhounds As Pets ('GAP NSW') programme, after thorough consideration of the Applicant's DA, SEE, related documents and plans; together with the critical broader greyhound racing industry, including GAP NSW considerations, Animal Liberation is opposed to this planning proposal.

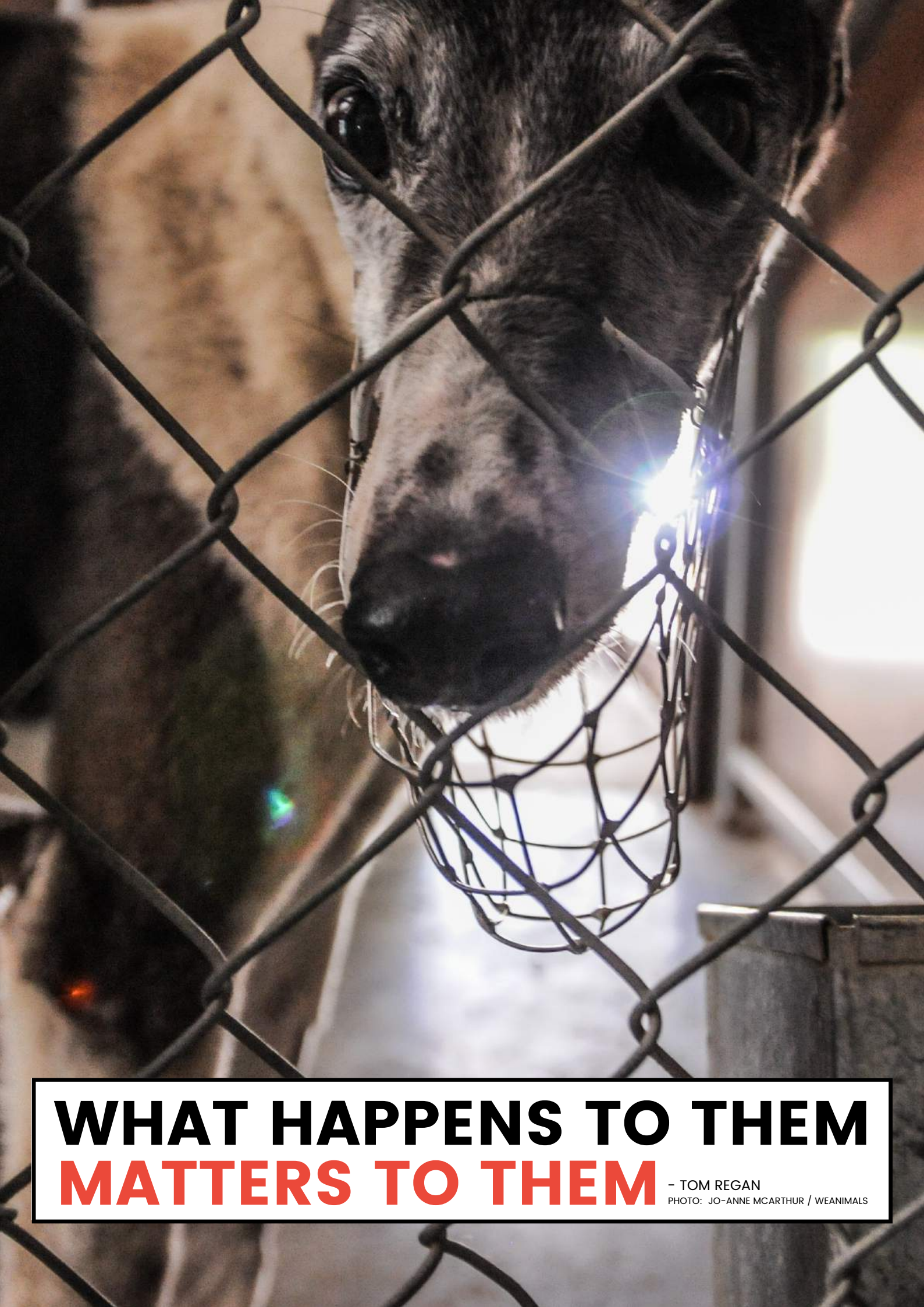
We have thoroughly reviewed and considered the Applicant's DA, SEE, documents and associated plans, and the relevant planning framework and instruments at Council, State and Commonwealth Government levels. Our points of objection, including our general observations and commentary in response to the DA, are evidenced and outlined as follows. We are, accordingly, requesting decision-makers refuse this DA.

Sincerely,

Lisa J Ryan
Regional campaign manager



Alex Vince
Campaign director



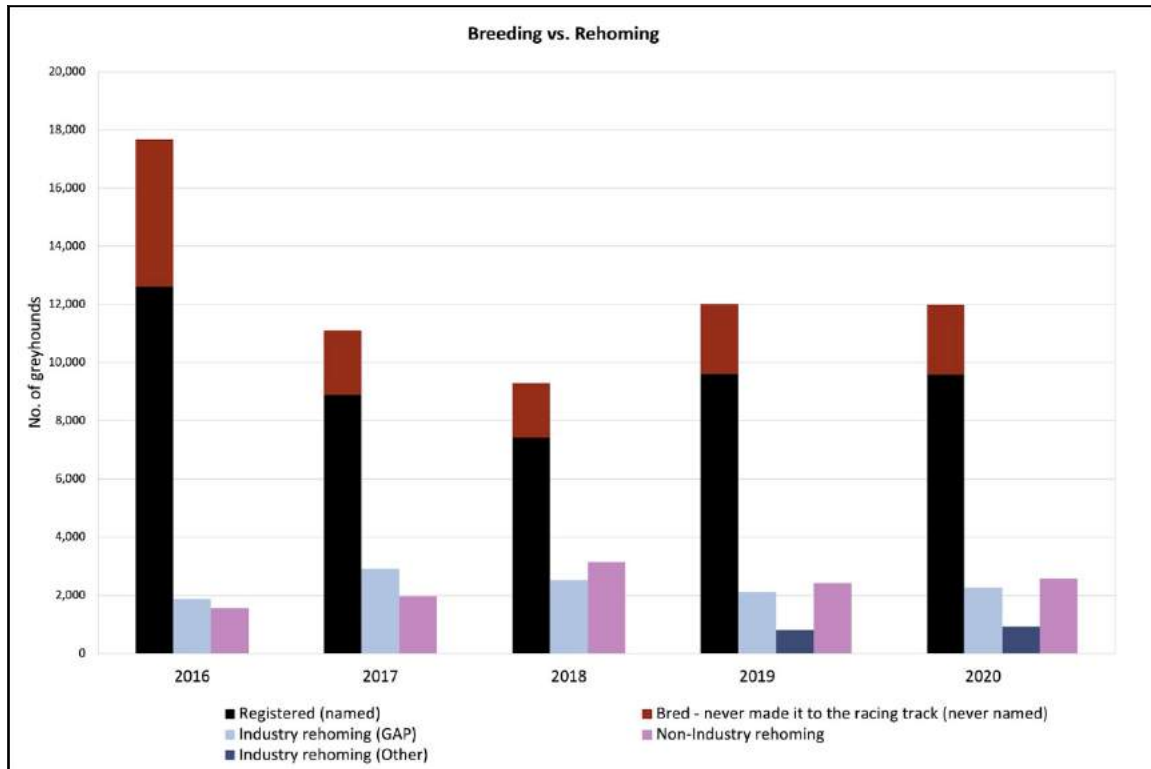
WHAT HAPPENS TO THEM
MATTERS TO THEM

- TOM REGAN
PHOTO: JO-ANNE MCARTHUR / WEANIMALS

1. PREAMBLE

- 1.1 Animal Liberation is strongly opposed to the greyhound racing industry. Our opposition is informed by and in response to its inherent and entrenched culture and exploitation of greyhounds who are forced to run for gambling profits. This industry operates in direct opposition to the views and expectations of the wider Australian community who value and respect dogs as companions not commodities.
 - 1.1.1 Globally, the greyhound racing industry is imploding. This is a direct result of its own entrenched culture, unsustainability, and rapidly changing public views and expectations about the treatment of other-than-humans animals. Opposition is also increasing in response to the use of public money and growing concerns about gambling. Currently, Australia is one of only seven (7) countries worldwide that continues to allow commercial greyhound racing (Grey2K USA 2021). Shamefully, Australia is the world leader in greyhound death tracks, and of the 64 Australian tracks, 32 are located in NSW.
 - 1.1.2 Ongoing, the greyhound industry contributes to enormous animal suffering and significant animal welfare issues. These include high rates of greyhound injuries, deaths, over-breeding and missing greyhounds. At the time of compiling this submission, 158 greyhounds have been killed on tracks nationwide and 60 of these deaths occurred on NSW tracks in 2021. For the same period, 8,901 greyhounds have been injured nationwide and 2,693 of these injuries were suffered by greyhounds on NSW tracks. As some greyhounds who sustain serious injuries are killed off-track, these abhorrent statistics, which cannot be justified, will increase.
 - 1.1.3 Millions of dollars of taxpayers' money is used to prop up this industry which directly contributes to the ongoing suffering and death of thousands of greyhounds annually, and cleaning up the widespread social issues associated with Australia's toxic problem gambling.
- 1.2 Independent inquiries and reviews into the NSW greyhound racing industry have exposed an exploitative industry, guilty of systemic animal cruelty and an entrenched culture of poor animal welfare standards and cruel practices. The industry has proven itself resistant to and incapable of meaningful change or reform. The industry actively fights progressive reform and public transparency.
 - 1.2.1 The current rate of annual greyhound breeding nationally is six times the GAPS' capacity to rehome. In the biggest racing states of NSW and Victoria, community-run rescues still rehome more dogs than the cashed-up racing industry.

Fig. 1: Breeding vs. rehoming (2016-2020)
Compiled by the Coalition for the Protection of Greyhounds



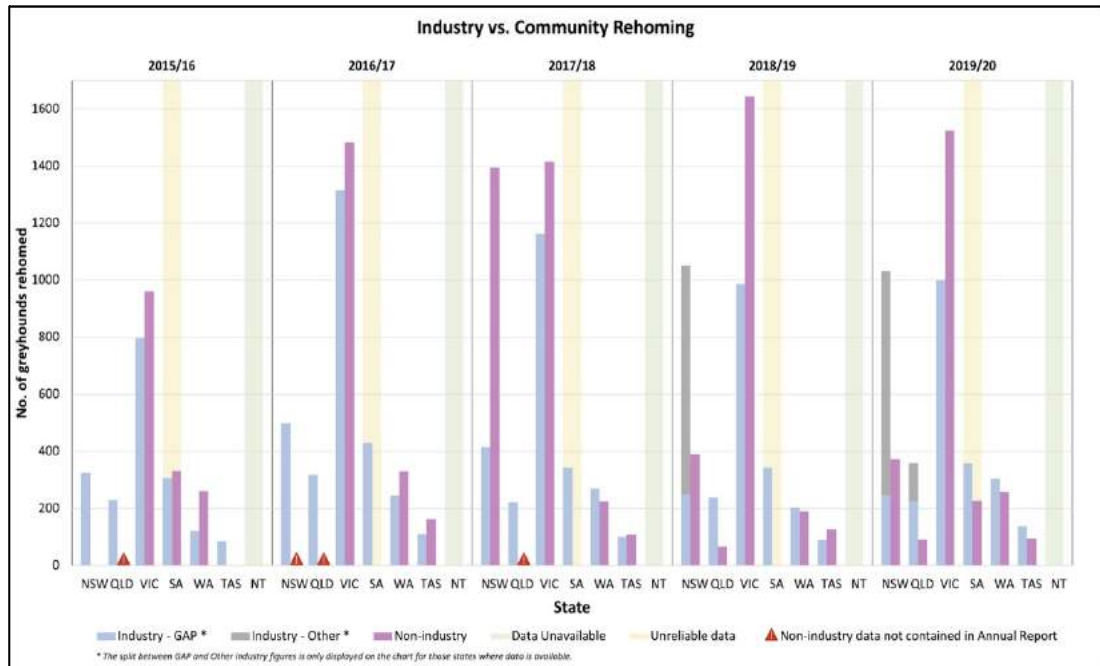
For Figure 1 (above), greyhound rehoming data was collated by the Coalition for the Protection of Greyhounds ('CPG'), whilst greyhound registration data was sourced from the Australian and New Zealand Greyhound Stud Book, Volume 68 (p. 9). Greyhounds are generally named for racing at between 12 and 18 months of age, creating a time lag between whelping and naming. The category of Dogs bred but never named/registered is not captured in the stud book, hence this is estimated as 40 per cent of the registered (named) figure for 2016 and 25 per cent for 2017-2020. The 40 per cent estimate is derived from the McHugh inquiry, after which breeding numbers dropped. For the years after 2016, the 25 per cent estimate is based on advice received from regulators, as well as being the figure cited by the CEO of Greyhound Racing Victoria during an interview with ABC-TV earlier this year. Image reproduced courtesy of the Coalition for the Protection of Greyhounds.

1.3 GAP NSW is a not-for-profit entity that recruits volunteer workers. This means they benefit from tax concessions and free labour. While NSW community-run and self-funded volunteer rescue and rehoming groups rely on donations and volunteer effort, GAP NSW received \$3.4M from GRNSW in 2019/20. Despite it being six (6) years since the Australian live-baiting exposé in 2015, the Australian greyhound racing industry's rehoming effort, including GAP NSW, is still significantly failing greyhounds and public expectations.

1.3.1 In both 2019/20 and 2018/19, data has revealed racing industry participants retained over 500 dogs, while GAP NSW itself only rehomed just under 250 dogs in each of those years. This is a

1.3.1 miniscule effort by GAP NSW in one of the biggest racing states in Australia.

Fig. 2: Industry vs. community rehoming (2015-2020)
Compiled by the Coalition for the Protection of Greyhounds



Victorian and WA data is not audited by an independent regulator as occurs in Queensland, Tasmania and NSW. SA data is listed as unreliable as RSPCA SA has slammed Greyhound Racing SA for its lack of data transparency. The NT publishes no data on greyhound rehoming. Image reproduced courtesy of the Coalition for the Protection of Greyhounds.

1.3.2 Moreover, GRNSW’s strategic plan 2018-21 includes the following key measure: “Rehome 1,000 greyhounds per year within the next three years through GAP and 1,500 through other rehoming providers”. Alarmingly, the NSW Government chose not to include any deadlines or penalties for late delivery in GRNSW’s operating licence and gives millions of taxpayer dollars to the industry every year. We do not believe that this approach would be in keeping with the NSW Auditor-General’s guidelines on public accountability or best practice contract management.

1.4 Critically, the NSW greyhound industry is not meeting its own rehoming targets. GRNSW’s definition of “rehoming”, moreover, is highly questionable.

1.4.1 The Greyhound Welfare and Integrity Commission (‘GWIC’) reports that that in FY19/20 over half the 1405 GRNSW dogs “rehomed” by GAP NSW were in fact either kept, or given away

- 1.4.1 privately, by their owners. In 2019/20, despite \$3.4M in GRNSW funding, GAP NSW only accepted 246 dogs for rehoming. By contrast, NSW’s community-run rescue and rehoming organisations accepted 373 dogs while relying on donations and volunteer efforts alone.

Fig. 3: GRNSW Strategic Plan and GWIC Annual Report
Supplied by the Coalition for the Protection of Greyhounds



- 1.4.2 Evidence also confirms GAP NSW has a very high kill-rate, second only to QLD, euthanising just over one in 10 greyhounds they accept for rehoming. This high kill-rate does not meet public expectations. In FY2019/20, Queensland racing industry participants gave 195 greyhounds to labs for experiments and to universities for dissection. Because GRNSW is not tracking NSW greyhounds over a whole-of-life cycle, it is possible some of these 195 greyhounds were bred and raced, and then sold or discarded, by GRNSW participants.
- 1.5 The current rate of NSW greyhound breeding far exceeds the capacity to rescue and rehome greyhounds in a responsible and ethical manner. The industry has always depended on “wastage” (i.e., the breeding of excessive greyhounds to ensure that a few dogs are considered competitive enough to race and generate gambling profits). Greyhound racing cannot survive without the killing of a certain number of young dogs every year. The major decrease in greyhound breeding between FY14/15 and FY16/17 was due solely to public pressure over the live-baiting exposé and public inquiries into the systemic animal cruelty associated with the greyhound racing industry. However, breeding is now on the increase with 4,662 greyhounds bred in FY20/21. This represents a 52% increase since 2016/17 and an upwards trend that will significantly impact greyhound rescue and rehoming capacity.
- 1.5.1 We wish to recognise and applaud the efforts and dedication of volunteer and self-funded greyhound and dog rescue and rehoming individuals and organisations. However, we have

1.5.1 serious concerns about the operation and performance of GRNSW's industry-managed GAP programme. Our concerns are compounded by the unavoidable conflicts of interest between GAP NSW and GRNSW's commercial interests.

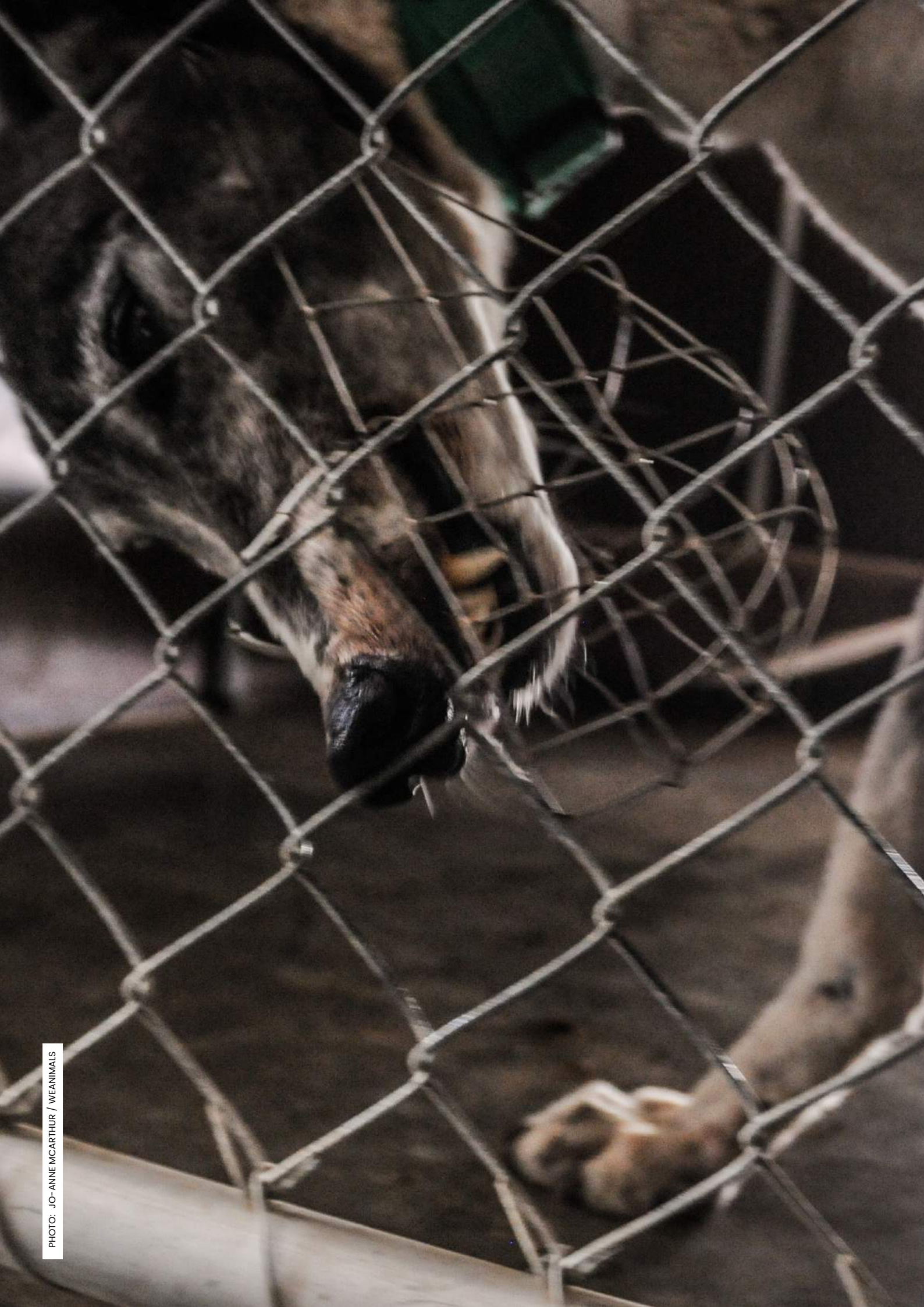


PHOTO: JO-ANNE MCARTHUR / WEANIMALS

2. EXECUTIVE SUMMARY

- 2.1 Animal Liberation opposes the proposed development as described in DA No 2021/129.
- 2.1.1 Our objection is primarily founded on evidence which clearly demonstrates that the NSW greyhound racing industry is resistant to and incapable of meaningful reform involving animal welfare, where such reforms negatively impact profits and the industry's own culture.
- 2.1.2 While Animal Liberation supports the concept of ethical and meaningful animal life-saving as opposed to life-taking, we have serious concerns about the operation and performance of GRNSW's industry managed Greyhounds as Pets (GAP NSW) programme. Our concerns are compounded by the unavoidable conflicts of interest between GAP NSW and GRNSW's commercial interests.
- 2.2 The proposed development is large-scale and on the surface the concept of pro-active life-saving is appealing. However, closer inspection of the scale, character and nature of the development, including housing 400 discarded GRNSW greyhounds in 20 blocks with 20 kennels each, appears to be more about devising a publicly palatable solution to managing greyhounds deemed by the industry and its participants as no longer viable or profitable. While the proposed development has a rescue and rehoming element, in general, we have concerns that the facility will in fact be a warehousing of discarded GRNSW greyhounds.
- 2.2.1 Ultimately, Animal Liberation contends that this proposal is a \$30 million dollar attempt to assuage public outrage and condemnation of the industry's greyhound 'wastage', abandonment, euthanasia and killing. In spite of the Applicant's best endeavours to present this proposal as a shelter or a sanctuary, Animal Liberation rejects this proposition. We believe based on GRNSW's and GAP NSW's history and performance, the proposed facility is no more than a state of the art warehouse where large numbers of individual slow, unprofitable and discarded greyhounds will be stockpiled by the same industry who bred them, exploited them and then discarded them.
- 2.3 In relation to the actual proposed development and the Applicant's DA, the following high level matters also form part of our objection. Animal Liberation holds that the Applicant:
- 2.3.1 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;

- 2.3.2 has failed to adequately demonstrate how they would monitor, avoid, minimise, mitigate, and manage these risks and impact(including cumulative risks and impacts), as required under Section 4.15 of the Environmental Planning and Assessment Act 1979;
 - 2.3.3 has relied on numerous assumptions and the SEE is generally void of adequate justification or evidence to support many non-evidenced assumptions and conclusions;
 - 2.3.4 has failed to consider other relevant and applicable State Environmental Planning Policies ('SEPPs'), and other relevant planning instruments as contained in the Muswellbrook Local Environment Plan ('LEP') and the Muswellbrook Development Control Plan 2009 ('DCP');
 - 2.3.5 has failed to demonstrate adequate consultation with or consideration of sensitive receptors and the community including consideration of applicable buffer zones and amenity adequate assessment of noise, odour, biosecurity, disease management and emergency management planning considerations;
 - 2.3.6 has failed to demonstrate adequate consultation with relevant agencies to obtain expert technical guidance or input including the NSW Royal Society for the Prevention of Cruelty to Animals ('RSPCA NSW'), the NSW Environment Protection Agency ('EPA') or the NSW Office of Environment and Heritage ('OEH');
 - 2.3.7 has failed to adequately consider and/or address all matters of "public interest" and the required relevant NSW animal welfare legislation, and has paid scant attention to the daily and ongoing welfare (physical, emotional and social) needs of the discarded GRNSW greyhounds;
 - 2.3.8 has not demonstrated their compliance with the relevant NSW animal welfare legislation, and nor have they demonstrated their awareness, knowledge, or skills about modern and progressive best practice rehabilitation and rehoming practices. Most greyhounds are retired from racing at around four years of age and living in a cage for the rest of their lives is a dismal prospect.
 - 2.3.9 has failed to identify, differentiate and address the risks and impacts included in the separate 'construction' and 'operational' phases of the proposed development.
- 2.4 In addition, we wish to note and/or emphasise that:
- 2.4.1 the proposed development does not meet many of the objectives outlined in the Muswellbrook Local Environment Plan 2009 ('LEP') in respect to the RU1 Primary Production as applied to the subject land;

- 2.4.2 the Applicant's reference to existing infrastructure and does not include consent for the housing or training of dogs;
 - 2.4.3 the proposed development provides no benefit to the local community or the public at large, and is not in the "public interest";
 - 2.4.4 the lack of detail, and omitted detail in the Applicant's DA, SEE and plans will greatly restrict assessment staff and decision makers to undertake a comprehensive, objective and meaningful development assessment in line with the mandatory and applicable planning instruments, and public expectations.
- 2.5 Animal Liberation contends:
- 2.5.1 that the scale, character and nature of the proposed development is high-impact (i.e., is likely to generate pollution), and should be deemed Designated Development. As such, for the purpose of this planning assessment, the proposed development must be classified and assessed accordingly. This must include the requirement to compile and submit an Environmental Impact Statement ('EIS') in line with the Secretary's Environmental Assessment Requirements ('SEARs').
 - 2.5.2 that the scale, character and nature of the proposed development and notably the significant risks and impacts relating to wastewater, general waste including dog waste, the biogas and anaerobic digester/ reactor, should be deemed Integrated Development requiring consent and one or more approvals from a NSW State Government Agency under Part 4 of the Environmental Planning & Assessment Act 1979, with any associated approval, licence, consent, permission or permit required under other legislation.
 - 2.5.3 that the proposed development includes significant 'development' and 'operational' risks and impacts to the greyhounds, surrounding neighbours and the environment that cannot be managed or mitigated by site design or operational practices.
- 2.6 Finally, Animal Liberation disagrees that the proposed development can or will "maintain harmony with the landscape", or that proposed "future planting once established will further settle the buildings into the site". This is a large-scale development, similar in scale and character to the development of a service station or shopping centre, and will forever negatively change the character and harmony of the landscape.
- 2.6.1 We strongly refute the Applicant's claims, and the accuracy of these claims, included in the Design Statement as provided in Appendix J by Tzannes which states: "the design of Bylong Park Farmstay reflects a deep understanding of the physical and psychological requirements of greyhounds in short, medium, and long-term care".



3. BACKGROUND & HISTORY

- 3.1 To understand the high level of ongoing scepticism experienced and expressed by Animal Liberation, though largely and increasingly shared by the public, animal welfare advocates and activists regarding the greyhound racing industry, it is necessary to reflect on the industry's historical and contemporary performance, and its reluctance and inability to engage in meaningful and progressive reform.
 - 3.1.1 The history of greyhound racing in NSW provides a sobering reminder of a deeply entrenched culture that includes a diverse range of pressing social issues. These include animal cruelty, gambling, secrecy, and government's refusal to comprehensively address these issues (McEwan and Skandakumar 2011; Markwell et al. 2017; Groizard 2019). This, coupled with the increasingly obvious and persistent lack of sustainability, means that the greyhound racing industry has lost its social licence and no longer enjoys the support of the broad community (Teh-White 2016; Teh-White 2017; Duncan et al. 2018; Hampton et al. 2020).
- 3.2 The greyhound racing industry has never been, and will never be, a safe environment for greyhounds. The industry was founded on, and is still reliant on, the use and exploitation of greyhounds who are frequently forced to race at excessive speeds for gambling and entertainment purposes. The inherent, systemic and industry-wide issues which exist in NSW, and across Australia, are likewise evident around the world. Similar levels of animal cruelty, exploitation, injury and death suffered by these intelligent, social and affectionate dogs is prevalent in all other commercial, profit driven dog racing countries.
 - 3.2.1 The Greyhound Racing Act 2009 was introduced and included provisions for Greyhound Racing NSW ('GRNSW') to be made responsible for both the regulatory affairs and the commercial management and oversight of the NSW industry. Prior to 2009, when these were transferred from the Greyhound and Harness Racing Regulatory Authority ('GHRRA') to GRNSW by the NSW Government, the greyhound racing industry regulatory functions had been managed by GHRRA. In 2012, the industry representative board of GRNSW was replaced by an independent board who oversaw four (4) core business units. These included: (1) integrity; (2) operations; (3) wagering media and content and; (4) education and welfare.
 - 3.2.2 Despite the changes outlined in subsection 3.2.1 above, controversies continued to plague and engulf the self-regulated NSW greyhound racing industry. In 2013, a NSW parliamentary Inquiry was established to examine greyhound racing in NSW. At the time, media reported allegations prompted the inquiry into greyhound industry and it was established to "scrutinise

- 3.2.2 allegations of industry mismanagement, inappropriate distribution of TAB funds and widespread mistreatment of dogs in the state's \$50 million-a-year greyhound racing industry" (O'Brien 2013).
- 3.3.3 The previous year, Fairfax Media had "exposed allegations of race-fixing, drug use, money laundering and alleged criminal activity" in the greyhound racing industry, despite reforms which had been "aimed at cleaning up the sport" (O'Brien 2014). Similarly, media reported that stakeholders had "raised concerns that the industry had returned to its murky past because of poor transparency and independent oversight" (ibid). In 2000, "past corrupt practices were the subject of an inquiry [led] by the Independent Commission Against Corruption ['ICAC']". The latter resulted in six offenders being charged and the jailing of Rodney Potter, the former chief steward (O'Brien 2013).
- 3.3.4 In 2013, GRNSW CEO Brent Hogan confirmed that an estimated 3,000 greyhounds were euthanased each year in NSW alone (McKeith 2013). Further media revelations confirmed the practice of industry discarded greyhounds being drained of their blood and then killed by veterinary practitioners (Rubinsztein-Dunlop 2013). In 2015, the Australian Veterinary Association ('AVA') called for all greyhounds bred for racing to be registered with an independent authority to track racing greyhounds from birth to death (Harazim 2015).
- 3.4 The catalyst for significant and wide sweeping government scrutiny and change in NSW occurred following the airing of the ABC Four Corners program 'Making a Killing' in February 2015. Subsequent distressing media coverage detailed the widespread practice of live-baiting in the training of racing greyhounds and other abhorrent inherent industry animal welfare issues, including the discovery of mass greyhound graves (AAP 2015a; O'Brien 2015). Though the police allegedly warned that the latter were "the tip of the iceberg" (APP 2015b), similar sites were found less than five years later that led some to claim were direct evidence that "nothing changed" in the industry (AAP 2018; Clun 2018; Wylie and McKinnell 2018; Zhou 2018). However, in response to the Four Corners investigation and findings CEO Brent Hogan and the entire GRNSW board were told to resign or face being dismissed by then-NSW Racing Minister and Deputy Premier Troy Grant (Clennell 2015).
- 3.4.1 The NSW Mike Baird Liberal National Party Government then established the Special Commission of Inquiry into NSW greyhound racing, chaired by former High Court Judge, Michael McHugh. Key findings in the report included: high greyhound death rates, an under-reporting of greyhound deaths and injuries, and an estimated 48,891 uncompetitive greyhounds euthanased during the preceding twelve years. The report also concluded that up to twenty percent of trainers engaged in illegal live-baiting practices, and that for the industry to remain

- 3.4.1 viable, between 2,000 to 4,000 greyhounds would continue to be euthanased each year (McHugh 2016).
- 3.4.2 In a leaked internal memo, the Australian greyhound racing body, Greyhounds Australasia ('GA') admitted that "this industry is responsible for the unnecessary deaths of anywhere between 13,000 and 17,000 healthy greyhounds a year" (Carswell 2015).
- 3.4.3 GRNSW commissioned an allegedly independent inquiry, announced only a few hours prior to the ABC's 7:30 Report's 2015 exposé, aptly named the 'Death Trade' exposé into greyhound live exports (Coletta 2015). It was chaired by barrister Adrian Anderson into matters relating to the alleged unauthorised export of greyhounds. This inquiry led to the charging of 179 NSW industry participants for complicity in the export of greyhounds without passports between 2013 and 2015 (Anon. 2016; Brancatisano 2016). However, almost all of those participants had their charges dropped after they cooperated with the inquiry. In spite of the over-whelming public interest, GRNSW have not publicly disclosed any report or the details of the hearings involving this Inquiry.
- 3.4.4 Following the release of the damning findings and recommendations compiled and published by the McHugh-chaired Special Commission of Inquiry in July 2016, Premier Baird announced that greyhound racing in NSW would be banned effective 1 July 2017 (Baird 2016). The Greyhound Racing Prohibition Bill 2016 then passed through the NSW Legislative Assembly and Legislative Council in August 2016 (AAP 2016). It should be noted, however, that at this time the decision to ban greyhound racing in NSW was based on the widespread animal welfare concerns (as evidenced and documented in the McHugh Inquiry's report) (Hanrahan 2016). Critically, it should be further noted that many of these same animal welfare concerns continue to persist in 2021.
- 3.4.5 In October 2016, the ban was repealed by Premier Baird after the NSW greyhound racing industry responded with significant lobbying and backlash. The lobbying was supported by some sections of the media, from within the NSW Liberal National Party Government itself, and other members of Parliament (notably the Labor Opposition and the Shooters, Fishers and Farmers party) (Tin 2017).
- 3.4.6 The NSW Greyhound Industry Reform Panel ('GIRP') then released 122 recommendations. 121 of these were subsequently adopted and incorporated into new legislation known as the Greyhound Racing Act 2017 (Anon. 2017). As part of these recommendations, GWIC was created as the independent regulator of the NSW greyhound racing industry with a core focus of greyhound animal welfare and integrity.

- 3.4.7 In 2020, the NSW State Government, through GRNSW and GWIC, undertook public consultation in response to the NSW Greyhound Welfare Code of Practice ('COP') and a Statutory Review of the Greyhound Racing Act 2017.
- 3.4.8 The review of the then-draft Welfare Code appeared to be more focussed on "being seen to do the right thing, or fulfil previous public and Government undertakings and commitments" in a way that "will have little impact on participants", and accordingly, will provide no real or meaningful animal welfare reforms or advancement in animal welfare practices and standards or outcomes. In short, the draft Code merely presented as peripheral window-dressing. As such, the Minister's endorsement of the COP has rightfully received wide-spread condemnation by animal welfare advocates and activists. For example, columnist and author Peter FitzSimons wrote a scathing piece titled 'Gone to the dogs: Why greyhound racing's new code is a complete crock'. The article read, in part: "Yeah, yeah, yeah. Minister? I have a question. Here, up the back. FitzSimons from the Herald. Minister, if your government is serious about looking after the animals in this brute of a sport, why have you given greyhound owners and trainers 16 years to meet your new kennelling standards? I quote your release: "All greyhound housing areas will need to be compliant from 1 January 2036" (FitzSimons 2020).

INHERENT INDUSTRY CONFLICTS

- 3.5 As outlined elsewhere in this submission, Australia is one of only seven (7) countries in the world that continues to permit the existence of a commercial greyhound racing industry. In Australia, the greyhound racing industry is financially supported by: (1) a gambling industry that is the largest per capita in the world and (2) Australia's main political parties. Studies have shown that on a per-capita basis, Australians lose the most money to gambling by a significant margin (Baidawi 2018). In Australia, it is estimated AUD\$4B is gambled on greyhound racing, and the greyhound racing industry generates an estimated AUD\$90M each year for the State Government in tax in NSW alone.
- 3.5.1 The NSW greyhound racing Industry has been frequently plagued with accusations of inherent conflicts of interest and wrongdoing steeped in serious allegations of industry mismanagement, inappropriate distribution of TAB funds, widespread mistreatment of dogs, race-fixing, drug use, money laundering, and alleged criminal activity.
- 3.5.2 The greyhound racing industry and those who participate and profit from the exploitation of greyhounds through racing and breeding for racing continue to commodify sentient beings as

- 3.5.2 commercial objects, and the individual greyhounds continue to pay the ultimate price. Their “welfare” is sacrificed and greyhounds continue to suffer and die, or are deliberately killed, under the misleading guise of “euthanasia”. The greyhound Industry has still not accepted its culpability, responsibility and accountability to the level expected by the public.
- 3.6 Like many Australians, Animal Liberation finds it abhorrent that in 2021 the greyhound racing industry and the NSW Government continues to view and treat greyhounds (companion animals) as economic commodities with a diminished value and less legal welfare, rights and protections afforded to them than their companion canine counterparts. Along with the public and health experts, Animal Liberation was alarmed that during the national health emergency resulting from the COVID-19 pandemic, the NSW State Government and industry considered greyhound racing and gambling to be an “essential service” (Logan 2020).
- 3.6.1 GRNSW’s stated role and purpose of commercial viability and industry participant support is in direct conflict with greyhound welfare. The establishment of an independent regulator was recommended by both the McHugh Inquiry and the Lemma Review (McHugh 2016). Both the inquiry and the review found that without an independent regulator there is a conflict of interest where GRNSW is regulating itself.
- 3.6.2 A review of various reports compiled and published by GRNSW and GWIC, including and in particular, the Injury Report, the Race Injury Review Panel Report and the Retirement and End of Life Report, confirms the ongoing and persistent entrenched issues associated with the continued racing and breeding of greyhounds in NSW.
- 3.6.3 The low level of trust and confidence in the NSW State Government and the NSW greyhound racing industry has arisen because of the evidenced performance and response to serious and ongoing issues surrounding the welfare of greyhounds and the industry’s own demonstration of “integrity”. This lack of trust and confidence has continued to gain momentum and strengthen in lieu of previous inquiries into greyhound racing and the general lack of pro-active measures, initiatives and improvement in the animal welfare and integrity spheres. In short, the public no longer has confidence in government’s and the industry’s level of objectivity, determinations or undertakings in relation to the NSW greyhound racing industry, including related inquiries or reviews.



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4. INTRODUCTION

- 4.1 The GRNSW development application is proposing the establishment of an animal boarding and training facility to support the GRNSW's industry GAP NSW programme. Touted as a "bespoke facility" intended to be the first of its type in Australia. The SEE claims the corresponding plans have been designed "with the strongest possible emphasis on the welfare of the greyhounds, respect for country and respect for neighbours as well as a focus on achieving high levels of sustainability within its design and the overall operations" (Gyde Consulting 2021).
- 4.1.1 According to the Applicant's SEE, "the proposed development provides for a significant positive benefit in terms of the animal welfare of the greyhounds and the quality of life that will be provided on site" (Gyde Consulting 2021).
- 4.1.2 The SEE goes on to claim that "best-practice greyhound welfare is a fundamental objective". We note that the first principal objective listed under Division 2 (Objectives and functions of GRNSW) of the Greyhound Racing Act 2017 is "to promote and protect the welfare of greyhounds" (see section 11). Similarly, we note that the sections of the Act relating to the granting of an operating licence (see section 25). The SEE notes that GRNSW is "obligated under the terms of its Operating Licence to establish a 'zero unnecessary euthanasia' date, which was initially set to be mid-2023". It confirms that "it is now GRNSW's intention to reach this goal ahead of the original target date" and provides an overview of the GAP program. For example, it states that "the 'Greyhounds as Pets' program matches greyhounds that are most suited to each individual adopter". According to the SEE, this supposedly "ensures that the program can obtain the best animal welfare outcomes for the greyhound and ensure an enriching lifetime experience for the new owner" [sic]. Similarly, this also claims to offer retired greyhounds who "cannot be adopted a positive and enriching life on site being properly cared for and managed by staff on site, which also contributes to meeting the 'zero unnecessary euthanasia' policy").
- 4.1.3 The Applicant claims the development is "designed to ensure all greyhounds have quality care and homing for their lifetime", including a 'boarding kennel and training establishment' and 'greyhound rehabilitation centre' to be managed by "veterinary professional [sic] and animal behaviour experts and provide a pathway through to the Greyhounds as Pets (GAP) rehoming program". It goes on to state that "any greyhounds not suitable for the GAP program and deemed unsuitable for pet life, even after long-term rehabilitation, will remain at the facility and live comfortably for the rest of their natural lives, and their welfare

- 4.1.3 will be regularly monitored and actively maintained through appropriate care and enrichment" (Gyde Consulting 2021).
- 4.1.4 Animal Liberation strongly refutes the Applicant's claims, assertions and assumptions outlined in subsections 4.1.1-4.1.3.
- 4.2 For the public record, on numerous occasions Animal Liberation sought access to the State Government-issued GRNSW Operating Licence during the 2020 public consultation and Statutory review of the Greyhound Racing Act 2017, which included Terms of Reference inclusion No 'D' ('the appropriateness of the terms of an Operating Licence granted to GRNSW'). Animal Liberation was repeatedly denied access to this licence by GRNSW, GWIC and the NSW Office of Racing. The actual "review" of the Operating Licence was inappropriately undertaken, separately by the NSW Department of Customer Service, as part of the Statutory review of the Act. This only further reinforces cynicism about the industry's ongoing lack of transparency.
- 4.3 It is completely baffling to Animal Liberation that GRNSW has proposed state-of-the-art and modern kennel comfort for industry-discarded racing greyhounds, yet it also endorsed the industry's own Code of Practice ('COP') for Greyhound Welfare which allows racing greyhounds and those retained for greyhound breeding to be frequently housed in sub-standard and non-compliant kennels. Notably, GRNSW industry participants have up until 2036 to make these kennels compliant.
- 4.3.1 Similarly while the proposed development includes a temperature controlled environment for maximum 'animal welfare', racing greyhounds are still forced to race or trial at speeds of up to 60 km per hour, in all weather conditions, including in temperatures of up to 38 degrees celsius.
- 4.3.2 GRNSW has proposed that a a No Kill approach will be adopted towards all greyhounds at the proposed facility, with those "deemed unsuitable for pet life, even after long-term rehabilitation" remaining on-site "for the rest of their natural lives". In addition, the SEE states that "their welfare will be regularly monitored and actively maintained through appropriate care and enrichment". Yet simultaneously GRNSW are and will continue to pay veterinary practitioners to kill greyhounds who have suffered injuries on race tracks.
- 4.3.3 It is ironic, given its own shameful history, that GRNSW purports to be genuine in its endeavours to promote animal welfare for the very greyhounds they themselves, as the commercial arm of the NSW greyhound racing industry, simultaneously exploit. It is critical to note that it was their own damning failure, at every 'animal welfare' juncture, that resulted in the establishment of GWIC and the removal of animal welfare and integrity responsibilities from GRNSW.

4.4 The official RSPCA Australia policy on greyhound racing sums up the inherent issues with the industry's ongoing breeding v. rehoming dilemma:

4.4.1 *"...while commercial greyhound racing continues, there will not be enough suitable homes available to absorb the large number of dogs produced each year. This is the case even when taking into account the small proportion of greyhounds that may be kept by the owner or rehomed through adoption programs. The turnover rate for unwanted greyhounds is very high with an average number of career starts at only 31 starts for each greyhound and an estimated average career turnover time of approximately 1.2 years. Therefore, greyhound racing will continue to result in high euthanasia rates. In order to match birth rates to rehoming capacity, the required reduction in the number of greyhounds bred each year would be so significant that industry would not be sustainable".*



5. POINTS OF OBJECTION

GENERAL

- 5.1 Animal Liberation supports the concept of ethical and meaningful animal life-saving as opposed to life-taking. However, our objection is also founded on our valid, serious and substantiated concerns regarding the evidenced operation and performance of GRNSW's industry-managed Greyhounds as Pets ('GAP NSW') programme. Our concerns are compounded by the inherent conflicts of interest between GAP NSW and GRNSW's commercial interests.
- 5.1.1 While on the surface the concept of pro-active life-saving is appealing, the proposed development is large-scale. On close inspection and consideration of the scale, character and nature of the development, including the housing of 400 discarded GRNSW greyhounds in 20 blocks with 20 kennels each, the proposal appears to be more about devising a solution to managing greyhounds deemed by the industry and its participants as no longer viable or profitable that is palatable to the public. Though the proposed development has a rescue and rehoming element, we have significant concerns that the facility will in fact facilitate the warehousing of discarded GRNSW greyhounds.
- 5.2 The information provided by the Applicant in the SEE and corresponding documents is scant, confusing and completely inadequate to enable an adequate planning assessment, as the following matters illustrate:
- 5.2.1 The Applicant's submitted documents include conflicting information in relation to 'receptors'. This necessarily poses difficulty in assessing the corresponding risks and impacts. For example, the acoustic report states R1, R2 and R3 are located at 700, 570 and 800 metres from the proposed site, respectively (Stantec Australia P/L 2021: 2). In contrast, the SEE states that the same receptors are located 460, 570, and 850 metres away (Gyde Consulting 2021: 34).
- 5.3 It is essential and a non-negotiable component of the development application process that the information an Applicant submits is accurate and reliable in order to enable assessment of all risks and impacts (including noise, odour, dust, amenity and environmental impacts).
- 5.3.1 We note the surrounding residential properties are situated 460, 570 and 850 metres from the proposed kennels. In Appendix L, the Odour Assessment, it is suggested that a detailed modelling approach was "not considered necessary" (RWDI 2021: 11).

- 5.3.1 Taking into account the consequences to nearby residential properties and human health and wellbeing, this attitude and response by the Applicant is completely unsatisfactory. A proposed development of this scale and the likely cumulative risks and impacts from existing and proposed activities requires thorough assessment that enable informed consideration prior to decision making. The absence of sound data necessarily detracts from the ability to reach an informed decision.
- 5.3.2 In addition, these nearby residential properties will be impacted by excessive noise and loss of amenity due to the presence of 400 dogs and the 24-hour per day kennel operations and activities.
- 5.4 The Applicant's submitted information regarding tree removal is confusing.
- 5.4.1 In Section 3.5 of the SEE, it states: "there are 4 trees to be removed on site. Three require removal for the construction of the veterinary clinic and the other is required for the construction of the pond" (Gyde Consulting 2021: 15). Then, in Section 6.4.1 of the SEE, it states: "there are four trees on site which require removal for the development of the veterinary clinic, and a fourth which is required for removal for the construction of the pond" (Gyde Consulting 2021: 31). By Animal Liberation's calculation, the tree removal would involve five trees, not four and two of them are a native species.
- 5.4.2 While other native trees scattered on the site will remain, it is highly likely that biodiversity will be impacted from the presence and barking of 400 dogs who are trained and conditioned to chase.
- 5.5 Ultimately, Animal Liberation contends that this proposal represents a \$30-million-dollar attempt to assuage public outrage and condemnation of the industry's greyhound 'wastage', abandonment, euthanasia and killing. In spite of the Applicant's best endeavours to present this proposal as a shelter or a sanctuary, Animal Liberation rejects this proposition. We believe, based on GRNSW's and GAP NSW's history and performance, that the proposed facility is no more than a state-of-the-art warehouse in which large numbers of individual, slow, unprofitable and discarded greyhounds will be stockpiled by the same industry who bred, exploited and then discarded them.
- 5.5.1 We note the Applicant's assertion, in Section 6.3.3. of the SEE under Design and Aesthetics, that "the design is focussed on creating an environment and experiences that will make greyhounds feel comfortable, secure, loved and easily cared for, throughout their life. The design team focussed on making every day a happy experience for every dog as the criterion for the assessment of every design proposition under consideration in the design process" (Gyde Consulting 2021: 31). Animal

5.5.1 Liberation would question who consulted or independently considered the greyhounds on this matter, who have likely never felt comfortable, secure, loved or cared for, and as such may not have the history of experiences to enable the comprehension of this concept.

5.6 Self-regulation is a conflicted and problematic approach to the management animal welfare. This is because at its core, self-regulation relies on a promise by industry to abide by animal welfare standards, which are themselves woefully inadequate, rather than meaningful or independent monitoring and enforcement mechanisms.

5.6.1 Due to the highly complex and technical nature of this DA and EIS, we believe Council has a duty and responsibility to engage and establish an Independent Hearing and Assessment Panel ('IHAP') to ensure key and critical areas that require specialist technical oversight are adequately assessed by experts in their given fields of knowledge and experience.

LEGISLATION, STATUTORY PLANNING INSTRUMENTS AND OTHER PLANNING CONSIDERATIONS

5.7 In addition to applicable planning instruments, regulations, and Government guidelines, in line with Section 4.15 of the Environmental Planning and Assessment Act 1979 council must also take the following matters into consideration. The provisions of particular interest are:

1(b) the likely impacts of that development including environmental impacts on both the natural and built environments and social and economic impacts in the locality;

1(c) the suitability of the site for the Development;

1(d) any submissions made in accordance with this Act or the Regulations and;

1(e) the public interest.

5.8 The Applicant has failed to identify, respond to and address all risks and impacts, including cumulative risks and impacts, and 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.

5.8.1 Animal Liberation contends the lack of detail and the omission of detail in the Applicant's DA and SEE will greatly restrict Council's ability to undertake a comprehensive, objective and

- 5.8.1 meaningful development assessment in line with the mandatory and applicable planning instruments and public expectations.
- 5.8.2 Critically, the absence or omission of such detail can significantly impede sound and effective assessment. Decision making can thereby become flawed and potentially generate or contribute 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 assumptions, their own self-regulation and a number of non-mandatory practices.

LOCAL ENVIRONMENT PLAN

- 5.9 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 the Muswellbrook Council Local Environmental Plan 2009 ('LEP') in determining applications for development in the Muswellbrook Shire Local LGA.
- 5.10 Under Section 1.2, the "Aims" of the LEP include:
 - 2A(i) productive agricultural land and;
 - 2A(ii) timber, minerals, soils, water and other natural resources;
 - 2A(c) to promote ecologically sustainable urban and rural development;
 - 2A(d) to manage development in flood-prone areas by ensuring any obstruction, re-direction or pollution of flood waters will not have adverse consequences for the environment or increase the risk of endangering life or property;
 - 2F to protect and conserve -
 - (i) soil stability by controlling development in accordance with land capability;
 - (ii) remnant native vegetation;
 - (iii) water resources, water quality and wetland areas, natural flow patterns and their catchments and buffer areas;
 - 2G to provide a secure future for agriculture by expanding Muswellbrook's economic base and minimising the loss or fragmentation of productive agricultural land;
- 5.11 While the proposed 'Animals Boarding or Training Establishment' is permitted with consent on the site zoned RU1 Primary Production, we

- 5.11 contend that the enormous scale and character of the GRNSW proposal is conflicting and at odds with the following RU1 zone objectives as outlined in the LEP:
- 5.11.1 To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
 - 5.11.2 To encourage diversity in primary industry enterprises and systems appropriate for the area.
 - 5.11.3 To minimise the fragmentation and alienation of resource lands.
 - 5.11.4 To minimise conflict between land uses within this zone and land uses within adjoining zones.
 - 5.11.5 To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
 - 5.11.6 To maintain the rural landscape character of the land in the long term.
 - 5.11.7 To protect or conserve (or both):
 - (a) soil stability by controlling development in accordance with land capability;
 - (b) trees and other vegetation;
 - (c) water resources, water quality and wetland areas, and their catchments and buffer areas;
 - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.
- 5.12 The Applicant has not adequately considered or addressed potential risks and impacts which apply to the LEP objectives of zone RU1, including the “precautionary principle” which requires ecologically sustainable development (‘ESD’).
- 5.12.1 We reject the Applicant’s assertion that “the proposal is consistent with the zone objectives” (Gyde Consulting 2021: 26).
 - 5.12.2 Neither greyhounds nor other breeds of dogs, including those in a ‘Boarding or Training Establishment,’ are deemed to be either “primary production” or “a complimentary use to primary production”. Further, this enormous large-scale development will, rather than “sit within the rural landscape”, obscure the rural landscape as a “dominant feature” and thereby infringe upon other amenities in the area.

- 5.12.3 The Applicant's claim that "the proposal is not likely to significantly affect threatened species or ecological communities, or their habitats" (Gyde Consulting 2021: 23) is completely inadequate and highly offensive given the serious threats being faced by 1,000 fauna and flora species in NSW (DPIE n.d.). The 'precautionary principle' must be applied in environmental planning decision-making, with the conservation of biological diversity and ecological integrity being a fundamental consideration (Peterson 2006). The 'precautionary principle' requires decision-making to give the environment the benefit of the doubt (Stirling 2007).

STATE ENVIRONMENTAL PLANNING POLICIES ('SEPPs')

- 5.13 In accordance with Section 1.9 ('Application of SEPPs') of the LEP, 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.
- 5.13.1 The Applicant's SEE has failed to include all relevant and applicable SEPPs that may apply and must be thoroughly considered during the assessment of the Applicant's DA.
- 5.13.2 In response to State Environmental Planning Policy No. 55 - Remediation of Contaminated Lands ('SEPP 55') and provisions to promote the remediation of contaminated land, the Applicant's almost flippant claim that "the previous use of the land is for a horse stud [and] it is considered that the use of the property means for a low likelihood of contamination" is inadequate given the land has also previously been used for grazing and there may be contamination on the property.
- 5.13.3 Animal Liberation contends that referral to Transport for NSW, in line with State Environmental Planning Policy (Infrastructure) 2007, is warranted to ensure those experienced and qualified to assess risks and impacts, including any mitigation with vehicle movements and local safety required, can adequately assess the Applicant's assertions and assumptions.

DEVELOPMENT CONTROL PLAN ('DCP')

- 5.14 The aims of the Muswellbrook Shire Development Control Plan 209 ('DCP') include:
- (a) To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area;

- (b) To identify and to detail public notification requirements in accordance with section 74C of the Environmental Planning and Assessment Act 1979 ('EP&A Act');
- (c) To promote a more simplistic framework for dealing with Development Applications ('DAs') consistent with the amended requirements of the EP&A Act;
- (d) To encourage and assist effective community participation in the decision-making process;
- (e) To provide a more accessible and understandable set of guidelines to the general public and;
- (f) To apply common or consistent requirements and procedures in the assessment of all applications.

5.15 The DCP is a development control plan prepared under Section 74C of the EP&A Act and the Environmental Planning and Assessment Regulations. Section 74C(5) in the EP&A Act provides that, in the event of any inconsistency between this DCP and the provisions in an environmental planning instrument (e.g., a SEPP, Regional Environmental Plan or LEP), the environmental planning instrument shall prevail.

5.15.1 While the Applicant states that "the proposal satisfies both the objectives and the prescriptive requirements of the Muswellbrook DCP 2009 as detailed in the Planning Compliance Table prepared by GYDE and provided at Appendix I", Animal Liberation has been unable to confirm the actual kennel sizes in either Appendix C documents (i.e., DA-2021-129 Appendix C: Architectural Plans Part 1 and 2 by Tzannes 2021).

5.16 Animal Liberation highlights Section 8.2.1 of the DCP, 'Rural and Environmental Zone Development', and the following Objectives and Controls:

- (a) To ensure that the location of buildings do not detract from the natural or rural setting or scenic qualities of a site.
- (b) To ensure that buildings do not dominate the surrounding natural landscape features.
- (v) Privacy and views of neighbouring houses are reasonably retained.

5.17 It is Animal Liberation view that the proposed development does not adhere to the above Objectives and Controls.



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ANIMAL WELFARE

- 5.18 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.
- 5.18.1 Animal welfare, as expected and indeed demanded by the community and public, includes animals being entitled to rights, welfare and protections under the internationally recognised '5 Freedoms' (Manning et al. 2021). This includes both physical and mental state, and good animal welfare implies both fitness and a sense of well-being (Mellor 2016).
- 5.19 The Applicant's fleeting responses and many assumptions relating to animal welfare considerations demonstrates a disconnected and dismissive attitude towards strong community and public views. Section 79C(1)(b) of the EP&A Act requires decision-makers to take into account the social impacts of a proposed development. Consideration of increasing widespread public expectations regarding the welfare of animals (Futureye 2018; McGreevy et al. 2019) must therefore be given adequate weight in this DA's review and assessment.
- 5.19.1 Though the Applicant confirms the facility is intended to house up to 400 greyhounds, it does not clarify whether these dogs will all be adult dogs or whether some will be puppies. The latter would necessarily require additional care and management.
- 5.19.2 The Association of Shelter Veterinarian ('ASV') Guidelines 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) (Newbury et al. 2010). 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.
- 5.19.3 The Applicant confirms the facility will operate 24-hours per day and "will employ the equivalent of 24 full time staff and volunteers" (Gyde Consulting 2021: 11). As a 24-hour operation, staff or volunteers will be rostered and not all available to care for up to 400 dogs at the same time, to cater for and accommodate the broad and extensive range of duties and

- 5.19.3 responsibilities, many of which are undertaken daily (including feeding, watering, drain and kennel cleaning, disposal of faeces into the biogas unit exercise, enrichment and training).
- 5.19.4 Based on 400 dogs and a volunteer heavy workforce, the proposed staffing levels are seriously deficient and will prevent adequate monitoring of dogs for disease, possible whelping complications and basic care (e.g., cleaning and feeding), exercise, enrichment and training. We are very concerned that the Applicant's estimated workforce will seriously compromise the health and wellbeing of the dogs and would risk ensure good hygiene and enrichment for the proposed number of dogs.

5.20 In addition, we believe that the Applicant has:

- 5.20.1 failed to explain or qualify what dog and greyhound-specific knowledge, experience or general canine care and management skills, qualifications or experience applies or will be required by staff and volunteers who would be responsible 24/7 for the welfare and wellbeing of all dogs at the facility.
- 5.20.2 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.
- 5.20.3 failed to adequately articulate the day-to-day operations at the facility. For example, the Applicant has not included any details about records management or disease management, including the required quarantine/isolation area. Nor has the Applicant provided any details regarding general veterinary care, including worming, desexing, vaccination, microchipping and registration requirements.

5.21 Given GRNSW is attempting to present the DA as a proposed shelter or sanctuary, it is imperative they include details relating to public reporting as is undertaken by NSW Local Government Councils, RSPCA and AWL.

SITE ANALYSIS: CONNECTING WITH COUNTRY

- 5.22 The SEE includes a subsection (ss2.7.4) on “connecting with country”. This subsection includes an account of this in the context of canines, specifically dingoes.
 - 5.22.1 Humans relate strongly to dogs (Franklin 2017). As the SEE explains, Aboriginal peoples have long relationships with other-than-human animals, many of which form part of the Dreaming and other important cultural stories. The SEE highlights the cultural relationship of Aboriginal peoples with canines,

- 5.22.1 particularly dingoes (Gyde Consulting 2021: 9-10). However, the account included in the SEE contains several important inaccuracies. The following section will provide a brief overview of the history of dingoes in Australia before responding to several identified inaccuracies in ss2.7.4 of the SEE.

A BRIEF HISTORY OF THE DINGO

- 5.23 Though the dingo has one of the most ambiguous taxonomic identities of all Australian species (Hyttén 2009; Smith et al. 2019), it is defined as a separate canid species (*Canis dingo*) because they are sufficiently distinct from the domestic dog (*Canis familiaris*) to warrant a distinctive taxonomical name (i.e., *Canis dingo*) (Crowther et al. 2014; Yadav et al. 2021). Though the exact timeframe is debated, DNA studies suggest that dingoes arrived on the Australian continent between 5,000 (Savolainen et al. 2004) and 18,000 years ago (Oskarsson et al. 2012). This represents one of the earliest instances of human-assisted migration (Philip 2017).
- 5.23.1 Dingoes were subsequently adopted into Aboriginal society and maintained a symbiotic partnership that constitutes their recognition as a cultural keystone species (Philip 2021). They are culturally important to Indigenous peoples (Meehan et al. 1999; Smith and Litchfield 2015), played an important role in the protection of women and children (Philip 2017) and are a regular feature of indigenous culture and Dreamtime stories (Smith and Litchfield 2010). Their presence across the country at the time of European invasion was ubiquitous, with some claiming that “it is difficult to find an ethnographic/historic image of mainland Aboriginal camp life or gathering that does not include dingoes” (Balme and O’Connor 2015). The cultural importance and value of dingoes is evidenced by the fact that they were the only animals given formal burials (Meehan et al. 1999; Gunn et al. 2010).
- 5.23.2 The Kundi-Djumindju people of the Northern Territory, for example, perform a corroboree that explains the arrival of the dingo in Australia, including dancers who show the dingo arriving with sea-farers (Corbett 1995). Until 1960, when a 3,000-year-old fossil of a young Gino was found, it was believed that Aborigines had brought the dingo to Australia (Breckwoldt 1988). At the time, this fossil was the oldest of its kind and coincided with the dating of rock paintings of dingoes (Mulvaney and White 1987). This provided the basis to show that while scientists had miscalculated both the timeframe and the mechanism of the arrival the dingo in Australia, the Kundi-Djumindju people had been correct (Parks 2006). Unlike the colonial perspectives of European settlers, Aboriginal myths are not influenced or informed by an appetite to control or exploit the environment and its inhabitants. Rather, the latter “impart the belief that heaven is here and now in the present environment and that the land must be passed on to the next generation in good condition” (Parker 2006).

5.24 Dingoes are also ecologically important (Yadav et al. 2021). A “keystone species” is an ecological term used to describe species that are pivotal to the composition and resilience of ecosystems (Paine 1966). These species are “ecosystem architects” (Philip 2016) insofar as they exert a disproportionate influence on the structure and function of the environment (often in spite of their relatively small population) (Virginia and Wall 2013). In instances where their keystone role provides important services or benefits to human society, such species become important components of cultural systems that utilise and support their ongoing health and presence. Thus, a “cultural keystone species” is one that is valued for these reasons (Garibaldi and Turner 2004). The marginalisation of cultural or ecological keystone species causes ecosystem degradation, the loss of traditions and impacts cultural diversity (Rose 1992; Philip 2016). As such, the dingo is both an ecological (Purcell 2010) and cultural keystone species (Philip 2021).

5.24.1 Despite widespread acknowledgement and increasing awareness of the importance of dingoes in cultural and ecological contexts, they are a species “whose extinction is actively being sought by some segments of human society” (Rose 2011).

GENERAL RESPONSE TO SUBSECTION 2.7.4

5.25 The following, described as an extract “provided by Alison Page”, is taken from ss2.7.4 of the SEE (Gyde Consulting 2021: 9):

5.25.1 *Aboriginal people have had long cultural relationships with animals, which are part of the Dreaming, totems stories embedded in the landscape. There is a long cultural relationship with dogs, which dates back to the introduction of the dingo thousands of years ago. Today the dingo has been largely replaced by domestic dogs. There are many dog Dreaming sites located around the Australian continent and each has its own and often interconnected story of creation and movement of the dingo through the country (Bob Gosford in Crikey). Dingoes have been on the Australian continent for thousands of years, and they have been woven into the fabric of Indigenous peoples’ lives, law and culture. In many Indigenous communities, there is no distinction between dingoes and introduced dogs when applying beliefs and laws about dogs. Some dogs are given skin names and in some instances are granted status such as parent, grandparent, aunt or child. In certain areas dogs are also believed to be direct reincarnations of Ancestors.*

Dogs serve a number of roles such as companion, physical and spiritual protector, hunter, and on cold winter nights they are a source of warmth. Older people in Indigenous communities tend to have more dogs than young people, due in part to their senior status but also for protection. There is also the belief that dogs provide spiritual protection from bad spirits who inhabit the world, especially at night”.

5.26 The following, described as an extract “provided by Alison Page”, is taken from ss2.7.4 of the SEE (Gyde Consulting 2021: 9):

5.26.1 *“Indigenous peoples around the world have had long cultural relationships with animals. They are part of our dreaming; our totems and their stories are embedded in our landscape. There is a long cultural relationship with dogs, which dates back to the introduction of the dingo thousands of years ago. Today the dingo has been largely replaced by domestic dogs. ‘There are many dog dreaming sites located around the Australian continent and each has its own and often interconnected story of creation and movement of the dingo through the country,’ wrote Bob Gosford in Crikey. Dingoes have been on the Australian continent for thousands of years, and they have been woven into the fabric of Indigenous peoples’ lives, law and culture. In many Indigenous communities, there is no distinction between dingoes and introduced dogs when applying beliefs and laws about dogs. Some dogs are given skin names and in some instances are granted status such as parent, grandparent, aunt or child. In certain areas dogs are also believed to be direct reincarnations of ancestors.*

Dogs serve a number of roles such as companion, physical and spiritual protector, hunter, and on cold winter nights they are a source of warmth. Older people in Indigenous communities tend to have more dogs than young people, due in part to their senior status but also for protection. There is also the belief that dogs provide spiritual protection from bad spirits who inhabit the world, especially at night”.

5.27 The following graph provides a brief visual synopsis outlining the notable similarities between the two preceding passages.

Fig. 4: Comparison of Page and Smallacombe text
Continued overleaf

270 words 89% matched		261 words 92% matched
have had long cultural relationships with animals	<< 7 words >>	have had long cultural relationships with animals
landscape. There is a long cultural relationship with dogs, which dates back to the introduction of the dingo thousands of years ago. Today the dingo has been largely replaced by domestic dogs.	<< 36 words >>	landscape. There is a long cultural relationship with dogs, which dates back to the introduction of the dingo thousands of years ago. Today the dingo has been largely replaced by domestic dogs.
There are many dog	<< 4 words >>	There are many dog
sites located around the Australian continent and each has its own and often interconnected story of creation and movement of the dingo through the country	<< 25 words >>	sites located around the Australian continent and each has its own and often interconnected story of creation and movement of the dingo through the country
Bob Gosford in Crikey	<< 4 words >>	Bob Gosford in Crikey

Fig. 4: Comparison of Page and Smallacombe text
Continued from overleaf

<p>. Dingoes have been on the Australian continent for thousands of years , and they have been woven into the fabric of Indigenous peoples ' lives , law and culture . In many Indigenous communities , there is no distinction between dingoes and introduced dogs when applying beliefs and laws about dogs . Some dogs are given skin names and in some instances are granted status such as parent , grandparent , aunt or child . In certain areas dogs are also believed to be direct reincarnations of</p>	<p><< 88 words >></p>	<p>. Dingoes have been on the Australian continent for thousands of years , and they have been woven into the fabric of Indigenous peoples ' lives , law and culture . In many Indigenous communities , there is no distinction between dingoes and introduced dogs when applying beliefs and laws about dogs . Some dogs are given skin names and in some instances are granted status such as parent , grandparent , aunt or child . In certain areas dogs are also believed to be direct reincarnations of</p>
<p>. Dogs serve a number of roles such as companion , physical and spiritual protector , hunter , and on cold winter nights they are a source of warmth . Older people in Indigenous communities tend to have more dogs than young people , due in part to their senior status but also for protection . There is also the belief that dogs provide spiritual protection from bad spirits who inhabit the world , especially at night .</p>	<p><< 78 words >></p>	<p>. Dogs serve a number of roles such as companion , physical and spiritual protector , hunter , and on cold winter nights they are a source of warmth . Older people in Indigenous communities tend to have more dogs than young people , due in part to their senior status but also for protection . There is also the belief that dogs provide spiritual protection from bad spirits who inhabit the world , especially at night .</p>

5.28 Animal Liberation has no option but to conclude that the extract, allegedly “provided by Alison Page” and subsequently published in the SEE, heavily appropriates and in many instances directly plagiarises the 2020 Guardian article written by Sonia Smallacombe. In fact, over 90% of the extract included in the SEE directly matches the text published in the Guardian attributed to Sonia Smallacombe rather than “Alison Page”. This necessarily causes associated concerns relating to references in the SEE to Alison Page engaging in additional community research.

RESPONSE TO INACCURACIES TO SUBSECTION 2.7.4

5.29 In addition to the issues and concerns outlined above, the following subsections of this submission will provide responses to various elements that we believe constitute an inconsistency.

5.30 *“The dingo has been largely replaced by domestic dogs”.*

5.30.1 Subsection 2.7.4 of the SEE maintains that “the dingo has been largely replaced by domestic dogs” (Gyde Consulting 2021: 9). The following subsection provides a brief response to this claim, citing peer-reviewed evidence to conclude that it’s premise and conclusion is false.

5.30.2 Though this characterisation has been utilised to raise concerns regarding the “hybridisation” or inter-breeding of dingoes with domestic dogs and associated concerns regarding the relative purity of dingo genetics (Davidson 2004), contemporary evidence overwhelmingly shows that the majority of wild canids are predominantly dingo (Cairns et al. 2020). Almost all (~99%) wild canids are genetically more than half dingo (Cairns et al. 2021). Interbreeding between domestic dogs and dingoes is, in fact, rare (Lu 2021). Recent assessments have therefore suggested that “the survival of wild canids with less than 50% dingo ancestry is poor” (Cairns et al. 2021). This conforms with available evidence elsewhere. For example, the reproductive success rate of stray, abandoned or lost domestic dogs in the

- 5.30.2 wild is low, with pups rarely surfing over a year (Boitani et al. 1995; Boitani et al. 2006).

RESPONSE TO PROPOSED COMMUNITY ENGAGEMENT

- 5.31 Animal Liberation fully supports proposals to consult, involve and utilise the perspectives of Aboriginal peoples. To paraphrase the work of Danièle Hromek, identified within the SEE as assisting community engagement for the project (Gyde Consulting 2021: 10), we acknowledge that for Aboriginal peoples space is full of and held by country (Hromek 2019). We similarly acknowledge that the concept of “country” itself is a spatial unit and that its origins are traced on tracks of creator beings across the continent (Rose 2011).
- 5.31.1 One of the most significant Dreamtime sites is known as ‘Bunjils Shelter’ (Clark 2014). It is significant because it contains a depiction of the creator being in his ancient form. ‘Bunjil’, the Great Ancestor Spirit, created the world, including its plants, animals and people (Philip 2016). Bunjils Shelter is believed to be where the spirit sat with two dingoes to gaze out over his creations.
- 5.31.2 Multi-species kin groups are the result of creation and that the term “Dreaming” applies to the ancestors of these groups (Rose 2011). The Dreaming is a form of animism which recognises that “the world is full of persons, only some of whom are human, and that life is always lived in relationship with others” (Harvey 2006). Ethics within this context, by definition, does not exclude animals (Rose 2011).
- 5.32 The SEE proposes to enlist a “design team” to “engage with the local community to understand more about the stories relating to the area and ways in which they can be interpreted into the details design of the site and its purpose ” (Gyde Consulting 2021: 10). It proposes to do so under the assistance of Professor Daniele Hromek and Alison Page.
- 5.32.1 In light of the concerning nature of the text provided in the SEE, as outlined in subsections 5.4-5.7, Animal Liberation has concerns regarding the viability or veracity of its outcomes or conclusions.



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6. SUMMARY AND CONCLUSION

- 6.1 Animal Liberation contends the proposed development includes significant 'development' and 'operational' risks and impacts to the greyhounds, surrounding neighbours and the environment, and that these risks and impacts cannot be managed or mitigated by site design or operational practices.
- 6.1.1 We disagree that the proposed development can or will maintain harmony with the landscape", or that proposed future planting once established will further settle the buildings into the site." This is an extremely large scale development, similar in scale and character to the development of a service station or shopping centre, and will forever negatively change, risk and impact the character and harmony of the existing landscape.
- 6.1.2 We strongly refute the Applicant's claims and the accuracy of these claims, included those contained within the Design Statement provided in Appendix J by Tzannes, which states that the design of Bylong Park Farmstay "reflects a deep understanding of the physical and psychological requirements of greyhounds in short, medium, and long-term care" (Adronicos in Tzannes 2021: 8)
- 6.2 Animal Liberation contends the Applicant 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. Similarly, we contend that the Applicant has failed to adequately demonstrate how they would monitor, avoid, minimise, mitigate, and manage these risks and impacts (including cumulative risks and impacts), as required under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 6.2.1 Importantly, in addition to the individual risks and impacts, and cumulative risks and impacts, the 'Precautionary Principle' must be applied in environmental planning decision-making and conservation of biological diversity and ecological integrity, should be a fundamental consideration. The 'Precautionary Principle' requires decision-making to give the environment the benefit of the doubt.
- 6.3 In closing, we concur fully with the following sentiments expressed by journalist Joseph Earp in his article titled 'A Staggering Number Of Greyhounds Have Died On The Track This Year' published on 17 November 2021:
- 6.3.1 *"Such figures are a stunning riposte to those in the industry who claim that dogs 'love to race', or that deaths are an aberration. The report proves that injuries and fractures are in fact the norm, and that the industry's death toll will continue the longer*

6.3.1 *that is allowed to prosper. The report doesn't even touch on the rude shock that 'retired' (read: rescued) racing greyhounds endure. While organisations like Greyhounds As Pets are committed to finding long-term homes for the animals after their time on the track is done, re-homing is a fraught and difficult process, with greyhounds often taking months to adapt to living in their new setting, and learning what it is like to be a dog. That, of course, is also a deeply necessary process, and ex-racing dogs can make beautiful and loving pets – personally, I owned an ex-racer for two years, and she was the most loving, beautiful dog I've ever encountered. But many will suffer ongoing health problems and behavioural issues from their time living in a cramped, tiny kennel, only encountering the world of humans when forced to run in cruel races”.*

6.3.2 Mr Earp's commentary sums up much of the vicious cycle inherent in the greyhound racing industry. These beautiful and gentle companions are born into an environment that views and treats them as commodities and disposable objects. Puppies bred and housed in intensive, profit-driven factory farms and face many of the same human-induced challenges and issues as do the adult 'breeding' dogs. For those greyhounds who 'survive' a short life in racing for gambling profits, their early housing, training and lack of any resemblance of 'normality' frequently sets them up for ongoing issues and sometimes, failure. This can lead to intentional and willful killing under the deceptive banner of 'euthanasia'.

6.4 In line with all points of objection outlined in our submission, Animal Liberation respectfully requests the relevant decision makers refuse consent for the proposed development as described in DA NO 2021/129.



SOURCES AND REFERENCE MATERIAL

APPLICANT DOCUMENTS

Appendix A - Survey-Plan
Appendix B - Communications-and-Engagement-Report
Appendix C - Architectural-Plans-Part-1
Appendix C - Architectural-Plans-Part-2
Appendix D - Stormwater-Management-Plan-and-Report_Part1
Appendix D - Stormwater-Management-Plan-and-Report_Part 2
Appendix D - Stormwater-Management-Plan-and-Report_Part 3
Appendix E - Hydraulic-Services-Utility-Report
Appendix F - Waste-Water-Management-Plan
Appendix G - Operational-Plan
Appendix H - Cost-Report
Appendix I - Development-Control-Plan-Compliance-Table
Appendix J - Design-Statement
Appendix K - Landscape-Plan_Part 1
Appendix K - Landscape-Plan_Part 2
Appendix L - Odour-Assessment
Appendix M - Acoustic-Report
Appendix N - Biogas-Report
Appendix O - Traffic-Impact-Assessment
Appendix P - Site-Waste-Management-and-Minimisation-Plan
Appendix Q - Bushfire-Assessment-Report
Appendix R - Flood-Impact-Assessment
DA-2021-129 - Notification-Plans
DA-2021-129 - Photomontages
DA-2021-129 - Statement-of-Environmental-Effects-Final

PLANNING INSTRUMENTS AND COUNCIL DOCUMENTS

Biodiversity Conservation Act 2016
Development-Control-Plan-Section-1-Introduction
Development-Control-Plan-Section-3-Site-Analysis
Development-Control-Plan-Section-8-Rural-Development
Development-Control-Plan-Section-13-Flood-Prone-Land
Development-Control-Plan-Section-14-Outdoor-Signage
Development-Control-Plan-Section-15-Heritage-Conservation
Development-Control-Plan-Section-16-Car-Parking-and-Access
Development-Control-Plan-Section-20-Erosion-and-Sediment-Control
Development-Control-Plan-Section-21-Contaminated-Land

SOURCES AND REFERENCE MATERIAL

PLANNING INSTRUMENTS AND COUNCIL DOCUMENTS

Development-Control-Plan-Section-22-Land-Use-Buffers
Development-Control-Plan-Section-23-On-Site-Sewage-Management-Systems
Development-Control-Plan-Section-24-Waste-Minimisation-and-Management
Development-Control-Plan-Section-26-Site-Specific-Controls
Draft State Environmental Planning Policy (Design and Place)
Draft State Environmental Planning Policy (Environment SEPP)
Draft State Environmental Planning Policy (Remediation of Land)
Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Act Regulation 2000
Heritage Act 1977
Hunter Regional Plan 2036
Muswellbrook Shire Council Local Environment Plan 2009
Muswellbrook Shire Council Development Control Plan 2009
National Parks & Wildlife Act 1974
Protection of the Environment Operations Act 1997
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy No 55 - Remediation of Land
State Environmental Planning Policy (Infrastructure) 2007

ANIMAL WELFARE LEGISLATION

Animal Welfare Code of Practice No. 1: Companion Animal Transport Agencies
Code of Practice for Breeding, Rearing and Education
Code of Practice for the Keeping of Greyhounds in Training
Companion Animals Act 1998
Companion Animals Regulation 2008
NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments
NSW Greyhound Welfare Code of Practice
Prevention of Cruelty To Animals Act 1979
Prevention of Cruelty To Animals Regulations 2021

GRNSW AND GWIC LEGISLATION AND DOCUMENTS

Betting and Racing Act 1998
Greyhounds As Pets, Greenhounds, Information for Independent Adoption Groups and Pounds
Greyhound Racing NSW Annual Reports - 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
Greyhound Racing NSW Race Injury Rebate Scheme
Greyhound Racing NSW, Rehoming - Rehoming Assistance Schemes
Greyhound Racing Act 2017

SOURCES AND REFERENCE MATERIAL

GRNSW AND GWIC LEGISLATION AND DOCUMENTS (CONT.)

Greyhound Racing Regulation 2019

Greyhound Re-homing Policy

Greyhound Welfare and Integrity Commission - Annual Report 2018/19 and Annual Report 2017/18

Greyhound Welfare and Integrity Commission Reports and Statistics - Breeding and Whelping, Injury Report, Race Injury Review, Retirement and End of Life Report Reports and statistics

Special Commission of Inquiry into the NSW Greyhound Racing Industry

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