

8 November 2018

Teedo and Liz Beggs,
[REDACTED]

Mr. Christo Crafford,
Coordinator Statutory Planning,
Macedon Ranges Shire Council.

Dear Christo,

**RE: Objection to Notice of an Application for an amendment to a Planning Permit
PLN/2015/294/A, 936 Bacchus Marsh Rd, Bullengarook**

We would like to lodge an official objection to the Notice of an Application for an amendment to a Planning permit for 936 Bacchus Marsh Road, Bullengarook. We can confirm that we are the owners of [REDACTED].

We are submitting this objection because a number of the 42 conditions of the current permit have not been complied with to date, even though the amendment states that the conditions have been met.

The conditions of the current permit that have not been met include:

1. Condition 4d states that there needs to be 'vegetation screening around the two sheds. These must be of indigenous native species with the following spacings:
 - Tree = 1 tree per 5m²
 - Shrubs = 1 per 2-3m²
 - Ground cover/grasses = 4-5 plants/per 1m²

As of 8 November 2019, no vegetation screenings around the two sheds have been planted.

2. Condition 16 states 'There are to be no more than 4 sheep, 2 alpacas and 30 poultry on the site at any time.'

These conditions were enforced due to the reckless overstocking and non-compliance of the land by the current owner. It is important to note that the Council required the owners remove the feedlot at the time and the permit required a revegetation and rehabilitation of the LMZ4 area occur.

As at 8 November 2019, we have sighted approximately 12 - 15 goats in a pen which is about 4 metres by 15 metres. There is another pen with similar dimensions that is housing 2 peacocks and guinea fowl. We have photographic evidence of the goats and have submitted these photos with this objection. Please note, these photos were taken on our property and at no time did we enter 936 Bacchus Marsh Rd.

The fact that the owners are currently not complying with the permit by having these animals on the property whilst trying to get an amendment to the permit is baffling and surprising to say the least.

It is important to note that these pens are not displayed on the Site Plan provided by Caddick Designs.

Further, over the past 18 months, we have also recorded many other goats (more than what is there now) and we do not know where these goats are now or how they were removed.

From our perspective, the odour that we endure as a neighbouring property is unpleasant. We also believe that keeping that many goats in one small area is unkind to the animals as we have never seen them removed from the pen.

We also often hear the peacocks making 'crying' noises at various times of the day and night. This sound is quite concerning to us and it sounds like the peacocks are in distress. They are also in an area that does not get any direct sunlight and we have never seen them taken out of this pen.

3. The Land Management Plan prepared for the LMZ4 section has not been implemented as required. The current permit states 'This is the area of rehabilitation, with the rehabilitation of the creek line proposed, planting of indigenous species, and weed and pest management. No livestock is to be kept in this zone. Livestock had been kept in this zone previously and overstocking was evident at a site inspection by Council officers in November 2015.'

Whilst there has been some planting in this LMZ4 section, it has not been completed in line with the agreed Land Management Plan.

4. The amendment does not mention any changes to the LMZ2 area but the site map states that they are requesting an increase to the planting area to 7,570 sqm from the current permit of 5,375.5 m². It is uncertain as to why this increase was not identified or noted in the amendment document.

This increase will impact us as neighbours as they will be requiring more water from their bores and we have already noticed that our bore is slower due to the strain on the water table. If this area is increased, we expect our bore to slow down even more.

In conclusion, we strongly object to the amendment to the current permit for the reasons outlined above. You have advised us that the Council are unable to ensure the conditions of permits are met and rely on the objections and complaints of others.

Given the fact that a number of the conditions placed on the current permit have not been met and the fact that they have goats already on the property, we are not confident that the suggested amendment will be complied with given the history.

If you would like any further information or would like to discuss anything further, please do not hesitate to contact us.

Yours Sincerely,

Teedo and Liz Beggs









[REDACTED]
[REDACTED]
[REDACTED]

Macedon Ranges Shire Council

Re: PLN/2015/294/A

Objection to above planning application amendment.

As a neighbouring property owner to the above land, I offer the following to support my objection.

The current permit (which was subject to a VCAT hearing and was granted with a vast number of conditions) has not been complied with, contrary to what has been stated in the amendment application. The failure to comply has been reported to the Compliance Officer of MRSC on many occasions in writing; I can provide the relevant correspondence if you require evidence. Reported failures to comply to date have included the following:

- The keeping of animals. There are currently many goats on the property, in excess of what is allowed under the existing permit (which is none), and there have previously been sheep and alpacas kept in areas not allowed under the permit.
- The area designated LMZ2 (total of 17,780m²) has a very specific area of 5,375.5m² permitted for “potato” crops, and 9904.5m² for rotational grazing. This use has never occurred, with the ground either left to grow over with weeds or gets ploughed up. The whole of the LMZ2 area has also been irrigated, which would indicate there is no intention to have grazing on this land.
- Condition 10 (c) states the amenity of the area is not detrimentally affected by numerous emissions including noise, dirt, grit, smell, fumes. The dirt that is constantly thrown over my property and possessions by the continuous activity on the subject site within LMZ2 significantly detrimentally affects amenity, as do the engines that start before 7am, 7 days a week.

This application attempts to amend the permit to change the use of LMZ2 however, the only reference to this change is an indicative plan with a bracketed reference to “a slight increase” and a passing part of a sentence in the covering letter. Nowhere else is the significant area change referenced, including on the amendment application form where it’s noted that the application only seeks to amend the “amount of animals onsite and location of animal keeping”. This amendment should not be approved, as it is an attempt to sneak in approval for the change of land use by being hidden in an application to amend how many animals are kept on site.

In addition to this, of the 17,780m² site area of LMZ2, more than 50% is currently under crop. The indicative plan provided in the permit application shows the whole area of LMZ2 to be covered by additional cropping less a setback off the boundary fences varying between 12-14 metre. The area of LMZ2 is currently under extensive horticultural cultivation in excess of what is permitted, which

clearly demonstrates there is no intention to comply with the original permit allowing 30.2% of the area to grow potatoes.

The application information provided in both the original approved application and the subsequent application for amendment contain erroneous statements designed to mislead. The property was first used to grow potatoes after the current owners came in, ploughed up the ground and planted them without a permit, before Council enforcement required them to cease without a permit.

The current owners have either not complied with, or are currently in breach of, many of the existing permit conditions; noting not all issues of non-compliance or breaches have been reported to Council by myself, as no enforcement action has been taken by Council to date that I am aware of.

The owners show no interest in maintaining the amenity of the area, the fact that we are in a Rural Conservation Zone seemingly does not apply to the owners of this property, which is evident by the constant dirt and noise emissions from their site.

My quality of life has significantly decreased since the activities by the owners of the property commenced; they show no regard to how their extensive horticultural activities impacts on adjoining properties. My house is constantly full of dirt and dust, as is my car [REDACTED] from the [REDACTED] where they are constantly ploughing. I cannot even hang clothes out on the line, many times I have had to rewash clothes as they are covered in dirt. They have no respect regarding noise pollution, which is apparent by the following:

- The running of engines (having them run at 6:30am on a Sunday morning is hardly reasonable).
- They have, I believe, peacocks who sound like a howling cat, but are incredibly loud. This is disruptive and prevents me from having quiet enjoyment of my property.
- Gun shots can often be heard from the property.

If allowed to expand their aggressive agricultural activities, it will have a significant and immediate negative impact on my living amenity.

As you may be aware, I submitted objections to the original permit however my objections were not considered to be valid. Allowing this permit to be varied will only go towards directly negatively impacting further on my quality of life on my rural property, which is a valid objection. It impacts of my ability to reasonably use my property, and on my ability to enjoy the peace and quiet that comes with country living. It is still my opinion that the original permit should not have been granted as the information provided in the application was not factual.

This amendment should not be granted for the above reasons stated. I am happy for any member of Council to attend my property and see the impact it has, rather than just reading on paper. I have attached a photo of the LMZ2 area which is only permitted to be 30% potato planted and the rest rotational grazing.

The photo attached with this objection shows the extent of the works being undertaken in LMZ2, as of yesterday, which is more than 50% of the area, and far in excess of the 30% currently allowed, along with how close to my house these works are.

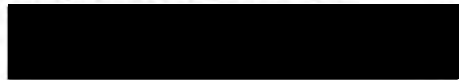
Regards

Stacey Dixon





Michael Seric & Juli Robinson



Macedon Ranges Shire Council

PO Box 151, Kyneton VIC 3444

6/11/2019

Re; PLN/2015/294/A

Dear Sir/Madam.

I am writing at this time to make known my objection to the proposed changes to Planning permit PLN/2015/294/A.

As you are no doubt aware, the planning permit was issued in March 2017 after a decision by the Victorian Civil and Administrative Tribunal (ref P1605/2016). Planning permit PLN/2015/294/A was then issued by MRSC based on the decision of VCAT Member Graeme David.

There are forty two conditions attached to the permit. Many have not been complied with and the applicants' claim that they have all been complied with in this application is patently untrue. Many of these conditions required compliance before the commencement of the use and development of the site. I have had repeated contact with MRSC about several instances of non-compliance with conditions in the time since the permit was issued.

Conditions 3 through 5 all relate to aspects of the requirement for an updated Land Management Plan. Revegetation, pest control and weed control are they key elements of these conditions. I believe they have not been met. . Condition 3 specifically addresses livestock presence in LMZ4 and also prohibits any horticultural activities in LMZ4.

Condition 4 d) requires that the two sheds be screened from view by vegetation screenings at specified plant spacings. This condition has not been complied with. There are no screening plants around the sheds.

Condition 7 relates to the applicants requirement to establish a section 173 agreement to protect LMZ4 as outlined in Mr. David's decision statement (paragraph 51 of VCAT ref P1605/2016) attached below. I questioned MRSC in an email dated 4/12/17 as to whether this agreement had been made and as we now find ourselves objecting to an application to carry out the very activities that the section 173 agreement was to prohibit, I can only assume the section 173 application was never lodged. This condition was a requirement before the use and development commenced. The fact that the applicant has stated on their application form that no such encumbrance exists corroborates this assumption.

1. Before the use and development commences, the owners of the land must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the *Planning and Environment Act 1987*. This agreement must provide for:
 - The owner of the land must implement all the recommendations and requirements of the *Land Management Plan* endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority. **This has not been done.**
 - The owner of the land must implement all the recommendations and requirements of the *Revegetation Plan* endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority. **This has not been done.**
 - The owner of the land must implement all the recommendations and requirements of the *Weed and Pest Management Plan* endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority. **This has not been done.**

Condition 16 states that there are to be no more than 4 sheep, 2 alpacas and 30 poultry on the site at any time. Livestock stocking rates have been well in excess of these figures for some time and there have been ten and fifteen goats plus several sheep housed on the property for some time, although the sheep have recently departed. The remaining goats are kept on numbers exceeding the allowed maximum by the existing permit and in deplorable conditions. The smell emanating from this pen is affecting the amity of the local area and is in contravention of condition 10 c), which requires that the emissions of smell or fumes must not detrimentally affect the area.

Condition 21 requires the modification of the large dam in the middle of the property to prevent natural runoff from entering the dam. To the best of my knowledge, this has not been completed.

Conditions 24, 30 and 33 require that during the construction phase, sediment and pollution control measures are required to prevent sediment runoff. **This has not been done.** None of the sediment or pollution control measures were put in place. The direct runoff from their property directly fills our dam in the lower portion of our property. Since overstocking and construction at 936 Bacchus Marsh road the water in our dam has turned orange and is unusable in Summer. (ref attached photo.)

The three water boards (Southern Rural, Western and Melbourne Water) all require that an area 20m either side of the creek is to be fenced off and re-vegetated in accordance with the Land Management Plan. This has not been carried out.

Part of the area designated as Land Management Zone 1 is currently used to house the goats in a feedlot style of enclosure. Population density appears to be quite high and the number of animals housed is in excess of the maximum allowed by the current planning permit. No reference on the site map is made to the current horticultural activities or plantings being undertaken in LMZ1, or of the feed lot enclosures.

Horticultural activity in LMZ2 is already in excess of the 0.53ha allowed in the existing permit. The entire zone has been cultivated repeatedly and the presence of irrigation infrastructure through the entire paddock seems to indicate that the applicant never had any intention of just cultivating the 0.53ha approved by the existing planning permit. This repeated cultivation has resulted in weed infestation, noise and dust onto neighbouring properties. The applicants claim in the application that the increase in size of this cultivated area is a 28% increase is factually incorrect, based on the original application. The increase in size the area proposed for planting is well in excess of 28%.

The applicant continually disposes of plastic and other waste through burning it in a heap in LMZ4, causing noxious fumes to billow across neighbouring properties. We continually find plastic wrapping/poultry feed bags etc along our boundary fence line.

This application to amend PLN 924/2015 must not be approved. The decision from VCAT and the original planning permit clearly require that a section 173 agreement be put in place to "lock in" the conditions of the original application and subsequent permit. The owner of 936 Bacchus Marsh Rd gave assurances during the VCAT hearing that they would be happy to comply with a section 173 and agreed to put a section 173 agreement in place. A section 173 agreement has not been actioned and as such, no applications to change the permit should be considered until such a time as ALL permit conditions have been complied with.

Placing a section 173 agreement over LMZ4 was a key condition to offset the demands on LMZ1, 2 and 3 which are now being heavily exploited. It was this condition which was claimed by the applicant and VCAT member David to provide the net overall benefit to the health and benefit of the waterway, i.e.. to address the requirements of ESO5 and RCZ3. This obvious lack of any benefit was the main factor in all of our previous objections.

In summary, our objections are based on the following points.

- Repeated blatant non-compliance with existing conditions.
- A reason for allowing stocking to resume in LMZ4 as other neighbouring properties also graze. The neighbouring properties are all larger than LMZ4 and not running Commercial horticultural activities as well as grazing.
- The decreased water quality we are experiencing due to activities immediately upstream and our inability to actually utilise the water due to pollution. No benefit to the waterway has resulted from ANY of the current activities on the site in keeping with the requirements of ESO5.
- The factual inaccuracies in the application.
 - The applicants claim the the dilapidated stockyards in their site plan support historical animal keeping. This is untrue. The applicants relocated the yards shortly after they purchased the property.

The scale of cropping activity in LMZ2 is grossly inaccurate. The whole zone is already under cultivation. Original purpose was to be combined cropping and grazing. It has been all cropping for some time.

Michael Seric & Juli Robinson

- Existing olive trees were planted by the applicant after purchase of the property and are within the 30m revegetation zone required by ESO5 and the current planning permit.
- Understated and misleading activities within all LMZ zones.
- the Section 173 agreement was to be put in place in LMZ4 to provide an offset for the intensive agricultural activity in LMZ1, 2 and 3. Without this offset. There will be ZERO benefit for the environment or waterway.
- No regenerative planting has taken place along the creek.

We look forward to discussing this application further. It should not be approved. We invite an inspection of 936 Bacchus Marsh Rd from within our property at [REDACTED]. We're sure it will provide a more accurate perspective on the activities currently being undertaken on the other side of the fence.

regards,

Michael Seric & Juli Robinson
[REDACTED]





