



## Department of Environment, Land, Water and Planning

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[p&a.north@delwp.vic.gov.au](mailto:p&a.north@delwp.vic.gov.au)

Ref:SP482274  
20221109 ac

Ms Suzane Becker  
Manager Strategic Planning and Environment  
Macedon Ranges Shire Council  
PO Box 151  
Kyneton Vic 3444

Attn: Daniel Hall

Dear Ms Becker

### **PLANNING SCHEME AMENDMENT APPLICATION C145MACR**

Thank you for your letter dated 13 October 2022 about the above planning scheme amendment.

I provide this response under delegation from the Minister of Environment and Climate Action.

The following comments from the Department of Environment, Land, Water and Planning (DELWP) comprise the consolidated views of DELWP (excluding the Planning group). The Planning group will provide separate input at the appropriate time.

#### Response

The Department of Environment, Land, Water and Planning wishes to advise that it supports the proposed amendment.

If you have any questions regarding this matter, please contact Anya Cardilini via email [p&a.north@delwp.vic.gov.au](mailto:p&a.north@delwp.vic.gov.au).

Yours sincerely

Anya Cardilini

**Program Officer  
Planning and Approvals**

9 November 2022

To: Daniel Hall

Graduate Strategic Planner  
Macedon Ranges Shire Council  
Kyneton Admin Centre  
Mollison St Kyneton 3444

Dear Sir,

Re: Planning Scheme Amendment  
C145 macr

Environment Significance Overlay  
Schedule 4 Eppalock Special  
Water Supply Catchment

Please find newspaper cuttings enclosed.

The relationship of MRSC with Coliban  
Water should be at arms length.

i.e. They are separate legal entities.



# SUPER QUIZ?



## Local knowledge

(1 point)

1. Castlemaine Health's logo comprises four squares coloured yellow, blue, red and which other colour?
2. How many times has councillor Jennifer Anderson served as Macedon Ranges mayor?
3. Which AFL footballer has a winery at Mount Macedon? (Bonus point for naming the AFL team they represent)
4. Which Australian luxury skincare brand aims to move its world headquarters to Kyneton?

(3 points)

5. What year did the Faraday school kidnapping occur?

## General knowledge

(1 point)

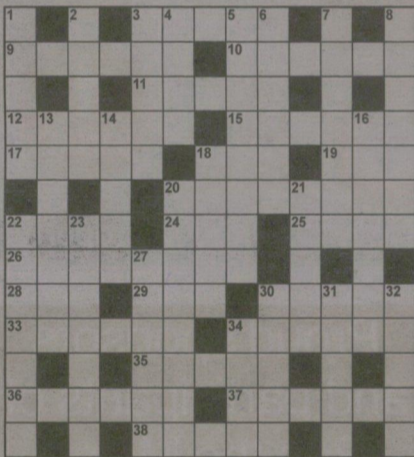
6. Who authored the 1989 novel *The Joy Luck Club*?
7. What are two countries the Danube River passes through or borders?
8. How many sides does the Australian 50 cent coin have?
9. From where does the ushanka hat originate?

(3 points)

10. Who voiced television horse personality Mr Ed?

## TODAY'S CROSSWORD

NO. 8869



### ACROSS

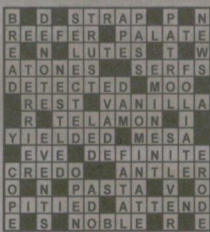
- 3 Oozes
- 9 Carrier
- 10 Gorge
- 11 Speech sound
- 12 Vestiges
- 15 French CID
- 17 Saloon car
- 18 Piece
- 19 Disencumber
- 20 Not extreme
- 22 Dry and withered
- 24 Female sheep
- 25 Woe!
- 26 Takes for granted
- 28 Afflict
- 29 Indicate assent
- 30 Send money
- 33 Closer
- 34 Evil intent
- 35 Climbing plants
- 36 Views
- 37 Become visible
- 38 Illuminated signs

### DOWN

- 1 Short gaiters
- 2 Wide
- 3 Numeral
- 4 Love god

- 5 Is in the chair
- 6 Acknowledge rank
- 7 Generous
- 8 Goes back
- 13 Daydream
- 14 Wired enclosures
- 16 Ill-fated vessel
- 18 Curved
- 20 Commit to memory
- 21 Entangle
- 22 Language
- 23 Free of tension
- 27 Not level
- 30 Coarse files
- 31 Niggard
- 32 Lacerates
- 34 Intend

Solution No. 8868



## All bets are off

Huntly Barton, Kyneton

Coliban Water has created a subcommittee to deal with the wastewater problem at the Kyneton Water Reclamation Plant. They have employed a consultant to head this committee and several board members make up the group.

We have had several meetings, they have given us data and we seemed to be gaining mutual trust, their main approach was to keep cutting them some slack so we could solve this problem.

Then last week we found out they had made an application to the EPA for a variation to their licence to reduce the required dilution ratio from 5 to 1 to 2 to 1. This is related to the offsets program that has been on the agenda for some time and was funded by CW earlier this year to the tune of \$2.1M.

This program is to fence off the river above the discharge point to exclude cattle, remove willows and weeds and revegetate the water, silts etc. and will be monitored by Prof Vin Pettigrove and his team from RMIT for five years.

The idea is that the water quality will improve above the discharge point enough for the dilution rate to be reduced. We were aware of this program and their desired outcome but we had no idea that a date had been set.

It is inconceivable to us that this subcommittee never mentioned that this was occurring, as their main desire was to gain our trust.

Keep in mind CW's record over the last 20 years has been shameless, 12 illegal releases since 2007.

The offset program in its infancy (river work not completed), with only one year of data from RMIT, no approval to build a 200-megalitre above-ground pond and no approval for the irrigation program.

We asked CW if we were going to work together that they should remove their application to vary their licence, which they have not. So all bets are off, the KWRP is in need of a major upgrade so that it produces nothing less than Class B water.

## Marvellous Mount Alexander

Kerrie Allen, spokesperson, Regional Victorians Opposed to Duck Shooting Inc.

*Victoria in The Future*, a government report released last month, paints a bleak future for some rural areas expected to see population decline over the next couple of decades as our young people hike it to the cities for jobs.

But Mount Alexander shire looks set to hold its own, credit to a progressive council and mayor it seems.

Mayor Machin was recently interviewed by Ben Knight on ABC news where she spoke of the value of Cairn Curran Reservoir.

Cairn Curran is just one jewel in Mount Alexander's crown but it is an asset loved by ratepayers and with its rich array of native birdlife, capable of attracting much-needed nature tourists to nearby towns. This means jobs.

In July, a birdwatchers conference in Darwin pulled 50 per cent more participants than expected and was said to bring \$1 million to the local economy.

Advice from Tourism Minister Pakula's office is that nature-based visitation in Victoria has grown a whopping 82 per cent in the past five years.

By advocating for a ban on recreational bird shooting, Mount Alexander Shire has opened the door for nature-based tourism opportunities to flourish, protecting native waterbirds - many species threatened and unique to our country - at the same time.

it had been clearly informed by the state's aerial firefighting bureaucracy that Kyneton already had the best possible aerial fire protection in the state. Nevertheless, the council continued to sell the airport expansion to the community on this misleading claim - a claim that much of the community had no reason to doubt.

Presumably in a necessary reaction to a leaflet distributed to Kyneton residences earlier this year exposing the council's claim as misleading, in the recently published 2019 incarnation of the council's 2016 airfield master plan, the council has issued a detailed and unusually emphatic but non-public retraction of its previous claim to residents that an expanded airport would deliver improved bushfire protection.

The council has still not clarified to residents that if Kyneton's airfield didn't exist, the district's aerial bushfire protection would be just as effective. The aerial fleet has its own mobile support crews and is designed to operate at full efficiency in any location in the state.

In its latest master plan, the council is still misleading the community that the airfield is necessary for emergency medical evacuations from Kyneton to Melbourne hospitals.

In fact, the air ambulance helipad is on open public view at Kyneton's hospital, for the fastest hospital-to-hospital transfer.

The airfield has no real role in fire and medical emergency services in Kyneton, yet the council has received community support based on these two false claims.

## Common sense prevails

Ken Rose, Kyneton

I wouldn't like to be a tourism operator in the Macedon Ranges after watching the last council meeting.

We witnessed an alternate motion to PE.6 to remove certain statements from council's submission to the state government's Regional Tourism Review.

The two points altered clearly demonstrate the unsupportive direction a particular group of councillors is taking towards our biggest employer - tourism.

It was great to see common sense prevail with councillors rejecting the motion.

## False Claims

Greg O'Brien, Kyneton

For years the council made it known to the Kyneton community that residents would receive first-class bushfire protection if the community supported the airfield expansion plan, including extending the main runway to the south so fixed-wing fire-bombing planes could be accommodated at Kyneton.

This was never true.

Well before the council made that claim,

Pollution of Campaspe River by Coliban Water

Super Quiz answers: 1. Green. 2. Three. 3. Dylan Grimes. Bonus point: Tigers or Richmond. 4. Rationale. 5. 1972. 6. Amy Tan. 7. Germany, Austria, Slovakia, Hungary, Croatia, Serbia, Romania, Bulgaria, Moldova and/or Ukraine. 8. Twelve. 9. Russia. 10. Allan Lane.

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# Coliban on notice

Coliban Water will be required to measure its compliance for wastewater releases to the Campaspe River at the point of discharge at Kyneton.

Following our report last week in which CW indicated it would install a new flow meter closer to the discharge point from the Kyneton Water Reclamation Plant, but would continue to measure flows 40kms away at Redesdale, EPA regional manager Dr Scott Pigdon sent a letter to landholders clarifying that the licence did not in fact stipulate Redesdale as the monitoring site.

"In relation to media reports on the flow metering point, EPA has written to Coliban Water seeking clarification of its intention to move the flow metering point to a more appropriate location," Dr Pigdon said.

"EPA requires Coliban Water to demonstrate that it can meet its licence condition relating to surface water flow rate at the point of discharge.

"EPA is considering whether further formal legal notices are required."

The EPA is continuing to inves-



The Kyneton Water Reclamation Plant.

tigate Coliban Water's breach of its licence conditions in June when it made non-compliant releases of thousands of litres of wastewater to the river over a period of 45 days.

With heavy rainfall over the weekend, CW began releases of compliant Class B treated water to the river on Saturday.

A spokesperson said CW

released 160 kilolitres of tertiary treated water on Saturday and 160 kilolitres on Sunday.

"The releases meet all EPA licence water quality and dilution ratio conditions," the spokesperson.

The spokesperson confirmed CW had received the letter from Dr Pigdon and would be responding to the EPA.

## NEWS

### RRBATA at risk

For more than 10 years, Romsey Region Business and Tourism Association Inc. has been a driving force in various areas --- now the organisation is appealing for community back-up.

Chairperson Jenny Stillman warned that if no one was prepared to step up and assist with the organisation's governance, it would cease to exist.

The crunch time for RRBATA is looming at the scheduled annual meeting next week (Thursday, November 14) to be held at the old courthouse at 7.30pm.

Some long-serving committee members are definite they are stepping down.

A minimum of four people are needed to take on positions

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P 2 Tuesday, July 30, 2019

MIDLAND EXPRESS

NEWS

# Sewerage overflows to Kyneton creek

About 1000 litres of sewage overflowed to Post Office Creek last Wednesday when a sewer manhole overflowed in Powlett Street Kyneton.

The overflow was reported at 9.15am and Coliban Water crews were on site by 10am. The blockage caused by tree roots was cleared by 11am. The overflow was also reported to the EPA and EPA staff attended the site.

Coliban Water said the spill was largely contained to vegetation near the creek. Crews further contained the overflow and the site has been disinfected. Signage has been put in place in the area.

Water sampling has been undertaken on site, both upstream and downstream of where the overflow has occurred. Initial test results indicate there is no impact to the waterway, with strong flows currently in the creek.

The site will be monitored and additional clean up works will be completed when weather permits site access possible. The sewer main servicing this area will also undergo further CCTV investigation to ensure no additional blockages are present in the sewer main.

Sewer services to customers in the area have not been impacted as a result of the overflow.



# 'BETRAYAL OF TRUST'

**Angela Crawford**

Campaspe River landholders have slammed a new admission from Coliban Water as yet another "betrayal of trust" by the water authority.

CW agreed several months ago to relocate the flow meter used to determine whether the releases of wastewater it makes from the Kyneton Water Reclamation Plant to the river are compliant with its EPA licence.

The meter is currently located at Redesdale, 40 kilometres downstream from the release point at Kyneton, and where increased river flows greatly dilute the ratio of treated water to river water.

Landholders at Kyneton, closer to the

release point, have long lobbied for the meter to be relocated above the discharge point to provide a truer reading of dilution levels between Kyneton and Lake Eppalock before other tributaries enter the river.

But last Thursday new CW managing director Damian Wells admitted that although the meter would soon be relocated to Kyneton, CW would continue to measure river flows at Redesdale.

"Our EPA licence allows a maximum ratio of 20 per cent treated water to 80 per cent flow in the Campaspe River (1:5), measured at the Redesdale gauging station," Mr Wells said.

"This location was stipulated in our original EPA licence for the Kyneton Water Rec-

lamation Plant when the dilution ratio was established.

"If river flow was to be measured from the new gauging station upstream of our discharge point the dilution ratio would have to be reviewed."

Landowner Kim Strawhorn slammed CW for using the Campaspe River and tributary Snipes Creek as a dumping ground for decades.

CW has made non-compliant releases to the river 13 times since 2007.

"After months of promising to change the point of where the river flow is measured, they have just announced they will fit another flow meter at Kyneton but won't use it!" Mr Strawhorn said.

"The whole point of measuring river flow at the dumping point has always been to apply accurate data to the dilution ratio to protect the river's ecology between Kyneton and Lake Eppalock.

"Coliban Water know damn well that if they use the true data they will be in breach of their antiquated licence."

The *Midland Express* understands it is no longer in fact a licence requirement that the readings must be taken from Redesdale. The EPA failed to provide a statement at the time of going to press.

Macedon Ranges Shire Council also resolved at its meeting last week to raise concerns about the pollution of the river with the minister for water.



FRIDAY NOV 5, 2015  
SUBWAY LIVE FEED  
THE WORLD'S SANDWICHES



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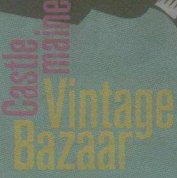


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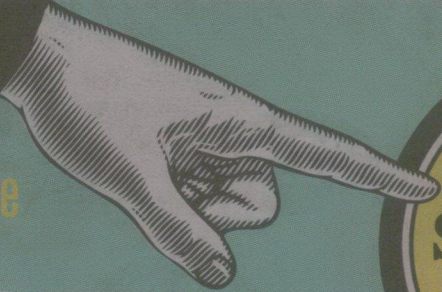
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Authorised by L. Chesters, ALP, 16 Myers Street, Bendigo

News

# Irrigation scheme under way

Construction on the Kyneton North Recycled Water Irrigation Scheme is under way following a successful approvals process with local councils and Environment Protection Authority.

Coliban Water's chief officer of assets and operations, Danny McLean, said the 14-kilometre pipeline was the final stage of the \$17 million Kyneton Solutions Project designed to better manage wastewater at the Kyneton Water Reclamation Plant.

"This pipeline is a smart use of recycled water to boost agricultural production in our region, and is a demonstration of our commitment to sustainable and beneficial reuse options for our recycled water," Mr McLean said.

Following the construction of the pipeline and a foundational reuse site, there will be future capacity in the pipeline to irrigate more land along the pipeline.

The recycled water delivered through the pipeline will be Class C water, which is approved by the EPA for use in agricultural irrigation, will allow the organisation to redirect this product to beneficial use for irrigators.

"Until this pipeline is complete, and the storage and release model can be balanced, we will continue to manage water at the plant to avoid uncontrolled releases to the environment," Mr McLean said.

"Recycled water for community benefit is something that has been used in Kyneton for many years. We use Class B water on the soccer fields and showgrounds, and racecourse as well as the Kyneton Botanic Gardens.

"This pipeline will add another beneficial use for recycled water in the region," he said.

The pipeline is expected to take six months to complete.

Coliban Water has also submitted its licence amendment application for the Kyneton Water Reclamation Plant to the Environment Protection Authority.

The EPA will now consider and decide how released wastewater from the WRP will be regulated into the future.

The licence amendment application is now available for feedback at [connect.coliban.com.au](http://connect.coliban.com.au) until Friday August 19.

A community drop in session will be held on Monday August 8 between 10am and 1pm at the Kyneton Bowling Club for those wanting to learn more about the amendment process.

"The proposed new licence is very different to the current one. It proposes a new measurement location for licence compliance, a complete overhaul of the water quality elements, and changes to the dilution regime," Mr McLean said.

## History focus in reservoir upgrade

Stories of Aboriginal history and geography have been unveiled at Upper Coliban Reservoir as part of a park upgrade.

The works included construction of a mayam shelter, the Djanga Walendjak walking trail, paths and landscaping.

New interpretive signage tell the stories, history and geography of the Dja Dja Wurrung peoples.

The project also features black glass incorporated into the concrete slab to represent the tachylite mine that was submerged by the formation of the reservoir. Tachylite is a rock that was used by Dja Dja Wurrung peoples for making flaked stone tools.

Local sandstone and bluestone has been used in the landscaping and local timbers used as structural beams in the shelters and toilets.

Plants have been selected due to their traditional significance to the Dja Dja Wurrung peoples through their use as food and fibre plants.

## Bunnings, McDonalds VCAT nod

A Kyneton development with McDonalds, Bunnings and a 24-hour petrol station has been approved at the Victorian Civil and Administrative Tribunal.

The two-part commercial proposal for Edgecombe Street attracted hundreds of submissions airing concerns for traffic, safety, and impact to social, environment and local economy.

The developer says the plan will create 200 ongoing local jobs and represents an investment of more than \$15 million in the local economy. The Bunnings store alone is expected to create 40 permanent jobs for local residents.

A further 290 jobs are expected to be created during the construction period.

VCAT had not published its full findings at the time of going to press. A full report will be available in the next edition of the *Express*.

## Vaping Information Forum

By Dalgarno Institute

*What damage is vaping doing to you, your children, students and patients?*

DATE August 4th  
TIME 7pm-8pm AEST  
PLACE In-person/Gisborne, Vic (Address given upon registration)  
REGISTER [vapeinfo.eventbrite.com.au](http://vapeinfo.eventbrite.com.au)

### TALK TO US

Email: [operations@dalgarnoinstitute.org.au](mailto:operations@dalgarnoinstitute.org.au)  
Phone: 1300 575 002  
Website: [www.dalgarnoinstitute.org.au](http://www.dalgarnoinstitute.org.au)



# EPA trial expands

A successful pilot project that partnered EPA Victoria officers with councils to investigate local environmental offences is expanding.

EPA's Officers for the Protection of the Local Environment were matched to 23 councils in a trial, but will now work with all 79 municipalities as an ongoing service.

OPLEs handle smaller-scale pollution issues in communities such as dust, odour, noise and localised illegal dumping. The program also focuses on preventative work, reducing illegal chemical and waste stockpiling.

EPA CEO Lee Miezis said the program has delivered faster responses, increased accountability and had better outcomes for community, industry and the environment.

OPLEs can issue legally enforceable notices and fines or escalate serious offences for court action or larger sanctions.



MACEDON RANGES SC

RECEIVED

06 FEB 2023

Submission 2  
Part 2 of 2

To Daniel Hall  
Graduate Strategic planner  
c/o Macedon Ranges Shire Council  
Kyneton Admin Centre  
Mollison St Kyneton Vic 3444

3 Feb 2023

Re: Amendment C 145 macr

I am concerned that Coliban Water is lining me up for a service levy upon my land for a service that does not exist.

The Coliban Water prospectus does not reveal the rules, nature and affect of the partnership that it proposed with the Macedon Ranges Council.

At present the MRSC is a separate legal entity and incurs no loss, blame or liability for the mistakes of Coliban Water.

That is the way I want it to remain.

Yours Sincerely, S



**From:**  
**To:**  
**Subject:**  
**Date:**

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**Dear Sir/Madam**

I wish to question if farm critical infrastructure such as a pump/shed/slab is exempt from triggering a permit?

I wish to question the inclusion of Agricultural fencing in the amendment.

If by waterway MRSC and Coliban Water are suggesting every surface runoff "waterway" (mapshareVic) then this is completely nonsensical and must be redefined as my entire property (and those around me) could unrealistically be defined as such.

If your definition of waterway does in fact include runoff then it would make development of paddocks with surface catchments subject to council permits which I strongly disagree too.

Potable water is mentioned as a goal, as a license holder with Coliban Water, I am aware that water that is not supplied through a town supply is defined as "non potable". Town supplied water is treated and filtered to ensure it meets appropriate standards.

The presence of unfettered human activity in all water storage locations will be more detrimental to the water quality than the septic system of the small land holder (they can't have a non functioning system, it has to be maintained or the stench forces them to maintain it).

As for the various "GRADES" of water released into the rivers from town treatment plants, perhaps this should be more of a priority.

Interference with farm layout and development would potentially have a significant impact on " The Right to Farm" in the macedon ranges.

I believe councils should not have the ability to impact primary production processes through permit triggers for agricultural fencing.

Regards





**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Subject:**



**Categories:** Planning

Dear MRSC,

RE: Amendment C145macr

I wish to question if farm critical infrastructure such as a pump/shed/slab is exempt from triggering a permit?

I wish to question the inclusion of Agricultural fencing in the amendment.

I fully support a 10m buffer to a waterway as defined ('named' river, creek, lake).

If by waterway MRSC and Coliban water are suggesting every surface runoff "waterway" (mapshareVic) then this is completely nonsensical and must be redefined.

If your definition of waterway does in fact include runoff then please consider the following:

Are pre-existing fence lines exempt from triggering a planning permit when replacement fencing is required?

Are boundary fences exempt from planning permits should they intersect a waterway?

Are internal fencing which pass directly through a waterway exempt? ie up to a waterway crossing in a paddock etc.

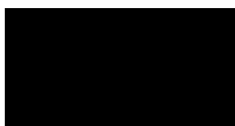
As you can imagine every property is different and agricultural fencing is essential for rotational grazing and farm management of livestock. In this instance it would make development of paddocks with surface catchments subject to council permits which I strongly disagree too.

This interference with farm layout and development would potentially have a significant impact on " The Right to Farm" in the macedon ranges.

I have not read in any part of the documentation what the requirements are to be granted a permit for rural fencing in these circumstances.

I believe councils should not have the ability to impact primary production processes through permit triggers for agricultural fencing.

Regards,

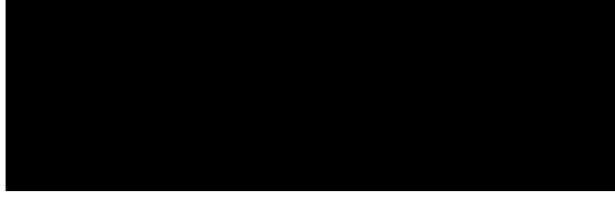




**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**



**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.



Thank you for defining a waterway.

Does this plan exclude replacement of existing fence lines.

Does this plan exclude specific materials or types of fences?

Can you please supply me with all reports/documents and scientific studies used to justify this planning amendment.

Can you please forward me the financial impact study into what financial impact this will have on Fencing Contractor businesses in MRSC and also financial impact on Farming businesses.

I have found the material on the MRSC website to be generic and lacking in any really detail.


Finally I thought my original email to MRSC was a submission Objecting to the proposal.

I will resend another submission to [MRSC@vic.gov.au](mailto:MRSC@vic.gov.au)



On Wed, 23 Nov 2022 at 16:20, Asok Rao <[ARao@mrsc.vic.gov.au](mailto:ARao@mrsc.vic.gov.au)> wrote:



 thanks for your enquiry regarding Amendment C145 macr to the Macedon Ranges Planning Scheme . In response to your questions, I can provide the following information. Under the proposed changes to the Schedule 4 to Clause 43.04 (ESO4) it states the following:

*A permit is required to construct or carry out works for a fence. This does not apply to a fence that is either:*

- *Greater than 10 metres away from the nearest edge of a waterway.*
- *A temporary fence of post and wire construction being used to protect any vegetation, work site or waterway where it will not remain in place for longer than 12 month*



The *Planning and Environment Act 1987* and the Victorian Planning Provisions (essentially the planning scheme) is silent of the definition of a *waterway*. However, *the Water Act 1989* defines waterways as the following:

*waterway means —*

- (a) *a river, creek, stream or watercourse; or*
- (b) *a natural channel in which water regularly flows, whether or not the flow is continuous; or*
- (c) *a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b); or*
- (d) *a lake, lagoon, swamp or marsh, being—*
  - (i) *a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous; or*
  - (ii) *a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or*
- (e) *land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous; or*
- (f) *land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway; or*
- (g) *if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip;*

Council has spoken to Coliban Water and they agree with this definition. This is generally regarded as definition of waterway in a planning sense. Both Council and Coliban Water don't not use MapshareVic to define a *waterway*.

In regards to your issue of the appropriateness of planning control for fences for agricultural purposes, I suggest you raise this matter in a submission to Amendment C145macr.

Your submission( if you choose to submit one) and any other submissions ( we have already received submission about this matter ) will be reviewed thoroughly by Council and Coliban Water and changes can be made to the proposed provisions at further stages of the amendment process. The independent Planning will also review the proposed controls in light of submissions and provide a final recommendation to Council to consider. You will also have the ability present your submission to Council early next year.



As you can appreciate, submissions to planning scheme amendments are good way to review the need and intent of controls and whether they are still appropriate if need be.

Any queries, please contact me on the number below or email: [arao@mrsc.vic.gov.au](mailto:arao@mrsc.vic.gov.au)

Kind regards

**Asok Rao (He/Him)**

Strategic Planner, Strategic Planning and Environment

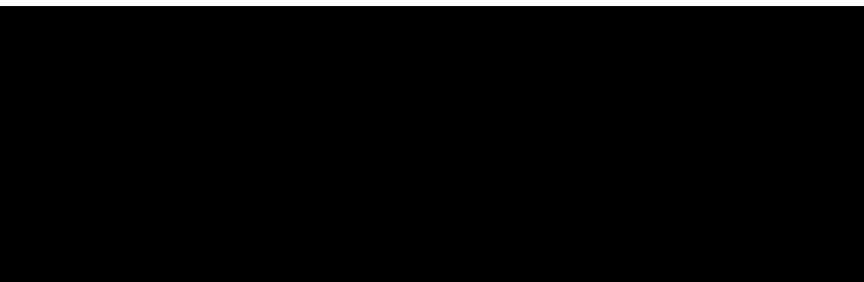
Macedon Ranges Shire Council

**M 0409 937 618 | E [arao@mrsc.vic.gov.au](mailto:arao@mrsc.vic.gov.au) | W [mrsc.vic.gov.au](http://mrsc.vic.gov.au)**

**Working Together | Honesty | Accountability | Innovation | Respect**

*Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.*

*Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.*



Dear MRSC,

RE: Amendment C145macr



I wish to question if farm critical infrastructure such as a pump/shed/slab is exempt from triggering a permit?

I wish to question the inclusion of Agricultural fencing in the amendment.

I fully support a 10m buffer to a waterway as defined ('**named**' river, creek, lake).

If by waterway MRSC and Coliban water are suggesting every surface runoff "waterway" (mapshareVic) then this is completely nonsensical and must be redefined.

If your definition of waterway does in fact include runoff then please consider the following:

Are pre-existing fence lines exempt from triggering a planning permit when replacement fencing is required?

Are boundary fences exempt from planning permits should they intersect a waterway?

Are internal fencing which pass directly through a waterway exempt? ie up to a waterway crossing in a paddock etc.

As you can imagine every property is different and agricultural fencing is essential for rotational grazing and farm management of livestock. In this instance it would make development of paddocks with surface catchments subject to council permits which I strongly disagree too.

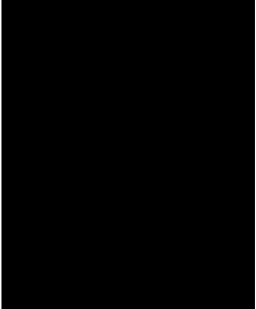
This interference with farm layout and development would potentially have a significant impact on " The Right to Farm" in the macedon ranges.

I have not read in any part of the documentation what the requirements are to be granted a permit for rural fencing in these circumstances.



I believe councils should not have the ability to impact primary production processes through permit triggers for agricultural fencing.

Regards,





**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**



**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

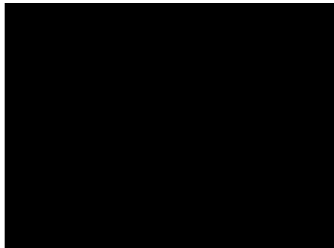
Addition to my submission of objection

Has council considered section 8 in its inclusion of fencing as a permit requirement in the Amended C145macr.

Councils have no right to restrict access to water for stock and domestic use.

I know ask council why they feel the need to control the position of Agricultural fences which are essential infrastructure for Primary Production. If under section 8 of the Water act and owners do not need to construct.

Regards



## **WATER ACT 1989 - SECT 8**

### **Continuation of private rights to water**

- (1) A [person](#) has the right to take [water](#), free of charge, for that [person's](#) [domestic and stock use](#) from a [waterway](#) or [bore](#) to which that [person](#) has access—
- (a) by a public road or public reserve; or
  - (b) because that [person](#) occupies the land on which the [water flows](#) or occurs; or
  - (c) in the case of a [waterway](#), because that [person](#) occupies land adjacent to it and the bed and banks of the [waterway](#) have remained the property of the Crown by virtue of section 385 of the **Land Act 1958** <sup>[3]</sup> or any corresponding previous enactment; or



On Thu, 24 Nov 2022 at 12:16,  
Hi Asok

Thank you for defining a waterway.

Does this plan exclude replacement of existing fence lines.

Does this plan exclude specific materials or types of fences?

Can you please supply me with all reports/documents and scientific studies used to justify this planning amendment.

Can you please forward me the financial impact study into what financial impact this will have on Fencing Contractor businesses in MRSC and also financial impact on Farming businesses.

I have found the material on the MRSC website to be generic and lacking in any really detail.

Finally I thought my original email to MRSC was a submission Objecting to the proposal.

I will resend another submission to [MRSC@vic.gov.au](mailto:MRSC@vic.gov.au)

On Wed, 23 Nov 2022 at 16:20, Asok Rao <[ARao@mrsc.vic.gov.au](mailto:ARao@mrsc.vic.gov.au)> wrote:

thanks for your enquiry regarding Amendment C145 macr to the Macedon Ranges Planning Scheme . In response to your questions, I can provide the following information. Under the proposed changes to the Schedule 4 to Clause 43.04 (ESO4) it states the following:

*A permit is required to construct or carry out works for a fence. This does not apply to a fence that is either:*

- *Greater than 10 metres away from the nearest edge of a waterway.*
- *A temporary fence of post and wire construction being used to protect any vegetation, work site or waterway where it will not remain in place for longer than 12 month*

The *Planning and Environment Act 1987* and the Victorian Planning Provisions (essentially the planning scheme) is silent of the definition of a *waterway*. However, *the Water Act 1989* defines waterways as the following:

*waterway means —*

- (a) a river, creek, stream or watercourse; or*
- (b) a natural channel in which water regularly flows, whether or not the flow is continuous; or*
- (c) a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b); or*
- (d) a lake, lagoon, swamp or marsh, being—*
  - (i) a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous; or*
  - (ii) a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or*
- (e) land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous; or*
- (f) land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway; or*
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Strategic Planner, Strategic Planning and Environment

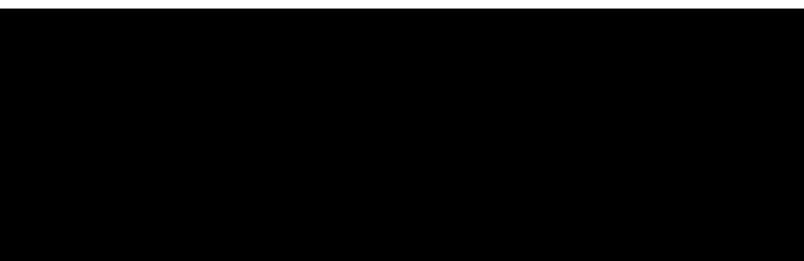
Macedon Ranges Shire Council

M 0409 937 618 | E [arao@mrsc.vic.gov.au](mailto:arao@mrsc.vic.gov.au) | W [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

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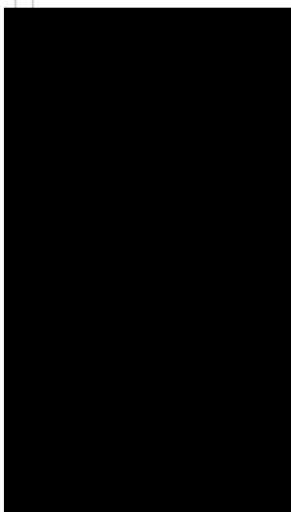
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## Objection Letter

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**Date: 21 November 2022**

Macedon Ranges Shire Council.  
Planning Department  
PO Box 151, Kyneton Taungurung VIC 3444

[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

Hi Macedon Ranges Shire Council Planning Department and Asok Rao,

### **Re: Objection to Amendment C145macr**

I write regarding the above planning scheme amendment, Amendment C145macr, which seeks to change the existing Schedule 4 of the Environmental Significance Overlay (ESO4) in the Macedon Ranges Planning Scheme and wish to formally lodge my objections to this planning scheme amendment. I maintain that Macedon Ranges Shire Council (MRSC) must remain the Responsible Authority for assessing and deciding on any planning permit applications that are made within the Eppalock Special Water Catchment. Coliban Water should not be making any decisions on behalf of MRSC and should remain as a referral authority that is sought to provide advice and guidance to the council only.

I request formal acknowledgment of this objection and should this application proceed to a council submitters meeting, I wish to be included as an objector.


I have outlined below, my objections to this proposal.

- The potential for Coliban Water to use these changes to be able to further contribute to the decline of the health of our waterways resulting in decline in biodiversity in our very important river systems.
- Errors in the advertised Planning Scheme Amendment:
  - Coliban water was referred to be a Determining Authority rather than a Determining Referral Authority.
  - The 30m exclusion zone.
- Coliban Water should be conducting a Group Council amendment together with other impacted councils and explain why they are seeking this amendment over the Eppalock Special Water Catchment.
- Coliban Water becoming the determining authority over the MRSC. They are proposing to become the determining authority across the whole Eppalock Special Water Catchment area from other local government areas:
  - Greater Bendigo

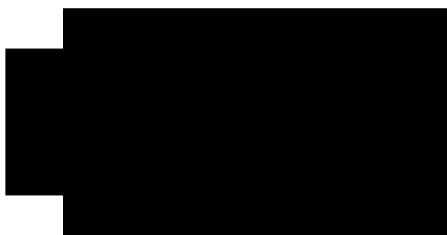


- Macedon Ranges
- Hepburn
- Mount Alexander
- Mitchell
- Exemptions for planning permits for building and works associated with dwellings more than 30m from a waterway.
- Exemptions for planning permits for subdivisions of land greater than 40 hectares.
- Exemptions for planning permits to remove, destroy, or lop vegetation within 30m of a waterway.
- Deliberative Engagement strategies to be employed by council to ensure these planning scheme amendments are in the best interest of the residents and it is an open and transparent process.

Coliban Water, for too long, has been subject to many adverse environmental atrocities along the Campaspe River and Snipes Creek here in Kyneton, and their submission to their Environment Protection Authority licence review asks that they be allowed to continue to discharge high-nutrient effluent into the waterways they are given responsibility to protect. Community confidence in them protecting our waterways is extremely low because of their history, so when planning scheme amendments like this come along, I am very sceptical is it in the best interest of the waterway, of which I feel very sorry to admit. This is the sole purpose of me sending in this objection and appealing to our planning department and Councillors to seek the right and proper information to ensure our waterways are being protected to the utmost and not beholden to the failing bottom line of a commercial organisation, like Coliban Water.

 see the results of compromise and watering down of planning requirements on a daily basis and having read through all of the proposed changes I can see nothing that would further increase protections for our vulnerable waterways. Please consider the potential environmental impacts that making a responsible authority able to make decisions that directly benefit their own interests. I point to the current VAGO report on the role of the Office of the Conservation regulator as an example and the shortcomings that were found with Vicforests effectively self-policing and the findings that this had the effect of making the OCR a “toothless tiger”. Already the EPA struggle with being under resourced and changes like this will further obscure the ability to monitor Coliban waters practices.

I hope that the above detail is sufficient for you record but should you require further information, please contact me via return email or the address listed above.



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Strategic Planning Unit  
Macedon Ranges Shire Council  
PO Box 151  
Kyneton Vic 3444

17<sup>th</sup> of November 2022

### Submission on C145macr

We are primary producers in the Malmsbury area that operate in the shires of Macedon Ranges, Hepburn and Mount Alexander. We farm approximately 800 acres of farmland [REDACTED] [REDACTED] between Malmsbury and Taradale for which we have significant river frontage. We make the following commentary regarding the proposed amendment C145.

#### Objection to fencing requirement

Objection to the requirement to obtain a permit to construct a fence within 10m of a waterway as this requirement is onerous & burdensome on landholders engaged in primary production business. We note that there already exists legislation to protect the health of waterways without the inclusion of this clause in the planning scheme and have included these below. There should be recognition this requirement has the potential to deter farmers from fencing waterways and would create complexity were fencing is installed to create a stock watering point, although we note that off-stream watering points are preferred but not always feasible i.e., leased land/distance/flood prone.

Section 20 of the *Catchment and Land Protection Act 1994* reads as follows:

#### **20 General duties of land owners**

- (1) In relation to his or her land a land owner must take all reasonable steps to—
  - (a) avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner; and
  - (b) conserve soil; and
  - (c) protect water resources; and
  - (d) eradicate regionally prohibited weeds; and
  - (e) prevent the growth and spread of regionally controlled weeds; and
  - (f) prevent the spread of, and as far as possible eradicate, established pest animals.



Objection to requirement for planning permit for removal of native vegetation.

We also note the requirement that native vegetation is not removed, destroyed or lopped within 30m of a waterway. We raise concern as to how this section is to be applied in relation to flood/storm debris or damage? We understand and support the intent of this section to preserve the promote native vegetation along waterways but are conscience that floodplain area that is farmed needs to be cleared of flood or storm debris. Likewise, there may be a need to clear fallen or lop existing vegetation to install fencing within proximity to a waterway. Additionally, we are concerned as this requirement may act as a deterrent for primary producers to plant native vegetation along waterways if they cannot manage this vegetation in the long term.

### Effect on Property Valuations

In reference to the amendment fact sheet stating that these amendments will not affect council rates notice. There needs to be consideration that were primary producers set aside land for re-vegetation/wildlife that this land can no longer produce an income, as such there should be a reduction in the property size to reflect this and a proportional reduction in property values. The notion that restrictions can be placed on property owners without a reduction in values is false, while not directly comparable we note that in the VCAT case of Georgilopoulos V Valuer General (VCAT Reference P824/2020) the valuer applied a 5% discount to the SV of the subject property as a result of council notifying the resident of the intention to complete a heritage study that included the subject property, even though the report was not completed or a planning amendment prepared.

Objection for requirement to reduce volume of water discharging from property.

Schedule 4 to Clause 42.01 ESO makes the requirement for:

- Stormwater treatment and management including how the development plans to reduce the volume and velocity of stormwater existing the property.

While we understand the requirement to reduce the velocity (m/s), we query the reduction in volume (m<sup>3</sup>). Would the diversion of this water would be allowed under Section 8 of the *Water Act 1989* or Section 1 of the *Water (Irrigation Farm Dams) Act 2002*. In particular where the water is not obtained from a building roof and is not used for stock and domestic purposes? Water allocations within the Coliban River are managed by GMW and diversions may require a licence were volume of water leaving the property is reduced. The intent of this section should be on reducing velocity (m/s) and flow (m<sup>3</sup>/s) of water existing a property.

Objection for requirement to plant native vegetation.

Section 4 of Clause 42.01 ESO makes reference to:

- Proposed vegetation retention and revegetation including native vegetation buffers along waterways, drainage lines and property boundaries.

Our concern is regarding the mandating of revegetation that includes native vegetation along property boundaries and drainage lines. This requirement is excessive and onerous on permit

applicants, while native and indigenous is presently preferred there is significant plantings of exotics in and around Malmsbury that form part of the townships character, our preference is that a mix of planting options remain available to permit applicants. We are also concerned that there needs to be some consideration to fire risk in selecting of plants and that plantings do not change the future BAL fire rating for a dwelling or the ability of it to be insured for bushfires. The focus of this clause should remain on retention of native vegetation along 'waterways'.

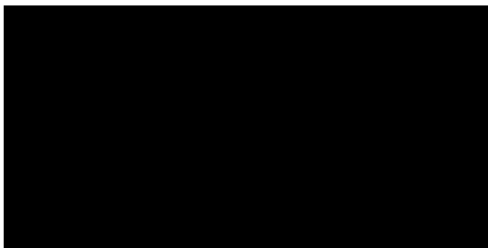
Section 5 of Clause 42.01 ESO makes reference to:

- The potential impact of the development on the quantity and quality of water in waterways, drainage lines, water supply reservoirs and springs.
- Whether the development provides buffers to and from waterways, drainage lines, gullies, property boundaries and any existing or new disposal areas or systems.

Our concern is the inclusion of 'gullies', 'property lines' & drainage lines' in addition to 'waterways' in making a determination and how this would be applied. An issue includes defining these elements, we note that in *St Leonards Property Holdings Pty Ltd v Macedon Ranges SC* [2022] VCAT 26 (VCAT Reference P2000/2020) the members ruled that there was 'no watercourse, waterway or natural channel on the site' this is despite MRSC contending that the feature was a watercourse. This shows that the application of this section is open to interpretation and the outcome is onerous on the permit applicant. The focus of this clause should remain on protection of 'waterways'.

Objection of the inclusion of biodiversity in addition to water quality/quantity.

There is a change of the statement of environmental significance and objectives of ESO4 to include in addition to protection of quality of volume of water within the Eppalock catchment the requirement to 'focus on the long-term protection of the natural resources and environmental systems' and 'that development protects, restores and enhances natural resources and environmental systems'. This appears to be an over-reach of the original intent of the ESO4 which was to protect the water quality and water yield within the Eppalock Water Supply Catchment Area, the focus of the planning scheme should not be about re-foresting the catchment but protecting the quality/volume of water in waterways. There is a risk that this intent is at odds with the purpose of the farming zone in the planning scheme which includes to 'provide for the use of land for agriculture' and 'to encourage the retention of productive agricultural land'. There needs to be some consideration as to how the ESO4 objectives would impact on the farming zone to ensure it remains viable within the MRSC area. To date the approach of water authorities working with farmers to improve water management outcomes has been appropriate and delivered outcomes, however the inclusion of these conditions in the ESO4 overlay is the reduction in the ability of this land to be farmed.





SENT BY REGISTERED POST NO.

CHIEF EXECUTIVE OFFICER  
BERNIE O'SULLIVAN  
MACEDON RANGES SHIRE COUNCIL

3 NOVEMBER 2022

DEAR SIR,

THANK YOU FOR A COPY OF NOTICE OF THE PREPARATION OF AN AMENDMENT - AMENDMENT C145 mach, ENCLOSED TO THE LETTER FROM DANIEL HALL, GRADUATE STRATEGIC PLANNER, DATED 13 OCTOBER 2022.

WE SUPPORT CLEAN ENVIRONMENT AND THAT MEANS ALSO CLEAN WATER FOR ALL, BUT NOT DAMAGING OUR PROPERTY IN THE PROCESS. BEFORE THE AMENDMENT CAN BE PROFESSIONALLY CONSIDERED, ANOMALIES OR ERRORS MUST BE CORRECTED.

WE ARE ENCLOSING COPIES (SEVEN) OF SOME CORRESPONDENCE RELATING TO ANOMALIES OR ERRORS RELATING TO OUR PROPERTY. OUR TWO BLOCKS ARE CROWN LAND ALLOTMENTS, NOT FARM LAND SUBDIVISIONS (THERE USE) TO BE A HOUSE). BOTH TITLES ARE FREE OF ENCUMBRANCES.

OUR COMPLAINS ARE STILL OUTSTANDING.

WATER FROM A WATERCOURSE, REDIRECTED TO OUR PROPERTY, IS STILL POLLUTING OUR PROPERTY. TOXINS FROM THE WATER ACCUMULATED. WHERE THE POLLUTED WATER RUNS, FRUITS ON SOME PLANTS ARE MALLFORMED (FROM ALL FRUITS GROW MORE FRUITS). FRUITS ON SOME TREES BECAHE BITTER - NOT EDIBLE.

PLEASE LOOK INTO THE MATTER AND ENSURE THAT THE WATERCOURSE IS PROPERLY CORRECTED.

THE SEVEN COPIES ENCLOSED:

1. <sup>OUR LETTER</sup>  
TO MRSC ATT.: SUZANE BECKER (TWO PAGES)  
MANAGER STRATEGIC PLANNING AND ENVIRONMENT  
DATED 25 AUGUST 2017 - SENT BY REGISTERED POST  
[REDACTED]  
(REPLY TO HER LETTER OF 28.7.17)
2. A LETTER FROM SUZANE BECKER (see above) (ONE PAGE)  
MRSC MANAGER STRATEGIC PLANNING AND ENVIRONMENT
3. REPLY LETTER FROM MRSC (TO OUR LETTER DATED  
20. MAY 1996) DATED 27. MAY 1996 (ONE PAGE)  
SIGNED ROSS O'NEARA, COORDINATOR - REGULATORY SERVICES
4. OUR LETTER TO MRSC DATED 20. MAY 1996 — (ONE PAGE)  
LOCAL LAWS SUBMISSION
5. A COPY OF PRINTOUT - LAND TITLES OFFICE - (ONE PAGE)  
PRINTED 14 NOV 1995 - SURVEY AND MAPPING VICTORIA
6. COPY OF PRINTOUT MRSC - DETAILS OF OUR 2 BLOCKS (J AND K)  
AS AT 25.7.90 - BUILDING TYPE 1 (ONE PAGE)  
GENERAL RATE - SHIRE 1

Thank You  
Sincerely

[REDACTED]

[REDACTED]



SENT BY REGISTERED POST

No. [REDACTED]

25 AUGUST 2017

MACEDON RANGES SHIRE COUNCIL

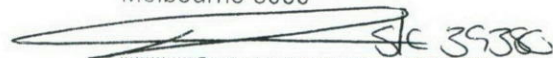
ATT.: SUZANE BECKER

MANAGER STRATEGIC PLANNING AND ENVIRONMENT

PO BOX 151 KYNETON, VIC 3444

I certify this to be a true copy of  
the original document.  
Melbourne East Police Station  
226 Flinders Lane  
Melbourne 3000

DEAR MADAM,

 K. SCHOUTEN

Date: 26/8/17

I REFER TO YOUR LETTER DATED 28.7.17

RE: SHAPE THE FUTURE OF OUR FARMING AREAS  
(THE DEVELOPMENT OF A DRAFT IN THE  
FARMING ZONE STRATEGY)

PLEASE NOTE THAT OUR TWO BLOCKS (BOUGHT IN 1981  
FOR RETIREMENT) ARE THE 'LAND OUTSIDE THE  
FARMING ZONE'. WE DID NOT PURCHASE  
FARMING LAND AND THEREFORE THE SURVEY DOES NOT  
APPLY TO US. OUR BLOCKS J and K IN HART'S LANE  
EXIST SINCE 1854 AND ARE NOT A RESULT OF  
SUBDIVISION OF FARMING LAND. A COPY OF A REPLY  
LETTER FROM M.R.S.H.C. - Mr ROSS O'MEARA,  
COORDINATOR - REGULATORY SERVICES, DATED MAY 27 1996  
IS ENCLOSED.

WE WOULD ALSO LIKE TO BRING TO YOUR ATTENTION  
**OUR STILL OUTSTANDING COMPLAINT:**

- 1.) A REGISTERED LETTER TO M.R.S.H.C. 25.11.2013  
REG. NO.: 508900600011 STATING THAT THE  
WATERCOURSE DOES NOT RUN THROUGH OUR PROPERTY.
- 2.) 29.4.2016 Mr BRAM ROSIER WAS SHOWN



THE NEW LARGE, DEEP HOLE RIG AT TO OUR FENCE DRAINING WATER TO OUR LOT K MADE BY COUNCIL WORKERS A FEW DAYS EARLIER.

- 3.) A DETAILED COMPLAINT WAS MADE TO COUNCILLOR Mr ROGER JUKE'S INCLUDING OUR SMS OF 5.7.2016 THAT 'COUNCIL IS ALLOWING DEVELOPMENT OF THE FARM LAND SUBDIVISION BY COMPROMISING INFRASTRUCTURE RESOURCES. C. JUKE'S REPLIED 5.7.16: 'YOUR TXT HAS BEEN REFFERED TO THE CEO FOR ACTION.'

THE COUNCIL IS STILL NOT MAINTAINING THE WATERCOURSE AND INSTEAD IS DUMPING THE WATER ON OUR LOT K. LOT K, AS WELL AS LOT J, HAVE CLEAN TITLES ('NO ENCUMBRANCES').

TO THIS DATE, WE HAVE ONLY RECEIVED A RIDICULOUS LETTER FROM Mr STEPHEN SKINNER DATED 27.7.2016, WE RESPONDED 4.8.2016 TO C. JUKE'S: 'THE CEO SHOULD BE ABLE TO ACCESS THE CORRECT RECORDS AND URGENTLY STOP ANY DEVELOPMENT OF THE FARMING LAND UNTIL THE CORRECT WATERCOURSE (END OF LOT L) IS FUNCTIONAL ...'

AS, AT PRESENT, WE HAVE NO CAPACITY TO DEVOTE ANY TIME TO THIS MATTER, I ASKED C. JUKE'S, EARLIER FOR HELP. HE KNOWS THE AREA WELL AND UNDERSTANDS STRATEGIC PLANNING.

I certify this to be a true and correct copy of the original document.  
Melbourne East Office  
226 Flinders Lane  
Melbourne 3000

TK SCUDUTE  
Date: 20/11/17



2



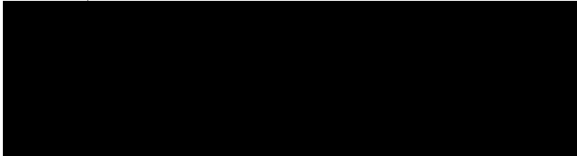
# Macedon Ranges

Shire Council

Our Ref:  
Contact:

D17-62522  
Gareth Hately

28 July 2017



Dear Sir/Madam

**Re: Shape the future of our farming areas**

Council has recently commenced the development of a draft *In the Farming Zone Strategy*.

The *In the Farming Zone Strategy* will look at identifying and addressing existing and emerging rural land use planning issues and opportunities, and set a new direction to ensure the protection of our important farming areas.

You are being notified of this project as a property landowner within the Farming Zone.

As a first step in the development of the draft strategy, Council has prepared the attached voluntary survey for your completion. The purpose of the survey is to give Council a better understanding of the farming activities undertaken within the Farming Zone and to understand emerging issues and opportunities to guide future planning.

Your feedback is important to help inform the early stages of the development of this draft strategy. It would be appreciated if you could complete the attached survey and post it back using the replied paid envelope by 29<sup>th</sup> August 2017. If you prefer to complete the survey online, please visit the following link:

<http://www.surveygizmo.com/s3/3726324/Macedon-Range-Shire-Council-Farming-Zone-Landowners-Survey>

All feedback will be treated as confidential and will be used to inform the development of the draft *In the Farming Zone Strategy*. No information from the survey will be published that could identify individual landowners.

For more information about the *In the Farming Zone Strategy*, please visit [www.mrsc.vic.gov.au/yoursay](http://www.mrsc.vic.gov.au/yoursay). For assistance in completing this survey, please do not hesitate to contact Gareth Hately on (03) 5421 9672 or via [ghately@mrsc.vic.gov.au](mailto:ghately@mrsc.vic.gov.au).

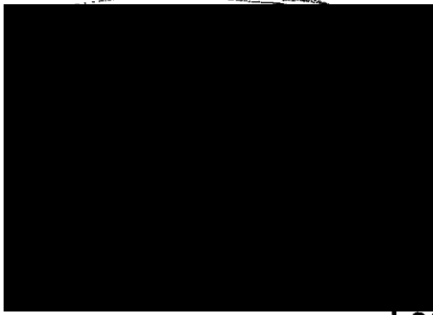
Yours sincerely

**Suzane Becker**  
Manager Strategic Planning and Environment

74/96/lp 47/01/14



3



**Local Laws Submission**

Thank you for your submission relating to the proposed Local Laws.

The designation of township areas were designed to place additional requirements on people living in built up areas. The Macedon Ranges Shire is unique in many respects. One such area is the mixture of urban and rural communities. The urban areas are placed in township area maps to restrict certain activities such as storage of feed, keeping livestock, exemptions for camping, horses on reservations, tethering of animals etc. They are ~~considered normal on larger low density residential lots~~ but are not considered appropriate in built up areas.

~~The concerns you raised relating to damage to private property or assets are generally covered by the proposed Local Law for Civil Law.~~

The Local Laws do not condone or allow this in any area of the municipality.

The process for making Local Laws allows a person who has made a written submission to appear in person to support their submission if they wish to. It is intended to hold the hearings in support of submissions on **Thursday, June 6, 1996** commencing at **6.00 p.m.** If you wish to attend such a hearing could you please contact me by 5.00 p.m. on Tuesday, June 4, 1996 to arrange a set time you can be heard.

Once again thank you for your submission and if you have any further queries please contact me.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Ross O'Meara".

Ross O'Meara  
Coordinator - Regulatory Services

129 Mollison Street  
Kyneton, 3444

PO Box 151  
Kyneton, 3444

Telephone  
(054) 226 999

Facsimile  
(054) 223 623

LOCAL LAWS SUBMISSION

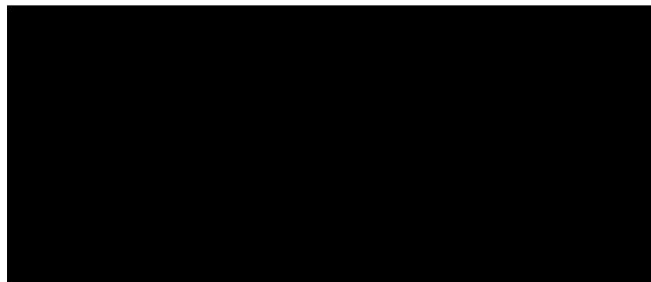
4

Only maps of "TOWNSHIPS" are included in the proposed local laws (SCHEDULES).

Residential properties in various residential pockets (KYNETON LOW DENSITY RESIDENTIAL) must also be protected by being shown as such or by inclusion of appropriate protective reference.

Without the above, damage to assets of owners of these properties (such as ours in Harts Lane, KYNETON - original settled property, NOT A SUBDIVISION) can be done by SHIRE'S employees, contractors, developers, relevant authorities etc., who can apply, by genuine mistake or deliberately to their *advantage* guidelines for rural instead of residential property.

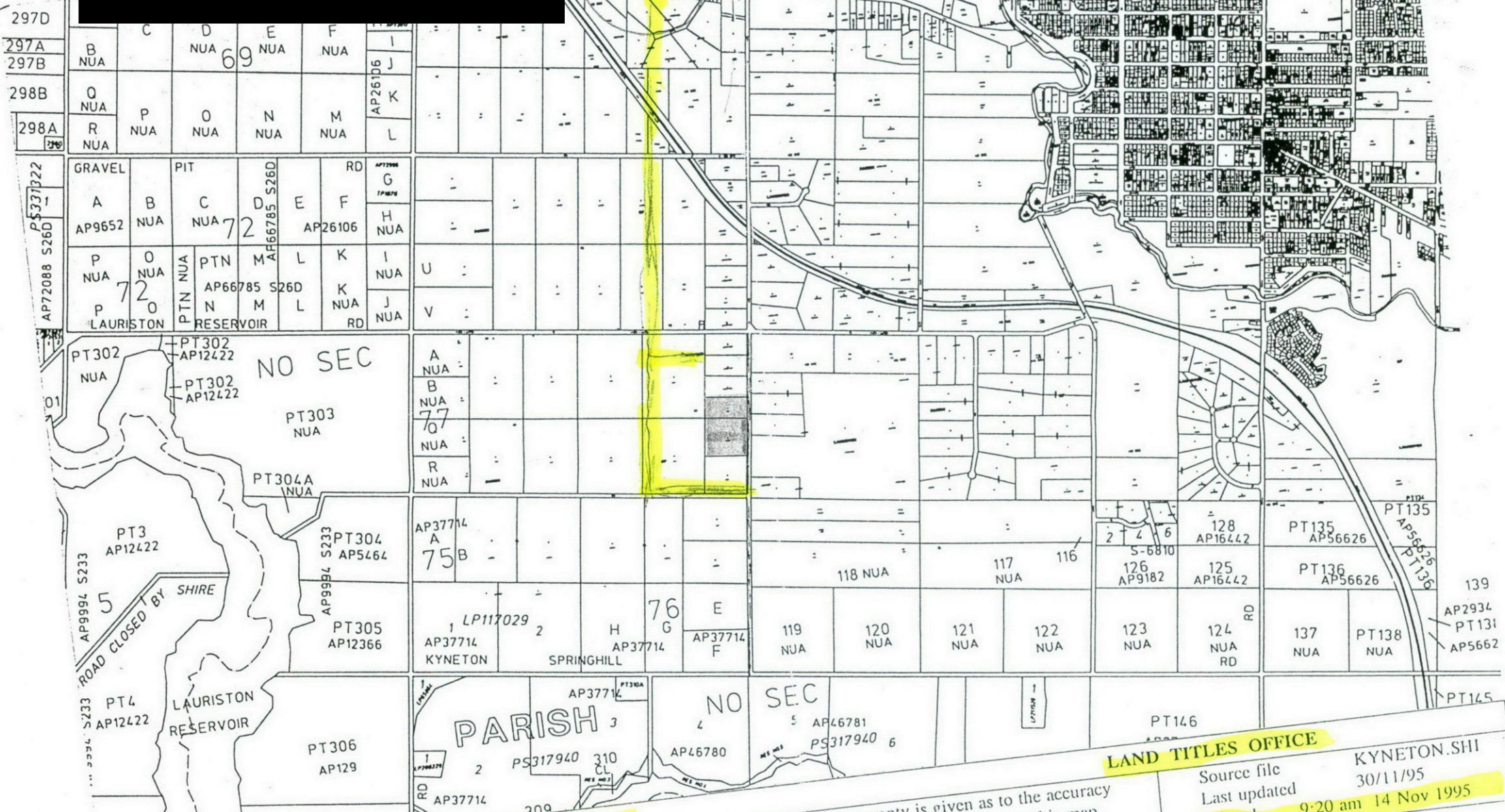
dated 20 May 1996





low density residential

5

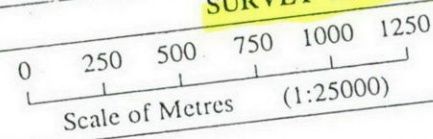


SURVEY AND MAPPING VICTORIA

No guarantee or warranty is given as to the accuracy or completeness of the details shown on this map. Refer to title register for dimensions.

LAND TITLES OFFICE

Source file KYNETON.SHI  
Last updated 30/11/95  
Printed 9:20 am 14 Nov 1995

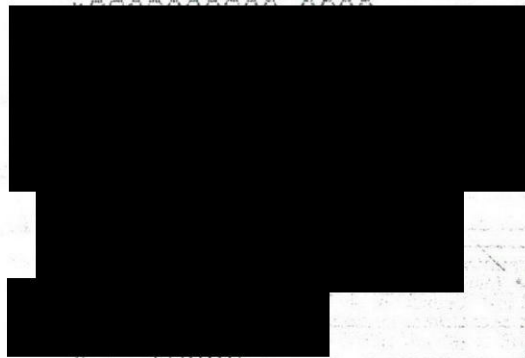


AMG Zone 55



6

PROPERTY NO  
ALERT MESSAGE  
ALERT MESSAGE  
PROP ADDR1  
TITLE 1  
DIMENS/AREA  
IMPROVEMENTS  
RATEPAYER L1  
RATEPAYER L2  
RATEPAYER L3  
RATEPAYER L4  
SITE VALUE  
CAP IMP VALUE  
NET ANNUAL VAL  
VAL DATE  
ASSESSMENT NO  
TOTAL CURRENT  
TOTAL DUE  
COUNTY



ES RE RATES PAID ON THIS

*Coral Young*

~~BUILD TYPE 1~~  
~~GENERAL RATE - SHIRE~~  
ARREARS LYEAR

\*LA  
GENRA  
\* 219.00-

BUILDINGTYPE 1  
GENERAL RATE-SHIRE 1

PRO3909000300.0000 PROPERTY NO



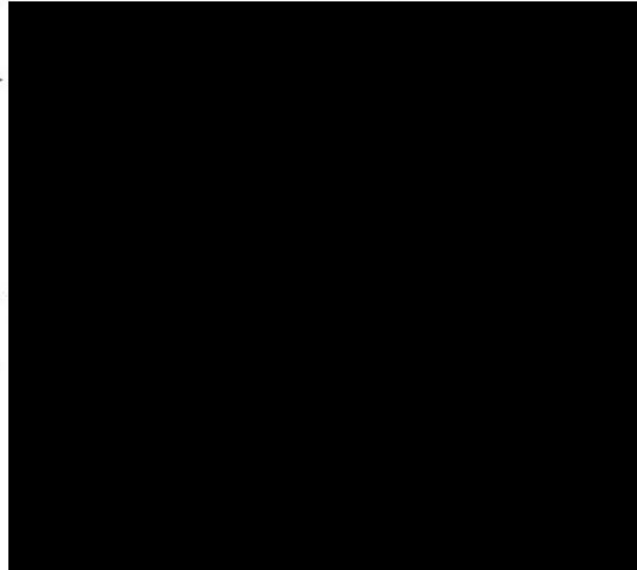
OVERPAYMENTS  
GENERAL RATE - SHIRE 2400 NAV @ 8.3000C \$287.50MIN \$287.50  
~~CREDIT BAL~~ \$287.50-CURRENT TOTAL \$287.50 NET AMOUNT DUE \$0.00  
\*\*\*\*\* INSTALMENT REMINDERS WILL NOT BE FORWARDED \*\*\*\*\*  
\*\*\*\*\* PLEASE REFER TO RELEVANT DATES ABOVE \*\*\*\*\*

*actual rates paid in this year = 287.50 + 68.50 = 356.00*  
*This account is paid in full.*

**PAYMENT ADVICE**

IF RECEIPT IS NOT REQUIRED FORWARD THIS PART ONLY TO P.O. BOX 151, KYNETON 3444

PLEASE READ IMPORTANT INFORMATION ON REVERSE SIDE



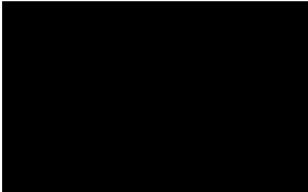
INTEREST: RATES are a charge upon the property and unless paid before the 10th day of April, will bear interest, from the date on which they became due and payable, i.e. 10th December, at the rate of interest as provided for in Section 386 of Local Government Act. If rates are being paid by four equal instalments and the instalment is not paid on or before the last day of December, February, May and August, respectively, the instalment will bear interest from the day on which rates became due and payable at the rate of interest as provided for in Section 386 of Local Government Act.

	1st INSTALMENT DUE 31st DECEMBER
IF PAYING BY INSTALMENTS PLEASE PAY THIS AMOUNT.	\$0.00
PAY THIS AMOUNT IF NOT PAYING BY INSTALMENTS.	\$0.00

**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**



Dear MRSC,

RE: The Environment Significance Overlay (ESO4) Amendment C145macr

 wish to object to the above amendment as further clarification of this Amendment is required.

I totally agree to the questions raise by neighbouring farmer  which require further interpretation.

Questions which are as follows: -

I wish to question if farm critical infrastructure such as a pump/shed/slab is exempt from triggering a permit?

I wish to question the inclusion of Agricultural fencing in the amendment.

I fully support a 10m buffer to a waterway as defined ('named' river, creek, lake).

Not seasonal unnamed areas/creeks.

Does the Macedon Ranges Shire Council reimburse landowners for the loss of agricultural farming land this 10m buffer to a waterway require?

If by waterway MRSC and Coliban water are suggesting every surface runoff "waterway" (mapshareVic) then this is completely nonsensical and must be redefined.

If your definition of waterway does in fact include runoff, then please consider the following:

Are pre-existing fence lines exempt from triggering a planning permit when replacement fencing is required?

Are boundary fences exempt from planning permits should they intersect a waterway?

Are internal fencing which pass directly through a waterway exempt? i.e. up to a waterway crossing in a paddock etc.

As you can imagine every property is different and agricultural fencing is essential for rotational grazing and farm management of livestock. In this instance it would make development of paddocks with surface catchments subject to council permits which I strongly disagree too.

This interference with farm layout and development would potentially have a significant impact on " The Right to Farm" in the Macedon Ranges.

I have not read in any part of the documentation what the requirements are to be granted a permit for rural fencing in these circumstances.



Councils should not have the ability to impact primary production processes through permit triggers for agricultural fencing.

Please reply to the above questions.



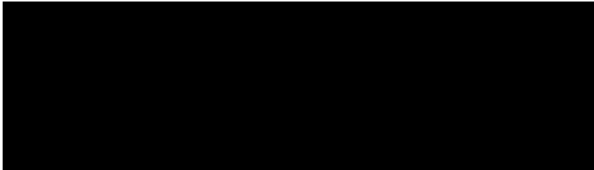
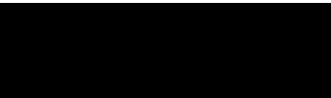
**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Subject:**



Please find below the Association's submission in regard to Amendment C145macr.



## Submission

24 November, 2022

Amendment C145macr – Macedon Ranges Shire Planning Scheme:  
Changes to Clauses 42.01 (ESO4), 66.04, 72.08

### 1. Summary of Comments

Some changes appear beneficial and are supported. This includes expansion of the Statement of Environmental Significance (42.01-4-1), and a new Environmental Objective To Be Achieved (42.01-4-2). However, there are also weaknesses and inconsistencies within the amendment that are questioned or are not supported.

### 2. Lack Of Basis For C145 Changes In The Campaspe River Catchment

The basis for the amendment's changes is said to be the *Upper Coliban Integrated Catchment Management Plan*, which appears to have been produced in 2017, and updated in 2019 (although copyright is 2018). This pre-dates approval of the Macedon Ranges Statement of Planning Policy in late 2019.

The Management Plan only addresses, supports and provides future actions for the Coliban River catchment in the west of the Shire. It does not evaluate, address or provide future actions for the Campaspe River catchment component of Eppalock catchment which extends from Woodend and Mount Macedon across the Shire's north to the Shire's eastern boundary. This catchment is excluded from the revegetation, monitoring and other management plan actions provided for the Coliban catchment.

Despite this deficiency, C145's changes are applied to both the Coliban *and* Campaspe River catchments, without evaluation of catchment conditions, risks, and the effects of proposed changes, or a complementary action plan, for the Campaspe catchment. This generates great concern in regard to the amendment's proposals to remove permit requirements for vegetation removal and for development and works by authorities and on public land within both the Coliban and Campaspe catchments.

Lack of justification for C145 changes within the Campaspe catchment is a significant weakness in the amendment. Another is that although the Dja Dja Wurrung traditional owners were consulted in the production of the Coliban Management Plan, C145's changes also affect Taungurung country within the Campaspe catchment and no obvious evidence has been found that these traditional owners have been consulted.

### 3. Concerns With Clause 42.01 Environmental Significance Overlay (ESO4)

#### 3.1 At 42.01-4-3 Permit Requirement: Changes For Buildings & Works

Dot Points 1 and 2: These changes are generally better targeted than the existing schedule and are supported, although clarification is requested for the following:

- Do these changes capture wastes produced from new agricultural, commercial and industrial activities in unsewered areas, road making, and tourism (accommodation)?
- Is "street drainage system" a reticulated street drainage system, or any drain within a street (or road)?
- Is "legal point of discharge" an approved legal point of discharge, or any point someone determines?
- How (or where) is "waterway" defined?
- There is no clarity in regard to permit requirements for outbuildings.

#### 3.2 At 42.01-4-3: Permit Requirement: Deletion Of Permit Requirement For Vegetation Removal

Dot point 3: Clause 42.01 Environmental Significance Overlay header provisions trigger a permit for removal of *any* vegetation (not just native vegetation), other than as exempted within that Clause, or within a schedule to the Clause (in this case, ESO Schedule 4).

C145 alters the ESO4 schedule to remove the ESO's permit requirements for any form of vegetation removal across the entire Coliban and Campaspe catchments in Macedon Ranges Shire, other than for removal of native vegetation within 30 metres of a waterway.

This 'blanket' exemption across both the Coliban and Campaspe catchments is difficult to reconcile with responsible catchment management and protection principles, and is not supported.

- Even before Lake Eppalock was operational as a water supply reservoir, its catchment was recognised as having a very substantial erosion problem (sheet, wind, tunnel, gully). As a result the acclaimed catchment-wide, concerted, co-ordinated *Eppalock Catchment Soil Conservation Project* was launched in 1960 to address water quality, productivity and significant siltation potential through remedial works, improved pastures and – by 1975 – planting 120,000 trees<sup>[1]</sup>.
- Many areas within the Coliban and Campaspe catchments in Macedon Ranges Shire do not have other overlays that trigger permits for native or other vegetation removal, or only have Vegetation Protection Overlays 2 and 6 applied intermittently to roadsides for roadside vegetation and wildlife corridors respectively. The Shire's sole Erosion Management Overlay is confined to Malmsbury township. Salinity Management overlays are not applied in the Shire. Recharge areas remain unprotected. Although some permit requirements for native vegetation removal will be triggered by Clause 52.17 Native Vegetation, this Clause does not address non-native vegetation removal and includes an ever-widening list of exemptions, including a generic State-wide exemption for native vegetation removal for new and existing dwellings and agricultural infrastructure in the Farming and Rural Activity Zones.

This C145 change may lessen authorities' workload by reducing permit applications for vegetation removal, but it is not possible to see how it protects the catchment. The amendment's changes seem to leave the management of vegetation within catchments to other, more generic, planning scheme controls (where they exist), and sends a message that except for native vegetation within 30m of a waterway, any vegetation can be removed within Special Water Supply Catchments without a permit.



In addition, this change appears inconsistent with the Macedon Ranges Statement of Planning Policy, Objective 3:

*“To prioritise the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.” [emphasis added]*

and also marginal for consistency with the Statement of Planning Policy’s Objectives 1 and 2 respectively:

*“To ensure the declared area’s natural and cultural landscapes are conserved and enhanced.”*

*“To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced.”*

**Actions Requested:**

1. Demonstrate how not requiring a permit for vegetation removal within the Eppalock catchment in Macedon Ranges Shire (other than removal of native vegetation within 30 metres of a waterway) is consistent with the Statement of Planning Policy’s requirement to *prioritise* the conservation and use of the Shire’s water catchments and other Objectives, and with best practice catchment management.
2. Review and modify this permit exemption to limit its scope and scale, or delete it, particularly in the Campaspe River catchment.

**3.3 At 42.01-4-3 Permit Requirement: Removal Of Permit Requirements For Authorities**

Dot points 5 and 6: C145 removes the need for a permit to be obtained by authorities, and on public land. This goes too far.

- Dot point 5: Here, a Minister, government department, public authority and municipal council do not require permits for buildings and works, fences, removal of any vegetation or subdivision.
- Dot point 6: Here, buildings and works associated with any activities on public land that are conducted by or on behalf of land managers under a range of Acts of parliament are exempt from requiring a permit. Notably, land managers under most of the named Acts are also bound to act consistently with the Macedon Ranges Statement of Planning Policy.

**Action Requested:**

- 1) Reduce the scale and scope of these changes to prioritise catchment protection over operational convenience, to improve consistency with the Macedon Ranges Statement of Planning Policy, and to produce more accountable and transparent operating standards.

**3.4 At 42.01-4-5 Decision Guidelines: Deletion Of Existing Matters To Be Considered**

The current ESO4 schedule’s requirements - to consider vegetation retention in recharge areas, septic tanks within 100 metres of a watercourse, existing degradation, density of septic tanks in the area, litter traps and local landcare policies - are all deleted. These matters have been endorsed as important in Macedon Ranges Shire through various panel hearings. It is not clear that they continue to be embraced in C145’s changes.

**Action Requested:**

- 1) Demonstrate how the matters required to be considered in the existing ESO4 schedule are addressed in the new C145 Decision Guideline requirements.

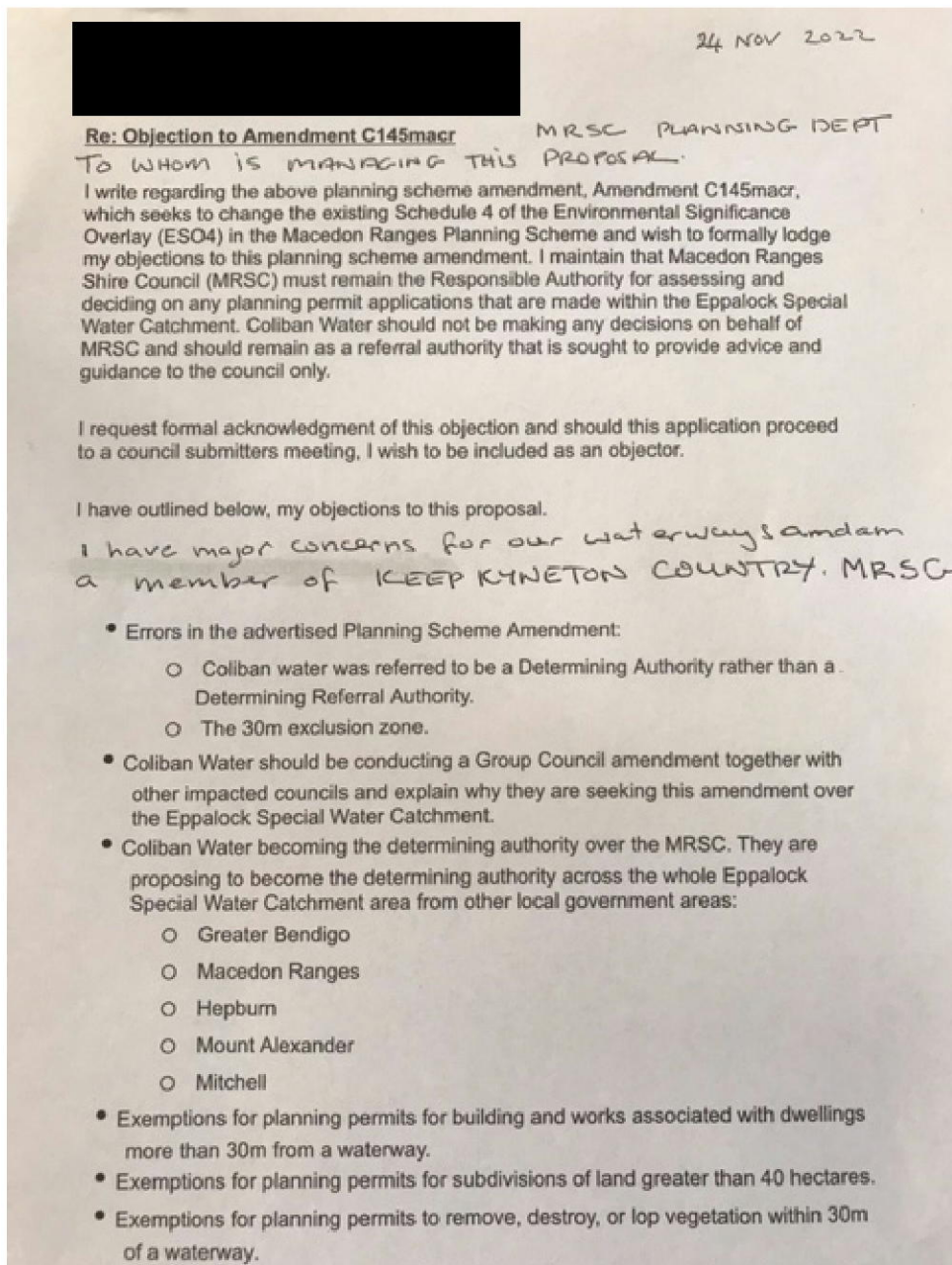
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<sup>[1]</sup> *Eppalock Catchment Project (Conservation Forests and Lands, 1985, page 17)*

**Daniel Hall**

**From:**  
**Sent:**  
**To:**  
**Cc:**

**Subject:**

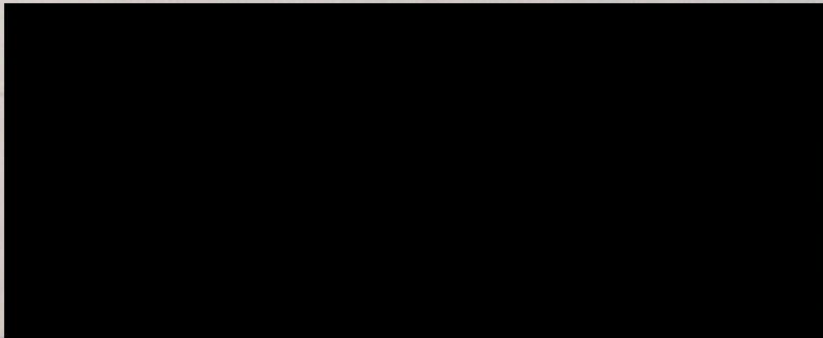




- Deliberative Engagement strategies to be employed by council to ensure these planning scheme amendments are in the best interest of the residents and it is an open and transparent process.

Coliban Water, for too long, has been subject to many adverse environmental atrocities along the Campaspe River and Snipes Creek here in Kyneton, and their submission to their Environment Protection Authority licence review asks that they be allowed to continue to discharge high-nutrient effluent into the waterways they are given responsibility to protect. Community confidence in them protecting our waterways is extremely low because of their history, so when planning scheme amendments like this come along, I am very sceptical is it in the best interest of the waterway, of which I feel very sorry to admit. This is the sole purpose of me sending in this objection and appealing to our planning department and Councillors to seek the right and proper information to ensure our waterways are being protected to the utmost and not beholden to the failing bottom line of a commercial organisation, like Coliban Water.

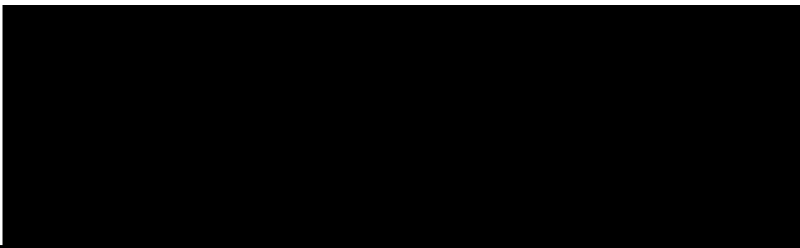
I hope that the above detail is sufficient for you record but should you require further information, please contact me via return email or the address listed above.



**Daniel Hall**

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**



Dear Mr O'Sullivan,

I would like to thank the Macedon Ranges Shire Council for the opportunity to respond to Planning Scheme Amendment C14 Environmental Significance Overlay Schedule 4 Eppalock Special Water Supply Catchment (ESO4) ('the Amendment').

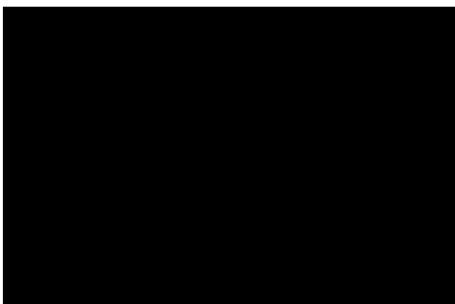
As a landowner I have a number of concerns and oppose the ESO4 Amendment.

These concerns include, but are not limited to:

1. increased restrictions and on planning permissions to some areas in the Eppalock Special Water Supply Catchment (SWSC). For example, buildings and works within 30 meters from a waterway;
2. being able to effectively graze livestock in long established grazing areas near waterways and ensure the health of the cattle that I am responsible for;
3. being able to effectively provide access to waterways and reduce fire risk by removal, destruction or lopping of vegetation within 30 meters of a waterway;
4. undue burden and unnecessary increased regulatory requirements that planning permits within 30 meters of Eppalock SWSC;
5. vague descriptions of the amendment that result in uncertainty and concern about its actual application.

On these grounds the proposed Amendment should not be implemented.

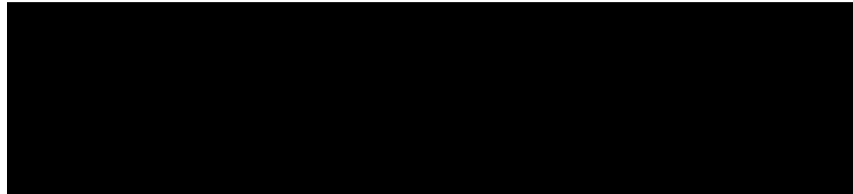
I look forward to being provided with the opportunity to voice these concerns in any council meetings and any public hearing held to consider submissions.



**Daniel Hall**

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**From:**  
**Sent:**  
**To:**  
**Subject:**



**Hello and thanks for the opportunity to comment on the proposed amendment.**

**I agree with this amendment as a person who applies for permits all the time.**

**But I do raise issues about the COLIBAN WATERS intentions and ask WHY they seek an amendment taking into account their track record on their environmental past history and credentials.**

**Yes we agree there should be a healthy catchment. But I have to say the major polluter within the catchment is COLIBAN WATER ( CW ) itself.**

**Please have a look at the track record of this irresponsible water authority CW- Multiple convictions / cases of illegal release from underwhelming infrastructure. The area is under threat by new developments everywhere in the catchment without the increase in fit for purpose infrastructure----- none of which should be allowed until the services are in place.**

**Please ask yourself WHY CW is asking for this amendment and with their lack of compliance why they would be applying for the amendment. WHEN -----**

- **Millions of litres of illegal sewage waste is released to the catchment every year and basically rendered the Campaspe river a very degraded water way. evidence in the fact they were find \$\$\$ and the CW CEO is on a good behaviour bond.**
- **They have released into Snipes creek illegally without EPA approval and the e coli levels were >2400--(EPA REQUIRE A MAX OF indictment of a corporation that says they care for the environment. Putting our farming enterprises at threat as stock has to obtain water from the polluted creek and the river. The release of waste material into this creek was banned years ago due to the heavy existing levels of pollutants in the sediments of the Snipes creek.**
- **Referring to the outcomes of the recent flooding at Rochester and Echuca I kept on hearing how the water ways smelt of SEWERAGE - any wonder when the CW corporation was dumping sewage into the river from all their infrastructure along the river some of which is unmetered-LAGOON \$ AT KYNETON - WHY-- into a tributary of the Campaspe rv at Kyneton. Also remember woodend sewerage farm also releases water into Five mile creek which runs into the Campaspe so the river is already preloaded with sewerage waste water before Kyneton inflows.**
- **The shires have a case to answer here as well in the FACT the amount of illegal stormwater connections entering the sewer system is overloading it at each rain event and this doesn't seem to be getting any better since we keep raising the issue and the shire keep on approving more and more developments to add to the problem yes both residential and industrial ones.**



- **CW are trying to get a review to their licence. They are trying to get an even worse outcome for the river in so many ways. They say they will be open and consultative to the public --other than misinformation and spin no real change to their commitment to the public of treating us like mushrooms.**

**We don't have a heathy catchment due to CW incompetence. We don't have Platypus, Rakali, crustaceans or quality native fish as they can't live in polluted waterways lacking oxygen due to the amount of Azolla - a water plant that chokes and smothers polluted waterways depleting the riparian ecosystem of oxygen and light to the river.**

**Let me say the best outcome we have achieved as a community is to get the river flow gauging station moved from Redesdale to Kyneton as it stands. CW has promised the readings available to the public but we are yet to have access to these meter readings.**

**It can be raining in the northern part of the catchment (water going past Redesdale gauging station) thus allowing CW to release up to 20% of the river flow @ Redesdale **even though** NO RIVER FLOW AT KYNETON at the point of release. CW are the people who say they care. REFER TO THE FACT SHEET- absolute spin if you take it on face value -reality is a whole lot different to the promises.**

**As a farmer [REDACTED] we have received contaminated water for years and can't allow stock onto our part of the river. It has been a very costly exercise getting stock onto CLEAN water - hence my anger at their absolute glossy spin and with a toothless tiger in the EPA what chance has the environment got.**

[REDACTED]



## Department of Transport

GPO Box 2392  
Melbourne, VIC 3001 Australia  
Telephone: +61 3 9651 9999  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)  
DX 201292

Ref: PSA381/22

Mr Daniel Hall  
Graduate Strategic Planner  
Macedon Ranges Shire Council  
PO Box 151  
KYNETON VIC 3444

Dear Mr Hall,

### **AMENDMENT C145MACR ENVIRONMENTAL SIGNIFICANCE OVERLAY**

The Head, Transport for Victoria has reviewed the documentation and does not object to the Planning Scheme Amendment as proposed.

Should you have any enquiries regarding this matter, please contact Jasmine Bartlett at [statutory.planning@roads.vic.gov.au](mailto:statutory.planning@roads.vic.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "Jasmine Bartlett".

**Jasmine Bartlett**  
Team Leader – Statutory Planning  
Department of Transport – Loddon Mallee Region  
21/11/2022

GMW Ref: PSA-22-00016  
Doc ID: A4534004

Macedon Ranges Shire Council  
Planning Department  
planning@mrsc.vic.gov.au

25 November 2022

Dear Sir and/or Madam,

### Planning Scheme Amendment C145 – ESO4

Thank you for your letter and information received 14 October 2022 giving Goulburn-Murray Water (GMW) the opportunity to consider this Planning Scheme Amendment.

Goulburn Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

GMW understands that the amendment has been made at the request of Coliban Water Corporation and applies to all land affected by Schedule 4 to the Environmental Significance overlay (ESO4). GMW is supportive of the ESO4 being amended to extend more broadly to require planning permission for building and works in additions to dwellings subject to exemptions. However, GMW requests that you consider the comments and potential issues raised in relation to the exemptions outlined below.

#### Fences that are more than 10 metres away from a waterway.

- Please note that clause 14.02-1S 'Catchment Planning and Management' outlines a number of strategies for the protection and restoration of water, including the retention of natural drainage corridors with vegetated buffers at least 30m wide either side of a waterway. The proposed exemption outlined above is contrary to SPP as it allows for the potential use of the land within a 30m buffer.

#### Buildings and works (general) that are located more than 30 metres from a waterway and meet other specific conditions.

- Consideration should be given to whether 30m or 50m from a waterway is appropriate. If development is proposed adjacent to a Heritage River, a 50m building setback is required in accordance with the Guidelines for Protection of Water Quality dated May 2016.
- What defines other specific conditions? Is the development connected to reticulated sewer? GMW requires further information in this regard prior to making comment.



Subdivide an existing building connected to reticulated water and sewerage.

- In recent times, GMW has been referred applications for dwellings within 30m of a waterway. The land was subdivided and not referred to GMW at subdivision.
- This should stipulate a 30m/50m building setback – ie. Subdivide an existing building connected to reticulated water and sewerage in which any future development of lots can achieve a 30m/50m setback from a waterway.
- Where lots are constrained a planning permit should be required to subdivide the land.

Based on the information provided, GMW cannot fully support the proposed Planning Scheme Amendment C145 and requests that Council consider GMW's comments outlined above.

If you require further information please e-mail [planning.referrals@gmwater.com.au](mailto:planning.referrals@gmwater.com.au) or contact 1800 013 357.

Yours sincerely

*Ranine McKenzie*

Ranine McKenzie  
STATUTORY PLANNING PARTNER



GMW Ref: PSA-22-00016  
Doc ID: A4569233

Macedon Ranges Shire Council  
Planning Department  
planning@mrsc.vic.gov.au

6 February 2023

Dear Sir and/or Madam,

### Planning Scheme Amendment C145 – ESO4

I refer to Goulburn-Murray Water's (GMW) response letter to proposed Planning Scheme Amendment C145 on 25 November 2022.

GMW consulted with Coliban Water and our concerns outlined within the response letter concerning ESO4 have been addressed and GMW has no further issues. On this basis, GMW supports proposed Planning Scheme Amendment C145.

If you require further information please e-mail [planning.referrals@gmwater.com.au](mailto:planning.referrals@gmwater.com.au) or contact 1800 013 357.

Yours sincerely

*Ranine McKenzie*

Ranine McKenzie  
STATUTORY PLANNING PARTNER





**Date: 24 November 2022**

Macedon Ranges Shire Council.  
Planning Department  
PO Box 151, Kyneton Taungurung VIC 3444  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

Hi Macedon Ranges Shire Council Planning Department and Asok Rao,

**Re: Objection to Amendment C145macr**

I write regarding the above planning scheme amendment, Amendment C145macr, which seeks to change the existing Schedule 4 of the Environmental Significance Overlay (ESO4) in the Macedon Ranges Planning Scheme and wish to formally lodge my objections to this planning scheme amendment. I maintain that Macedon Ranges Shire Council (MRSC) must remain the assessment and deciding body on any planning permit applications that are made within the Eppalock Special Water Catchment.

Coliban Water should not be making any decisions on behalf of MRSC and should remain as a referral authority that is sought to provide advice and guidance to the council only.

Deliberative Engagement strategies to be employed by council to ensure these planning scheme amendments are in the best interest of the residents and it is an open and transparent process.

I request formal acknowledgment of this objection and should this application proceed to a council submitters meeting, I wish to be included as an objector.

I have outlined below, my objections to this proposal.

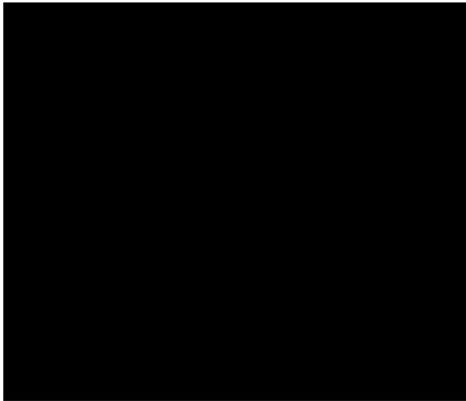
- Errors in the advertised Planning Scheme Amendment:
  - Coliban water was referred to be a Determining Authority rather than a Determining Referral Authority.
  - The 30m exclusion zone.
- Coliban Water not conducting a Group Council amendment together with other impacted councils and explain why they are seeking this amendment over the Eppalock Special Water Catchment.
- Coliban Water becoming the determining authority over the MRSC. They are proposing to become the determining authority across the whole Eppalock Special Water Catchment area from other local government areas:



- Greater Bendigo
- Macedon Ranges
- Hepburn
- Mount Alexander
- Mitchell
- Exemptions for planning permits for building and works associated with dwellings more than 30m from a waterway.
- Exemptions for planning permits for subdivisions of land greater than 40 hectares.
- Exemptions for planning permits to remove, destroy, or lop vegetation within 30m of a waterway.

Coliban Water, for too long, has been subject to many adverse environmental atrocities along the Campaspe River and Snipes Creek here in Kyneton, and their submission to their Environment Protection Authority licence review asks that they be allowed to continue to discharge high-nutrient effluent into the waterways they are given responsibility to protect. Community confidence in them protecting our waterways is extremely low because of their history, so when planning scheme amendments like this come along, I am very sceptical is it in the best interest of the waterway, of which I feel very sorry to admit. This is the sole purpose of me sending in this objection and appealing to our planning department and Councillors to seek the right and proper information to ensure our waterways are being protected to the utmost and not beholden to the failing bottom line of a commercial organisation, like Coliban Water.

I hope that the above detail is sufficient for you record but should you require further information, please contact me via return email listed above.



*I acknowledge that I live, work, and play on Taungurung land. I give my thanks and respect to the Taungurung people who cared for this country many centuries before me and my family.*

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Amendment C145macr  
**Date:** Thursday, 24 November 2022 2:48:53 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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I am writing to object to Amendment C145 and the proposed changes to ESO4.

It is disappointing that the VFF was not given notice to this proposed change as we have advocated to Council in relation to this amendment and the inclusion of ultra vires planning permit conditions, which have led to the amendment of planning permits.

Having just been made aware of this proposal today I am not in a position to outline a detailed submission to Panel. I am foreshadowing that the VFF is requesting to present a position in relation to the role and function of an overlay in relation to the Manual on the VPPs and the relevant heads of power of the Planning and Environment Act and the Catchment and Land Protection Act.

It would be helpful if a meeting is facilitated with Council, Coliban Water and all impacted landholders in order to outline the detailed considerations and respond to questions.


In the past Macedon Ranges Shire Council has facilitated these meetings as part of the exhibition – for example changes to the bushfire controls saw communication with 17,000 properties and ten community meetings with the CFA and Council in attendance.

I respectfully request that the VFF be given notice of strategies and amendments that impact on agriculture at [REDACTED]




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### **Submission – C145 Macedon Ranges Planning Scheme – Eppalock Special Water Supply Catchment**

The information below provides additional detail in relation to the submission of the VFF in relation to C145 to the Macedon Ranges Planning Scheme.

A key issue for considerations is the role and function of two Acts – the *Catchment and Land Protection Act 1994* (CALP Act) and the *Planning and Environment Act 1987*. (PE Act)

The CALP Act designates the catchment as a Special Water Supply Catchment. It is primarily a land management act, which means it can seek changes in land use through a special area plan (formerly Land Use Determination). As it has the power to impact on existing lawful use, a SAP generally needs to pay compensation for the impact on practices.

The PE Act is the key land use and development Act in Victoria. It should only deal with land management issues when there is a direct causal link between a land use development trigger. As it does not impact on lawful existing uses changes in zones or overlays are not subject to compensation.

This is increasingly a grey area for agricultural land uses as many agencies are seeking to take action under the PE Act to avoid consideration of compensation. This is particularly relevant to uses on agricultural land. The last Panel / Advisory Committee that gave detailed consideration to the heads of power was in 1990 and the consideration of native vegetation provisions, which applied to clearing of several hectares of vegetation and excluded lopping and dead trees.

During the NPS-1 Schemes ESOs were applied to many catchments. Their purpose at that time was clearly in relation to dwellings in water catchments and the risk posed by human effluent from poorly managed septic systems. They were not to require the revegetation of waterways or the exclusion of stock when there was no trigger and should not be used to link these actions where there is a clear land use / development trigger – such as a new dwelling.

The purpose of this amendment is about trying to implement changes on lawful farming practice to theoretically reduce costs to a commercial entity. This then transfers costs to landholders who receive no benefit or compensation from the action.

The reduction in costs is theoretical as the ESO cannot exclude wildlife from these areas and therefore water treatment costs will be retained.



The statement of environmental significance (inserted below) clearly indicates that this is a land management issue for an entity to help them comply with the *Water Act 1989*. Therefore, it should be an action under the CALP Act with compensation calculated and provided for. At no stage does it focus on a land use / development objective – purely a land management one.

*The management of land in the catchment must: Focus on the long-term protection of the natural resources and environmental systems. Encourage the implementation of measures to minimise detrimental impacts on the quality and quantity water within a declared special water supply catchment.*

The Environmental Objective seeks to remove the reference to the CALP Act and it seeks to introduce a permit requirement for fences – including farm fences. This does impact on lawful land use and ability to comply with other statutes.

The applications requirements are excessively onerous in relation to the level of risk to the catchment from repairing or replacing a farm fence. Some aspects may be appropriate to a dwelling, however mapping all waterways on a property, linking mapping, vegetation linkages and geotechnical reports to farm fences is not appropriate.

If a commonsense approach was taken to the decision guidelines, then there should not be a permit for a farm fence within 10m of a waterway. The only potential issue would be a minimal chance for erosion, which is far negated by the ability to minimise the impact from livestock in an area.

This requirement would be better considered under the CALP Act or by Coliban Water working with Rural Research and Development Corporations to identify best practice options that also comply with other statutory requirements.