HERE IS A COMBINED,COMPREHENSIVE LIST OF THE ISSUES RAISED IN RELATION TO THE PROPOSED MOSQUE. (there are more)

Despite the extensive list of issues contained in this document, the City of Greater Bendigo continues to say that they have followed correct planning procedures and protocols and the Mayor and 6 of the Councillors who voted to support the planning application against the overwhelming will of the residents of Bendigo, have continued to promote this blatant lie and further abuse of residents.

We won't be updating this list again until the matter is finalized unless something significant occurs.

1. The applicant and the council lied about the need for such a huge development for Muslims in the Bendigo region. The alleged numbers of Muslims in Bendigo have varied wildly and are grossly exaggerated. It has been established in VCAT that NO MORE than 35 Muslims avail themselves of the 2 prayer HALLS that have been provided for them at LaTrobe university. Even worse, of these 35 Muslims, many are NON domiciled students and workers from Melbourne and elsewhere. They do not live permanently in Bendigo. The Muslim population in Bendigo is miniscule.

2. Council failed to list all of the residents who submitted objections to the proposed mosque development.
Council also tried to reduce the numbers of objectors by telling residents that they would only accept one objection per household and one objection per couple.
This was a blatant abuse of power by the council as every person has a right to an opinion on an issue, even a husband and wife. If 10 people live in a house together, it would be a violation of the other 9 occupant’s rights if only one person could express their opinion on a development.

3. Council neglected to undertake any social impact study in relation to the introduction of the biggest mosque in the southern hemisphere to Bendigo. Nor did they stipulate for the applicant to provide any such study, particularly since there was such adverse public response to the application. It was the applicant’s responsibility to do this, NOT the residents of Bendigo.

4. Council neglected to undertake any investigations to educate themselves about Sharia law or any other aspect of Islam. This is a gross dereliction of their duty of care as we are now aware that the new owner of the land for the proposed mosque (who has also bought all of the surrounding vacant industrial supply of land) is the Australian Islamic Mission incorporated who are also Juma’at Islamiah, known as a proscribed terrorist organization.
The Bendigo Mayor, Peter Cox in a recent television interview laughed and stated openly that he had “never read anything about Sharia law”.

5. It is basic planning responsibility and it is the duty of the planning department to look, not only at how a development might impact a community in the short term but also how the city might look in 50 years time as a result of a decision to grant a development permit such as this. Council has not done this.

6. Council refused to allow a referendum on the proposed mosque development.

7. Council refused to allow public consultation on the proposed mosque development.

8. Council lied and is still lying about the intended scope of the development. The proposed mosque has the capacity to accommodate over 2000 attendees and future extensions are planned. They also intend to build in stages which allows for further amendments to the development along the way. They also mention an Islamic school and other additions in their amended application in March 2014. Bendigo residents were not told about any of this, nor has the applicant or the council provided the relevant documentation and information.

9. Council used the media to slander and abuse and lie about residents for their objection to the proposed mosque development.

10) Council denied residents answers to written requests for information and would not respond to requests for a meeting to discuss the planning application.

11. Council prevented residents from accessing planning files and relevant information about the proposed mosque development and other planning files for developments that are underway behind the proposed mosque development site.

12. Council withheld vital information from the planning file about the proposed mosque development including primary and statutory documents that are mandatory requirements and should be included during the period of public viewing of the file to allow residents to make an informed decision about the development.

13. Council placed a CD in the planning file that had nothing on it to identify its contents nor was any facility available to the public to enable them to look at the contents of the CD.
After repeated efforts, when a copy of the disc was finally obtained, it contained documents and information that was not contained as a hard copy in the planning file. The information was hidden in plain sight in the planning file.
This tactic has been used in other planning files as well and it gives the council the opportunity to say to residents that the information was there in the file all along.

14. The supporting reports and information contained in the planning file for the proposed mosque development were grossly and fundamentally flawed, inaccurate and unacceptable.

15. The Tomkinson report which is the main supporting document for the planning application stated that the massive sports hall attached to the proposed mosque was a 2 storey building.
The Cardno report which is the parking and traffic report for the planning application stated that the sports hall was a single storey construction.
How can any credible planning authority accept such a horrendously inaccurate application when they haven’t even established whether it is a single or double storey construction? This is hideous.
Furthermore, the plans provided for the proposed mosque do not reflect what is contained in the supporting document for the application, the Tomkinson report.
Paul Tomkinson is an ex Mayor of Bendigo and the Tomkinson group is his business.

16. No supporting documents were provided despite numerous requests to explain the vague rules and conditions that were to be applied to non-Muslims who are supposed to be allowed to use the facilities. These rules were listed as “strictly according to Islamic guidelines” etc.

17. None of the supporting information was provided or contained with the application where they made reference to other studies and reports to support their claims for the development.

18. Reports contained references to the “Whittlesea planning scheme” when they should have referred to and applied the “City of Greater Bendigo planning scheme”.

19. False, inappropriate, misleading and irrelevant statistical data from the Bureau of Statistics was used to confuse and mislead people and to grossly understate the actual numbers of people who would attend the proposed mosque development. This deliberately false information has the effect of reducing the number of parking facilities that are necessary for attendees to the proposed mosque and it also affects the traffic assessment and other reports.
• The roads and traffic impact cannot be quantified without accurate planning documents, reports and statistical data.
• The parking requirements cannot be quantified without accurate planning documents, reports and statistical data.
• The impact to neighbourhood amenity cannot be quantified without accurate planning documents, reports and statistical data.
• The impact of noise and disruption to neighbouring properties cannot be quantified without accurate planning documents, reports and statistical data.
• The impact to infrastructure cannot be quantified without accurate planning documents, reports and statistical data.
• The social impact to the Bendigo community as a whole cannot be quantified without accurate planning documents, reports and statistical data.
• The DEPI environmental and polution reports cannot be supported or quantified without accurate planning documents, reports and statistical data.
• The impact to native vegetation and wildlife cannot be quantified without accurate planning documents, reports and statistical data.
• The cost assessment of the development cannot be quantified without accurate planning documents, reports and statistical data.
• The size of the footprint of the entire development that determines whether more extensive information must be sought cannot be quantified without accurate planning documents, reports and statistical data.
• All expert reports and other evidence that was obtained for the purpose of presenting a case for the mosque application at VCAT cannot be relied upon without accurate planning documents, reports and statistical data.
• Future planning projections for the region cannot be properly assessed without accurate planning documents, reports and statistical data.
• Residents cannot quantify or assess how this development will affect them, their families, their lives or their livelihoods without accurate planning documents, reports and statistical data.
NO ONE CAN ACCURATELY QUANTIFY OR ASSESS THE IMPACT OF THE PROPOSED MOSQUE DEVELOPMENT WITHOUT ACCURATE PLANNING REPORTS AND STATISTICAL DATA - NO ONE.

20. Furthermore, none of the residents of Bendigo were told that the Australian Islamic Mission Inc have bought all of the surrounding supply of land as well as the proposed mosque site for the purpose of expanding their development. No one has been given any information about this or what it is intended to be used for.

21. Bendigo Council has generated enormous fear, apprehension, anger, mistrust and uncertainty throughout the Bendigo community by their lies, deceit, abuse and slander toward residents who oppose the mosque development and toward those whose homes and livelihoods are directly impacted.

22. Residents have been denied their right to FULLY understand the extent of what is being proposed in their neighbourhoods and for Bendigo as a whole. They have been put in a situation where they are unable to make an informed decision about their own future and that of their family.

23. Council has failed to address the undeniable cost to neighbouring residents in relation to the massive decline in the value of their properties and businesses due to the proposed introduction of a mosque in their area.

24. Council has determined that a maximum of only 375 (based on totally false data) Muslims would be in attendance at the proposed mosque for prayers. They have completely omitted the numbers of attendees at the food court, library, education facilities/classrooms, retail shops, sports hall and the tourists that the Bendigo council has suggested this development would attract. Parking, traffic, noise and disruption have not been factored in for these other uses and attendances.

25. Council has failed to explain how they will police and control noise, parking spill over and enforce the cap on numbers (375) of attendees to the proposed mosque development.

26. Council lied about the status of the control of Rohs Road after the completion of the arterial road behind the proposed mosque development. They did not disclose to VCAT that Rohs Road would cease to be a main road under the control of VicRoads and was to be handed back to the control of the City of Greater Bendigo once the arterial road was complete. This situation distorted the facts and the conditions that should have applied in the roads and traffic expert witness statements.

27. Council did not ensure that adequate access and exit points were available for the proposed development and lied to residents about this.

28. Council applied conditions to the permit application that they KNEW beforehand were ILLEGAL and unenforceable. They did this to give the impression to the residents of Bendigo that they were trying to be hard on the applicant of the permit even though they knew the applicant would appeal and have those conditions quashed by VCAT.

29. Council and their lawyers at VCAT deceived or lied about the sale of the supply of industrial land that they allowed the Australian Islamic Mission inc to buy. They have bought around 13 acres of land that we know about so far and possibly even more, yet council lied and told residents that they had only bought 2.08 hectares.

30. It is clear that the council was trying to force through the application for the proposed mosque development BEFORE the completion of the arterial road that is to wrap around the site and join up to Victa Road. When that happens, the proposed mosque site which is currently zoned light industrial will be locked into the residential zoned area. The council deliberately and consciously approved a massive industrial regulation building to be built that they knew was not conducive or compatible to a residential neighbourhood. Had the arterial road already been finished, under normal circumstances, this would not be acceptable.

31. No statutory declaration was provided to ensure advertising and information requirements were adhered to at the time the application was lodged at the City of Greater Bendigo Planning department. Numerous residents were not provided with adequate information according to statutory regulations.

32. The planning application was fraudulent and contained false ownership details for the land. Dr Shaker Issa (a Muslim doctor in Wedderburn) was listed as the owner of the land instead of the actual owner, Robert Plowright. Dr Shaker Issa has never had any association with the ownership of the land before, during or since. There was NO REASON for his name to appear on the application.

33. One of the very first things that must be done when a planning application is lodged is to identify the owner of the land on the council database. This MUST be done to ensure that they are dealing with the right owner and property. It is practically impossible to get this wrong and subsequent correspondence from council to the applicant clearly shows that they knew about it. Council KNOWINGLY accepted a fraudulent planning application.

34. An amended planning application was submitted approximately 4 months after the initial planning application but it was out of date and too late to be considered, yet council still allowed it.

35. On the 16th of June 2014, at the Whipstick ward meeting that was held at the town hall in front of a full room of residents and with the media present, the false, fraudulent, inaccurate, fundamentally flawed planning reports and documents were presented and laid out before Councillors James Williams, Lisa Ruffell and Peter Cox. They were told explicitly that they could not accept this application and that it would be unlawful for them to do so.

36. On the 18th of June 2014, when Council voted to accept the planning application for the proposed mosque development, they voted on the original, fraudulent application, NOT the amended application. They voted to accept the permit application in its entirety KNOWING that it contained fraudulent, false, inaccurate and unacceptable contents.

37. Council forced residents into a protracted, enormously expensive and distressing VCAT hearing KNOWING that they had no just or legal grounds to accept the application in the first place. They also knew that it was their responsibility to assess the permit application on its merits and accuracy.

38. No soil test for contamination was conducted even though the area is full of old gold diggings and mines.

39. No engineers report for earthworks was conducted even though the massive size of the proposed mosque development would require massive clearing of the site and extensive earthworks for foundations, especially for the minaret given its height. This extent of earthworks also impacts dust and noise pollution prevention criteria.

40. No foundation details to ascertain the degree of earthworks in order to assess environmental, noise and pollution criteria were provided by council despite repeated requests.

41. Photographs of the building site were deliberately false and did not depict the extent of the required clearance of native trees and scrub. The permit applicant took photos of a large, cleared area of white clay soil on the north west boundary that was actually the land that had been purchased by Council for the arterial road. It had NOTHING to do with the site of the proposed building works.

42. DEPI did not even go to look at the site in order to make their report even though virtually ALL of the native trees and vegetation on the heavily vegetated land would be required to be removed. They relied solely on aerial photographs and information provided to them by the applicant and council.

43. The applicant and council lied to DEPI about the true extent of the proposed mosque development including further future extensions that were listed in the addendums to the planning file when the amended planning application was lodged in March 2014. The applicant and council did this to avoid the much more involved process and reporting that is required when a development exceeds 1 hectare footprint in size (including carparking, driveways, footpaths, shedding and the main building works). The council and the applicant would have been required to disclose to DEPI all future works that would be conducted on the site for the next 5 years. If they had done this, the true extent of the development would have been revealed.

44. The amount that was stated on the planning application for the estimated cost of the proposed mosque development was $3,000,000.00. We had a cost assessment done for VCAT based on the current plans for the mosque (not including future extensions etc) and the true cost of the proposed development is 15,000,0000.00+. That is more than five times the amount stated on the planning application. It will be much more than that with the future extensions and other facilities included. Who is paying for this?

45. Council did not follow correct planning protocols and procedures. They did not ensure that statutory documents and requirements were fulfilled and they deliberately accepted fraudulent statutory documents.

46. The City of Greater Bendigo and their lawyers and the lawyers acting for the Australian Islamic MIssion inc. tried repeatedly to use the Human Rights Charter to suggest that we were in breach of their human rights by trying to deny them the right to build the biggest mosque in the southern hemisphere. They didn't realize that our lawyer, Robert Balzola is an expert on the Human Rights Charter. He pointed out that the City of Greater Bendigo AND the Australian Islamic Mission inc. were incorporations, NOT people. He said that the Human Rights Charter only covers persons and that the only 'person' who was a party in the VCAT matter was Julie Hoskin, therefore only her human rights were protected. He went on to say that the City of Greater Bendigo has NO human rights and the Australian Islamic Mission inc. has NO human rights either. LOL!

47. Council tried to deceive residents and VCAT by implying that there was no relevance to the mosque site and the surrounding industrial land. They tried to say that the proposed mosque site would have no impact on the industrial supply of land in the area. They tried to hide the fact that the Australian Islamic Mission inc also owned ALL of the surrounding supply of industrial land. In fact, all the land was bought at the same time, just after the council voted to accept the mosque proposal on the 18th June 2014.

48. The permit applicant supplied council with further addendums to the permit in February-March 2014. When they did this, they did not supply neighbouring residents with copies of these addendums which included suggestions of further extensions to thedevelopment and an Islamic school. The implications of this could mean that an entirely new permit application should have been submitted with the appropriate statutory advertising and appropriate planning procedures followed.

49. Despite repeated requests to the planning department, no internal drawings of the minaret were provided to show whether or not the structure would be a working minaret or just 'symbolic' as the City of Greater Bendigo and the Australian Islamic Mission inc. were suggesting.

50. The QC acting for the Australian Islamic Mission inc. said that the call to prayer would be sent out via text message and that the minaret would not be used for the call to prayer. (Dubai, Qatar, Tripoli, Istanbul are all tech savvy middle eastern cities with the capacity to send text messages, yet they still have the call to prayer.)

51. At the council meeting on the 18th June 2014 when councillors voted to accept the mosque planning application, the Director of planning, Prue Mansfield stated the permit did not allow for the minaret to be used for the call to prayer but that AFTER the mosque was built, they could apply to use it for that purpose.

52. Chris Duckett of the planning department deliberately omitted sending requests from the manager of the airport about critical information that was required from the Civil Aviation Safety Authority (CASA) to enable them to form an accurate opinion on the location and height of the proposed minaret in relation to the airport and the secondary runway.

53. Due to its height and proximity to the airport runway, which is only 800 meters from the proposed site of the minaret, the minaret would be required to have a warning beacon on top. This beacon would need to be so bright that it could be easily seen by incoming aircraft.
This would cause further enormous disruption to those living in the adjacent residential neighbourhood.

54. Council and the Australian Islamic Mission inc. claimed that the boundaries of the proposed mosque site were at least 35 meters from the boundaries of the nearest residential property, therefore meeting the required buffer zone. It is much less than 35 meters.

55. Chris Duckett refused to provide exact figures on the size of the entire footprint of the proposed mosque deveopment. He told us to get a ruler and work it out ourselves.

56. When Council was asked prior to VCAT to clarify whether or not the sports hall was to be a 2 storey construction, they said it was only a single storey construction. At VCAT their expert witness town planner stated vehemently that it was to be a 2 storey construction. When council was asked if the sports hall was being built with the capacity to add a second storey floor, they refused to answer.

57. Our lawyers argued that the size and construction of the 2 storey sports hall lent it to being easily used as a second prayer hall with separate areas for men and women.

58. The Council and the Australian Islamic Mission inc. claimed the 2 storey sports hall would be available for public use between prayer times but they would not stipulate the finish times for their prayers to enable anyone to assess how a sports game could possibly be held within those time frames. Furthermore, Islamic prayer times are not set times as they vary in accordance with two astronomical measures.

59. The REAL variance in the prayer times throw all of the traffic and parking reports out the window.

60. The reports contained in the planning file stipulated that a maximum of only 25 people would be able to use the sports hall at any one time.

61. The Australian Islamic Mission inc. would not explain what kind of sports would be able to be played in the sports hall given the rigid time constraints and extreme limitations of numbers of people who could participate at any given time or who would be able to use the facility "in accordance with Islamic guidelines".

62. The Council and the Australian Islamic Mission inc. failed to provide details of who and what strain of Islamic ideology the Imam would adhere to eg: Wahhabism or whether he would be Sunni or Shiite.
It is our understanding that, just like the Australian Islamic Mission inc in Sydney, the Imam will be Sunni and that it will be Wahhabism that is intended to be practiced in Bendigo. This is the most extreme form of Islamic ideology.

63. Our lawyers and expert witnesses argued that a mosque is NOT the same a church. It is a seat of government and a legal/Sharia centre where marriages, divorces, judgements and so forth are conducted. A mosque operates almost 24 hours a day, 7 days a week, not just a few hours on a Sunday or on the odd weekday.
There are 5 specified prayer times starting from around 5 am to 11 pm every single day of the week. The impact on the neighbouring residential area would be far, far more significant than if it was a church.

64. The issue of the impact to the neighbourhood amenity was raised. The impact would be huge and detrimental to a low density residential neighbourhood and the equine businesses that are in that area. People's livelihoods will be negatively impacted.

65. The persons who are listed on the new titles of the land at East Bendigo for the proposed mosque are Sheikh Rabih Baytie, President of AIM and Dr Seyed Sheriffdeen, Secretary of AIM. The address that is listed is that of the Maidstone mosque in Melbourne. One of the attendees of the Maidstone mosque is Musa Cerantonio, otherwise known as the "Fake Sheikh" who was deported from the Phillipines last year. He is recognised as the poster boy for Islam and is one of the main proponents recruiting many young men to fight with ISIS.

66. The Maidstone address is also chapter 2 of the Australian Islamic Mission inc. Chapter 1 is in Punchbowl and prior to that, Lakemba, Sydney. Their former name is Juma'at Dawaah Islamiah.

Jumaah Dawaah Islamiah is part of the Indonesian Jumaati group of which Jumaah Islamiah (JI) is also connected.

They changed their name from Jumaah Dawaah Islamiah to the Australian Islamic Mission inc around the time of the Bali bombings.

Abu Bakr Bashir, the orchestrator of the Bali bombings was a guest speaker at the Lakemba, Sydney branch of Juma'at Islamiah just prior to the terror attack in Bali. The twin brothers who were running the branch in Sydney were planning terror attacks in Sydney and Melbourne. One of them fled back to Indonesia after the Bali attacks and the other one was caught, charged and deported back to Indonesia. They have since told reporters that Australia was being used as the financial base for Juma'at Islamiah in Indonesia and that while in Australia they had trained up dozens of Jihadists who are still here.