



AIDA

OCTOBER 2012 NEWSLETTER

Planning zone changes for the Aireys Inlet district

Rural areas

On 11 July the Victorian government announced the restructuring of the planning zones that control how land can be used across the state. These changes are designed to increase the diversity of uses that are permitted in most zones – for example, shops and offices in residential zones; accommodation, offices and educational facilities in shopping centres; and recreation, school, accommodation and commercial uses in surrounding rural areas – while at the same time ‘cutting red tape’ by reducing the planning conditions required to be met by developers, and also reducing or eliminating opportunities for public objections.

These changes have the potential to irredeemably alter the character of our area. AIDA is concerned that little thought has been given to infrastructure consequences (notably water supply, sewerage and roads) and increased bushfire risk, quite apart from dramatic changes to our precious part of the coast.

These announcements come on top of car-parking planning requirements which have been radically revised and reduced across the state. Introduced by the minister for planning in June, they will lead to increased roadside car parking, which will be exacerbated by the new zoning changes.

Some aspects of the changes may be positive, such as a welcome absolute limit to residential building heights, but other changes will introduce potentially intrusive uses and encourage development to spread into surrounding green areas.

At public meetings, the minister for planning, Matthew Guy, has made clear that the proposed changes are designed to let ‘the market’ determine the mix of uses under the new zonings rather than continue with the current level of more direct statutory control over land uses.

All of the bush and paddocks between the public conservation zones of the Great Otway National Park and our core residential areas have a rural zoning. This includes most of the lower density residential areas in Aireys Inlet and Fairhaven, as well as most of the Painkalac Valley. In past consultations with our members and with the general community, the preservation of the valley has ranked first in importance, ahead of all competing local development and environmental issues.

The government’s stated aim for the revised rural zone is to ‘protect and enhance natural resources and the biodiversity of the area’. This sounds fine, but unfortunately, the proposed changes will remove the very controls that have preserved the Painkalac Valley to date, that is, the requirement to apply a Section 173 Agreement to stipulate detailed subdivision and development restrictions.

This is a serious challenge for AIDA and our whole community. But the rural zone changes as proposed go well beyond this challenge, driven by the state government’s decision to allow greater Melbourne to ‘bleed’ into Melbourne’s rural green wedges. Our rural zone is caught up in the backwash of this controversial metropolitan-focussed policy.

The changes to the rural zone are proposed to allow, with a permit, but without any use-related conditions: leisure, sports and recreation, camping and caravan parks, residential hotels (including entertainment), group accommodation, host farms, residential buildings, residential and retirement villages, primary and secondary schools, and other uses. Conditions on restaurants, including the current cap of 150 patrons, are to be removed. Only the existing conditions, which apply to a planning permit for a dwelling, are to be retained under the revised rural zone.

AIDA is concerned that our settlements will be permitted to spread into surrounding rural land, bringing greatly increased resident, tourist and visitor numbers. Some may think this will be a great opportunity, but we fear it will lead to the destruction of the things we value most about our area.

Taken together, the above changes to residential, shopping and rural areas are likely to increase local population and the mix of activities, placing strains on the capacity of our infrastructure, including water, sewerage, roads and drainage – not to mention our pristine beaches and environment – and also possibly adding to our existing fire risks. Increased traffic volumes will lead to congestion and reduced pedestrian safety, with the need for yet more signage, road sealing, formal streets and footpaths — the suburbanisation of Aireys Inlet.

Shopping centres

Our shopping centres are to be changed to a new ‘commercial’ zone intended to radically free up the mix and scale of the developments permitted. This is designed to ‘promote vibrant mixed-use commercial centres for retail, office, business, entertainment and high density residential’ according to the government’s documentation.

New retail uses, not currently allowed, are to be permitted – such as gambling and car sales – and

will not require a permit nor be subject to any of the conditions which currently apply. ‘High density residential’ may mean high-rise, as has been supported elsewhere by the minister in low-rise areas.

In what the AIDA committee sees as a further dangerous step, in most cases the public will not be provided with notice of permit applications for new developments in this zone, nor be able to object to them nor to appeal to VCAT – except for hospital and education uses and commercial areas within 30 metres of a residential zone.

Submissions to government

Public submissions to the government on the new zones closed on 21 September. AIDA made a submission, as did many individual members.

The changes will now be confirmed by government progressively and put into place by local councils in all planning schemes throughout the state. We can therefore expect the changes to our area to be progressively introduced over the next twelve months.

Details of the government’s proposed new zoning reforms can be found on the Victorian Planning Department’s website at: www.dpcd.vic.gov.au/planning/theplanningsystem/improving-the-system/new-zones-for-victoria.

Ian Godfrey and Peter McPhee

Our changing environment – bushfire consequences



Trying to keep up with planning in Victoria is a nightmare, yet planning has significant implications for our community. Recently AIDA was informed that the Surf Coast Shire has commissioned a review of its Planning Scheme. The review by Isis Planning

will examine overlay controls and policies that are inconsistent with current state bushfire planning provisions. It will ‘develop options to balance vegetation and character issues in the overlay/policy controls to better integrate with the bushfire planning provisions’.



Meeting between Surf Coast Shire staff, consultant and representatives from AIDA and ANGAIR on changes to the planning scheme resulting from bushfire legislation.

So where has this initiative come from?

Recommendations of the 2009 Victorian Bushfires Royal Commission were translated into Amendment VC83, which introduced new bushfire planning provisions into the Victoria Planning Provisions and all Victorian planning schemes. Therefore, our shire must modify its current scheme to align with the new state legislation.

One of the tasks of the review is to examine the replanting requirements of our scheme's overlays and policies. This includes overlays dealing with significant landscape and neighbourhood character as well as policies directed at streetscapes and coastal development. Depending on what is recommended by the review and adopted by the shire, we can expect changes to what is an acceptable vegetation plan for new applications, what is acceptable vegetation on nature strips and what changes are needed to better protect our settlements.

AIDA was one of the four local organisations invited to take part in a consultation workshop on 19 September, but only AIDA and Angair attended.

Gary Johnson and Barb Fletcher

Success with Amendment C78!

Members will remember receiving a letter from the shire in May advising each property owner of the proposed Amendment C78 to the Planning Scheme.

This was a shire-wide amendment, covering a variety of items across much of the Planning Scheme – some relevant to the Aireys Inlet district and many not. It was described as a 'tidying-up' exercise intended to reduce large areas of duplication and ambiguity in the Planning Scheme.

The locally relevant parts included changes to the Environmental Significance Overlay, Design and Development Overlay and Neighbourhood Character Overlay. Like so many amendments to the Planning Scheme, these proposals were complex and technical, and AIDA received several queries from members seeking to clarify what they meant and what should be done.

To AIDA's concern, some of the proposed changes appeared to give more discretion and soften our hard-won local Neighbourhood Character provisions, which had been designed to protect the informal, naturally vegetated character of residential areas. In the AIDA committee's view, discretion and softening are the last things we need. In many planning permit applications we see continuing attempts to ignore local Neighbourhood Character

objectives by removing vegetation, reducing setbacks, over-developing sites, exceeding the height limit, sealing driveways and installing swimming pools, etc.

Therefore AIDA made a submission in June seeking the retention in the Planning Scheme of the full itemised description of what constitutes local Neighbourhood Character, and also of the reference document *Aireys Inlet to Eastern View Neighbourhood Character Study and Vegetation Assessment (2004)*, as without these, it would be difficult or impossible in the future for either applicants, the council or VCAT to understand what the local Neighbourhood Character objectives were designed to achieve.

On 20 August we were pleased to be advised that both these important items will now be recommended for retention in the Planning Scheme.

Ian Godfrey

Government changes car-parking requirements

The state government has made further planning changes ... this time reducing car-parking requirements.

In June the Minister for Planning announced the immediate revision of all car-parking requirements for developments across Victoria.

While these changes remove some inconsistencies in the previous requirements and claim to encourage pedestrian and bicycle access, their most important impact will be the significant reductions in the requirements to provide car-parking spaces for a wide range of developments, including shops, food outlets and other businesses.

AIDA is concerned that these changes will lead to greatly increased roadside parking and the congestion of residential streets surrounding the Top and Bottom Shops in Aireys Inlet and also around the other commercial businesses along the Great Ocean Road between the two shopping centres.

For example, car-parking requirements for a shop have been halved, from eight car spaces per 100 square metres of shop floor area to four car spaces, and for a restaurant, by a third, from 0.6 spaces per patron to 0.4 spaces. These changes have been introduced at a time when more rather than fewer people shop by car and while the government continues to encourage increased growth in tourism along the Great Ocean Road.

Also, under the new parking requirements, the council is now permitted to reduce further still the above already reduced car-parking ratios, and in

the absence of an Aireys Inlet to Eastern View Car Parking Overlay in the Planning Scheme, is able to waive parking requirements entirely, as was done for a recent restaurant planning permit application at the Top Shops, which would otherwise require fourteen car spaces under the new regulations and twenty-one spaces under the old. Pity those living in Albert Avenue having to deal with the overflow traffic!

And, as if to add insult to injury, when parking requirements are reduced or waived in this way, another new clause, 52.06-4, removes the right of adjoining property owners and the community to receive notice of the reduction, to object to it, or to apply to VCAT for a review of the decision.

Ian Godfrey

'Code Assess' – yet another state government planning change

This April the state government introduced legislation into parliament to amend the *Planning Act* to 'cut red tape' and 'streamline the planning process'. This initiative has been named 'Code Assess', as it is based on a US idea that simple planning applications can be automatically 'assessed' as to whether or not they satisfy the planning 'code' – without need for public notice or redress.

'Code Assess' will identify those planning applications deemed to be so simple and non-controversial that neighbours, the community and all others won't be disadvantaged if the permit is exempted from normal planning requirements and is granted without local knowledge, or the ability to object. The government's idea is that such 'exempted' permits will reduce the time and cost of planning without disadvantaging the community.

An officer, acting alone, will process these simple applications and is personally empowered in law as the 'Responsible Authority'. This officer's decisions will be final, and no citizen, council or VCAT will be able to object to or review those decisions.

Needless to say, deciding just which permit applications are so simple and benign will be the test upon which this system will either succeed or fail. Success will only be achieved if all 'Code Assess' applications are processed without raising community concerns and without resulting in inappropriate or unfair developments.

It seems likely that there will be public outcries in our area if house or deck extensions are permitted without neighbours being advised of them or being able to object. Sir Humphrey from *Yes Minister* might have

described such legislation as politically 'courageous'.

Despite the initial use of the name 'Code Assess', the government has introduced the new measure into parliament under the new name of 'VicSmart' – the name of at least two other, unrelated state government initiatives in recent years.

It appears that the VicSmart (i.e. Code Assess) Bill specifies that each municipal CEO, or member of a council's staff, will constitute the designated Responsible Authority empowered by law to make the decisions on these 'exempted' planning applications. It isn't clear just how a member of the council staff will be selected to exercise these powers, which even the council can't direct or override, and how their performance might be reviewed, or how they might be replaced if needed.

Also, all of the types of permits that are to be 'exempted' in this way haven't yet been made public, nor do we know how such exemptions might perhaps be changed in the future. Government statements have indicated that the system will cover 10 to 20 per cent of all planning applications, and will include 'small-scale, low-impact applications such as home extensions and small works such as fences'. This is in addition to 'minor subdivisions in urban areas, building or extending a fence within three metres of a street, managing vegetation, erecting a pergola, development in a flood risk area, altering road access and erecting small advertising signs'.

The Code Assess legislation was approved by Parliament on 13 September.

Ian Godfrey

Vale Pat Haydon 1930–2012

It is with sadness that we report the death of Pat Haydon, a long-time member of AIDA, in late July this year. Pat was an active member who would always take action to support issues that AIDA and the wider community thought important. She was passionate in her defence of the environment, and disparaged the way others, less informed, treated it. She had a wicked sense of humour, a very dry wit, a clear, sharp mind, and a brave heart.

It is said that people can be judged by the way they treat animals. Pat was often seen walking her beloved dogs around the lighthouse precinct. Fellow dog-walkers knew her two golden retrievers were fortunate to have such a caring and loving owner. She will be sadly missed in our community

Barbara Leavesley and Frieda Wachsmann

2012 Surf Coast Shire elections – candidates' questionnaire

AIDA members will be aware that local councillors play an important role in environmental protection and responsible development of Aireys Inlet and the surrounding district.

Before the last local government elections in 2008, AIDA sent all candidates four questions about matters relating to Aireys Inlet and the surrounding district. AIDA subsequently collated the responses from the candidates and distributed them to its members in the hope that they would help members to make more informed decisions about who to vote for. In 2008 the following questions were put to the candidates:

- Q1 What aspects of the neighbourhood character of Aireys Inlet to Eastern View do you consider most important, and how should council seek to protect them?
- Q2 Are special charge schemes the best way of funding infrastructure projects, and what are the best forms of consultation for these projects to ensure that they satisfy community needs?
- Q3 How should council establish the best balance between the pressures of tourism and the needs of the community along our fragile coastline?
- Q4 What do you think the shire's role should be in dealing with global warming and sea level rise, and their threats to our local environment, buildings and infrastructure?

This year, local government elections will be held in October, and AIDA will once again send a questionnaire to all candidates. As was the case in 2008, the responses from the candidates will be collated and forwarded to AIDA members. The questions for the 2012 election will be slightly different from those for 2008, as different issues have emerged over the last four years, but the themes of responsible development and preservation of our coastal character will remain.

One change from 2008 has been the reintroduction of shire wards, so residents will only vote for councillors in their ward. Nevertheless, AIDA decided to send the questionnaire to all candidates, as members may wish to know the views of all councillors on issues pertaining to Aireys Inlet and the surrounding district.

It is hoped that the candidates' responses will be informative and useful to members. AIDA welcomes any feedback from members.

Frieda Wachsmann and Roger Clifton

Bottom Shops car park

In early September, the shire completed the upgrade of the Bottom Shops car park. A new exposed-aggregate footpath has been constructed in front of all the Bottom Shops. This extends from the VLine bus stop to the Food Store at 89 Great Ocean Road.

The second stage to the upgrade was to improve drainage, reseal the surface of the car park, mark out car and motorcycle spaces, and denote the stopping points at exits from the zone onto the Great Ocean Road.

Gary Johnson



With greater awareness we can do even more

Since 1966, AIDA has been working hard to represent the views of its members in an effort to preserve the neighbourhood character of the area.

There have been many successes over the years and AIDA is proud of its efforts, but the challenges ahead with new planning scheme zones send a signal that AIDA needs to redouble its efforts, and that means firstly ensuring people in the community are not only aware of AIDA and its goals, but also join AIDA to demonstrate their support. So AIDA has decided to become a little more visible. All members are now presented with a discrete designer lapel badge to signal their support for our coastal community. Soon members and supporters alike will be able to obtain a very distinctive and well-produced windscreen sticker.

There are four different stickers in the series and news of how to obtain one will be posted in the AIDA notice box at the Top Shops in Aireys Inlet soon. If all members display their car stickers proudly it will stimulate awareness of how AIDA works to preserve the beauty of the area we all enjoy so much.

Through this awareness, AIDA is hoping for a surge in membership that will add weight and accuracy to local opinion when being presented to relevant authorities.

Roger Clifton

Meeting with Sunil Bhalla

The AIDA executive held an extraordinary meeting in July with Sunil Bhalla, Director of Infrastructure in the Surf Coast Shire. These issues were raised and discussed openly and frankly:

1 Review of Aireys Inlet Precinct 1 Roads and Drainage works – a requirement from the citizen's jury process in Precinct 1 is for council to conduct a review of the implementation of the Precinct's Special Charge Scheme works. AIDA's input was sought to determine the method to be used by the shire for this review. Committee members who participated in the Fairhaven roads and drainage Special Charge Scheme survey recently distributed by the shire were concerned at the format of that survey and felt there was a need for more specific qualitative data outcomes rather than the interpretive possibilities within the Fairhaven survey. AIDA has subsequently submitted a detailed property-owner questionnaire to the Infrastructure Department, which we feel is a better evaluative

tool, designed to elicit more accurate responses on the actual works and their results.

- 2 Car parking in front of the Bottom Shops Food Store – concerns have been raised by local traders and AIDA members about the dangerous parking on both sides of the Great Ocean Road since the opening of the Food Store. Subsequent interim measures undertaken by council to deter this practice have seemingly failed and AIDA has again contacted Sunil for further deterrents before the busy summer period.
- 3 Fairhaven to Aireys Inlet pathway – preliminary plans for the design of the pathway and associated plantings were presented to the meeting. This pathway is to run alongside the Great Ocean Road from the Bottom Shops to Fairhaven and will include a bridge over the Painkalac Creek. Work is to begin in September or October and it is anticipated that plantings and placement of bollards and rocks may further deter dangerous parking.
- 4 Intersection sealing – AIDA expressed real concern at the recent paving of numerous intersections in Aireys Inlet in which extensive areas each side of some intersections have been sealed despite no need having been demonstrated. Sunil agreed, pointing out that although there was an overarching shire policy to seal intersections in rural areas where traffic is likely to travel at 100 km per hour and improved braking surface is required, there appeared to be no logical reason for this to be transposed to the local streets of Aireys Inlet. VicRoads required intersections onto the Great Ocean Road to be sealed, but Sunil stated that no further works on local intersections would be carried out other than routine maintenance.
- 5 Aireys Inlet Reserve development – this proposal went to council in July. Works will be completed in Easter 2013. The proposal includes:
 - additional bus stop bays for private buses added to the existing VLine stops on both sides of the road
 - drop-off points for tourist buses alongside the Bark Hut, to be provided later in 2012
 - indented parking, should these bays prove insufficient, to be provided near the road materials depot to the south of the Painkalac Bridge
 - removal of parking signage along the Great Ocean Road that is redundant and confusing.

Barbara Fletcher

Ten and twenty years ago

AIDA has been around for quite some years! Recently we scanned and recorded to CD all of our past newsletters – dating back to 1989. This selection reminds us of the reasons we love our very special stretch of coastline ...

HAVE YOU SEEN ANY GOOD ORCHIDS LATELY?

1992 has been the year of Moggs Creek for terrestrial orchid enthusiasts. From 1927 to 1931 Miss Merran Sutherland, who lived at 'The Neuk', Moggs Creek, collected samples of a new form of *Thelymitra* growing in the area. W H Nicholls, who included this orchid in his *Orchids of Australia*, named this new species *Thelymitra merraniae* in Merran's honour. This year has seen the rediscovery of this beautiful blue dotted sun orchid. Although there is a common species of the blue dotted sun orchid (*T. ixioides*), 'merraniae' can be identified by the prominent yellow wings on the pink column.

Merran's description guided our footsteps. Early in October we spent the first of several weekends exploring various sites. One special area near an 'old bush road' seemed particularly promising. There certainly were many sun orchids in bud, including *T. ixioides*, but would any of them turn out to be

'merraniae'? Our patience was being tested as the buds when first noticed were very immature, but on the last day of October we were confident we had found a number of orchid plants which we knew were not conventional 'ixioides'. The plants were indeed *T. merraniae*. *Thelymitra merraniae* is a delightful sun orchid. We are proud to have been involved in its rediscovery.

AIDA Newsletter, December 1992

RARE WHALE BEACHES AT EASTERN VIEW

In mid February just after dusk, a whale was noticed beached near Spout Creek. Despite the best efforts of people who returned it to the sea, it returned and by morning was dead. By mid-afternoon the next day it was on the back of a truck, destined for the Museum via the Werribee Sewerage Farm where the carcass will be immersed in settling ponds to let bacteria strip the flesh from the bones. The whale was identified as a strapped toothed, hooked beaked whale, normally found out on the edge of the continental shelf. It is rarely sighted, and only fifteen strandings have been documented. Apparently the cause of death of a beached whale is due to the effect of gravity rupturing internal organs.

AIDA Newsletter, April 2002

