



AIDA

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New rules to replace AIDA's constitution

In 2012 state parliament passed the *Associations Incorporation Reform Act 2012*, replacing the Act of 1981. The government has proposed new model rules conforming with the Act. These govern the operational and financial provisions to be followed by not-for-profit associations like AIDA, and are designed to ensure proper accountabilities and to protect the rights of members.

The AIDA committee will be recommending to the AGM in April that we adopt the new model rules in their entirety, except that we will move to add 'members' to the list of those to whom the committee may delegate responsibilities. This addition is designed to give future committees greater flexibility.

The new rules do not significantly affect the way AIDA now operates. We are able to retain our policy of each family or household membership carrying two votes at an AGM. There are more detailed provisions for the process of becoming and remaining a member: membership lapses if dues are not paid for one year. If needed, there are clear procedures mandated for special general meetings, removal of membership, and so on. The committee may now decide to allow the use of new technologies to enable participation at meetings.

Members may follow the link <<http://www.consumer.vic.gov.au/clubs-and-not-for-profits/incorporated-associations/running-an-incorporated-association/rules>> to examine the rules, or arrange to peruse a hard copy by contacting the secretary, Anne Porter, on 52 896 754.

Peter McPhee

Special resolution at the AGM

Notice is hereby given that, in accordance with the *Associations Incorporation Reform Act 2012*, a special resolution will be put to the Annual General Meeting of the Aireys Inlet and District Association, which will be held on Sunday 20 April 2014 at 4.00–5.00 pm at the Aireys Inlet Community Centre, Great Ocean Road, Aireys Inlet. The meeting will be requested to approve the following motion:

That AIDA adopts the proposed revised Rules of Association contained in the document – Rules of Association – AIDA – April 2014, tabled at the meeting.

The proposed revised Rules of Association, and a summary of amendments will be placed on the AIDA website; Anne Porter (52 896 754) has hard copies.

Barbara Fletcher (President), 31 January 2014

Notice of change of AGM date

AIDA members are advised that AGMs will *not* be held in January as usual due to likely postponements for Extreme and Code Red fire days.

The committee has decided that in future AGMs will be held over the Easter break.

Notice is therefore given that the 2014 AGM will be held on

**Sunday 20 April 2014, 4.00–5.00 pm
followed by community talks, 5.00–6.00 pm**
at the Aireys Inlet Community Hall.

Members are reminded that membership renewal will be payable at or before the AGM.

VCAT appearance

Recent newsletter articles have dealt with the community's ongoing concern about planning applications to build large dwellings on small blocks. In January, AIDA supported the shire and three neighbours in a VCAT objection to such a development in Pearse Road. AIDA's objection was based on the applicant providing (1) grossly insufficient permeable surface area to support vegetation (as specified in the Neighbourhood Character Overlay) and (2) excessive floor area versus site area (plot ratio), which is a measure of building density. The neighbours also felt that the development failed to result in a fair sharing of the view. This is the second challenge to this application in VCAT. The member has reserved her judgement and we will have an answer 'in due course'.

Barb Fletcher and Gary Johnson

'VicSmart' planning changes

VicSmart is a state government initiative to 'cut red tape' and 'streamline the planning permit process' for 'simple, straightforward proposals ... across Victoria'. Perhaps ironically then, in addition to the amendments to the Planning Act and its associated regulations, the VicSmart provisions add a further 90 pages of technical requirements to each council's planning scheme. The VicSmart enabling legislation was passed in September 2012 and the detailed proposals as to how it is to be implemented were made public, for comment, last July.

At first sight VicSmart (previously known as CodeAssess) seems an attractive initiative. The planning minister's stated aims are to:

- provide a simpler and more consistent permit process through standard state-wide requirements,
- ensure timely and efficient processing of straightforward, low-impact applications,
- ensure the level of assessment is proportional to the nature of the proposal,
- reduce the regulatory and administrative burden on councils, and
- provide certainty to applicants and councils about the information required and the matters to be considered when making a decision.

What isn't there to like about that?

Unfortunately, it is clear to the AIDA committee that the details of VicSmart as it stands don't adequately take account of the special nature of our coastal area, and our local planning objectives, as in the Surf

Coast Planning Scheme, and, importantly, our local neighbourhood character.

VicSmart is now proposed to cover a variety of smaller scale permit applications, e.g. residential two-lot subdivisions, fences, commercial works up to \$50,000, removing or lopping of trees, works in heritage areas, advertising signs, and waiving or reducing car-parking requirements.

But VicSmart would run the risk of multiplying its failings over hundreds of such small planning applications each year, gradually transforming our townships into any other suburb by applying largely state-wide and metropolitan planning values and objectives – death by a thousand cuts.

In addition, VicSmart will remove control by local councils over these planning decisions, giving it instead to a delegated officer. In our area this would mean that the Surf Coast Council will be powerless to direct its delegated officer regarding a permit application, and also if it disagreed with a decision of its delegated officer it would be powerless to intervene or overturn it.

If this isn't enough, VicSmart also removes the right of neighbours or the community to be advised of any such permit application, or to object to it, or to apply to VCAT for it to be reviewed.

But there are still more problems when we come to the way planning decisions are to be made by the delegated officer under VicSmart. Each VicSmart application has specified decision guidelines, similar to those already in the planning scheme provisions for a normal application, to be considered in deciding on the application. However, as this is a state-wide system, these guidelines do not, and cannot, include anything derived from local Surf Coast planning strategies and objectives.

As with the current system, these are dot point lists of individual guidelines which in practice may be of unequal weight or even be contradictory to one another, as with bush fire safety versus environmental protection, for example. And as in the present system, there are no rules or further guidance to planning officers and responsible authorities as to how these decision guidelines are to be applied or how much relative weight should be given to one rather than another.

In the case of contradictory guidelines the delegated officer has no option but to determine that one guideline applies in the particular case and that the conflicting one should not. All VicSmart applications will, in this way, be determined on their 'merit', where the delegated officer must use discretion (their words) in coming to his or her decision.

As council will be unable to review or influence such

decisions, and the public will have no right to know of it, no one will be able to oversee or assess how well these new powers will be applied or to correct them if they are headed in the wrong direction.

In AIDA's view such a system is very far from being responsible planning.

Accordingly, the committee made a strong submission to the state government in August, opposing the proposals. The Department of Planning is still considering the public comments made to the draft VicSmart provisions.

Ian Godfrey

Planning zone changes in the Aireys Inlet District



Residential zones

The government's revised planning controls for the state's residential zones were legally established in July last year as the first part of the 'Reformed Zones for Victoria' program, although their inclusion in each planning scheme won't be implemented until 1 July 2014. Before then it will be up to the shire council to recommend to the minister which new zone should replace the Aireys Inlet district's existing Residential Zone 1. AIDA believes there is a very strong case to choose the new Neighbourhood Residential Zone so that our existing neighbourhood character provisions will continue to apply.

Commercial zones

The changes to existing business zones were implemented on 15 July, as the second part of the government's program. As with the residential zone changes we detailed in our March newsletter, the new commercial provisions follow the recommendations of a ministerial working party, which considered all public submissions made by the community last September.

Under the new arrangements, all business zones in planning schemes have been abolished and replaced

with commercial zones. In our district business zones were limited to the top and bottom shops and also a single lot adjacent to the Fairhaven Surf Beach car park. Developments in these zones were all controlled under Business Zone 1. With the new arrangements these areas all now fall under Commercial 1 Zone.

Unfortunately most of AIDA's concerns regarding Commercial 1 Zone as it was first announced last year have now been implemented. The new provisions are likely to have significant negative implications for the future character of Aireys Inlet's commercial areas.

The changes put in force in July, which the minister sees as leading to 'more vibrant' commercial areas are as follows.

Removal of planning permit requirements for all retail uses

Now no retail use (except for adult sex bookshops) requires a permit or is subject to any conditions, allowing a wide variety of new retail uses, including, for example, gaming and car sales. Also, conditions allowing restaurants to be limited to specified locations have been removed.

As a small victory though, it will be possible to limit the size of 'small scale supermarkets in rural areas, to ensure the protection of established centres in regional towns', and also to limit the total combined floor area of all shops within a zone. But this will only apply if the council amends the Planning Scheme to include an appropriate schedule to the Commercial 1 Zone. AIDA fears this may provide a window of opportunity until then for another over-sized development in Aireys Inlet.

Office, education, exhibition, residential (except for corrective institutions) and a variety of other uses are now allowed in commercial zones without a permit and with very few conditions

With residential developments, fortunately the existing condition that any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house) has been retained, restricting most residential uses to an upper floor, and seeming to prohibit the minister's high-rise residential 'thought bubble' for commercial areas as in his original announcement.

Removal of the previous provision allowing further controls under an overlay

The full implications of this omission aren't yet clear. In Aireys Inlet the overlays that might be affected include the design and development overlay providing urban design and height controls for the top and bottom shops and the commercial areas car-parking overlay currently being developed by the shire.

Removal of the rights of notice, decision and review requirements, except for areas within 30 metres of a residential zone and also for education and hospital uses

This means that except as above, all potentially affected parties (including AIDA acting on behalf of the community) will no longer receive any notice of proposed commercial developments, will have no right of objection to council regarding them, and also will have no right of review of any permits issued at VCAT, for almost all uses in our Commercial 1 Zones. This regressive change has been introduced by the government under its 'cutting red tape' banner.

Rural zones

The third part of the government's 'reformed zones' initiative, changes to rural zones, was implemented by a state-wide amendment to all planning schemes on 5 September.

As AIDA feared, this has removed many of the controls designed to restrict inappropriate developments in our lower density residential areas, and also in the green areas around our townships. We will provide details of these changes in our next newsletter.

Ian Godfrey



That contentious fence

In our August newsletter, we reported that AIDA had expressed concern to the shire about a new fence between the Foodstore (89 Great Ocean Road) and the Painkalac Creek footbridge. Presumably someone felt zealous enough about the visual intrusion of the fence to lift all the posts out of the ground and lay them neatly alongside the concrete path. Whoever did this was careful not to damage the fence materials (See photo.) To learn more, AIDA spoke with a wide range of residents and visitors and from the results of an email survey of members, we recognised that this action was applauded by a surprising diversity of this conservative and law-abiding community. Regardless of whether you consider the pulling out of the posts to be vandalism or a protest, the fence stimulated impassioned feelings and numerous complaints to the shire and councillors.

So why are so many upset? The answer is that the community reveres the Painkalac Creek valley.

In AIDA surveys carried out over a 30-year period, consistently strong support (85 per cent) was given to development of conservation zones within the district for wetlands and natural waterways. And of course, the largest of these is the Painkalac Creek and valley. From these survey results and from AIDA and the wider community appealing to VCAT to retain the valley in a natural state, it is obvious that the valley is a feature of our district that people are passionate about. More recently an AIDA Priorities Workshop overwhelmingly nominated preservation of local character and the Painkalac Creek valley as the highest priorities for Aireys Inlet District.

The approach taken by the shire officers in this case is unfortunate, in that it fails to follow council's unanimous resolution at its 23 March 2012 meeting in response to earlier infrastructure proposals in the Painkalac estuary. The resolution states 'That Council endorse for all future infrastructure solutions in sensitive coastal areas a design approach in sympathy with the



local neighbourhood character and request that engagement with impacted communities occurs prior to the commencement of design work to ensure communities contribute to proposed infrastructure solutions.’ We do not consider the fence to be a sympathetic solution and, despite much discussion about the concrete pathway, we have found no evidence of consultation about any fence prior to its construction.

The shire argues that it was necessary to install a fence on this shared pathway to protect bike riders in accordance with the AustRoads Guide to Road Design. But this guide also allows for a

path without a safety fence in this situation – and in any event is not mandatory, providing only guidelines for designers. In Melbourne, neither the Federation nor Yarra Bike Trails have safety fences in similar stream-side situations, despite accommodating much higher volumes of cyclists.

Be that as it may, neither the first nor second fence along our path in fact meets the guidelines when a fence is provided. The AustRoads Guide recommends that any fence have a smooth continuous rail and that the rail be offset 150 mm from the posts for pedal clearance. The guide also specifies a side clearance of at least 1 metre between the path edge and any obstacle like a fence and the installation of a rub rail to protect cyclists from any sharp edges. None of these criteria has been met with either fence. Because of these potential dangers to cyclists, Bicycle Victoria itself is opposed to safety fences except where absolutely necessary.

As can be seen in the photos, the second fence, although certainly not welcome, is less obtrusive. The posts are set 200 mm lower, are spaced about a metre further apart and, most importantly, do not have two strands of stark white rope joining the posts. Another change is the elimination of the fence from a 40 m long section of the path where slope is minimal.

Despite the replacement fence being an improvement on the first version, with the exception of the steeply sloping bank abutting the footbridge, under the AustRoads Guide the path would not require safety fencing at all if the slope beside the path was reduced – and the replacement fence continues to constitute a hazard to bike riders.

Gary Johnson and Ian Godfrey



Water supply upgrade

In a media release, Barwon Water announced that it is investigating options to upgrade Aireys Inlet's water supply system as the town's water treatment plant approaches the end of its operational life. The plant, which was commissioned in 1991, is required to treat water high in organic matter, seasonal blue-green algae blooms and high manganese concentrations, which result from the types of soils and vegetation in the Painkalac catchment.

Additionally, the large catchment area for the Painkalac Reservoir can result in rapid water quality changes after rainfall. These jeopardise the production of safe drinking water. A specialised process added in 2003

to deal with the high organic load, is now outdated and undersized to meet peak summer demand.

A detailed design and cost estimate has been completed for replacing the water treatment plant, but Barwon Water is investigating whether constructing a pipeline to supply Aireys Inlet from Anglesea could be an option. Preliminary environmental and cultural heritage studies, geotechnical surveys and service locations, etc., will be carried out during summer and autumn.

Community consultation will begin early next year.

For further information about the Aireys Inlet water supply upgrade, please contact the Barwon Water Alliance Community and Stakeholder Engagement team on email alliance@barwonwateralliance.com.au or phone 52 269 950.



AIDA archives 10 and 20 years ago

As readers of this column will know, AIDA has been around for quite some years, and our past newsletters date back to 1989. This selection includes two past items focussing on our cliff edges ...

No – it's not a new oil well

A drilling rig is likely to appear on the cliff tops any time now – but there is no need to panic. The Aireys Inlet Foreshore Committee has been advised that approval has been given for a program of geological research aimed at investigating the development of internationally significant rock sequences exposed along the Victorian coast between Torquay and Aireys Inlet.

'The research is sponsored by the University of Sydney and La Trobe University. It will require the diamond drilling of a series of shallow drill holes behind the cliffs at various locations, three of which are in the Aireys Inlet foreshore reserve.

AIDA newsletter, December 1993

Foreshore vegetation removal

Several members have noticed the removal of vegetation in front of two houses in Eaglerock Parade. Some of this removal was illegal. We have contacted the Foreshore Committee who have told us they will be carrying out restoration and revegetation – and possibly putting up appropriate signage. Further foreshore vegetation was illegally removed on the dunes beside the Great Ocean Road, in Eastern View. The Fairhaven Foreshore Committee acted promptly, and erected a screen to take the place of the removed trees and shrubs. Hopefully this will remain in place until replacement vegetation grows to a reasonable size.

AIDA newsletter, December 2003