

## AIDA COMMITTEE MEETING

FRIDAY 5 OCTOBER 2018

### CORRESPONDENCE REPORT FROM 8 SEPTEMBER TO 5 OCTOBER 2018

#### CORRESPONDENCE IN

<b>NO</b>	<b>DATE RECEIVED</b>	<b>SOURCE</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	11/9/18	Dr Geoff Taylor CCMA	Painkalac Valley Requested if an aerial map could be provided to mark where the works are occurring so he and Council can check any prior knowledge of the works. Can then take a closer look.	ALL
2	11/9/18	Andrew Hewitt Surf Coast Shire	Painkalac Valley Advised Geoff Taylor that he visited the site today and will provide further information in the coming days.	ALL
3	11/9/18	As Above	Advised that he visited the site today. Will look into the additional information CA provided and respond asap.	ALL
4	11/9/18	Dr Geoff Taylor CCMA	Thanked Andrew Hewitt for fast response. To try and touch base to discuss on 12/9/18.	ALL
5	11/9/18	Andrew Hewitt Surf Coast Shire	Thanked Geoff. Would be a help if they could catch up.	ALL
6	11/9/18	Dr Geoff Taylor CCMA	May be difficult to organise a 3-way chat but either he or Andrew will provide CA with an update.	ALL
7	12/9/18	Tim Wood	<p><b>The Valley – Ownership and CMP Issues</b></p> <p>“To clarify. After Caroline and I bought the property Adam and Jo enquired about our intentions regarding the house site. We already have a house so we entered in to a legal arrangement with them over this area of the property. This happened subsequent to my last email.</p> <p>With regards to your concerns, it was our sincere hope that we could have a productive and respectful dialogue with your organisation and its members.</p> <p>If someone had called and voiced concerns while we were fencing we could have listened and made changes. It could (and should) have been a simple, courteous and productive conversation.</p> <p>Instead I see an email is being circulated painting us as villains and maligning and misrepresenting our views. By doing this AIDA and The Painkalac Project have gained nothing and have wasted a unique opportunity.</p> <p>Regarding the drainage we are in conversation with the council to discuss the stormwater and road drainage which is damaging the environment and our paddocks. We hope to come up with some alternate solutions to improve this situation.</p> <p>You may also have noted that the kangaroos are making themselves at home in every paddock. Space under the fences was deliberately left so that this could happen.</p> <p>I've been overwhelmed by how many people in the community have congratulated us on our purchase, commented on how wonderful the valley looks and how pleased they are to have the horses back. So perspective is a funny thing.</p> <p>In the meantime i look forward to discussing and interpreting the</p>	ALL

8		Caroline Wood	<p>management plan with the Shire.”</p> <p><b>The Valley – Ownership and CMP Issues</b>  “ it is very odd then that I have had so many people walk and drive past and stop to tell me that they love what we have done and that they are glad to see the place being fixed up and horses back on the valley.</p> <p>I understand that you are annoyed at the fences but maybe you need to check your cut and paste on your propaganda poster to make sure your facts are straight. You copied that from an appendix of the contract and 173 agreement, maybe go over that again and you will understand your mistake.</p> <p>I find it astounding that one day Michael is trying to still purchase this for the TPP and asking for coffee and the next you are all slamming us once again! Is this how it works?</p> <p>Enjoy your day, I will as I am actually so happy that we were able to buy this farm and try and turn it around from the neglected piece of land that John owned. We have only had it for a few months and have lots of plans to improve it, but that will take time and that is what you haven't given us, nor have you tried to even find out what it is that we have planned. Shame really as both of us were considering some sort of deal with the TPP which Michael did destroy with his decision to buy the 10 acres next door, which was my idea in the first place. I thought we could negotiate more but it's just not to be!”</p>	
9	14/9/18	As Above	<p>Asked if CA knew the person who distributed the poster.</p>	ALL
10	18/9/18	Chris Pike Surf Coast Shire	<p><b>Walk the Painkalac - Project update</b>  Advised that the project has “an advanced concept developed by the Stafford Group to deliver on the project objective to <i>'define a compelling vision for the valley and the township, and deliver a feasible concept plan and business case which:</i></p> <ul style="list-style-type: none"> <li>• <i>Unites stakeholders around a common goal</i></li> <li>• <i>Positions Council and the community to advocate for funding from the proposed City Deal or other potential sources'.</i></li> </ul> <p>Central to this concept is the redevelopment of the bottom shops to serve as a hub for walkers but also to generate the economic returns that will enable us to attract grant funding. The project is not viable without grant funding.</p> <p>The concept of redeveloping the bottom shops is not a new one. It's been raised in previous studies – 2011's Commercial Design Guidelines, 2015's Aireys Inlet to Eastern View Structure Plan and 2015's Top and Bottom Shops Urban Design Framework. So stepping away from the details of roads, parking, etc for a moment – the Walk the Painkalac concept is consistent in the desire to see the rear of the existing commercial blocks redeveloped.</p> <p>The problem is that this redevelopment hasn't happened. The Walk the Painkalac concept is possibly inconsistent with these other studies in that it proposes road access to the rear of the blocks. It was evident at our last meeting that this has the potential to be controversial. A strong negative response could 'kill' the prospect of pathways through the valley. The desire for more detail about roads and parking isn't likely one that can be satisfied by this project – it's a consequent stage IF the concept is considered feasible. BUT the prospect of rear access does, in my opinion, need to be tested further before the Walk the Painkalac concept can be presented to Council.</p> <p>So for the time being I've asked the consultants to suspend their work and the prospect of wider community consultation. The next</p>	ALL

			Project Working Group meeting which was scheduled for Tuesday 25 <sup>th</sup> September will be cancelled.  We will provide a project update in the next month.”	
11	20/9/18	Libby Coker Surf Coast Shire	Painkalac Valley – Request for Advice Advised that LC will speak with Keith Baillie on 21/9/18 re AIDA’s concerns and potential VCAT actions and respond. Aware of concerns of some members of the community.	ALL
12	21/9/18	Mindy Vardy Surf Coast Shire	29B Ridge Road, Fairhaven Advised that it is unlikely that the proposed building will break the ridgeline when viewed from public locations. The building is at a significantly lower elevation than the building to the east – proposed roof height of 21.69 compared with 31.60 of the neighbour.	GJ/BF
13	21/9/18	Andrew Hewitt Surf Coast Shire	Painkalac Valley Advice that he will be out of the office until 8/10/18.	
14	21/9/18	Amanda Mitchell-Taverner AIDA Member	Horses in the Painkalac “Wetlands” Sought clarification about the NewsAngle article about Walking the Painkalac and AIDA’s role. Doesn’t understand how the project can co-exist with the current use of the land for horse lots. Concerned about disruption of the kangaroo habitat and the consequences of nutrients from horse manure and urine ending up in the creek proper. Requested information on what has been negotiated.	ALL
15	22/9/18	As Above	Thanked CA for helpful information. Has written to Libby Coker and Margot Smith.	ALL
16	24/9/18	Bill Cathcart Surf Coast Shire	Painkalac Valley Advised that Andrew Hewitt is currently on leave. Noted that he emailed his actions last week. To respond to the latest email this week.	ALL
17	26/9/18	Bill Cathcart Surf Coast Shire	Painkalac Valley Apologised for AIDA not being included in the emails sent out on 19/9/18. Advised that officers attended the site and took measurements of the fences which comply with planning controls. Listed the planning controls. The earthworks are exempt maintenance – a clean out of old drains across the land which are likely to accord with Council drainage easements on the title to lot 3. To be confirmed by survey. The bridge requires a planning permit and this is being pursued with the land owners. “This is an ongoing planning and enforcement matter and we are not at liberty to share details of what we are doing as it impacts on the privacy of others.” To respond to AIDA’s concerns about the grazing of the wetland areas – level of planning control and how the Council is addressing its responsibilities.	ALL
18	27/9/18	David Ford AIDA Member	Painkalac Valley Lots Suggested that AIDA circulate a simple map or	ALL

			plan showing the location of the various lots; the boundaries of the 10 acres being built on; the area being leased for 99 years for horse activities; and the lot owned by the AIDA member.	
19	27/9/18	Rachel Faggetter AIDA Member	Painkalac Valley Thank for valley update. RF wrote to Keith Baillie on 10/9/18 regarding her concerns about activities in the valley and asked how these had been allowed to happen; if the community could expect support from the Council; and why haven't the conditions set by Section 173 been supported. Received the same response from Andrew Hewitt that was sent to AIDA on 26/9/18.	ALL
20	28/9/18	David Ford AIDA Member	Painkalac Valley Found the map helpful. Suggested it be circulated to all members. Believes it's important that Blazing Saddles does nothing further to ruin appearance of Lot 3 and leave it to revegetate.	ALL
21	3/10/18	Margot Smith Surf Coast Shire	Painkalac Valley Advised that officers have been working through the issue and should be responding soon. Suggested a discussion be held when they are clear about the position and how it fits with AIDA's thinking.	ALL
22	4/10/18	Kate Lyle Maddocks	Damage to the Painkalac Valley Agree that compliance with the Planning Scheme and CMP must be achieved. May be some scope for an enforcement order before the Tribunal. Think the best course is to raise AIDA's concerns with Council, specifically addressing the non-compliance with the CMP. Consider that a land owner is more likely to take the matter seriously and act if Council is the enforcer. Think the letter from Maddocks should encourage the Council to take enforcement action and hold Council to account by setting a timeline for them to respond. To draft a letter for review.	ALL
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## CORRESPONDENCE OUT

NO	DATE	TO	DESCRIPTION
1	11/9/18	Andrew Hewitt Libby Coker Margot Smith Bill Cathcart Chris Pike Keith Baillie Surf Coast Shire	Painkalac Valley Advised that AIDA has members of community concerned about the recent fencing and drainage works in the valley. Requested SCS to respond to ensure compliance with the CMP and other planning controls over the valley (Planning Scheme and Rural Conservation Zone). AIDA does not agree that the fencing is “compliant with the various controls”. Doesn’t comply with CMP and doesn’t meet the objectives of the Aireys Inlet to Eastern View Structure Plan or the Shire’s planning scheme. Wants to hear what action will be taken.
2	11/9/18	Geoff Taylor CCMA Andrew Hewitt Surf Coast Shire	Painkalac Valley Concerned about recent draining works on the valley floor which could have disturbed the valley’s acid sulphate soils resulting in contaminated runoff into the creek. Would appreciate CCMA’s advice.
3	11/9/18	Tim Wood Blazing Saddles	Painkalac Valley Note that the title records show that Adam O’Halloran and Joanne Stevens own Lot 3. They will retain 10 acres and Tim has a 99 year lease over the remainder. Advised that there is community concern about recent activities – extent of the draining works, extensive new fencing which contravenes the various controls over the valley. AIDA will take up the issue with the Surf Coast Shire.
4	11/9/18	Geoff Taylor CCMA Andrew Hewitt Surf Coast Shire	Painkalac Valley Thanks for responses. CA available to join in the discussions on 12/9. If not possible, requested that she be advised of the conversation and actions planned.
5	13/9/18	Tim & Caroline Wood	Painkalac Valley – Ownership & CMP Issues Unfortunate that the Woods believe they have a problem with AIDA which is not the issue. CMP establishes the controls over the valley and its conditions must be adhered to. 20 years ago VCAT made a decision in an attempt to meet both environmental needs and private uses, not AIDA.
6	14/9/18	Caroline Wood	Painkalac Valley – Ownership & CMP Issues CA has seen the poster and advised that it was not prepared by AIDA or TPP and are not distributing it.
7	14/9/18	As above	CA repeated that AIDA did not prepare the poster nor is it distributing it.
8	17/9/18	Andrew Hewitt Surf Coast Shire	Painkalac Valley – AIDA Letter May 2018 Attached the letter with legal advice AIDA received about grazing in the fenced ephemeral wetlands. Looking forward to hearing about what progress has been made to enforce the requirements of the CMP and other planning controls over the valley floor.

9	20/9/18	Maria Marshall Kate Lyle Maddocks Lawyers	Painkalac Valley Update on what has taken place in the valley: - House built on Lot 1 by John Allen for sale - Lot 2 purchased by an AIDA member who plans to rehabilitate it - Largest block now owned by Adam O'Halloran and Joanne Stevens who have 10 acres and the Woods have a 99 year lease on the remaining land - CMP conditions are not being met – horses have access to the now fenced ephemeral wetlands, new fencing has been erected, new drains in place and some new structures have been built. No action has been taken by the Shire. Would appreciate advice from Maddocks. CA attached a table of the correspondence about the valley.
10	20/9/18	Margot Smith Libby Coker Surf Coast Shire	Painkalac Valley Advised of concerns about activities that have been taking place in the valley and outcome of meeting with Andrew Hewitt, Bill Cathcart and Nick Halliwell on 6/7/18. Has been further activity since that meeting which breach the conditions of the CMP. Sought their advice about writing to Keith Baillie regarding concerns and advise him that AIDA is seeking legal advice and considering going to VCAT. Place value on relationship with the Shire and this is not an action AIDA would take lightly.
11	20/9/18	Libby Coker Surf Coast Shire	Painkalac Valley Thanks for response. Will await her advice.
12	11/9/18	Surf Coast Shire	29B Ridge Road, Fairhaven Questioned if the proposed building would break the ridgeline when viewed from public locations.
13	21/9/18	Andrew Hewitt Surf Coast Shire	Painkalac Valley Asked when AIDA would receive a response to its emails over the past couple of weeks. Is seeking information about what actions Council will take to enforce the CMP conditions and to require the removal of the unauthorised bridge over the Painkalac Creek.
14	22/9/18	Amanda Mitchell-Taverner AIDA Member	Painkalac Valley Responded to questions about the article in NewsAngle. Advised that the Shire had established a working group to look at revitalising the area behind the Bottom Shops to link with a new walking track. AIDA was represented on the group. Hasn't progressed due to lack of funding and practical difficulties. Advised that Blazing Saddles has been grazing horses for about 20 years, but owners of the land have changed and the owners of BS now have a long term lease which has resulted in the recent fencing and drainage works. AIDA also concerned about works and has raised these with various Councillors, senior Council managers and compliance officer. Provided the names of people to whom Amanda could send her concerns.

15	24/9/18	Bill Cathcart CCs to: Andrew Hewitt Libby Coker Margot Smith Chris Pike Keith Baillie Surf Coast Shire	Painkalac Valley Advised that AIDA has not received a response from Andrew Hewitt about any actions. Community/AIDA concerned that further activities will take place that will be detrimental and could breach the various planning controls before there is enforcement.
16	26/9/18	Bill Cathcart CCs to: Andrew Hewitt Libby Coker Margot Smith Chris Pike Keith Baillie Ransce Salan EA Planning & Environment Surf Coast Shire	Painkalac Valley Thanks for follow up. Remain deeply distressed by the actions taken which includes the attempt to increase the drainage on Lot 3. Will affect the health of the valley wetlands and wider ecosystem. Questioned when the horses will be removed from the fenced ephemeral wetlands.
17	26/9/18	AIDA Members	Update on the Painkalac Valley September 2018 AIDA Committee aware of community concerns about activities in the valley – new fencing, drainage works, new structures and continued grazing of horses in newly fenced ephemeral wetlands. AIDA also concerned that activities may not comply with the various planning controls over the valley and the CMP. Concerns raised with the responsible Council Officers, the CEO, Ward Councillors, CCMA and owners of Blazing Saddles. Seeking expert advice from lawyers. Members can contact the Shire and Ward Councillors with their views. Advised that the Woods have reached an agreement with the owners of Lot 3 (who will have a 10 acre house block) for a 99 year lease on the remaining land.
18	28/9/18	David Ford AIDA Member	Painkalac Valley Lots Forwarded a map of the valley lots.
19	27/9/18	Margot Smith Libby Coker Surf Coast Shire	Painkalac Valley Asked if they had caught up to discuss AIDA's thinking of going to VCAT. Disappointed with Andrew Hewitt's response. Doesn't seem to understand the value the community places on the landscape and environmental values of the valley.
20	5/10/18	Kate Lyle Maddocks	Damage to the Painkalac Valley Appreciate advice and happy to proceed as suggested. AIDA also worried by the use of barbed wire, white droppers and low wooden bridge in one of the paddocks. Will write to Keith Baillie advising that AIDA has received Maddock's advice.

## **NEWSLETTERS**

<b>NO</b>	<b>DATE</b>	<b>FROM</b>	<b>DESCRIPTION</b>
1	27/9/18	ANGAIR	Newsletter No 9 October 2018

