

## AIDA Submission to Amendment C110 – Summary and Response

Item No.	Clause	AIDA Issue / Concern	SCS Response / Recommended Action	Status
1	21.12 AI to EV Strategy 21.12-2 Strategies	AIDA query why the Aireys Inlet to Eastern View Framework Map is included twice in the exhibited strategy and whether the map should contain Eastern View.	<p>The exhibited Clause 21.12 is a track changes version that shows deletion of the old framework map (the second map) and insertion of a new framework map (the first map), hence why the map is shown twice. Eastern View is not shown on either map, but could be added to the new map similar to the map in the AI to EV Structure Plan.</p> <p><b>Recommendation</b> Amend the framework plan at Clause 21.12 to include Eastern View</p>	Change accepted  <b>Resolved</b>
2	21.12 AI to EV Strategy 21.12-3 Environment and Landscape	AIDA question whether "hinterland" is defined anywhere and express concern about 21.12-3 Environment and Landscape, Strategy dot point 2. AIDA submit that preserving the integrity should apply to not just the hinterland but also to the land within the settlement boundaries. The protection of the natural vegetation, fauna, and ecological systems of the settlements themselves, i.e. the non-hinterland, should be also included. As this was important enough to be recognised in the draft Amendment C96, which seeks to protect significant vegetation and habitat within the coastal townships, it should also be included in these dot points.	<p>"Hinterland" is not defined anywhere but refers to the large private allotments surrounding the townships. It does not include the Great Otway NP.</p> <p>The request to include reference to land within the settlements in the strategy is accepted.</p> <p><b>Recommendation</b> Amend the 2<sup>nd</sup> strategy under Clause 21.12-3 as follows: "Discourage land use and development, including tourist development and accommodation, that is likely to have an adverse impact on the environmental and scenic values of the <b>settlements</b>, surrounding hinterland and the abutting Great Otway National Park."</p>	Change accepted  <b>Resolved</b>
3	21.12 AI to EV Strategy 21.12-5 Implementation	AIDA object to deletion of " <i>Investigating the preparation of a parking precinct plan for the commercial areas</i> ". AIDA has long had concern about the difficulty of residents obtaining parking at the Top Shops in particular and associated adverse impacts on the amenity and character of local residential streets. The strategy acknowledges parking as an issue under Key Issues and Influences. AIDA believes that the preparation of a precinct parking plan is the correct way to address the problem and wants this item retained in the strategy because without one the default provisions of the planning scheme would apply, and these are inappropriate for local conditions.	<p>Investigation of car parking at the Top and Bottom Shops was undertaken in 2013 and 2014 (refer <i>Aireys Inlet and Baines Crescent, Torquay Parking Study</i> and the <i>Aireys Inlet Commercial Areas Car Parking Management Plans</i>).</p> <p>A parking precinct plan (now superseded by the Parking Overlay) is a formal instrument that can vary car parking rates and specify the payment of financial contributions where car parking required for a use or development cannot be provided on-site. Financial contributions must be allocated by Council towards the provision or improvement of public car parking.</p> <p><i>The Aireys Inlet Commercial Areas Car Parking Management Plans</i></p>	Change accepted  <b>Resolved</b>

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		<p>AIDA suggest the following alternative:  <i>Reviewing as appropriate the supply and demand of public and private car parking associated with the commercial centres and if demand is great enough or car parking adversely affects local character, prepare and apply a parking precinct plan.</i></p>	<p>(2014) indicated that there is limited justification to introducing a Parking Overlay for the Top and Bottom Shops given:</p> <ul style="list-style-type: none"> <li>• There is no justification for providing parking rates greater than those specified in Clause 52.06 in an overlay as the standard car parking rates are considered appropriate and consistent with observed parking demand.</li> <li>• The potential to apply a financial contributions model is limited by the lack of readily identifiable projects to increase the public parking supply.</li> </ul> <p>The study did recommend a number of parking management measures, including alteration to time restrictions and provision of additional car parking spaces.</p> <p>On this basis it is felt that the implementation action to investigate the preparation of a parking precinct plan has been satisfied and can therefore be deleted. Nevertheless, given the parking management plans have only been partially implemented and car parking remains an issue for AIDA, traders and residents, it is recommended that the action be redrafted to ensure ongoing attention to any car parking issues within Aireys Inlet's commercial centres.</p> <p>It is understood that AIDA's concern relates mainly to parking management (e.g. avoiding parking to spill into residential streets such as Albert Avenue) rather than statutory controls such as car parking rates. It is therefore recommended that the term "parking precinct plan" be replaced by "parking management plan".</p> <p><b>Recommendation</b>  Amend the action under Clause 21.12-5 as follows:  <i>"Reviewing as appropriate the supply and demand of public and private car parking associated with the commercial centres and if demand is great enough or car parking adversely affects local amenity, prepare and implement a parking management plan."</i></p>	
4	21.12 AI to EV Strategy 21.12-2 Settlement, Built Environment and Heritage	For the second to last dot point for Objective 2, Strategies AIDA suggest that "... with preference <b>to</b> ..." should be "... with preference <b>for</b> ..."	In light of Council's intention to review its policy and take a strategic approach to road construction in Aireys Inlet following the consideration of several petitions requesting the sealing of roads,	

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		<p>AIDA advised that it is concerned about Council's proposed redraft of this item. "Informal appearance" has been used in the past to produce insensitive concrete pathways and road sealing, that AIDA believe are contrary to the community's wishes. "Informal appearance" is open to a vast array of interpretations. The Shire's initial suggestion that incorporated the phrase "... with preference to gravel surfaces where practical and alternatives to standard bitumen and concrete kerb and channel drainage" was a better expression. However AIDA acknowledge the review being undertaken by the Shire and make the following suggestion: "Ensure that roads and pathways retain the informal character and appearance established in the Aireys Inlet to Eastern View Neighbourhood Character Study, 2004"</p>	<p>and in response to Submission 2 which objects to the wording "with preference to gravel surfaces", it is recommended that the strategy be redrafted to just read "Ensure that roads and pathways retain an informal appearance".</p> <p>The revised wording suggested by AIDA is considered acceptable, but further changes are required to resolve Submission 2, which also considered that "informal appearance" is open to interpretation and may imply retaining gravel road surfaces. Submitter 2 requested that it be made clear that roads could be either gravel or sealed, whilst retaining the informal character.</p> <p><b>Recommendation</b> Amend the 9<sup>th</sup> strategy under Clause 21.12-2 as follows: "Ensure that future roadworks and pathways (either gravel or sealed surfaces of a suitable colour, material and texture) retain the informal character and appearance established in the Aireys Inlet to Eastern View Neighbourhood Character Study, 2004."</p>	<p>Change accepted</p> <p><b>Resolved</b></p>
5	Schedule 1 to NCO 4.0 Modification to Clause 54 and Clause 55 standards	AIDA request deletion of the additional dot point "Any new undercover or enclosed car parking space should be sited behind the front wall of the dwelling" at A19/B31 Design Detail. AIDA consider this to be an unnecessary limitation to be included and is more appropriate in a suburban setting than in the settlements.	<p>The purpose of this requirement is to ensure garages are not built forward or in front of dwellings, as it is felt that this has a negative visual impact on the streetscape. The intention is to encourage garages or carports that are set back further from the street than the front wall of the dwelling. This requirement is also included in the NCO's for Lorne and Anglesea and DDO's for Torquay. However, as the setback of garages did not form a specific recommendation of the Neighbourhood Character Study or Structure Plan, deletion of the requirement is accepted.</p> <p><b>Recommendation</b> Delete the following requirement from Standard A19/B31: "Any new undercover or enclosed car parking space should be sited behind the front wall of the dwelling."</p>	<p>Change accepted</p> <p><b>Resolved</b></p>
6a	Schedule 1 to NCO 5.0 Decision guidelines	AIDA question the meaning of "prevailing setback" used in the guideline "Whether the front setback is consistent with the prevailing setback of other buildings in the street". AIDA can't see why this new point has been included or what it aims to achieve. If it is to be retained,	The prevailing setback refers to the most common setback within a street. This eliminates irregular setbacks such as extra large or small setbacks which may distort the setback requirement for a new dwelling if the average of adjoining properties was to be used.	<p>Change accepted</p> <p><b>Resolved</b></p>

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		<p>it should be made clear that it does not refer to pre-existing old or sub-standard front setbacks. But it also seems to be implying that being consistent with the prevailing setbacks is desirable. AIDA do not agree that this should be a recommended approach and suggest that it be reworded - or removed.</p>	<p>It is accepted that in order to reinforce the preferred character of generous front setbacks, new development should not conform to the prevailing setback in a street where that is less than the preferred setback.</p> <p><b>Recommendation</b> Delete the following decision guideline: <i>"Whether the front setback is consistent with the prevailing setback of other buildings in the street."</i></p>	
<b>6b</b>	Schedule 1 to NCO 2.0 Objectives	<p>AIDA express concern about deletion of "nestled in the trees" from the Neighbourhood Character Objectives in the NCO1. AIDA submit these few words were considered most important to the community in the development of the NCO and they should either be retained here or else moved to 1.0 Statement of Neighbourhood Character or else moved to Clause 4.0 under A8/B13 SIGNIFICANT TREES/LANDSCAPING.</p>	<p>Whilst this objective goes to the heart of Aireys Inlet's character, the words "nestled in the trees" were deleted from the NCO1 as Council's Statutory Planners find it increasingly difficult to enforce this outcome as a result of the bushfire exemptions for vegetation (Clause 52.48) which came into effect after the neighbourhood character controls for Aireys Inlet were introduced into the Planning Scheme. The exemption controls enable landowners to remove vegetation within 30m of a dwelling (including trees within 10m). In addition, landscape plans can no longer require trees to be sited close to dwellings as this would increase bushfire risk. In order to retain the informal vegetated character it is important to ensure that sufficient space is provided around buildings so that a sense of space is maintained and vegetation can be retained and/or new vegetation planted (in a manner that does not increase bushfire risk) to assist in the screening of buildings and integration with the landscape. It is considered appropriate for reference to "nestled in the trees" to be included under 1.0 Statement of Neighbourhood Character as suggested, given it is a key aspect of the existing and preferred character.</p> <p><b>Recommendation</b> Include reference to "nestled in the trees" under 1.0 Statement of Neighbourhood Character.</p>	<p>Change accepted</p> <p><b>Resolved</b></p>
<b>6c</b>	Schedule 1 to NCO 2.0 Objectives	<p>AIDA question the need for the proposed removal of other neighbourhood character objectives in the NCO1 (i.e. the 8th, 13th &amp; 14th dot points) as a result of the Structure Plan process. The Structure Plan did not re-visit neighbourhood character and these points originated explicitly as parts of the definition of neighbourhood</p>	<p>The intent of the exhibited changes to the neighbourhood character objectives is to rationalise the objectives and to focus on outcomes that are more practicable under current controls. The key neighbourhood character elements of space and vegetation are captured by the revised objectives.</p>	<p>Change accepted</p> <p><b>Resolved</b></p>

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		<p>character in 2004. Shifting them to a more generic part of the scheme as it appears is being proposed diminishes the recognition of their contribution to a clear definition of neighbourhood character.</p>	<p>It is felt that there is a large degree of overlap and repetitiveness between the following three objectives in the current version of the NCO1:</p> <ul style="list-style-type: none"> <li>• To require <u>adequate setbacks</u> from boundaries to retain <u>space around buildings</u> and to provide <u>sufficient room for landscaping</u> to the front and side of a development so it appears to be 'nestled in the trees'.</li> <li>• To ensure that buildings are <u>sited and designed to avoid and/or minimise removal of native vegetation</u>.</li> <li>• To provide <u>sufficient land</u>, free of buildings and hard surfaces, in order to <u>sustain vegetative screening</u> that better integrates built form within the landscape.</li> </ul> <p>The key element of these objectives is to ensure that there is adequate space around buildings (through design and siting and provision of adequate setbacks and sufficient land free of buildings and hard surfaces) to provide sufficient room for the retention of existing vegetation or the planting of new vegetation so that the preferred character of buildings screened by vegetation and 'nestled in the trees' is retained. It is considered that the three objectives could be replaced by one objective as follows:</p> <ul style="list-style-type: none"> <li>• To retain adequate space around buildings to provide sufficient room for the retention and/or re-establishment of native vegetation to assist in integrating built form with the landscape.</li> </ul> <p>Dot point 13 (roofs) has been included in exhibited dot point 12. Dot point 14 (fencing) has been deleted as the NCO1 does not control fencing. Fencing is addressed in the DDO10 and DDO11.</p> <p><b>Recommendation</b>  Replace the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> neighbourhood character objectives in the current NCO1 with the following new objective:  <i>"To retain adequate space around buildings to provide sufficient room for the retention and/or re-establishment of native vegetation to assist in integrating built form with the landscape."</i></p>	

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6d	Schedule 1 to NCO 4.0 Modification to Clause 54 and Clause 55 standards	AIDA note the omission of "gravel" in the amended text in A8/B13 Significant trees/landscaping and suggest the following change: "At least 60% of the site area (excluding the area of driveways, <b>gravel</b> , paving, decks, swimming pools and tennis courts) should be available for the planting of vegetation.	Change accepted  <b>Recommendation</b> Amend the requirement under Standard A8/B13 as follows: <i>"At least 60% of the site area (excluding the area of driveways, <b>gravel</b>, paving, decks, swimming pools and tennis courts) should be available for the planting of vegetation."</i>	Change accepted  <b>Resolved</b>
		AIDA disagree with the addition to A19/B31 Design Detail of "Buildings should display a coastal style of architecture appropriate to the locality." AIDA submit there was no provision for a "coastal style" in the Neighbourhood Character assessment, and the earlier provisions for "Surf Coast Style" and later "Surf Coast Design" were removed from the planning scheme. "Coastal style" will always be too subjective.	The NCS encourages development to adopt the principles of 'Surf Coast Style'. With the former deletion of the Surf Coast Design and Colours Policy from the Planning Scheme and the abolition of the Surf Coast Style Guide, references to building design in coastal areas have been replaced with generic language that encourages a "coastal style of architecture" similar to what the style guide sought to achieve. The NCS recognises though that more than building style, elements such as integration of buildings with the landscape, materials and colours, height, setbacks and building size mostly influence a development's compatibility with the preferred neighbourhood character. These elements are currently addressed through the modified standards of the NCO1 and it is considered that the more subjective issue of style does not need to be added to Standard A19/B31.  <b>Recommendation</b> Delete the following requirement from Standard A19/B31: <i>"Buildings should display a coastal style of architecture appropriate to the locality."</i>	Change accepted  <b>Resolved</b>
7	Schedule 10 to the DDO 3.0 Subdivision	In the Requirements, Precinct E (Moggs Creek) is shown as having a minimum lot size of 4000m <sup>2</sup> . It is AIDA's understanding that the lot size is substantially less than that figure. On the map on page 5, the lot size appears to be similar to lots in Fairhaven (i.e. 1000m <sup>2</sup> ).	This is an existing control that is not changed by Amendment C110. It was introduced by Amendment C18 (Neighbourhood Character Study implementation) which increased the minimum lot size in Moggs Creek from 1000m <sup>2</sup> to 4000m <sup>2</sup> . The minimum lot size of 4000m <sup>2</sup> recognises the lack of reticulated sewerage in Moggs Creek and virtually prohibits any subdivision as a result of existing lot sizes being less than 4000m <sup>2</sup> .	Clarification accepted  <b>Resolved</b>
8	Schedule 10 to the DDO 3.0 Subdivision	In the requirements, reference is made to Precinct C on Map 2. AIDA question if the C that appears over Crown land south of Timbara Estate is correct.	The "C" south of Timbara Estate applies to the grey coloured parcel in the south-west corner of Fairhaven (part of 2 Yandanah Rd). It does not apply to Crown land.	Clarification accepted  <b>Resolved</b>

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9	Schedule 10 to the DDO 5.0 Decision guidelines	The new dot point for fencing states " <i>The need to avoid brush fences and other combustible fence materials in order to reduce bushfire risk</i> ". AIDA accept the risk associated with brush fencing, but not with fences of wire and wooden posts. The posts of the latter fence type are combustible but the risk from them is small. Is it intended that all fence posts be metal or concrete? Should this item be clarified as discouraging paling fences? Or will it allow non post and wire fences?	<p>The intention of this decision guideline is to discourage brush fences in particular, as the CFA has a concern with the flammability of them in bushfire risk areas such as Aireys Inlet. It is not the intention to discourage timber post and wire fences. "other combustible fence materials" applies to the more flammable types of materials.</p> <p><b>Recommendation</b> Change the decision guideline to "<i>The need to avoid brush fences and other <b>similarly highly</b> combustible fence materials in order to reduce bushfire risk</i>".</p>	Change accepted <b>Resolved</b>
10	Schedule 10 to the DDO 5.0 Decision guidelines	The new dot point for subdivision states " <i>Whether a larger lot is required to provide sufficient area for a dwelling, the protection of native vegetation and any defensible space to manage bushfire risk, or to address any other site constraints</i> ". On many steep, heavily vegetated lots it might be impossible to site both a defensible area and vegetation on an existing lot. Is it intended that certain lots should not be built on?	This decision guideline does not seek to prohibit development on existing lots. It only applies to subdivision and recognises that there may be specific circumstances where a lot larger than the minimum lot size for the precinct may be warranted (e.g. to protect native vegetation).	Clarification accepted <b>Resolved</b>