

Protecting Lorne. One planning application at a time.

(This article appeared in the July 2024 *Lorne Independent*)



A while back, while describing the antics of ringtail possums, John Agar lamented “the glass and concrete mausoleums that some now oddly prefer as beach houses.” John has a way with words, hasn’t he? But seriously, a man’s house (sic) is his castle, isn’t it? It is not our business to arbitrate personal taste? Or to interfere? Except maybe it is.

Since 2019, Lorne has had a neighbourhood character overlay (NCO) that requires a low-rise building form, designs which blend with the landscape, and openness between properties. Heights are to be no more than 7.5 metres. Buildings should cover no more than 35% of a lot. And there should be at least two canopy trees at the front. Compliance with the overlay is at the Council planning officer’s discretion. For example, a planning application which seeks a slight increase in height in some part of the structure could opt for further setback. The planning officer makes a

contextualized, holistic assessment.

Yet, many would agree that what is getting approved these days is too far removed from the intent of the NCO. What’s also troubling is that in making their assessment, the Council officers put weight on the number of objections from neighbours. But is that reasonable, or effective, in keeping coastal character and habitat?

The Aireys Inlet and District Association (AIDA) does not think so. Neighbours can be reluctant for all kinds of reasons. So AIDA have made it their business to review every planning application in their area for the last 18 years, and to object if needs be. The objections are not personal or frivolous. They are only about matters on which there are rules already. In the last 12 months, in their district, there were 48 applications resulting in 12 objections being lodged by AIDA. Around one third of these objections led to changes made by the applicants to better

comply (things like height and setbacks). Another third of these objections were not accepted by planning officers. The rest are still under review or have lapsed.

Yes, but isn't this kind of noseey? Wouldn't this be unpopular? While it might surprise some new buyers to the area, the overwhelming feedback is that AIDA's role in safeguarding the planning rules is appreciated. The AIDA membership keeps growing. They have almost 550 members now. Up 100 from last year. And the Council appreciates it too, especially if they have to push back at over-the-top development.

A small working group in Friends of Lorne has been exploring our capacity to do the same here. We're still finalising and testing our process. But we no longer need convincing that it's the right thing to do. Recently one of us was chatting with a long time Lorne resident about whether he was going to object to a neighbour adding a new storey to their holiday home. He replied "*I am 86. I am too old to fight.*" To us, that's an invitation for the community to step up.

Thank you to Anna McIlldowie for the image.

Planning Proposal Further Explained

(This article appeared in the August 2024 *Lorne Independent*.)

Last month I wrote that Friends of Lorne is considering systematic review of planning applications, like the resident association does in Aireys Inlet (AIDA). We don't know if we have the capacity yet to do it. But we thought it would be a good thing in principle.

It turns out that some of you think so too. The Council is letting too many things through which they should not, you said. But some of you *don't* think it is a good idea. To the extent that this is due to insufficient information, maybe this can help.

It would not be retrospective

Houses that are already built or in progress would be excluded.

What we mean by capacity

Capacity means person-power, skill sets, and process. We did not automatically assume lawyers. We are not gearing up to take fellow residents to court. Clerical work is involved. And the main task would be done by someone with architectural or planning experience. They would look at compliance with the planning control (Neighbourhood Character Overlay) and see if it fits. If it does not, we could submit an objection during the planning advertising period. If the Council approved a residential application (making applicants happy) we don't expect to contest it.

What's our focus? And what's not?

We don't expect to be engaged in many types of matters that affect immediate neighbours. Things like view loss, privacy loss, noise, or shadowing are truly not our business. We care about all-of-Lorne issues. Our interest is things like streetscape, being non-prominent_in the landscape, vegetation retention and wildlife corridors. Those things currently get lost.

A certain amount of vegetation removal is permitted by the bushfire overlay. We can't change that. But we can object to excessive vegetation removal. And simple information can make a difference. For example, applicants might propose to remove hedges and replace them with a canopy tree. But if they knew that the vegetation was rufous bristle bird habitat (vital local knowledge) they might change their mind. In one case, that is exactly what the applicants did. Canopy trees are of no value to (endangered) ground dwelling birds.

And if the proposal fits with the Neighbourhood Character Overlay (NCO) there won't be any cause for objection anyway.

AIDA objects to only 25% of all residential applications. Of these Council agrees with the objection in about one third of cases. The most frequent changes made in order to better comply were (1) creating more space between buildings and (2) reducing landscape/vegetation impact. This is still beneficial in our view. The objection rate in Lorne may be higher. More people have bold plans. But they are still subject to the same NCO.

Do Lorne people want this? Is this a done deal?

Tell us. A public meeting about the NCO was led by the Shire Council in 2023 at Stribling Reserve. People liked the NCO, but the consensus was that Lorne's much-loved signature look risks being lost if the NCO is not implemented, one development application at a time. The Council uses discretion when making decisions and takes the number of objections into account when considering whether to push back against something over-the-top (ie, something contrary to the NCO). So that's where the idea came from. We are seeking to influence how the Council upholds the NCO.

Please use these pages or email us to tell us what you think at committee@friendsoflorne.org.au. There is no point trying to do this if it does not contribute to a cooperative ethic of keeping Lorne beautiful.

Thank you to those of you who have told us what you think already. No one has gently suggested that I move to Aireys Inlet. I appreciate that!

Penny Hawe

www.friendsoflorne.org.au