

MARINO RESIDENTS ASSOCIATION

MARION COUNCIL HOUSING DIVERSITY
DEVELOPMENT PLAN AMENDMENT

1/11/17

MY PHOLISOPHY ON DEVELOPMENT

I make my living from Development and so I come from a “pro-development” position
However, not all development is good development
Development must be sustainable

As a Building Surveyor, we have worked with the Performance Based Building Code since 1996 and the Development Act since 1993.

A performance based perspective considers : -

- What are we trying to achieve
- How best can we achieve that
- Following Objectives to reach a desired outcome, not necessarily following Principles, or Prescriptive methods to achieve an outcome

WHAT IS A DEVELOPMENT PLAN TRYING TO ACHIEVE

The state Government conducted a review in 2014 into the Development System. One statement from that review, which summarises what the Development Act and Development plans and assessment are trying to achieve is: -

It is evident that the purpose of development control—to manage risks and avoid negative impacts to neighbours and future generations—has been lost. Current assessment practice is disproportionately focussed on micro-level details that do not warrant such levels of attention.

The purpose of the Development Act and assessment is to control development

And to avoid negative impacts to neighbours and future generations

DOES THE PROPOSED DEVELOPMENT PLAN AMENDMENT MEET THESE OBJECTIVES?

I suggest that it doesn't.

This development plan amendment is very pro development, however...

- There is very little protection built in for the existing residents
- The effect on future generations will be significant
- The social effect on neighbours through incompatible development will be significant
- There is significant negative economic effect, including: -
 - the cost to adjoining neighbours through loss of property values, views and amenity
 - The cost socially with neighbours pitted against each other and the loss of the open and relaxed amenity that is currently enjoyed
 - The cost environmentally through the loss of the pleasant outlooks and the natural backdrop, I believe will be significant

ALLOTMENT SIZES

Minimum site area comparison - proposed changes

Dwelling type	Current policy			Proposed Southern Hills Policy Area 16
	Cement Hill Policy Area 10	Hills Policy Area 11	Southern Policy Area 18	
Detached	420m ²	700 – 1,100m ² *	420m ²	350 – 400m ² *
Semi-detached	-	-	350m ²	350 – 400 m ² *
Row Dwelling	-	-	280m ²	300 – 350 m ² *
Residential flat building	-	-	250-300m ² **	300 – 400 m ² *
Group dwelling	-	700 – 1,100m ² *	300m ²	300 – 400 m ² *

**dependent on site gradient **dependent on building height*

The largest change in this is in Hills Policy area 11, which is Marino, amongst other areas. This allows every allotment, based on area, to be divided into at least two allotments. Other Policy Areas will have very little change

What this table also shows is that where previously only detached dwellings and group dwellings were envisaged, now row dwellings and semi detached dwellings as well as group dwellings will be permitted, which are generally bigger and more imposing buildings, particularly if they are greater than single storey

PROTECTION OF AMENITY

The things we enjoy about living in Marino, are what creates our amenity. These things are not provided with legal status under common law and include: -

- Privacy
- Access to sunlight
- Access to a view
- Neighbourly relationships and enjoyment

The word “amenity” appears 110 times in the current Development Plan, and not one of those references encourages the removal of amenity from an adjoining property

Principle 5 is a specific threat to that amenity

5 Where a proposed development would interfere with any view, vista or prospect presently available from land in private ownership, such interference will be reasonable and anticipated if the proposed development complies with the relevant guidelines and desires of this Development Plan, including height, setbacks, building envelopes, building form and massing.

If you interchange the words “view, vista or prospect” with “AMENITY”, “privacy”, “sunlight”, or “neighbourly relationships”, would this Principle meet the Object of the Act? Despite potentially meeting the height, envelopes and massing, a development may not meet the 110 references to the protection of amenity and so it can not meet the guidelines and desires of the development plan, and so it should not be allowable within the Development Plan.

Comparison with adjoining councils

This Principle is also at odds with the requirements in the Holdfast Bay council area, which adjoins this proposed policy area.

In the Holdfast Bay area they: -

1. Have a 7m building height limitation (9m is the proposed height in Marion, but that is only a guide and buildings of over 12m have been approved with the 9m limitation)
2. Recognise and protect views as 'Amenity', no different to privacy, sunlight etc
3. Recognise that even if a building meets the height, setbacks, building envelopes, building form and massing, it may be inappropriate, because it does not meet the requirements for Amenity

The Proposed Development Plan amendment does not provide consistency between Council areas

SUMMARY

This Development Plan Amendment is extremely 'pro-development', but not 'appropriate' development

There is very little protection provided to the existing residents

Some SUBSTANTIAL changes could be made to the policies which would enable development into these smaller allotments, only once it is demonstrated that there will be no (or very minimal) effect on the existing development. This could be made through a more performance based policy framework.

It may not be appropriate to include Hills Policy area 11 into this higher density living Policy area

It may be appropriate to remove the areas close to the Hills Face Zone from this proposal

In its current form, this Development Plan Amendment will totally change Marino as we know it, and in my opinion, not for the better.

THANKYOU

QUESTIONS