



**Draft Variation 343: Residential blocks
surrendered under the 'Mr Fluffy' Loose Fill
Asbestos Insulation Eradication Scheme**

Submission

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Woden Valley Community Council (WVCC)

Comments

Draft Variation 343 to the ACT Territory Plan

Preamble

The 'Mr Fluffy' issue has an impact on affected property owners, tenants, tradesmen and Government. Loose fill asbestos was pumped into the affected houses several decades ago, long before the ACT achieved self-government. Most people believed that the risk posed by Mr Fluffy asbestos had been defused when over a thousand houses were remediated in the 1990s. In early 2014, when residual asbestos was discovered in the living areas of some Mr Fluffy homes, Mr Fluffy residents were confronted with the possibility that they may be at risk of asbestos related disease and that their homes might be virtually worthless as the cost of further remediation or demolition would be prohibitive for them.

The Loose Fill Asbestos Eradication Scheme established in October 2014 has provided a pathway to ridding the ACT of the remnants of Mr Fluffy at a cost of several hundred million dollars to the ACT budget. It is likely that, by the end of 2015, most Mr Fluffy residents will have vacated their homes (having received an agreed pay-out from the surrender process) and demolition of the Mr Fluffy homes will have commenced.

WVCC acknowledges that the Scheme has caused distress to some Mr Fluffy owners who are reluctant to leave homes in which they have lived for many years and where they have spent time, care, and money renovating inside as well as landscaping, planting, mowing, weeding, and watering outside. For many, it will be sad to see their memories bulldozed away. WVCC also acknowledges, however, that the Government has a responsibility to minimise the risk of asbestos related disease throughout the territory and that demolishing and disposing of all Mr Fluffy houses within a fairly short time span is the only certain, practical way to achieve that end.

WVCC also acknowledges that the ACT Government has a responsibility to all ACT taxpayers to ensure that the costs of the Scheme are kept within reasonable limits, mainly by being able to ensure a reasonable return on the Mr Fluffy properties they acquire through the surrender process. The authors of Draft Variation 343 had to provide enough flexibility to make the Mr Fluffy blocks attractive to purchasers whilst not destroying the amenity of residents in suburbs where Mr Fluffy houses are concentrated. For these residents, "the goal posts will move" as the DV343 provisions were not in place when they bought into the suburb. Many will not be aware that they live next to a Mr Fluffy house and will be surprised when the security fences are erected and the bulldozers arrive.

There are 1021 Mr Fluffy properties. Of these, 863 are located in the RZ1 residential zone, to which the DV343 amendments apply. WVCC's comments will be confined to the impact DV343 will have on the Woden suburbs that fall within the footprint of our council.

1. Block size for dual occupancy

DV 343 proposes to “reduce the block size for dual occupancy on the surrendered blocks from [the current minimum of] 800m² to 700m²” within the RZ1 zone.

DV343 should be considered in conjunction with the whole discussion on urban infill and Canberra's densification. For a city of around 350,000 people Canberra in its design is dispersed over a large area of what would be otherwise productive land. The cost of providing water, electricity, gas and sewerage services is much higher than in a more European style compact city. It is very difficult to service the city with convenient, frequent public transport. Canberra's polycentric design has, however, allowed for the diversity of housing choice with inner city apartment living, townhouses and free standing houses in the surrounding suburbs. The growth of dual occupancies especially in inner suburbs is another expression of this trend to densification and urban infill. The challenge to planners is to sensitively manage the demand for densification. Whilst developers should not be given open slather, existing residents shouldn't be allowed to have a blanket power of veto on urban infill simply because they would prefer progress to occur in someone else's backyard.

It is undeniable, however, that even without DV343 the character of the Woden suburbs has changed since they were established in the sixties and seventies when the bulk of housing stock comprised simple one storey, three bedroom, brick bungalows many of which were owned by the public housing authority of the time. At that time Woden was on the outer fringe of Canberra. In the decades since, Canberra has expanded greatly and Woden real estate has appreciated in value due to its convenient, inner location. Much of the original housing stock has been radically renovated or knocked down and replaced with “McMansions”. There has also been more medium density developments of units, townhouses and dual occupancies.

DV343 will, in suburbs with Mr Fluffy properties, enable more dual occupancies to be developed than would otherwise be the case. Of the 863 Mr Fluffy properties located within the RZ1 zone, 567 (or around two thirds) have a block size greater than 800m² and thus are permitted to be developed as dual occupancies without separate title. 204 Mr Fluffy houses in the RZ1 zone (22%) have a block size in the range 700-800m² and cannot be developed as dual occupancies under current regulations. DV343 would allow these extra 204 properties to be developed as dual occupancies. The WVCC does not accept this provision as it is important that the character of RZ1 areas within suburbs is preserved and the minimum size for dual occupancies should remain at 800m².

WVCC opposes any reduction in block size allowable for dual occupancies to 700m². WVCC also opposes any block consolidations with adjoining Mr fluffy blocks.

2. Subdivision for unit titling

DV 343 will "permit subdivision for unit titling of dual occupancy development on the affected blocks".

Without this provision, people wishing to purchase a Mr Fluffy block suitable for dual occupancy would have to have access to sufficient funds to buy the whole block and build two residences. This is beyond the means of most people, Mr Fluffy owners included. Unit titling Mr Fluffy blocks will allow the occupant of each residence to have a title. This provision may make it more affordable for Mr Fluffy and other people to buy into a Mr Fluffy suburb.

It is possible for Mr Fluffy corner blocks to be divided with separate street access and no common property. For many non-corner blocks however, the only practicable way of allowing access for two residences will be through a driveway that both residences can access as common property. Unit titling allows the access problem to be addressed. As long as the existing RZ1 "strict limits on multi unit housing redevelopment of land that was originally single dwelling housing" are maintained, neither the character of the affected RZ1 areas should substantially change nor should the amenity of existing residents be substantially affected.

As long as the existing RZ1 strict limits are maintained, WVCC has no objection to the unit titling provision in DV343.

3. Plot ratio

This provision will "alter the plot ratio to accommodate the reduction in block size, consistent with plot ratios currently applying to dual occupancy development in the RZ2 suburban core zone."

This provision should be read in conjunction with provision 5 that applies to building heights. Whilst DV343 will enable more dual occupancies to be built in affected suburbs it will not increase the permissible plot ratio for surrendered blocks.

The provision places much greater restrictions on secondary residences that do not have a street frontage and are located in what used to be the backyard of a Mr Fluffy house. Such residences have a greater potential to detract from the amenity of adjoining landholders as they may be located closer to the backyards of their neighbours than the primary residence. By restricting the plot ratio of these secondary residences to a maximum of 17.5% (of the entire block) as well as only permitting single storey construction, their impact on adjoining householders will be less than had these provisions not been included

WVCC supports this provision.

4. Building height

This provision will "limit the building height to single storey for any dual occupancy dwelling to which a 35% plot ratio will apply."

This provision should be read in conjunction with provision 4 that applies to plot ratios. The effect of the building height provision is, on surrendered blocks, to limit the building height of the secondary dwelling when that dwelling does not have a street frontage. When provisions 4 and 5 are both applied the effect will be to ensure that the secondary residence in the backyard of a Mr Fluffy block will be a small single storeyed building, probably with a maximum of 2 bedrooms.

This provision will further protect the amenity of householders neighbouring surrendered blocks. The provision will reduce the chance of their houses and yards being overshadowed as well as reducing the possibility of their privacy being invaded by the secondary residence.

The provision will increase the housing mix in Mr Fluffy suburbs by providing more free standing 2 bedroom stock.

WVCC supports this provision.

5. Amenity of RZ1 suburban zoned areas

This provision will "introduce a design criterion for dual occupancy development on the affected blocks to maintain and support the amenity of existing residential RZ1 suburban zoned areas."

Mr Fluffy residences are concentrated in Canberra's inner suburban ring, especially in Woden and Weston Creek where housing values have risen sharply over the last decade. Home owners in these areas would be concerned that tacky redevelopments of Mr Fluffy blocks could reduce the value of their properties. Provision 6 addresses that concern.

Whilst WVCC supports the intention of Provision 6, it does not consider that the new residences on Mr Fluffy blocks should try to replicate the original housing stock that was constructed in the 1960s and 1970s. Most of the soon to be demolished Mr Fluffy homes are single storey brick and tile bungalows (generally less than 120m²) many of which had poor solar orientation and low energy efficiency ratings. They were built for middle income families with several children. The Mr Fluffy suburbs have changed greatly in the last 50 years. Original residents are now elderly. Many households have only 1 or 2 people. People that buy into the suburbs are generally more affluent, two income professionals, many childless or with only one child. Newer houses (generally knock down and rebuild) in the Mr Fluffy suburbs bear little resemblance to the homes first constructed there. Many are concrete in construction or have a rendered finish. Many are 2 storeyed, some have basement garages, and almost all exceed 150m² and, consequently, smaller backyards. They have also had to comply with new planning regulations applying to insulation, solar orientation and overshadowing. In other words, the character of

the Mr Fluffy suburbs has already changed and will continue to change as new people move in and original residents die or move out to the coast or retirement villages.

WVCC understands that new residences on surrendered blocks will have to comply with current planning regulations, thus ensuring that most will be more energy efficient than the houses they replace. In applying Provision 6 WVCC hopes that ACTPLA will not preclude modern construction techniques using recycled products, sheet construction, rendered finishes, metal roofing, and solar panels. The demolition process and burial of Mr Fluffy houses at a special asbestos dump will already be an energy intensive process that will leave a large carbon footprint. Excessive use of concrete and new bricks in the new construction will create an even larger carbon footprint. WVCC urges ACTPLA to encourage best practice in the new constructions to encourage innovation, ensure high energy efficiency and a small carbon footprint.

WVCC supports provision 6.

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On behalf of the Woden Valley Community Council

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