

23 August 2015

Standing Committee on Planning, Environment and Territory and Municipal Services  
[committees@parliament.act.gov.au](mailto:committees@parliament.act.gov.au)

**Submission to the inquiry: *Draft Variation to the Territory Plan No. 343: Residential blocks surrendered under the loose fill asbestos insulation eradication scheme***

To whom it may concern,

I strongly object to the Draft Variation 343 in its entirety. I do not support changes to the planning permission for any RZ1 Mr Fluffy blocks and particularly for my own Mr Fluffy block.

The Environment and Planning Directorate (EPD) has recommended the planning changes go ahead. Their *Report on Consultation* for DV343 outlines two main arguments for approving the planning changes:

1. That dual occupancies are already allowed on RZ1 blocks and therefore the proposed changes are not significant
2. That it is appropriate for the Government to implement the changes because it needs to recoup some of the costs of the Loose-Fill Asbestos Eradication Scheme.

I am concerned that these two arguments are not valid.

1. Whilst dual occupancies are already allowed on RZ1 blocks, it is currently not attractive to build these kind of developments because they cannot be sold separately. The addition of the unit titling provisions to RZ1 ex-fluffy blocks will encourage these types of developments on these blocks and therefore will forever change the character of affected RZ1 areas – and not for the better. The argument that the changes are ‘not significant’ does not take this into account.
2. Whilst the Government’s Asbestos Eradication Scheme will be costly, planning decisions should be based on planning merit – not on finances only. Considerations such as street character and amenity, proximity to town centres, public transport, parking and access issues should be the main consideration when making planning decisions.

Additionally, it is not appropriate to apply the planning changes to all RZ1 ex-Fluffy blocks over 700 square metres. Some blocks will not be suitable for dual occupancy developments, such as battleaxe blocks or blocks in areas where parking is limited. Applying the unit titling provisions to such blocks would increase the purchase price and ongoing rates fees for these blocks without any benefit for the owner. This does not seem to be a reasonable or fair situation.

Please see my initial concerns as submitted to the Planning Directorate below.

## **Reasons against the planning changes for my block at 13 Saint Clair Place, Lyons**

### ***Access problems***

My battleaxe block and the adjacent battleaxe block share a driveway. There are always a lot of cars coming in and out of the neighbouring property (as our neighbours have carers and extended family in Canberra) as well as traffic from my own property. This has meant that, at times, we have had to reverse backwards down the driveway to allow the neighbours to exit onto the street. If increased density was allowed on our block then this would increase the traffic using the shared driveway and exacerbate the entry and exit problems for residents and visitors of both of these houses. Therefore, for access reasons, the planning changes are not appropriate for my block.

### ***Parking problems***

The ACT Government has limited the hours that vehicles are allowed to park in our street. This means that residents and their visitors *must* park on their own properties. In the case of my battleaxe block, there is definitely no other parking option because there is no street frontage which would enable visitors to park in front of my house or on the nature strip. If my block were to have a dual occupancy development then it is likely that there would be four residents' vehicles permanently parked on my block, plus parking space would need to be set aside for visitors' vehicles. Under any future development, a significant portion of the land on my block would need to be allocated for parking, reducing the amenity of the land and the amount of usable space for development and potentially causing excess vehicles to spill out onto the street. Therefore, for parking reasons, the planning changes allowing higher density are not appropriate for my block.

### ***Amenity for my neighbours***

Travelling down the long driveway to my battleaxe block requires passing three neighbouring properties. If the planning changes were approved, the increased traffic and associated noise and disturbance would negatively impact on these direct neighbours. Therefore, for amenity reasons, the planning changes are not appropriate on my block.

### ***Fairness regarding the block's repurchase price and the ongoing rates***

I wish to repurchase my block and rebuild a single house on the land. I do not require the additional planning permissions and will not make use of them. However, the additional planning permissions would increase the unimproved value of my block and therefore the rates would be increased in perpetuity, making it more expensive to both repurchase and to reside on my own block. It does not seem fair that my block would have higher rates than the surrounding blocks even though my house would be a single dwelling. Therefore, for fairness and consistency reasons within my suburb, the planning permissions should not be added to my block.

## **Reasons against the planning changes for all RZ1 Mr Fluffy Blocks**

### ***Inconsistency within the Territory Plan and Suburban Zoning Objectives***

The planning changes proposed by the Government will create inconsistencies within the ACT Territory Plan. When people purchase properties in the ACT, they have faith in the planning codes, and particularly the Suburban Zone Objectives which say RZ1 zones are supposed to “provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character”. Implementing the proposed planning changes to RZ1 Fluffy blocks overrides these Suburban Zone Objectives by allowing higher density, dual occupancy developments. It means that owners who have purchased their properties in RZ1 zones in good faith and on the basis of the Suburban Zone Objectives will have been misled by the ACT Government as they believed they were purchasing in ‘low density’ neighbourhoods. Neighbours of RZ1 Fluffy blocks will have every right to be angry if their properties are devalued as a result of the ACT Government’s decision to override its own zoning objectives. Therefore, to preserve the integrity of the Territory Plan and the zoning objectives, the planning changes should not go ahead.

### ***Long-lasting stigma for all RZ1 Fluffy Blocks***

The ACT Government is planning to reissue the leases for remediated Mr Fluffy blocks so that they are clear of any references to asbestos. However, if the planning changes to RZ1 Mr Fluffy blocks are approved, these blocks will have different planning permissions than the neighbouring blocks and also higher unimproved values. These two features will act as identifiers that they are ex-Mr Fluffy blocks and this means they will forever be stigmatised. The Government’s two policies appear to be contradictory because the ‘clean slate’ provided by the new lease will be overridden by the identifying features resulting from the planning changes. Therefore, to avoid the continuation of a ‘fluffy’ stigma for these RZ1 Fluffy blocks, the planning changes should not go ahead.

### ***Devaluation of neighbouring blocks***

When RZ1 Fluffy neighbours want to resell their properties, they may have difficulties because their neighbourhood will now be somewhere between an RZ1 and RZ2 zone. Prospective purchasers in RZ1 zones are unlikely to want to purchase a single occupancy dwelling which is beside dual occupancy developments and therefore the properties of these RZ1 Fluffy neighbours will be devalued. Unlike RZ2 zones, they will not be compensated by the increase in land value from having RZ2 zoning on their block. Nor will they benefit from the increased land value of being close to the local shops/town centre as is the case with RZ2 zones. Therefore, to provide fairness to Fluffy neighbours and maintain the value of their block, the planning changes should not go ahead.

### ***Long-term effects of the planning changes on suburb character***

The ACT Government is trying to recoup some financial losses by adding the planning permissions and reselling the blocks, however this seems to be short-term thinking - consideration should be given to the long-term consequences of the proposed planning

changes. These planning variations will forever change the character of established suburbs. For example, in some suburbs two small subdivided ex-Fluffy blocks of 500sqm would be surrounded by non-affected blocks sized between 900sqm and 1200sqm. The owners of the smaller ex-Fluffy blocks would need to make the most of the land available and therefore would likely build out to the furthest boundary point possible. This would mean that these houses will be closer to their neighbours. As a result, suburbs that were previously characterised by open space and privacy for owners would instead be peppered with houses built close together with smaller gardens. This will most definitely change the character and appeal of these areas. Therefore, for reasons of preserving neighbourhood character, the planning changes should not go ahead.

***Recommendation***

I strongly oppose the proposed variations to the Territory Plan for RZ1 Fluffy blocks and particularly for my own block at 13 Saint Clair Place, Lyons. The changes should be abandoned immediately and permanently.

Regards

Catherine Caruso