
	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	36
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Pearce
ACT 2607

25 August 2015

Mr Hamish Finlay
Committee Secretary
Standing Committee on Planning, Environment
and Territory and Municipal Services
Legislative Assembly for the A.C.T.
P.O. Box 1020
Canberra A.C.T. 2601

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Dear Mr Finlay,

Draft Variation 343 to the Territory Plan

Thank you for the opportunity to make a submission to the Standing Committee on Planning, Environment and Territory and Municipal Services concerning Draft Variation to the Territory Plan No 343.

We are the owners of the property at Leighton Street, Pearce and we wish to comment on the draft variation insofar as it affects us and our home at that address.

We have one Mr Fluffy block immediately adjacent to the western boundary of our block and another Mr Fluffy block immediately adjacent to the northern boundary of our block. The Mr Fluffy block to the north of our block has a common boundary with our block which is slightly more than two thirds of the total width of the northern boundary of our block.

We should mention that Leighton Street falls fairly steeply from its western to its eastern end and the Mr Fluffy block adjacent to the western boundary of our block is accordingly higher than the land on which our home is erected. This will increase the effect of some of the problems which would be created for us if the proposed variation to the Territory Plan were to be made.

In order for you to appreciate the context in which our concerns are raised, we attach a sketch plan showing our block in relation to the adjacent Mr Fluffy blocks.

We are concerned that, insofar as the draft variation would permit dual occupancy of both Mr Fluffy blocks adjacent to our block and the erection of two storey dwellings on those blocks which could cover up to 50% of the blocks, the variation would permit the construction of dwellings which would tower over our home, particularly on the western side and, in so doing—

- a) reduce the privacy we have up to now enjoyed, particularly in our backyard;
 - b) deprive our block of some light it presently enjoys;
 - c) restrict the view we presently enjoy of Mt Taylor from our backyard;
 - d) diminish the garden ambience of trees, shrubs and other plants in neighbouring gardens which has been a feature of our neighbourhood;
- and

- e) very importantly, in doing these things, significantly reduce the value of our property.

The features of the draft variation to which we object are—

- a) those that would reduce the block size required for dual occupancy on surrendered Mr Fluffy blocks from 800 to 700 square metres;
- b) those that would allow the construction of two storey dwellings on surrendered Mr Fluffy blocks used for dual occupancy and, indeed, encourage the construction of those dwellings on those blocks where that would be the only practical way of making use of relatively small spaces available for the construction of housing; and
- c) those that would allow the construction of dwellings occupying 50% of the land on which they stand.

We understand that the purpose of the proposed variation is to allow developments having these features in order to assist the Territory Government to recoup some of the cost of the buy back scheme and the demolition of Mr Fluffy homes.

However, in making the changes proposed, the variation would significantly erode the amenity of the immediate neighbours of Mr Fluffy blocks and inflict significant financial loss on them which would be particularly unjust to people who have had no involvement in the Mr Fluffy disaster.

In the case of our home, it could be expected that the erection of two storey dwellings occupying 50% of the land on which they stand would reduce the value of our home by many thousands of dollars by reducing the privacy of our back yard, restricting the view we have enjoyed from our back yard and diminishing the garden ambience of our home which has flowed, in part, from the trees, shrubs and other plants in the gardens of our immediate neighbours and which has been a feature of our neighbourhood up to the present time.

The Territory Government is, in effect, proposing to inflict a very significant financial loss on the neighbours of Mr Fluffy homes who have not themselves used asbestos insulation simply to increase the money the Territory Government will recover from the Mr Fluffy remediation scheme. This would, with respect, be a shameful misuse by the Territory Government of its legislative power by seeking to use that power to transfer a financial loss it would otherwise incur from its Mr Fluffy buy back scheme from its own shoulders to the shoulders of the immediate neighbours of Mr Fluffy blocks. These neighbours would, if the variation to the Territory Plan were to be made, suffer this loss in addition to the loss they will suffer in common with other Territory taxpayers in paying the inevitable additional taxes which will be levied to repay the Commonwealth the funds borrowed by the Territory Government for the purpose of the Mr Fluffy remediation scheme.

It would clearly be preferable, and infinitely fairer, for the blocks of land obtained by the Territory Government under the Mr Fluffy buy back scheme to be redeveloped under the present planning requirements.

If you have any queries in relation to this submission, we would be pleased to answer them for you. Our telephone number is

Yours sincerely,

Neil A. Leslie

Neil Angus Leslie

Dorothy Leslie

Dorothy Leslie

FLUFFY
BLOCK

FLUFFY
BLOCK

LEIGHTON
STREET

LEIGHTON STREET

