

Standing Committee on Planning, Environment and Territory and Municipal Services

A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	11
DATE AUTH'D FOR PUBLICATION	26/08/15

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 have been a resident of Canberra for 36 years. It is my home and I love it and I therefore care about how its development is managed. While I have not been directly affected by the loose fill asbestos eradication scheme, I have been closely observing its management by both the ACT Government and, indeed, the Australian Government. It is, obviously, disappointing that the Australian Government has not done more for the ACT community members affected by this "disaster" (and I don't use the word lightly). However I am extremely disappointed in the manner in which the ACT Government has chosen to manage the problem.

It is, naturally, a highly emotive issue and I am extremely sympathetic to the plight of the more than one thousand families who have been impacted by this situation through no fault of their own. However my concerns go beyond the emotive. The ACT Government has not only adopted a blanket approach to an issue that should have been managed on a case-by-case basis, it has also adopted a process that I feel is inconsistent with the ACT's current planning policies. All for the sake of what appears to be the ACT Government's highest priority in this entire issue - debt recovery. Revenue-raising should not form the basis of the Government's policy on this issue. The Government has taken a narrow view of the overall issue and is aiming to implement a process which not only impacts those living in the Mr Fluffy homes but will also significantly affect the surrounding neighbourhoods where the Mr Fluffy homes are located for many years to come.

As a result of my significant concern over this issue and the ACT Government's proposal to rezone the majority of residential blocks surrendered under the scheme, I have made myself familiar with a number of groups representing those directly affected by the scheme. I am supportive of the *Mr Fluffy Homes - Full Disclosure Group* and am in full agreement with their concerns, as listed below.

I therefore submit my formal **objection** to the proposed changes to the planning permission for any RZ1 Mr Fluffy blocks on the following basis.

Not supported by the majority

I was very disappointed to find out that the Environment and Planning Directorate (EPD) has recommended that DV343 be approved, particularly as more than 100 of the 124 submissions did not support the variation. In fact only 12 submissions supported the draft variation and the majority of the submissions in support of DV343 were industry based. It is truly concerning that the majority of support for the scheme comes from the building industry.

Despite EPD's argument that these blocks will remain RZ1, the reality is that, under the proposed variation, these blocks will be treated as though they were in RZ2 zones and can be sub-divided and unit titled for blocks as small as 700 m². In practice this will result in RZ2 islands randomly distributed in RZ1 zones, resulting in a more complex and difficult to navigate Territory Plan. This is an extremely illogical approach to that presumably, in any other circumstance, would not even be considered because of the issues it would cause.

Breaches to the ACT Territory Statement of Strategic Directions

DV343 breaches strategic principal 1.3:

“Economic, social and environmental objectives will be pursued in a balanced and integrated way, having regard to both short-term and long-term factors...”

This short-term revenue raising measure ignores social and environment objectives and does not adequately consider the long term consequences on the amenity and integrity of Canberra’s oldest neighbourhoods.

DV343 breaches strategic principal 2.5:

“A wide range of housing types will be permitted in identified residential areas close to commercial centres and some major transport routes to increase choice...Outside of these areas, planning policies will protect the typically low density, garden city character of Canberra’s suburban areas”

Changing the zoning rules for blocks without regard to their proximity to commercial centres or major roads is in direct contradiction of the Plan’s objective to have lower density as you move away from centres/major roads. It will negatively affect the garden city character of these suburban areas because dual occupancy dwellings will be built closer to existing neighbours and there will be less garden area available in the blocks themselves.

Breaches to the RZ1 Suburban Zone Objectives

DV343 breaches RZ1 Suburban Zone Objective a):

“Provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character”.

The proposed changes allow for two double storey dwellings where the 50% plot ratio is allowed, this is in clear defiance of the stated objective for low rise, low density dwellings. The dual occupancy unit titling will also encourage more than one dwelling to be built in these areas, which also compromises the aim to achieve single dwelling residences.

This proposal does not clearly explain how the plot ratio rules are applied. For example Rule 3.3 states that the maximum plot ratio for dual occupancy housing is 35% where at least one dwelling does not directly front a public road from which vehicular access is permitted. For an affected block this could be interpreted as either:

- both unit titles have a maximum 35% plot ratio: or
- the unit title that directly fronts a public road can have a maximum 50% plot ratio and the unit title that does not directly fronts the public road has a maximum 35% plot ratio.

This lack of clarity also means that the public are unable to assess the implications of potential two storey developments on their local amenity: i.e. for the above example, can the front unit title of a neighbouring block have a two storey dwelling or not?

DV343 breaches RZ1 Suburban Zone Objective b):

“Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the original pattern of subdivision and the density of the dwelling”.

The proposed changes would be a very clear breach of the above objective because the proposed subdivision and increased density to be permitted on these blocks will be a complete change from the original land use pattern.

‘DV343 proposes to reduce the minimum block size for dual occupancy from 800m² and above to 700m² and above. The ability to unit title the dual occupancy is considered to be an incentive for dual occupancy development on the surrendered blocks.’(2.2.7)

I believe that this “incentive” will be a major driver in the purchasing by developers of Mr Fluffy blocks to build a dual occupancy and apply for unit titling.

DV343 breaches RZ1 Suburban Zone Objective d):

“Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable impacts on neighbouring properties”.

The proposed changes would make it likely that dual occupancy dwellings will be built as close to the property boundaries as possible in order to maximise dwelling size. This will mean that neighbours who had previously enjoyed privacy from their direct neighbours will now have neighbours in close proximity leading to increased noise and reduced amenity of their properties. Additionally, valued features of the neighbourhoods and landscape character – large gardens, privacy from neighbours, etc. will be compromised.

Inconsistency within planning zones

Allowing greater development on random RZ1 blocks undermines the integrity of the whole planning system. If the ACT Government considers the planning changes to the RZ1 Fluffy blocks to be consistent with the RZ1 Zoning Objectives, then why are neighbouring RZ1 blocks not allowed to access the same planning permissions? If the proposed changes are not consistent with the Zoning Objectives, then the ACT Government should abandon them.

If the standard RZ1 sliding scale plot ratio is considered necessary to protect the RZ1 zone in all other cases, then how is the case of a Mr Fluffy home any different? The ACT Government wants to bypass the rules that would apply to all other developers in the RZ1 zone.

The additional planning permissions allowed for ex-Fluffy RZ1 blocks would increase the value of those blocks, but neighbouring blocks cannot access those same permissions to improve the value of their land. The Government’s position is indefensible. I therefore believe that approving these changes would set a precedent for other RZ1 owners to seek additional planning permissions for their blocks. There should not be different rules for blocks within the same zone. The existing RZ1 zoning permissions should be preserved.

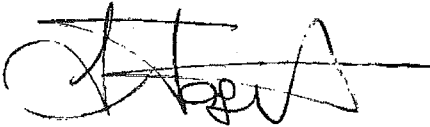
Devaluation of neighbouring blocks in Mr Fluffy Streets

The proposed changes to the planning permissions for RZ1 Mr Fluffy blocks will encourage higher density dwellings in what are supposed to be quiet residential areas. Many homeowners purchased their properties specifically in an RZ1 zone because they wanted to live in quiet areas with decent sized blocks and limited noise and traffic. The proposed changes would make these areas more like one of the newer suburbs or an RZ2 zone, with medium density dwellings and the associated increases in noise and parking problems. I specifically oppose the ability to unit title these blocks. It will encourage developers to build large dual occupancy dwellings where only a single dwelling should be built. It would also make those streets less desirable places to live and would therefore decrease the value of surrounding blocks. DV343 is unfair to the neighbours of the re-zoned blocks, who purchased their blocks with the reasonable expectation that the area would be predominantly low density single dwellings.

Recommendation

I recommend that the ACT Government abandons the changes proposed in DV343.

Thank you for your consideration of my submission.



Lucinda McTaggart

12 August 2015

References:

Territory Plan Statement of Strategic Directions <http://www.legislation.act.gov.au/ni/2008-27/copy/74258/pdf/2008-27.pdf>

RZ1 Suburban Zone Objectives <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp#Strategic+Direction>