

SUBMISSION:

Standing Committee on Planning, Environment
and Territory and Municipal Services

Dear Sir,

Comments to Draft Variation to the Territory Plan Number 343 (DV343)

The ACT Government acted decisively and promptly to the Fluffy issue and is to be congratulated for that given the limited response and support from the present Abbott Government even though the ACT was, when the problem began, under Federal control. I appreciate the value, however, of that limited response from Federal Government re loans and the acceptance by the Legislative Assembly in assuming control of the Fluffy issue to alleviate the pain caused by sudden and stumbling emergency that blighted the lives of so many in the ACT Community. The ACT Government accepted the need to protect all in the community and establish levels of security for all, that those affected were not going to be left without care or leadership. Though expensive it has been a sensible response to a dangerous and long term problem. The need to mitigate the expense is recognised but I do not support the proposed Draft Variation to the Territory Plan No 343 because of the following:

- it sets a very dangerous precedent for future handling of planning issues.
- is inconsistent with good town planning principles
- undermines the community's confidence in the planning process and the security they should find in looking at plans etc before purchasing property in the ACT
- is very unfair to the Fluffy owners who wish to rebuild on their block, surely an important right that is more in the spirit of ACT Governments' commendable and initial response, to care and to give security to property owners and would be owners. Far more than that it was an exemplary example to the rest of Australia that the ACT Government and its citizens work as a community when crisis hits. It is a very small extra to allow those who choose to be able to decide to remain on the block they chose without knowledge of fluffy and another house sharing the space!
- is is very unfair to the neighbours of the affected blocks who no doubt feel threatened by the process of removal and rebuild and experiencing the mental and physical trauma of their neighbours and neighbourhoods.

Poor Town Planning

The proposed DV abandons sound town planning principles in order to increase the sale price of the blocks to recover some of the costs of the Fluffy buyback. The rezoning of individual blocks might be sensible if they were chosen to meet legitimate planning objectives such as increased density or wider block size choice. This would happen after analysis of the objectives and effects of such a program. In the case of DV343 it is Mr Fluffy who determined how this program is to be implemented. He has in effect become the Chief Planner.

The Fluffy houses are not distributed evenly. Some suburbs have no blocks whilst others have more than 100. Even within suburbs the distribution is patchy with some streets having up to eight houses. Some neighbours have Fluffy houses on either side and over the back fence. The selection of blocks takes no account of their size (anything between 700m² and over 2,000m²), their orientation, the distance to the local shops or transport or any of the other factors that are usually considered when changing building zoning.

Community Confidence in Planning

The Fluffy financial objectives are being given so much weight they are overwhelming good planning objectives. The proposed changes will have wide consequences. If each property was to affect the ten neighbours nearest to them this will have direct impact on up to 10,000 households. The ad hoc distribution of the affected blocks suggests that town planning is being done chaotically. Community confidence in the planning and zoning system will suffer from the rezoning method.

The Draft Variation is inconsistent with the Territory Plan RZ1 objectives. The Variation is a threat to the integrity of RZ1 amenity that was sought and purchased into in good faith. The proposal undermines the rules that apply to other land in the zone and considered necessary to protect the RZ1 values.

Unfair to Fluffy Owners

A number of Fluffy owners want rebuild on their blocks for a variety of intangible reasons. These include their neighbourhood ties, proximity to family and the comfort of having lived in the same place for up to 6 decades or more. These intangible reasons are part of the social fabric of the community and have not been considered or valued in this DV.

In theory, these owners can buy back their blocks but they will have to pay for rights they do not want and in most cases cannot afford. This is because they will already have to pay the market price for the land, whenever it is offered in the next five years, whilst having only received the 2014 valuation. They will then have to fund a new building which will certainly cost more than what they will receive for their current home. To add an additional premium will mean only the wealthy will be able to afford to rebuild. The social capital that binds communities should be valued and considered in this DV.

Unfair to Fluffy neighbours

The owner of RZ1 blocks have a legitimate expectation that the RZ1 zoning policy will be adhered to and will only be changed for good town planning reasons. They do not expect that the block next door's zoning will change just because a particular building product was used on it more than 30 years ago.

The owners purchased in these zones because they wanted the suburban environment that RZ1 rules are meant to foster. It is all very well for the DV to suggest that the DV's impact is minimal when looking at the whole of Canberra. It is quite another thing when the block/s next door are being subdivided and built on by developers. The increase in neighbouring blocks will lead to less greenery, more overlooking, more noise and traffic and reduced amenity.

I do not support the changes proposed by this Draft Variation and encourage the Government to engage with the community to find a solution that will raise funds and adhere to sound town planning and fairness principles.

While the considerations to reject Variation draft are based on the sound principle of planning and precedents the consideration of trust and the developing working relationship between community and ACT government, an example for Federal and State count parts and their respective

communities, should not be seen as subsidiary by product, rather a driving force for appreciating that the short term convenience of the Variation Draft doesn't stack up against the long term vision required in its rejection.

Yours sincerely

Trish Payne