



A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	51
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Response to the

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

By Email

### **Introduction**

In this brief submission, I will demonstrate that the proposed Variation to the Territory plan, DV343 is neither for the benefit of Canberra's citizens nor good governance. It is a broad brush approach to re-zoning Mr Fluffy blocks that is both a land grab focused only on economic profit for the government at the expense of those they purport to help and a threat to the character of Canberra's older and established suburbs.

The proposal to reduce the minimum size for blocks suitable for dual occupancy and then apply this in RZ1 areas will result in

- I. the loss of local character of established suburbs
- II. the loss of local amenity
- III. in poor town planning outcomes.

Additionally, I will show that the changes have been proposed without proper consultation and with a lack of transparency.

### **Proposed changes will not support urban renewal over the status quo.**

One of the most basic principles in considering what factors should be included in cost benefit analysis is what factors can validly be included. Since the Mr Fluffy blocks will all be cleared and eventually be rebuilt each block will already be contributing to urban renewal. The proposed changes are neutral in relation to urban renewal; they do not contribute to it over the current RZ1 zoning of blocks. If the processes underlying the DV343 proposal have only been thought below that of a second year economics student, then the question is what other mistakes are there in the process and its conclusions?

### **Loss of local character:**

I have experienced the effects of poor town planning in my overseas travels and understand the importance of development mediated by responsible application of evidence based town planning.

would be a tragedy if Canberra also fell victim to the same types planning errors as many American cities with minimalist town planning regulations have done. Various Americans regardless of their views about government and individual freedoms have commented to me that putting economic returns in front of good planning has resulted in bad outcomes for their town that results have extending far beyond the individual blocks involved and diminished whole neighbourhoods.

As Canberra has aged and its residents are starting to reinvest in the areas they like, its suburbs are finally beginning to develop their own character and attract people who prefer specific amenities. The character of Canberra's older suburbs is still developing with many areas only now showing their personalities and special local characters that make living in a mature city. Melbourne has valued good planning and has both areas with dual occupancy and higher density developments, but has also preserved many areas of significance. By doing this they have avoided the Sydney experience where from the mid-1960s through to the late-1990s there was no overall planning and both individuals and local governments tried to make short term economic benefits by selling the character on local areas with no view to the future.

#### **Streets where there are high numbers of Mr Fluffy houses:**

The Government has been selective and misleading in the way it has presented the effects of the DV343 proposal. The Government has said that DV343 will only affect less than 1% of all RZ1 blocks and neither principles of equity nor the character of our suburbs come in to play. Information provided to the public on the location of Mr Fluffy houses clearly shows that Mr Fluffy houses are not evenly spread across Canberra so drawing unaffected suburbs into the information is deceitful. There are strong clusters of Mr Fluffy houses and in some streets the numbers may approach 10% of the houses in the total number of the street. But, even within streets, there may be clusters of affected blocks making the figure closer to an effective 40-50%.

In streets where there are multiple Mr Fluffy houses, the nature of the neighbourhood can be irrevocably changed for the worse by allowing too many or inappropriate higher density developments. If blocks must be rezoned, changing only every tenth house effectively means having a dual occupancy block every five blocks taking into account both sides of the street. In streets with multiple Mr Fluffy houses, the number of dual occupancy blocks should be capped at no more than 5% on each side of the street. To avoid clusters of dual occupancy, it is important that such blocks be no closer than ten normal house blocks on the same side and five blocks if on opposite sides of the street.

#### **Loss of amenity: traffic increase, on street parking problems**

Many of Canberra's longer side streets provide vehicular access for large numbers of properties. Outside my house in Hawker Street, Torrens, the combination of a steep gradient and a blind curve has contributed to a number of near misses for children using local walk ways and walking or riding on the roads because of the lack of footpaths. Increased amounts of traffic and parked cars will add to these risks as many drivers seem to approach the gradients and blind corners as rally challenges rather than an area of high risk requiring additional caution.

Even allowing for people who park illegally in the street by putting two wheels on the curb, the additional parking dual occupancy will bring will create avoidable risks to both people on foot and in cars as well as

their property. The government has provided no information about how this issue is to be taken into account.

### **Block shape and aspect**

Before blocks are approved for rezoning, it is important that the block actually be visited and considered on its merits. Blocks on curves and hill sides should be immediately removed from consideration. Simply looking at blocks on a plan or aerial photograph will not give good outcomes.

### **Equity: Inadequate public consultation; lack of process and transparency**

This consultation has been carried out in a way that has excluded many interested stakeholders. Many, if not most, of the land owners in my street are unaware of there being Mr Fluffy homes near them and that this this period of public consultation is relevant to them even though they live in an RZ1 area.

Every land owner or resident in a street with a Mr Fluffy house is a stakeholder who should have been notified in writing and involved in this consultation. However, many remain unaware. This period of consultation should be reopened and directly affected stakeholders be contacted in writing.

### **Ethical**

The government has back dated the valuation of Mr Fluffy blocks and said owners will have the opportunity to buy them back at a future market price. This disadvantages owners as a short fall in supply of blocks is likely to see the value of property grow at a rate faster than inflation. For the Government to then value blocks based on a rezoned RZ2 value so that previous owners now effectively have to buy back two blocks at a prospective much higher price is exploitative.

It is understandable for the Government to seek to cover off the costs of the removal of asbestos. However, the way this process has run seems akin to an insider trading scandal. The knowledge of what was to be done has not been transparently shared through all the stakeholders. Any money recovered over the cost of the purchase and the clean-up has been made at the expense of the original landholders many of whom took the document issued by the Commonwealth and Territory Governments to be a meaningful document rather than a ruse to let the origin landholders sell their contaminated houses to unsuspecting buyers. Like an insider trading share scam, it is enticing to think of the government potentially profiting from future sales of the Mr Fluffy land as being without victims. But just as insider trading is not a victimless crime neither is the way this process been undertaken without victims. The only profits available to the Government come through under paying owners who did not have the changes to RZ2 included in their valuation and by the Government knowing that it would change the rules, it has undervalued and then under paid the existing owners. Any potential change in the value of their land and profits to the Government is achieved through the missed opportunity of the earlier owners.

## **Conclusion**


I have demonstrated that the proposed Variation to the Territory plan, DV343, is not for the benefit of Canberra's citizens nor is it good governance. It is both a land grab focused on economic profit for the government at the expense of the people who have already been let down through thirty years of inaction and a threat to the character of Canberra's older and established suburbs.

The DV343 proposal to reduce the minimum size for blocks suitable for dual occupancy and then apply this in RZ1 areas will result in

- I. the loss of local character of established suburbs
- II. the loss of local amenity
- III. in poor town planning outcomes.

I have also shown that the changes have been proposed are based on deception and illogical arguments and additionally are without proper stakeholder consultation and with a lack of transparency.

The DV343 proposal does not meet the requirements of good governance and should be rejected.

A handwritten signature in black ink, appearing to read 'Ian Barrass', with a large, stylized flourish extending to the right.

**Ian Barrass**