

Submission to the Standing Committee on Planning, Environment and Territory and Municipal Services inquiry into Draft Variation to the Territory Plan No 343

We live at 8 Emery Street Chapman (an RZ1 street) in a house located between two now vacant Mr Fluffy homes. Both of our neighbours have accepted offers as part of the buy back scheme. While they feel the scheme is excessive, inflexible and unnecessary they also feel they have no alternative given the government's zealotry and intransigence, so they have moved leaving the properties on either side of us vacant.

We would like to lodge an objection to the proposed variation to zoning arrangements set out in Draft Variation to the Territory Plan No 343. Our concerns centre on the reduction in amenity we could experience, the change in the environment and community likely to occur should the changes proposed in the draft go ahead and the lack of transparency over what impact the proposed changes would have in practical terms on affected neighbourhoods.

The Mr Fluffy buy back program and the proposed draft variation appears to benefit two parties - the ACT government and the real estate industry including property developers - at the expense of other parties including Mr Fluffy home owners and the residents of RZ1 areas around the Mr Fluffy homes.

With Mr Fluffy homes on both sides of us, we are concerned and anxious about the impact on us of any properties built according to the Planning Variation. We are particularly concerned about the variation that will allow blocks over 700 square metres to be subdivided so that two two-storey dwellings could be built each covering 50% of the respective title area. If this were to happen, it would greatly impact on the look and feel of our neighbourhood and, as immediate neighbours, would reduce our sunlight, privacy and amenity, and probably our land value, since the attraction of living in our neighbourhood is its large block, single dwelling nature. We are more concerned about the possibility of the two two-storey dwellings – the two single-storey/35% option seems more reasonable, although buildings meeting those specifications could still impact on our sunlight and privacy and the nature of our neighbourhood. The northern aspect of our block faces the side of the block next to us, so any building more than single story would block out daylight to the primary living areas of our house and affect solar panel effectiveness.'

We purchased our home in our neighbourhood in 1986 because it was a quiet RZ1 area of suburban homes with a decent level of density - not an overcrowded urban jungle. The claim that this is not a wholesale rezoning of a neighbourhood is disingenuous - once RZ2 zoning is introduced to our street it is in effect an RZ2 area. To suggest otherwise is like saying you can be a little bit pregnant - the change to the area will be permanent and inexorably will lead to the destruction of a suburban neighbourhood. This urban infill may be the desired outcome for those in charge of the program, but it is not what the community wants and certainly not what our neighbourhood wants. People buy houses in 'non-inner' older suburbs like ours because they want to live in an environment of low rise, low density single dwelling houses. They do not want to live in a street that has multi-dwelling properties and medium density. The proposed variation is not consistent with the existing zoning objectives for our area and will completely change the nature of our quiet suburban street.

The proposed changes also have economic impact on us. They would increase the price of the blocks on either side of us to a level unlikely to make them affordable or desirable for families seeking to build a home - in particular the existing owners who are likely to be financially stretched by the expenses incurred by being forced to move from their homes - and delivering them into the hands of property developers. This would allow the development of properties inconsistent with the neighbourhood, and reduce the value of our property, particularly if we were to have multi-dwelling developments on either side. People purchasing in RZ1 areas do so because they do not want to be surrounded by medium density and potentially multi-story dwellings, so our house would lose value in that market. But given our house, and the other non-Mr Fluffy houses in the street will remain zoned RZ1 we get the worst of both worlds, an RZ2 neighbourhood with less than RZ1 property values.

What is most frustrating about this whole debacle is that clearly the basis for the Mr Fluffy program currently underway is not based on any rational consideration of health risks but all to do with real estate issues. As the *ABC News* reported on 8 February 2015, two medical experts who were involved in the original assessment of the risk posed by Mr Fluffy insulation described the ACT government approach as extreme, drastic and excessive. They noted lack of any good evidence that houses that had been remediated posed any health hazard. The only basis for the approach being adopted was the 'social realities' of public anxiety (which was stirred up by a fear campaign) and the potential impact on real estate values. One recommended that the government should undertake a cost benefit analysis. Obviously the government does not believe there is any serious health risk given the total silence on their part in relation

to neighbours of Mr Fluffy houses - for instance despite being located between two Mr Fluffy homes, we have had no contact or information from the ACT government or its departments regarding health issues despite being sandwiched between two affected houses for 29 years. If the risk from asbestos in those homes is sufficient to justify their demolition then surely we are equally exposed to such a risk. Asbestos fibres are light and small and easily carried by the wind. If there is a problem with residual fibres escaping from Mr Fluffy houses then no matter which way the wind blows our house would have been affected, as would others in the immediate vicinity. Thankfully the inspections of the houses neighbouring ours failed to find any sign of residual contamination, but that is not sufficient to spare them from the bulldozer or our neighbours from heartache.

We have to say that our confidence in the administration of planning regulations is not bolstered by the story in the *Canberra Times* of Saturday 15 May outlining the extraordinary struggle required of Dickson residents to get the ACT Planning and Land Authority to enforce its own rules in the face of a developer seeking to breach them. That story leaves a strong impression that the planning authority is in thrall to developers and not dispassionate or independent in its decision making process, otherwise why would it not enforce its planning rules as a matter of course? The motivation behind the approach adopted by the government might be questioned given the apparent influence of the real estate industry and property developers on decision making, and may perhaps in time become a matter for some form of independent inquiry, but that is not the main issue around our concerns. How can we have confidence in the a satisfactory outcome for the neighbourhood given past examples of apparent cronyism and collusion between developers and planning authorities?

We also have concerns about mooted changes to solar orientation rules. If these are watered down as is proposed by developers our amenity will be even more affected by the proposed changes under consideration.

We would also like to note the lack of consultation with neighbours of Mr Fluffy houses throughout this process to date. Is there going to be any program of engaging neighbours of Fluffy owners or providing them support?

Sue and Glanmore Philip