

Standing Committee on Planning, Environment and
Territory and Municipal Services.

Comments on Draft Variation to the Territory Plan No 343

Dear Committee Members,

I object to the proposed draft variation Plan No. 343 and ask the committee and the ACT Government to reconsider this issue. I make the following comments:

The fluffy asbestos eradication process is undeniably costly for the ACT community but a significant portion of those costs are not to be borne by the ACT government but by the fluffy neighbours in-sofar as the planning variations whose objective is densification, will impact on the tranquillity and ambiance of neighbouring suburban areas. In many cases those fluffy neighbouring properties will become less desirable places to live in and consequently, will in relative terms, drop in market value. That drop in market value is the cost to be born by the fluffy neighbours.

I would acknowledge that if a fluffy block is on a busy street or if the fluffy block is a large corner block, then subdividing that block might not significantly alter the surrounding environment. However, if a fluffy block is in a cul-de-sac location with large block size but little street frontage then clearly subdividing such a block would significantly change the character and ambiance of that area.

I live in such a cul-de-sac location at 8 Wurth Place Chifley. This area is a tranquil quiet neighbourhood with no through traffic and very little traffic at all. It is an elevated area backing onto the Mt Taylor reserve. Being at the outer edge of the suburb, the blocks are above average size. This area was always acknowledged and promoted as a low-density upmarket area. For example, at the time of releasing these blocks the leasing conditions stipulated that the area is to be established as an upmarket residential area where the value of dwelling to be erected had to exceed a certain minimum value. That value was greater than the average cost of a house at that time. So let me emphasise and impress on the committee that those were the leasing conditions, and that lease is still current. So to randomly alter the planning laws and the leasing conditions of my neighbouring block, which is a fluffy block, which impacts on my block, is a total breach of faith and simply it constitutes an unacceptable sovereign risk that should not be tolerated in a developed civilised society. To put it simply, I would not have bought my block had I known that the government would do what it is proposing to do now.

In my situation the neighbouring fluffy block is at the apex of the cul-de-sac with little frontage but with a land area of around 800 – 900 sqm. The block is an odd shaped trapezoid. Subdividing that block would significantly change the character of this area and would likely create increased traffic and parking problems, given that there is little street frontage, and then new houses to be erected are likely to be much closer to the boundary than is currently the situation. The scenario, whereby a new house could be built close to the boundary, towering and overlooking my backyard is a concern for such an outcome would not only create privacy issues but in all likelihood force me to move from this area.

To alleviate the above problems I offer the following suggestions:

1. The government should accept and announce that not all fluffy bocks meeting size requirements are suitable for subdivision. In particular, bocks where rezoning would significantly alter the local environment, such as in cul-de-sac locations, would not be considered for rezoning.
2. The government should introduce a level of flexibility into the remediation process by accepting that some dwellings could be repaired cost effectively thereby alleviating the need to demolish those dwellings. (See Attachment 1).
3. The government should acknowledge that there is fear and a level of concern in the community that blocks neighbouring fluffy blocks are likely to be adversely impacted by the rezoning proposal. In order to remove that fear the government should introduce a compensation system through which it could guarantee no drop in resale value of fluffy neighbouring properties. If the government were to accept my suggestions above, then, given the safeguards, the cost of the compensation scheme would be minimal. Nevertheless, I believe that the introduction of such a compensation scheme would be desirable as it would command broad community support and would offer comfort and peace of mind to the numerous fluffy neighbours. Furthermore, such a compensation scheme would demonstrate the government's desire to treat this matter equitably.

Yours sincerely,

George Terei

Attachment 1

The asbestos remediation process should be reviewed and made more flexible.

The whole process of eliminating the asbestos problem in Mr Fluffy houses has been flawed from the start. The problem is not a medical one, it is an engineering one. Mr Andrew Kefford, the head of the Asbestos Reference Taskforce mentioned in all of his presentations I attended, that “everybody we asked said to demolish the houses”.

I questioned Mr Kefford at one of his presentations and asked: “Whom did you ask? Did you ask any engineers?” In fact I pointed out that you cannot just ask anyone and expect a considered answer. You would need to award a small study contract to a building research organisation such as the CSIRO, or a University Civil Engineering School who would need to think the issues through, consider the feasibility of options, and come up with costings and a recommendation. According to Mr Kefford, that was not done.

Loose asbestos was removed from the ceiling space of fluffy houses some 20 years ago but we always knew that it could not be removed from wall cavities and unreachable crevices. An obvious solution would be to pour low viscosity concrete (or some plastic filler) into those wall cavities to bind the remaining asbestos fibres. Mr Kefford said that the taskforce did not think of that solution. I believe that fluffy houses rectified in such a manner would be no different to the many thousands of houses build before 1980 that almost all contain some form of asbestos either bonded in fibre cement sheets or as insulation embedded in brickwork around hot water pipes.

In my view it is still not too late to review the remediation process especially as there are a number of fluffy houses where the loose asbestos contamination is minimal and could be easily identified and rectified. In fact one such house is at 7 Wurth Place Chifley, the house neighbouring my property. The best way to describe that house is that it is in the shape of a U. A small, one room, extension was added to one end of the U and the ceiling space of that extension was insulated with loose asbestos, which was subsequently removed. Recent testing revealed no asbestos contamination anywhere in that house and in my view it would be an absolute shame and a waste of resources to demolish that property when any remaining asbestos fibres could be easily bonded through a process described above.

I urge the committee and the government to reconsider the asbestos remediation process and introduce a level of flexibility and common sense into the process in order to reduce unnecessary waste and disruption, while still meeting community expectations.
