

## SUBMISSION ON DRAFT VARIATION TO THE TERRITORY PLAN NO. 343

Carol Kavanagh

After retiring in late 2010, I began renovating at No. 53 Banambila Street, Aranda. Five years later, I received an Asbestos Taskforce Information notice that No. 55 would be demolished and the block sold. There was no other real information on this so called 'Information' notice. It was only Kirstin Lawson's 13 April Canberra Times article that revealed the government's intention was to completely change the Territory Plan by removing the RZ1 high density protection for any such blocks.

My own renovation plans were sent to surrounding neighbours for comment, as was a separate plan for a boundary wall. Many expressed surprise at the latter, given that the only neighbour who could even see it was the one sharing that specific boundary. However, the community believes these bureaucratic procedures ensure any new development's design criteria must abide by the Territory Plan, thereby reinforcing confidence that the character of their neighbourhood will be maintained. This confidence was completely misplaced given it has now been revealed that these rules don't apply to those who rule over us.

The 10<sup>th</sup> April DV343 information sheet claims the proposed change is consistent with the ACT Planning Strategy 2012 and Transport for Canberra policy by increasing housing choice in established residential RZ1 suburban zoned areas. This is more than convenient and really does beg the question as to whether this policy was actually formulated with the future Mr Fluffy blocks situation in mind.

The current Territory Plan allows two houses only on any RZ1 block that is 800m<sup>2</sup>. However, even then, they cannot be sold as separate houses and **can cover no more than a third of the block.** Lawson's 13<sup>th</sup> April article reveals the proposed change will not only permit two houses on smaller 700m<sup>2</sup> blocks but that they can be sold separately and can also cover up to 50 per cent of the block.

Countering this, the DV343 FAQ sheet asks: 'How will this change the streetscape in my established street?' And answers: Two houses will not necessarily occur because the change only means these blocks have the *potential* for this to take place.' The draft variation claims this to be a "**modest**" planning change and that the potential for negative impact from this "**small**" increase in residential density is safeguarded through building limitations and design criteria. Lawson quotes ART Manager Kefford in lock step saying that just because the government is giving permission for this kind of development it is not *necessarily* going to happen because people are *not actually required* to have two houses and could instead *choose* to build a single house. (My emphasis.)

The evasive doublespeak is designed to make the truth seem palatable. It deceptively converts likely developers into becoming just 'people and expediently ignores the sudden availability of vacant blocks in older established Canberra suburbs already being quite extraordinary without taking it one massive step further by changing the rules to also permit high density.

A Canberra Times, May 16 article by Ross Peake on Jane Goffman's battle with the ACT planning authorities is relevant. Despite her background and expertise in Planning and the Environment, Ms Goffman's objection to a non compliant development proposal was ignored. If the much vaunted 'safeguard of building limitations and design criteria' provided no protection in response to a qualified planning expert, those with the misfortune to be directly affected by the proposed Territory Plan rule changes should be aware that, without a similar expert to take up their battle, there are no genuine safeguards whatsoever and being steamrolled will be the only outcome.

Peake quotes Goffman as saying "The community has a role to play in articulating what it would most like to see and in expressing concern about the things it doesn't want and explaining why. Without the community in the equation we wouldn't have modern urban planning or democracy at all." Clearly, DV343 is intended to get around that particular inconvenience by changing the rules and objectives of the RZ1 zone.

The ALP presents itself as a green, caring, environmentally conscious government but everything they are doing in relation to this issue says otherwise. Jim Derrick (letter to the Editor, Canberra Times, April 16) compares the situation with holding a ballot to select a street number where all blocks across Canberra that just happened to have that particular number could be redeveloped with dual occupancies. He also says a wealthy individual who had managed to accumulate a property portfolio similar to the one the ACT government will have and sought to have the Territory Plan varied in the same way the government intends would have been rejected outright. Stephen Brown (letter to the Editor, Canberra Times, May 6) suggests the word 'reform' has become a euphemism for ideology-driven change or the hand out of benefits for favoured interest groups.

The November 2, 2014 Sunday Canberra Times reported former NSW Premier Nathan Rees was critical of the ACT government's practice of taking money from donors close to or during approvals processing. This came just one week after a Sunday Canberra Times investigation had exposed more than \$220,000 of developer donations to the ACT Labor party. Mr Rees was "...talking about decisions that confer sometimes, in the ACT, millions of dollars of benefit on people." The then Chief Minister Gallagher rejected his criticism saying that "...transparency has been a hallmark of her administration." Her claim has been completely contradicted by the lack of transparency in ART information notices containing zero information in relation to the proposal to change the Territory Plan as well as the fact that the opportunity to comment closed before the list of actual Fluffy addresses was even released.

John Kilcullen (letter to the Editor, Canberra Times, May 7) says the government rejected the Public Accounts Committee's report that unanimously vindicated owners who wanted a knock down and rebuild option and that the cost to the government would have been the same. An interview by Tony Trobe with David Shearer, the Independent Property Group's Townhouse and Apartment Specialist Director of Projects relates (Canberra Times, May 10). Shearer says DV343 has been designed to cautiously test the redevelopment potential of these Mr Fluffy sites but is only a very tentative step that he hopes the government will use to inform planning changes in RS1 and RZ2. It is undeniably enlightening when a developer professes to know exactly what DV343 has been designed for, whether done cautiously or not!

Christina Pilkington (C.Times, May 13) says “If someone made you choose between your children’s’ health and your principal assets, we would call that extortion. Here in the ACT we call it the Mr Fluffy buyback scheme.” She goes on to say that while she was grateful to get her children out of a home deemed contaminated, it was only in the same way hostages are grateful to the gunman for not shooting them, as there was no choice involved, no compassion and no understanding.

L. Carvalho (Letter to the Editor, C.Times, May 19) refers to veiled threats of financial ruin if the government offer was not accepted and an anonymous writer (Letter to the Editor, C.Times, May 20) claimed she was repeatedly threatened to sign up or the government would compulsorily acquire her land despite getting valuations indicating the market value of her cleared land would already be \$150,000-\$200,000 higher than the government offer, even without the additional value of dual occupancy factored in. Likewise, the Inner South Community Council Chairman Gary Kent (The Chronicle, May 5) refers to proposed redevelopments in Yarralumla, Griffith, Narabundah and Red Hill, saying it is becoming increasingly clear that the big end of town has an undue influence on the major political parties on planning issues and that community interest comes a poor second.

In the overall scheme of things, the number of negatively affected residents must not be deemed large enough to affect the outcome of the next election. The reality is the government will do whatever it wants to because it can. Should it eventuate that developers are prepared to pay excessively to secure these rare vacant blocks in the older established suburbs that will just be serendipity! ACT residents don’t actually own the land their homes are built on; they are just renting it from the government. If a council had behaved in this manner, residents could put their complaints to the State government. ACT residents don’t have this option.