

Dear Sir

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

I support the approach that the Legislative Assembly took to address the Fluffy issue. This is an expensive but 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 and believe it:

- is inconsistent with good town planning principles;
- undermines the community's confidence in the planning process;
- is unfair to the Fluffy owners who wish to rebuild on their block; and
- is unfair to the neighbours of the affected blocks.

I am a neighbour of an affected block.

I am strongly opposed to Mr Fluffy dictating planning policy in the Territory, and particularly in my neighbourhood where my financial position will be adversely affected.

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 has 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 to 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. Owners will also 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 neighbouring 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. For example, the Fluffy block next to my house is just under 900 square metres, and in a premium suburb. The only two houses that can realistically be built on that block to recoup the developer's substantial capital costs are two-story dwellings, which will give the result of twin towers overlooking my single-story house.

In summary, 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 for everyone affected by Mr Fluffy.

Yours sincerely

Bernice Ellis