

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

PUBLIC SUBMISSION

email: [committees@parliament.act.gov.au](mailto:committees@parliament.act.gov.au)

Draft Variation 343 (DV343) is a piece of legislation with major implications for the RZ1 zones of established suburbs. However, the legislation lacks detail and demonstrates an ad hoc, knee jerk approach to planning. The asbestos issue predates self-government. Yet, the ACT Government is seeking to approve a piece of legislation which suspends town planning objectives to the detriment of the affected suburban communities, in particular.

**RZ1 zones**

Variation 200 (V200) and, more recently Variation 306, delineated the various residential zones: RZ1, RZ2 etc. The lead time to Variation 200, known as the Garden City Variation, which preceded the establishment of these residential zones, consumed a great deal of time, effort and cost. During the extended consultation period one of the relevant government publications contained the following statement:

A major problem in larger cities is the acute lack of private open space and the prevalence of overshadowing created by the proximity and large bulk of buildings. Multiple storey buildings near adjacent properties will also often damage the privacy enjoyed by residents in their backyards. There might be excuses for such infringements on individual rights in Sydney or Melbourne but in a city with the low population density of Canberra, overshadowing from buildings and loss of privacy should be avoidable in the majority of suburban developments.<sup>1</sup>

A framework for the future development of the suburban areas of this city was negotiated. Thus, in RZ1 zones dual occupancy is permitted but unit title is not. In addition, the plot ratio, in the case of a dual occupancy, must not exceed 35% of the block.

In contrast, (perversely) single dwellings in RZ1 zones can attain a 50% plot ratio. However, recent redevelopment of larger blocks in the older Garden City suburbs demonstrates that the 50% rule is eroding Garden City values and is threatening the very character which V200 was intended to protect. Reviews of these changes to the Territory Plan since V200 have acknowledged this emerging problem.

Now, DV343 ignores all that has gone before. The reference to dual occupancy is superficial at best. The difference between unit title and subdivision is of no material consequence. And, the proposal that Design Criteria will facilitate an acceptable built outcome is meaningless. DV 343 will erode the unique character of Canberra's established Garden City suburbs.

**In established RZ1 zones:**

- **35% plot ratio should be the maximum development allowed on blocks over 800sqm at a minimum, and**
  - **unit title dual occupancy must not be re-introduced.**
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**Heritage Precincts**

There is a passing reference to heritage in the Explanatory Statement accompanying DV343. And, prompted by Heritage Council comments, the definition of “surrendered residential blocks” has been amended to exclude blocks that are either provisionally or fully heritage listed and located within a Heritage Precinct. The reference to heritage states:

*DV343 will apply to residential blocks surrendered under the Scheme (surrendered residential blocks) except surrendered residential blocks that are part of a registered heritage place or a provisionally registered heritage place under the Heritage Act 2004. It does not have broader application beyond those blocks surrendered under the Scheme.*

Identified asbestos contaminated residences in Heritage Precincts are in areas located historically within RZ1 zones. In addition, there is a least one asbestos contaminated residence on the Heritage Register beyond the suburban fringe.

However, the definition of “surrendered residential blocks” excludes those properties which may be heritage listed, are asbestos affected, but are not surrendered. Furthermore, DV343 is silent with regard to the redevelopment of asbestos contaminated blocks in these Heritage Precincts. Exactly what can potentially be built on a vacant block in a Heritage Precinct? The community is not being told.

**In Heritage Precincts:**

- **development of affected blocks must trigger, in each case, a major merit track development application.**
  - **requirement for these development applications to be publicly notified requires unambiguous legislative backing.**
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DV343 should be withdrawn. Furthermore, the implications of introducing new rules in random areas of the RZ1 zones need to be reviewed through an open and transparent process. And, redevelopment of blocks within heritage registered precincts must be preceded by well-informed community consultation.

If necessary, I am prepared to appear before the Standing Committee on Planning, Environment and Territory and Municipal Services.

Anne Forrest

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<sup>i</sup> ACT Govt, Planning & Land Management publication: Preserving the Garden City June 2002