



# MICK GENTLEMAN MLA

Minister for Planning and Land Management  
Minister for Racing and Gaming  
Minister for Workplace Safety and Industrial Relations  
Manager of Government Business

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Member for Brindabella

Mr Gary Kent  
Chair  
Inner South Canberra Community Council  
PO Box 3310  
MANUKA ACT 2603

Dear Mr Kent

Thank you for your letter of 4 February 2016 to the Members of the ACT Legislative Assembly including the Chief Minister Andrew Barr MLA about Territory Plan Variation No. 343 (V343). I am responding on behalf of the Government as this falls within my portfolio responsibilities.

As you may be aware, a motion to disallow the variation was lodged in the Legislative Assembly on Tuesday 9 February 2016. Members of the Legislative Assembly discussed the issues you raised on Thursday 11 February 2016. Following the debate and a vote of the Assembly, the disallowance motion was rejected and subsequently V343 commenced on Wednesday 17 February 2016.

I approved Variation 343, not only because of its role in the Government's response to the Loose Fill Asbestos Insulation Eradication Scheme (the Scheme), but also for its planning merits. In summary, Variation 343 introduces modest changes to provisions that already exist in the residential RZ1 suburban zone. In doing so it provides an opportunity to increase housing choice on formerly asbestos affected blocks without broad scale increases in density. It also provides an opportunity for the Government to recoup some of the costs associated with the Scheme.

Variation 343 was subject to rigorous scrutiny through the ACT planning system including an inquiry by the Standing Committee on Planning, Environment and Territory and Municipal Services. As mentioned above it was also subject of a debate in the Legislative Assembly.

**ACT LEGISLATIVE ASSEMBLY**

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The ACT Government responded to the planning issues raised in the report on consultation that was prepared in response to the 124 submissions received during public notification. The ACT Government also responded to the recommendations of the Standing Committee Report No. 10 of October 2015. This response was tabled with Variation 343 on 17 November 2015.

In response to the specific issues you have raised, the ACT Planning Strategy 2012 focuses urban intensification primarily in strategic locations and along major transport corridors. However, it does not prevent modest levels of residential intensification outside these areas.

Importantly, the Planning Strategy also promotes increased housing choice and strategies to meet the demands of the community, particularly the ability for people to downsize and 'age' within their community. In this regard, Variation 343 does not rezone any of the formerly affected blocks. It implements modest changes to the existing dual occupancy provisions of the residential RZ1 suburban zone.

The 700m<sup>2</sup> block size for dual occupancy introduced by the variation, is a minimum. Not all the blocks will lend themselves to dual occupancy development because of block shape, aspect and the like. Some of these blocks may be more suited to redevelopment for a single dwelling with an option for a secondary dwelling. However, some 700m<sup>2</sup> blocks, particularly corner blocks are likely to be very suitable for dual occupancy development.

I have consistently stated that Variation 343 was intended to deal with the unique situation presented by the Mr Fluffy legacy. It would not be fair or equitable to use this variation to introduce wide ranging changes to the residential policies of the Territory Plan. This is more appropriately undertaken as part of a broader review of the residential zones and housing choices.

I am acutely aware of the health, practical, social and financial consequences this 'Mr Fluffy' legacy issue is having on the Canberra community we both cherish. The Mr Fluffy issue is unprecedented in its scale and also in its impact. While loose fill asbestos may affect just over one per cent of Canberra houses, it is having a significant effect across our city. The scale of this issue means that everyone in Canberra knows someone who has been directly affected, be it a colleague, a relative or friend, or simply someone you meet at a weekend barbecue.

As well as the financial and social support provided by the Territory to those directly affected by loose fill asbestos insulation, the Government's most recently approved method of support to affected homeowners was the decision to extend the Land Rent Scheme to permit it to be offered on remediated blocks. The application of the Land Rent Scheme is the same for former affected blocks as for all other land rent blocks. The eligibility criteria are the same, and rent on the block is calculated at the same rate. While the eligible former homeowner remains on their affected block, they will enjoy the benefits of the land rent scheme, paying land rent at two percent of the unimproved value of the block. However, at the point that a former homeowner chooses to sell the affected block and/or exits the land rent scheme the conditions differ.

I understand the Taskforce met with the Inner South Canberra Community Council twice in 2015 providing information and updates and extending the offer to return this year. Details of support to those affected by Mr Fluffy insulation is available on [www.asbestostaskforce.act.gov.au](http://www.asbestostaskforce.act.gov.au).

Without taking away from the hardship and displacement experienced by the lessees of the Mr Fluffy dwellings, I am satisfied that everything has been done to minimise the impacts of the Loose Fill Asbestos Insulation Eradication Scheme on affected homeowners and the broader community. I am also satisfied that any potential planning impacts can be managed through the provisions introduced by Variation 343 along with the existing requirements for development in the residential RZ1 suburban zone.

Yours sincerely



Mick Gentleman MLA  
Minister for Planning and Land Management

9/3/16