



Members of the  
ACT Legislative Assembly

Dear Member

I am writing to you on behalf of the Inner South Canberra Community Council (ISCCC) about DV 343, recently tabled by the Minister for Planning. Specifically, we urge the Assembly to disallow this instrument.

### **Summary**

In tabling DV 343, the ACT Government has disregarded the wellbeing of those directly impacted by Mr Fluffy, seriously compromised the ACT's planning system by effectively rezoning Mr Fluffy blocks, which are mostly not close to regional or local centres, and ignored most of the submissions it received before transmitting the DV to the Planning Committee, as well as the submissions to the Committee. Critically, it has not taken into account the financial and psychological costs of the stresses on Mr Fluffy owners and their neighbours.

Finally, the Standing Committee on Planning, Environment and Territory and Municipal Services, which was tasked with examining DV343, did not endorse the Draft Variation. In fact, one of its key findings was that 'The proposed changes in DV343 to plot ratios for dual occupancy developments may not deliver the intended outcome'. One must conclude that the Committee had serious doubts about this variation to the Territory Plan.

DV343 is bad legislation and the Legislative Assembly should reject it.

### **Planning Details**

DV343 is at variance with the 2012 ACT Planning Strategy. The ACT Planning Strategy - Planning for a sustainable city, was adopted by the ACT Government in 2012 after extensive consultation. It was intended to provide a comprehensive framework for Canberra until 2030 and beyond. The prime strategy was to:

'Create a more compact, efficient city by focusing on urban intensification in town centres and around group centres.'

RZ2 zones are supposed to be located within 200 metres of local shops or regional centres, so that residents can easily walk to the shops and other facilities. These zones are intended to be near Local and Group Centres and public transport routes, which means that the new Mr Fluffy RZ2 zones would be in conflict with the Plan.

The effect of Variation 343 would be to rezone over 700 blocks within RZ1 zones and convert them effectively into RZ2 blocks. Unfortunately, most of the blocks scheduled for subdivision under DV342 are not close to any local or regional centres. For example, in Torrens, most of the Mr Fluffy blocks are more than a kilometre from the nearest super market.

Blocks of 700 m<sup>2</sup> are too small for high quality separate single storey developments. There are some 204 Mr Fluffy blocks between 700m<sup>2</sup> and 800m<sup>2</sup> in area. Once blocks of such small size have been subdivided and subjected to a 35% plot ratio, only very small dwellings can be built on these sites, making such houses unattractive. If we allow 18m<sup>2</sup> for car parking for one car, the resulting areas available for housing range from 104.5m<sup>2</sup> for a subdivided 700m<sup>2</sup> block to 122m<sup>2</sup> for an 800m<sup>2</sup> block. This situation is wholly unsatisfactory.

### **DV 343 is inequitable**

Only the ACT Government will be able to sub-divide and sell the Mr Fluffy blocks. The current owners and their neighbours will not. It is one law for the Government and another for everybody else. This means that more than 4,000 blocks could be affected because most standard blocks will have five neighbours.

Those individuals who purchased a house in an RZ1 zone because of its attractive Garden City characteristics would be adversely affected. This results not only from the likely increased building activity following the rezoning, but also because they could be surrounded by multi-unit developments.

### **Long term planning requirements have been ignored**

As outlined above, blocks of 700 m<sup>2</sup> are too small for high quality separate single storey developments. Consequently, DV 343 will result in a mishmash of different spot-zones in residential areas.

With the continued expected increase in global temperatures, more trees need to be planted, not less. Not only will Mr Fluffy blocks be completely cleared but, if there are two dwellings on the block, there will be less room for trees, another unacceptable degradation of RZ1 zones. DV343 would reduce the area available for trees in RZ1 zones and diminish the Garden City characteristics of older suburbs.

Furthermore, if a 700 m<sup>2</sup> Mr Fluffy Block can be sub-divided satisfactorily, why cannot all blocks of 700 m<sup>2</sup> or larger anywhere in an RZ1 zone? There will be huge pressure from developers; it will be the thin edge of the wedge and is bad planning.

### **DV 343 would increase the complexity of the already complex Territory Plan**

The Territory Plan is already a very complex document. This variation would increase this complexity, by making over 770 exceptions to blocks in RZ1 zones. And what happens to Mr Fluffy blocks that may have already been demolished and re-developed? Will these be able to be sub-divided? A potential purchaser of a block in an RZ1 zone which was developed before about 1980, would have to undertake a search to establish whether the block in question, or any of its neighbours, was a surrendered block and consequently able to be subdivided. This addition of complexity and expense is both undesirable and unnecessary.

It is impossible not to be moved by the 124 submissions on DV 343 from people who had a Mr Fluffy home and those who live in neighbouring homes. And there could be about 3,000 of these. These people are angry and frustrated and feel disempowered and unfairly treated. At many of the public 'information' meetings a number of these individuals have become very emotional because of their apprehension of unfair treatment.

## Socio economic issues

The psychological and social issues resulting from the bulldozing of Mr Fluffy homes do not appear to have been addressed. Moving house is stressful enough without, in effect, being evicted from one's own home, with the knowledge that you will not be able to afford to buy back onto your block because it will be sub-divided and unit-titled for a dual occupancy. This can best be described as callous policy; punishing those most disadvantaged by Mr Fluffy.

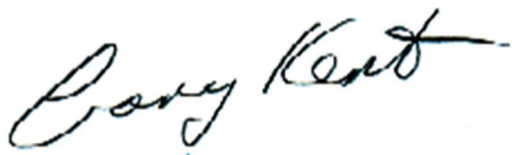
The stress and disruption from this process is enormous. A recent study conducted in the aftermath of the Fukushima accident in Japan showed 'that common issues were not necessarily physical health problems directly attributable to radiation exposure, but rather psychological and social effects.' This relates to discordance in families and the community, stigma and self-esteem and other lifestyle-related problems, including work performance. The Mr Fluffy situation is analogous. If you read submissions from the Mr Fluffy owners and presentations made to the Planning Committee, it is easy to see the result of the stresses created by V343.

We have seen no analysis of the loss of personal productivity and the psychological disruption of being evicted not only from one's home and, in many cases, from one's neighbourhood. According to Professor Bruce Armstrong, 'living in Mr Fluffy houses will probably have only a small impact on public health and one person, and perhaps up to three, will die from a mesothelioma due to living in a Mr Fluffy house.' And because we do not have any records of the concentration of asbestos fibres in houses that are being demolished, it is doubtful if we can improve on this estimate.

If there was a reasonable case for adopting DV343, one would have expected the Planning Committee to have recommended that the Assembly approve the Variation. It has not done this, and as one of its key findings was that, 'the proposed changes in DV343 to plot ratios for dual occupancy developments may not deliver the intended outcome', one must conclude that the Committee must have had serious doubts about the benefits of this Variation to the Territory Plan.

Furthermore, although it also finds that it is reasonable for the Government to minimise the overall costs of 'the scheme', the Committee did not appear to recognise that this is occurring at the expense of the urban amenity of Mr Fluffy owners and neighbours, or the extent to which the Variation would undermine the ACT's current Planning Strategy.

Yours sincerely



Gary Kent  
Chair

4 February 2016