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Comments on Draft Variation 343 to the Territory Plan

The Griffith/Narrabundah Community Association, which was founded in August 2000 and currently has over 190 members, welcomes the opportunity to comment on DV 343.

We consider that the proposed Variation is a flawed inequitable attempt to tackle a short term problem. What is being proposed is at variance with ACT Planning Strategy, which was tabled by the Government in 2012 and supposed to ‘*take Canberra to 2030 and beyond to 2060*’ (Corbell, 2012). In particular, it will degrade the Garden City Values and Principles that are essential to maintaining the character of our older suburbs. If enacted, it would provide one law for the government and discriminate against Mr Fluffy owners and their neighbours.

The Draft Variation should be withdrawn forthwith.

The reasons for our views are given below.

1. Essential information to assess the Draft Variation is being denied

a. The location of the Mr Fluffy blocks

At the very least the Government should have provided information on where the affected blocks are located. It is impossible to make a proper assessment of the Variation without knowing the location of the blocks in RZ1 that have areas of 700-800 m² and are planned for demolition. We have been told verbally that there are 770 blocks likely to be affected, but the whereabouts of the blocks will not be revealed until after 30 June. As the closing date for comments on this Draft Variation is on the 25 May, it will be impossible for the public to have access to all the relevant facts before the closing date for comments.

b. The additional revenue expected by sub-dividing the Mr Fluffy blocks

The government should provide the estimate of the expected extra revenue to be gained by sub-dividing the blocks with areas between 700-800m² as well as the methodology and the calculations used to obtain this estimate.

It is completely unacceptable that these key pieces of information have not been provided as background material for assessing the Variation..

2. *The proposed changes could affect thousands of homes*

Draft Variation 343 will not just be a small change to the older suburbs. As a normal block can have up to five adjacent neighbouring blocks, there could be up to 4620 blocks affected by this Variation. These are significant numbers, and as the locations of the affected blocks are not known the full effect cannot be quantified.

3. *The Draft Variation is inconsistent with 2012 ACT Planning Strategy*

The effect of the proposal would be to randomly rezone 770 blocks within RZ1 zones and turn them into RZ2.

Not only does this affect the individual blocks but it changes the character of the whole of the RZ1 zones involved. RZ1 areas are supposed to *“provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character.”* RZ2 areas *“provide for the establishment and maintenance of residential areas where the housing is low rise and contains a mix of single dwelling and multi-unit development that is low to medium density in character”* (ACTPLA, 2015).

Consequently, with the changes proposed, there will be no more RZ1 zones if Mr Fluffy homes are contained in those zones. They instantly become RZ2 zones, by definition of the Objectives. Allowing higher density developments will negatively affect the street character and integrity of these streets and neighbourhoods.

4. *The Garden City values and principles will be undermined*

In 2008 Design Considerations for Residential Development in Inner North and South Canberra were adopted by the Government. In the approved policy document it is stated: *“The Garden City values and the emphasis they place on the social and environmental well-being will still underpin how any new development recognises the essential layout and quality of Canberra’s older residential areas.”* (ACTPLA, 2008).

Furthermore, it states:

“New development can offer contemporary living choices as well as being complimentary and sympathetic to the character of the early Garden City suburbs by recognising and incorporating the original values that sought to promote human wellbeing in a visually pleasing landscape.”

As far as we are aware, the Government has not withdrawn or changed the policies in this document.

The GNCA contends that the random rezoning of parts of RZ1 as RZ2 will completely undermine these values and principles and lead to a decreased living environment.

5. *The impact of this Variation regarding trees on affected blocks should be clarified*

On the one hand the Conservator of Flora and Fauna states that:

There are no issues of concern with the proposed variation noting that any regulated trees on blocks will be taken into consideration during the assessment of the development applications.

On the other hand we understand, from earlier statements by the government, that in most cases the blocks would be completely cleared of trees before subdivision and sale by the LDA. In which case, by the time the Development Application is made, all trees, including regulated ones, will have been removed and the statement by the Conservator will be irrelevant.

Consequently, there needs to be clarification, with regard to trees, on:

- All blocks over 700m²;
- Blocks where the owners have opted for the first right of refusal and may want to retain some of the trees on the block; and
- Blocks that are not regarded as suitable for subdivision.

At present the situation is unclear and consequently the Draft Variation as it stands is flawed.

6. *The statement on design criteria is too vague and unenforceable*

The design criteria proposed in the Draft Variation is as follows:

“The design of buildings encourages high quality architectural standards that contribute to a visually harmonious streetscape character with variety and interest, whilst not detrimental to, or overtly detracting from the existing streetscape character.”

These criteria are so vague and subjective that it would be possible to build just about anything on a Mr Fluffy sub-divided block, provided the number of storeys and the plot ratios are complied with. For example:

- ‘high quality architectural standards are only **encouraged**; not **enforced**; and
- Who decides whether any proposal is or is not ‘detrimental or overtly detracting from the existing streetscape character’? At present it appears to be a purely subjective assessment.

7. *RZ1 zones will gradually and randomly disappear if this Variation is enacted*

In the pre-amble to the Draft Variation it is stated that it is intended to:

Introduce a design criterion for dual occupancy development on the affected blocks to maintain and support the amenity of existing residential RZ1 suburban zoned areas.

This is not possible when what is being proposed is a deliberate increase in dwelling density and the application of RZ2 building regulations within RZ1 zones. In other words a key design parameter for an RZ1 zone is being waived.

Furthermore, if the Government allows RZ2 islands in RZ1 zones then the precedent will have been set to subdivide other similar blocks. If it is good enough for the Government to subdivide the blocks, then why can't anyone else? The thin edge of the wedge will have been established and the Government will not be able to resist the inevitable pressure to increase the number of RZ2 blocks in the older suburbs. The Garden City values will suffer the death of a thousand cuts if this Variation is enacted.

8. *Draft Variation 343 is all about funding the Government's immediate Mr Fluffy commitment. Long term planning requirements have been ignored.*

The long term planning requirements for Canberra have been ignored. There is nothing in the Draft Variation that relates to the 2012 ACT Planning Strategy, which was developed after extensive consultation throughout the community and agreed to by the Legislative Assembly only three years ago. As Minister Simon Corbell stated "*This ACT Planning Strategy will take Canberra to 2030 and beyond to 2060*" (Corbell, 2012).

This Variation is all about a short term financial situation, which originated as a result of the Government's decision to demolish all Mr Fluffy homes. Multiple dwellings on smaller RZ1 blocks will limit opportunities for solar passive design and may restrict sun access for existing adjacent houses and gardens. Long term planning does not appear to have been considered. This approach should not be adopted when the planning outcomes will be around for the next 50 years or more.

9. *Draft Variation 343 is unethical: one law for the Government and another for everyone else*

The Government will be able to sub divide their blocks and sell them or re-develop Mr Fluffy blocks. The current leaseholders will not.

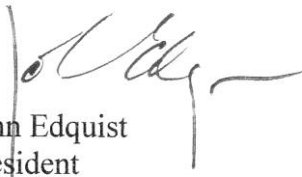
Furthermore, neighbours who are affected by adjacent multi-unit developments, as a result of the Government sub-dividing a block, will not be able to sub-divide their blocks either.

People who purchased a house in an RZ1 zone because of the Garden City characteristics in that area, are likely to be adversely affected, not only by the increased building activity, but also because they could be surrounded by multi-unit development. There is no mention of any compensation, and in any case the locations of the blocks are not yet known to the public.

Allowing higher density developments in RZ1 zones will reduce the value of surrounding houses, as people purchasing in RZ1 zones would rather live beside single dwellings.

10. Conclusions

Draft Variation 343 should be withdrawn. It does not provide enough information for the Draft Variation to be properly considered; it will produce bad long term planning outcomes; and discriminates against Mr Fluffy owners and neighbours in favour of the Government.



John Edquist
President

24 May 2015

References

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