



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, ENVIRONMENT
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Draft Variation to the territory plan No 343: Residential blocks surrendered under the loose fill asbestos insulation eradication schemes](#))

Members:

**MS M FITZHARRIS (Chair
MR A COE (Deputy Chair)
DR C BOURKE
MR A WALL**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 9 SEPTEMBER 2015

**Secretary to the committee:
Mr H Finlay (Ph: 620 50129)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

DENHAM, DR DAVID , private citizen.....	71
DENHAM, DR DAVID , Secretary, Griffith/Narrabundah Community Association	43
DOWSE, MR GLEN , member, 5AAP.....	77
EDQUIST, MR JOHN , member, Inner South Canberra Community Council	48
EDQUIST, MR JOHN , President, Griffith/Narrabundah Community Association..	43
FORREST, MS ANNE , private capacity	52
HANSEN, MR BRAD , private citizen	55
KENT, MR GARY , President, Inner South Canberra Community Council.....	48
LE COUTEUR, MS CAROLINE , private citizen.....	68
McCALLUM, MR ALISTAIR , member, 5AAP	77
MORSCHER, MR ALAN , Chair, Planning Committee, ACT Chapter, Australian Institute of Architects	60
PIPPEN, MR BRENDAN , private citizen.....	74
SPIRA, MR ALLAN , Allan Spira Architects	65
TEREI, MR GEORGE , private capacity	39
TROBE, MR TONY , member, 5AAP	77
WILSON, MR ANDREW , President, ACT Chapter, Australian Institute of Architects	60

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 11.31 am.

TEREI, MR GEORGE, private capacity

THE CHAIR: I welcome you all today to this public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services inquiring into draft variation to the territory plan No 343—residential blocks surrendered under the loose-fill asbestos insulation eradication scheme. On behalf of the committee—of which there are only two members here today, I am afraid—I thank everybody for coming today.

Mr Terei, could you please look at the pink privileges statement and let me know that you have read and understood the privileges statement?

Mr Terei: Yes.

THE CHAIR: Would you like to make an opening statement?

Mr Terei: Thank you very much. I am a resident of 8 Wurth Place, Chifley, and I am here to represent the residents in the area. I have extensively discussed this matter in the U3A committee and I also represent the views of the general committee. I would like to introduce my daughter, Katrina Terei. She is Canberra bred and born but currently she lives in Singapore. She is a lawyer, so I asked her to come along to give me moral support.

We are very concerned with the proposed rezoning of the RZ1 areas. Wurth Place, Chifley is, I would say, an upmarket area in Chifley. It is at the highest position in Chifley, backing onto Mount Taylor. Indeed, that area was always regarded as being low density and was promoted as such. When the blocks were released originally, it was stipulated that the residences to be established there were to be of a higher value than the normal average house.

That is the basis on which the residents bought those places. We would like to maintain that ambience and quality of the area. I have considered the other submissions. It is true that we want a variety of accommodation, but surely if you want low density areas to be maintained, this is the area—at the edge of the suburb where the blocks are higher than the average blocks—that was originally designed and planned to be of low density, which we are almost pleading and asking the government to maintain. After all, the government is for the people, by the people, and we expect it to look after us.

I have canvassed the views within U3A as well. Generally, the community is very supportive of the idea of maintaining those planning rules and planning principles. Of course, we remember the time of the NCDC when the NCDC would look after good planning concepts. Now you must realise that you put yourselves in almost a conflict of interest situation. We know what is happening. Recognising that conflict of interest situation, you must still make the correct decision on behalf of the community.

My second point is that I would like to see some flexibility, not the rigid imposition of certain rules. The way this whole process came about is somewhat alarming because

the rectification of the asbestos problem could be relatively simple. I am an engineer. I can tell you that the engineering community, to my knowledge, has not been asked. Basically, I would describe it as being easy to fill a cavity. We know where the asbestos is. We know that 20 years ago the job was only 90 per cent done. We knew there were problems. We knew that some asbestos remained in the cavities. It would be straightforward to fix it. We can encase it in concrete, just as in all other houses of that vintage. My house has asbestos, but it is within fibro cement sheets. I can answer those questions, but I do not want to waste committee's time on it. It is a technical issue that could be solved. I think some flexibility would be warranted. For example, the house next door has only a small area of asbestos in the house and it is a pity to have to demolish the whole house for that minor issue.

My third point is that if you make correct planning decisions whereby you look after the citizens, the amenities and the ambience of the area then you can easily give the community some confidence by introducing a compensation scheme. The compensation scheme would be on the basis that the Fluffy neighbours who are in fear of getting their blocks devalued would, in fact, be compensated if that occurred. But if you make the right decision, in accordance with my proposal, that may not happen and, therefore, the compensation scheme would not cost any money.

THE CHAIR: Thank you for that. Your submission says that most of the blocks in your street are 800 to 900 square metres.

Mr Terei: Yes.

THE CHAIR: This draft variation is looking at some specific changes. I take your points on the Mr Fluffy scheme as a whole, but we cannot comment on that in the committee. The draft variation does not change the existing planning regulations around dual occupancies already being allowed to happen in your street, if that is what someone chose to do.

Mr Terei: Yes, I understand that. But please understand that we are all very busy people. I understand that this is an incremental change, but I was not asked about the first change, the change that allowed two buildings on the one block. The change now, as I understand it, is that you can separately sell them. Of course, the point is that all of these are incremental changes, but when it does happen it is a step change. I was upset about the first variation as far as it would affect our blocks, but I was always told, "Don't worry, George. It will not happen in that area." Indeed, it would not happen unless you made this modification now.

THE CHAIR: I am conscious that we have a lot of witnesses to get through today, so we only have five more minutes with you. I will hand over to my colleague, Alistair Coe.

MR COE: With regard to planning and the incremental changes that you have spoken about—and this is perhaps another step down that path of changing the RZ1—do you have any thoughts about how the government or the Assembly should go about having a discussion about RZ1 areas?

Mr Terei: Yes. I am seeking some flexibility. I understand that there could be some

areas, such as large corner blocks, where it would not be such a drastic change, where in fact the neighbours could be supportive. But certainly in our area that is not the case. This Fluffy block is at the end of the cul-de-sac; it is the apex of the cul-de-sac. If you subdivide that and put two houses in there, it changes the whole ambience of the place.

I understand that the HIA's gentleman said, "There probably will not be more cars." I can tell you that if you did the statistical analysis, the chances are that if you had two houses, there would be more traffic; there would be more cars. It would be a different ambience. In our case, the problem is that the shape of the block is almost an arc of a circle. If you move the house, it will very much overlook our backyard and swimming pool. And not only that; these areas are not really suitable for medium density because they are sloping blocks. They are on the side of Mount Taylor.

MR COE: In terms of the increased density in the suburbs, do you think there is community acceptance for increased density in the RZ2 areas around the shopping centres?

Mr Terei: I think there is. The interesting discussion I had with the U3A people is that they do not have any vested interest; they are just bystanders. They are supportive of my proposal whereby you make a sensible decision—that is, you look at corner areas in RZ1 areas where perhaps it does not create any change in the ambience of the suburb. The local neighbours may also be supportive. But if you introduce a compensation plan whereby the neighbours could be confident that their blocks would not be devalued, that would give them confidence and it would also give you the incentive to make the right decision. If you made the wrong decision, it may cost you money. But if you made the right decision then there would not be any cost involved.

I am pleading that in an area which was originally envisaged to be a low density, upmarket area in the suburb—it is, in fact, on the edge of the suburb and the furthest away from the shopping centres—if you are to have low density, where else would you have it? That is the place where you would have it from a town planning perspective, because that is the least cost to the government. It does not add to the length of the roads or the services. You can have slightly larger blocks at the edge of the suburb without impacting on anybody.

I am pleading with you to maintain that. Then we have diversity. If you destroy those, although you may argue for diversity, that is precisely what you are taking away. This is my point.

I know there are many Fluffy owners who still have not sold their houses. I very briefly put in my submission that the decision was a suboptimal decision. I understand it came about because Katy Gallagher basically expressed the view that she did not want to hear about Fluffy blocks anymore. Honestly, if you destroy the Fluffy houses then it probably will be the end of the question. My problem is that we know where the asbestos is. It is easy to fix, and if you do not do it, it is just as dangerous to demolish them. When you demolish those with the loose asbestos, you basically spread the asbestos in the neighbourhood.

This is a very real issue. My point is that I would not have confidence, after seeing

what has happened until now, that the decision will be correctly made. It has been 20 years now. If something happened, we would say, “We didn’t do the right thing 20 years ago.”

I am also pleading with you to look at these issues. I know that Andrew Barr wrote a letter asking for a speedy decision, but these issues ought to be thought through. It is almost a case where you throw the professionals under the bus and make a political decision. That is what must not happen.

THE CHAIR: Thank you. I am afraid that is all the time we have for you today, but we really appreciate your coming in.

EDQUIST, MR JOHN, President, Griffith/Narrabundah Community Association
DENHAM, DR DAVID, Secretary, Griffith/Narrabundah Community Association

THE CHAIR: Welcome.

Mr Edquist: Thank you for having us.

THE CHAIR: I draw your attention to the privileges statement. Can you confirm for the committee that you have read and understood the implications of the statement?

Mr Edquist: Yes.

THE CHAIR: The hearing is being broadcast live and also recorded for the purposes of Hansard. Would you like to make an opening statement today?

Mr Edquist: Yes. Thank you for the opportunity to speak today. The Griffith/Narrabundah Community Association or GNCA represents the residents of Griffith and of that part of Narrabundah that is on the west side of Sturt Avenue and Jerrabomberra Avenue. The separation of the two suburbs is completely artificial. There is an eight-foot wide lane three houses down from us that separates those of us who are in Griffith from people in Narrabundah in the same street and in the same types of houses. You would never know. It is one of the mysteries of Canberra why that is a suburban boundary.

THE CHAIR: One of many.

Mr Edquist: The association was formed in August 2000, so we now are 15 years old and we have over 200 members. We believe that draft variation 343 should be withdrawn. At this stage I take the opportunity to say that we are not opposed to RZ2. There is a place for RZ2 in the city of Canberra. This was an issue that was debated at great length in the early parts of this decade because before that there were dual occupancies springing up all over the suburban area. That was deeply unpopular, and when the Stanhope government came to power they stopped it by introducing what was equivalent to the RZ2 zones but I think they were called something different at first.

MR COE: Suburban core zones.

Mr Edquist: Yes. The idea was you would restrict the densification and the dual occupancies to areas close to local centres—Griffith shops, Narrabundah shops, whatever—or group areas like Manuka and Kingston, and to areas which had a bus route so that there was public transport. That is a good policy and we support it. Our problem is this idea of just dropping what is effectively RZ2 into places which are a long way from shops.

That leads to the first point that I would like to make: the draft variation is completely inconsistent with the territory plan. The territory plan has been thought out, it has been thought through. It is quite a good plan. I have some objections to it but it is much better than no plan at all. But this is not planning; this is spraying things around

totally at random depending on the vagaries of where amosite insulation was put in a roof.

You might say, “So what?” The trouble is that RZ1 zones are defined as low density, low rise, single-dwelling housing, whereas RZ2 is a mix of single-dwelling housing and multi-unit development. The moment you put some dual occupancies in an RZ1 zone, by the definitions of RZ1 and RZ2, it converts that area into RZ2 whether you like it or not. When ACAT come along and someone says, “I want to put a dual occupancy in,” they will say, “Yeah, there’s a precedent for that. Five houses down there’s a dual occupancy. You’re in an RZ2 zone.” That is the way it will happen and it will be impossible to stop. It totally destroys the integrity of the territory plan and the 2012 ACT planning strategy.

It would also have the effect of diminishing the garden city character. These are the treed and gardened areas. A lot of the inner south and inner north is still like this—the way Canberra was originally planned. People may say, “They’re big blocks and there’s plenty of room to put more people in.” Yes that is true, but if you do that you lose the trees and a lot of the features that make the suburbs very attractive. It is a question, I suppose, of whether you really want to do that.

It is not just that you will end up with two houses on one block where there is now one but also, we understand from the asbestos response task force, as part of the remediation, just to make it easier to knock down the houses—because if you do not do this it is more expensive—they are just going to come in and clear-fell all the trees. It is all very well to say, “When people are seeking permission to build two new units which are going to replace the one house, they’ll have to take down the trees.” You will not, because there will be no trees left because the task force or the builders working for the task force will have gone in and taken the trees out. That is another problem that needs to be addressed.

The variation is also unfair because it changes the rules that belong to government-owned blocks. The trigger is not that a house has had asbestos insulation; it is triggered by the fact that it is a house that has been insulated with asbestos that has been surrendered to the government. The government has this advantage: it gets the right to then sell this off. You have changed the rules that apply to it so that it can be sold off as individual titles, thereby, presumably, attracting a premium in price. Other people who own asbestos-affected houses do not get that option. Okay, you can say, “It helps offset the cost of remediating.” It helps the government but it does not help anyone else. If you were really interested in helping the cost of remediation you would let all owners have this right. It is deeply unfair for the government to award itself a special privilege, particularly when it controls the planning system, and no-one else gets this. That is not good government.

It will act to reduce the amenity of the neighbours of Mr Fluffy blocks. It is quite clear from the submissions that that is a major concern. Apart from just the noise of having a building site next door for a couple of years and so on, there will be more people. There will be problems with overlooking, loss of views, loss of privacy, more traffic in the street et cetera, et cetera. These are real problems. You might say they are all minor. The housing industry says, “People use the street to go to work and come home, so it’s not a major problem most of the time.” That is true, but the perception

for the people who live in these areas is that they are losing amenity.

In fact, a real estate agent will tell you that if you have a block of flats built next door the value of your property goes down \$50,000 to \$100,000. I do not see why real estate agents would lie to you about that. So there is a real, actual cost which suggests that loss of amenity flows on into loss of dollars. That should not surprise any economist. Every Mr Fluffy house has five neighbours. There is quite a lot of money being lost by the neighbours. In economic terms, you are transferring wealth from the neighbours to the government.

THE CHAIR: But the variation itself would not allow for blocks of flats.

Mr Edquist: No, but even with two houses there is a loss. That depends on what is regarded as RZ2. I can show you an RZ2 zoning in Griffith which has something which any normal person would call a block of flats but ACTPLA did not.

It is also unfair in that it prevents those who wish to repurchase their blocks from doing so if they are too old or they have a lack of financial resources and, therefore, they are not suitable for a mortgage. That is not everyone but there will be some people. We know some people in this position who have had to move from where they were to a suburb further out because they simply could not afford to buy back in. They lived in O'Connor and they are now out at Hackett. In the big scheme of things that is nothing but it is tough on them.

If you want to ask questions, interrupt me at any time.

THE CHAIR: I am conscious we only have five more minutes. I have one question.

Mr Edquist: The other trouble is that once you have done this, because there is no logical rationale to this effective rezoning of these blocks as RZ2, people will say, "We did that in 2015 and it wasn't a disaster or whatever. Why don't we just do it all?" It would remove any reason for distinguishing between RZ1 and RZ2. Over the longer term it would be the end of RZ1.

It would add to the complexity of the plan. People would never know if a block they were going to buy in a suburb that was built before 1980 was RZ1 or RZ2. They would have to employ a lawyer to do an extra search and so on. Some people argue that this is okay because the government needs the money to finance the Mr Fluffy remediation scheme.

The government has lots of financing options available to it. It could just rate us all a little higher. That would be a fairer way to do it—to spread the cost over the community as a whole rather than—

THE CHAIR: To raise rates?

Mr Edquist: Yes. At the moment the cost is really being borne by the owners of the Mr Fluffy houses and their neighbours, to a very large extent. That is taking an economist's perspective on the thing. Certainly there is a higher instance of cost borne by those groups than by the population at large. If it was a flood or something or like

the fire in 2003 we wear the cost over the community. That is what we do as a community.

MR COE: With regard to dual occupancies on, say, corner blocks do you envisage that could be acceptable to the community or do you, in effect, like to maintain the blanket rule of RZ1?

Mr Edquist: We are not against RZ2 but if an area is RZ1 it should be left RZ1. By all means, let us have a debate, let us talk about what do we do with large, say, 1,300 square metre blocks in RZ1 on corners. But we are trying to sneak it in, because we are talking about remediating the dangers of asbestos-insulated houses. By all means, let us have a debate about large blocks in RZ1 and whether we could make them dual occupancy and whether there would be major damage or whether that would be socially acceptable. Fine, let us do that but let us not do it under something else by saying, “We’re rushing in to rescue those poor people who’ve had their houses insulated with asbestos,” and with thimble and pea tricks we have changed the plan, with long-term damage to the plan. I think we need to be clear about what we are doing.

Dr Denham: What we have to realise is that RZ1 was primarily designed for single dwellings on low density blocks. If you look in the objectives of the multi-unit housing codes, it is very clearly laid out there that that is what it should be. We should focus on building RZ2 around the shops, because a lot of the local shops, in any case, are having a struggle and it would strengthen the social wellbeing of the local centres and so on. I can see what you are saying about the corner blocks. On the whole, let us look first at what we can do within the present rules. Then if that does not work let us get back and look at the corner blocks.

THE CHAIR: In the sense that you are putting the current situation to the side and saying let us have a discussion in the community about larger blocks, evidence that we have had says that in some older, established suburbs there is now an inability for different people to buy in; so the diversity of housing offerings is limiting the diversity of families and individuals who live in the suburbs, thereby diminishing the demand for schools, for example, because young families are unable to afford to buy into established suburbs and, therefore, there is no demand for schools, shops et cetera. Are you persuaded by that argument at all?

Mr Edquist: I am not sure that would be true for the inner south. As I understand it, all the schools in the inner south are pretty full. We have problems because the government will not expand Telopea Park, for instance, which has more people wanting to get into it than there is space for. But in general terms, yes I agree there is market failure. We would like to downsize but there are no townhouses with garages at the same level because developers just do not seem to be able to conceive this or they do not make enough money—I am not sure. All redevelopment seems to involve a garage underneath. I am not getting any younger. I am not going to buy a place where in five years time I will have to carry the shopping up the stairs from a basement. I do not know how we fix that.

THE CHAIR: We have a number of architects coming in this afternoon, so we can ask them.

Mr Edquist: I live in an RZ2 zone. They are knocking down houses now. But they do not seem to be building single-level townhouses or terrace houses the way you get in other cities. Canberra seems to have a major problem with that. I do not know what it is but that is not going to happen just by relying on the market. It may be the government has to say, “No there will not be basement parking; you will put the garage at floor level.”

THE CHAIR: Many thanks.

Mr Edquist: I will make a closing statement. I think it is the arbitrariness of the rezoning of these blocks that upsets people. One of the people who wrote submissions, Gareth Davies, summed it up very well. He said:

If zoning and building envelopes are to be altered, it shouldn't be according to a completely random factor like where the previous owners had loose-fill asbestos pumped into their homes. You might as well just throw darts at a map and draw proposed amendments out of a hat.

If there is going to be a change to the plan it needs to have some rational basis to it. We can only agree with Mr Davies.

THE CHAIR: Thank you, Mr Edquist and Dr Denham.

KENT, MR GARY, President, Inner South Canberra Community Council
EDQUIST, MR JOHN, member, Inner South Canberra Community Council

THE CHAIR: Welcome, Mr Kent and Mr Edquist, from the Inner South Canberra Community Council. I draw your attention to the privileges statement. Can you confirm for us that you have read it and understand the implications?

Mr Kent: I have read the statement and I am very comfortable with it.

THE CHAIR: Thank you, and welcome. Would you like to make a statement?

Mr Kent: Yes, a short one. Thank you, Madam Chair and Mr Coe, for the opportunity to present to you today. I am the chair of the Inner South Canberra Community Council. For the benefit of the members of the committee, the council is a federation and we represent all resident groups in inner south Canberra. They include the Old Narrabundah Community Council, the Griffith/Narrabundah Community Association, the Yarralumla Residents Association, the Deakin Residents Association, the Red Hill Residents Group, the Kingston-Barton Residents Group and the Oaks Estate Progress Association. All of those associations have endorsed the submission I am putting here today to the committee.

The inner south has not been quite as badly affected by Mr Fluffy as some other parts of Canberra. There are only about 70 houses in the inner south, all up, affected by this. But still, in some streets it is a big issue. Most of our suburbs have Mr Fluffy houses. So it is an important issue, and we are, in fact, very grateful to the asbestos task force which have come to us twice now to talk about the impact on our suburbs, and they are coming back soon to talk about the demolition program.

The ISCCC has argued from the beginning that the government's scheme to deal with houses previously insulated with loose asbestos by Mr Fluffy is flawed. It is a very expensive overreaction despite a relatively low risk to the population of Canberra at large and even to the inhabitants of Mr Fluffy houses. Having committed itself to a program it could not really afford, the government then compounded its error by deciding to recoup some of its unnecessary expenses by changing some of Canberra's most basic planning rules to improve the income it might receive from the sale of remediated blocks.

Draft variation 343 is bad planning, unfair on the neighbours of affected RZ1 blocks and unfair on those Mr Fluffy owners who have to buy their blocks back. We ask that the committee recommend that draft variation 343 be withdrawn. Given the time, I will not read the rest of my statement except to say that there are a number of reasons why we would like the draft to be withdrawn. I can summarise the reasons as: it is very unpopular, it is a violation of basic territory planning principles, it sets a bad precedent, it is discriminatory against people who already live in adjoining blocks elsewhere in the street, it reduces the neighbourhood's amenity, it impacts unfairly on older residents, it impacts on trees.

Before I finish this very quick run-through, I was driving back to work yesterday and I heard Dorte Eklund on the radio, the chief planner. She was asked about this sort of

issue. She said, “The way the territory planning system works is that people are entitled to buy a block and build or buy a house in a particular area and be comfortable that that is going to remain. If you buy in an RZ1 area, you should expect that that will remain as it is. If you buy in an RZ2 area, then you expect that it might change. If you are living on an arterial road, if you are living in a town centre, you might expect that there might be some planning changes.” But RZ1 is RZ1. It keeps changing the character of our neighbourhoods, and it is not what we want to see. We think RZ1 should be preserved pretty much as it is.

I know the response from the government is that already for developments above 800 square metres these rules already apply in terms of dual occupancy. We would say we were probably never happy in the first place that dual occupancy was allowed in RZ1. This goes back a long time before I came on the scene. The fact that that happened then is not a reason now to keep extending and extending.

Finally, we note that a number of submissions to the committee have suggested that there be a total free-for-all, that RZ1 be completely changed to allow dual occupancies on every block. This, I think, is an example of our concern about the thin end of the wedge. Once you start you do not finish. That is all I have to say. Thank you very much. I am happy to take any questions.

MR COE: With regard to that incremental change that we have spoken about a couple of times, there is certainly a push by some residents for the idea of a granny flat or something like that for people to be able to age in place. That has been put to us by a number of people in their submissions and also last week in the hearings. That can be done at present but it is currently unit titled in an RZ1 area for a block over 800 square metres. What do you see as a material difference in the character of a suburb between a granny flat that cannot be sold versus a unit titled structure which may well be the same size?

Mr Kent: I will ask Mr Edquist to answer that.

Mr Edquist: We have no problems with granny flats, which are permitted under the current rules under the territory plan. But the issue here is that what is being proposed is that people will be able to legally subdivide the land and sell it off. It is a very different thing to building a 90 square metre flat out the back for grandad or granny. It is a separate dwelling. When I was a kid people used to have bungalows out the back and grandparents or older sons or whatever would live out there and so on. It was not a problem. It has been happening for generations in Australia. But you did not sell that off; it was part of a house.

What is proposed here is that the new owner, having purchased the block from the government, will be able to erect two dwellings on it and subdivide it and sell them off so there will be house A and house B, both on the market. That is a very different proposition to being allowed to build a small, subsidiary, secondary dwelling in the backyard for some relative which you might, when they have moved on, rent out or something. But you are not able to capitalise it. Do you see the difference?

MR COE: There is certainly a difference in terms of the financial side of things but I wonder about the tangible difference. I am curious to ask you, as witnesses, about that

material difference to the character of the suburbs that would come about as a result of that.

Mr Edquist: For granny flats, the maximum size is 90 square metres, which would be a very, very small house, whereas what is envisaged under this is full-sized houses, though it raises the point that, with a 700 square metre block, which is the smallest block you can subdivide, you divide that in two blocks of 350, you then take 35 per cent of that and then you have to subtract 18 square metres for your car park spot and you end up with 104 square metres. That is a very small house. You are not going to get a premium for selling dwellings like that. I think the building industry will tell you that that is probably not viable.

I suspect that is one reason why dual occupancies have ceased being redeveloped in the RZ2 zones at the moment, because of the 35 per cent rule. What we are getting in RZ2 zones is that people can accumulate two, three, four blocks and then build a number of townhouses. But there are very few non-corner block RZ2 redevelopments, because you have to put two houses side by side, so it leads to very long, thin houses. There are real problems with solar access rules because of that.

Mr Kent: The draft variation is not really about granny flats. While it might allow some of that, it really allows a lot more than that. If the community wants the debate on granny flats, that can be had. But the draft variation allows a lot more. As Mr Edquist said, it allows unit titling and it can be sold off. If it were restricted to granny flats, that is a debate we could have. But it is not.

THE CHAIR: You mentioned before, Mr Edquist but also Mr Kent, discussion around amenity and perception of the amenity being lost. Is that a perception, do you think, more than a reality?

Mr Kent: I think it is a reality. I grew up in Melbourne in what would be an RZ1 zone. I remember it very well. You had the kids playing on the streets. There were no dual occupancies. It was all single storey. I think people have a right to retain that way of living if they wish to. That is what the planning system is all about. RZ1, as I said, is not RZ2. I think you saw the emotion witnessed by the first witness today about that. I think the people that have talked to us are very concerned about changes in amenity and really changing the whole character of a suburb. They are concerned that in a few years time there will be nothing left.

One of the characteristics of RZ1 zones is that it preserves the original streetscape. The suburb was built in a certain way with certain types of housing, and people in a democracy have a choice to live in a suburb they like. If they want to live in an RZ2, they can move to an RZ2.

THE CHAIR: I understand the amenity of housing. I think children still play on the street all across the city in—

Mr Kent: It is a lot harder when you have a lot more cars.

THE CHAIR: Yes, but quality of life and amenity are linked but not necessarily the same thing.

Mr Kent: It depends how you define “amenity” too. A lot of it is psychological amenity and the changes in house value because of the changes occurring next door.

THE CHAIR: One of the submissions we have received talks less about ageing in place than ageing in community—the ability perhaps not to be able to age on your existing block but to be able to age in your existing suburb. In terms of your members across the inner south, are you finding that people are finding there are barriers to ageing in the community if they wish to downsize?

Mr Kent: My own perception—Mr Edquist is probably closer to the ground than me with his many hundreds of members—is that people in the inner south move around to areas where they feel able to age in place. There are people who might be living in a largish house in Griffith who might retire to a high density place in Garran, for example. People move around, and I think people are prepared to do that. I think the people living in those houses appreciate their ability to pass on the house to another family with the same amenity of an RZ1 zone.

THE CHAIR: Thank you.

FORREST, MS ANNE, private capacity

THE CHAIR: Welcome, Ms Forrest. Thank you for coming.

Ms Forrest: I have read the privileges statement.

THE CHAIR: And you have understood its implications?

Ms Forrest: Yes.

THE CHAIR: Thank you. Would you like to make a statement for us?

Ms Forrest: Yes. I am vice-chair of the Inner South Canberra Community Council, but I sit here as an individual just highlighting one part of the puzzle, which is the heritage precincts and heritage properties that may be caught up in this proposed variation. I think 11 properties in Griffith are identified as asbestos contaminated. I live in a heritage precinct of old Griffith, and four of those properties are in the small precinct that I live in. There are other heritage properties in other parts of Canberra.

The Heritage Act 2004 has very tenuous links to the territory plan, and that has been an issue for people concerned about heritage for quite a long time. Planning and Development Regulation 2008, which I am assuming some people here have mentioned, has further complicated the assessment process for heritage precincts. To give you an example, in my particular precinct, which is called Blandfordia 5, old Griffith, behind the Manuka shops, there are plot ratios. When I say “plot ratio”, I am referring to a single-storey home normally. That is the footprint of the house. These are plot ratios that are well beyond the 27½ per cent that our heritage register material refers to when it says “shall be no more than 27½ per cent”. This is since the heritage register, since variation 173, which was in about 2002-03.

We have underground garages in our heritage precincts. They are fairly new. That causes loss of the garden city potential and has a very big impact on the block and the blocks surrounding it. The other problem is second driveways, which, again, are not allowed but they are creeping in.

There is an inconsistency in the application of the rules which has also led to DAs being notified differently, possibly depending on the particular precinct, north or south of the lake. Some of us have brought this up with the heritage unit personnel. The National Trust accompanied us to that meeting. However, to date there have been no responses to the concerns that we have expressed about this.

In the midst of the crisis brought on by asbestos contamination, there is no definitive information about the redevelopment of contaminated blocks in heritage precincts, in particular blocks which may not have been surrendered, because the general public is not aware of those blocks that have not been surrendered. I do not know personally if there are any blocks beyond the four that I am aware of in our precinct, and in other precincts I do not know the situation at all. Draft variation 343 refers to a tiny little statement about heritage and what shall not happen, but it is about surrendered blocks. It does not tell any of us what will eventually happen once those blocks are cleared.

I have recommended—and I put it into my submission—that the development of affected blocks must trigger in each case a major merit track development application; not minor, but major. The requirement for these development applications to be publicly notified requires clear legislative backing. I urge the committee to formulate clear, unambiguous recommendations for the heritage unit and for ACTPLA, which is the approving authority.

THE CHAIR: Thank you. That is particularly useful around the heritage blocks.

MR COE: It is particularly interesting with regard to the surrendered blocks and, therefore, the potential loophole. Based on your understanding, would that also apply to blocks that are not surrendered under the scheme?

Ms Forrest: There is nothing; the material is silent in that regard. That was one of the points that I wanted to bring up with the committee. The surrendered blocks—none of us who are concerned about heritage know what eventually will be built.

MR COE: After they are taken off the contamination list?

Ms Forrest: Even after the bulldozing of the property, which is a tragedy, I have to say. It is a tragedy for everybody, but it is also a tragedy from the point of view of the heritage of this city. There is no indication of what can be built after demolition. But that is a secondary point, once they are taken off because they have been bulldozed. We all know what happened to the Manuka Services Club. It burnt down and the property has now been removed from the heritage register. The same thing could happen in heritage precincts. On top of that, nothing has been said about blocks in heritage areas or which are heritage listed beyond precincts which have not been surrendered, where the owner, the lessee, has held on to it.

THE CHAIR: Within a heritage precinct currently, if a house is to be rebuilt, what are the planning requirements around the rebuild?

Ms Forrest: Just referring to where I live—Blandfordia 5—you would have to go to the register and read what the register says. It is not very many pages.

MR COE: In addition to a territory plan precinct code, often, as well?

Ms Forrest: Yes, in addition to that. But, as I said before, the link between the register and the Heritage Act and the territory plan is very weak. All of these other things impact. I am sorry, your question again?

THE CHAIR: If within a heritage precinct, say, a house burns down, for example, and the house, therefore, is to be rebuilt, what guidelines now exist for rebuilding in heritage precincts?

Ms Forrest: The material is all held on the heritage register, which is not now part of the territory plan. It used to be. So it was much stronger. Now it is separated. It is a question of what it is saying can be rebuilt, because you then get to the last statement in all of these register entries, which is about demolition. It really then remains silent.

There is “setback”, “facade”, and then after that, who knows?

THE CHAIR: That would apply to renovations or extensions of properties as well in a heritage precinct?

Ms Forrest: It is funny that you should mention that. Renovations and extensions—again, I will just use my area—have in recent times, including right now, included demolishing everything to part of a front wall and a front door. That is called an extension-renovation. Extraordinarily, some of the ones in my area have not triggered a full merit track DA; yet in other areas, for example, the inner north, they have. It is exactly the same register material and exactly the same Heritage Act applying. That is where there is great confusion about how these things are being assessed.

I should like to point out, based on one of the questions you asked before, that you can build a granny flat within a heritage area. There is nothing to stop anyone doing that. We have them in our area. We have a unit titled block in our street that we took to AAT and we lost. It degrades the heritage area. It is very different to not having a unit titled block.

MR COE: When was that one approved?

Ms Forrest: In the last few years, well after the register. It is a long story, but you can read the AAT case.

THE CHAIR: What do you mean by “degrades the area”?

Ms Forrest: There is a secondary driveway. The driveway runs right down the block hard up against the bedroom of the family next door. There is an enormous loss of open space. It is actually a two-storey home behind a single storey home. The rules did not allow for that, but that is what happened. It has physically changed the street. I live in an area that is supposed to have the highest planning protection in Canberra. If you start with the highest and have a look at what has been happening, you realise the flow-on effect to other areas.

There was a planning instrument, PPN6, in NCDC days. It explained fairly simply but clearly how we could all go about building or adding to our homes for secondary residences so that families could age in place and intergenerational change. Unfortunately, it seemed to vanish after self-government. It is well worth taking a look at that. It is all about not allowing unit title and protecting the garden city.

THE CHAIR: Many thanks for coming in today.

HANSEN, MR BRAD, private citizen

THE CHAIR: Welcome to the hearings this afternoon. Thanks for coming in today; we appreciate it. I draw your attention to the privilege statement. Can you confirm that you have read it and understood those implications?

Mr Hansen: Yes, I did read it.

THE CHAIR: Would you like to make an opening statement?

Mr Hansen: I would, thank you. I live in the beautiful suburb of Pearce with my wonderful wife, Cindy, our two beautiful children and our dog, Billy. We own a Mr Fluffy home. Firstly, I would like to take the opportunity to thank Mr Gentleman for referring DV 343 to this committee and you for allowing me the opportunity to present today.

As you have read all the submissions and a number of people and groups have already presented, I suspect you may have already made up your mind on what you will recommend regarding DV 343. In fact, I note that the Chief Minister, the minister responsible for the buyback scheme, has made a submission. I find this appalling as he holds too much influence and vested interest for his submission to be treated with equal weight to every other submission. With all due respect, as he is the boss of the chair of this committee and the minister responsible for the loose-fill asbestos buyback scheme, his submission can only be seen as an attempt to railroad DV 343 through this committee. As such, it is a disgraceful abuse of power.

Taken in isolation, DV 343 is just another change to the territory plan. Some will agree with it, others will oppose it and some self-interest groups have even argued it does not go far enough. However, DV 343 is also an integral part of the buyback scheme. As the Chief Minister states in his submission, it is intended to assist in defraying some of the overall costs of the scheme. In simple terms, it is a variation proposed to support cost recovery for the loose-fill asbestos buyback scheme.

Please allow me to explain to you what DV 343 looks like from a Mr Fluffy home owner's point of view. I am one of many home owners who only wish to have the opportunity to rebuild a family home on our existing block where we have cherished friends and neighbours and our children feel loved and safe. This tiny ecosystem where we choose to live is our community and it is a large part of what nourishes our very being. It cannot be picked up and placed elsewhere; it can only be retained or lost. If lost, it can be difficult or impossible to ever find again. It is a constant comfort in our lives that sustains us, and it is readily on hand to provide love, care and support when we need it. For many Mr Fluffy owners, that is exactly what we need most right now.

However, we are being ripped from it and urged to move on or move forward, perhaps the most insensitive comment a person can make to someone who has experienced a profound sense of loss, including fears for the health of their family and themselves. This is forced displacement and it hurts people at the core of their being where they are most fragile and where, if you break them, you may never be able to put them

back together again. So DV 343 is not about money; it is not even really about land. It is about people who are just collateral damage to the government's heartless, one-size-fits-all buyback scheme.

While it is true the buyback scheme provides a good or satisfactory option for some people—and I am truly happy for those people—for those of us that only want the opportunity to put our lives back together and rebuild a family home on our blocks, the implementation of this scheme is causing untold damage to people. It is being delivered with no compassion and does not practically support the rebuild option.

I know this is at odds with what you and the Canberra community understand the buyback program to be doing but you are all being deceived and misled with propaganda. It is the old trick of one hand distracting you with endless reassurances that the whole thing is for community safety while the other hand carries out its sinister work out of sight. The question is: do the ends justify the means? If the good people of Canberra believe the answer is yes, then we are all lost and this is a community that will forever lose part of its soul. For we shall not be spared the wrath of history when what is happening here is viewed through the prism of humanity.

Under the buyback scheme overseen by the Chief Minister there will be no realistic opportunity for us to repurchase our blocks and return to our communities. While DV 343 is the last nail in the coffin of that dream, the realisation of this cruel reality is emotionally devastating. We naively trusted that the government buyback scheme would be implemented to help us. It is not. It is putting a boot to our throats at a time when we are most vulnerable, and I will never forgive the Chief Minister for that.

Under the buyback scheme, Mr Fluffy home owners are being offered first right of refusal to buy their blocks back at a staggering 40 per cent mark-up on the unimproved land value. This is for an RZ1 block that was considered unsuitable for rezoning and unit titling under DV 343. The owners of this block, understandably and justifiably, are devastated as they cannot afford to repurchase their block and rebuild their family home. This will be the shattering reality for most Mr Fluffy home owners who want to rebuild but have signed up to the buyback scheme.

This represents a gross breach of trust, as a layman's assumption by Mr Fluffy home owners, which was never corrected by those that knew the truth, was that we would be able to repurchase our land at a price close to the unimproved value. This seems a reasonable assumption as, if it was any more, we would not be able to afford to rebuild our family homes. We were deceived by the very people we put our trust in.

The guidance we were given was that DV 343 would increase the market value of our blocks by an indicative 25 per cent. We now understand that that will be on top of a 40 per cent increase in unimproved land value. That cruelly removes rebuilding as an option for the great majority of us. The reason for this injustice is that the most important criteria—effectively the only criteria—by which this scheme is being delivered is cost minimisation and cost recovery. To be clear, that is cost recovery or gouging from the very people the scheme was supposed to help. It is not helping. On any measure of humanity, this scheme is evil for what it is doing to people. It is evil for what it is doing to the good people who ask for nothing more than compassion and fairness but who have received neither from the scheme.

The buyback scheme is a one-size-fits-all solution. That the Chief Minister champions this is perplexing. The Marriage Act is a one-size-fits-all scheme and it is voluntary, yet the entire world, including me, understands the distress and suffering that one-size-fits-all solutions cause to people. One-size-fits-all solutions are inhumane as people need real choice to feel they are in control of their lives and that the path they travel through life is one of their choosing.

The good people of the Canberra community would be outraged if they were aware of the terrible toll this scheme is having on people. Again, to be clear, this is on top of the already devastating knowledge that we need to live with – that we have likely exposed our family to asbestos fibres and everything that that entails. Surely it is not too much to ask that that alone should be more than enough stress and mental anguish for us to need to endure.

The implementation of this scheme is breaking people—good people in the Canberra community. But people in Canberra are oblivious to this as the propaganda associated with this scheme has blinded them to what is really happening. This is the only way I can reconcile how the good people of Canberra can stand aside and allow so many people to be bullied.

If the Prime Minister, Mr Abbott, knew of the terrible suffering this scheme is inflicting on people who are desperate for help, he would be disgusted. If the Australian people were aware of it, they would be disgusted, for I know we are a country full of compassionate people. Surely one of the conditions on the loan by the federal government to fund this scheme was that it must not be used to hurt the very people for whom it was provided to help. Mr Abbott needs to know it is not helping those of us who wish to rebuild our homes on our blocks; it is being used to fund a scheme intent on dispossessing and displacing us. DV 343 will only compound this.

It is disgraceful that the Chief Minister has not once appeared publicly as the minister responsible for this scheme to answer questions from the Mr Fluffy home owners. He will not make himself available to the media to answer questions on this scheme and, as such, has avoided any real scrutiny by fair-minded people. The buyback scheme is hurting people but it seems that because it has not yet finished hurting everyone it cannot be changed to deliver the same outcomes but with compassion.

The way this scheme is being implemented needs to change before we start counting the cost to the Canberra community in suicides. It is already severely affecting the mental health of many of the people subjected to its bullying.

The fact the Chief Minister is the minister responsible for this scheme and the Treasurer has impaired his ability to look at this scheme and this issue objectively. I call for the Chief Minister to be held accountable for this horrendous buyback scheme and the harm it is inflicting on the people it was supposed to help. I call for Andrew Barr to resign. If he does not have the decency to do this by next Tuesday, we Fluffy home owners and the good people of Canberra will be back to demand it, and he can shove DV 343 wherever it fits. Resign you bastard, Barr.

THE CHAIR: Thank you, Mr Hansen.

Mr Hansen: The good men and women of this good territory must not let evil triumph by doing nothing. Thank you. I will take your questions now.

THE CHAIR: Mr Hansen, I appreciate but cannot fully understand what you and your family have gone through. Would you like a moment?

Mr Hansen: I only wish Andrew Barr to resign. I will be back on Tuesday to make sure he does. The good people, the good Fluffy owners, will come with me and the good people of Canberra will come with me.

THE CHAIR: We are here as a planning committee.

Mr Hansen: Yes, and this issue is not about town planning. This issue—

THE CHAIR: That is right, and we have some clear parameters within the draft variation which we are going to investigate and we will be clear about those parameters. The other issues you raise regarding the task force and the scheme itself, I can certainly pass those on but they are not specifically part of our inquiry into draft variation 343. Are there any other issues you would like to raise with us?

Mr Hansen: No.

THE CHAIR: About the draft variation?

Mr Hansen: No, we just ask for help. That is all. Please help us. Please, please help us.

THE CHAIR: Is there any other help you would like from the task force or any other parts of the—

Mr Hansen: The task force? I will spare you what I think of the task force. There is no help there for us. It is there for the community to make them feel safe. It is about getting the land. It is basically a land grab for the government. It is not set up to help us. They do not return calls. We have written letters. They do not answer them. It takes four months to get an email response from them. There is no assistance. Do not be deceived; there is no help at all with the task force. They remove our questions from the Facebook page. They essentially do not want to deal with us. They will not respond to us. I could not make this up, honestly.

THE CHAIR: I am sorry, we are getting a variety of views, and some people are very grateful for the work of the task force.

Mr Hansen: Yes, that is right. The task force is helping neighbours. It is helping lots of people to understand how it can affect them. For the people that are actually right in the core of this issue, there is no help for us. There is no assistance for us. They have two tools—they have a whip and they have a crumpled up piece of paper with the number for Lifeline line on it. They whip you until you beg for no more and they will give you the number for Lifeline. That is no way to run a scheme. There is no compassion there.

THE CHAIR: If I could state on behalf of the committee, in terms of the submissions we received, the committee will always ask all relevant stakeholders to make a submission. I think it is appropriate to ask the government, and the government can decide the appropriate representative to make a submission to the committee. In terms of all the committees and all the inquiries, I think the community would expect that government ministers would make a submission. In this case, there have been a number of submissions of which the government through the Chief Minister was one.

Mr Hansen: It does not pass the fairness test. I am sorry; it does not feel right that the Chief Minister should make a submission in the capacity as Chief Minister when he is the one that is going to benefit from the scheme. It is his arse he is looking after, nobody else's.

MR COE: Thanks for your contribution today. I am particularly interested in the idea in your submission about not applying 343 until after the owners of the block have had an opportunity to purchase it back at the price as if 343 was not applied. Is that a view that you have been able to canvass with other Mr Fluffy owners?

Mr Hansen: No. That was just me looking at it, thinking if the government were going to apply DV 343, what would be something that you could find in it. That is not something I have got from anybody else, no.

THE CHAIR: Thank you, Mr Hansen.

WILSON, MR ANDREW, President, ACT Chapter, Australian Institute of Architects

MORSCHER, MR ALAN, Chair, Planning Committee, ACT Chapter, Australian Institute of Architects

THE CHAIR: Good afternoon and welcome, Mr Wilson and Mr Morschel, from the Institute of Architects. Thank you for coming in today. We appreciate your appearing before us. I draw your attention to the pink privileges statement. Can you confirm for us that you have read and understood its implications?

Mr Wilson: Yes.

Mr Morschel: Yes.

THE CHAIR: Would you like to make an opening statement?

Mr Wilson: The institute acknowledges the urgency of addressing over 1,000 affected households' accommodation needs and the safety issues in that process. We also acknowledge the budgetary difficulties and the need for cost recovery of the removal. We also see a need to set the sale of the land in conditions where the design and quality of the built outcome receives community acceptance on completion. What we contend is missing from DV 343 are design methods and principles as were documented in the ACTPLA document "Designing for high quality sustainable design in the ACT". These design procurement and forecasting methods are necessary actions required to achieve excellence in design amenity and also need to be followed on by the taking of responsibility for the built outcome beyond any new development.

The architectural profession has over 200 members who are small, single practitioners in the ACT who could address the outcomes of the Mr Fluffy house redevelopment program by undertaking design studies where there are larger groupings, precinct master plans, to give the community certainty about the outcome, context and neighbourhood character that will result after this demolition and removal process. We see that that process is absent in DV 343 and also have much concern about the ability to develop these blocks. I will pass to Alan Morschel who will outline those concerns.

Mr Morschel: We consider that there are a number of purposes in DV 343 that has been introduced by government. One is to obviously repay as much of the Mr Fluffy buyback costs and demolition costs as possible. We have also seen it as a re-establishment of the dual occupancy policy that has been lost in the Canberra politics of planning over the last few decades, a policy that started quite benignly back in the early 1980s, just before self-government. It is non-existent at this stage, so in that regard we welcome a return to a small-scale infill redevelopment policy. It then provides a third advantage in that it could return to be part of the government's sustainable infill planning policies that this city will need as the population grows. The boundaries of the city should not extend more than at present to avoid all of the environmental and social costs of sprawling.

At present there is only a small handful of planning policies available to provide infill

for the city, and that is the apartment blocks in the town centres and some group centres. These are greenfield smaller apartment blocks and townhouse blocks. John Gorton Drive and Flemington Drive are examples, but they are greenfields. Using infill in existing suburbs is extremely difficult. Most proposals that even comply with the limited range of planning policies end up in a form of trench warfare and lawyers at 20 paces. We are very concerned that we have the extreme of large scale and very low scale and nothing readily available in between.

This policy, DV 343, is one way of bringing that back. It is limited in that you only get a second house on the block, but it is still an option. We are welcoming it back. As Andrew was saying, we do not think that DV 343 is written to achieve an immediate improvement on infill and we do not see it being long term. It is a typical planning policy of tick the box. It is full of so many mandatory requirements that if you do not comply, you have failed. Some of the complying requirements we believe—I think you are going to hear other submissions as well—really will fail.

The example we have here takes the minimum block available of 700 square metres. We think that is a good benchmark. When you apply the 35 per cent plot ratio to the development, you get two dwellings at 122 square metres each. When you take out the required minimum single car park and a bit of storage space, you are putting back into the suburbs two 100-square metre houses. People are complaining about that being a flat size, let alone coming into the market at that size. That leaves a substantial amount of space around the property. It is not our observation that Canberrans remain the great gardeners that they used to be.

We have not done an extensive analysis of the locations of Mr Fluffy properties, but reviewing the publicity that was given, they are scattered throughout 50-odd established suburbs of Canberra. Quite often they are in clusters, sometimes neighbouring and sometimes with a gap between them. There can be a dozen-odd. We believe that the resulting suburban character that will come from these relatively small houses will create more angst amongst the neighbourhood, which we understand are always concerned about infill, redevelopment et cetera. We do not believe that DV 343 is going to go anywhere near providing a good model for future dual occupancies.

That is why Andrew touched on the suggestion that we are making, which is that the government make a further investment for the future—not just for the 770 blocks, I think it is, that are available under the 700 square metre minimum, but that they engage architects to carry out a preliminary design exercise using documents that the government itself used over 10 years ago which they called a high quality design product. I brought a document along. It should still be available from ACTPLA.

The government should engage architects to initiate the site analysis process, looking at some of the complex blocks that we believe would be out there—steeply sloping blocks and odd shaped blocks. They start at 700 square metres, but I think you could expect to find some blocks that are quite big. You then start to look at the grouping of blocks. There must be some that are neighbouring, back-to-back, side by side et cetera.

As a result of that analysis and conversation with the neighbours, you start an initial consultation process and produce preliminary designs which can be considered as a development condition for the sale of the block. We believe in the long term that will

lead to a better design outcome. It will likely bring more neighbours along with the development rather than just the developer-draftsman turning up and doing some work and then having an argument with the neighbours and ending up in the AAT and nothing is resolved. We think there should be investment up-front and that you introduce some performance requirements into DV 343—for example, scrap the 35 per cent plot ratio.

THE CHAIR: What would you recommend?

Mr Morschel: Taking it out and looking at it in setbacks and height limits. Even in single housing, it is irrelevant. With setbacks and height limits, that is how you get your bulk and your sizing. You do not need a plot ratio.

THE CHAIR: At all?

Mr Morschel: At all. Obviously that is a pretty radical approach. If a single house can be built at 50 per cent of the block, why can two dual occupancies not be built at 50 per cent?

THE CHAIR: Would you suggest that that would work on a select number of blocks, for example, or is it more around the amalgamation of blocks which you also talk about in your submission?

Mr Morschel: If ACTPLA were to consider this further, we suspect they would have a resourcing issue. They have got to provide staff—at least one full time, maybe two. They have to pay architects' fees to apply over the 70 blocks. That is probably most unrealistic. Some of the single blocks on their own, flat blocks, probably do not need that intensity, but certainly where clusters occur—sloping blocks et cetera—that would be an ideal place to start.

THE CHAIR: Some evidence we had last week suggested that part of the reason for the community angst around some infill has been the quality of the design and that if this draft variation goes ahead, there is almost a challenge to industry to come up with something more acceptable to the community. Do you have a view on that?

Mr Morschel: We agree. As to the suggestion of doing it up-front before the block is sold and it becomes a condition of the sale, a lot of the development of Canberra in the 1970s was done in exactly that way. The blocks of flats and townhouses surrounding local shopping centres were all done with fairly detailed development condition plans which builders-developers bought and had to comply with. They then extended the drawings and gave more details, but they had to comply with the agreed design.

MR COE: If it is the view of the institute that Canberra as a whole needs to adopt a broader dual occupancy policy, will DV 343 be a step in the right direction or do you feel that we are better off not going ahead with 343 but having a broader discussion about dual occupancies?

Mr Morschel: It is a starting point, but it is our belief that if it goes ahead as is, it will kill dual occupancies and we will not see it for another 10 years because there will be

so much bad work produced as a result of that document.

THE CHAIR: Is the plot ratio the single—

Mr Morschel: That is one issue. It is not clear in there. We fear that the solar fence could be applied. We are not sure about appeal rights, but we would assume they are there. There are a whole lot of issues in there that we would think would turn away builder-developers and owner-occupiers. It is a very difficult document and there is too much mandatoriness in it. We as an institute just recently—this time last year—concluded a design competition to look at different housing typologies, and there were 80-odd submissions. We are looking for government and DHA to provide money and actually build one of the winners as a demonstration project. That is still being discussed.

From all of the submissions it was clear that so many of the planning rules in Canberra are very restrictive. We asked them in the competition to ignore the rules and identify what rules they broke. A number of those now turn up as mandatory rules in 343, such as no basements, no attics, plot ratios et cetera. We think they are totally unnecessary to provide a choice of housing accommodation in all areas of the ACT of a high quality design.

MR COE: Based on your example of a 700 square metre block going down to 122 or around 100 with a car park, based on the 35 per cent plot ratio, is there a magical figure in which dual occupancies under that criteria start to stack up?

Mr Morschel: We have not done it from a financial perspective. I gather you are going to get other submissions that might talk about that. If you take a 700 square metre block and apply the 50 per cent for a single residence, you can build a single residence for 350 square metres. Say you divide that in half, that is 175 square metres, each dwelling, versus 122. So there is a 50-square metre difference per dwelling. I really believe that the market is continually looking for a bigger footprint, if it can afford it, with continuing low interest rates et cetera.

The other thing is that if you are only getting 100 square metres of habitable space, you can already do that under the second residence policy to a maximum of 90 square metres. Why would you go through all the exercise and the cost of setting up a dual occupancy to produce something you can just go next door and build in the backyard?

MR COE: So two 175s is obviously 350. At 35 per cent, that is 1,000 square metres under the rules that are stipulated in 343. Would it be your guess that that is when they would start to become financially viable as well, at 1,000 square metres?

Mr Wilson: We are architects; we could not give financial advice. I would respond in this way: I think your questions are around the fact that this instrument is way too blunt an instrument. What we are saying, in summary, by referring to the high quality sustainable design document is that there are many other aspects of character of neighbourhood that have to be taken into account in the design proposal and addressed properly so that community objection to the built outcome is not so extreme that we get a recurrence of letters to the planning minister or future planning minister objecting to this type of development. In principle, we want urban consolidation, but I

would summarise by saying that we cannot apply that blunt rule of plot ratio to a block size.

THE CHAIR: Would 50 per cent be better than 35?

Mr Wilson: It is too blunt a mechanism. You need the factors that are documented in that reference document. I will illustrate it this way: I know of an example in south Canberra where a block over 700 square metres could be unit titled. But I understand DV 343 would only allow two single-storey buildings on that. That is within a planning context in this zone where two-storey developments are permitted and the home being replaced is two storey surrounded by other single-storey homes which could become two storey. So the limitation to a single storey is an inappropriate blunt instrument. It has to take into account streetscape and character and density of the surrounding neighbourhood.

Mr Morschel: It is highly likely in the end, if DV 343 was applied, that you would go down the street and be able to pick dual occupancy houses immediately. I am not sure whether that stigmatisation within a street is helpful at all to long-term infill development—because they would be so small in comparison.

THE CHAIR: Because of the draft variation, not because they are dual occupancy?

Mr Morschel: You could have the 50 per cent plot ratio, two-storey, garage underneath. As Andrew was touching on, a number of the blocks are steeply sloping. It needs careful consideration. There might be some blocks where it is inappropriate to maximise out at 50 per cent because of the slope of the block. An early design analysis and a response in a preliminary form could resolve those issues quite easily.

THE CHAIR: Thank you. We could go on, but we have run out of time. We have some of your colleagues coming, so we can talk more along these lines. Many thanks for coming today.

Mr Morschel: I do not know whether it is appropriate to pass this over to you; it is a very simple chart comparing block areas with single residences or with dual occupancy at 35—

THE CHAIR: The document you were referring to, “Designing for high quality”—would we be able to take note of the title of that?

Mr Morschel: Yes.

THE CHAIR: Thank you.

SPIRA, MR ALLAN, Allan Spira Architects

THE CHAIR: Welcome to the committee's hearings this afternoon. I draw your attention to the pink privileges statement. Can you read that and let us know if you have understood the implications?

Mr Spira: Yes, that is great.

THE CHAIR: Would you like to make a quick opening statement?

Mr Spira: If you like. I would like to put my submission in context of what I am about—that is, I did not look only at 343 in isolation; I am more interested in the broader context of Canberra and the opportunities that this situation presents for increasing the range of choice and increasing sustainability in Canberra's residential environment. I want to make it clear that is the context that I am looking at 343 in.

This is a unique opportunity that will not happen again—having so many houses scattered through the whole of the suburban areas. We have a real opportunity, and the ACT government could really make a stand and demonstrate to the rest of the residential community, not just in Canberra but elsewhere in other cities of Australia, that we should put design first and really harness the capacity of the local talent we have in this town and make some really beautiful examples of residential infill, higher density, more sustainable not just in terms of environment but in terms of community.

If you like, the example I gave you is a townhouse development on an infill block in Dryandra Street, Lyneham. It is one that would not be allowed under the current dual occupancy or multi-unit codes. It is an RZ1 area. It is unit-titled three houses on a standard, large—I have to say very large—suburban block in a RZ1 area. That is the sort of development I think we should be promoting.

The reason we do not is that we have an open slather system in Canberra where anybody can put plans in for approval. Architects, draftsmen, building designers, anybody can. Consequently, dual occs and multi occs have got a really bad wrap in this town, particularly dual occs where mum and dad developers have just got the least expensive consultants—themselves—and designed something and put it in. Hence we have this building design and planning regulation system where it is overly prescribed. That is because it has to be that way whilst we have this regime of anybody putting plans in.

If you want good design, you get people who are experienced. I am not saying all architects come under that banner, but there are very many good architects in Canberra who have got a lot of experience in this field. If it was mandated that architects had to be involved—it could be a select panel of architects, but those who have a good reputation in this area—if they were able to be at least involved in the preliminary design, much along the lines of what the previous speakers were saying, I think we would have a chance of a really good demonstration of a good outcome on these blocks. That is the general context I want to put my submission in.

THE CHAIR: I know you were able to hear the previous evidence.

Mr Spira: I heard most of it, yes.

THE CHAIR: In terms of draft variation 343, do you think it starts to go some way towards enabling dual occupancies to be built?

Mr Spira: It does, but by pandering to the box-ticking system. As Alan was saying in the previous presentation, it is going to likely result in poor quality design. I think the issue we have is that we have an anxious community who have had a lot of experience of really bad development. Naturally they tend to be negative about innovation. They see innovation as likely to be bad rather than positive. I think this is a huge issue we have to tackle. The question is whether we are brave enough as a community and whether the ACT government are brave enough to take this on and show the community, persuade the community. I think the community are in favour of high density developments and options in housing choice but they are anxious about the way it might proceed.

My suggestion in this submission was to undertake a demonstration, for the government to say, rather than just release these blocks back to the building community, "HIA, MBA members, go ahead and build stuff." Let us be a little more careful than that. Let us take these blocks, take a few examples—and maybe the ones Alan referred to, the sloping sites, the amalgamated blocks. I am particularly interested in the opportunity to amalgamate some side-by-side, back-to-back blocks and do some really nice stuff and show the community this is what can be done.

The reason I brought in that aerial photo was that, when I had an article recently about housing options in the paper, I got some interesting phone calls. If I can share one, a fellow who is probably a bit older than me and is looking to move out and downsize, lives on a big block in Weetangera, I think. He wanted to stay in his neighbourhood but his choices were apartment living out of his neighbourhood or staying in a house and rattling around or finding a townhouse, of which there are very few. For various reasons, there has been little of that type of development.

He needs that sort of development that has been done on that block where you have got ample space for your trailer and your camper van or whatever, toys. You grow up, you still need your toys. We do not want to live in pokey little apartments. He does not want a big garden, however, because he is getting older and does not want to do the maintenance. Those are the opportunities I would like to see developed.

MR COE: This area is not RZ2, so this must be—

Mr Spira: It is an RZ1.

MR COE: When was this developed?

Mr Spira: Before these title controls and dual occs came in.

MR COE: Roughly when, do you know?

Mr Spira: It would be around 1990. That place is rarely on the market. When it is, it

is snapped up within days. It rarely sits around.

THE CHAIR: The article you mentioned which you recently wrote in the paper, would you be able to forward us a copy of that?

Mr Spira: Sure.

THE CHAIR: That would be great. Thank you very much for your submission and your evidence today and for the map as well. I might take a drive past. Thank you.

Mr Spira: Yes, do that.

LE COUTEUR, MS CAROLINE, private citizen

THE CHAIR: Welcome to the committee. Thank you very much for coming in today; we appreciate it. I draw your attention to the privileges card.

Ms Le Couteur: I am happy to agree to it.

THE CHAIR: Would you like to make a statement for us?

Ms Le Couteur: Certainly. Basically I have two comments. This is the first territory plan variation that I have ever seen where the ownership of the land is the primary consideration. I have to say that, at the very least, that has to be weird. There have been some other places in the inner north where I think the ownership of the land has probably been one of the major considerations, but this is the first time for it to be front and centre.

My other comments would be pretty much along the lines of the previous two speakers that I heard. We need something bigger than just saying, “We’ll dual-occupy, make dual occupancy legal in a small number of blocks in Canberra.” I think the situation of RZ1 and RZ2 and arguably RZ3 is broken. The last time it was revised was in the garden city variation, which was 12, 13 years ago. Canberra has changed a lot since then. We have grown. Our population has aged. Our expectations have changed.

In my opinion, we have a situation where the redevelopment of our suburban areas is not generally increasing the sustainability of those areas. It is not more sustainable socially, economically or environmentally. As people have commented, the current situation with plot ratios means that what people are doing when houses are redeveloped is they are being turned into much bigger McMansions and it is not really serving anybody. It is just that that is the way our system has been set up to do things.

I think we need a much more fulsome review of residential zonings. The last big inquiry that I was involved in when I was in the Assembly was DV 306, and then we had a number of recommendations about further changes which do not appear to have been acted on. The thought I had as I was coming over is that possibly, given the government does not appear to be interested in acting on the issues in suburban issues, the Assembly’s planning committee would like to do an inquiry into the planning of suburban Canberra. I think one thing that could be concluded from all the submissions on this one is that there are a number of things which are broken in our current system, regardless of Mr Fluffy.

THE CHAIR: I note you talk about both plot ratio and building height on the blocks that can be made into dual occupancy. Do you have a view whether DV 343 on the plot ratio for the dual occupancy should change, be amended?

Ms Le Couteur: Absolutely. I think with the plot ratio, as previous speakers have said, we should not be discriminating against two buildings. It just does not make sense. It is basically saying, “We don’t want to have dual occupancies.” Given particularly that quite a lot of those blocks are quite large, that is silly.

Comments have been made about block consolidation which currently is, again, discouraged. It is something that if we are going to do it, as we need to—good, high quality, sympathetic redevelopment—we can quite often do that better with putting a number of blocks together.

The situation of Mr Fluffy gives us an ideal opportunity to do that because we know that Mr Fluffy tended to sell in streets. You get it, you tell your neighbour it is great, the house is warmer. So we have the situation where in some streets there are a few blocks which are going to be redeveloped. It would make sense to consolidate those, possibly purchase one or two as well and actually look at doing something good and innovative.

One of the things I am aware of—you remember last year there was an omnibus territory plan variation—is that at the beginning of that and in the public consultation they talked about doing a redevelopment in Ainslie and uplifting it to RZ3 or 4. I think it was on RZ1 land but it could have been RZ2. The Institute of Architects was going to run this and they were going to do some innovative—some of them are still there and they probably know more about it than I do—medium density to see if by putting some good quality design, sympathetic to the neighbourhood, you could get a win-win from something where the neighbours were happy with it and it was more environmentally sustainable, more economically sustainable and socially sustainable. People could afford to actually live there. I think it is a real pity that that did not go ahead. I guess I would say that the government now has a much bigger opportunity with owning all these Mr Fluffy blocks to actually start doing some innovative redevelopment of our suburbs. This is what we need.

MR COE: With regard to your view, which you mentioned at the start of your submission and also here, on the ownership of land—others have referred to it as throwing darts at a map—is DV 343 going in the right direction, in your opinion, or do you think it should not proceed and there should be a more holistic planning discussion?

Ms Le Couteur: I think there should be a much more holistic planning discussion. In terms of it not proceeding, to an extent it does not really matter. If there was actually a commitment for a holistic planning discussion—it is going to take five years to do the demolitions—the amount of real development that is going to happen in the time, if there was the actual will by the government or the planning committee to have a real discussion as to what could happen, that could happen before any significant amount of development is going to happen on Mr Fluffy anyway. I think there is time to actually try and do it right.

I do not think the changes proposed in DV 343 are, in themselves, wrong; they are just a tiny bit of a much bigger issue. I think it would be foolish to just do a little bit when we could try and fix what is currently a broken system of planning for our residential zones.

THE CHAIR: Do you think it is reasonable for the government to make a change through DV 343 on the basis of another policy, a larger policy issue and a larger issue for the community, which is the Mr Fluffy issue? Do you think it is reasonable to seek

that opportunity through that?

Ms Le Couteur: Do I think it is reasonable to change just because of Mr Fluffy? I think it is certainly reasonable that it is a consideration. The government has to have revenue. Like it or lump it, there are no two ways about that. This is clearly an example of the government taking advantage, as it were. I do not think that you can put it in the transcript that I put this in inverted commas, but clearly that is the case. But that does not mean ipso facto it is the wrong thing to do. Getting an income is reasonable. I read through most of the submissions to ACTPLA, and they were largely from neighbours saying, “We’re not very happy about this, but if it’s going to happen, why do they get the advantage and we get all the disadvantages, if there are disadvantages?” I think that is clearly inequitable and that probably if this goes ahead we need to look at allowing unit titling, as we used to allow in RZ1.

That was one of the recommendations out of the DV 386 planning committee inquiry—that the government explain the rationale behind not allowing unit titling in RZ1. I would think at the very least that is something that as part of this territory plan variation the government need to explain what reasoning there is, apart from making more money for them, which is a reason. But looking at it from the point of view of the neighbours, why can they not do it? There really does not appear to be any good reason.

THE CHAIR: Many thanks.

DENHAM, DR DAVID, private citizen

THE CHAIR: Welcome back. You have read the privileges statement previously.

Dr Denham: I am representing myself here, because I feel very passionate about this variation. Thanks for the opportunity to appear before the committee. I am going to talk about two main issues. One is the planning, and the second one is what I call the ethics and the socioeconomic issues which have been touched on today quite a bit. They are both important. Because of both of these aspects, I recommend that the committee throw this back. I think on both grounds—the planning ones and the ethics and the socioeconomic points of view and how it affects the Mr Fluffy people and their neighbours—throw it back and let us start again and have a look at a fairer way. Clearly, we see from today, and you have seen from various submissions, the situation.

I will start with the planning. The core of DV 343, as you know, is to enable the government to subdivide and unit-title over 700 blocks in RZ1 zones and turn these effectively into RZ2 blocks within the RZ1 zones. We should note that RZ1 zones were created predominantly to maintain the character of areas with a single dwelling on each block. That is, as I said earlier today, in the objectives of the residential zones.

RZ2 zones are supposed to be within 200 metres of local shops or regional centres so that residents can easily walk to the shops and the facilities, and also to increase the population density. As Caroline Le Couteur said earlier, the population is going up. We have to cater properly for population density. And I think the RZ2 works very well.

The problem is that most Mr Fluffy blocks are a long way from any shops. We heard today from the person who lived in Chifley and how far he had to go. Just think if you lived in Hawker Street in Torrens—and that has nine Mr Fluffy houses in it, the most in the whole of Canberra—it is nestling against the foothills of beautiful Mount Taylor but it is quite a climb to get from there to the Torrens shops. When you get to the Torrens shops, there is no IGA, no Shoprite, nothing. You have to go on to Southlands in Mawson. Fancy going back there with a case of beer on your back in a rucksack, back to Torrens again. It just does not work. It is not the way to increase density in the city. It is crazy. It is the opposite way around.

If you look at the ones with seven—Buvelot Street in Weston, Dickson Drive in Duffy—they are all a long way from shops. This is the problem. They are not suitable from a planning point of view to intensifying Canberra. It will not work because of that.

If enacted, it would fundamentally change the concepts and the strategies, and it is contrary to the core principles of the 2012 ACT planning strategy. I reckon the whole thing should be thrown out simply because of that.

But that is not all; there is more. We have heard today about the 700 square metre blocks being too small. I was going to wax eloquent about that, but there is no need because people have already said so. 104.5 square metres is too small for me, even when I downsize. I would not like to live there. What we need from ACTPLA, I

would have liked to have seen, is evidence that 700 square metres is suitable. But they have not provided that.

The third thing in the planning is the longer term impacts. We have not seen in fiscal terms what the money situation is if you do not do dual-occupancy and multi-unit and if you do. That would be useful to see how the financial thing is. I would not agree with what the Housing Industry Association said, but their logic is really quite difficult to argue with, because they say, “If it’s all right with good planning to divide 700 square metre blocks into two in the Fluffy blocks, then why not the whole of Canberra, the whole of RZ1?” It really is the thin end of the wedge. As such, that is the third reason why it should be thrown down. We do not want development in that way.

The final planning thing is that the territory plan, as you would all know, is a very complex document. This is going to make it even more complicated because you are going to have 750 exemptions in RZ1 zones somewhere distributed around Canberra. If ACTPLA cannot tell us where the concessional lease blocks are—and they say they cannot—what hope will they have of getting all these things when it comes to 10 years hence?

That is the planning. I will get on now to the socioeconomic and the ethical ones, because I think this is very important. We are dealing with people here. When you read the 124 submissions, you cannot help but be moved by those people who have a Mr Fluffy home and who live there. You have seen that today with a couple of the presentations. There are lots of other ones like that.

My daughter rang me up to today. I said where I was going and she said, “I’ve got a friend in Dickson. She’s a single mother with two children in an asbestos house. She’s got to get out. She can’t afford to rent the equivalent.” These things are happening all over Canberra with the Fluffy ones.

The people feel angry, frustrated and, above all, disempowered. At many of the public information meetings several people were very emotional because they felt they had been unfairly treated—people who had no asbestos in their houses and they were next to the house that had. Too bad, it has to be destroyed. Moving house is stressful enough without being essentially evicted from your own home and knowing that you would not be able to afford to buy back your old block because the government is going to get it, subdivide it, unit-title it, dual-occupancy it and then you would not be able to buy it. It is one law for the government, one law for everyone else. The stress and disruption from this process is enormous.

I had a look at a paper the other day about Fukushima and what has happened to the Japanese people there who were relocated after the radiation disaster. It is a bit similar to this really. How you estimate the risk is very similar. Does one asbestos fibre give you asbestosis? Does one radiation alpha particle give you cancer? They are very similar in terms of risk assessment. But the studies found—this is in the *Lancet*—that the common issues were not necessarily physical health problems directly attributable to radiation exposure but rather the psychological and social effects. We are talking here about discordance in families and communities, stigma and self-esteem and other lifestyle problems relating to work performance and things like that. Mr Fluffy is

similar to this, because the risk of catching mesothelioma is very small.

I quote here from the talk that Professor Bruce Armstrong gave at the ANU earlier this year:

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 mesothelioma due to living in a Mr Fluffy house.

Because we do not have any records of concentration of asbestos fibres in the houses that are being demolished it is doubtful if we can improve on that estimate.

THE CHAIR: I am sorry to interrupt but we are running over time. Have you much longer to go?

Mr Denham: A little. The point is: the incidence of mesothelioma is small but in all probability the psychological and social effects are going to be substantial.

I will go right to the last bit: what the government should do if they withdrew DV 343. This would really improve the situation for all the Mr Fluffy home owners and their neighbours. It reminds me of the gospel of St Matthew:

For unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.

The government has the power in Mr Fluffy and the Mr Fluffy people feel they have nothing. Therefore, I recommend strongly that, for mainly the people and the social problems of this, it should be withdrawn.

MR COE: At page 2 of your submission you talk about the ethics of the situation, in particular two blocks side by side and not having the same right. Does that same issue not really happen already with regard to RZ2 and RZ1, where one side of the road may well be RZ2 and the other side may be RZ1 and because of boundaries—

Mr Denham: Yes, but you have control over that when you buy that block. You know that is RZ2 and that is RZ1. Here, when you bought into RZ1, you did not know there was going to be an equivalent RZ2 next to you, because it is a Mr Fluffy. You have got control over the situation.

THE CHAIR: Thank you very much.

PIPPEN, MR BRENDAN, private citizen

THE CHAIR: Thank you very much for coming in. I draw your attention to the privileges statement to make sure you understand those implications.

Mr Pippen: I agree.

THE CHAIR: Many thanks. Over to you.

Mr Pippen: I am appearing here on very short notice. Since getting the call from Hamish, I have been at the hospital and I have not had time to refine my submission. Following the small amount that I have heard today, I will refine it, but I will give you what I had prepared earlier.

In 2009 my wife and I went looking for our first home in Canberra. We love to garden, so we specifically sought property that was not overlooked or overshadowed. In good faith we deliberately bought into RZ1 zone. This was because the territory plan objectives for low rise, single dwelling and low density aligned with our objectives. We also felt reassured that the integrity of these objectives was further protected by the territory plan's statement of strategic directions. We set about making this home our forever home. We have invested enormous time and energy and modest capital in our labour of love, and with our two small children we live in our garden, which the *Canberra Times* has described as "a little piece of paradise".

Last year we discovered that neighbours on two sides were Mr Fluffy—that is, the Dickson Drive residences that were referred to earlier. They are subject to the buyback. The ACT government intend to metaphorically remove our home from the zone that we deliberately bought into and relocate us into the zone that we deliberately avoided.

This proposal is a threat to the integrity of the RZ1 amenity that was sought and purchased in good faith by ourselves and others. The proposal is not consistent with the territory plan RZ1 objectives a), b) and d). It is not consistent with the territory plan's statement of strategic directions in terms of spatial planning and urban design principles, which is item 2.5. It lacks necessary transparency in its current form and it includes undefined design criteria that cannot be objectively assessed.

By allowing the higher plot ratios and unit titling, the proposal will encourage large two-storey dwellings that would otherwise not have been built. If this proposal is enacted, neighbouring residential properties will be overlooked and overshadowed, devaluing the existing residential amenity purchased in good faith. This proposal undermines the rules that apply to other land in the zone and considered necessary to protect those zone values.

My initial reaction was to oppose the change entirely. However, our issue is not with the certain financial devaluation that this change would bring to our property. It is our forever home. Our issue is with the integrity of the objectives that we purchased in good faith. Rather than oppose, I feel that the objective of the proposal or any subsequent proposal in raising additional revenue can be achieved while protecting

the integrity of RZ1.

Some of the other speakers here today have provided a much more refined assessment of how that can be done, but from my lay perspective, in my submission I have suggested that only single-storey dwellings on unit title blocks be allowed, as well as allowing attics and basement car parking on those blocks, and also keeping the current sliding scale plot ratios. If they are deemed to be necessary to protect the values of neighbouring properties, they should also apply.

The draft also needs clarification of ambiguous clauses and the design criteria that can be objectively assessed. By making these changes or other changes that have been suggested, while keeping the unit titling provisions, the amenity of the neighbouring properties can be protected and the ACT government can still raise very critical revenue.

Earlier this year I invited relevant members of the ACT Legislative Assembly to visit us in our home and to stand in our garden and discuss what the implications of the variation in its current form would be. I would like to extend that offer to this committee as well, if you feel it would be beneficial.

Just on another matter that was raised about the cost benefit, any cost benefit that might be undertaken in relation to this proposal or subsequent proposals needs to look at not only the value to the blocks of land but also what happens to the neighbours. That needs to be independently assessed as well. All we have heard so far is what will be raised in terms of revenue for the ACT government and not what will be devalued in terms of the neighbouring properties.

THE CHAIR: In terms of single-storey dwellings on unit title blocks, which you recommend, that is the change in the draft variation. The unit title blocks must be single storey. One of the challenges we have is to extract what is new about this and what could already happen. Someone could knock down a house next to you now—whether it was Mr Fluffy or not—and rebuild a two-storey house.

Mr Pippen: Absolutely they could. But this change will encourage that. The occurrence of the plot ratios being built out to the maximum on these size blocks with two-storey houses pushing—

THE CHAIR: That is no change, though, in this draft variation.

Mr Pippen: The plot ratios have changed with this draft variation.

THE CHAIR: They become smaller on the unit title blocks, but they are the same.

Mr Pippen: No, they become larger.

THE CHAIR: No, they stay the same at 50 per cent.

Mr Pippen: Currently not all blocks. If you do the equation, not all blocks come out at 50 per cent. Our neighbours come out at 43 and 47 per cent.

THE CHAIR: Certainly our understanding is that if the house next door to you was to be a knockdown-rebuild, irrespective of Mr Fluffy, it would be a 50 per cent plot ratio that they could build to.

Mr Pippen: The legislation is not clear on that to me. I write legislation, but reading this legislation is very difficult.

THE CHAIR: I would agree. Some of the planning legislation is complex to read.

MR COE: Do you have a back-of-the-envelope figure that you think it might decrease your land value by?

Mr Pippen: Because we have two neighbouring properties and it is 50 per cent of our boundary—potentially, we really do not know. If it was built to the extent which it could be under this variation, I would imagine it would be \$30,000 to \$50,000. That is on the basis of hearsay, talking with—

THE CHAIR: In the course of this, I have had some conversations with people who lived in the fire-affected areas after 2003. Their experience was that the value of the properties that were unaffected increased as a result of having new dwellings built next to them.

Mr Pippen: Did those dwellings overlook what were once private backyards, though?

THE CHAIR: My observation would be there are many larger dwellings built on those because they were built at a different time than the original dwellings.

Mr Pippen: I think it would be worthy of more case studies than that particular one, because all of Canberra experienced a rise after the fires because of the shortage of land. I think just picking that one is very short-sighted.

THE CHAIR: Is there specific advice from professionals that it would devalue your property?

Mr Pippen: I have not gone down that path. I know that the *Canberra Times* reported that the south side community council had spoken to real estate and said that for residences in Yarralumla they estimated a devaluation of around \$100,000 per property. That was published in the *Canberra Times*.

THE CHAIR: Thank you for coming in today.

DOWSE, MR GLEN, member, 5AAP
TROBE, MR TONY, member, 5AAP
McCALLUM, MR ALISTAIR, member, 5AAP

THE CHAIR: Welcome and thank you for coming in this afternoon. Can I check that you have read the privileges statement and understand the implications of it?

Mr Dowse: Yes.

Mr Trobe: I am quite happy with that.

THE CHAIR: I invite someone to make an opening statement, if you would like.

Mr Dowse: As a group we represent five independent architectural practices, small to medium size. We offer advice to the authority and to the government independent of our ties with associations, just on the basis of good planning principles out of an interest in what we believe is good for the future of Canberra. It is as simple as that. I hand over to Tony.

Mr Trobe: The question is: how wide are we looking at? Are you looking at solar panels legislation? Are you interested in talking about the economics of development of the Mr Fluffy blocks? I am trying to understand the scope of your inquiry?

THE CHAIR: We have some specific questions.

MR COE: We have heard from several architects so far. What would be particularly interesting would be some of the economics or the financial side of things and also what is possible with some of these rules, not necessarily just the planning side of things but some of the nitty gritty about how dual occupancies could be delivered on smaller blocks.

Mr Dowse: Fundamentally delivering dual occupancies under the current planning framework is difficult. As I have said before, the rules were brought in essentially with DV 200 and were set up to stop the spread of dual occupancies and control it, slow it down. That, combined with the lease variation charge hierarchy, has essentially stopped dual occupancies. We used to do suburbs like Banks, for instance, where they were scattered through greenfields. We used to do them in the centre of Canberra, in Ainslie and Campbell. That work has dried up. Tony, you would agree?

Mr Trobe: Yes. It has been a circular thing where there is an effort to take that ball out of play. As I understand it, previous government regimes decided that it was not worth spending the money in ACAT defending the position of the government about the dual occupancy rules. So the ballpark has shifted to a point where it is just not worth doing anymore; the economics do not work. There are various elements in the code that are written. The A2 table, if I can give an example, once you work out the numbers you are allowed to do on blocks of relative sizes, you crunch the numbers—we have done this many times before to show you—and the bottom line says net loss, \$250,000. The economics do not work. These are very simple things to understand.

THE CHAIR: Currently the economics do not work?

Mr Dowse: Currently the economics do not work.

THE CHAIR: With the draft variation as it currently stands, do the economics work?

Mr Dowse: No.

Mr Trobe: No.

Mr McCallum: I am a member of the group as well. Broadly on the group, we try with the five architects to have a breadth of input from residential to commercial, for what that is worth. As Glen said, it really does not work with RZ2. Draft variation 343 is a further, I guess, diminishing of the potential associated with what are not RZ2 sites, nevertheless what was envisaged as some form of redevelopment. These are motherhood statements, but I think Canberra needs to come to terms with medium density development. I think dual occupancies have always been fraught. I think probably all of us here as practitioners would agree they are not always the ideal outcome because the Canberra subdivision pattern does not lend itself easily to medium density development of the highest quality.

By virtue of block shapes, size and often in the previous dual occupancy world you would get a dwelling at the rear and outcomes that were seen as less desirable by the community. I think we would all agree with that. The problem is that nothing has replaced that form of development.

THE CHAIR: Not even in the greenfields suburbs?

Mr McCallum: No, I do not believe so. I think when we look at our ageing population alone and their interest in downsizing and the tsunami of downsizers that are coming, they do not want to necessarily move away from their suburb. But there are no options. We are not providing people with choice. Apartments are one form of living. Single dwellings are another. There is a distinct lack of opportunity in the middle.

THE CHAIR: Is that irrespective of affordability? There is just not the product available?

Mr Dowse: Yes. That is within all sectors of the market.

Mr Trobe: There is a whole missing typology in Canberra due to largely political imperatives from the past. We are not the only people who have this problem. If you go to Perth, there was an article in the paper the other day in which Professor Newman, who is an urban planner in Perth, made the same comment. In fact, a lot of this salt and pepper stuff is going to annoy people. We need to step back and look at this on a more global, strategic level about the way the whole territory plan works. Perhaps we can come up with some small, workable solutions for infill on the salt and pepper basis but perhaps the whole notion of zoning and the way it is done needs to be revisited in a way that gives better urban and suburban outcomes. It should be done on a broader scale as coordinated developments, not just dropping new McMansions into

existing suburbs. That is the problem.

Mr McCallum: Draft variation 343 for us is a missed opportunity. Listening to what people have said—Glen has filled us in a little as well—there is broad agreement in the community that they are not against medium density redevelopment. What they are against is either what draft variation 343 represents as a shotgun approach, I guess, or perhaps a dual occupancy form that was not seen as palatable in the past.

I think Canberra is maturing in understanding that we need to provide choice. I think we would all agree on this side of the table that draft variation 343 will do nothing to encourage any form of medium density development. It is a furphy as a redevelopment opportunity.

THE CHAIR: Is there any specific part of the draft variation?

Mr McCallum: The plot ratio alone is enough. I think that has been said by a number of people.

Mr Trobe: That table in the territory plan that defines the numbers, and just the economics. You will find that half of those blocks will not work anyway because the orientation is wrong. You end up having to do a block with one house behind the other. I am sure someone has made this point already: you are stuck with a 35 per cent plot ratio. Then you are stuck with these 100 square metre houses. Nobody is going to do any of those. Any block that faced—

THE CHAIR: Are you saying then, in fact, the land will not be able to be sold for that price so the return will not flow?

Mr Trobe: Not because it is zoned for dual occupancy. It might get the price because there is an increased price at the moment.

Mr Dowse: That has been my position in the past.

Mr Trobe: But not for development. It will not increase density. It will just be a 50 per cent single residence and people will put a big house on it.

Mr Dowse: I suspect that the blocks are worth more as single residences because of the yield and the entry price of relocating families into those zones that would otherwise have to buy a house and land package to demolish if they wanted a new house.

Mr McCallum: For 343 not to mean anything is a shame, because we see in these sites, albeit there are emotions tied up with them, an opportunity to demonstrate with targeted sites what high quality, medium density development can be.

THE CHAIR: The type of proposal the Institute of Architects has put forward that the government take the opportunity—

Mr Dowse: I did not hear what they said. I think Ms Le Couteur was down a similar vein as well. It is a shame if it were to be turned over. It is an opportunity that has got

the community talking, which is fundamental to what we need—a discussion for the city to go ahead. Redevelopment is a good thing and it is needed.

Mr Trobe: If you control bulk and scale and get rid of some of the other controls about the number of units on a block, you can suddenly make these things work. That is the same block with four units on it, simple little one or two-bedroom units, which economically makes sense. The bulk and scale of a development like that does not necessarily have to bugger up the suburb. You can make that work quite well. It is the ingrained numbers that are written in the territory plan that are insurmountable. You cannot get around them, and it kills the economic potential of those blocks.

Mr McCallum: We have done our own study and there are 91 blocks with a very high potential for amalgamation across the affected sites. Then there are a further 90 with medium to high potential for amalgamation. That in itself represents a wonderful opportunity to test and not just wait for a holistic planning change but to use those sites as an opportunity, through a rigorous process, to arrive at some good medium density solutions. For us, the concern is that, because 343 does not appear to actually do anything, we miss an opportunity as a city to do something that would be very good as the city matures. That is what we would like to put forward.

THE CHAIR: I guess the urgency of the Mr Fluffy scheme as a whole, of which this is a part, means that there is something on the table now in order to achieve the type of amalgamation or housing typologies project that you are talking about. Should DV 343 go ahead?

Mr McCallum: To me, no, because it has no impact.

Mr Dowse: We want to support it because it promotes development. But I do not believe it is going to do anything.

Mr Trobe: It is so watered down; it is certainly going back a couple of years. It does not change the regime that we would have had in place 10 years ago. It is a highly conservative, non-threatening nothing. It is a vapour really.

Mr Dowse: The blocks that we are demolishing do not have to be put on the market. They can be held back for a new planning scheme to come through, to be supportive.

Mr McCallum: Tony and the Institute of Architects ran a design competition called the NEAT design competition, which you may have heard about. That was a chance for a whole lot of people to explore what it might mean to do good medium density in this town. 343 is not going to realise any of that. As Glen says, we do not want to lose the potential for redevelopment, because the city needs it. The ageing population needs it. Downsizers need it. We just want to find a way to segue from that into something that is meaningful.

MR COE: There are two streams that some people have said. One stream is that this is an incremental change that will lead to a lot more dual occupancies within RZ1. Another view which we heard this morning is that it will, in effect, blow up dual occupancies for 10 or 15 years because they will not be done well or the politics of it just will not work. Given those—

Mr Dowse: I think I agree with both of those statements.

MR COE: Given those two possibilities, what is the best way to have a genuine discussion about dual occupancies in Canberra?

Mr Trobe: At the moment we are playing on the deck of the *Titanic* and it is going down with the band. It is not doing anything to change the nature of the ship. The whole ship needs to be looked at—this notion of the way the zones work in the territory plan. We need a big-picture idea of what Canberra can be and could be. At the moment we have been stuck in this sort of never-never land for the last 10 or 15 years and not moving on in the way other modern cities are. We are going to pay the price for it.

Mr McCallum: We need to understand our subdivision pattern, which is consistent across the territory, and see how that in itself might yield appropriate medium density development. The NEAT design competition happens to be there as a body of work, we would argue, as an excellent starting point.

Mr Dowse: For instance, we have talked in the past about corner blocks. In RZ1 there are obvious opportunities which have minimal impact on a suburb. The RZ2 areas, interestingly in the mapping that I have done, have very few Mr Fluffy houses in them. They tend to be smaller blocks. The RZ1 are the larger blocks. RZ2 potentially should be a higher density. Then we look at the core and the shopping centres should be higher density again, rezone those to allow mixed-use, commercial and residential.

Mr Trobe: That is a very good point. You have a zone, RZ2, that is supposed to be higher density than RZ1, but if you do have blocks like this the density is 15 per cent less than you are allowed to have. I assume that has come up already. It is palpable nonsense.

Mr Dowse: We need a clear planning hierarchy that the community understands and the residents understand. Values then are attributed to that rather than a Mr Fluffy block or the block next door and this argument about whether the value is going to go up or down depending on whether there is a dual occupancy or a single res next door.

THE CHAIR: Putting aside the inconsistency argument, today and last week a number of people who live in RZ1 said they live there because it is not medium density and, therefore, if we go down this path in any way we are destroying that. Do you think that is the case? Is RZ1 the right zone for medium density?

Mr Trobe: That is the sort of NIMBY thing. We already are probably one of the most spread-out cities in the world. We have a very poor footprint in terms of density. That is not sustainable. It is all very well for people to say, “We love our suburbs.” I live in one of those suburbs, and I probably would object too. But you need to be—

THE CHAIR: Would you?

Mr Trobe: Obviously there is this notion of self-interest against community interest. I suspect we need to play the bigger card where we are looking after the future of the

city. The idea of having this smear—it takes an hour to drive across the city with only 300,000-odd people in it—is ridiculous. In world standards, it needs to be addressed.

Mr McCallum: And against the sustainability of schools.

Mr Trobe: There are privileged little communities. You look at the size of the blocks in the new suburbs. It is two cities all together. It is the haves and have-nots. There is no reason why the people that live in those suburbs, of which I am one, should not be accommodating of change.

Mr McCallum: To pick an RZ1 block, perhaps, for example, one might target the end blocks where there could be two corner blocks and two blocks in the middle and use that as your opportunity for development where, for example, a rear lane could be run from one street to the other. You could have rear garaging with studio units on top as surveillance blocks and then a medium density in a Melbourne or Sydney style fronting the street. It would preserve the RZ1 character in between the two ends. It is just a matter of stopping and thinking about the subdivision pattern and how we can achieve both. It is eminently possible.

Mr Trobe: That is a very good notion, because the notion of the street having a character is that, if you take small sections that are streets and give them a different character, that is fine. It is the breaking up of street character that people object to. So if you could find situations like Alistair is saying where you think of the housing being the fabric rather than being iconic little elements sitting there, you could do something quite good. The street retains a character. It is a new character. And what the territory plan refers to is future desired character.

THE CHAIR: There would be a new character as a result of this.

Mr Dowse: Correct. One of the previous speakers mentioned Duffy and the redevelopment after the fires. It is clear when you go through those suburbs what are the residual houses and what are the new houses. The new ones stand out. They are built under different rules and, in fact, the new ones will be built under different rules again post DV 306. It is that changing character that stands out that people object to. But if you compare that to a suburb like Yarralumla where there has been extensive change throughout the whole of the suburb, it looks continuous and it is accepted. It is hidden behind the big street trees and the hedges and the landscaping, which are important.

MR COE: Finally, is it possible, do you think, for the government to go through the 750 blocks and, in effect, say what is plausible or what is a good outcome?

Mr Dowse: Absolutely, yes.

MR COE: Rather than just having a blanket rule?

Mr Dowse: I would be surprised if that work has not been done.

Mr Trobe: The fine grain is the important thing. Absolutely. You can categorise it into five or six lumps, I am sure, that would enable you to do things with them.

Mr McCallum: One more comment on the retirement theme, which I bang on about a bit, but for people that want to stay in their own suburb, that kind of notion I spoke about would allow you to downsize into a smaller block effectively and relinquish the cash that you might want for your retirement years and live in a more appropriate housing form. You do not even have to move out of your suburb. There just needs to be some instruments to facilitate amalgamation and confidence around a built outcome that is palatable. It would be good for our community, and people are crying out for that.

Mr Dowse: It also opens up opportunities for younger families to come into that outer ring, which feeds to the schools.

THE CHAIR: We appreciate you coming in today. Thank you. Thank you everybody for your contributions today.

The committee adjourned at 2 pm.