
The Parliament of the Commonwealth of Australia

Difficult Choices:

**Inquiry into the role of the National Capital Authority in
determining the extent of redevelopment of the Pierces Creek
Settlement in the A.C.T**

Joint Standing Committee on the National Capital and External Territories

August 2004
Canberra

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Foreword

Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home.¹

This was a particularly difficult inquiry for all concerned. It has, of course, been difficult for the former residents of Pierces Creek, the homes of whom were devastated by bushfires and who continue to face uncertainty as to whether they will be able to return home. It has also been difficult for the ACT Government and the National Capital Authority, who both want to do the right thing by these residents, but have other responsibilities to consider at the same time.

In the Committee's view, there are two priorities in determining the future of the Pierces Creek settlement. The first is the return of the original residents, whose futures should not be determined by the bushfires. The second, is protecting the integrity of the National Capital Open Space System which provides the landscape setting for the national capital. Any substantial expansion of the Pierces Creek settlement would run contrary to the principles of the open space system which gives the 'bush capital' its character.

The Committee has therefore recommended that the ACT Government and the National Capital Authority come up with a suitable proposition for the settlement which recognises these two priorities.

Senator Ross Lightfoot
Chairman

¹ John Howard Payne – US Dramatist (1791-1852).



Membership of the Committee

Chairman Senator Ross Lightfoot

Deputy Chair Senator Trish Crossin

Members The Hon Ian Causley MP Senator John Hogg
 Ms Annette Ellis MP Senator Kate Lundy
 Mr Paul Neville MP Senator Nigel Scullion
 The Hon Warren Snowdon MP Senator Natasha Stott Despoja
 Mr Cameron Thompson MP
 Dr Mal Washer MP

Committee Secretariat

Secretary Mr Quinton Clements

Research Officer Mr Justin Baker

Administrative Officer Mrs Donna Quintus-Bosz



Terms of reference

On 4 August 2004 the Committee resolved that, as an extension of the review of the Annual Report of the National Capital Authority for 2002-03, which was tabled in the House of Representatives on 4 November 2003 and stands referred to the Committee for inquiry if the Committee so wishes, the Committee conduct an inquiry and report on the role of the National Capital Authority in determining the extent of redevelopment of the Pierces Creek settlement in the ACT.



List of recommendations

3 The Options

Recommendation 1

That the National Capital Authority negotiate with the relevant ACT Government authorities to facilitate the return of the original residents of the Pierces Creek Forestry Settlement as soon as possible; and further, that:

- the number of houses to be rebuilt at the settlement remain as small as practicable; and
- the original residents, if eligible, be given the opportunity to purchase their houses.

Recommendation 2

That the National Capital Authority report back to the Committee in December 2004 with an update as to how the implementation of Recommendation 1 is progressing.

A successful community is not one that is contrived, planned or regulated to work. It evolves over time and its success is proven by the trust and loyalty of the people who comprise it. It is not determined by size or 'social mix' and cannot be artificially created. The community of Pierces Creek was successful and the former residents will never be satisfied until they are returned to their rightful home.¹

Introduction

The National Capital Open Space System

- 1.1 The natural setting of Canberra – “the inner hills and ridges which surround and frame the urban areas, the major lakes and river corridors, and the distant mountains and bushlands to the west of the Murrumbidgee River” – is recognised and protected through the concept of the National Capital Open Space System.² This concept is derived from Walter Burley Griffin’s plan for Canberra in which the city is set within and influenced by the surrounding natural environment.³ The importance of this concept was highlighted by the Committee’s predecessor, the Joint Committee on the National

1 Current and Former Residents of Pierces Creek Settlement, Submissions, p. 21.

2 National Capital Authority, *Consolidated National Capital Plan*, February 2002, p. 105.

3 Mr Tony Powell, *Transcript of Evidence*, Friday 13 August 2004, p. 15.

Capital, in 1992 with its inquiry and report into the management of nationally significant areas of open space in the ACT.⁴ The Joint Committee noted that:

The National Capital Open Space System is a valuable legacy of visionary design and planning. Its significance is far greater than a municipal or regional open space network. It has a national significance, symbolising Australian landscapes and the relationship of people with them, providing a dramatic and appropriate landscape setting for the national capital.

- 1.2 Within this magnificent setting are the forestry settlements of Uriarra, Pierces Creek and Stromlo.⁵ The Pierces Creek Forestry Settlement was established in 1928 to provide job-tied housing for forestry workers. In the 1980s, the houses at the settlement became the property of ACT Housing, but residents remained tied to the forestry industry. Prior to the January 2003 bushfires there were 13 dwellings at the settlement. 35 people were known to have been living at Pierces Creek immediately prior to the fires. Unlike the Uriarra settlement, which enjoyed a range of community facilities and infrastructure, the Pierces Creek settlement has always been a small, informal collection of houses with long tenancies and a strong social group.⁶ One resident described the settlement thus:

The actual layout is fairly informal. There is a plain dirt road; it is not a sealed road. There are no streetlights. There are no gutters.⁷

4 Joint Committee on the National Capital, October 1992, *Our Bush Capital: Protecting and Managing the National Capital's Open Spaces*, Australian Government Printing Service, Canberra.

5 The Committee notes that the terms 'settlement' and 'village' have been used intermittently by the ACT Government and the National Capital Authority with regards to the communities of Pierces Creek, Uriarra and Stromlo. For consistency, the Committee has described the three as settlements throughout this report.

6 See, Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p 101, and Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

7 Mrs Ruth Burgess, *Transcript of Evidence*, 13 August 2004, p. 3.

A Brief History

The January 2003 Bushfires

- 1.3 The January 2003 bushfires had a devastating impact on a number of rural settlements in the ACT, just as they did on urban Canberra. The bushfires burned out approximately 160,000 hectares of ACT land, including 27,000 hectares of farmland and rural housing, 110,000 hectares of nature reserves and national parks and 11,000 hectares of plantation forestry.⁸ 55 homes in rural ACT were destroyed, forcing the displacement of 50 families. The full extent of the devastation inflicted on the rural settlements and their occupants is shown in Tables 1.1 and 1.2. The Pierces Creek settlement was devastated to the extent that only one of the 13 dwellings remains. This residence remains occupied.

The Aftermath of the Bushfires

- 1.4 The future of the settlements has been an issue for the ACT Government for some time.⁹ Amendment 34 to the National Capital Plan – relating to Uriarra – was originally prepared back in November 2000. However, the January 2003 bushfires, which destroyed most of Pierces Creek settlement and a considerable portion of the Uriarra settlement, prompted the ACT Government to consider the future of the settlements in more detail. Mr Sandy Hollway, who chaired the ACT Government’s working group tasked to advise the ACT Government on the future use of non-urban land in the Territory, explained that:

One consequence of the fires was that it compelled the issue to be addressed systematically as it had never been addressed before and it compelled the production of a more substantial body of analytical work on this issue than has ever existed before in the ACT.¹⁰

However, the National Capital Authority pointed out that prior to the January 2003 bushfires the Authority had not been asked to

8 Jon Stanhope MLA, Media Release, Major new study into non-urban bushfire affected areas, 19 February 2003.

9 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 4.

10 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 4.

consider an amendment to the National Capital Plan for Pierces Creek by the ACT Government.¹¹

- 1.5 On 19 February 2003, the ACT Chief Minister announced that a study would be undertaken to investigate future options for non-urban areas of the ACT which had been devastated by the bushfires.¹² On 14 March 2003, the Chief Minister appointed a Non-Urban Study Steering Committee, comprising the ACT Bushfire Recovery Taskforce and a number of specialists and experts, to oversee the study.¹³
- 1.6 In August 2003, the Steering Committee released *Shaping Our Territory: Options and Opportunities for Non-Urban ACT* for public comment. The final report of the Steering Committee: *Opportunities for Non-Urban ACT*, was released in November 2003. The report made a number of recommendations to the ACT Government, including that Pierces Creek be re-established – subject to a bushfire risk assessment – with approximately 60 houses.¹⁴ The Steering Committee did not agree unanimously with the Pierces Creek proposal, with concerns expressed over future bushfire risk, infrastructure cost (initial and ongoing), and a philosophical concern with the concept of having rural villages in the ACT at all.¹⁵
- 1.7 On 19 December 2003, the ACT Government agreed in-principle to the Steering Committee’s recommendations that the settlements of Stromlo, Uriarra and Pierces Creek be re-established and expanded, with 85-100 houses envisioned for Uriarra and 60 houses for Pierces Creek.¹⁶ However, the ACT Chief Minister made it clear that any such decision would be subject to the outcome of a series of

11 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

12 Jon Stanhope MLA, Media Release, Major new study into non-urban bushfire affected areas, 19 February 2003.

13 Jon Stanhope MLA, Media Release, Team for study into non-urban bushfire affected areas announced, 14 March 2003.

14 Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 114.

15 Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 102.

16 Jon Stanhope MLA, Media Release, A bright new future for non-urban ACT, 19 December 2003.

Table 1.1 Impact of January 2003 Bushfires on Houses

Site	Houses Destroyed	Houses Still Standing
Uriarra	16	7*
Stromlo	17	3
Pierces Creek	12	1
<i>Other Rural Areas:</i>		
Cotter-Casuarina	4	1
Kirkpatrick St, Weston	4	1
Mount Stromlo - Uriarra Crossing	2	1
Total	55	14

*One of these houses is condemned

Source ACT Government Submission

Table 1.2 Impact of January 2003 Bushfires on Families

Site	Families Resident Elsewhere	Families Still Resident
Uriarra	15	6
Stromlo	16	3
Pierces Creek	12	1
<i>Other Rural Areas:</i>		
Cotter-Casuarina	1	0
Kirkpatrick St, Weston	4	0
Mount Stromlo - Uriarra Crossing	2	0
Totals	50	10

Source ACT Government Submission

sustainability studies to investigate the long-term economic, environmental and social cost-benefit implications of the villages.¹⁷

- 1.8 The sustainability studies were finalised in May 2004 for the Government's consideration. On 3 June 2004, the ACT Chief Minister announced the Government's decision to proceed to redevelop all three rural settlements so that the residents could return and so that the villages would be sustainable into the future.¹⁸ The Territory has indicated that proportions of the new settlements would be allocated to Housing ACT to ensure that the residents could return.¹⁹ Expansion of the settlements requires a number of statutory planning steps, including amendments to the National Capital Plan and the Territory Plan, which would enable leasing and subdivision and provide residents with the opportunity to purchase their houses.²⁰

Conflicting Points of View

The ACT Government's Position

- 1.9 The ACT Government announced an expected increase from 20 homes to 40 at Stromlo, from 23 to up to 100 homes at Uriarra, and from 13 to up to 50 homes at Pierces Creek.²¹ The ACT Chief Minister announced that the settlements would be re-established as small communities, accommodating both public housing residents and private owners, although restrictions would be put in place to prevent further development.²²

17 See Jon Stanhope MLA, Media Release, [A bright new future for non-urban ACT](#), 19 December 2003.

18 Jon Stanhope MLA, Media Release, [New ACT rural villages to be world class](#), 3 June 2004.

19 ACT Government, Submissions, p. 7.

20 ACT Government, Submissions, p. 10.

21 Jon Stanhope MLA, Media Release, [New ACT rural villages to be world class](#), 3 June 2004.

22 Jon Stanhope MLA, Media Release, [New ACT rural villages to be world class](#), 3 June 2004.

Table 1.3 Summary of ACT Government Position

Site	From	To
Uriarra	23	100
Stromlo	20	40
Pierces Creek	13	50
Total	56	190

Source ACT Government PowerPoint Presentation

The National Capital Authority's Position

Authority Position in October 2003

- 1.10 On 3 October 2003, the National Capital Authority visited the fire-affected settlements and considered the preliminary report of the Non-Urban Study Steering Committee. The Authority supported almost all of the recommendations.²³ However, the Authority resolved that:

...any consideration of rural villages anywhere in non-urban areas ought to be supported by a detailed planning study based on sustainability objectives and economic viability, that such a study ought to recognise the overall planning structure of the ACT and that, in the absence of such a study, it would not support the principle of creating rural villages as had been proposed.²⁴

Authority Position in June 2004

- 1.11 In June 2004, after the Authority had been approached by the ACT Government to propose an amendment to the National Capital Plan for the Pierces Creek area, the Authority considered the sustainability study on Pierces Creek and formed the view that it did not create a compelling case for expansion.²⁵ The Authority was also concerned that expansion of the settlement would further erode the values and qualities of the National Capital Open Space System, and would create a settlement which “would be markedly different from the

23 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 35.

24 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 35.

25 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

original character and spirit of the Pierces Creek village”.²⁶ The Authority also sought legal advice which confirmed that there were no impediments to the Pierces Creek settlement being re-established to the same extent that existed prior to the 2003 bushfires.²⁷

- 1.12 The Authority prepared an amendment for the Uriarra settlement – but not Pierces Creek – because, in the view of the Authority, the development proposed by the ACT Government for Uriarra would be to a scale in keeping with the character of the original settlement.²⁸ While the amendment for Uriarra has only recently been approved, it was originally released for public comment in November 2000, long before the January 2003 bushfires which devastated the settlement, so that the ACT Government could consider options for the continuation of the settlement.²⁹
- 1.13 The Authority advised that the Uriarra settlement was considered separately to Pierces Creek, because Pierces Creek did not have the range of services and infrastructure available at Uriarra. The Non-Urban Study Steering Committee reported that a range of infrastructure and facilities still exists at the Uriarra settlement, including sewage treatment ponds, reticulated water supply, roads, a sports oval, playground, tennis courts, and original school buildings.³⁰

The Role of the Committee

- 1.14 It is the function of the Federal Parliament to participate in developing law and policy, to scrutinise government action and public administration and to inquire into matters of public interest on behalf of all Australians. A system of Federal parliamentary committees facilitates the work of the Parliament. A Resolution of Appointment, passed by the House of Representatives on 14 February 2002 and by the Senate on 15 February 2002, is the source of authority for the establishment and operations of the Joint Standing Committee

26 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

27 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

28 National Capital Authority, PowerPoint Presentation, 13 August 2004.

29 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 36.

30 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 76.

on the National Capital and External Territories.³¹ The Committee is appointed to inquire into and report to both Houses of Parliament, in an advisory role, on a range of matters.

- 1.15 Although the Committee was established in 1993, a Joint Standing Committee on the Australian Capital Territory has been appointed in each Parliament since 1956. In 1992, the Joint Standing Committee on the Australian Capital Territory changed its name to the Joint Standing Committee on the National Capital, to emphasise the significant change in the focus of the Committee's work which occurred following the introduction of self-government in the ACT in 1989. At the beginning of the 37th Parliament in 1993, the Committee changed its name to reflect its additional focus on Australia's external territories – inquiries for which were previously dealt with by other Committees.
- 1.16 Since 1993, the Committee has produced nine reports in relation to the national capital:
- *City Hill: Review of the draft master plan*, August 1993;
 - *Report on the proposal for pay parking in the Parliamentary Zone*, June 1994;
 - *King George V Memorial*, May 1995;
 - *Draft Amendment no. 12 (Russell) of the National Capital Plan*, May 1995;
 - *Draft Amendment no. 14 (Broadacre areas) to the National Capital Plan*, October 1995;
 - *A right to protest*, May 1997;
 - *Striking the right balance: Draft Amendment 39 National Capital Plan*, October 2002;
 - *Not a town centre: The proposal for pay parking in the Parliamentary Zone*, October 2003; and
 - *A national capital, a place to live: Inquiry into the role of the National Capital Authority*, July 2004.
- 1.17 The Committee is not involved with the detailed planning and development of the ACT. The Committee is concerned only with
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31 By convention, where the Resolution of Appointment is silent, joint committees follow Senate committee procedures to the extent that such procedures differ from those of the House.

issues relating to the significance of Canberra as the National Capital. However, increasingly the Committee is being called upon to mediate when the aspirations of an evolving city and community conflict with the need to safeguard and enhance the nation's capital. In doing so, the Committee hopes to strike the right balance between these sometimes competing positions.

Conduct of the Inquiry

- 1.18 The opportunity for former residents of the Uriarra settlement to return home has recently been set in motion with the approval by Parliament of Amendment 34 to the National Capital Plan. Amendment 34 alters the land use policy for the site of the Uriarra Forestry Settlement from "Mountains and Bushland" to "Rural", thereby enabling the ACT Government to consider a variety of land management options for the residential settlement to continue. However, the future of the small, historic community of Pierces Creek remains clouded.
- 1.19 On 25 June 2004, the ACT Government requested that the National Capital Authority draft an amendment to the National Capital Plan to enable similar redevelopment and expansion of Pierces Creek.³² The Authority refused to support such an amendment.³³
- 1.20 In light of the positive outcome for Uriarra residents, with the news that all statutory processes had been completed for Amendment 34, the Committee resolved to examine why the same opportunity to return home was not being afforded to the former residents of the Pierces Creek settlement.
- 1.21 The Annual Report of the National Capital Authority for 2002-03 was tabled in the House of Representatives on 4 November 2003 and stands referred to the Committee for inquiry if the Committee so wishes. Accordingly, on 4 August 2004 the Committee resolved to extend its review of the Annual Report of the National Capital Authority to conduct an inquiry and report on the role of the National

32 ACT Government, Submissions, p. 3.

33 The National Capital Authority considered the ACT Government's request at a meeting on 30 June 2004 and declined to propose an amendment to the National Capital Plan, noting that the settlement could be re-established to the same limited extent that existed prior to the fires.

Capital Authority in determining the extent of redevelopment of the Pierces Creek settlement in the ACT.

- 1.22 Public hearings for the inquiry were advertised in *The Canberra Times* and media releases were issued to relevant sections of the media. 8 submissions and 4 exhibits were received to the inquiry and these are listed at Appendix A and Appendix B respectively. 16 witnesses gave evidence during two public hearings conducted in Canberra on 11 August 2004 and 13 August 2004. A list of the witnesses and organisations represented at these hearings is at Appendix C.

Structure of the Report

- 1.23 The Committee's report is divided into three chapters:
- Chapter Two examines the issues which have led to the ACT Government and the National Capital Authority reaching a deadlock on the issue of redevelopment of the Pierces Creek settlement. In particular, how will any decision impact on:
 - ⇒ the residents – moral obligation to allow them to go home;
 - ⇒ the National Capital Open Space System and protection of the values it promotes;
 - ⇒ the ACT Government – which believes it is not sustainable economically or socially to rebuild the settlement as it was; and
 - ⇒ the susceptibility of any redeveloped settlements to future bushfires.
 - Chapter Three looks at the Committee's views on the options being considered for the Pierces Creek settlement, and outlines the Committee's views on the future of the settlement. The options considered for the settlement included:
 - ⇒ Do Nothing
 - ⇒ Demolition
 - ⇒ Rebuild exactly as was
 - ⇒ Revitalise and expand

*Our House, was our castle and our keep
Our House, in the middle of our street
Our house, that was where we used to sleep.¹*

The Issues

- 2.1 The Committee recognises that there are a number of factors to be taken into consideration in determining the best solution for the Pierces Creek settlement. On the one hand, the Committee recognises that there is an undeniable moral obligation to allow the former residents of Pierces Creek to return home.² This obligation raises issues of cost for the ACT Government, which has a responsibility to the taxpayer and the wider ACT community. However, the Committee also has a duty to uphold the values and integrity of the National Capital Open Space System which, it has been argued, would be threatened by the kind development being proposed by the ACT Government.³

1 *Our House* by Madness.

2 This issue of a moral obligation to allow for the original residents to return was also raised by a number of people who participated in the inquiry. See, for example, Mrs Ruth Burgess, *Transcript of Evidence*, 13 August 2004, p. 6, and Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 18. See also Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 101.

3 See, for example, Powell, ACT Rural Lessees' Association, Submissions.

Moral obligation to residents

2.2 The Non-Urban Study Steering Committee stated that the moral obligation to allow for the return of those residents whose homes were destroyed in the bushfires is “extremely strong”.⁴ In its sustainability study for the Pierces Creek settlement, the Shaping Our Territory Working Group stated that one of the main aims of the study is “to enable the residents to go home and to do this in a way that meets community goals for financial and socially responsible solutions”.⁵ When residents from Pierces Creek appeared before the Committee and were asked for their views on how the village could be redeveloped in a financially viable manner, Mrs Ruth Burgess, stated that:

In a way, the moral obligation is so high that it overrides some of that.⁶

2.3 The residents of Pierces Creek made it clear to the Committee that they would like to see the settlement rebuilt as close as possible to its former self, but that their top priority was simply to return home. If doing so meant some expansion of the settlement, the residents recognised that, while things would be different, it was an outcome they could tolerate.⁷ The willingness of the residents to compromise on a modest expansion (most felt 50 houses would be too many) was largely due to the fact that a draft amendment to the National Capital Plan altering the land use would present an opportunity for residents to purchase their homes.⁸

2.4 While the residents have no particular expectations about the type of housing they would like to see re-established, Mrs Burgess, conveyed the residents’ hopes to “keep the general feel of the place the same”.⁹ She pointed out that prior to the fires, the Pierces Creek settlement was a stable community where people did not have to worry about

4 Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 101.

5 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek*, ACT Government Publishing Services, Canberra, p. iii.

6 Mrs Ruth Burgess, *Transcript of Evidence*, 13 August 2004, p. 6.

7 See, for example, Mrs Judith Reardon, *Transcript of Evidence*, 13 August 2004, p. 8.

8 Current and Former Residents of Pierces Creek Settlement, Submissions, p. 20.

9 Mrs Ruth Burgess, *Transcript of Evidence*, 13 August 2004, p. 3. See also, Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek*, ACT Government Publishing Services, Canberra, p. 26.

locking their doors.¹⁰ The residents also said they were approached with the option of moving to Uriarra, but Mrs Margaret Reardon responded that:

The lifestyles at Pierces Creek and Uriarra are totally different and always have been.¹¹

- 2.5 The ACT Rural Lessees' Association noted that the only justification for rebuilding the forestry settlements is "a legitimate compassion" for those who lost their homes in the January 2003 bushfires.¹² The Association argued that the ACT's plans for expansion are at odds with the major reason for redeveloping the settlement in the first place – the return of the displaced residents.¹³

Protecting the integrity of the National Capital Open Space System

*One of the greatest attractions is the nearness of spectacular mountain and river scenery. The preservation of the character of these areas is a principle against which all development should be measured...*¹⁴

- 2.6 One of the key objectives of the National Capital Plan, as supported by Parliament, is to protect the undeveloped hill tops and the open spaces which divide and give form to Canberra's urban areas.¹⁵ In his 1977 review of the role of the open space system for Canberra, Mr George Seddon argued that:

Canberra needs, deserves and can afford a generous open space system, and it should reserve open space for the future needs of a major metropolis. The system should be integrated, sometimes physically, always in terms of policy, management and design.¹⁶

10 Mrs Ruth Burgess, *Transcript of Evidence*, 13 August 2004, p. 3.

11 Mrs Margaret Reardon, *Transcript of Evidence*, 13 August 2004, p. 4.

12 Dr Tony Griffin, *Transcript of Evidence*, 13 August 2004, p. 25.

13 Dr Tony Griffin, *Transcript of Evidence*, 13 August 2004, p. 26.

14 National Capital Development Commission, 1964, *The Future Canberra*, Angus and Robertson, Canberra.

15 National Capital Authority, *Consolidated National Capital Plan*, February 2002, p. 5.

16 Seddon G., *An Open Space System for Canberra – A Policy Review*, National Capital Development Commission, Canberra, 1977.

2.7 Mr Tony Powell argued that in any consideration of options for the redevelopment of Pierces Creek, protection of the National Capital Open Space System should be paramount.¹⁷ Although he expressed much sympathy for the former residents of Pierces Creek, Mr Powell suggested that, if the National Capital Authority allowed rural residential development in the open space system, it would “start a process of destroying it”.¹⁸ Mr Powell stated that:

Unless you are going to junk the National Capital Open Space System and commit it to rural and residential development, which, from an environmental point of view, is the most unsustainable form of development that you can imagine, then unfortunately those people will have to be given accommodation that is not the same but in other respects might have advantages.¹⁹

The ACT Rural Lessees Association stated that it did not object to the former residents of the Pierces Creek settlement returning home but considered that the ACT Government’s proposals to expand the settlements were “misguided and potentially damaging to the integrity of the ACT”.²⁰

2.8 Mr Powell and the Rural Lessees Association raised concerns with the extent to which the settlements would continue to grow if redeveloped in accordance with the ACT Government’s proposals. Mr Powell described the Territory’s assertions that the villages would be finite settlements as “wholly misleading”.²¹ He added that the ACT Government would inevitably approach the Authority in the future with plans for further expansion if the settlements proved to be profitable.²² These sentiments were echoed by Dr Tony Griffin, who stated:

We believe that if the Uriarra and Pierces Creek proposals go ahead there will be mounting pressure to make them even larger and to develop more villages throughout rural Canberra...Starting to expand (Pierces Creek) will be the thin

17 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 21.

18 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 21.

19 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 18.

20 Mr Harold Adams, *Transcript of Evidence*, 13 August 2004, pp. 23-24.

21 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 16.

22 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 16.

edge of the wedge. Once that approval is given, who is to say when it will stop?²³

- 2.9 Mr Sandy Hollway described the ‘thin end of the wedge’ argument as “a complete furphy”.²⁴ He pointed out that the statutory processes provide the necessary checks and balances against this, and that ultimately, the Commonwealth powers would preclude it.²⁵ The ACT Government argued that a village of 50 houses at Pierces Creek “seems entirely appropriate and in keeping with the National Capital Open Space System”.²⁶ Whilst acknowledging that the proposed blocks for Pierces Creek are larger than urban blocks, the Territory refuted claims that the proposed village development is rural-residential development.²⁷
- 2.10 The ACT Government also argued that Pierces Creek was “virtually out of sight” and is not visible from the Parliamentary Zone.²⁸ Mr Hollway pointed out the irony of Canberra’s suburban sprawl being acceptable but 50 houses at Pierces Creek being open to question.²⁹ The National Capital Authority dismissed this view as:

...a simplistic understanding of the National Capital Open Space System and its importance to the landscape, setting and environmental value of the capital.³⁰

Issues of sustainability

- 2.11 As discussed in Chapter One, the Non-Urban Study’s final report, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT* made recommendations that the three settlements be re-established and expanded.³¹ These recommendations were accepted in-principle by the ACT Government, which asked that more detailed

23 Dr Tony Griffin, *Transcript of Evidence*, 13 August 2004, pp. 26-27.

24 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 7.

25 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 7. Section 26 of Act

26 ACT Government, Submissions, p. 13.

27 ACT Government, Submissions, p. 43.

28 ACT Government, Submissions, p. 12.

29 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p 7.

30 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p. 38.

31 Non-Urban Study Steering Committee, November 2003, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, pp. 246-247.

sustainability studies be completed.³² As a result, a series of sustainability studies were carried out by the Shaping Our Territory Working Group and a team of 15 experts, in consultation with government agencies and other stakeholders.³³ They were supported by members of the Shaping Our Territory Implementation Group.³⁴ Mr Hollway, who chaired the Working Group, emphasised that the studies:

...were not precooked to provide analysis to support pre-existing policy positions. They were a genuine effort to probe the issues.³⁵

2.12 The ACT Government adopted a three dimensional approach to the concept of sustainability, as set out in *People Place Prosperity: a Policy for Sustainability in the ACT* (2003):

- **People:** individuals and community
- **Place:** the natural and built environment that people live in and protect
- **Prosperity:** flourishing, thriving, successful community³⁶

This provides a framework in which policy options can be judged against social, environmental and economic factors.

Social Sustainability

2.13 The main features of social sustainability proposed by the ACT Government were summarised as follows:

- A vibrant social mix including returned and new residents.
- Robust spirit and enriched social capital.
- Mix of public and private housing.
- Subsidised rents where eligible for public housing.
- Ability to apply to purchase the house for public tenants.
- Improved self-reliant living in the ACT.
- New concepts for self-governance.
- Participation in volunteer bushfire brigade.
- Community development worker.

32 ACT Government, Submissions, p. 7.

33 ACT Government, Submissions, p. 16.

34 ACT Government, Submissions, p. 16.

35 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 4.

36 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 4.

- Provision of a flexible choice of rural/urban options for ACT homeowners which has never existed before.³⁷
- 2.14 The former residents of Pierces Creek have a different view to the ACT Government as to what constitutes a viable community. According to Mrs Burgess, a viable community develops over time and achieves stability, and is not determined by a formula based on statistics and socio-economic factors.³⁸ Mrs Judith Reardon also argued that the ACT Government's social sustainability policies should not determine the extent to which the settlement should be redeveloped. She noted that:

Pierces Creek was not representative of typical government housing. The community was stable, self-reliant and functioned with very little input from government agencies. The social mix should therefore not be used as an argument to determine the future size of Pierces Creek.³⁹

Financial Sustainability

- 2.15 The Non-Urban Study Steering Committee acknowledged that the cost of reconstruction of houses at Pierces Creek may be able to be partly offset by insurance payments.⁴⁰ However the Steering Committee noted that this would not offset the ongoing lack of facilities and services and the need for the Territory Government to provide services at a 'subsidised rate'.⁴¹
- 2.16 Mr Sandy Hollway noted that the idea behind redeveloping the three settlements "is to cover infrastructure and service costs but at the same time be responsible to the ratepayer and the community with a reasonable net revenue".⁴² This net revenue would cover the cost of the houses themselves as well as wider costs such as contingency for uncertainty and bushfire abatement.⁴³ ACT Chief Minister, Mr Jon Stanhope MLA, stated that the Government "could not justify

37 ACT Government, Submissions, p. 8.

38 See Pierces Creek Houses Matter, Letters to the Editor, *The Canberra Times*, 23 August 2004.

39 Mrs Judith Reardon, *Transcript of Evidence*, 13 August 2004, p. 2.

40 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 89.

41 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 89.

42 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 5.

43 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 5.

spending substantial amounts to re-build public housing without the prospect of any real returns on the investment”.⁴⁴

2.17 Table 2.1 which was provided by the ACT Government, shows that if the Territory’s proposal was to proceed, there would be net receipts of \$6.8m – which the ACT Government considers are “already low”.⁴⁵ If the National Capital Authority’s restrictions on redevelopment were to be applied, and Uriarra were to be redeveloped to 75 houses and Pierces Creek 13, the ACT Government advised that net receipts would drop to \$1m. If, as a result of the Authority’s restrictions, the ACT Government opted not to rebuild at all at Pierces Creek, the net receipts would be \$300,000.

Table 2.1 Estimated Fiscal Impacts of Village Redevelopment

Item	ACT Government Decision			Total ACT Govt	NCA Decision Version 1	NCA Decision Version 2
	<i>Stromlo</i>	<i>Uriarra</i>	<i>Pierces Creek</i>			
Site					<i>U = 75 PC = 13 S = 40</i>	<i>U = 75 PC = 0 S = 40</i>
Total No of blocks	40	100	50	190	128	115
No of blocks to Housing ACT	20	23	13	56	56	56
Net receipts from land development	\$2.1m	\$2.8m	\$1.9m	\$6.8m	\$1.0m	\$0.3m
Net fiscal impact	\$(3.9)m	\$0.8m	\$(1.6)m	\$(4.7)m	\$(8.7)m	\$(8.9)m

Notes: 1. Receipts from land sales less development costs for all blocks including Housing ACT blocks.
2. Net fiscal impact: village development compared to suburban development.
3. Figures in brackets () are a cost.

Source ACT Government Submission

2.18 The ACT Government stated that, if redevelopment of Pierces Creek was restricted to the pre-existing 13 houses, the Territory “felt unable to proceed with such an unsustainable proposition”.⁴⁶ Mr Hollway stated that:

44 Jon Stanhope MLA, Media Release, New ACT rural villages to be world class, 3 June 2004.

45 Mt Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 7.

46 ACT Government, Submissions, p. 14.

...any proposition to rebuild the villages only at their pre-existing scale without the capacity to generate revenue through some additional land sale and without the capacity to spread the infrastructure and service costs across a range of dwellings, not just a few, renders the proposition uneconomic.⁴⁷

Environmental Sustainability

Bushfire Risk Management

2.19 It was acknowledged by witnesses who appeared before the Committee that any redeveloped settlements would be at risk of damage by bushfires again. The Non-Urban Study Steering Committee also recognised the need for preventative measures to combat fires to be incorporated into any new settlement. The Steering Committee noted that:

It would be irresponsible to establish rural villages where fire risk is unacceptably high or without necessary fire precautions. Though existing villages have lived and coped with fire over the years, the tragedy of January 2003 obviously underlines the importance of this factor.⁴⁸

2.20 The Committee received evidence which suggested that there are significant ways in which a re-established Pierces Creek community could be better prepared for bushfires. Mr Powell, for example, suggested that the subdivision pattern, the construction of perimeter roads and the layout of houses and their associated landscaping could all be improved to protect a redeveloped settlement.⁴⁹

2.21 The ACT Government argued that the creation of an expanded village would be a net plus in terms of bushfire mitigation, largely due to the residents providing a point of firefighting capacity for all of the Territory.⁵⁰ Mr Hollway pointed out that residents had traditionally provided early warning and firefighting services for decades.⁵¹ The ACT Rural Lessees acknowledged that this would be true in the case of the returning residents but warned that urban dwellers who were

47 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 5.

48 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 80.

49 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 21.

50 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 5.

51 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 5.

relocating to the bush would not necessarily have the same desire to be involved in a volunteer bushfire brigade.⁵²

- 2.22 Regardless of the extent to which the Pierces Creek settlement is re-established, the Committee strongly supports the implementation of any measures being considered by the ACT Government which will help to mitigate bushfire impact on the settlement in the future. The Committee encourages the Federal Government to cooperate with the ACT authorities in bushfire mitigation measures for the future redevelopment of Pierces Creek.

52 Dr Tony Griffin, *Transcript of Evidence*, 13 August 2004, p. 29.

...it is one thing to decide whether or not to encourage new villages; another to decide whether or not to rebuild for those who lost their homes in existing villages. The first is a question of land use policy and there is no great human cost either way. The second, however, goes directly to the wellbeing of people who lost their homes in the fires.¹

The Options

- 3.1 In considering the future of the Pierces Creek settlement, the Shaping Our Territory Working Group examined a number of options. The options considered by the working group included:
- do nothing;
 - demolition of the settlement;
 - rebuild exactly as before; or
 - revitalise.²

Do nothing

- 3.2 Although theoretically it would be possible to do nothing with the Pierces Creek settlement, the Shaping Our Territory Working Group
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1 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 81.

2 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 147.

rightfully dismissed this option on compassionate grounds.³ The Non-Urban Study Steering Committee emphasised that it is important that the needs and aspirations of previous residents are sympathetically considered.⁴

- 3.3 The Shaping Our Territory Working Group also considered that such a move would be impractical given that one house which was not destroyed by the bushfires remains inhabited, and limited infrastructure items still exist.⁵ Ms Angelie Cheshire's submission encapsulated the former residents' views:

To be forgotten and neglected to the point that there would hardly be a trace this settlement even existed, would be a terrible loss and a shameful mistake.⁶

Demolition of the settlement

- 3.4 This option was also discarded by the Shaping Our Territory Working Group on similar grounds. The working group acknowledged that a policy of relocation, demolition and removal of the villages would be "unconscionable in social policy terms".⁷ The ACT Government also acknowledged that it would incur a number of costs which it would not be able to recover.⁸ Given the history of the settlement, the Committee agrees that the demolition of the Pierces Creek settlement would be unacceptable.

Rebuild exactly as before

- 3.5 The Shaping Our Territory Working Group acknowledged that this option was seriously considered, as it was – in the short term at least – "possibly the 'easiest' solution".⁹ However, the working group stated that this option was not considered feasible because:

3 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 11.

4 Non-Urban Study Steering Committee, August 2003, *Shaping Our Territory, Options and Opportunities for Non-Urban ACT*, ACT Government Publishing Services, Canberra, p. 89.

5 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 11.

6 Cheshire, Submissions, p. 26.

7 Mr Sandy Hollway, *Transcript of Evidence*, 11 August 2004, p. 3.

8 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 11.

9 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 11.

- It would comprise only 13 households, all of which would be (at least initially) Housing ACT tenants. Experience, in Canberra and elsewhere, shows that an enclave of public housing can lead to socially undesirable outcomes. A “pepper and salt” approach of mixing public housing with non public housing has been proven to be far more effective.
- The infrastructure reinstatement and upgrading costs, and the long term services provision costs would be too high for such a small number of dwellings.¹⁰

3.6 The Committee heard evidence from a number of witnesses that there is nothing legally preventing the ACT Government from proceeding with this option. As Mr Tony Powell suggested, this would meet the requirements of the former residents who want their environment to be re-established as closely as possible to what it was prior to the fires and for this to happen as soon as possible.¹¹ Ms Annabelle Pegrum, Chief Executive of the National Capital Authority, stated:

I have to say that the economic position that is put out is still one of choice. Mr Hollway himself is cited in the *Canberra Times*, after appearing before the committee, as saying that meeting the proposal for Pierces Creek that the authority has said is legally permissible now—that is, the 13 houses—would net revenue of only \$1 million for the territory. That is hardly a loss.¹²

Revitalise

3.7 The option which was recommended by the Shaping Our Territory Working Group and ultimately adopted by the ACT Government was for redevelopment and expansion of Pierces Creek, from 13 dwellings to 50. The ACT Chief Minister, Mr Jon Stanhope MLA, acknowledged that the Government was faced with some difficult options, but that essentially, the Government supported the option that “combined economic responsibility with the desire for a rural lifestyle and the need to look after our public housing tenants”.¹³ However, the refusal of the National Capital Authority to support the ACT Government’s

10 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek Settlement*, ACT Government Publishing Services, Canberra, p. 11.

11 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 14.

12 Ms Annabelle Pegrum, *Transcript of Evidence*, 13 August 2004, p 38.

13 Jon Stanhope MLA, Media Release, New ACT rural villages to be world class, 3 June 2004.

proposal with regard to Pierces Creek has meant that the ACT Government has been unable to proceed with its plans for the re-establishment and expansion of the settlement.¹⁴

The Committee's Views

- 3.8 The Committee's reasoning for undertaking this particular inquiry was the news that Draft Amendment 34 to the National Capital Plan was to be approved, thereby facilitating an opportunity for Uriarra residents whose homes were destroyed in the bushfires to return home.¹⁵ The Committee sought to understand why this same opportunity was not being afforded to the residents of Pierces Creek. It was put to the Committee that while the National Capital Authority and the ACT Government have been deadlocked over the future of the Pierces Creek settlement, the plight of the residents has been forgotten.¹⁶
- 3.9 The Committee believes that while there are different options being considered for the Pierces Creek settlement, the return of the residents must be the first priority and the bushfires should not be used to determine the future for these residents. The residents have indicated that they simply want an opportunity to return to what they had before the bushfire destroyed their settlement.
- 3.10 The Committee notes the ACT Government's concern that an enclave of public housing will lead to socially undesirable outcomes. However, the Committee has received no evidence whatsoever to suggest that the Pierces Creek settlement prior to the bushfires exhibited any manifestations of socially undesirable outcomes. In fact, quite the contrary, the Pierces Creek settlement appears to have been a socially cohesive and viable community.
- 3.11 The ACT Government is concerned that re-establishing the community as it was would present an economic burden. The ACT Government has a responsibility to the Territory taxpayer and is understandably looking for an option that is financially viable. The Territory has therefore presented a case for the expansion of Pierces Creek from 13 dwellings to 50 dwellings. A comprehensive suite of

14 See ACT Government, Submissions, p. 13.

15 Draft Amendment 34 was tabled in the Senate on 4 August 2004.

16 Mr Tony Powell, *Transcript of Evidence*, 13 August 2004, p. 20.

studies have been conducted which support the ACT Government's position for a sustainable settlement into the future.¹⁷

- 3.12 The Committee is sympathetic to the ACT Government's desire to pursue economically sustainable outcomes. However, the reality is that the unique situation which exists in the ACT means that any substantial expansion of Pierces Creek would defy the long-standing safeguards in place to protect the National Capital Open Space System which gives Canberra its 'bush capital' character. The Committee sees itself as an elected group, representative of the Parliament, with the role of influencing the purist planning tendencies of the National Capital Authority in the development of Canberra as the national capital. In this regard, the Committee notes the view of its predecessor, the Joint Committee on the National Capital, which outlined its commitment to preservation of the open space system:

The Committee is committed to the continued existence of what most people believe is the essential character of the national capital, a bush capital where the open spaces will be protected as the population continues to grow.¹⁸

- 3.13 Expansion of the settlement to the extent being proposed by the Territory would not only see residents returning to new 'homes', but to a whole new community with a different dynamic. In the view of the Committee, the interests of the affected residents – which should be at the forefront of any considerations for the settlement – would be compromised by this course of action. The Committee therefore does not agree that a re-established settlement needs to be to the level of 50 houses, as proposed by the ACT Government.
- 3.14 The Committee's view is that there should essentially be two objectives regarding the Pierces Creek settlement. One, of utmost priority, is the return of the original residents to the settlement. Equally important, however, is the preservation of the National Capital Open Space System. In the Committee's view these are not mutually exclusive of each other. The return of the original residents could potentially be facilitated by the ACT Government rebuilding

17 All reports of the Shaping Our Territory Working Group and the Non-Urban Study Steering Committee are available from the Shaping Our Territory Implementation Group website: <http://www.cmd.act.gov.au/nonurban/index.asp>

18 Joint Committee on the National Capital, 1992, *Our Bush Capital – Protecting and Managing the National Capital's Open Spaces*, Australian Government Publishing Service, Canberra, p. xvii.

the exact number of public housing that existed before the fires. However, the ACT Government has decided it will not do this.¹⁹

- 3.15 One course of action that may provide incentive for the ACT Government to consider facilitating the return of the original residents, without substantial expansion, is if those who had the means to were given the opportunity to purchase their houses. The Shaping our Territory working group acknowledged that some residents had been trying to purchase their homes for 20 years previously.²⁰ However, the ACT Government pointed out that legal home ownership would require statutory changes to the National Capital Plan and Territory Plan, without which the residents' aspirations could never be realised.²¹ This was also conveyed in submissions from the residents:

Some of us really want to buy our homes out there – we do not want to be involved with Housing (ACT) – but we have no hope because of the land problem and who it belongs to. Getting that through would be our main aim.²²

- 3.16 The Committee believes there is scope for the Authority to explore the opportunity to propose a prescriptive draft amendment to the National Capital Plan which changes the land use to provide a means for residents to lease or buy their homes, if desired. The re-established settlement would then involve a mix of rental and ownership, which may necessitate a small increase in the number of houses to be established at the settlement. This would help to achieve the 'pepper and salt' approach which the ACT Government argued will deliver better social outcomes. However, any expansion should be done in the context of the principle of the National Capital Open Space System and the settlement should be kept as small as practicable. The Committee is aware of concerns that the ACT Government would seek to further expand the settlement in the future. However, the potential for the ACT Government to undertake development which would undermine the integrity of the National Capital Open Space System is addressed by Section 26 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).²³ This section requires

19 Jon Stanhope MLA, Media Release, [New ACT rural villages to be world class](#), 3 June 2004.

20 Shaping Our Territory Working Group, May 2004, *Shaping Our Territory, Sustainability Study: Pierces Creek*, ACT Government Publishing Services, Canberra, p. 26.

21 ACT Government, Submissions, p. 42.

22 Mrs Margaret Reardon, *Transcript of Evidence*, 13 August 2004, p. 5.

23 Section 26, *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

that the Territory Plan not be inconsistent with the National Capital Plan.

- 3.17 The Committee is not best placed to provide advice as to what would be an appropriate number of houses for the re-established settlement. The Committee believes that this should be negotiated between the National Capital Authority and the ACT planning authorities.
- 3.18 The Committee is also concerned that the returning occupants of public housing may be encouraged to convert their leases and sell in order to achieve a capital gain, which would go against the justification for re-establishing the settlement in the first place. The Committee therefore believes there should be a caveat which prevents returning residents from selling for a minimum period of five years.

Recommendation 1

That the National Capital Authority negotiate with the relevant ACT Government authorities to facilitate the return of the original residents of the Pierces Creek Forestry Settlement as soon as possible; and further, that:

- **the number of houses to be rebuilt at the settlement remain as small as practicable; and**
- **the original residents, if eligible, be given the opportunity to purchase their houses.**

- 3.19 Given the emphasis that has been placed on facilitating the return of the residents who were displaced by the bushfires, the Committee does not wish to see these residents endure any more uncertainty over their futures while the bureaucracies try to settle on the best way forward. The Committee therefore requests that the National Capital Authority report back to the Committee with an update as to how implementation of the aforementioned recommendation is progressing.

Recommendation 2

That the National Capital Authority report back to the Committee in December 2004 with an update as to how the implementation of Recommendation 1 is progressing.

**Senator Ross Lightfoot
Chairman**



Appendix A: List of Submissions

1. ACT Government
2. Current and Former Residents of Pierces Creek settlement
3. Ms Angelie Cheshire
4. Ms Natalie Meredith
5. Mr Patrick Lecocguen
6. Mrs Mary Hayes
7. ACT Bushfire Recovery Taskforce
8. ACT Rural Lessees' Association
9. ACT Government (Supplementary)



Appendix B: List of Exhibits

1. ACT Department of Health, Housing and Community Care (2001), *Meet you at the R.M.B: A report on a study undertaken by ACT Housing to assess the indicative heritage values of its rural housing stock*, ACT Housing, Belconnen.
2. Letter, Mr Tony Powell to Ms Annabelle Pegrum, Chief Executive, National Capital Authority, 7 June 2004, re ACT Forestry Settlements – Rural/Residential Development.
3. Minutes, ACT Planning and Land Council Meeting Nos. 4, 11 and 13.
4. Background of rural villages issue, provided by National Capital Authority.
5. Copy of PowerPoint presentation by National Capital Authority on 13 August 2004.



Appendix C: Witnesses appearing at public hearings

**Canberra
Wednesday, 11 August 2004**

ACT Government

Mr Tony Adams, Consultant

Mr Sandy Hollway, Chair – Shaping Our Territory Working Group, ACT Chief Minister’s Department

Mr Greg Martin, Consultant

Ms Jocelyn Plovits, Senior Manager – Shaping Our Territory Implementation Group, ACT Chief Minister’s Department

Mr George Tomlins, Executive Director – Shaping Our Territory Implementation Group, ACT Chief Minister’s Department

Mr David Trebeck, Principal Consultant

**Canberra
Friday, 13 August 2004**

Individuals (representing current and former residents of the Pierces Creek settlement)

Mrs Ruth Burgess

Mr Troy Meredith

Mrs Judith Reardon

Mrs Margaret Reardon

Individuals (private capacity)

Mr Tony Powell

ACT Rural Lessees' Association

Mr Harold Adams, President

Dr Tony Griffin, Vice-President

National Capital Authority

Ms Annabelle Pegrum, Chief Executive

Mr Ted Schultheis, Principal Planner – National Capital Plan

Mr Graham Scott-Bohanna, Managing Director Design