



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
AND EXTERNAL TERRITORIES

Reference: Redevelopment of the Pierces Creek Settlement in the ACT

FRIDAY, 13 AUGUST 2004

CANBERRA

CONDITIONS OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the committee. It is made available under the condition that it is recognised as such.

BY AUTHORITY OF THE PARLIAMENT

[PROOF COPY]

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:
<http://parlinfoweb.aph.gov.au>

JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Friday, 13 August 2004

Members: Senator Lightfoot (*Chair*), Senator Crossin (*Deputy Chair*), Senators Hogg, Lundy, Scullion and Stott Despoja and Mr Causley, Ms Ellis, Mr Neville, Mr Snowden, Mr Cameron Thompson and Dr Washer

Senators and members in attendance: Senators Hogg, Lightfoot and Lundy and Mr Causley, Ms Ellis and Mr Cameron Thompson

Terms of reference for the inquiry:

To inquire into and report on:

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

WITNESSES

ADAMS, Mr Harold John Parker, President, Australian Capital Territory Rural Lessees Association.....	23
BURGESS, Mrs Ruth, (Private capacity)	1
GRIFFIN, Dr Anthony William, Vice-President, Australian Capital Territory Rural Lessees Association.....	23
MEREDITH, Mr Troy, (Private capacity)	1
PEGRUM, Ms Annabelle, Chief Executive, National Capital Authority.....	33
POWELL, Mr Tony, (Private capacity).....	14
REARDON, Mrs Judith Maree, (Private capacity)	1
REARDON, Mrs Margaret Anne, (Private capacity).....	1
SCHULTHEIS, Mr Ted, Principal Planner, National Capital Plan, National Capital Authority.....	33
SCOTT-BOHANNA, Mr Graham, Managing Director, Design, National Capital Authority.....	33

Committee met at 9.37 a.m.

BURGESS, Mrs Ruth, (Private capacity)

MEREDITH, Mr Troy, (Private capacity)

REARDON, Mrs Judith Maree, (Private capacity)

REARDON, Mrs Margaret Anne, (Private capacity)

CHAIRMAN—I declare open this second public hearing of the Joint Standing Committee on the National Capital and External Territories inquiry into the role of the National Capital Authority in relation to the redevelopment of Pierces Creek in the ACT. 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 Australian Capital Territory.

The first public hearing, involving Mr Sandy Hollway and the ACT government, was held on Wednesday, 11 August 2004. At the conclusion of the inquiry, the committee will report its findings and recommendations to the parliament. I welcome the witnesses from Pierces Creek. Do you have any comments to make on the capacity in which you appear?

Mrs J. Reardon—I am the daughter of John and Margaret Reardon, who were residents of Pierces Creek.

Mrs Burgess—My father also lived at Pierces Creek.

Mrs M. Reardon—I lived at Pierces Creek for 30 years.

CHAIRMAN—Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. I will amplify that. There may be some evidence you would like to give which, because this is a public hearing, you think should be given in private. It may be that it is embarrassing; it may be evidence you are not quite sure of; it may be evidence you believe may lead to some action being taken against you—and let me assure you that it cannot, as you are free from that when you are before this committee—but that it is what it is for. If you wish to give some evidence in confidence, the committee will consider it. We are very sympathetic. Before we ask you some questions, do you wish to make an opening statement, Mrs Reardon?

Mrs J Reardon—We would like to thank you for the opportunity to appear before the committee. This has been a long and frustrating process for all of the Pierces Creek community, and it is our hope that the sooner we can all reach a workable solution the sooner we—the residents of Pierces Creek—can begin our own recovery process. It is our understanding that the NCA has no objection to rebuilding the original 12 homes destroyed by the January fires. We hope that appearing in front of this committee will expedite this decision. We also hope that our presence here, along with our accompanying documentation, demonstrates to the committee that Pierces Creek was a capable and stable community. We understand that the bureaucratic process involved is complex; however, we hope that a decision here will enable all the relevant parties to reach the level of compromise needed for the Pierces Creek residents to return to their homes.

As former residents of Pierces Creek we remain committed to staying together and believe that our links to the history of the area and our detailed knowledge of the surrounding forests will enhance any new development. The original settlement of Pierces Creek provided a greater source of knowledge and services than was ever recognised in the ACT. Anyone who has ever lived there has at one time or another provided assistance to nonresidents in the area. Whether it was giving directions to a lost jogger, rescuing a bogged vehicle or putting out a small fire, we all provided a valuable service. We agree that the surrounding land must be accessible to everyone and believe that Pierces Creek is an ideal gateway to the forest. It is vital to us that our community is kept together. Despite our temporary distance, we have the same determination to rebuild our homes and to ensure that all the families have equal opportunity to return. Whilst we understand that things will never be the same as they were, there are two elements that we ask remain unchanged: that our lifestyles remain the same and that we are given the opportunity to return to the same housing sites that we had before the fires.

There has been much talk about the need for a more diversified social mix of residents in any development at the Pierces Creek settlement. 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. Pierces Creek was our community; it was not some backwater that drained the resources of the ACT. The men who lived there were employed by Forestry, and together for many years they kept the ACT free from fires. They achieved this by spending the winter months maintaining the forest while the summer months were spent physically fighting bushfires. The past 15 years have been difficult for this community: they have watched their resources slowly dwindle; their knowledge and warnings were ignored; and it is a sad irony that their predictions eventuated into what have become known as the ACT bushfires. The forest is not just a thing to these men; it is their life's work.

The wives of forestry workers are central to their immediate community. As well as being heavily involved in the children's school and sporting activities, it is they who have organised bushwalks for the kids and picnics for the settlement families. They have a strong community spirit and are responsible for most tasks during the long firefighting months, when their partners are either on standby or fighting fires. It was also they who were expected to protect the houses if a fire were to break through the containment lines and approach the settlement. For the children of these families, living at Pierces Creek is an ideal childhood. There is a freedom in growing up in that environment that cannot be found in an urban setting. The forest is their backyard, and not only the current children of Pierces Creek but generations of children have utilised the forest as their playground.

There was and still is a strong bond between all the families who resided at Pierces Creek. At no time would we have believed that it could be considered otherwise. We are still hopeful that an appropriate proposal will eventuate and wish to emphasise that we believe that we can bring both cultural depth and history to the settlement known as Pierces Creek. We feel it is important for all committees to acknowledge that not everything needs to be changed because of the fires. While planning and new developments are inevitable, it is important that great things are retained—and our home, Pierces Creek, was one of them.

CHAIRMAN—Thank you very much. Do any of the other ladies wish to make a statement?

Mrs Burgess—No.

CHAIRMAN—Firstly, I would like to say how much I enjoyed your contribution. It was excellently put together. You painted a wonderful word picture of Pierces Creek. Because we called this inquiry at the initiative of Ms Ellis rather quickly—only a few days ago—I have not had the chance to get out and see Pierces Creek. I hope to do it this afternoon if some of my colleagues on the Senate are kind enough to let me finish today. What services are at Pierces Creek, such as schools, shops, transport, sealed roads and footpaths? Can you give us an idea of the sorts of services that exist there and those that you would like to see that do not, perhaps?

Mrs Burgess—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. It is a fairly rural setting. There is one remaining house, which has power, phone, a daily mail run, garbage and school bus.

CHAIRMAN—If the town or settlement, if I could refer to it as that, were to be rebuilt, what does your group think is the ideal number of houses to be rebuilt? Is it the 12 of the 13 or is it more? If it is 12 of the 13, you might care to take on board what you would do with your children and grandchildren who may wish to reside in the same environment that you and their grandmother did and so on. Perhaps you could elaborate on that as well.

Mrs Burgess—The focus after the fires was always to just put the 12 back. That was our main objective. Most people can also see the advantages of some expansion. Most people also believe that 50 is too many. We really had hoped to keep the general feel of the place the same. Because everybody who lived there had been there for so long, it was very stable. People did not lock their doors. You could just let the kids run all over the place. There were no security concerns or anything like that.

Mrs J. Reardon—In terms of that generational aspect that you are talking about, that has actually been happening over the decades. There are current residents of Pierces Creek who did grow up there. So just with that limited amount of housing, that seems to have been the case to date. People have been able to go back.

CHAIRMAN—So you are saying that accommodation so far over the life of Pierces Creek has been found for those children of residents who wish to remain on and become residents themselves?

Mrs J. Reardon—Yes, they have.

CHAIRMAN—Is there going to be an imbalance?

Mrs J. Reardon—There has not been to date. There is not an imbalance to date. I do not know what the numbers of residents who were children at Pierces Creek is.

Mrs M. Reardon—We are ready to compromise with the other homes, but I think it has been lost in everything why we are here in the first place. We lost our homes in the fires. We want to go back. It is the only way we can heal. We are being told it will be 10 to 12 years before we can go back. For someone my age—and we have a 78-year-old man who is living in a shearer's hut because he does not want to live in town—it is just not right with the mix and that. We are willing to compromise but I think around 30 houses would be ideal. But 10 or 12 years time is just beyond our comprehension.

Mrs J. Reardon—The fear also for us is that the proposal of a larger development is actually preventing the residents from going back to their homes. It is that time line. Because it seems to be getting longer, the fear is that it is being proposed that it will take 12 years to do that. So I guess we are worried that by proposing those bigger numbers will mean we cannot get back there sooner.

CHAIRMAN—Have you thought that by making it a more practical figure you may be able to get back there quicker?

Mrs J. Reardon—Nobody is saying that to us. Everybody is saying that it is going to take longer. If that were the case it would be fantastic.

CHAIRMAN—I note Mrs Margaret Riordan's comment that 10 to 12 years is just too long. Could you tell the committee what progress, if any, has been made on rebuilding your settlement?

Mrs J. Reardon—None.

Mrs M. Reardon—We were told, last week, that we could go to Uriarra.

CHAIRMAN—Yes, but you do not want to go to Uriarra.

Mrs M. Reardon—The lifestyles at Pierces Creek and Uriarra are totally different and always have been.

CHAIRMAN—Yes, and if the recommendation of this committee is taken up there will be 75 homes at Uriarra.

Mrs Burgess—For us, a reasonable solution would be to put the 12 back, because from a planning point of view they can go back much quicker than through the draft amendment process. They could go back while this negotiation continues. I think the minimum amount of time they were look at for Pierces Creek was up to the end of 2006—and that was if the formal process had already begun. Even that is four years from the time of the fire.

CHAIRMAN—Were all the homes there timber framed or were they built of brick?

Mrs Burgess—They were all timber homes.

Mrs M. Reardon—I have a book here with all the homes' photos in it. Would you like to have a look at that?

CHAIRMAN—Would you kind enough to leave that with the committee? We can copy it and let you have it back, Mrs Riordan.

Mrs M. Reardon—Please, I do want it back. It is all I have.

CHAIRMAN—What is the title?

Mrs M. Reardon—It is *Meet You at the R.M.B.* The Department of Health, Housing and Community Care put it out. It is by Kathy Binns and Janet Heap.

CHAIRMAN—Is there a year on that?

Mrs M. Reardon—The year is 2001.

CHAIRMAN—We will table that document. Are you saying that you are quite happy with the dirt roads, the unformed footpaths, the fact that there are no gutters, the overhead wires, that fact that there are no shops and that you can leave your homes open?

Mrs J. Reardon—Yes, that is what makes it.

CHAIRMAN—Is there anyone who is a resident who is not happy with that?

Mrs J. Reardon—No. I have never heard anybody say that they are not happy with that. That is what makes it what it is. That is what makes that idyllic childhood. Those are the things that make it different from living in town.

CHAIRMAN—Who has been in touch with you to see whether you are okay, what your views are, whether you want it rebuilt and what you want, if anything?

Mrs M. Reardon—We have had meeting after meeting.

Mrs Burgess—We have. We have gone to everyone we can think of.

Mrs J. Reardon—There is a task force.

Mrs Burgess—They did consult with us and they took what we said into consideration, to a point.

Mrs M. Reardon—They did a really good job but we are concerned about the time factor. Some of us really want to buy our homes out there—we do not want to be involved with housing—but we have no hope because of the land problem and who it belongs to. Getting that through would be our main aim.

CHAIRMAN—To get your own homes on the same land that you have occupied?

Mrs M. Reardon—Yes.

CHAIRMAN—Which is the oldest family and how long have they been here?

Mrs Burgess—Dad would have been there the longest.

CHAIRMAN—How long would that have been, Ms Burgess?

Mrs Burgess—I think he came in the forties or fifties.

CHAIRMAN—In the forties. Wow! I have taken up so much time; I apologise about that. My sympathy is with you. I am sure the committee's is as well. I trust we can do something about it.

Ms ELLIS—Thank you for coming in this morning. Our committee saw this as a very valuable way of hearing the story in what appears to be, at the moment, a dangerously intractable situation. Nobody on the committee, including me, is happy to see an intractable situation where we have two sides of 'government'—for want of a better term—with completely opposing views. I want to ask what is probably the most difficult question. We need to somehow flesh this out and get a clear understanding. We got very strong evidence two days ago from the ACT government submission that, very carefully and over a long period, massive amounts of studies are being done. You are not saying this, but we need to clarify this. I do not think it would be fair to give any indication that the ACT has not been keen to return people to their homes as best they can. The problem with the villages was how to economically do that, given the terrible destruction that occurred. I think we all agree on that.

The studies done that have been presented to this committee have indicated that, to afford to do one thing, you may need to expand the village—which you obviously understand. The position the committee finds itself in is that, on the one hand, we have the ACT government saying they can return the village but under their formula of growth and, on the other hand, we have the NCA saying, 'Absolutely no growth.' Personally, I do not believe that is a sustainable argument. We then come down to what you are saying to us this morning, which is: some growth but, in the meantime, build your houses and debate the other. I will be devil's advocate: how can that be done if the finance of the expansion is to be used to assist the reconstruction and redevelopment of the village in the first place? That is a difficult thing. We have to deal with the practicalities of government—boring as that may sound. How can it be done on, more or less, a promise? How can we make the decision to rebuild the 12 houses and all the infrastructure and redevelopment that has to be done but continue to discuss the financial viability of size that will support that? Do you have a view about that?

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

Ms ELLIS—I understand that.

Mrs Burgess—When you look at what these people have contributed to the ACT in the past and the fact that nobody came on the day, and also at the ownership of the community—I know that, in theory, they were ACT Housing houses, but ACT Housing had a policy of not

maintaining them. Therefore, they were owned by the community. I think also that the developments at Uriarra and Stromlo are going to be a little more profitable—I know the government has been a little conservative with its estimates—and I do not see why that expansion should not help to pay the 12 to go back to Pierces Creek. Also, the government received some insurance money from the houses that burnt down—

Ms ELLIS—I am aware of that.

Mrs Burgess—and I do not think that ACT Housing paid a great deal for them—if anything at all—when they came from Forestry.

Ms ELLIS—I am aware of that.

Mrs J. Reardon—If some of those houses are privately sold back to the residents, is that a way of establishing some revenue? If you are going to nominate some of those homes for private sale to these residents of Pierces Creek, is that some sort of financial—

Ms ELLIS—It may well be. I am not going to pretend to be the economic analyst of all this, because I am not. I would have to offer the opinion, for what it is worth, that with the money that would be involved in developing 12 new houses plus refurbishment, if necessary, of the 13th house—if that is all that is done—I do not know that anybody could afford to buy them. I do not want to get into that, because that is not really the argument. The other argument I do not want to get into at the moment either, because I do not think it is useful here—but it does have some standing in the general question—is about what happened on the day and the moral obligation of who should have done what. We have heard that in another committee. Important as it is—and it is not a separate issue—I think you understand that, as much as I see it as part of the picture, we are not here to discuss it. You can take as understood the moral obligation of returning people to their homes. There is no question about that. What we are trying to do as a committee is recommend some way between all of this.

To be quite frank, if we follow the NCA's suggested course, I would not hold out much hope for any rebuilding at Pierces Creek. Let me be blunt: whether I agree with it or not, that is the practicality of what I see happening. Now, that is not right, because you have every right to return to your homes. We have to find a way for that happen. The ACT government believe they have found a way. It seems to me that the only disagreement, and correct me if I am wrong, is the time in which they are suggesting it be done, as your submission says and as you have just said orally—a 10- to 12-year time frame which I have never heard of. Can you share with the committee where that came from? Who has said it is going to take 10 to 12 years? That was not given to us two days ago in this committee. Where did that come from? If that is the case, it is outrageous and we will find out.

Mrs J. Reardon—Which one was it?

Mrs M. Reardon—Apparently it was brought up that draft 34 would have to go through before it could be done.

Ms ELLIS—That is Uriarra?

Mrs M. Reardon—Yes. I think it was Sandy Hollway, wasn't it, Ruth—in passing?

Mrs Burgess—No, he did not actually say it; he was referring to the—

Ms ELLIS—Because I am going to have to leave for five minutes, can I suggest that the committee secretariat speaks with other witnesses in an attempt to establish the actual time frame proposed—should there be an agreement today on how Pierces Creek will be done, to everybody's satisfaction and as best we can? We heard the time frame for Uriarra two days ago, and my understanding was completion and everybody in by late 2005, early 2006.

Mrs Burgess—That is right.

Ms ELLIS—I cannot see much difference in a time frame for Pierces Creek, frankly, once an agreement and a DA has been done.

Mrs M. Reardon—They will not agree, because we are still in the middle—

Ms ELLIS—I understand that. That is why we are having this very inquiry—to try to find a way through this.

Mrs M. Reardon—We are hearing all these things, that it will get done et cetera, but we are in the middle and we can do nothing.

Ms ELLIS—I am going to have to go or I will get the sack, but I want to ask the hardest question of all. If the ACT government retain their view on all of the economic grounds they have put up and if the NCA retain their view and, for argument's sake, if we decide as a community—and I am not pre-empting this because I have no idea what we will do—that, for the sake of Pierces Creek to go home, to side with the ACT because there is either 'that' or 'that', would that mean that you guys would not be interested in going back?

Mrs J. Reardon—No. I do not think anybody here—

Mrs M. Reardon—What are you going to say if you do?

Ms ELLIS—I know you do not want to go back to a village of 50 when you had a village of 13, but I also think you realise that there needs to be some hard decision making in this process.

Mrs J. Reardon—Yes, absolutely.

Mrs M. Reardon—We are all prepared for the extra homes.

Mrs J. Reardon—Yes, everybody is ready for that, if that is the outcome of it. Nobody is saying that they will not go back or will not support it.

Mr CAUSLEY—I am a bush boy. I come from a village like yours and I know plenty of them, and I am just amazed sitting here listening to some of this, to be honest with you. I assume that this was a forestry village built by either the ACT or Forestry?

Mrs J. Reardon—Yes, it was.

Mr CAUSLEY—I used to be minister for forests in New South Wales. Is the village zoned residential?

Mrs Burgess—No, it is zoned ‘mountains and bushland’ at the moment.

Mr CAUSLEY—So it is not zoned ‘residential’ under the plan at the present time?

Mrs Burgess—It is not zoned residential.

Mrs M. Reardon—This is why we could not buy our homes. It was owned by the Commonwealth. We tried in the 1990s to buy and this is when we first found—

Mr CAUSLEY—The government is saying it is going to take 10 years to get a plan that would allow residential occupation.

Mrs M. Reardon—The way things are going, yes.

Mrs J. Reardon—If at all, I guess. There is also an underlying thing that it will not happen at all—that it cannot happen at all.

Mrs M. Reardon—Last week I got the impression that we were dead in the water.

Mr CAUSLEY—Are the blocks surveyed?

Mrs J. Reardon—I do not know.

Mrs Burgess—I do not think so. I think they are just informal blocks. I know the first three houses were just built as camps by forestry and then were upgraded by the people that lived in them.

Mr CAUSLEY—I am trying to get to why it is going to take so long. It seems to me, then, that you are going to have to have surveys—

Mrs Burgess—That is right. And the whole draft amendment process to block and section that whole forestry block, which runs from the Cotter 10 kilometres up the road—it is a giant block zoned ‘mountains and bushland’ and—

Mr CAUSLEY—So it was on a rental basis, was it? You were just paying rent on the houses?

Mrs Burgess—Yes.

Mrs M. Reardon—Yes.

Mr CAUSLEY—Obviously, there are many villages such as yours that do not rely on services from a local government organisation of any kind. Most farming houses are the same, anyway.

Mrs J. Reardon—Yes, exactly.

Mrs M. Reardon—That is my argument.

Mr CAUSLEY—But for you to build on a block you would have to have it surveyed so that you could at least lease or buy the block.

Mrs Burgess—That is right.

Mr CAUSLEY—So it is going to take some time to do that.

Mrs Burgess—That is right.

Mr CAUSLEY—I do not believe it should take 10 years. That is probably ridiculous. But it is going to take some time.

Mrs M. Reardon—It was job related. We had to live out there when we moved out.

Mr CAUSLEY—If these surveys were done in reasonable time, how many people do you think would be prepared to either lease or buy the lots and build out there? Do you have any idea how many would want to?

Mrs Burgess—Can we do a show of hands?

Mr CAUSLEY—I do not think there should be any number. If people want to live in those situations and be self-sufficient that is up to them. So there are quite a number of people who would be interested if it were surveyed and if you were able to either lease or buy the blocks?

Mrs Burgess—Yes.

Mrs J. Reardon—Yes. I would say it is the majority.

Mr CAUSLEY—All right.

CHAIRMAN—I do not want to give you any false hope. This committee makes recommendations to the government, and we have had a fairly good strike rate with what we have recommended but the government does not invariably take notice of what we say—to their detriment sometimes. If we recommended to the government that it rebuild Pierces Creek because of its historical background—it is a timber town over 100 years old and some families have been there for well over half a century, and maybe longer—and we compromised on the evidence that we have had from the Australian Capital Territory, which was 50 houses, and recommended 20 or 25, would that be terribly upsetting? Would you feel let down if that were the case?

Mrs Burgess—Not at all. We have encouraged that sort of compromise. We have never understood why the Australian Capital Territory government is over here and the NCA is over there. For the last year, they have stayed there. All we ever wanted was some sort of compromise to get things moving.

CHAIRMAN—As forestry people, could you tell the committee about the safety factor and the likelihood, if it were rebuilt, of the same thing happening again. Do some stringent fire prevention practices need to be undertaken? That means the reclamation of existing forest or existing plantation timber. Does that need to be undertaken? Is that a serious part of the planning that needs to be undertaken first? Mr Meredith, you will need to come to the table and state your full name and the capacity in which you appear.

Mr Meredith—I am a second generation Pierces Creek resident. I am appearing here on behalf of myself, my sister, my father and the rest of Pierces Creek. If the same fire hazard situation occurred, I think we would take matters into our own hands and put the fire out before it got to that.

CHAIRMAN—Are you saying to the committee that no special measures would need to be taken to protect any new buildings there? I do not want to put words into your mouth, but would you take a fire prevention position—more or less an offensive position rather than a defensive position?

Mr Meredith—Pierces Creek had hazard reduction work done around the settlement, but nothing survived. Nothing was going to stop that fire coming through anyway.

CHAIRMAN—What caused the homes to burn? It may sound logical to you, but I cannot visualise what caused it. Was it the high winds and the sparks?

Mr Meredith—It was the lack of quick response at the start of the fires. Those fires were going for 10 days. On the actual day that we got burnt out nothing was going to put that fire out.

CHAIRMAN—You were evacuated before the fire hit, I assume. Was the settlement alight before you left?

Mr Meredith—A few of us were stuck in the settlement trying to save the houses. We got most people out, but a few of us got stuck there. There was nothing we could do to save the houses. There was nothing between Duffy and Pierces Creek and the fire got to Duffy. There were clear paddocks and the fire got there. That is a big firebreak.

Mrs M. Reardon—In previous years we were always rung when the fires were close and told whether to pack or not. This time we were depending on that, but we never heard from anyone, so we just thought the containment lines had not been broken. Up until then, over the years, we were always notified—‘Right, pack. Get ready to go. The fire is in such and such an area.’ We were just expecting the same thing to happen this time.

CHAIRMAN—In your collective, expert opinion—if you could limit it to one spokesperson—if the homes had been built of brick with iron, gutterless roofs, would the settlement have survived?

Mr Meredith—No.

Mrs M. Reardon—I disagree. I think if we had had tankers there it would have been a different story. My husband really believed that too.

CHAIRMAN—If the settlement were rebuilt—not in its historical way, because that would be expensive—but not with a predominance of timber, would you rail against that? You may have a preference for timber because you and your forebears have been associated with timber, and timber homes somehow have a nice atmosphere about them—a nice karma, if I could use that expression. Would you be opposed to the homes being built of other more fire-resistant materials?

Mr Meredith—I do not think anyone minds what sort of house they get, as long as they get one.

Mrs M. Reardon—I do not think any of us care, as long as it is a house on our block.

Mrs J. Reardon—Things like that around the aesthetics of the houses are not the primary focus for the residents. It is primarily getting back into that environment and being able to go back to the place for all sorts of reasons. On the fire protection issue, for decades those forestry men did protect that area. They were resourced and flown up into the mountains in helicopters to fight fires before they got anywhere near Canberra. If you want to look at fire protection, look back at what those men have already done and have been doing. Over the last 15 years those resources have been dwindling. Their equipment has been taken away and their labour hours have been changed. Protecting that space was done perfectly well for many decades by people like Ruth's dad and my father and Troy and Jason and Mick, et cetera.

Mrs M. Reardon—And they had a record of fire never getting away from them.

Mrs J. Reardon—It never got close.

CHAIRMAN—For many generations, you might say.

Mrs J. Reardon—Generations. The knowledge is there. It is still accessible.

Mrs Burgess—Mismanagement did not occur on a local level. It occurred right at the beginning and right from the top.

CHAIRMAN—Where are most of you living now? Do you live close to Pierces Creek?

Mrs M. Reardon—All over the place. Some people are in Dunlop; some people are in Latham; some people are in Holder—

Interjector—Tharwa, Tarago.

Mrs M. Reardon—All over. Boy, have we stuck together!

CHAIRMAN—It is wonderful to hear that. Can I invite one person who is not at the table and who has something important to say—and I put that in bold, because of our time constraints—to come up and make that contribution. If you think, as I do, that your people at the table have represented you well, there is no need to do that. It is only if you think there is something that has been missed out or the committee has not asked. I thank you very much for your appearance here this morning. We will take on board what you say. If there are any matters on which we might need additional information, the secretary will write to you—and I assume we write to you, Mrs Reardon.

Mrs J. Reardon—Ruth would probably be the best contact point.

CHAIRMAN—You will be sent a copy of the transcript of your evidence, to which you may make editorial corrections. You cannot correct it and make it appear different, but you can make some editorial corrections if you think they enhance what you have already put to the committee. On behalf of the committee, I thank you most sincerely for your attendance here today.

[10.25 a.m.]

POWELL, Mr Tony, (Private capacity)

CHAIRMAN—Welcome. Is there anything you would like to add about the capacity in which you appear here today?

Mr Powell—I am a town planner and civil engineer. I am a former Commissioner of the National Capital Development Commission. I am a former Chairman of the Darwin Reconstruction Commission and I am a former Director-General of the Department of Conservation and Land Management.

CHAIRMAN—Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee, you may request that the hearings be held in camera, and the committee will consider your request. Before we ask you some questions, do you wish to make an opening statement?

Mr Powell—I do.

CHAIRMAN—Please proceed.

Mr Powell—In the relatively short time available to me, I would like to make four or five points which may help the committee determine what sort of questions it might want to pursue in the light of my evidence. Firstly, let me say that, from my experience as a town planner and civil engineer and as a developer of large-scale urban development, I can see no reason why, if the ACT government wished, it could not have at the outset, immediately after the bushfire clearance work had been done, gone ahead and rebuilt the houses in exactly the way the residents are seeking and done that promptly and certainly within a time frame of 12 months. There is no planning law or policy that prevents them from doing that.

CHAIRMAN—I am sorry. I am going to have to interrupt you. This is not a scheduled sitting day and there is another division in my chamber. I do apologise, but I will be back as soon as I possibly can.

Mr Powell—Okay. The second point is that, listening to the residents this morning, they are in a sense typical post-disaster victims. They want their environment to be re-established as closely as possible to what it was prior to the disaster and they want that to be done as soon as possible. Both those requirements could be met in this case if the ACT government were motivated to do so. There is nothing to stop it.

Secondly, it is important to understand that the proposal that the ACT government has put forward for Pierces Creek is quite simply rural residential development. Its purpose is to manufacture income. It is a profit-making venture. It has increased in scale. It has been made

much more sophisticated. It is a completely different form of urban development. When the people return to it, they will not recognise it. It will be nothing like the village that they lived in up until now. It will be serviced by highly sophisticated systems of water supply, waste water treatment, bushfire protection devices and so on and so forth. It will be completely transformed from what it was before.

Not only that, it will end up providing houses in a price range probably in excess of half a million dollars; in other words, it is difficult to see that you could reconstruct and service housing in the way that the ACT government is now proposing for anything under half a million dollars. It means that the private houses—not owned by the ACT Housing Trust—would probably have market values in excess of \$600,000 and \$700,000. It is a completely different socioeconomic system and a complete transformation.

Thirdly, it needs to be understood that the forestry villages exist within the National Capital Open Space System. The National Capital Open Space System derives from Walter Burley Griffin's principle that, in planning Australia's national capital, not only the design and planning of the city were important; it was also important for the city to be set within its region. He defined the region as the system of hills and valleys, rural lands and natural landscape in which the city is set, and his idea was that the natural systems should be able to penetrate right into the heart of the national capital. The parliamentary triangle, for example, is shaped by landscape elements—the land axis and the water axis and suspended between Mount Ainslie and Red Hill ridge. The idea was that, throughout Griffin's city, people should be not only aware of the natural landscape but also able to see it and have convenient access to it. In other words, they should be able to walk to it.

By and large, successive planning and development agencies in the ACT have maintained faith with that principle. The current Y plan was formulated by the National Capital Development Commission between 1965 and 1970. The first publication was *The Future Canberra*, which described the way in which the city was to be set within the natural landscape. *Tomorrow's Canberra*, which was published in 1970, articulated the Y plan which currently forms the metropolitan strategy of both the National Capital Plan and the Territory Plan. It extended Griffin's principle further into a notion of urban development divided into individual towns surrounded by non-urban buffers and set within a wider landscape framework—again so that people would be easily aware of the landscape within which the city exists. They would have views to and from that landscape and they would have convenient access to it.

Canberra is unusual and unique in that the national capital idea is not just of a formal centre, namely the parliamentary complex—extending from the War Memorial to Parliament House—but it is also made up of the National Capital Open Space System. The idea is that, over the ensuing hundreds of years, people will not only see the formal parts of Canberra as being the unique design of Griffin; they will also experience, as time goes on, the natural environment of the National Capital Open Space System. In Ottawa's case, a similar idea exists, in that a very large national park—the Gatineau National Park—is wholly maintained by the federal government of Canada, and it comes under the administration of the Ottawa Commission, which is the equivalent of the National Capital Authority. But Canberra is a much more sophisticated and extensive idea.

The essence of a public open system is that the land has to be maintained in public ownership. To insert into the National Capital Open Space System these so-called villages—which are not villages; they are simply residential developments—is rural-residential development in its classic form, except this is more sophisticated because it has more elaborate infrastructure. The whole idea of Canberra is that urban development is intended to be contained within clearly defined districts. Those districts have sharp cut-offs at their boundaries between what is urban on the one side and what is rural or natural landscape on the other. Canberra does not have a quasi-urban fringe that is characteristic of all other Australian cities. It does not merge into a mixture of housing development, factories, fields, trees et cetera. There is a sharp demarcation which is a classic principle of not only garden city planning but regional planning, which is where the Griffin idea—his principle of the city set in a region—comes from.

The fourth point I want to make is that the proposal being put forward by the ACT government relies on very elaborate and sophisticated systems of water supply and waste water treatment. Those systems do not exist in practice anywhere in Australia. They are of limited application in those developments such as large-scale tourist resorts, which are under a single administration and which are able to be supported by high levels of income. In other words, they are expensive systems to build and operate and they require sophisticated behaviour. They require that the systems are used in the way they are intended, and only a unitary administration can ensure that will happen. I confidently predict that if, say, Uriarra proceeds in the way that the NCA has agreed, which I think is a bad idea, it will only be a question of time before the developers will be coming back to the ACT government and the NCA saying, ‘We cannot meet the stringent requirements you have on the provision of water and sewerage with the separate systems for waste water and pollution disposal.’ There are no such systems existing in Australia at the moment other than in very special circumstances, as I have said, such as tourist resort developments.

The final point that I want to make is that the ACT government’s submission proposes that Pierces Creek and Uriarra Crossing et cetera are seen as finite settlements. That is wholly misleading. By their very nature, once they are built they will have a propensity to grow and mature. They will grow as economies. They will grow as political communities. They will grow by way of expansion. If they are profitable, the ACT government will inevitably be coming back to the NCA saying, ‘We want to expand these because they are profitable.’ They are a valuable source of revenue. So the whole National Capital Open Space System begins to be broken down. It is a proposed form of development that is contrary to the provisions of the National Capital Plan. It is contrary to the provisions of the territory plan. The fact that these proposals are inimical to the intentions of both those plans has been completely ignored by the ACT government and by its consultants. Thank you.

ACTING CHAIRMAN (Ms Ellis)—In the absence of the chairman in the Senate, I will take over for a short while. Thank you very much, Mr Powell, for your evidence. I have a logistics question at this stage. Did you participate in any of the studies undertaken by the ACT government leading up to this point?

Mr Powell—No.

Ms ELLIS—Did you choose not to? They were public processes, I understand.

Mr Powell—To be honest, I do not know.

Ms ELLIS—They were fairly public. I am interested in whether you have taken the opportunity to share publicly the opinions that you have shared with us today in any of the work done by the ACT government leading to the point we have got to.

Mr Powell—No. I do not wish to be coy but I was not invited—

Ms ELLIS—I think it was a fairly public process at the same time.

Mr Powell—and I did not engage in the public processes.

Ms ELLIS—Are you able to tell me what your understanding is of the status of the land at Pierces Creek at the time of the fires in terms of who owned it, who managed it and where the village stood?

Mr Powell—During the NCDC era, the forestry settlements were administered by the Department of Capital Territory and, prior to that, the Department of the Interior. In about the late 1970s, the commission made a submission to the Department of Capital Territory expressing its concern about adverse environmental impacts stemming from the occupation of the forestry settlements; in other words, off-road vehicles, animals—various impacts on the integrity of the natural landscape. It also questioned the department as to why much of the housing was no longer occupied for forestry purposes—in other words, did not accommodate forestry personnel—because the commission was finding that in order to maintain, repair and rebuild that housing it was costing two to three times the cost of providing equivalent housing in the urban areas of Canberra. The villages are not formally subdivided; they are anomalies in the National Capital Open Space System. It is not possible, as the residents have informed the committee, to give title to those houses and therefore they cannot be sold.

The other point that needs to be recognised—and I am just picking up on a comment that you made earlier in talking to the residents—is the view that the residents have a right to be reinstated in their homes in Pierces Creek, which in my view is incorrect. For better or worse, they are public housing tenants. Public housing is welfare housing. They are part of a pool of public housing throughout the ACT. The housing authority has to face up to the fact that, for every house built in a restoration sense in Pierces Creek, Uriarra and Stromlo, they could probably build two or three houses in urban Canberra. That raises an important equity question. Any public housing tenant having lost their house is entitled to be rehoused, but it is very rare that they can be rehoused in the same house or locale as before. That happens to be unfortunate but, given that the public housing system has to operate equitably, it is not fair for houses to be built, say, for people in Pierces Creek, Uriarra or Stromlo at the expense of two or three public housing tenants in urban Canberra.

ACTING CHAIRMAN—Could I respond to that in a sense by asking another question. You made a fairly strong statement at the beginning of your presentation that you are of the opinion that the ACT government was not willing but able to rebuild those houses instantly if they had wished.

Mr Powell—Physically, that is possible.

ACTING CHAIRMAN—I am asking these questions because it appears to me that it is not quite possible, and you have almost contradicted that by saying that it would be unfair to consider doing that, given the economies of it as you have just described. The reason that I want to pursue that particular point is that you made that very strong point at the beginning of your presentation. From hearing the residents earlier on, you would be aware, as I and everybody else is aware, that for many years they have stated a view that if they had an opportunity they would very much like to be offered the possibility of purchasing their houses, in the same way that some other government tenants around Canberra at different times have an opportunity to do. With the land status, the fact that the land cannot be subdivided and the fact that no planning groundwork had been done at either level of government over the years, simply rebuilding the houses in the same way would preclude that completely.

The other point I want to make is that I disagree slightly with the comment you just made about the re-establishment of people in government housing. As I understand it, there has been a very strong policy that tenants in every government house that was destroyed by fire, regardless of where it was, have been offered a return to the same block. The problem we have in a moral sense is: why can't we offer that same return to the people who happened, by history, to live at Pierces Creek and Uriarra? Another point is that, knowing that there are occasions—it is not open slather—when government tenants may be offered the possibility of purchasing a home, knowing very well that in the Uriarra and Pierces Creek cases they have been endeavouring to go down that path for a number of years, it may have been difficult. The reason for the study is that the ACT government felt that they could not just walk in and rebuild the houses without having some consideration for the future of the tenancies, plus the future of the tenure of the land, which had never been sorted out in either case over a period of time.

Mr Powell—The ACT government have a choice, don't they?

ACTING CHAIRMAN—Absolutely.

Mr Powell—They can say that they believe they have a moral obligation to reinstate that housing, regardless of the cost and of the fact that it is contrary to the provisions of their own statutory planning scheme and contrary to the idea of the National Capital Open Space System. The national capital open spaces are not intended to have residential development in them. If, by historical accident, they exist then so be it; but if, through the accidental forces of nature, that housing is demolished then the ACT government can make another choice. They can say, 'Now that the history of those settlements has, in effect, been wiped away by nature then we can provide accommodation, but we cannot do it there.' 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. That is life.

Ms ELLIS—I will finish on this point because the chairman is back. As I said earlier, the committee is looking at one alternative or the other. Are you offering a third? You are speaking fairly strongly about the open space system.

Mr Powell—What I am saying is that those villages should not be expanded and you should not allow rural residential development in the National Capital Open Space System. That is my

first point. If that is not acceptable and the general feeling on the part of the government and all concerned is that the people who are directly affected by the consequences of the bushfire should be reinstated in their houses, then what I am saying is that can be done, but it cannot be done to give them the right to purchase that housing. Public housing tenants, in the whole public housing system of the ACT, do not all have the right to purchase their house.

Ms ELLIS—That is true, and I acknowledge that.

Mr Powell—Unfortunately for those people, they do not have the right because it is contrary to the public open space system, which they are enjoying and of which they are part. It is inimical to that idea. If you wanted to dispense with the National Capital Open Space System or if you wanted to redefine it so that it has rural residential development in it, that is another issue again.

CHAIRMAN—Mr Powell, in your experience would those homes have been likely to have been insured? That might be a ticklish one for you, but it would be most unlikely that the 12 or 13 homes that were burnt were not insured. Would that be correct, in your experience?

Mr Powell—I would have thought that in the case of that form of housing the government would be its own insurer.

CHAIRMAN—The government would carry the risk, in other words?

Mr Powell—Yes. That would be common throughout Australia generally in similar situations.

CHAIRMAN—I have heard you almost emphasise that they have no right to that land or to the houses that were destroyed or to the ones that were not destroyed.

Mr Powell—Yes.

CHAIRMAN—But isn't there a moral obligation for the government to rebuild those homes and to rehouse the people who have been there, in some instances, for generations?

Mr Powell—No, I do not think there is, given that the amount of money available for public housing in the ACT is finite. At a rough calculation, you could build three houses in urban Canberra for the same cost as you could build those houses in the manner now proposed, with all the sophisticated waste-water treatment et cetera, in Pierces Creek. Those people would be going back into a house at the cost of two other families in urban Canberra that otherwise are in desperate circumstances. It is an equity thing.

CHAIRMAN—I think most planners would be most thankful that the planners of all cities, including the ACT, do not take the attitude that the more houses you can build in an area and the cheaper you can build them are the only criteria for deciding whether you should build a house. A lot of people these days are attracted to discrete areas, whether they are in forests or in small country towns or whether they are anywhere but part of the urban sprawl, the worst of which is perhaps in Western Sydney—that is not to say that the people there are not nice people; they are—or in the long stretch between Yanchep Two Rocks that is connected for 110 kilometres

along that coastal stretch with the fragile coastal dunes down to Mandurah, which is an appalling mistake for planners to make.

Here we have the opportunity to rebuild something that was unique. Perhaps we did not appreciate it when it was standing there. I did not. I have been on this committee for seven years and I should be indicted for not having known it was there. Notwithstanding that, I think that a lot of people these days would look towards preserving these discrete unique developments. If they are not preserved and they are, for one reason or another, destroyed then I think there is an obligation for the authority—or authorities in this case—to at least give us a reason why they should not be rebuilt and preferably give us a good reason why they should. What is to become of these people who have lost their homes after being there for generations? Some of them were born in the houses there. Do you have some sympathy for them?

Mr Powell—I have a lot of sympathy for them. I know I am probably repeating myself, but I am really putting two propositions to the committee. I am saying that I do not believe that the proposal being put forward by the ACT government, which is rural residential development, is appropriate within the National Capital Open Space System. That is the first and major point I am making. The second point I am making is that, in relation to the interests of the dispossessed owners, the ACT government has two choices. It can go and rebuild the housing much as it was before. It can leave the streets as they are and it can leave the landscape as it is. In other words, it can meet the wishes of the residents as they have put them to you this morning. I speak to you as an engineer, as a developer and as a town planner: there is nothing to stop that work having been done and well and truly finished by now.

The ACT government has made a choice not to do that. It has made a choice to pursue a different venture altogether. It has decided to sacrifice the interests of these people in order to pursue an exercise in rural residential development. Rural residential development, in my view, is objectionable. It is the antithesis of and is inimical to the maintenance of the National Capital Open Space System. And once that path is started upon, that will not be the end of it. At Uriarra, at Pierces Creek and at Stromlo, once those settlements are built, if they are built in the way that the ACT government proposes—and I do not think that is feasible to do either—then it will only be a question of time before the ACT government, to the extent that it finds those ventures profitable—and that is why it is going into them: for profit-making purposes—will want to extend them even further.

In all of this, over the last 12 months, the interests of the residents have been lost sight of. If the government genuinely wishes to reinstate these people, they should get on with it. There is nothing to stop them doing it. All of this stuff—the proposals for Uriarra and Pierces Creek—is confusing the issue and delaying it, and it is not in the interests of the residents. It will not return them to the situation that they aspire to.

CHAIRMAN—I will just add that I think that only Walter Burley Griffin's parents would have known who he was when Pierces Creek was established.

Mr CAMERON THOMPSON—I want to ask about the future risk posed by fire to settlements such as this. You are talking a lot about rural residential development in the area, and there is also the proposal being put that the community and other of these communities be re-established. In the wake of what has happened, what is the risk posed by fire to these locations?

Are there any steps that can be taken to protect against fire in a re-established community such as this, or does it just remain open to destruction no matter what you do?

Mr Powell—There is no question that it is at risk of damage by fire again. That is true of Uriarra, Pierces Creek and Stromlo. However, there are significant ways in which those communities could be much better protected: the subdivision pattern, the way in which perimeter roads are constructed to allow means of escape, and designing the layout of houses and their associated landscaping in ways that would help the residents protect themselves from fire. The villages would be different in many respects—in their subdivision pattern and domestic landscape—from what they were before, but there are well-trying and proven methods to substantially protect a renewed settlement in Pierces Creek, compared to what it was before.

Mr CAMERON THOMPSON—But in the case of the argument that is being put by the former residents, that would mean basically wiping it clean, and you would have a community that would not look anything like what was there before.

Mr Powell—No, I would not go that far. Where you are replacing houses that are completely lost—building completely new houses, as distinct from repairing houses that might have been damaged—that offers scope for modifying the layout, not modifying it to the extent that it would be completely different as a land use pattern to what was there but modifying it having more regard to the need to protect from bushfire. Over a period of time, as a renewed landscape grows within that village, it would still be as attractive. It would produce the same amenities that the residents are used to and would be hoping to recover.

Mr CAMERON THOMPSON—As a matter of course, I need to ask whether you employed by or contracted to either the National Capital Authority or the ACT government in relation to these types of matters?

Mr Powell—No, I am too old. I am retired.

Mr CAMERON THOMPSON—In relation to the proposal you have put, it seems to me that the whole question here can be viewed from various perspectives. You could take the ex-residents' viewpoint or you could take the viewpoint of sustainability—future fire risk and those kinds of issues—and make that the determining factor. You could take the cost viewpoint—that is, getting the best value for taxpayers. You could take another point of view focusing on the National Capital Plan and the issues to do with Canberra as the national capital and the ACT's role in that as being paramount. You wind up with a different outcome on every one. Do you believe any one of those types of things should be paramount in this decision?

Mr Powell—Yes, I do.

Mr CAMERON THOMPSON—Which is that?

Mr Powell—From a town planning point of view, the integrity of the National Capital Open Space System is paramount. What follows from that is that you should not allow rural residential development in the National Capital Open Space System because you start a process of destroying it. That is my first point. My second point is that the residents should be given the best possible accommodation that can be made available to them as would be made available to

any other public housing tenant in a similar situation to theirs. I do not believe that they should be reinstated in this case in Pierces Creek, or in Uriarra or in Stromlo, because that is inimical to the National Capital Open Space System. But the government has a prerogative. If the government chooses to pay the very high cost of reinstating that housing in Pierces Creek, it is the government's prerogative to do that. I do not agree with it, but that is their prerogative. They can do it and they can do it easily.

CHAIRMAN—Thank you, Mr Powell, for your contribution here today. We invariably listen intently to whatever you have to say when you appear before us. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the transcript of your evidence, to which you may make editorial corrections, On behalf of the committee, I thank you for your attendance here today.

Mr Powell—There is one point I would like to make, if I may. I wrote to Annabelle Pegrum of the National Capital Authority, setting out a whole series of arguments against rural residential development. The letter was dated 7 June. Would you like me to leave that with the committee?

CHAIRMAN—Yes. Is it the wish of the committee that that be tabled? There being no objection, it is so ordered. The committee also accepts submissions from residents and former residents of Pierces Creek: Ms Natalie Meredith, Mr Patrick Lecocguen and Ms Mary Hayes.

[11.05 a.m.]

ADAMS, Mr Harold John Parker, President, Australian Capital Territory Rural Lessees Association

GRIFFIN, Dr Anthony William, Vice-President, Australian Capital Territory Rural Lessees Association

CHAIRMAN—Welcome. Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee prefers that evidence be taken in public but, if you wish to give confidential evidence to the committee, you may request that the hearing be held in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Mr Adams—I would like to do so. Our association welcome the opportunity to appear before your committee in its inquiry into the redevelopment of Pierces Creek in the ACT. In this regard we are aware that the proposal of the ACT government is but one of three proposals for establishing rural villages in the western hinterland of the ACT. Our association was formed in 1927 to represent the interests of ACT landholders and farmers in the development of the ACT and Canberra as the national capital. Accordingly, our association worked closely with Commonwealth authorities vested with the development of the national capital in the years prior to the start of self-government in 1989. Since then we have provided input to the National Capital Plan during its formation and to a range of inquiries and studies undertaken by the government in the development of the Territory Plan and, more recently, the spatial plan and the Canberra Plan.

The rural lands of the ACT comprise approximately 21 per cent of the ACT land area. In this regard we are mindful of the overarching policy contained in the National Capital Plan which states that farmland in the ACT should be retained as broadacre farms. As pointed out by Professor George Seddon as long ago as 1977, the leasehold system unique to the ACT prevents rural land from being subdivided and capitalised as occurs in New South Wales, the great advantage of the system being the preservation of sharp distinctions between urban land, bushland and farmland. This contrasts with the peripheral development in the nation's other capital cities. Rural holdings in the ACT vary from a few hundred acres to over 10,000 acres, the value of primary production being approximately \$11 million per annum.

The Pierces Creek village proposal is one of three proposals currently being developed by the ACT, the other two being for 100 houses at Uriarra and 40 at Mount Stromlo. We consider the concept of rural villages in the western hinterland of the ACT to run counter to the National Capital Plan. These proposals arose from the need to rehouse the tenants of the settlements that were burnt out as a result of the 2003 bushfires. We have absolutely no objection to this course of action but consider the proposals to expand these settlements into rural villages to be

misguided and potentially damaging to the integrity of the ACT. That these settlements became part of the ACT public housing stock was of course an accident of history.

We consider that the social, economic and environmental outcomes which flow from these proposals are questionable. Furthermore, the rural village concept has little support from concerned community groups such as the Planning and Land Authority and the Planning and Land Council. The Conservation Council, which represents the interests of some 35 community and conservation organisations, has consistently advocated a more compact city for economic, social and environmental reasons. It has made the point, with which our association agrees, that rural villages and rural residential developments such as hobby farms are prime examples of urban sprawl which impacts adversely on greenhouse and biodiversity outcomes. Furthermore, the government's own spatial plan emphasises the need to contain urban sprawl.

Also relevant to these considerations is the important fact that the Aboriginal community is not being consulted in this new vision for the ACT. We find this surprising as the Chief Minister and senior vassals of the ACT when addressing public meetings emphasise and recognise the Ngunnawal people as being the original occupiers of the land. Against this background, we note that the government intends to rebuild Pierces Creek settlement as a rural village containing 50 houses, including 13 government funded houses for public housing. The cost of these houses, we understand from the government's own documents, will be in the order of \$300,000 each, which will be met by the sale of land to the private sector. We consider this to be a waste of public money when a three-bedroom project factory built house can be delivered and erected on site for \$92,000. I can confirm that one of our lessees who lost the cottage on his property has done just that. He has a new cottage on his property, up and running, at a cost of \$92,000.

Of the 13 original tenants at Pierces Creek, it is not known how many actually wish to return to Pierces Creek or whether they have been offered alternative accommodation in Canberra itself or in the proposed suburb of Stromlo. The proposed Stromlo village that adjoins the suburb of Duffy is, in effect, another suburb of Canberra. There is no reason why Pierces Creek and Uriarra residents cannot be relocated to this site, which is much closer to employment and educational opportunities. Our association has indicated that it has no objection to the further development of the Stromlo site, provided adequate services and firefighting resources are incorporated.

Turning to Pierces Creek itself, we understand that the ACT government's proposal is to expand this settlement of 13 houses to a village of 50 houses. Expanded rural villages, like Pierces Creek, will also bring problems for farmers. Marauding dogs, as we have seen only this week, can inflict untold damage and suffering to sheep flocks, with losses running into thousands of dollars. Cats are lethal to birdlife. In the ACT, the small bird population over the last 15 years has crashed. Trail bikes are another source of damage to the environment and to livestock. A further consideration is the major increase in traffic on rural roads, which will follow if this village is built. This will give rise to an increase in wildlife, kangaroo and wombat kills. Fifty houses will add at least 100 cars and further traffic, much of it at night, to the roads servicing this area. The kangaroo problem will not go away as no culling takes place on government land. Only the farmers in the ACT are permitted to cull kangaroos. The nature parks, nature reserves and forests—together, 55 per cent of the land area of the ACT—are flush with kangaroos. To agree to this proposal would not be in the interests of the Pierces Creek community, we believe, or the citizens of Canberra.

Furthermore, the site lies outside the 15 kilometre consolidation zone set out in the spatial plan and is in a particularly fire-prone area. This alone should rule out the proposal, apart from the fact that it flies in the face of urban consolidation policies. One has to ask the question: how can a village like Pierces Creek be adequately policed? We believe that as the Pierces Creek and Uriarra proposals go ahead, this will open the door for further villages to be established within the ACT, along with rural residential hobby farm developments, which were first proposed in the first non-urban study. These proposals are no longer on the radar screen, but it is worth reminding this committee that the rural village for Uriarra is intended to be 200. There would be villages at Tidbinbilla, Williamsdale and hobby farms in the Ingledene Forest. That has since come back to be more reasonable but I believe they are on the radar screen to be brought up as and when required.

In the case of hobby farms it is worth recalling that an extensive study was conducted by the previous ACT administration to support its proposals for rural residential development in the ACT. Both major parties in the ACT are very much pro-development so there will be constant pressure on the NCA to accommodate a range of proposals for closer settlement such as in rural villages. Years ago it was supposed that the suburbs would extend onto the west bank of the Murrumbidgee but the citizens of the ACT voiced their opposition and that never came about. So there is no urban development on the west bank of the river. As you cross the Murrumbidgee you virtually go straight from urban areas to farmland and then to forestry. That is the vision George Seddon has for this place and I believe it is a sound one.

Having regard to the extensive developments occurring in the adjoining areas of New South Wales, the broad-acre bushland, forestry and farmland areas of the ACT—much of it in pristine condition, principally in the foothills of the Brindabellas—will become more and more valuable, and increasingly so in the context of the setting of the national capital. I believe that is what the citizens of the ACT would like it to continue to be.

CHAIRMAN—Thank you, Mr Adams. At some stage we are going to give some consideration to the citizens who were burnt out at Pierces Creek too.

Mr Adams—I will come to that. My colleague, Dr Griffin, would like to make a short statement too.

CHAIRMAN—I would be delighted if you would proceed, Dr Griffin.

Dr Griffin—I, also, would like to thank the committee for the opportunity to express our views. As an organisation we have always supported the return of those people who lost their houses in January 2003. However, we believe the expansion of forestry settlements, as proposed by the ACT government, is ill-conceived and the impact poorly considered. The Planning and Land Council have stated that the major—and, we believe, the only—justification for rebuilding the forestry settlements is a legitimate compassion, which we share, for those who lost their homes in January 2003. However, they and we believe the proposals for expanded villages are likely to result in long-term social and economic deprivation of the communities for the following reasons.

Firstly, there is a lack of purpose. Forestry settlements, as we know, were set up initially to provide housing for forestry workers and, in more recent times, to provide low-cost public

housing. Neither of these will apply in the proposed expansion. Residents will be remote from employment and services. Secondly, housing costs will be high to meet the assessment specifications, including fire suppression, as they will be living in a highly fire-prone area. Travelling and rental costs will be much higher for the residents than their urban counterparts. There will be no low-cost housing and we believe that those wishing to return will not be able to afford the rent and body corporate charges. The major reason for the village—the return of displaced residents—will be lost.

We believe that over time the proposed villages will become private enclaves because entry costs will be high and body corporate charges will be substantial, resulting in the public housing tenants being forced to leave. The villages will, as private enclaves, have no purpose. They will be socially unbalanced and isolated and they will be unsustainable. The environmental impact that Mr Adams has already touched on—the motorbikes, motor vehicles, trail bikes and cats and dogs—will impact badly on the biodiversity. Small animals and birds, and farm livestock—in particular, sheep—will suffer, with domestic dog attacks having the potential to force farmers off the land.

There is also the bushfire risk, which I think is quite important. Villages at Pierces Creek and Uriarra will be prone to the ravages of bushfire and, despite all the assurances that people may be given, there remains a strong likelihood of a repeat of January 2003. This was not a one-off event. Fire abatement zones, in our experience, do little to prevent the devastation of a fire storm like that experienced in January 2003. Property and lives will be at risk in a community largely made up of urban dwellers relocated to the bush.

The future outlook is grim for rural Australian Capital Territory. 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. In time, broadacre farming would become unsustainable, with Canberra having an urban sprawl like other cities and towns in Australia. We would lose our unique heritage.

In the government's submission it was claimed that only one lessee was in close proximity to the Uriarra settlement. There are in fact two adjoining and a further four close by. They also claim that we were prepared to participate in a neighbourhood facilitation process should the village proceed. The truth is quite the opposite. We indicated that, as farmers running a rural enterprise, we feel threatened by village development and are not prepared to participate in a neighbourhood facilitation process, and indeed would have little in common with urban residents relocated to residential type blocks in the bush.

It is also claimed that issues such as dog and cat control have been addressed in the sustainability studies. What has been stated is that domestic animals will be restricted to two per household. However, if residents at the time of locating there have more than two domestic animals the increased number would be accepted. The only rules that would apply are those that apply in the Australian Capital Territory in relation to dogs. It is proposed that these rules would be enforced by a management committee of residents, which is not adequate from the point of view of a rural lessee who is running sheep nearby. It is our firm belief that the expansion of the Uriarra and Pierces Creek settlements would be a disaster for those involved and would sound the death knell of the adjacent historic rural properties, settled as early as 1837.

CHAIRMAN—Thank you. Do you have an opinion that is diverse from your anti-expansion one? For example, what about a minimal expansion? In other words, say the 13 homes, 12 of which were destroyed at Pierces Creek, were to be doubled to 26 or 20—some number that gave the settlement extra security of access to some of the more social aspects of life that people enjoy in other parts of the Australian Capital Territory. Do you have an opinion on that?

Dr Griffin—The Pierces Creek community is a very close-knit community, as you have probably gathered. They do not really want to see an expansion of their village but—

CHAIRMAN—So you are happy to have the 12 rebuilt?

Dr Griffin—Yes. But starting to expand that will be the thin edge of the wedge. Once that approval is given, who is to say when it will stop? We have no objection to those people going back. They have been described as a public housing enclave but they have been a very successful public housing enclave. They do not feel they are less valuable than any other citizens in the Australian Capital Territory.

It is the same at Uriarra. I believe from my discussions with a number of the residents from Uriarra that they would prefer to go back as they were. However, they were told by the ACT government that there is no possibility of them going back as they were; the only way they can return is if the village is expanded and blocks of land are sold to provide money for the government.

CHAIRMAN—That has cleared up the ambiguity I had; thank you.

Mr Adams—The point also needs to be made that, if that route had been taken, those people would have been back in their houses now. You can get very good prefabricated housing, which is factory quality controlled. That could have been done. But unfortunately, the principal consultants for the non-urban study were from the development lobby and the lead consultant was bogus LendLease. So it was inevitable that they would see this as an opportunity to do something grand, environmentally soft and acceptable—with all those features—but it has just dragged on and on. These people are still waiting to be housed. That will not happen for months. They have been let down, to a degree, by the administration.

CHAIRMAN—That is an excellent point.

Mr CAMERON THOMPSON—I suppose I had misinterpreted what you were saying, because I was under the impression that you were not in favour of Pierces Creek being redeveloped at all. But that is not the case—you are happy with the 13 homes, basically re-establishing what was there before?

Mr Adams—There is no problem with the re-establishment process for affordable housing. But I think that expanding it to 50 would bring in its wake an enormous number of social problems which we have tried to outline and which should be avoided. We should try to avoid expansion into the western foothills of the Brindabellas but not prejudice the provision of housing for those who want to go back. I do not know how many actually want to go back. As I said, they could well be offered the opportunity to go to the Stromlo Village, which is even

closer to town. But I do not know which of those might like to exercise that option. It could well be that the Pierces Creek settlement might be less than it is at the moment.

Mr CAMERON THOMPSON—I understand—at least from some of the material I have seen here—Pierces Creek has been around since 1936. That was fairly early on. It is nearly as old as your group. Given that historical context, wouldn't it be appropriate for the name and the nature of that locality to be retained? Since the very early days of Canberra, Pierces Creek has been a feature of the landscape. Wouldn't it be appropriate that that name and its standing as a village be retained, rather than have it disappear gradually off the maps altogether?

Dr Griffin—I would agree with that. Historically, it has been there. But we also must remember that the rural leases have been there for 100 years longer than the Pierces Creek settlement or the Uriarra settlement. They would be threatened by expansion. Our association has never had a problem with these people going back if they so desire. The government has always claimed that it was not economically viable to put them back. However, I cannot see a great difference between a house with a public housing tenant in it burning down in Duffy and one burning down at Pierces Creek. The ones in Duffy have been rebuilt. Why didn't they rebuild the ones at Pierces Creek?

Mr CAMERON THOMPSON—If we take out the event of the fires altogether, your association would not have been surprised if Pierces Creek had continued to grow of its own accord anyway, would it?

Dr Griffin—I think we would have, yes.

Mr CAMERON THOMPSON—Why would you have been surprised at that?

Dr Griffin—Because it is contrary to the National Capital Plan and to the open space policy of government.

Mr CAMERON THOMPSON—But it is just a natural progression, isn't it?

Dr Griffin—That is what concerns us. If these proposals are adopted, there will be a natural progression to more and more villages and bigger and bigger villages, to the great detriment of this wonderful territory.

Mr CAMERON THOMPSON—Prior to the fires, had you raised concerns about the existence of Pierces Creek?

Dr Griffin—No.

Mr CAMERON THOMPSON—So, in terms of this overall view of the plan, your association had not previously targeted the removal of those settlements; it was only after the fire.

Dr Griffin—No. As you know, many of the rural lessees were victims of the fire. We felt that we had become victims of the recovery process, because of the sorts of things that have arisen out of the non-urban study. As Harold has said, it seemed to be a development lobby who were

determined to reshape rural ACT. We are opposed to it, and I think most of Canberra's citizens would be opposed to it; many of them are not aware of what is going on. Those whom you talk to and make aware of it are rather horrified at what these proposals would do to rural ACT.

Mr CAMERON THOMPSON—I put it to you that, prior to the fires and the gradual transition of Pierces Creek into a location from which fires were spotted and from which people worked to combat fires, your leaseholders would have regarded it as a plus to have that kind of facility and people pursuing those ends.

Dr Griffin—If there were a volunteer bush fire brigade associated with that settlement then, yes, that would be a plus. But if you establish expanded villages where the people have no firefighting experience—rural people do have experience, because we live with it—these people would be located in a highly bushfire prone area, with no expertise or understanding.

Mr CAMERON THOMPSON—What if some steps were taken to re-establish some kind of expertise in that area?

Dr Griffin—That is certainly possible.

Mr CAMERON THOMPSON—Would it be a plus if that were the case?

Dr Griffin—It would be a plus, but then you would have to get people to volunteer to do it. Just because urban dwellers are being relocated to the bush does not necessarily mean they would have a 'burning' desire to become part of a volunteer bush fire brigade. You may have problems recruiting people.

Mr CAMERON THOMPSON—After what they have been through, they might be very keen to be involved.

Dr Griffin—The previous residents certainly would be, but if you are talking about expanded villages it is a totally different scene.

Mr Adams—It is a statistical fact that 95 per cent of fires in the ACT start within one kilometre of a built-up area. Whilst the 2003 fires were exceptional—they were started by lightning strikes—the majority of fires in the ACT are deliberately lit and they start within one kilometre of a built-up area. If you take the villages out into the foothills then I believe the threat of bushfire in the ACT will be even greater than it is at present. I do not know how you can reduce that statistic, but it is a fact that a lot of people do not know how to respect the countryside; they would look to see it built up. The four fires that have been through my property in the last six years—not the one last summer or the summer before—were all deliberately lit.

CHAIRMAN—That is a sad statistic across Australia.

Mr Adams—It is a sad reflection on the community, but I think one has to understand that that is the way society tends to be working. I do not know what the solution is.

Ms ELLIS—I want to thank Mr Adams and Dr Griffin for being here this morning. You often appear before committees and we very much appreciate your time. I would like to make a couple of observations about some of the comments that have been made this morning. Dr Griffin, you mentioned that many houses in Duffy and so on have already been replaced by the government. That is true, but I note the comments made by Mr Adams in relation to the use or non-use of prefabricated houses. The Duffy houses are not prefabricated. Mr Adams, whilst you have a point in saying that prefabricated housing may be more readily available in economic terms, I think there would be some genuine questions raised if all of the urban housing were replaced in the normal fashion and for some reason a judgment was made that prefabricated housing would suffice in the villages. I am not saying that it is good or bad, but we cannot compare the two. Historically, I think the ACT Housing Trust have done the best they can to ensure that ACT government housing is as similar to the normal suburban housing around it as possible. I think that there is a slight contradiction in what we would expect to be done in one place as against another.

You mentioned hobby farms. I am not aware that hobby farms are part of the current proposal. You give the impression that you believe that this is the thin edge of the wedge and that, if this is done, we could almost imagine a natural growth. If this were approved and if there were anyone bold enough to believe that they could expand even further, would we not be going through the same process then as we are now? In other words, it could not happen by natural attrition, by natural means? I do not know. I am asking the question, and I will clarify it later with the NCA and with the ACT government.

Mr Adams—No. We would see this as having to go through the normal planning process. I just flagged the thing because the previous Carnell administration, as you know, were very pro hobby farms.

Ms ELLIS—And it was stopped.

Mr Adams—The argument that they put forward was the fact that people who live in New South Wales on hobby farms pay rates to their own shires and work in Canberra, but if we had hobby farm development in the ACT, they would be paying rates to the ACT.

Ms ELLIS—Sure, but we do not have hobby farms in this proposal. I just want to clarify that.

Mr Adams—I know we do not.

Ms ELLIS—Okay. I do not want it to confuse the issue.

Mr Adams—What I am really saying is that they are not on the radar screen at the moment, but they were on the radar screen a few years back. They were on the radar screen when the first draft of the non-urban study came out. It is there and it would have to go through this process.

Ms ELLIS—I take your point. We could have half of Canberra talking about hobby farms; we could have half of Canberra talking about going to the moon. The point is that this proposal does not include that, and I just wanted to clarify that for the sake of those listening.

Mr Adams—I agree.

Ms ELLIS—The other point is that—very sadly, in my view, but it is a fact of life—many parts of the Canberra community affected by these fires will never be the same. They do not have to be in Pierces Creek or Uriarra; they could be in the streets of Duffy, Rivett, Chapman or Holder. The most common comment made by those who are still going through the trauma of the fires is the absolute change that has occurred as a result of people moving back to their own blocks, but at the same time having quite a different neighbourhood around them. I want to make that observation as well. It is not possible for everyone to be guaranteed that everything that was will be the same post the fires.

You both talked about the firefighting experience. I do not have the experience of history in the district that you two have, but it is my observation that over the course of the more vibrant life of those villages, they were outposts of firefighting and fire-spotting, and they were equipped to do that. We now have a very active movement around urban Canberra of urban firefighting teams being set up successfully. I cannot imagine for one moment that there would be any reason to fear that that would not be the case in Tharwa or Hall—existing villages on a different historical base—or Pierces Creek, Uriarra or Stromlo. Without intending to, we may be abusing the motives of people who would settle into places like that into the future by assuming that they would not be interested. In fact, we have people demanding that we have five times as many of these urban firefighting teams that are already established. I just wanted to put that on the public record as well. I do not think we can assume that because they are out there they would not be interested. I think it would be quite the reverse.

Mr Adams—We would acknowledge that—

Ms ELLIS—I think that was your intention, actually—

Mr Adams—Our organisation has been in discussion with the Emergency Services Commissioner. In fact, next Tuesday it will be one of the subjects in the consultative forum that we have arranged with agencies there. We recognise that the preparedness of the ACT in terms of fire will improve, as well the techniques and communications. There is a lot to be learned from these inquiries, including the Nairn inquiry, which you sat on. Dr Griffin has been on the community expert reference group—

Ms ELLIS—Yes, he has. We have been colleagues on it.

Mr Adams—He has followed that right through from the earliest days, from the urban and the suburban side. He may wish to make a comment.

Dr Griffin—The firestorms of January were quite extraordinary. We were in a drought, there was no grass in the pastures—they were pretty bare—and the nearest forest was 1,100 metres from our homestead. There was no way we could stop that fire. There was just no way. It would not have mattered how many fire units you had at either Uriarra or Pierces Creek. It was unstoppable.

Ms ELLIS—I realise that.

Dr Griffin—We have to realise, as McLeod said in his report, that this was not a one-off situation. People are deluding themselves if they think this could not happen again. I think from the fire aspects we have to keep that in mind.

Ms ELLIS—I do not disagree with that. The decisions about fire abatement zones and the whole raft of new approaches from all levels of community and government, hopefully, will be instrumental in doing everything to ensure that it does not occur again. But we need to understand nature as it is. The work the ACT government has undertaken in all of these studies has been a fairly public process. Did your association participate in them as an association?

Mr Adams—Yes, we did. We also had some input into the sustainability study.

Ms ELLIS—Fine. So the opinions you have given today have been given to those processes.

Dr Griffin—Absolutely.

Mr Adams—Some of the comments we have made, particularly in relation to the social issues, have not flowed over into areas like the sustainability study, which has been disappointing. Likewise, some of the comments we made on the spatial plan and the Canberra plan failed to flow over. But we are hoping to pick this up, because the first of the consultative forums with the government agencies is on Tuesday, so we can become more involved in this planning process in the ACT—which we welcome. That was one of the recommendations of the Hollway report.

Ms ELLIS—Good. Thank you very much.

CHAIRMAN—Thank you, Mr Adams and Dr Griffin, for your attendance here today.

[11.45 a.m.]

PEGNUM, Ms Annabelle, Chief Executive, National Capital Authority

SCOTT-BOHANNA, Mr Graham, Managing Director, Design, National Capital Authority

SCHULTHEIS, Mr Ted, Principal Planner, National Capital Plan, National Capital Authority

CHAIRMAN—Welcome. Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that hearings be held in camera and the committee will consider your request. Before we ask questions, Ms Pegnum, do you wish to make an opening statement?

Ms Pegnum—I would like to make a short presentation.

CHAIRMAN—Please proceed.

Ms Pegnum—The outline of our presentation this morning will cover what the National Capital Open Space System actually is, why it is considered to be valuable, the relationship of Pierces Creek to the spatial plan, why Uriarra Village is supported by the authority and the Pierces Creek expansion is not, and the authority's decision on Pierces Creek. The committee is aware of the object of the National Capital Plan, as set down in legislation, which is to ensure that Canberra and the whole of the territory are planned and developed in accordance with their national significance and with the matters of national significance as cited in the plan. In summary of these, it is perhaps worth noting that many go to the natural setting of the capital, the landscape features, the backdrop and, importantly, the environmental values associated with that setting.

With respect to the National Capital Open Space System itself as it is set down in the plan, it recognises the importance of that natural setting. The plan suggests that the system is there to protect a significant open space framework, the visual backdrop and the landscape setting and also to blend the city and the country in a way that symbolises the character of the national capital and, importantly, to provide a balanced range of uses that reinforce the natural, the cultural, the scenic and the recreational values of the ACT.

Within the National Capital Open Space System there are four types of open space: some spaces are symbolic and they go to the unique and monumental landscapes, many of which are at the centre of the capital; the conservation spaces, which protect our natural and cultural heritage, such as the Namadgi Nature Reserve and areas such as that which contains Pierces Creek; the living spaces, which are our regional and metropolitan parks; and what are called 'linking spaces', which are those that physically join and visually unite the city and the countryside.

Together those open spaces constitute a system, which is quite important to understand, which protects the environmental quality of Canberra's present and future water catchments and the river systems and important ecological and heritage areas from the increasing pressures of Canberra's growth. Whilst each part has its own land use and character, it is important to recognise that the system is planned, developed and managed on an integrated basis and should not be looked at in isolated forms.

Within the open space system, the types of open spaces have additional categories that go to land use. These are the land use of Lake Burley Griffin; the river corridors; the hills, the ridges and the buffer spaces which surround the central areas of Canberra and link to the other urban areas of Canberra; and—the context we are discussing today—the mountains and bushlands. Pierces Creek is in the mountain and bushland boundaries category within the National Capital Open Space System. These mountains and bushlands are supposed to establish a visual background but also, as I have described, protect nature conservation values and future water supply. Currently, the permitted uses allow for forestry and recognise that Pierces Creek and Uriarra are in those areas. They also allow for agriculture and farming in defined areas; for educational establishments such as Birrigai; and for nature conservation, overnight camping and the like.

Together with the broadacre areas and the rural areas, the National Capital Open Space System makes up this thing that everyone has been referring to—the non-urban areas of Canberra. You are looking at a map that shows the urban areas of Canberra, forming the well-recognised Y-plan of development; the broadacre areas; the rural areas; and those land use categories that I have briefly described which constitute the National Capital Open Space System. The broadacre areas are about large-scale land uses to support urban areas—for example, Canberra airport. The rural areas, which have been described by the Rural Lessees Association in previous evidence, are land set aside for agriculture and other rural uses. They provide a very distinctive rural landscape setting. What the ACT Chief Minister's Department requested of the authority in June 2004 was to change the land use in the Pierces Creek area from mountains and bushlands to rural—that is, to take that land use out of the National Capital Open Space System and put it in another category within the non-urban areas.

Proceedings suspended from 11.52 a.m. to 12.01 p.m.

CHAIRMAN—Ms Pegrum, you have our undivided attention.

A PowerPoint presentation was then given—

Ms Pegrum—I just finished speaking about the amendment that was requested, which was basically to change land use in the Pierces Creek area from mountains and bushlands to rural, which would have taken Pierces Creek out of the National Capital Open Space System and into the rural areas of the non-urban areas of the ACT.

I want to reference the Canberra Spatial Plan proposal and the way in which we and their own land and planning council have been considering Uriarra and Pierces Creek in this context. The ACT government has undertaken a review called the Canberra Plan, of which one component is the Canberra Spatial Plan. In effect, this is reviewing the metropolitan growth policy for the whole of Canberra and the territory. Their preferred position relates to a residential

intensification line of about 7.5 kilometres from the city centre, which they see as being developed within 15 years, and then an urban containment line of 15 kilometres from the centre, which they see as the 30-year growth potential. You will note that both Uriarra and Pierces Creek settlements are outside that urban containment line.

This work was very well under way before the 2003 bushfires, and the territory had indicated their preferred position—that is, a new urban area established in the non-urban areas of Canberra, some of which is in the National Capital Open Space System and some of which is in the rural or broadacre, which is this purple line that you can see on this slide. In that context, Uriarra is some 7.8 kilometres away and Pierces Creek some six kilometres away. They are looking at the potential of that area for accommodating between 12,000 and 20,000 residential units.

You will appreciate that this is arguably the most significant review of urban development in the Metropolitan Policy Plan since the Y plan of the 1960s. To that end, we have agreed to undertake a joint study with the ACT Planning and Land Authority in that area, because they have said that that land is capable of urban development, doing sieves through issues like topography, water supply, access and the like. We are now saying, because of its importance in relation to the non-urban areas, including the National Capital Open Space System, is it suitable for urban development in terms of national significance and environmental considerations—in other words, the implications for the whole of that system that I have described.

When those study outcomes become available, which we expect will be towards the end of this calendar year, they will form the basis for the authority considering whether or not to propose a draft amendment for that area to the plan. You will appreciate that, for the authority, the taking of this decision will be extremely important and obviously, if an amendment is proposed, considerable consultation and consideration will be taken.

CHAIRMAN—How do you anticipate that will impact upon Pierces Creek and Uriarra?

Ms Pegrum—Perhaps I can go back. I will deal with Uriarra quite separately but, in the context of the rural villages, we have said that it is not appropriate to consider rural villages as a new form of urban development in isolation—in other words, pretending that the other work initiated by the ACT government is not under way. So in October 2003, when the overview of the non-urban study was made available to the public, the authority considered the recommendations and supported almost all of them. But at that time 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.

The Uriarra settlement ran parallel to that and was considered in a separate way. The reason for that is as described in the reports provided by the territory. It was established in 1928 and, at the time of the bushfires, included 23 houses, 12 vacant housing blocks, an oval, a park, a bus shelter, play equipment, tennis courts and an old primary school, which was used as a community centre. It had been nominated on the ACT's Interim Heritage Places Register. Importantly for the authority it had also been the subject of very detailed planning consideration by the ACT government and its agencies and by the authority years before the 2003 bushfires to

the extent that, in November 2000, we released a draft amendment for public comment to agree to change the land use from mountains and bushlands to rural, which would then enable the ACT government to look at options for the continuation of the rural settlement. So this was well under way.

The public comment period closed before the last ACT election. Post that election we asked the ACT Planning Authority, through various correspondence, whether it continued to support the draft amendment so that we could progress it. We were asked to delay or defer the draft amendment until a decision could be made. Subsequently, post the non-urban study being made available to the authority, the authority identified to the territory that, if draft amendment 34 were agreed to and proceeded with through the Australian parliament, it would allow for a rural village to be established within the confines of that village's existing infrastructure. As the committee is now aware, draft amendment 34 is before the House and I believe I am correct in saying that the 30th is the last day for its disallowance. Our expectation is that, if it is not disallowed, the territory will come forward with a development control plan which is in the spirit and character of the original settlement.

On the other hand, prior to the 2003 bushfires, the ACT government had never considered taking an amendment to the National Capital Authority regarding Pierces Creek and a land use change or options to make it a longer term settlement. However, it was established in 1930 and at the time of the 2003 bushfires there were 13 houses but minimal formal community facilities. Nevertheless, there was clear recognition that at Pierces Creek there were long tenancies and a very strong social group; and the people who had been living there had a strong attachment to it as had their families before them. Some of the cottages had also been assessed by ACT Housing for their heritage value and had been found to have medium heritage value but, to my knowledge, had not been nominated for any interim register. Importantly, it had always been a relatively small and informal collection of houses. I would have to say that everything we have been given to understand in our discussions with the residents of Pierces Creek is that that is what they like about it and that is what they would prefer to have.

In June 2004, after the territory had asked the authority to propose an amendment for the Pierces Creek area, the authority considered the sustainability study on Pierces Creek, took into account the considerations of the overall metropolitan growth of Canberra and decided that the sustainability study did not create any new compelling case for expansion and that any expansion would result in a settlement which would be markedly different from the original character and spirit of the Pierces Creek village. It also decided that the construction of an expanded village would further erode or chip away at the values and qualities of the National Capital Open Space System, particularly without any regard for this much bigger and much more profound study of the Molonglo Valley area that is running in parallel. It confirmed its previous advice that the former settlement could be re-established at any time to the same extent that it had been before the 2003 bushfires, albeit to contemporary standards. This is very important for the committee to understand. We had provided the territory with our view in February and had confirmed, with legal advice that we sought, that there was nothing stopping the territory government making the choice to rebuild the 13 houses. They could have done so at that time, and they could do so tomorrow if they so chose.

At a broader principle level, the authority agreed that there should not be residential villages in the National Capital Open Space System or in the rural areas of the ACT, acknowledging that the

spatial plan study was being undertaken in parallel. We are not alone in these opinions. We felt it was important to put before this committee the views of the ACT's own planning and land council, which is an advisory council established under their planning legislation. These are the statements in their minutes in September and November and again in April and June. They express very deep concern as to any intention to restore or develop the urban villages. They express concern over the increased capital and recurrent costs of such development in non-urban zones. They too express concern at separating the planning of non-urban areas from the spatial planning work that they are undertaking, recognising the significance of that work in relation to the non-urban areas.

Senator HOGG—Could I interrupt you for a moment to ask a question. Is the ACT Planning and Land Council an elected body?

Ms Pegrum—No. It is a body that is appointed by the ACT government. I will read out their function. Their function is to give advice on matters arising under their act 'if asked by the Minister for Planning or by the ACT Planning and Land Authority'.

Senator HOGG—The point I wanted to clear up has been cleared up. So they are not elected by the voters of Canberra. If I can put it this way, they are an advisory body to the ACT government. Is that a fair way to characterise the council?

Ms Pegrum—It is a statutory advisory council, set up recently under their new legislation, to the ACT government and the ACT Planning and Land Authority.

Senator HOGG—I am not trying to get into the politics of it. I just want to understand where they sit in the whole pecking order. Therefore they make recommendations to the ACT government which the government can either accept or reject. Is that a fair statement?

Ms Pegrum—Absolutely. In addition to that, the ACT Planning and Land Authority are bound by ACT government policy, and the policy position of the ACT government is to expand Pierces Creek village. The reason I am putting this, Mr Chairman, is simply to point out that they have also expressed in their advice—which is on the Net, and we have the minutes of those meetings to table for you—concerns about the sustainability studies put forward.

Equally, there is an ACT and subregional planning strategy, which is not statutory but which was cosigned in 1998 by the Australian government, the ACT government and the New South Wales government. It deals with settlement principles, and in particular looks at limiting growth of rural-residential to existing areas and specifically excludes rural-residential from isolated areas, wildlife or riverine corridors. I point out that this is not statutory, but it is a clear statement made in that strategy, which we are all signatories to. At the time, it was specifically looking at rural-residential. I also note that the territory has told us that this is not intended to be rural-residential, but it is indeed residential development in the non-urban areas.

In 1992, the predecessor of this committee—the Joint Committee on the National Capital—also looked at this in *Our bush capital: protecting and managing the national capital's open spaces*. From memory, they made some 40 recommendations around that. One of them was that it was very important to reflect on the significance of the ecological value of the system as well as its values as a scenic backdrop and landscape setting. I am a little concerned by a comment

made by Mr Hollway that he did not understand our position because you could not see the village from Parliament House or the parliamentary area. I think that is a simplistic understanding of the National Capital Open Space System and its importance to the landscape, setting and environmental value of the capital.

In our view, the National Capital Open Space System is tremendously important. It is the subject of very detailed consideration in relation to the spatial plan at the moment. Whatever its future should be, it is going to have to be crafted very carefully, with knowledge, appreciation and long-term vision. At this point in time, the authority has decided not to propose an amendment just for the Pierces Creek expanded village. But I do reiterate that there is nothing in the current plan that would stop the ACT government from rebuilding the village with the 13 houses which the residents have indicated to us it is their preference to return to.

CHAIRMAN—Thank you. Before I go to Ms Ellis, I ask for some clarification. Is it not the case that you are not opposed, even under the rural planning of Pierces Creek, to Pierces Creek being rebuilt to the 13 residential homes that it had prior to the January 2003 fires?

Ms Pegrum—There is nothing to stop Pierces Creek being rebuilt to the way it was prior to the bushfires in 2003, with the 13 homes—albeit to contemporary standards. That is not the view of just the authority; we have had that confirmed by legal advice which was provided to the territory in February this year.

CHAIRMAN—But, if it was to be expanded, could it still be done under the present planning of Pierces Creek?

Ms Pegrum—No, it could not, because Pierces Creek is in a ‘mountains and bushlands’ land-use category and the authority would need to agree to propose an amendment to change that land-use category to ‘rural’ in order for the village to be expanded. That is what the authority has decided it will not do.

CHAIRMAN—That would be quite an impediment to expansion.

Ms Pegrum—The territory could not expand the village without the authority agreeing to propose the amendment, without the amendment going through the normal statutory consultation and not being disallowed by the Australian parliament.

Senator HOGG—I want to know who elected the authority. Can someone clear that up for me?

Ms Pegrum—The Australian government established the legislation under which the authority is established.

Senator HOGG—That is not my question. Who elected the authority?

Ms Pegrum—The Australian government established the legislation. There is no requirement for the authority to be elected members.

Senator HOGG—So no-one is elected.

CHAIRMAN—Ms Pegrum, you are saying that the category should not be changed from ‘mountains and bushland’ to ‘rural’.

Ms Pegrum—That is correct. That is what the authority has decided.

CHAIRMAN—It is pretty clear, isn’t it? It should not be changed. Therefore, if that were the case and it was not changed, the expansion of Pierces Creek could not take place.

Ms Pegrum—That is correct.

CHAIRMAN—What about if it was expanded from 13 to 15 houses?

Ms Pegrum—The same would apply. It is not the quantum of expansion; it is the notion of land use that is at issue here.

CHAIRMAN—So Pierces Creek, under the spatial plan, should still remain as a discrete entity.

Ms Pegrum—Under the Canberra Spatial Plan—which is a proposal at the moment; it has no statutory basis—it would still be outside of the urban containment area and outside of the Molongo Valley study area that is being looked at for potential future residential development. As I said, it is a very significant issue that is under consideration, and no decisions have been taken on that to date.

CHAIRMAN—Right. Let me clear this up. Pierces Creek would remain as a discrete entity no matter what decision with respect to the spatial plan was made.

Ms Pegrum—Under the current position of the authority that is correct, yes.

CHAIRMAN—Thank you.

Ms ELLIS—Just very quickly following up: can the current position change?

Ms Pegrum—Part of the legislation is that the authority continually monitor and review the plan. So I cannot pre-empt future authorities’ views. All I can do is tell you that the authority decision as it stands is that it would not propose an amendment to change the land use around the Pierces Creek area from mountains and bushlands to rural.

Ms ELLIS—The ACT Planning and Land Council slide that you showed—and which, I get the strong impression, you are using as evidence to us today—actually says that they disagree with restoration or development. Can you explain how the authority can come to a view that it agrees with part of that and not all of it? You put a bit of weight on the fact that that was up there, and we had the minutes. I am not arguing this point, but you used that evidence to support your position; and yet that position is different. I would like you to clarify.

Ms Pegrum—Our position at the moment is what is legally acceptable. The draft amendment 34 for Uriarra had already been proposed, had already had—

Ms ELLIS—I understand that.

Ms Pegrum—It is important, because it had already been proposed by us; there had been detailed consultation with the ACT planning authority, such as it was, at the time this was proposed; and there had been agreement reached. The matter at issue was whether we would progress it through, post the ACT election, to the government. What the ACT Planning and Land Council was looking at was the concept of rural villages in the context of the non-urban study, and the draft variations which they were considering were for Stromlo and Uriarra—which we are saying are already permissible if draft amendment 34 goes through for Uriarra.

Ms ELLIS—I am glad I asked that, because, with the greatest of respect, I got the very strong impression when you were speaking a moment ago that that was part of the justification, evidence or concern you had: the ACT Planning and Land Council already had a view. But you did not make it clear at that time that that was a view connected only to Stromlo and Uriarra. Am I right? I am just a bit confused, and it is really important that I understand this, because that was not clear initially.

Ms Pegrum—You are right in relation to considerations as I read them from the minutes—

Ms ELLIS—It is the top line that I am looking at.

Ms Pegrum—Yes, post-April, but the considerations in September and November really related to the concept of urban villages anywhere. In fact, one might say that their view is stronger than the authority.

Ms ELLIS—That is the point I am making. I just wanted to get on the record my concern that the authority appears to be using those minutes and that view from the council to justify their position; yet your position is different from that. That is how I read it, because that is how it appears to me this morning.

Ms Pegrum—On Uriarra it is, and that goes back to previous considerations from some three years.

Ms ELLIS—Hypothetically, what if Uriarra had not been advanced—and I have to say that it was the residents of Uriarra who got it there; in fact, this started many years ago, as we would all be aware. If that had not been done, what would your position in relation to Uriarra have been?

Ms Pegrum—You will have to repeat the question. I am not sure I understand.

Ms ELLIS—If the work that was done on Uriarra prior to the fires had not been done, which has been argued by you, I think, this morning as part of the justification for the authority's position on Uriarra and not on Pierces Creek—a lot of work compared with no work—what would have been the authority's position in relation to Uriarra?

Ms Pegrum—The authority has not considered that; I could not tell you, Ms Ellis. The authority has not had the question put to it.

Ms ELLIS—Okay, I am putting it now.

Ms Pegrum—I cannot answer that. I am one of five, and I would not like to pre-empt what the authority's view on that might be.

Ms ELLIS—The impression that I have got from the presentation this morning—and it may be the wrong impression, and I will cop the criticism if I have got it wrong—is that Uriarra has received one bill of health because work was already begun there and Pierces Creek has received another bill of health because there has not been any work done. That seems to be a pretty arbitrary way to do it when in fact, even though the work had been done, I do not believe that any firm decisions in relation to Uriarra, other than the advancement of the DA, had been taken. So I am trying to understand this: is the fact that work had begun the thing that triggers one getting over the line and one not?

Ms Pegrum—No. I think what you have to look at is this: why had work begun? The issue there is about the difference in the nature of the Uriarra settlement. The reason work had begun is that there was general recognition that Uriarra was not just a collection of houses. It was, in effect, a village with houses, infrastructure, a school and a community centre. It was that that triggered the work. In other words, the ACT government—ACT Housing—and the authority were recognising that here was something not dissimilar to the way that Tharwa and Hall had developed over time, whereas Pierces Creek has been a small, informal group of houses. I think that is important.

Ms ELLIS—Forgive me but I am being provocative because it is a terribly important discussion for the people of Pierces Creek and the ACT. So it is really because Pierces Creek was never bigger than 13 houses and therefore, because any authority of any kind in the past had never had the requirement or found it necessary to put anything else in it, that it is in fact why it is being treated differently—because Uriarra is only 10 houses bigger. I am arguing semantics here, but I believe they are important semantics because we are actually saying Uriarra was 10 houses bigger—only 10 bigger; 23 to 13—and yet, because there was a bus shelter and an old school and an oval, Uriarra should be treated differently to Pierces Creek, where there are only 10 houses fewer.

Ms Pegrum—They also had 12 vacant housing blocks and they had all of those community facilities. I think that is provocative because anyone who has visited those two areas would see that one is very much a community structure—a village structure—and one is a collection of houses that were there for the forestry workers at the time. All of that had been considered in detail by the residents of Uriarra, by ACT Housing—so by the ACT government—and by the authority and everyone recognised that yes, there was a village here and it ought to be legitimised within the context of the plan. That is what drove draft amendment 34. It would not be correct to say it is only because it was started that we kept going. It was there, the consideration had been given and it is vastly different from the informal collection of houses which have their own intrinsic merit for that particular social community between Uriarra and Pierces Creek.

Mr Schultheis—I will offer a comment as to the history. When the National Capital Plan was first introduced in 1990 by the government, which effectively carried through policies that had been developed by its predecessor, the area of Uriarra was in fact identified in the National Capital Plan as a rural area. A request was made by the territory government back in 1992 or 1993—I forget the actual date but it might have been a bit earlier—to change it from rural to

mountains and bushland. It was identified as part of a forestry settlement, and I imagine that at the time there was no principle that the authority believed that would say, 'We're not opposed to it forming part of mountains and bushland. It could be re-established as that if that is what you wish to do.' But then the subsequent request was to revert it to rural, so effectively it was taking it back to what it was. So in the authority's mind it was identified as rural, it had no reason to say that because of its character it should not be rural, and the authority agreed to propose the amendment. So there was a history to that as well as simply saying, 'We're changing it from mountain and bushland to rural.'

Ms ELLIS—At the risk of being a teeny bit emotional, rather than looking at the differences between the two places, I tend to look at the similarities. Both of them formed home bases for people but one lot is going to miss out on getting their home base re-established purely on economic terms. With the greatest respect to the authority and previous witnesses today, it is all very well to say it is entirely in the hands of the ACT government to make the decision to rebuild—of course it is—but the ACT government also need to have an economic responsibility as to how they do these things. I think it is a little bit of luxury for people to have this view that the ACT government could do it tomorrow if they wished when the government have other considerations to make as well.

Ms Pegrum—May I respond? The authority has considered this a lot, including the implications for the people who have lived there, their lifestyles and their hopes for a bright future. The authority has visited the sites and considered the reports; it has taken this very seriously, including its own moral positions on this. 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.

Ms ELLIS—In conclusion, because of the time, can you explain to the committee what consultation occurred between the ACT government and the NCA? Did the NCA conduct any collaborative discussions with the ACT? Did the ACT come in and brief the NCA on their proposals prior to now? What exactly was the arrangement between the two authorities in terms of your position versus theirs?

Ms Pegrum—I should point out that we have some detailed background notes which we will table for the committee on the history of this. We were party to the steering committee of Mr Hollway, and there was detailed discussion about this. In the course of the steering committee we consistently nominated the rural villages as an issue, and we were not alone in that on the committee. My colleague Mr Scott-Bohanna would like to follow through on the consultation post that.

Mr Scott-Bohanna—During the course of the steering committee work with Sandy Hollway's committee in the non-urban study up to the end of 2003, there was a lot of consultation on this subject and others. Following the end of the work of that committee and the publication of that report, we were invited to join another committee, which was the implementation committee. We declined because we have a statutory role. It would have given us a serious conflict of interest to be developing the sustainability studies on the one hand and the other hand trying to make a decision about them when they were received.

But, throughout the period since November last year, I have had numerous meetings on a whole range of aspects of the implementation of that study: Deek's Forest Park; the arboretum, which we are assisting, for instance, by providing all the base documentation for the competition to be run for that; the Molonglo Valley study, because areas of that overlap with the non-urban study; and of course the villages. There has been a very detailed understanding of the way in which the proposals have developed. This is not news to us.

Ms ELLIS—I am not suggesting it is. I just wanted to understand at what level those meetings took place and who instigated them. Maybe that is in your background.

Ms Pegrum—We should also say that we met with Pierces Creek and Uriarra residents on two occasions, from memory, and with the rural lessees on at least two occasions. Prior to the sustainability study being handed down and the request for the draft amendment, we invited the territory to all of those and they did attend. I think there has been very goodwill on both sides to keep each other informed of our positions and indeed to exchange legal information from the territory as well as from us.

CHAIRMAN—I have to go. There is just one question I would like to ask. Is there any impediment to the rebuilding of Pierces Creek starting, say, tomorrow—although I would not expect it to? Are there any problems with starting in terms of heritage places registration, or could it literally be started tomorrow because there are no impediments there whatsoever?

Ms Pegrum—To my very best knowledge, it could be started tomorrow, but I would expect you would have to go through normal building compliance, including assessments that need to happen associated with heritage, Aboriginal sites et cetera. That would be that matter for the territory. But, from a planning and land-use perspective, there would be nothing to stop the village being reconstructed as it was.

CHAIRMAN—A division has been called in the Senate. Would you be kind enough to bear with me, and I will come back as quickly as I possibly can to close the meeting.

Proceedings suspended from 12.34 p.m. to 12.38 p.m.

CHAIRMAN—I apologise for the interruptions today but there were unscheduled meetings of the Senate and lower house due to urgent legislation and because, I am told, there is an election somewhere around the corner, although I personally do not expect the Prime Minister to go and see the Governor-General on Sunday.

Ms ELLIS—Thanks for that tip!

CHAIRMAN—I said 'personally'. He may go and see the Governor-General but it might be on other business. Could I thank you so much again, Ms Pegrum and Mr Schultheis. Do you want to say something, Ms Pegrum?

Ms Pegrum—I did want to, just in closing. Comments have been made about the authority not being elected. I do just point out that the authority is a statutory agency established by the Commonwealth. We do have statutory responsibilities for reviewing the plan, and making considerations about the appropriateness or otherwise of proposing draft amendments is a

statutory job we have to do. The intention is that it is done at arm's length from politics. I simply make that by way of a statement.

CHAIRMAN—That is fine. The last one to thank is Mr Graham Scott-Bohanna. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of your transcript of your evidence today, to which you may make editorial corrections. Thank you for your attendance here today.

Ms Pegrum—Thank you.

CHAIRMAN—I will take this opportunity to thank all the people who attended today, those people who came along in the interests of the ACT and those with wider interests. That brings to an end this meeting today. We look forward to assisting, if that is at all possible, in the near future.

Resolved (on motion by **Ms Ellis**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 12.40 p.m.