

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

Introduction

The National Capital Open Space System

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

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

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

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

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

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

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

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

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

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

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

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

A Brief History

The January 2003 Bushfires

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

The Aftermath of the Bushfires

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 1.1 Impact of January 2003 Bushfires on Houses

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

*One of these houses is condemned

Source ACT Government Submission

Table 1.2 Impact of January 2003 Bushfires on Families

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

Source ACT Government Submission

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

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

Conflicting Points of View

The ACT Government's Position

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

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

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

19 ACT Government, Submissions, p. 7.

20 ACT Government, Submissions, p. 10.

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

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

Table 1.3 Summary of ACT Government Position

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

Source ACT Government PowerPoint Presentation

The National Capital Authority's Position

Authority Position in October 2003

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

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

Authority Position in June 2004

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

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

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

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

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

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

The Role of the Committee

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

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

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

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

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

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

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

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

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

Conduct of the Inquiry

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

32 ACT Government, Submissions, p. 3.

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

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

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

Structure of the Report

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

