

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

Draft Variation to the Territory Plan No. 151

Coree Block 5 Uriarra Rural Village

MAY 2005

Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees as follows:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community: ...

(e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.
....¹

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Land (Planning and Environment) Act 1991*, the Committee may send its report to the Speaker, or, in the absence of the Speaker to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

Terms of reference

Section 25 of the Land (Planning and Environment) Act 1991 (ACT) states:

The Minister shall, within 28 days of receiving a draft plan variation under section 24, refer—

- (a) the draft plan variation; and
- (b) the documents referred to in section 24(1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

Preface

Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The *Land (Planning and Environment) Act 1991* (ACT)⁴ (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object,⁵ which is:

to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.⁶

The Plan includes both a written statement and a map. The written statement contains general planning principles (Part A), specific land use policies (Part B), overlay provisions (Part C) and definitions of terms (Part D). The Territory Plan map shows which land use policies and overlays in the written statement apply to particular sections of land in the Territory. The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as *The Canberra Plan* and *People Place Prosperity: A Policy for Sustainability in the ACT*.⁷

Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.

The Minister is required by the Act to refer each draft variation, within 28 days of receiving it, to an appropriate committee of the Assembly – currently the Standing Committee on Planning and Environment – for consideration and report.⁸ The Minister is required to have regard to the Committee's recommendations before

³ Accessible at <<http://scale.law.gov.au/html/pasteact/0/160/top.htm>>.

⁴ Accessible at <<http://www.legislation.act.gov.au/a/1991-100/current/pdf/1991-100.pdf>>.

⁵ Land (Planning and Environment) Act 1991, sub-section 7(2)).

⁶ Land (Planning and Environment) Act 1991, sub-section 7(1).

⁷ Accessible at <<http://www.cmd.act.gov.au/canberraplan/>> and <<http://www.sustainability.act.gov.au/policy.html>>.

⁸ Land (Planning and Environment) Act 1991, section 25.

approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.⁹

The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed draft variation, in relation to land that is subject to a draft variation, once the draft variation has been notified for public consultation under the Legislation Act and until it commences operation, is disallowed by the Legislative Assembly, or is withdrawn.¹⁰

Following the Committee's tabling of its report in the Legislative Assembly, the Minister must take the findings of the committee into account before making his decision in relation to the draft plan variation.¹¹ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹² Unless wholly or partially disallowed by the Assembly within five sitting days, the variation will commence on the date nominated by the Minister

⁹ Land (Planning and Environment) Act 1991, paragraphs 26(1)(a) and (b), sub-section 26(2).

¹⁰ Land (Planning and Environment) Act 1991, section 9.

¹¹ Land (Planning and Environment) Act 1991, sub-section 26(2).

¹² Land (Planning and Environment) Act 1991, section 29.

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Summary of recommendations

RECOMMENDATION 1

- 1.33 The Committee recommends that the content of DCP 171/04/0004 be included in DV151. As part of the Australian and ACT Governments' overhaul of the ACT planning regime, the National Capital Plan should be amended to specify only the broad planning framework for the Uriarra Village, with the detailed principles to be administered and implemented by the ACT Government through the Territory Plan.

RECOMMENDATION 2

- 1.34 The Committee recommends that before the body corporate arrangements are established at Uriarra or Stromlo, Housing ACT and the Chief Minister's Department should report back to this Committee on progress. Options should be canvassed with former and new tenants and other residents. The Committee wishes to assess the proposed body corporate documents before they are adopted, and to ensure that shared responsibilities for the management of the area are recognised in those documents, and/or in a 'shared responsibility' agreement with the ACT Government.

RECOMMENDATION 3

- 1.35 The Committee recommends that Cottages 1, 2, 29, 31, 34, 35 and 36, which are currently proposed for heritage listing, be internally refurbished, with tenants' consent, at the same time as the other houses in the village are being constructed.

Introduction

- 1.1 Uriarra village is located about 16km west of Canberra, and about 4 km north of the Cotter Reserve, amidst rolling hilly lands overlooking a broad creek valley. It was established in 1928 to provide housing and community and other facilities for people associated with the ACT forestry industry. Since about 1992 residents have been seeking amendments to the National Capital Plan and the Territory Plan, to enable the Uriarra village to be legally subdivided. This would provide greater security of tenure and enable houses to be bought and sold, subject to ACT government policies. Although 16 of the 23 houses in the village were destroyed in the January 2003 bushfires, many residents still want to return to live in the village.¹³
- 1.2 Blocks in the village were about 1300m², although not formally surveyed. The village had community services such as an oval, parkland and tennis courts, and a school building which later came to be used for community purposes. The village has reticulated water from Bendora Dam, electricity, communications and a weekly garbage service. The electricity and communications networks were destroyed in the 2003 bushfires, but were reinstated to service the remaining residences. The historic role of the village, and the small number of forestry houses that survived the 2003 bushfires, has led to a proposal to list the surviving parts of the village under ACT heritage legislation.
- 1.3 On 3 June 2004 the Chief Minister, Mr Jon Stanhope MLA, announced that the houses destroyed in the bushfires at Uriarra, Stromlo and Pierces Creek would be replaced with high quality environmentally sustainable houses. The settlement at Uriarra would be increased from 23 to 100 houses.¹⁴ The main rationale for this redevelopment is that the ACT Government had 'given a commitment that people whose houses were burnt will have the opportunity to return.'¹⁵ Uriarra is also being enlarged to accommodate residents who may be unable to return to their former residences in other rural areas, which may

¹³ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Uriarra Village*, Canberra, May 2004, pp.26–27.

¹⁴ Jon Stanhope MLA, Chief Minister, *Media Release 207/04: New ACT Rural Villages to be World Class*, 3 June 2004.

¹⁵ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Uriarra Village*, p.25.

include Pierces Creek.¹⁶

- 1.4 The Chief Minister's announcement followed various inquiries and other processes, which included:
- ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Final Report: Opportunities for Non-Urban ACT*, Canberra, November 2003
 - ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Uriarra Village*, Canberra, May 2004
 - Finalisation of Draft Amendment No 34 to the National Capital Plan (DA34)
 - ACT Government, Public Environment Report Uriarra Village Blocks 5 and 78, Coree, November 2004
 - Minister for Planning, Evaluation Report of the Public Environment Report Uriarra Village Blocks 5 and 78 Corree, December 2004.
- 1.5 Prior to the 2003 bushfires, a proposal had been canvassed to expand the village. The National Capital Authority (NCA) had released a Draft Amendment to the National Capital Plan (DA34) to progress this. This was put on hold at the request of the ACT Government, so that various management and sustainability issues could be addressed. Amendment 34 was subsequently gazetted on 28 July 2004 and was not disallowed by Federal Parliament. It changed the land use category for Block 5 District of Coree from 'Mountains and Bushland' to 'Rural Areas' under the National Capital Plan. This enables the approval of residential holdings, subject to an NCA Development Control Plan (DCP).
- 1.6 DCP 171/04/0004 was approved by the NCA on 18 January 2005, which enabled the ACT Government to develop a draft variation to subdivide the land for up to 100 houses, and apply land use controls under ACT legislation. The DCP prescribes three key design objectives for the village:
- The rural character of the village is to be maintained with the design expanding upon the structure of the existing village.
 - The village is to be sustainable.
 - The design and management will incorporate measures to mitigate the

¹⁶ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Uriarra Village*, p.25.

effects of future bushfires.

The DCP permits home-based businesses but not a tavern or petrol station.

- 1.7 As the Uriarra Village has been subject to Plantation Forestry Policy under the Territory Plan, this must also be amended for the village to be re-established. Under the *Land (Planning and Environment) Act 1991* (ACT) this means that the land is 'defined land' for the purposes of subdivision 2.3.4 of the Act, and the draft variation has to include a map specifying the uses to which the land can be put,¹⁷ and the principles and policies for the development of the land.¹⁸ Paragraph 7(3)(c) of the Act provides:

For giving effect to the object of the plan and the principles and policies mentioned in subsection (2), the plan may —

(c) identify land for subdivision 2.3.4, *specifying in addition the principles and policies for its development* [emphasis added]

- 1.8 DV151 does include maps specifying the uses to which the land can be put, as required by the Act. These are reproduced in Figures 1 and 3 in Appendices 1 and 3. Figure 2 in Appendix 2 shows current land use policies. The Act also requires that the draft variation specify the principles and policies for the development of the land. Subsection 32(3) provides:

(3) A variation of the plan under subsection (1) is to be consistent with—

(a) the relevant subdivision and any conditions subject to which that subdivision is approved; and

(b) *the principles and policies specified in the plan for the development of the relevant defined land.* [emphasis added]

- 1.9 Draft Variation to the Territory Plan No. 151 proposes that the existing Plantation Forestry Policy be replaced with a Rural Policy and an 11B Area Specific Policy Overlay. This is represented graphically at Appendix 3. DV151 also proposes to amend the Territory Plan Map by adding the following Area Specific Policy at the end of the Clause 4 of the B11 Rural Land Use Policies.

Area 11B Uriarra Rural Village:

Add to Clause 1

¹⁷ *Land (Planning and Environment) Act 1991* (ACT) subsection 32(2). See Figure 2.2 Outline Plan, Stromlo Settlement, in DV244, p.16.

¹⁸ DV244 incorrectly refers to *Land (Planning and Environment) Act 1991* (ACT) subsection 7(3)(e) rather than paragraph 7(3)(c).

To provide for residential development at the Uriarra Village in conjunction with a range of associated uses appropriate to a small scale rural village environment.

Controls

a) Land Use

Add to Schedule 1

Single dwelling housing, home occupation, home business, community use, scientific research establishment

b) Land Use Restrictions

Add to Clause 2.2

Home business – the controls at clause 3.2 of the B1 Residential land use policy apply except for 3.2 c).

c) Size of Leases

Replace Clause 2.3 with

Subdivision may be permitted only in accordance with a Development Control Plan agreed by the National Capital Authority.

d) Development Conditions

Add to Clause 2.7

Development shall be in accordance with a Development Control Plan approved by the National Capital Authority and shall have regard to the relevant Territory planning documents for bushfire risk mitigation in the ACT.¹⁹

- 1.10 This approach does not seem to meet the requirements of the Act in that the principles and policies for the development of the land, which are in DCP 171/04/0004, are *not specified in the Territory Plan*. In contrast, *Draft Variation to the Territory Plan No. 244: Duffy part Block 2 Section 56 Stromlo Settlement (DV244)*, does specify the general and detailed principles applicable to the Stromlo redevelopment.
- 1.11 In 2004 the Joint Standing Committee on the National Capital and External Territories recommended that planning policy be moved out of Development Control Plans and into the National Capital Plan. The confusion and delays caused by dual planning regulations had been highlighted clearly in various submissions to the Joint Standing Committee.²⁰

¹⁹ Variation to the Territory Plan No. 151 Coree Block 5 Uriarra Rural Village, Recommended Final Variation, March 2005, p.10.

²⁰ Parliament of the Commonwealth of Australia, Joint Standing Committee on the National Capital and External Territories, *A National Capital, A Place to Live: Inquiry into the Role of the National Capital Authority*, July 2004, Canberra, pp.70–76.

- 1.12 The Federal Parliamentary Committee had also recommended that the National Capital Authority and the ACT Planning and Land Authority jointly develop planning principles for areas of Territory land subject to special requirements, and that the Territory assume planning responsibility for these areas. The principles in the Uriarra DCP were developed by the Chief Minister's Department and approved by the National Capital Authority. The Territory must act in accordance with the DCP because of the overriding nature of the *Australian Capital Territory (Planning and Land Management) ACT 1988* (Cwlth).
- 1.13 The Committee queries why ACT Government officials developed the principles which are included in the DCP, for prescription by the NCA,²¹ rather than negotiating a broad policy framework for inclusion in the National Capital Plan, with the detailed planning principles to be specified in the Territory Plan, since the administrative and implementation responsibilities appropriately rest with the ACT Government.
- 1.14 The Committee recommends that the content of DCP 171/04/0004 be specified in DV151. As part of the substantial reform of the ACT planning regime, the National Capital Plan should be amended to specify only the broad planning framework for the Uriarra Village, with the detailed principles to be administered and implemented by the ACT Government.

Consultation comments

- 1.15 There has been extensive consultation with stakeholders concerning the future of the bushfire-affected rural villages in the ACT. In response to the broad-ranging first stage consultation process for the report *Shaping our Territory: Options and Opportunities*, 142 public comments and 21 stakeholder group comments were submitted. The Shaping Our Territory Working Group held meetings with a wide range of stakeholders over a six-month period. The second stage consultation stimulated 467 submissions. These were taken into account in the development of the *Shaping Our Territory Final Report*.²² Advice

²¹ Letter from P. Dewhurst, Planning and Urban Design Unit, National Capital Authority, dated 19 January 2005 to Mr Hamish Sinclair, ACT Planning and Land Authority, concerning Uriarra Village Development Control Plan Block 5 and 78 – Coree District.

²² ACT Government Non-Urban Study Steering Committee, *Shaping our Territory Final Report: Opportunities for Non-Urban ACT*, November 2003, Appendix 2.

from a wide range of experts was used to develop the Uriarra Village Sustainability Study.²³

- 1.16 The ACT Planning and Land Authority circulated DV151 and the Preliminary Assessment (PA) for public comment in June 2004. Written submissions provided in response were made available for public perusal. The technical assessment of the PA concluded that a further assessment in the form of a Public Environmental Report (PER) was required to address a number of specific issues.
- 1.17 The PER report was lodged with the ACT Planning and Land Authority in November 2004 along with a consultation report. A further evaluation report was added to these two reports and submitted to the ACT Legislative Assembly in December 2004.
- 1.18 In accordance with the *Land (Planning and Environment) Act 1991*, the ACT Planning and Land Authority also sought and considered the views of the National Capital Authority, the ACT Heritage Council and the Conservator of Flora and Fauna regarding DV151.
- On 8 July 2004 the National Capital Authority advised that the proposed variation to the land use policy change was inconsistent with the relevant provisions of the National Capital Plan. DV151 was subsequently revised and DCP 171/04/0004 was subsequently approved.
 - The ACT Heritage Council advised on 15 July and 8 November 2004 that it had no concerns about DV151, noting in the latter letter that the Council had accepted the nominations for Stromlo, Uriarra and Pierces Creek Forestry Settlements at its meeting in September 2004 and had allocated them a high priority for assessment.
 - The Conservator of Flora and Fauna expressed concerns in a letter dated 7 June 2004 about the likely increase in recreational use of the Cotter, illegal fishing, inappropriate activities in the waterways, and unauthorised access leading to degradation of the natural values of the area.
- 1.19 In response to issues raised during consultations, especially by the NCA, the draft Variation was revised in certain procedural ways, including to exclude 'light industry' as a permitted use, and to address bushfire risk mitigation

²³ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Uriarra Village*, Canberra, May 2004, Appendix 1. The consultation undertaken by the Shaping Our Territory Working Group is summarised in Appendix 2.

requirements. The issues raised by the Planning and Land Council and the public during the public consultation period, and the ACT Planning and Land Authority's response, are summarised in [Table 1](#).

TABLE 1: SUMMARY OF ISSUES AND ACT PLANNING AND LAND AUTHORITY RESPONSES²⁴

Stakeholder comment	Response by the ACT Planning and Land Authority
<p>The objective of low cost housing for former residents would not be met, especially with travel and higher living costs</p>	<p>Government goals include enabling the return of former residents to a more sustainable village with a secure future.</p>
<p>Government is motivated by money-making opportunity</p>	<p>The ACT Government is seeking to satisfy both social and planning goals by re-establishing the village.</p>
<p>The proposal is inconsistent with the Canberra Spatial Plan which restricts urban development to within 15kms of the centre of Canberra.</p>	<p>The Spatial Plan says that rural villages were under further investigation, and would need to meet sustainability principles, including water resources, acceptable bushfire risk, water and effluent management, access to services and facilities without undue cost and cost effective and efficient provision of infrastructure. The ACT Government's view is that these principles have been met.</p>
<p>Proposed community title would result in higher common costs; public tenants would be forced out in the long term; public housing would mean government domination and private/public tension, and as this would be the first community title development in the ACT, there would be other general risks</p>	<p>Cost efficient and sustainable housing will be provided. Ultimate lease arrangements are subsequent to the draft variation process, and the issues will be considered later. Housing ACT has indicated that it would want tenant participation in body corporate arrangements. At implementation stage, clarification and articulation would be needed</p>
<p>Various concerns about the high cost of initial housing, of emergency services, ongoing maintenance, policing and fire</p>	<p>The goal is to provide cost efficient and sustainable housing, for public housing. At 16kms from the City, Uriarra is more</p>

²⁴ ACT Planning and Land Authority, Report on Consultation with the Public and Government Agencies, Draft Variation to the Territory Plan No. 151– Coree Block 5 Uriarra Rural Village, March 2005, pp.3–12.

services

There will be future demands for services and commerce such as a general store, petrol station and tavern; re-development is precedent-setting for further expansion in the valley; there are poor greenhouse, energy, transport and biodiversity outcomes

Concerns at significant Aboriginal sites, plant and bird species, feral pets, threatened fish species, wildlife /human accidents, and negative recreational impact

The ACT bushfire abatement zone will not work, and the fire risk will be increased because village residents will be less aware of bushfire risks and responses

Impact on rural leaseholders through dog attacks on stock is a concern, and rural character will be affected.

The Planning and Land Council expressed concerns about social equity, saying there is a strong risk that, over time, Uriarra could develop into a private enclave, as entry, body corporate and maintenance costs increase over time

Planning and Land Council says that nothing in proposals provides for investment in facilities such as schools

accessible than many outlying Canberra suburbs. Tenants and displaced persons will have similar entitlements as in urban areas.

The DCP does not provide for a tavern or petrol station, but allows home-based businesses. Growth will be constrained by the National Capital Plan, which prohibits village expansion outside existing boundaries. Residents are capable of taking a range of decisions, which could enhance sustainability, and Uriarra will be used as model of sustainability.

Aboriginal and European heritage will be protected. Pets may be controlled by the Community Management Committee. A mixture of education, and controls could be implemented to enhance environmental value and minimise damage

A range of measures, including appropriate land management, a Uriarra volunteer bushfire brigade and training will be provided. Bushfire risk assessments and mitigation measures are required to be undertaken. There will be further consultation with the ACT Emergency Services Authority re a Bushfire Operational Plan for Uriarra.

Proposed controls on dogs should be effective and the NCA approved the village having taken the character of the area into account.

Measures will be taken to encourage return of previous tenants in the short term. Ability to purchase houses will give former tenants a chance to guarantee a secure future for the village. A mix of public and private housing is more sustainable.

No evidence that former residents want a school, and none is planned

Planning and Land Council says that total land management area is not identified, and unknown costs and responsibilities will need to be managed by the body corporate

Following the Bushfire Abatement Zone study by the ESA, ACT Forests have declared their wish to lease the inner asset protection zone for village management. They believe that this will not be a huge impost, and could be used for agistment to offset management costs.

Is the cost of a community development worker included in costing?

Yes. \$50,000 noted in Uriarra sustainability study (p.114)

No convincing case has been made for the use of community titling as a form of land tenure, given possible tensions and costs. Also, commitment of Housing ACT to contribute may prove problematic

Community titling is not a matter for the DV. Housing ACT has stated that it is already party to some body corporate arrangements

Based on current high building costs in Canberra, and extra costs of sustainability, it may be difficult to justify Housing ACT's involvement

The recommendations of the Sustainability Study and Public Environment report have been accepted by the ACT Government.

Concerns of rural lessees and neighbouring residents not adequately addressed, and predicted long term costs will lead to social and economic deprivation in the long term

Views of residents were sought in consultation process. The Non-Urban Study strategic principles and policies seek to provide for a range of lifestyles and a social mix, in order to optimise sustainability.

Committee consultations

- 1.20 On 23 March 2005, pursuant to the *Land (Planning and Environment) Act 1991* (ACT), Mr Simon Corbell MLA, Minister for Planning, referred DV151 to this committee for inquiry and report.
- 1.21 On 31 March 2005 the committee decided not to invite submissions or hold public hearings in relation to DV151 as the issues had been well canvassed in previous inquiries.

Committee comments

- 1.22 The Committee appreciates that there is a strong desire among many of the former tenants of Uriarra village to return to the village. It also notes that expert

advisers on the ACT Planning and Land Council queried the economics and other justifications of the rebuilding proposal.²⁵ In the Committee's view, whilst there are costs and risks associated with this proposal, these can be partially offset by the benefits that will be generated for new and former residents, and by the shared responsibilities that the Committee recommends be required of the Uriarra residents both in its body corporate documents and in agreement with the ACT Government.

- 1.23 The proposed mix of public and private housing development is sound. One of the successes of Canberra has been the suburban socio-economic mix, and it is sensible that a new Uriarra village should have a mixture of public and private housing. However the Committee is concerned that some of the 7 houses that survived the 2003 bushfires and which are proposed for listing under the *Heritage Act 2004* (ACT) may need to be refurbished. Cottages 1, 2, 29, 31, 34, 35 and 36 were all built in the 1960s. Cottage 35 is said to be in 'poor condition',²⁶ the others range from mostly 'good' to 'excellent'. These houses will be located amidst up to 93 new houses and there is a very real prospect that this will cause social division. The Committee therefore recommends that the houses proposed for heritage listing be internally refurbished, with tenants' consent, at the same time as the other houses in the village are being constructed.
- 1.24 The Committee notes the lack of a local centre or retail facilities in the proposed redevelopment of Uriarra Village. Mr George Tomlins, Executive Director, Strategic Projects and Implementation, Chief Minister's Department, advised the Committee through the Secretary that grocery stores will be permitted to operate at Uriarra as home businesses, with residents living on the premises from which groceries can be sold.²⁷
- 1.25 The Committee welcomes the proposed use of the *Community Titling Act 2001* (ACT) to provide the management mechanisms for the re-established rural villages at Stromlo and Uriarra. Uriarra Village has always benefited from a strong community spirit. Its character, based on size, history and location lends itself to a degree of autonomy and resourcefulness. Given the pre-existing social capital and inter-personal networks associated with the village, effective management of common property by the body corporate may also be

²⁵ ACT Planning and Land Council, Meeting No. 11, Tuesday 27 April 2004.

²⁶ ACT Heritage Council, Draft: Uriarra Forestry Settlement, Proposed entry to an Interim Heritage Places Register, n.d., p.13.

²⁷

achievable. However, since use of the Community Titling Act is a new governance mechanism, care must be taken that participants fully understand their rights and responsibilities under the Act.

- 1.26 The Committee notes with some concern the suggestions made by some stakeholders about the potential high costs of re-building and maintaining the village. The Committee is pleased that former tenants will, for the first time, be eligible to purchase tenanted houses in the re-built village. At the same time, it is conceivable, through a combination of uncertain community title and higher than anticipated 'entry' costs, that long-term maintenance costs might become unsustainable and the social mix will change in favour of wealthy private housing.
- 1.27 The Committee accepts that community title arrangements should not be addressed in detail prior to the Draft Variation being approved. But the Committee (and the Assembly) has an interest in how this legislation works in practice. The Committee recommends that before the body corporate arrangements are established at Uriarra or Stromlo, Housing ACT and the Chief Minister's Department should report back to this Committee on progress.
- 1.28 The Committee appreciates that a viable village at Uriarra with trained volunteer fire fighters would provide a forward defence against bushfires. But the village should not be allowed to become an enclave. The Committee is concerned to see that Uriarra residents assume responsibilities to ensure the sustainability of their environment since these rural villages have been promoted as models for sustainability. Residents should be encouraged, if not already involved, to participate in the volunteer bushfire brigade, in weed management, Neighbourhood Watch, Waterwatch/river care activities, management of local remnant grasslands and woodlands,²⁸ and in domestic pet control. The Committee is particularly concerned to ensure that cats are permanently confined to their owners' premises, and that dogs are never unleashed when outside fenced areas. Communal management of communal gardens could also be fostered by the body corporate.

²⁸ Even patches of remnant vegetation amidst pine plantations as small as half a hectare can support more aboreal marsupials, small mammals, birds, reptiles, frog and plants than previously realised, and can have significant conservation value: D. Kindenmayer, *Islands of Bush in a Sea of Pines, Research Report 6/2000*, National Research and Development Program on Rehabilitation, Management and Conservation of Remnant Vegetation, Land and Water Resources Research and Development Corporation, 2000.

- 1.29 The Committee is of the view that ACT Government responsibilities in relation to the provision of services and maintenance would be specified in a 'shared responsibility' agreement incorporated or cross-referenced in the Uriarra Village body corporate's constituting documents.
- 1.30 The Committee is also concerned that inordinately high body corporate costs are not imposed.
- 1.31 The Committee wishes to assess the proposed body corporate documents before they are adopted. The Committee recommends that options for community title are canvassed with former and new tenants and other residents, and that recommendations are brought back to the Committee before approval of the development application and establishment documents.
- 1.32 It is important that attention should be given to the division of responsibilities and community title structure during the village re-development process.

Committee recommendations

RECOMMENDATION 1

- 1.33 The Committee recommends that the content of DCP 171/04/0004 be included in DV151. As part of the Australian and ACT Governments' overhaul of the ACT planning regime, the National Capital Plan should be amended to specify only the broad planning framework for the Uriarra Village, with the detailed principles to be administered and implemented by the ACT Government through the Territory Plan.

RECOMMENDATION 2

- 1.34 The Committee recommends that before the body corporate arrangements are established at Uriarra or Stromlo, Housing ACT and the Chief Minister's Department should report back to this Committee on progress. Options should be canvassed with former and new tenants and other residents. The Committee wishes to assess the proposed body corporate documents before they are adopted, and to ensure that shared responsibilities for the management of the area are recognised in those documents, and/or in a 'shared responsibility'

agreement with the ACT Government.

RECOMMENDATION 3

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Mick Gentleman

Chair

May 2005

Appendix 1 – Uriarra Village Concept Plan

This map shows the proposed land use in the Uriarra Village, consistent with DCP No 171/04/0004 under the National Capital Plan.

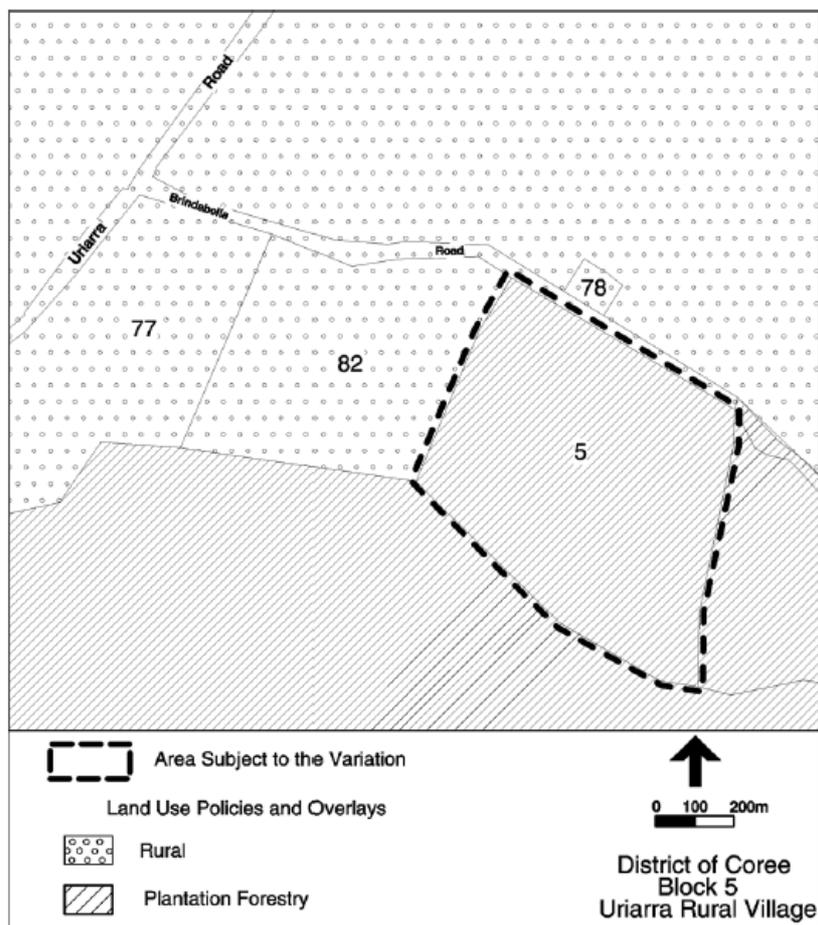
Figure 1 –



Appendix 2 – Existing Land Use Policy

Uriarra Village, except for the sewerage treatment facility opposite the main village site, is currently subject to Plantation Forestry Policy in the Territory Plan. This does not permit subdivision of the land and the issuance of leases for residential purposes. The sewerage treatment facility is subject to Rural Policy under the Territory Plan. Figure 2 shows current land use policies for the site under the Territory Plan.

Figure 2 –



Appendix 3 – Proposed Variation to the Territory Plan Map

The proposed Land Use Policy for the area subject to this variation is shown in Figure 3.

Figure 3 –

