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Black Mountain as a place of protest: tower, gondola and highway

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Abstract. The strong attachment of sections of the Canberra community to Black Mountain is apparent in the opposition to perceived threats to this natural bush reserve and its visual integrity as one of the hills forming the capital's landscape setting. This background paper traces three local protests to preserve Black Mountain Nature Reserve: the opposition to the construction of the telecommunications tower on the summit in the first half of the 1970s, the proposal to erect an aerial gondola to transport visitors to the summit in the late 1970s and early 1980s, and the protest against the encroachment of the Gungahlin Drive highway into the reserve in the early 2000s. These protests involved local residents, academics and scientists, community groups, conservation organisations and politicians, and met with varied success.

Local opposition to what were perceived as unnecessary encroachments upon the summit and perimeter of the reserve reflected growing awareness of wider environmental concerns and the willingness of Canberra's citizens to challenge government plans and projects. These contests bring into sharp relief the conflicting values about the place of a natural bush reserve located so close to the city, pressures on the reserve within an increasingly urban city, and attitudes about the national capital and its landscape setting. Continued urban expansion and pressures upon the reserve will strengthen the perception, in many parts of the community, of the natural and ecological values of this native bushland so near to the city, increasing the likelihood of continued determined community action to protect it from perceived threats into the future.

1. Introduction

Black Mountain is 'everybody's mountain', the incomparable scenic backdrop to Australia's national capital. Wherever you go in Canberra its benign profile, adorned but never concealed by trees, will remain within your field of vision. If you have come to Canberra to stay for good or for a long holiday, you will soon be wanting to walk among the trees. Knowledgeable guides are easy to come by, for the mountain is studied and enjoyed by people of many kinds – scientists and bushwalkers, schoolteachers with their pupils, parents with their children. [. . .] Both for the citizens who lift their eyes to the hills and for the scientists – or the children – who study and enjoy the intimate interplay of living creatures in their natural habitat, Black Mountain is precious.¹

Keith Hancock's evocative rendering of the mountain and its (idealised) place in the recreational and educational life of Canberra's residents expresses admiration for its ecological diversity and the splendour of its setting as a backdrop and key feature in the design of the city. Located so close to the city, the mountain was accessible to 'everyone' (suggesting the importance of the recently declared nature reserve to the community) for enjoyment and learning. Like Hancock himself, who walked regularly on the mountain, such involvement with the location created deep attachments. This description features in the opening to Hancock's *Battle for Black Mountain*, his account of the legal challenge to prevent the construction of the telecommunications tower on the mountain in the early 1970s. The subtitle of his short account, 'An episode in Canberra's environmental history', speaks to an emerging environmental awareness as the city expanded. This awareness increasingly centred on the value of the 'city in the landscape'², one that was particularly sensitive to the aesthetic values of

¹ Hancock (1974), p. 1.

² Taylor (2006).

the scenery and the natural values of the ‘ecological treasures’ of remnant bush such as Black Mountain.³

Hancock’s views about the ‘precious’ quality of Black Mountain were — and continue to be — shared by a large section of the Canberra community. In the decades following the declaration of the site as a nature reserve in July 1970, after a decade of lobbying led by the National Parks Association (ACT)⁴, Black Mountain faced a series of perceived threats to its summit and further encroachment at its perimeter. From the 1970s, Canberra was experiencing rapid growth. Its residents were also moved by the broader national mood of activism and increasingly challenged plans for the city’s development and decisions on a range of plans and projects. Three proposals in particular thrust Black Mountain into the centre of public debate: the construction of the telecommunications tower on the summit in the first half of the 1970s, a proposal to erect an aerial gondola to transport visitors to the summit in the late 1970s and early 1980s, and the encroachment of the Gungahlin Drive highway into the reserve in the early 2000s. Individuals and local organisations took up arms in a ‘pencil-and-paper war’ according to one critic⁵, writing letters to the press, lobbying politicians and government decisions makers; they organised demonstrations and protests, held public meetings, and raised money to fund legal challenges.

This paper traces the course of these protests to illustrate how issues affecting this bush reserve galvanised public response. Controversies related to Black Mountain highlight conflicting values about the place of a reserve located so close to the city, pressures on the reserve within a changing urban environment, and attitudes towards the landscape setting of the national capital. These protests met with mixed success. They also suggest some of the way in which the environment and ideas about the bush have influenced the community in Canberra and its interactions with government.

2. ‘That Tower’⁶

Even while the process to secure Black Mountain as a nature reserve was underway, plans were afoot by the Post-Master General (PMG) to erect a monument on its summit. The controversy over the construction of the telecommunications tower on Black Mountain lasted over four years. Rumours about the project were first aired in public late in 1970 and opposition continued until early 1975 when the High Court determined that its construction was lawful. Black Mountain Tower was officially opened in May 1980. While the project sparked broad opposition from residents and local organisations seeking to preserve the natural values and sweeping vista of mountain, nevertheless the promise of state of the art telecommunications services united in one structure, its modernist architecture and visitor facilities held a strong appeal for many others. The campaign of protest was led by scientists and academics, joined by a wide range of Canberra’s residents. They petitioned politicians, wrote letters to government and the press, demonstrated, and financed and mounted a legal challenge against the PMG and the Commonwealth. Although the campaigners lost the ‘Battle for Black Mountain’, the protest brought local environmental concerns into public debate, placing Canberra alongside national issues such as the damming of Lake Pedder in Tasmania. The ensuing controversy and legal challenge resulted in two firsts for Australia: it was the first time a hostile citizenry confronted telecommunication authorities over the installation of technology. The project also required the first Environmental Impact Statement to be prepared under Commonwealth legislation.⁷

³ Brown (2014), p. 183.

⁴ ‘The Protection of Black Mountain’ (2000), pp. 32–33; *National Parks Association of the ACT Inc.: Oral history Project* (2012).

⁵ ‘TV Tower’, *Canberra Times*, 23 November 1970, p. 2.

⁶ Panter (1974), p. 10.

⁷ Moyal (1984), p. 285.



Fig. 1. Canberra from Black Mountain Tower. Photo: JJ Harrison (Wikimedia Commons).

2.1 The proposed tower

The genesis of the idea for a telecommunications tower in the national capital reportedly lie in London, where Sir John Knott, Australia's Deputy High Commissioner (1966–68), dined in the restaurant at the top of the Post Office Tower. Upon his return to Melbourne to take up office as Director-General of Posts and Telegraphs at the PMG (1968–71) he gained support from the Post-Master General, Sir Alan Hulme, for a proposal to build a similar structure in Australia. His deputy Evan Sawkins was sent on a study tour to investigate major telecommunications towers in Europe. Enamoured of the idea, the PMG forged ahead with a plan to 'emulate and rival' their counterparts overseas.⁸ 'Everywhere in the world there is a very popular demand for these high lookout facilities', Frederick Taylor, the engineer for the project, later observed.⁹

At the time, Black Mountain already hosted two slender television transmitting masts serving Canberra's local and national stations. The masts were installed in the early 1960s. Radio-telephony services had been met by a relatively small facility on Red Hill since 1955. Construction of these masts, the associated structures and an access road to the summit required vegetation clearing. This had aroused spirited opposition, in particular from the National Parks Association (ACT, henceforth NPA) who were campaigning to have the mountain protected as a nature reserve. The National Capital Development Commission (NCDC), the authority responsible for the planning and development of the national capital, had been pressuring the PMG for some time to tidy up its radio relay station on Red Hill, which, it argued, would mar the view from the proposed new parliament house planned for Capitol Hill. Black Mountain was recommended to the PMG as a viable alternative to host a temporary steel lattice tower for radio-telephony while a 'harmonious design' to integrate the multiple masts into one was developed.¹⁰ Given the depth of antagonism in the ensuing dispute between PMG and NCDC over the design and aesthetics of a substantial tower, it is no small irony that the NCDC's objection to the masts on Red Hill prompted them to urge the masts be replaced on Black Mountain in the first place.

In August 1970 the PMG presented its plan for a reinforced concrete structure 195 metres high at a budget of \$6 million to consolidate TV, radio-telephony, sound broadcasting, mobile radio and paging services into a single structure. This would also include public look-out galleries and a revolving restaurant. The designer, Richard Ure, described it as an 'exciting symbol of our modern technological age', whereas the NCDC, aghast, thought it a 'technocratic sculptural work.'¹¹ The elongated structure with its barrelled middle, they argued, intruded upon the 'natural state' of the mountain. Protracted negotiations ensued between the PMG and the Commission, who sought to streamline the structure so that it did not significantly alter the mountain's profile. The size and shape of the 'cotton reel' middle bulge required to cater to tourists and diners proved the sticking point. The PMG, on the other hand, regarding the structure as a symbol of their 'prestige' in the capital, were determined to press ahead.¹² The viewing and restaurant facilities would provide not only a modern

⁸ Moyal (1984), pp. 285–286.

⁹ Sparke (1988), p. 257.

¹⁰ Moyal (1984), p. 285.

¹¹ Ure (1972), p. 49; Sparke (1988), p. 258.

¹² Taylor and Brigden (1981), p. 92.

tourist attraction, but, the PMG claimed, would also generate revenue that would pay for the structure. Sir Alan Hulme took the proposal to Cabinet, where it was endorsed, restaurant and all.

Word of the proposal did not reach the public until early November 1970, when the *Canberra Times* reported on rumours about the project raised by Dr John Kirk, a scientist at CSIRO and convenor of the Environmental Study Group of the Society for Social Responsibility in Science. He argued that Black Mountain was one of the most important components in the beauty of Canberra and that the PMG's plan to erect this 'vulgar and obstrusive [sic] structure' would have a 'ruinous effect' on the aesthetic quality of the whole city. Kirk was particularly riled by the prospect that the bushland backdrop to the city afforded by Black Mountain would be 'seriously impaired if it is to be crowned by this brazen and intrusive symbol of the telecommunications industry.'¹³

The following day, 3 November 1970, the NCDC provided an overview of the proposal, including designs of the proposed tower, informing readers that the tower would have the ability to cater for colour television and would eliminate current problems with 'ghosting'. The NCDC claimed that the 'scheme' would not require any additional space than the existing installations, trying to alleviate fears about encroachment upon the reserve. The article also mentioned concerns about the impact of the construction of the tower upon the recently declared nature reserve, which would be considered by the Tidbinbilla and Black Mountain Flora and Fauna Committee, who advised the Department of Interior on matters related to managing reserves. Prominent local conservationist Dr Nancy Burbidge, the prime mover in the campaign to have Black Mountain declared as nature reserve, was the NPA's representative on this committee.¹⁴ The tower's design, however, did not win over everyone with its bold claims to embody modern telecommunications. The breaking story in the *Canberra Times* likened it to 'the business end of a hypodermic needle', an allusion that has resonated with Canberrans ever since.¹⁵

2.2 Opposition builds

Debate about the proposal continued for the next 18 months. Opponents of it voiced multiple concerns. The NPA, as former president George Chippendale recalled, were 'vehemently opposed to the project'.¹⁶ They feared the impact on the fragile ecology of the mountain of construction activities, the 'hordes of people' the PMG expected to visit its tower, and the increased congestion of cars and tourist buses plying their way to the summit. An attraction of this scale was likely to increase pressure to add further facilities for visitors, lessening the integrity of the recently declared reserve. The delicate ecology of the reserve was also thought to be threatened by a soil borne fungus (*Phytophthora cinnamomi*) which attacked the roots of susceptible trees and other vegetation. Opponents feared that the construction works would alter natural drainage and contribute to further dieback.¹⁷ The design and siting of the tower, intruding upon the ridgeline of the hills, also drew considerable ire. It was widely criticised as a 'distortion of spatial and symbolic values'.¹⁸ The NCDC objected to the tower's bulk; the issue was its scale: 'It is the sheer massive quality of the thing and its impact upon the Canberra valley.' At 244 metres above the lake, Black Mountain rose sharply against

¹³ 'TV tower-restaurant', *Canberra Times*, 2 November, 1970, p. 1.

¹⁴ In June 1972, the members of the Tidbinbilla and Black Mountain Advisory Committee were: Louis Engeldow (Department of the Interior), Dr. Nancy Burbidge (nominated by the NPA), Dr. LT Carron (nominated by the Royal Society), Dr. HJ Frith (CSIRO Division of Wildlife Research), Prof. JD Overington (Forestry Department, ANU), Prof. Lindsay Pryor (Botany Department, ANU), Dr. DF Waterhouse (CSIRO Division of Entomology), Mr AJ Fitzgerald (nominated by ACT Advisory Council) and David Shoobridge (Director, City Parks, Department of Interior). *Minutes of evidence relating to the proposed erection of a communications tower at Black Mountain A.C.T.* (1972), p. 70.

¹⁵ *Canberra Times*, 3 November 1970, p. 1.

¹⁶ Chippendale, (2012), p. 29.

¹⁷ Pratt (1973); Wrigley (2000), p. 14–18. The fears about the impact of the fungal disease were not realised; Doherty (2018), pp. 7–8.

¹⁸ Moyal (1984), p. 286.

the horizon. Placing a structure three-quarters of the mountain's height on the summit would create an effect of dwarfing it.¹⁹

Opposition to the project was also advanced on technological and economic grounds. Whereas some opponents such as the NCDC elected not to challenge the PMG's technical design, accepting the need to consolidate all telecommunications into a single slender mast (while standing firm against the visitor facilities), the Society for Social Responsibility in Science, presented a strong challenge to PMG on technological grounds. Dr John Kirk criticised the proposal as based on 'flawed technology', asserting that interstate microwave systems would be superseded by emerging fibre optic systems. Professor Stephen Kaneff (Professor of Engineering Physics of the Research School of Physical Sciences at the ANU), was enlisted to the cause. He argued that the tower was not only 'technologically unnecessary', but likely to be an impediment to further technological change in the not too distant future.²⁰ Alternate options were proposed, such as retaining certain services like television in a structure on Black Mountain with radio-telephony and other services provided through a separate structure on Red Hill or Mt Crace. These options were rejected by the PMG as uneconomic.

The addition of viewing platforms and a revolving restaurant into the tower's design was the major sticking point for all opponents of the scheme. Central to the PMG's structural and symbolic aspirations, accommodating these facilities within the design necessitated the bulky middle section. The streamlined mast that many opponents could have accepted as a compromise was rejected in favour of a symbol of technological prestige. Scientists and academics believed that the structure would cost twice as much as comparable Australian facilities for radio, television and radio-telephony equipment. They rejected the PMG's assertion that the additional expense could be recouped through the inclusion of tourist and visitor facilities, challenging the project's feasibility as well as its aesthetics. The fact that the PMG intended a grand structure in a nature reserve aroused indignation, while their dismissive attitude to counter-proposals and alternatives engendered deep hostility and opposition.²¹

Not all Canberrans opposed the proposed tower. Its modern, technological symbolism held strong appeal for many.²² The prospect that the existing masts, their associated infrastructure and the general degradation caused by traffic on the summit would be 'tidied up' through the construction of a single tower was seen as a great advantage.²³ The business and tourism lobby also strongly favoured the proposal. Members of the Tourism Advisory Board that advised the Department of the Interior regarded the summit of Black Mountain as 'a prime tourist asset' and welcomed the expected economic boost promised by the proposed visitor facilities.²⁴ Others were attracted to the project for its promise as a new and modern visitor attraction, asking why Canberrans should miss out on what people in other cities have?

Opponents of the tower marshalled their forces. Petitions to demonstrate public opposition to the project circulated around Canberra. The NPA gathered 1500 signatures from opponents by December 1971.²⁵ On 13 October 1971 Labor Senator Tony Mulvihill, a strong supporter of environmental issues, tabled a petition with 248 signatures before the Senate Standing Committee on Social Environment.²⁶ The signatories 'humbly prayed' that the Senate would consider their request to examine whether construction of a 'tower of this nature' on Black Mountain is in the public interest, 'having particular regard to the need to preserve the beauty and environmental quality of the national

¹⁹ Sparke (1988), p. 258.

²⁰ Davidson (2010), p. 477; Moyal (1984), p. 286. Opinions differ on the effectiveness of Professor Kaneff's argument.

²¹ Moyal (1984), p. 288.

²² 'TV Tower', *Canberra Times*, 13 November 1970, p. 2.

²³ 'TV Tower', *Canberra Times*, 23 November, 1970, p. 2.

²⁴ Department of the Interior (1972), p. 1.

²⁵ Mentioned in a letter by NPA President (1971–72) George Chippendale, submitted as evidence by then President Julie Henry as part of the NPA's submission in evidence to the Parliamentary Standing Committee on Public Works. *Minutes of Evidence* (1972), p. 103.

²⁶ *Report on a petition relating to the proposed construction of a Post Office Tower on Black Mountain*, (1972).

capital.’ The refusal of the PMG to provide details of the project was also raised.²⁷ This request for review was officially rejected a year later, on the grounds that the environmental issues had been fully examined in the hearings of the Standing Committee on Public Works, which had been conducted in June-July 1972. A dissenting report prepared by Senators Keeffe and Mulvihill proposed an examination of the viability of Mt Crace as an alternative location; explanation as to why the PMG refused to compromise on the scale and nature of the tower and visitor facilities when a slender structure would be sufficient for the technical requirements; and they challenged the construction of a tower on the summit that was counter to Griffin’s design for the national capital.

With the controversy raging, the matter was brought before the Public Works Committee in June 1972. The lengthy hearings were one of the longest held by the committee.²⁸ Around half of the submissions addressed environmental, aesthetic, technological and economic concerns against the project, a point Hancock noted with satisfaction.²⁹ The committee members seemed taken by the PMG’s assertion that the project would remove the contentious structures on Red Hill and Black Mountain and replace them with a single structure that would be ‘entirely compatible’ with the reserve and provide not only telecommunications services for the city for the next 50 years, but also raise revenue to cover its cost. The committee’s members seemed unsympathetic and even impatient with the alternate proposals presented.³⁰ In August 1972 the committee of Public Works recommended the scheme as proposed for approval, and in November 1972 one of the outgoing acts of the McMahon Government was to approve the construction of Black Mountain Tower.

2.3 Environmental Impact Statement and reactions

A change of government on 2 December 1972 kindled new hope for the tower’s opponents. The Whitlam Government came to power with stated commitments to environmental planning and conservation. In February 1973 Cabinet approved a proposal from the new Minister for the Environment, Dr. Moss Cass, for environmental legislation that required an Environmental Impact Statement (EIS) to be prepared for any development project involving the Commonwealth.³¹ Clearly one was required now. On 5 February 1973 the new Post-Master General Lionel Bowen directed the PMG to prepare Australia’s first EIS on the tower proposal. Frederick Taylor, one of its main authors, later acknowledged that the assessment was prepared hastily ‘across a weekend’ towards the end of February. The EIS attracted strong criticism from opponents of the project, much of which, Taylor admitted, ‘in retrospect, was probably justified.’³²

The EIS was released only a few weeks later, on 28 February. The slim document outlined the proposed design, technical details and anticipated benefits of the proposal, commenting briefly on the main arguments levelled at the project by opponents.³³ It concluded that the project would inflict minimal damage upon the reserve, and rejected the feasibility of alternate sites or technology. It concluded that ‘the Tower meets, in a most attractive way, the complex technical requirements, now and into the future, for a wide range of essential public services, and it will have popular appeal with its recreational services.’ A visual comparing the proposed tower with 22 international examples (or ‘foreign Joneses’ as Hancock disparagingly remarked) left no room for doubt about the Post Office’s intentions. Given the level of public unease expressed over the visual impact of the tower, one

²⁷ Similar criticism was raised by Julie Henry in her evidence to Committee of Public Works, noting that NPA asked Senator Mulvihill to source details for them, but without success. *Minutes of Evidence* (1972), p. 108.

²⁸ Morrie Anderson, Oral History of Parliament House, recalls the length, complexity and challenges of being involved with these hearings; Anderson (2008).

²⁹ Hancock (1974). Evidence was received from 26 individuals or organisations, of which 11 were opposed to the project.

³⁰ Sparke (1988), p. 259.

³¹ Formby (1987), p. 209.

³² Taylor and Brigden (1981), p. 92.

³³ *Environmental Impact Statement Post Office Tower Black Mountain A.C.T.* (1973).

wonders whether the view that the tower may actually ‘enhance the visual quality’ of the city or the mountain ‘for the vast majority of people’ was inserted provocatively.³⁴

Upon its release the EIS engendered pungent criticism. Hancock declared that the statement lacked the substance to serve as the basis for ‘reasoned criticism’ by ‘responsible citizens’ at public hearings. It reiterated the well-rehearsed arguments in favour of the tower and brushed aside every counter-argument.³⁵ Dr. Moss Cass acknowledged at the time that this assessment was hardly ‘an ideal first example’ and hoped that ‘in future environmental impact statements will be incorporated at the very earliest stages of planning for projects and not, as the Black Mountain statement had been, made at the end of what was virtually a predecided project.’³⁶ Letters to the *Canberra Times* in early March 1973 were highly critical of the Minister for Environment for ‘selling out’ and for his refusal to review the project.³⁷ This strong reaction reflects how previously high expectations of the new government had been dashed. Robert Boden, Director of the Botanic Gardens later recalled that opposition to the tower was seen as a test of the new government’s environmental credentials, one which in the eyes of many it failed.³⁸

The protestors moved quickly. A public meeting was organised by Hancock and Dr. Bruce Kent, of the School of History at the ANU, to plan the next steps of protest, to bring the issues to broader public attention and to attract volunteers. Between 600–700 people gathered at Melville Hall on the evening of Sunday 11 March 1973, where the Citizens Committee to Save Black Mountain was formed. Its president was Professor Ralph Slatyer (Environmental Biology, ANU) with Bruce Kent as secretary. The meeting brought together all the key protagonists opposed to the tower to outline their criticisms of the EIS. The document was dismissed as a ‘partisan public relations document’ rather than an ‘objective or impartial survey.’ The meeting resolved to demand that the government cease work on the project until ‘a truly comprehensive Environmental Impact Statement has been prepared and evaluated.’³⁹

The audience at the meeting represented a cross-section of Canberra’s residents, although clearly one centred on its research, scientific and government communities: ‘architects, public servants, academics, trade unionists, environmentalists, scientists, teachers, conservationists, people from the general community and [. . .] ANU students.’⁴⁰ That the meeting, called at short notice, attracted such a large crowd shows the high level of concern about the tower project. The speakers included Ralph Slatyer, John Kirk and Nancy Burbidge who shared their opposition to the project on aesthetic, scientific and ecological grounds. Keith Hancock criticized the general desire to erect telecommunications towers on elevated locations, and was especially critical of the German examples shown in the EIS. The ACT Trades and Labour Council pledged support to prevent construction until a full environmental assessment had been undertaken. Bruce Kent reiterated his view that the tower would be technically redundant if built and that the PMG was ‘foolhardy’ to commit to the project. A common theme of the speakers as reported in the ANU student newspaper *Woroni* was also anger at the sense of being let down. Nancy Burbidge is reported to have declared that ‘we trusted the Labor Government but are extremely disappointed’.⁴¹

This meeting marked a shift in the nature of the protest, moving from a ‘pencil-and-paper’ war to more activist strategies. While academics, scientists and the NPA continued their program of letter writing and influencing through government channels such as the Tidbinbilla and Black Mountain Advisory Committee, Steve Padgham, the student activist who reported on the meeting, encouraged readers to participate in events organised by the Students’ Association and share the news with friends

³⁴ *Environmental Impact Statement Post Office Tower Black Mountain A.C.T* (1981), p. 15; Hancock (1974), p. 13.

³⁵ Hancock (1974), pp. 12–13.

³⁶ Moyal (1984), p. 287.

³⁷ *Canberra Times*, 12 March 1973, p. 2.

³⁸ Boden (2000), p. 14.

³⁹ Hancock (1974), p. 14; Padgham (1973).

⁴⁰ Padgham (1973).

⁴¹ Padgham (1973).

and family to broaden the campaign's base. His involvement suggests that the campaigners against the tower were attracting a wider audience, one familiar with strategies of direct action.

A couple of days after the public meeting, on the evening of Tuesday 14 March, Bruce Kent, a group of students and others greeted the arrival of the Duke of Edinburgh in Canberra with a demonstration. They held placards with 'Save Black Mountain', seeking to bring their cause to his attention. The Duke was visiting Australia to meet with the recently founded Australian Conservation Foundation. He reportedly waved to the demonstrators, but his response beyond that is not known.⁴²

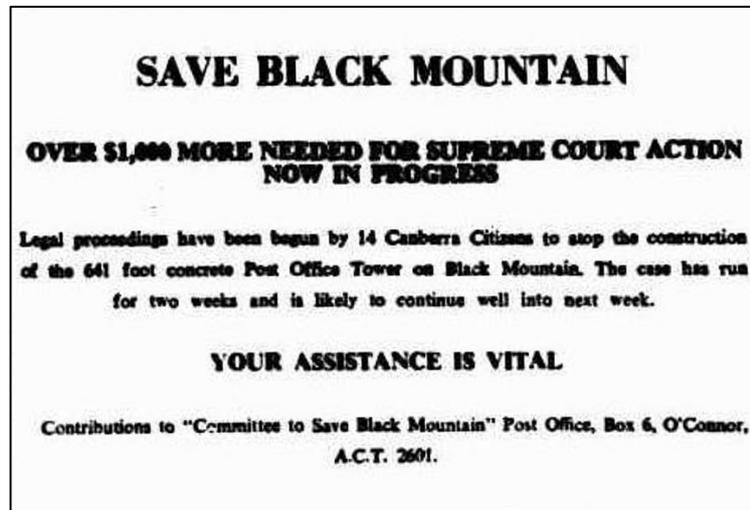


Fig. 2. Notice by the Citizen's Committee to Save Black Mountain. *Canberra Times*, 15 September 1973, p. 13.

2.4 The legal challenge

Cabinet approved the tower proposal in May 1972, with seven ministers calling for a further inquiry into the environmental issues. The Committee to Save Black Mountain organised another public protest on the lawns in front of Parliament House on 29 May, and tried unsuccessfully to have the matter reconsidered by caucus. Hearing rumours that the tender for construction was about to be signed, the campaigners saw that they were left with no option but to take the matter to court.⁴³

On 4 July the Committee to Save Black Mountain created legal history when it was successful in gaining the Attorney-General's (Lionel Murphy) fiat for a relator action — to allow them to bring a case as plaintiffs in a matter of public interest against the Commonwealth. Fourteen citizens of Canberra, named in the case as 'Bruce Kent and Others', took on the risk of heavy costs being awarded against them to pursue the case. The thirteen 'others' comprised ANU academics, CSIRO scientists, conservationists, a student activist (Julius Roe, later senior union official) and the university architect.⁴⁴ The campaigners have been described as 'a small [. . .] highly intelligent, highly articulate group [. . .] making more noise than the rest of Canberra put together.'⁴⁵ Certainly, the combined efforts of several of the nation's leading scientists and intellectuals, coupled with organisational savvy, and the services of a bright young lawyer, Pamela Coward, proved to be a potent opposition.

⁴² 'Airport Protest Greets Duke', *Canberra Times*, 14 March, 1973, p. 1.

⁴³ A letter of acceptance of tender was issued on 6 June 1973; Taylor and Brigden (1981), p. 93.

⁴⁴ The 'others' alongside Bruce Kent were Emeritus Professor Sir Keith Hancock, Professors Ralph Slatyer, Fin Crisp, Donald Walker, Frank Fenner, Robert Parker, Ross Hohnen (Secretary of the ANU), Audrey Benjamin (conservationist), Sir Otto Frankel and Dr Roger Bartell (CSIRO), Maurice Cummins (solicitor), Julius Roe (student) and Derek Wrigley (architect). Sparke (1988), p. 261.

⁴⁵ Moyal (1984).

An injunction to prevent construction was initially granted, then lost on appeal, and the substantive matter was scheduled for hearing in the ACT Supreme Court in late August. The grounds for the injunction were building the tower in a public park, that the tower would constitute a nuisance, and the lack of NCDC approval. Starting on 31 August, the hearing lasted four weeks, with an impressive array of witnesses presenting evidence on ecological, aesthetic and environmental aspects, and challenging the authority of the Commonwealth to proceed with the project. On 19 September, while the hearing was still in progress, the government obtained approval from the Governor General in Council to proceed with construction. Workers appeared at the site a few days later, quickly followed by protestors. Around 300 people, a mix of 'students and sober middle class citizens' prevented tree clearing and excavation. They reportedly objected to the 'arrogant attitude' of the government in continuing with work while the case was still being heard. The ACT Trades and Labour Council banned further work at the site until a decision in the matter had been handed down. The more radical among the demonstrators had proposed to sabotage the earth moving equipment, but desisted from doing so in deference to Hancock, who wouldn't countenance this action.⁴⁶ Resistance was to adopt legal methods.

In the judgment handed down on 31 October Mr. Justice Smithers determined that the erection of the tower was unlawful on the basis that the Post-Master General did not have the approval of the NCDC for the work. Justice Smithers found that approval was required from the Commission, which was authorised to ensure that planning was appropriate for a national capital, to erect a structure in such a prominent position. The judge noted that the tower was a dominant building that competed with buildings of national significance.⁴⁷ He rejected the arguments based on environmental grounds, which claimed that to construct the tower would create a public nuisance because of the visual effect of the tower on its surroundings, its effect upon the ecology of the nature reserve, and the weight of traffic on the road to the summit. Yet, as the government had obtained an Executive Order from the Governor General in Council to proceed with construction, the work on the tower could proceed.

Bruce Kent, the thirteen others who joined the action, and the 1500 people who subscribed to the legal costs (raising between \$17,000 – \$20,000) did not enjoy their victory for long. The Minister for Works ordered preliminary work on the summit to cease 'temporarily', but this only lasted while the government determined its next step.⁴⁸ The government appealed the decision, and the matter was referred to the High Court. In the meantime work recommenced at the site on 10 December 1973. The appeal was heard in the High Court in May 1974, and the final decision handed down on 17 February 1975, by which time the tower was 40 metres high. The High Court ruled that construction was lawful. Although by this point, 18 months later, the tower was already rising from the summit, the NCDC had not yet approved the project. The Minister for Regional Development, Tom Uren, was forced to obey a Cabinet decision to direct the NCDC to approve the construction. The Commission refused, and an order was obtained from the Governor General in Council (who had authority to direct the NCDC) to override the Commission and force it to approve the work. This was the only occasion on which the NCDC was overridden by the Executive in Council.⁴⁹ In another irony, Tom Uren, who had remained opposed to the tower, had to issue the direction for its completion.

The battle had been lost. On the last sitting day of the parliamentary session in 1973, the tower opponents gathered on the lawns in front of Parliament House. They affixed copies of the Labor Party's environmental platform to a wooden plank and ceremoniously burnt it.⁵⁰

⁴⁶ Davidson (2010), p. 477.

⁴⁷ Sparke (1988), p. 266.

⁴⁸ Hancock (1974); Sparke (1988); Davidson (2010), pp. 477–478.

⁴⁹ Brown (2014), p. 184.

⁵⁰ 'Documents Burnt in PMG Tower Protest', *Canberra Times*, 14 December 1973, p. 12.



Fig. 3. Black Mountain from Mt Ainslie. Photo: RW Purdie.

2.5 Aftermath

The structure on Black Mountain was renamed Telecom Tower in 1975, when responsibility for telecommunications shifted to Telecom Australia. The tower was officially opened by Prime Minister Malcolm Fraser in May 1980. It had cost \$16 million to build. As predicted in the early stages of the controversy, ‘if the proposed Black Mountain Tower is built, there can be no shadow of doubt that it will be a dominant symbol of Canberra for all time, omnipresent in all views, on all picture postcards and inescapable at every turn.’⁵¹ Despite its acknowledged visual dominance, not all visitors to the capital immediately recognise it. Dominic Catanzariti, long-term gardener at the Botanic Gardens, recalled how a couple from the ‘country’ asked how they could ‘go up the chimney’. It took him a while to realise that the ‘long thing there’ they wanted to get into was the tower atop Black Mountain.⁵²

The Telstra Tower, as it is currently known, has become an icon and emblem of the city. Not long before it was completed it received a Certificate of Merit by the Concrete Institute of Australia in 1979 and in 1980 received the Civic Design Award by the ACT Chapter of the Royal Australian Institute of Architects. This was another irony since this body had given evidence against the tower project at the Committee of Public Works hearing in 1972. In 1989 the World Federation of Great Towers invited the tower to join such distinguished monuments as the CN Tower in Toronto, Blackpool Tower in England and the Empire State Building in New York City, thus realising the ambition of the original designers for a tower that ranked alongside others internationally.⁵³

The tower proved popular with the public from its opening. In the weeks after it opened, Telecom Australia conducted ‘Operation School Kid’ under which 26,000 ACT students and 870 teachers received a free visit. This was accompanied by ‘Operation Shuttle Bus’, whereby Telecom provided a free bus service from Civic to the tower for the first 4 weekends after opening. This was astute marketing to encourage Canberrans to explore the new structure for themselves and to overcome difficulties with parking at the summit. 16,200 adults and 6,000 took this opportunity. The tower

⁵¹ Sparke (1988), p. 265, citing Roger Johnson, senior architect with the NCDC.

⁵² Catanzariti (2000), p. 29.

⁵³ <https://www.great-towers.com/towers/>, accessed August 2018.

draws over 430,000 visitors annually.⁵⁴ The revolving restaurant ceased operation in 2013; it is not known when it will resume operating.⁵⁵

2.6 Conclusion

The level of support for the campaign against the tower is difficult to gauge from this distance, but by most accounts it appears to have been strong, especially as the controversy became more heated and protracted from early 1973. The government claimed to represent the ‘silent majority’. There appears to have been a ‘widespread sense of outrage’ about the tower proposal, fanned to quite a large extent by the intransigence of the PMG to any suggestions for alternatives and their dismissive actions. The protestors represented a broad cross section of society. From the first rumours and revelations about the proposal the leading opponents were scientists and academics, conservationists, architects and planners, but opposition also came from a broader cross section of the Canberra community. Demonstrators were inter-generational, students rubbed shoulders with ‘responsible’ elder citizens. Evidence of this high level of community engagement and support for the protest is the number of people who donated towards the legal challenge.

What does the controversy about the tower teach us about the nature of protest and the deeply held values pertaining to Black Mountain? The key figures in the legal challenge, and among opponents of the tower more broadly, were firmly committed to the ‘Australian character’ of the bush and the ecological sensitivity of the location. They recognised its unique value so close to the city and fought to protect it. In retrospect the Black Mountain controversy was overshadowed by larger and more publicised contemporary campaigns concerning the Little Desert in Victoria and the damming of Lake Pedder in Tasmania. But it was the ‘Battle for Black Mountain’ that brought environment issues firmly into the National Capital’s backyard.

The protestors were highly motivated but could not match the manoeuvres of the bureaucrats and government. The Executive Order in Council circumvented the legal challenge and the plaintiffs were bullied with threats of significant costs if they obstructed work on the tower from proceeding. The officials of the Post Office won over their Post-Master General, pressured politicians, rejected geographic and design alternatives and fought tenaciously for the location and design of their choice.⁵⁶ The tower can be interpreted as a ‘monument to the limitations of the community’s voice.’ It represents a symbol of political imposition, of the disjunction between the city and landscape.⁵⁷

3. Alpine flair for Canberra?

By the mid-1970s, as the telecommunications tower began to take shape on the summit of Black Mountain, debate intensified about how visitors were going to reach it. Access to the summit by road and the potential environmental degradation had been one of the major issues raised by campaigners against the structure in the first place. From the mid-1970s alternative means of conveying the anticipated large numbers of visitors to the summit were raised with greater urgency — such as a scenic railway or funicular up the side of the mountain, an aerial gondola or cable car, and even a monorail.⁵⁸ The aerial gondola had broadest appeal. Its proponents saw it as a tourist attraction like cable cars in European cities that would ‘brighten’ the city and lend it an alpine flair. The aerial gondola proposal was opposed by many of those who had fought against the tower. The campaign of protest was fought by individuals and conservation groups with the pen and through lobbying against a concerted push by business and tourism groups to promote the concept. Although opposition to the aerial gondola remained a local issue, of relatively little weight alongside national environmental concerns such as uranium (and its impact upon Jervis Bay) and logging, the strength of opposition it

⁵⁴ <http://www.telstratower.com.au/history.aspx>, accessed July 2018.

⁵⁵ <https://www.canberratimes.com.au/national/act/telstras-revolving-restaurant-still-vacant-after-three-years-20160914-grg54i.html>, accessed July 2018.

⁵⁶ Moyal (1984), p. 288.

⁵⁷ Brown (2014), p. 184.

⁵⁸ *Canberra Times*, ‘Railway mooted for Black Mountain’, 16 February 1978, p. 1; ‘Get ready for a fierce rear-guard action’, 8 April 1978, p. 2.

generated indicates how many people remained opposed to further damage to the ecology and integrity of Black Mountain. Of interest is the fact that the EIS prepared for the Black Mountain Cable Car proposal in 1981 was one of only two EISs (out of a total of 103) prepared in the first 10 years of Commonwealth environmental legislation to be rejected.⁵⁹

3.1 The aerial gondola proposal

In July 1975, just a few months after the campaigners to prevent the construction of the tower lost their High Court challenge, a group of local business people formed Black Mountain Cable Car Pty Ltd and prepared a proposal to erect an aerial gondola on the mountain for consideration by the Department of the Capital Territory (DCT).⁶⁰ The gondola system was envisaged primarily as a 'unique tourist attraction for the nation'⁶¹ and as a boost to the local economy. It offered the added advantage of providing an alternative means to convey visitors to the summit to enjoy the view. Black Mountain Cable Car's preferred option was to operate the gondola system from the south-east of Black Mountain, near the entrance to the Botanic Gardens, up the slope to a station at the summit, near the tower. This option extended over an area for a proposed extension to the Botanic Gardens, which, as we will see, proved a source of some contention. This new means of transport would comprise 35 enclosed gondolas, moving along a ropeway extending for 1100 metres, suspended upon several masts 24 metres high angling up the mountain's side. Passenger and storage stations would be located at the base and summit of Black Mountain. Up to 800 passengers an hour could be conveyed on a five-minute trip to the summit at a cost of \$2.00. Similar cable cars operated in Hong Kong, Seoul and Queenstown, which, proponents argued, were used extensively by residents and visitors alike.⁶²

The proposal quickly gathered momentum, attracting considerable support from the local business community. A feasibility study was completed in late 1976 and in May 1978 Black Mountain Cable Car submitted a further proposal to the DCT in response to a call for 'innovative' proposals to boost tourism numbers and the economy in the ACT. By the late 1970s the previously steady government-driven growth in Canberra was waning, leading to economic difficulties. Unemployment, especially among Canberra's youth, was high.⁶³ The aerial gondola was one of a variety of ideas mooted to expand Canberra into an exciting centre and tourist drawcard. Ideas also included a Tivoli-style entertainment district modelled on the pleasure gardens in Copenhagen to extend along Constitution Avenue to the lake, comprising an international hotel complex, convention centre and banquet hall in a parkland setting.⁶⁴ A motor racing circuit and casino were among other ideas put forward.

Black Mountain regularly featured highly in surveys of popular destinations for visitors to the capital. In 1976 the summit lookout and partially completed tower were ranked tenth of 54 sites in popularity, and after the tower opened in May 1980 it became the ACT's most popular tourist destination. In December 1980 over 40,000 adults and children had inspected the tower.⁶⁵ These visitor numbers were expected to rise steadily, placing greater pressure on road access to the summit. Proponents of the gondola system emphasised the anticipated growth in visitor numbers to promote the economic viability and environmental benefits of their proposal.

Increasing concerns about access to the summit of Black Mountain provided ready arguments in support of the aerial gondola. It was promoted as 'virtually noise and pollution free' to counter fears about increasing traffic volume on the road to the summit and its logistical and environmental impact.⁶⁶ Prior to the official opening of the tower in 1980, access to the summit had been a longstanding cause of concern for tourism promoters, business interests, conservationists and

⁵⁹ Formby (1987), p. 214.

⁶⁰ *Draft Environmental Impact Statement* (1981), p. 1.

⁶¹ *Draft Environmental Impact Statement* (1981), p. 3.

⁶² *Draft Environmental Impact Statement* (1981), p. 3.

⁶³ Brown (2014), p. 194.

⁶⁴ *Tivoli Gardens Development, Canberra* (1982).

⁶⁵ *Draft Environmental Impact Statement* (1981), p. 3; ACT archives 'Find of the Month' (2018).

⁶⁶ *Draft Environmental Impact Statement* (1981), p. 26.

government. By late 1980 traffic congestion was becoming a serious problem.⁶⁷ The newly expanded car park at the summit was close to capacity at peak periods, having to close on several occasions, and buses were reported to have trouble passing on the summit road.⁶⁸ There were also growing concerns about the environmental impact of increasing numbers of people wandering from made paths and the effect of diesel fumes on the vegetation.

After the tower opened, public debate focused on how to control traffic flows, by for example through additional parking, improving the access road (or constructing another), or providing alternative transport to the summit, such as regular or shuttle buses. A suggestion from the NCDC to manage traffic flows through a walkie talkie system whereby people could contact a traffic operator at the summit to summon transport when required was mocked by proponents of the gondola.⁶⁹ NCDC claimed to have an open mind on the subject, and despite repeated calls to do something to address the congestion on summit road, they adopted a ‘wait and see’ approach to assess the impact of traffic flows after the tower opened — to the frustration of proponents of the scheme.

3.2 Initial opposition: ‘fierce rearguard action’

With recent protests over construction of the tower still in people’s minds, it was no surprise that this new threat to the summit and nature reserve on Black Mountain aroused considerable consternation. ‘If the Battle for Black Mountain was well and truly lost’, opened an article in the *Canberra Times*, ‘there could yet be a fierce rearguard action’ fought over proposals to build an aerial gondola on the City’s ‘most imposing hill’. The opposing arguments were represented to readers as a choice between ‘a wonderful chance to give a dash of alpine atmosphere to Canberra’ while also easing traffic congestion on the summit road, or another ‘opportunity to desecrate an area already violated by the Telecom edifice’ on its summit.⁷⁰

Opponents of the proposal rejected it on environmental, aesthetic and economic grounds, and strong concerns were raised about its potential visual impact. The gondola system was seen as a ‘threat’ to the ‘tree-covered hillsides’ which were intended to integrate the city and country, provide recreation amenity and to be aesthetically pleasing. Critics challenged assertions by the promoters that the gondola system would be ‘visually attractive’ and ‘environmentally harmless.’ One opponent of the scheme likened the current situation of carparks and traffic on the summit to a ‘parody of Garema Place’, and the proposed station for the cable car on the summit as akin to ‘the entrance to Luna Park.’⁷¹ Lamenting the ‘piercing spire’ of the tower that attracted the eye as in a ‘nightmare’, one strident critic lampooned the visual impact of the vegetation that would need to be cleared beneath the gondola system as ‘something like a Mohawk hairstyle in reverse – hardly pleasant, even if a conversation piece.’ The gondola scheme might improve access to the views at the summit for the few at the expense of the wider community, who, it was argued, stood to lose the beauty of the hill now enjoyed by many.⁷² The writer urged readers to ‘prepare for the second ‘Battle for Black Mountain’’, warning that if this one was lost it would be easier for the next proposal to be approved.

Campaigners against the proposal challenged assertions that it would be ‘pollution-free and noiseless’. These claims, they argued, ignored the visual pollution, erosion arising from construction, increased litter and the fact that the structure would be a further incursion upon an ‘already threatened nature reserve’. Anger was expressed about the further destruction of a ‘unique natural area’ so close to Civic as a loss to the Canberra community.⁷³ Damage caused by recent clearing of vegetation beneath power lines was cited as evidence of anticipated environmental effects.⁷⁴ Even some supporters of the

⁶⁷ Numbers visiting tower by August 1980 had ‘surpassed expectations’ and the car park full sign displayed 10 times; ‘Who’s for a ride in a gondola?’, *Canberra Times*, 31 August 1980, p. 9.

⁶⁸ ‘Black Mountain Bus Squeeze’, *Canberra Times*, 2 August 1978, p. 3.

⁶⁹ *Canberra Times*, 25 March 1980; 31 August 1980, p. 9.

⁷⁰ ‘Get ready for a fierce rearguard action’, *Canberra Times*, 8 April, 1978, p. 2.

⁷¹ ‘Black Mountain Cable Car System’, *Canberra Times*, 12 November 1980, p. 18.

⁷² ‘Hands off Black Mountain’, *Canberra Times*, 6 August 1978, p. 19.

⁷³ ‘A gondola on Black Mountain’, *Canberra Times*, 4 July 1978, p. 2.

⁷⁴ ‘Hands off Black Mountain’, *Canberra Times*, 6 August 1978, p. 19.

proposal recognised the area's environmental sensitivity. Senator Knight (Lib) supported the idea of the aerial gondola but nevertheless urged caution in planning it 'to preserve the unique characteristics of Black Mountain.'⁷⁵ There were fears, too, for further vegetation loss on the summit, especially as so much had been sacrificed for the car park and construction there already.

Arguments about traffic and congestion found a ready audience, especially as any increase in traffic volume and diesel fumes were perceived to be more damaging for the natural environment. This proved to be a persuasive argument, even for people who initially opposed the scheme, but who now argued in favour of the cable car as less environmentally destructive than further roads and vehicular traffic.⁷⁶ Even organisations that initially adopted a 'cautious approach' to the gondola plans eventually conceded that it may be better than the alternatives. Dr Richard Bartell, spokesman for the Society for Social Responsibility in Science, conceded in the long term the gondola scheme would be preferable to widening the road or cutting a new one on the mountain to cater to increased traffic volume.⁷⁷ On the other hand, the 'wait and see' approach of the NCDC, together with proposals to manage traffic and potential congestion by using minibuses, shuttle buses or walkie-talkie was also welcomed by some. Conservation groups in particular favoured public transport options rather than additional roads or the gondola which they feared would be intrusive/impact seriously upon the vegetation. Even the diners enjoying the experience of the new revolving restaurant came into the debate, as fears about their safety when driving down the road after an evening out also prompted some support for the gondola scheme or an alternative to the winding road.⁷⁸

The Botanic Gardens also strongly opposed the proposal, as the line of the cable car was projected to traverse the area over a proposed extension to the gardens. Proponents of the gondola claimed that visitors to the tower would therefore enjoy a bird's eye view of the gardens and be drawn to visit them. Critics, including senior managers at the Gardens, countered that the numbers of tourists passing overhead would mar the quiet enjoyment and contemplation characteristic of a visitor's experience of the gardens. The Department of the Capital Territory also reported to have expressed reservations about how the large, square gondola terminal at the summit would appear.⁷⁹

There was a general recognition that something needed to be done to tackle the traffic problems on the road to the summit, but opinions about the best way to do so varied greatly.

3.3 Promotional campaign and reactions

As the opening of the tower approached, and no official decision about the gondola scheme was forthcoming, Black Mountain Cable Car maintained a visible lobbying and promotional campaign to keep the proposal in the public eye, to broaden public support and to persuade government of its benefits.⁸⁰

Publicity for the gondola scheme emphasised the European alpine feel that proponents argued the scheme would bring to Canberra. One advertisement promoting an aerial gondola for 'Canberra's Black Mountain' compared it to similar systems in Switzerland, Austria, Germany and Turkey as 'visually attractive' and 'pollution-free and noiseless'.⁸¹ Eager to sustain debate on the issue, an artist's impression of the system also appeared in the press which emphasised the 'harmony' between trees, cable line and gondolas. Potential aesthetic impacts were minimised to assuage any concerns of readers.⁸² Strategies were also designed to overcome the 'procrastination' of bureaucrats. Politicians, business leaders and government officials were shown a promotional film of similar systems

⁷⁵ 'Liberals vote on prostitution', *Canberra Times*, 9 June 1980, p. 1

⁷⁶ *Canberra Times*, 21 July 1977, 16 August 1977, 2 November 1977, 23 September 1979, 13 December 1979, 18 March 1981.

⁷⁷ 'Who's for a ride in a gondola?', *Canberra Times*, 31 August 1980, p. 9.

⁷⁸ *Canberra Times*, 16 Aug 1977, p. 2; editorial 4 March 1978.

⁷⁹ Boden (2000), p. 2; *Canberra Times*, 31 August 1980, p. 9; 22 April, 1978, p. 3.

⁸⁰ 'Access plans go on despite early opposition', *Canberra Times*, 22 June 1980, p. 15.

⁸¹ Advertisement by PHB Engineering Pty Ltd, *Canberra Times*, 5 June 1978, p. 6.

⁸² 'Get ready for a fierce rearguard action', *Canberra Times*, 8 April 1978, p. 2.

operating in the Rhineland to demonstrate the proposal's benefits.⁸³ The City Manager, Tony Blunn, remained unimpressed, pressing the case for a wider road or scenic railway.⁸⁴ The director of Black Mountain Cable Car also addressed public meetings to garner wider support, such as the Canberra View Club.⁸⁵ In October 1978, a survey of 600 people was undertaken at one public gathering, which reportedly demonstrated 'overwhelming' community support for the proposal. Later, these results were often cited in favour of progressing the gondola scheme, despite reservations raised by opponents about the reliability of a survey that had been distributed to people interested in the proposal by a representative of the company pushing the idea.⁸⁶ The debate indicates the continued awareness and public interest in the proposal, whether in favour of it or not.

3.4 Environmental Impact Statement

In late August 1980, as the popularity of the recently opened tower became apparent, the Minister for Capital Territory, Bob Ellicott, granted permission for Black Mountain Cable Car to conduct a feasibility and environment impact study on construction of a gondola system.⁸⁷ By early 1981, when the Draft EIS was released for public comment, the aerial gondola proposal appeared to have won wide community support.

The *Draft Environmental Impact Statement for the Aerial Gondola system*, prepared by Environment Research Associates, was released in February 1981 for a six-week period of public comment. This document provided the first full opportunity for many people to read the detail of the proposal. The tone and content of the EIS rehearsed the arguments for the proposal reported elsewhere by the director of Black Mountain Cable Car, James Cullens. On the release of the EIS he reportedly described the scheme as 'an environmentalists' dream'.⁸⁸ The EIS justified the proposal as a tourist initiative and repeated arguments reported in the press about how, since the opening of the tower, Black Mountain was the most popular tourist spot in Canberra. The gondola's environmental credentials were stressed as a 'pollution free and noiseless' means of transport to the summit.

The Draft EIS described three possible route options for the aerial gondola. Route A, on the eastern side of the mountain facing Civic, would operate from a base near Black Mountain Drive where it would be visible as an alternative means of transport to people before they drove up the mountain. The prominence and visibility of the proponent's preferred route, intended to run above the proposed extension to the Botanic Gardens, was preferred because it afforded the best views over the city and 'would be self-advertising'. Route B would operate from a base near Parkes Way, which was less accessible and the gondolas would not be visible from Civic. The final option, Route C, would operate to the north and was considered less preferable as it was shorter and lacked views.⁸⁹ The authors of the EIS acknowledged that alternate routes B (south-western side) and C (to the north-east) 'may have been environmentally preferable.'⁹⁰

In summary, the EIS claimed that the impact on the biophysical aspects of Black Mountain would be minimal.⁹¹ Construction, including placement and erection of masts would require some tree branches to be lopped where they extended above 16 metres high, as well as vegetation removal, although it was claimed that this would be minimal and rectified with planting.⁹² The potential impact upon the visitor experience of the Botanic Gardens was acknowledged, although dismissed with the

⁸³ A film evening at which a promotion film on similar systems in the Rhineland was shown attracted about 40 people, including government officials, members of the Legislative Assembly and PHB Engineering; *Canberra Times*, 7 February 1978 and 13 February 1978.

⁸⁴ *Canberra Times*, 16 February 1978, p. 1.

⁸⁵ 'Cable Car Discussed', *Canberra Times*, 10 September 1978, p. 14.

⁸⁶ *Canberra Times*, 3 November 1978, p. 3; 6 December 1978, p. 18.

⁸⁷ *Canberra Times*, 31 August 1980.

⁸⁸ *Canberra Times*, 21 February 1981, p. 1.

⁸⁹ *Draft Environmental Impact Statement* (1981), pp. 7–8.

⁹⁰ *Draft Environmental Impact Statement* (1981), 'Summary'.

⁹¹ *Draft Environmental Impact Statement* (1981), 'insignificant in a regional context', p. 26.

⁹² *Draft Environmental Impact Statement* (1981), p. 6.

observation that people who enjoyed the quiet bush atmosphere of the mountain ‘will feel that their sense of privacy has been invaded whichever route is chosen.’

Little consideration was given to the visual impact of the cable car system, including the design and siting of the summit and base stations. The authors commented that this was ‘considered to be important, but difficult to assess as it is a subjective decision.’ The EIS notes that the gondolas were to be a dull colour so as to blend in with the bush to alleviate visibility, rather than the brightly coloured gondolas preferred by the scheme’s promoters.⁹³ Significantly, the EIS did not address the impact of the proposal upon the broader landscape setting of Black Mountain and its place within the Griffin’s design for the national capital.

Perhaps most damagingly, the EIS repeated claims reported elsewhere that because Black Mountain had already been disturbed by a network of trails, cables, wiring, power towers and the like, that the introduction of a cable car would not damage the site further. A site this close to the city, it was argued, would inevitably require multiple land use and that ‘while it may be desirable from some points of view to maintain a reserve in an undisturbed state, this has not been done with Black Mountain.’⁹⁴ The Draft EIS supported the proposal concluding that the ‘impact on tourism in Canberra and access to Black Mt is considered to be beneficial’, while it would cause ‘minimal’ environmental damage and ‘subjective’ concerns about its visual appeal were dismissed.

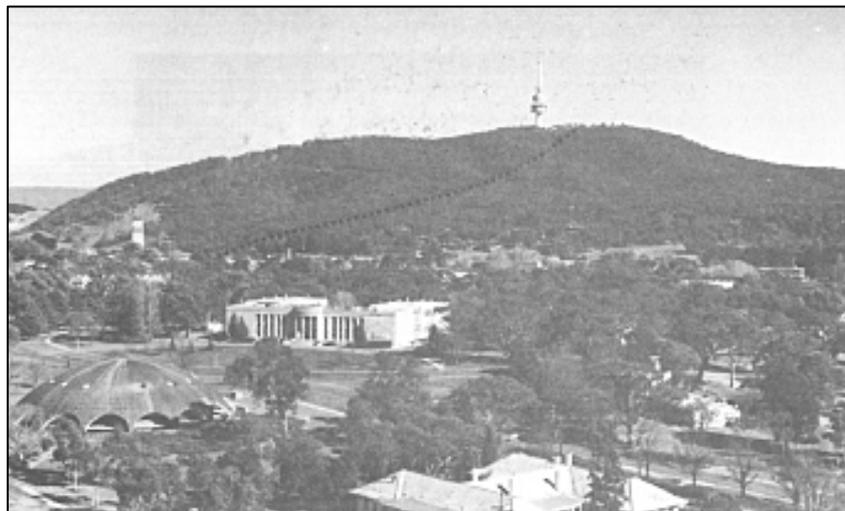


Fig. 4. A view of Black Mountain from the top of the Lakeside International Hotel showing proposed Route A along dotted line. *Draft Environmental Impact Statement. A Proposed Aerial Gondola System for Black Mountain Canberra.* Environmental Research Associates, 1981, figure 8. Source: ACT Heritage Library.

3.5 Responses to the EIS

The release of the Draft EIS for comment attracted an urgent response from individuals and organisations who sought to protect Black Mountain from further ‘alien development’. Conservation groups marshalled forces against the proposal. The NPA ‘vigorously’ opposed it ‘as a development which will destroy the peace and beauty’ of the reserve. They formed a committee to prepare a submission to the EIS, describing the proposed gondola as representing a ‘major, almost catastrophic, effect on the appearance of the Mountain; to the great detriment of its aesthetic values.’ Members were urged to oppose the proposal by getting involved. Acknowledging the pressures of actual use and expectations on a reserve so close to a growing city, Neville Esau, the president of the NPA, nevertheless urged members to ‘resist proposals such as this which would seriously impair this visual environment’. He claimed that there was no reason why Black Mountains and other hills could not

⁹³ ‘London shows Canberra how to adorn a city’, *Canberra Times*, 18 May 2012.

⁹⁴ *Draft Environmental Impact Statement* (1981), pp. 14, 26.

remain 'essentially in their natural state'.⁹⁵ The newly established Canberra and South-East Region Environment Centre similarly established a Cable Car Working Group to counter the proposal, although they do not appear to have submitted a response to the EIS.⁹⁶ The gondola proposal also featured in a display of major environmental issues impacting Canberra, held at Kingston Library in April 1981, just after the date for submissions to the EIS had closed. The 'gondola system' sat alongside poor water quality in Lake Burley Griffin, the proposed international racing circuit and a development on the Yarralumla foreshore among local issues of concern.⁹⁷ Although the gondola proposal struggled to draw attention against wider environmental issues, actions such as these illustrate efforts to focus community attention on the impact of local development upon the city's natural and aesthetic values.

Public commentary on the Draft EIS criticised the report for failing to examine several key aspects. It contained little detail about the construction and erection of the masts for the gondolas, or about important impacts such as vegetation clearing, removal of spoil, restoring disturbed areas, car parking, landscaping and the extent of tree lopping. The Department of Home Affairs & Environment expressed dissatisfaction with the Draft EIS, mentioning significant concerns about the impact on the visitor experience of the Botanic Gardens, congestion on Black Mountain, the dominating visual impact of the gondola system, conflict with the ANU over land use and an apparently optimistic view of potential patronage.⁹⁸

Thirty-one submissions in response to the Draft EIS were received from a range of individuals and local organisations.⁹⁹ The proposal received strong support from tourism and business groups.¹⁰⁰ The Society for Growing Australian Plants, Canberra Ornithologists Group and the NPA all opposed the proposal on environmental grounds, as did the conservationist Audrey Benjamin, who was one of the 'others' in the legal challenge against the construction of the tower. The question of access to the summit and tower was a major theme of the submissions, reflecting perennial concern for the growing city and its planners. The Society for Social Responsibility in Science also opposed the scheme, although, as they were intent on limiting car use and associated traffic congestion, their submission acknowledged that 'under an imperative to provide at least an alternative access system, the Gondola may represent the least damaging option.' Burgmann College at the ANU also opposed the proposal because of fears of noise and lack of privacy due to the proximity of the preferred location of the base station to the college.¹⁰¹

Overall, the submissions ranged between full support for the proposal, conditional support for the proposal with modifications to take into account visual, environmental and traffic impact, and rejection of the proposal on visual, aesthetic, economic and ecological reasons. Black Mountain Cable Car sought approval for its original proposal, identifying a list of areas where modifications would be adopted based on the submissions received. They undertook to work with relevant government bodies or organisations, especially NCDC and the Botanic Gardens to minimise and address concerns related to siting, structures and the visual form of the cable car masts, gondolas and the base and summit stations. They also agreed to a suggestion to pay a bond to cover the cost of removing and repairing the mountain if the venture proved financially unviable. The supplementary EIS asserted that the aerial gondola could be constructed in a manner such that detrimental environmental impacts were reduced to an acceptable level for the authors of 'most' submissions.

The assessment of the original EIS and the supplement by the Department of Home Affairs and Environment in March 1982 focussed attention on the impact of the aerial gondola proposal upon community concern for the visual integrity of Black Mountain, the aesthetic and natural values of the

⁹⁵ Esau (1981), p. 2.

⁹⁶ Fraser (1981), p. 3 and personal communication Ian Fraser.

⁹⁷ 'Display of Canberra Environmental Issues', *Canberra Times*, 6 April 1981, p. 11.

⁹⁸ *Canberra Times*, 30 March 1981, p. 1.

⁹⁹ List of submissions received in *Aerial Gondola; Supplement (1982)*, Annex A: List of Responses, p. 18.

¹⁰⁰ Including the Chamber of Commerce, Association for Regional Development, ACT Tourist Commissioner and Canberra Visitors Association.

¹⁰¹ *Aerial Gondola; Supplement (1982)*, p. 11.

reserve as a declared area of special national concern, the risks and impact of possible congestion at the summit, increased pressure from visitors affecting the ecology of the reserve, and the potential for the gondola to detract from people's enjoyment of the Botanic Gardens.¹⁰² The assessment concluded that the proposal would have an 'important adverse effect on the visual amenity of Black Mountain' and recommended that the proposal be rejected as 'incompatible' with the landscape backdrop for the national capital, the concept for inner Canberra, and the privacy of visitors to the Gardens.¹⁰³

3.6 Rejection

Ultimately, retaining what remained of the visual integrity of Black Mountain's summit and its symbolic significance for the 'grandeur' of the landscape setting of the national capital was a primary principle behind the rejection of the aerial gondola proposal. It was deemed to be incompatible with the special significance of Black Mountain as a 'hill feature and nature reserve' and designated area of special national concern.

A letter from the Commissioner of the NCDC, AJ (Tony) Powell to the Minister for the Capital Territory, Will Hodgman, sets out the Commission's view of Black Mountain as a key element of the 'hills and ridges' in the landscape setting of the capital.¹⁰⁴ He reiterated the long held view that these hills 'were regarded as having special significance' for the creation of a 'suitable setting for the Seat of Government' and asserted the Commission's responsibility in planning to preserve a suitable 'grandeur' for the national capital. Powell eloquently expressed the aesthetic significance of Canberra's hill areas as evoking the ideal of the nation and its capital. At the heart of the matter was whether 'a gondola system would destroy Black Mountain as the landscaped backdrop to the central area.' The 'grandeur' of Black Mountain had already been 'diminished' by the tower 'but the slopes still present a forested backdrop.' The line of the gondola, he argued, would attract the eye 'quite dramatically' (which was the intention of its design and siting). This would be 'drastic enough', but the effect would be worsened by tree cutting, raising towers and cables, lessening the visual appeal of Black Mountain as a backdrop to the parliamentary zone and to the proposed new Parliament House, to be built on Capitol Hill.

Despite being forced to comply with the decision to erect the tower, the Commission held authority for planning decisions affecting the backdrop of the capital and, he continued, the proposal for a gondola had not presented sufficient grounds to convince it to proceed. The claims about tourist numbers and revenue were not convincing, and even if so, were not of national or community significance to warrant the Commission changing its policy. Further, Powell rejected claims in the Draft EIS that the cable car would provide views of the city while remaining 'unobtrusive', arguing that the masts to support the cable would present an 'unsightly scar across Black Mountain' and not offer better views than are already available. Further 'inadequacies' identified in the Draft EIS and supplement such as conflicts with land use, car parking and visitor capacity also questioned the merits of the proposal. He concluded that there 'is no intrinsic relationship between Black Mountain as a hill feature and nature reserve, and an aerial gondola system, which provides a compelling argument to permit its erection.'

On this occasion, the Commission's arguments about the aesthetic and natural values of Black Mountain received a warmer reception within government ranks than previously, no doubt because the matter at stake did not involve the ambition and identity of a major government department. Will Hodgman also supported other environmental issues, and stood against his party on the question of flooding Lake Pedder for example.

In 28 July 1983, eight years after the project was first proposed, the Minister for Territories and Local Government, Tom Uren, announced that he would not approve construction of the aerial gondola. The

¹⁰² *Assessment of the Final Environmental Impact Statement for the Proposed Aerial Gondola System* (1982), p. 24.

¹⁰³ *Assessment of the Final Environmental Impact Statement for the Proposed Aerial Gondola System* (1982), p. 25.

¹⁰⁴ Archives ACT, 'Find of the Month' (2018).

reasons he cited were closely aligned to those put forward by Tony Powell. Tom Uren's decision was based 'largely on environmental grounds'. Black Mountain was 'an area of special national concern, and the construction of a gondola would have an adverse effect on the visual integrity of Black Mountain'.¹⁰⁵ So Uren, the minister who was forced to order the construction of the tower to progress, despite his personal opposition to the project, now rejected a proposal that would have further altered the 'natural state' of the mountain's summit. In the following year he announced the government's support for the declaration of Namadgi National park, realising a decades long ambition of the NPA.

3.7 Conclusion

What does the protest against the aerial gondola reveal about how people viewed Black Mountain? Although the first 'Battle for Black Mountain' over the tower had been lost, a sizeable section of the community did not want to see further intrusion onto the summit and consequent loss of integrity of Black Mountain Nature Reserve. Moreover, the mountain's place in the landscape and its symbolic significance as the backdrop to the city and the national capital retained strong appeal. Several of the opponents to this proposal had protested long and vigorously against the construction of the tower, arming themselves with the same arguments to fight this second 'Battle for Black Mountain.'

The decisions of the National Capital Development Commission in regard to planning for Black Mountain's summit, however, differed markedly to those affecting its base. Whereas the visual integrity of the summit and the aspect of the mountain facing Capitol Hill were to be preserved as a backdrop for the new Parliament House, the base of Black Mountain, not visible from the other side of the lake, failed to receive similar protection. Over ensuing decades the mountain continued to be gradually sliced and segmented away from its surrounding landscape. The increasing network of roads planned to surround the base of the mountain segmented it from its original wider landscape, contributing to further opposition to threats facing the mountain.

4. Highway: 'The largest traffic island in the world'

As Nicholas Brown in his *History of Canberra* observes, the car and the benefits associated with it — mobility, access and convenience — were initially an attractive, and later an intractable, aspect of the capital.¹⁰⁶ The controversy over the Gungahlin Drive Extension (GDE) was the most protracted and bitter in Canberra's history, lasting longer than the challenge to the tower and pitting sections of the community against one another. The campaign against the GDE shared many aspects with the earlier protest against the tower. It involved a successful legal challenge by campaigners, which was overruled when the ACT Government introduced special legislation to enable the construction of the road to proceed. Fierce opposition to the freeway resulted in a grassroots political campaign, energetic lobbying, public protests and protracted legal action. Opposition to the road was motivated by environmental concerns, resistance to the continued preference for roads over public transport in urban planning, and fears for the impact of increased traffic within the inner north. The extensive and hard-fought campaign by the resident's group 'Save the Ridge' focussed on the section of the road to be built north of Belconnen Way, although potential impacts on Black Mountain also formed part of their campaign. Not surprisingly, the often heated debates about the need for and siting of the freeway pitted one section of the community against another. The controversy highlighted competing ideas about amenity: 'Whose interests, and amenity, came first?'¹⁰⁷ Here I focus on aspects of the opposition to the construction of the GDE concerning impacts on Black Mountain with brief comment on Glenloch Interchange.

4.1 1980s: John Dedman Parkway and 'freeway revolt'

The boundaries of Black Mountain Nature Reserve were determined largely by the dominance of the car. As Mark Butz has outlined, from the mid-1960s the 'Greater Black Mountain area' was increasingly dissected by roads as the new town centre in Belconnen emerged to the north-west, the

¹⁰⁵ *Canberra Times*, 29 July 1983, p. 8.

¹⁰⁶ Brown (2014), p. 162.

¹⁰⁷ Brown (2014), p. 242.

Molonglo Arterial (now Parkes Way) cut through its saddle to the south, separating the mountain from the river and biting away at its southern slopes, and the extension of Caswell Drive to join John Denman Parkway (JDP) divided Black Mountain from Aranda Hill. Roads promised to encircle Black Mountain, creating ‘the largest traffic island in the world.’¹⁰⁸

The road we now know as the Gungahlin Drive Extension originated in the first so-called Y-Plan for Canberra, proposed by the NCDC in *Tomorrow's Canberra* (1970). It was one of a series of freeways (as David Hogg mentions, euphemistically described as ‘parkways’) designed to quickly facilitate traffic between the city’s town centres, while minimising traffic through suburban areas.¹⁰⁹ Initial plans for a ‘proposed future freeway’ running north to south to link the new areas of Belconnen and Tuggeranong included a road cutting through the north-west corner of the recently declared Black Mountain reserve.¹¹⁰ In 1984 the NCDC revised and restated its commitment to the Y-Plan, including the peripheral parkway principle, in its publication *Metropolitan Canberra Policy Plan [and] Development Plan*.¹¹¹ This publication outlined plans for the city’s freeways, including a proposed road to the west of Black Mountain identified as the John Dedman Parkway. It also showed an option for the road to slice between a bush reserve that separated the Botanic Gardens and the CSIRO on the north-east corner of the mountain.

There was strong opposition within parts of the community to roads cutting a swathe through the Greater Black Mountain area. Criticism of the design and siting of roads in the city had a long history. Vehement objections were raised in some quarters of the community to building roads to access the summit on Black Mountain and around Glenloch Interchange in the 1970s. Canberra’s citizens shared an international anxiety about the spread of roads and congestion, generating local ‘freeway revolts’.¹¹² The construction of the Molonglo Arterial, in particular, kindled heated protest about the scale of the proposed road and its route along the southern edge of Black Mountain. In 1977 Pam Townsend of Action for Public Transport risked her physical safety in a direct action at the site, succeeding in stopping the earth moving equipment for a time.¹¹³

The release of updated plans for road infrastructure in *Metropolitan Canberra* aroused consternation in some sections of the community, flaring into more vocal opposition when more detailed plans and consideration of options got underway. Residents in the inner north in particular galvanised into action, forming an association to oppose the proposals, represent their interests, lobby on their behalf and marshal public support for their cause.

The Black Mountain and O’Connor Foothills Protection Association, convened by Donald Fraser, was formed in December 1985 to lobby on behalf of residents likely to be affected by the proposed JDP. Comprising an initial group of 60 people, the Association campaigned against the JDP on environmental grounds, to promote public transport alternatives, and to limit the feared impact of through traffic upon the inner north. Although the Association’s primary fears were for the impact on Bruce Ridge and the residential amenity of the inner north suburbs, concerns about Black Mountain were also raised: the visual unsightliness of a large cutting into the mountain if the freeway ran to the west of the reserve, and the prospect of a freeway traversing the north-east corner of the slope between CSIRO and the Botanic Gardens.

The Association prepared a ‘Submission and Alternative Proposal for Gungahlin Transport Option John Dedman Parkway’ in March 1985, which they presented to members for Canberra Mr Cornwell (Lib) and John Langmore (Lab) on 14 April.¹¹⁴ The proposal for a road to slice between CSIRO and the Botanic Gardens aroused greatest public concern. In July 1987 Langmore accepted a petition of 1700 signatures presented to him by a group of protestors, including representatives from the Botanic

¹⁰⁸ Butz (2018); *Canberra Times*, 1 October 1986, p. 23.

¹⁰⁹ National Capital Development Commission (1970); Hogg (2018), p. 1.

¹¹⁰ Hogg (2018).

¹¹¹ National Capital Development Commission (1984).

¹¹² Thompson and Maginn (2012), pp. 361–362.

¹¹³ Sparke (1988), p. 256.

¹¹⁴ *Canberra Times*, 14 April 1986, p. 3.

Gardens, the CSIRO and the Black Mountain and O'Connor Foothills Protection Association. In accepting the petition, Langmore agreed with its aims to prevent the destruction of the bush corridor between the two important institutions and that it would be a 'shame' if a freeway 'impeded' the 'beauty, quietness and research' of the gardens.¹¹⁵ As a representative of the Gardens later recalled, the level of public outcry against this proposal worked to the benefit of the Gardens, as many of the people who would have been personally affected by the road came out in support of the gardens too: 'It gave us quite a lot of public support.'¹¹⁶ Momentum gathered, and at the end of December 1988 350 people gathered at a public meeting called by the North Canberra Protection Group to express their fears that the NCDC were trying to 'fast track' plans for the Gungahlin town centre prior to self-government.¹¹⁷ This route remained one of 12 options under consideration by the NCDC, but decisions would not be forthcoming until further progress was made on construction at Gungahlin.

In July 1988 the NCDC initiated a public consultation exercise, the *Gungahlin External Transport Study* (GETS), to identify issues of concern from individual and local organisations within the community on various transport options to Gungahlin. The report was released in October 1989, by which time the NCDC had been abolished by the Commonwealth Government. The report drew immediate criticism. It was perceived in some quarters (not surprisingly by the Black Mountain and O'Connor Foothills Protection Association) as a restatement of the earlier proposals of the NCDC that continued to promote road transport options and failed to comprehensively examine public transport.¹¹⁸ The Australian Sports Commission, as it was at the time, also voiced strong opposition to the possible alignment of the freeway to the west of Bruce Ridge because of the likely impact upon parking, access and athletes.¹¹⁹ A significant majority of participants in the study, 86%, favoured the John Dedman Parkway option.¹²⁰

Strong environmental concerns were expressed by some participants in the study, especially as to how the planned road would affect wildlife corridors, habitat, the impact on vegetation and recreation amenity of the affected areas on Bruce and O'Connor Ridges, and to a lesser extent on Black Mountain. The final report acknowledged that the aesthetic quality of nature reserves and the quality of visitor experience, such as on Black Mountain, were impacted when these reserves were surrounded by roads. The report noted that the access to reserves through built structures such as underpasses altered the 'generally tranquil' environment that visitors currently enjoyed, at least during peak periods. The authors of the study countered, however that the city retained 'many beautiful areas' that were bounded by roads in which visitors did not 'suffer any loss of enjoyment', although how they reached this conclusion was not provided. Any impacts, they proposed, could be addressed through screening.¹²¹

Of the three options for the alignment of the JDP, the major potential impact for Black Mountain was the likelihood of the freeway running to the south of Belconnen Way on the east side of Aranda on, or in addition to, Caswell Drive. Aranda residents, as elsewhere, voiced concerns about noise, access and safety. The challenge was how to balance the concerns of residents in eastern Aranda while minimising intrusion into the western side of Black Mountain. Although the authors of the study recognised the likely impact of the road on the 'ecological and recreational integrity' of Black

¹¹⁵ *Canberra Times*, 3 July 1987, p. 8.

¹¹⁶ Fagg (2010), p. 26.

¹¹⁷ *Canberra Times*, 3 December 1988, p. 3.

¹¹⁸ 'Travel study criticised', *Canberra Times*, 27 October 1989, p. 13; 'Community ignored in Gungahlin Plan', *Canberra Times*, 2 November 1989.

¹¹⁹ Opposition to the road passing too close to the Australian Institute of Sport is collated by the Save the Ridge: <http://pandora.nla.gov.au/pan/10711/20040304-0000/www.savetheridge.org.au/default.htm>, accessed August 2018.

¹²⁰ Hogg (2018).

¹²¹ Hayes, Lansley and Storer Pty Ltd (1989), p. 13.

Mountain and Aranda Bushland, they concluded that it would be ‘affected only marginally because any disturbance would be adjacent to an existing road corridor.’¹²²



Fig. 5. Construction of the GDE at Belconnen Way and Caswell Drive. Photo: Ben McCarthy (Wikimedia Commons).

4.2 ‘Save the Ridge’ and legal challenge

In 1991 more detailed proposals for the road were developed as the suburbs of Gungahlin were laid out. During the 1990s public debate raged over the transport options to facilitate the movement of the new residents of Gungahlin to and from their homes. Apart from the continued challenge about the need for the road at all, the major controversy centred on the alignment of the freeway through Bruce and O’Connor Ridges. A proposed western alignment would pass closer to the Australian Institute of Sport, impacting future expansion of the centre and access to events and impair the quality of life for the athletes. The proposed eastern alignment would cut through a greater expanse of remnant bush closer to Dryandra Street.

A Preliminary Assessment undertaken in 1997 focused on five options for siting the road to the north of Belconnen Way, with particular attention to the eastern alignment. The north of Belconnen Way focus meant considerations for Black Mountain did not feature prominently in this debate.¹²³ Anger flared over the initial Preliminary Assessment process. It was criticised for not giving due regard to environmental impacts, including plans for dealing with endangered and vulnerable species and communities.¹²⁴

In the same year, a Legislative Assembly Planning and Urban Services Committee reviewed the options for the freeway, now referred to as the Gungahlin Drive Extension (GDE), a term suggesting the road was merely an addition of an existing road rather than something new. The public mood about the proposal generated heated debate, with strong support for the road from many quarters, and equally strident opposition. The report was released in February 2001. The Committee received 912

¹²² Hayes, Lansley and Storer Pty Ltd (1989), pp. 71–73.

¹²³ Hogg (2018) and Prest (2010).

¹²⁴ Outline by Prest (2010), and evaluation of the assessment by Save the Ridge: <http://pandora.nla.gov.au/nph-wb/20000829130000/http://www.savetheridge.org.au/govtplans/sub-govt-eval.htm>, accessed August 2018.

submissions, the highest ever received by a Territory inquiry.¹²⁵ The vast majority of submissions discussed preferences for either the east or west alignment of the road, scoped alternative transport options or raised concerns about the environmental impact of clearing vegetation north of Belconnen Way on the wildlife, fragmentation of native habitat and threats the construction posed to endangered and fragile species.

Issues specifically raised about Black Mountain were relatively small in relation to the fears expressed about the much wider impact of the road on areas of high conservation value to the north. Issues relating to Black Mountain were mainly identified from Aranda residents. The Aranda Residents' Group expressed concerns about access, noise and safety, and proposed locating the road 200 metres further east, which would intrude further into Black Mountain Reserve.¹²⁶ Environmental concerns for Black Mountain were also raised by other residents in Aranda and the Friends of Aranda Bushland about wildlife movement, ecological damage, habitat loss, Aboriginal heritage and the impact of the freeway upon the recreation and enjoyment of the reserve. The committee acknowledged the need to ensure that Aranda residents received the same quality as other suburbs in relation to reducing the direct impact of the road. It did not make a specific recommendation about siting of the section of road to the east of Aranda, but recommended exploring options to address the concerns raised by some residents (lowering Caswell Drive or moving the GDE to the east of Caswell Drive).¹²⁷

In 1999 public opposition to the proposed freeway cutting through Bruce and O'Connor Ridges and its impact upon Black Mountain shifted into a more organised campaign to prevent the construction of the road. Residents in the inner north marshalled forces anew. On 23 August 1999, at a public meeting of 600 people, Save the Ridge (STR) was formed. A rally organised by the group on 12 December, held where the road now cuts through bush and joins Belconnen Way, attracted 1000 protestors. Save the Ridge, as the name suggests, was primarily concerned with impacts of a freeway upon Bruce and O'Connor Ridges, although the protection of the western edge of Black Mountain also formed part of their stated aims.¹²⁸

In 2001 and 2002 studies were undertaken to assess the options to upgrade Caswell Drive between Belconnen Way and Glenloch Interchange. Initial proposed designs that would have extended into or encroached upon the reserve were eventually modified in favour of a more compact design and to maintain the integrity of the reserve where possible.¹²⁹ The concerns of the Aranda Residents' Group about the effects of a road upgraded to a freeway passing along the eastern edge of the suburb were to be addressed through noise mitigation and other measures.

From 2001, as more detailed proposals for the siting of the road became known, local conservationists mobilised to minimise the impact on this area. The energetic community advocacy of Jean Geue, Peter Ormay and the Friends of Aranda Bushland were instrumental in lobbying and negotiating with key officials in government to influence the siting of the road and to preserve a rare and unique stand of snow gums at Glenloch Interchange, including the 'roadside relic' known as 'Pryor's Snow Gum'. Significantly, the proposed design at Glenloch Interchange was modified to reduce the intrusion of

¹²⁵ *Standing Committee on Planning and Urban Services, Proposals for the Gungahlin Drive Extension* (2001), p. 139, n. 369. Several submissions were double counted, so in fact 891 separate submissions received. Of these many were from local groups, so that the total number of people represented by the submission was considerably higher.

¹²⁶ Hogg (2018); *Standing Committee on Planning and Urban Services, Proposals for the Gungahlin Drive Extension* (2001), pp. 116–117.

¹²⁷ *Standing Committee on Planning and Urban Services, Proposals for the Gungahlin Drive Extension* (2001), p. 117.

¹²⁸ *Save the Ridge*. Available at <http://pandora.nla.gov.au/tep/10711>, accessed June 2018. An electronic archive relating to the organisation of the campaign is available at the ACT Heritage Library:

https://www.library.act.gov.au/find/history/search/Manuscript_Collections/hmss-0382-save-the-ridge-archive

¹²⁹ Hogg (2018).

roads into the grasslands on the slopes of Black Mountain, resulting in a smaller area of three hectares being excised from the reserve to reposition a bike path.¹³⁰



Fig. 6. Pryor's Snow Gum, Glenloch Interchange. Photo: J Geue.

Around the same time, in August 2001, Jean Geue was also instrumental in forming the Friends of Black Mountain, motivated by concerns about the perceived threats to the area by the proposed GDE and further road construction on the perimeters of the reserve. The Friends continue to be strong advocates for the latter.¹³¹

In 2001 a Labor Government was elected in the ACT, and undertook to fulfil an election promise to adopt the western alignment of the freeway. A further Preliminary Assessment was undertaken in 2002, this time covering the full extent of the proposed route from the Barton Highway to Glenloch Interchange. This assessment was submitted in December 2002. Shortly afterwards, in January 2003, the National Capital Authority overruled the ACT Government's decision to adopt the western alignment, based in part on objections from the Australian Institute of Sport about the potential impacts upon car parking, access and the athletes. The ACT Government decided not to challenge this decision and instead accepted the eastern alignment to the AIS, with its far greater environmental impact, as their proposed option.¹³²

Save The Ridge mounted a legal challenge against the ACT Government, and won an injunction against construction of the GDE in March 2004. The government passed special legislation in the Assembly in May 2004 to enable construction to proceed.¹³³

The GDE's impact on Black Mountain was similar irrespective of which alignment was eventually adopted. Despite the range of criticism directed at the context in which the environmental assessment was undertaken, the Preliminary Assessment in 2002 proposed a design with the least impact on the

¹³⁰ Hogg (2018); Geue (2015), 34–38.

¹³¹ Beveridge (2018), pp. 8–9.

¹³² Prest (2010).

¹³³ Prest (2010), pp. 211–216, outlines the broad arc of the legal challenge and its implications for environmental assessment in the ACT.

reserve. Apart from the loss of a section of it, and further fragmentation at Glenloch Interchange, the main impacts were limited to access.¹³⁴

The loss of a slice of the reserve kindled further vocal protest about the destruction of the site's scientific and ecological value. Strong opposition was voiced in the press by members of the scientific community who expressed dismay at loss of part of a site that sustained extensive research, sometimes over decades.¹³⁵ The enduring notion of Black Mountain as an 'ecological treasure house' is illustrated in a speech given by Senator Bob Brown in the Senate when he moved a Motion for Disallowance to an amendment to the National Capital Plan to excise a section from Black Mountain Nature Reserve for the GDE.¹³⁶ Senator Brown argued that any reduction in the reserve would 'severely impact' on 'areas of high conservation value to the national capital' and questioned the nature of the environmental assessment process undertaken. He described Black Mountain as the 'jewel of the ACT's ecological crown, at least in the city' and singled out its floristic richness, noting in particular that it is 'packed full of very rare and endangered orchids.' It holds special significance for 'its natural profile in the middle of a growing city' and as such its integrity should be retained. He concluded with a warning about potential 'death by a thousand cuts', a practice of 'serial degradation' that at first may appear to have minimal impact but over time amounts to extensive loss.

Setting aside the rhetorical context of these comments, Senator Brown's description of Black Mountain shows remarkable continuity with the values attributed to the place in earlier protests. This image of Black Mountain as an 'ecological treasure house' echoes the impetus for campaigns led by Nancy Burbidge, Keith Hancock and others in the 1960s and 1970s to preserve the richness of its flora and fauna and to protect it from development. These comments demonstrate the enduring ability of the ecological significance of this natural feature to arouse passionate conviction in its defence.

4.3 Conclusion

This freeway serving Gungahlin, slicing through native parkland, was one of many issues that galvanised community debate from the 1980s. Opposition was largely mobilised by residents concerned about the impact of the road on local amenity and native bushland, or who were convinced that alternative options were viable. Predictably, conflicting values pitted residents in affected suburbs against others in the new areas who sought the 'amenity' of transport options. The resulting controversy presented conflicts facing the growing city more broadly: whose interests, and amenity, came first?¹³⁷ In contrast to the bitter legal challenge, which was ultimately overruled in the legislature, the less strident path of community advocacy achieved some significant gains. Concerted efforts by local park care groups and residents who liaised and negotiated with government officials ensured that the alignment of the road along the western slope of Black Mountain and at Glenloch Interchange resulted in less damage than would otherwise have been the case.

5. Overall conclusion

What lessons can we draw from this overview of protests centred on Black Mountain since the 1970s? Firstly, the scale of involvement in protests of some form, the continuity over time of reasons for opposing proposals that threatened the integrity of the site, and the willingness of individuals to form local groups dedicated to protecting the reserve underline the strength of attachment people held — and continue to hold — for the place. From the campaigns of the NPA to have the mountain declared as a reserve, to the Citizens' Committee to Save Black Mountain, the Black Mountain and O'Connor Foothills Protection Association, Save the Ridge and the Friends of Black Mountain: all attest to commitment, energy and drive of individuals to fight for what they value.

Secondly, a distinctive 'research skilled constituency' characteristic of Canberra initiated, directed and supported the environmental campaigns to protect Black Mountain (and elsewhere in the

¹³⁴ Hogg (2018).

¹³⁵ 'Scientists lash out at ridge road', *Canberra Times*, 27 March 2004. For an overview of biophysical research undertaken on Black Mountain see Purdie (2018).

¹³⁶ Brown (2003).

¹³⁷ Brown (2014), p. 242.

ACT).¹³⁸ The campaign against the tower was initially brought together by a constellation of academics and scientists, later joined by other residents and student activists as it gained momentum and acquired a sharper political edge. Similarly, individuals who made submissions to oppose the aerial gondola and the freeway included a blend of professionals trained in research and skills to present arguments alongside concerned citizens. Articulate, passionate, determined, and accustomed to dealing with bureaucratic obfuscation and familiar with its tactics (as many of them were employed in that same bureaucracy), these people were (and are still) well-equipped to marshal evidence and perhaps better placed to deal with the inevitably lengthy processes that opposition entailed.

Thirdly, protestors adopted various methods to express opposition, garner wider public support and bring the battle into Court, if necessary. There was ‘much banging on official doors’¹³⁹ and extensive community advocacy through petitions, public meetings, and targeting decision makers within local or Commonwealth Government, and politicians. Protestors also waged a ‘pencil and paper war’ through gathering evidence and preparing submissions and letter writing, turning to more direct action on occasion. Legal action proved to result in only limited and short term success, as governments reasserted their will through further legislation.

The protests against the tower, aerial gondola and the freeway met with variable success. The first ‘Battle of Black Mountain’ over the telecommunications tower was lost, the second was won, and from the perspective of Black Mountain, the impact of the freeway was minimised through important compromise. These contests highlight the interrelationship between three themes that have contributed to shaping Canberra: environment, community and government.¹⁴⁰ Debates about the relative value of the natural and built environment and questions about amenity also reflect changing needs and attitudes as the city expands, and express a wider environmental consciousness as it relates to local issues. Debates about the local community and environment in Canberra have also been complicated further by an overlay of government, whether at local level in planning for a city or by the Commonwealth in planning for a national capital. The two often created or intensified conflict.

Finally, the history of protest also invites us to reflect on the idea of Black Mountain as ‘everybody’s mountain’. This idea claims to be inclusive but in fact represents different things to different people — Black Mountain as a source of inspiration, a place of recreation, a location in which to learn or teach, to be absorbed — or simply a place to pass by while travelling on the roads that surround it. Black Mountain holds as many different meanings as there are people who engage with it, but they have one thing in common — the strength of attachment also means that it has many ‘friends’ willing to step in to continue weaving those ‘golden threads’ discussed by Linda Beveridge to preserve it into the future.

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¹³⁸ Brown (2014), p. 209.

¹³⁹ Black Mountain and O’Connor Foothills Protection Association (1986), p. 17.

¹⁴⁰ Brown (2014).

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