

## Black Mountain Symposium 2018 Background Paper No. 20

### 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, meeting 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 environment, and attitudes about the landscape setting of the national capital. Continued urban expansion and pressures upon the reserve will strengthen the attachment of many within the community to the natural and ecological values of this native bushland, 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.<sup>1</sup>*

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 key feature in the design of the city. Located so close to the city, the mountain was accessible to 'everyone' for enjoyment and learning, highlighting the importance of the recently declared nature reserve to the community. Hancock, too, walked regularly on the mountain: it was a source of his knowledge and deep appreciation for the place. 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 this short account, 'An episode in Canberra's environmental history', locates the events within an emerging environmental awareness. This awareness increasingly centred on the value of the 'city in the landscape'<sup>2</sup>, one that was particularly sensitive to the aesthetic values of the

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<sup>1</sup> Hancock (1974), p. 1.

<sup>2</sup> Taylor (2006).

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

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 of the ACT (NPA)<sup>4</sup>, 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’, as it was described by one critic<sup>5</sup>, writing letters to the press, lobbying politicians and government decision makers; they organised demonstrations and protests, held public meetings, and raised money to fund legal challenges.

This paper traces these protests to illustrate how issues affecting this bush reserve galvanised public response. Controversies related to Black Mountain highlight conflicting values about the use 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’<sup>6</sup>

As 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 protest campaign 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.<sup>7</sup> 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.<sup>8</sup>

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<sup>3</sup> Brown (2014), p. 183.

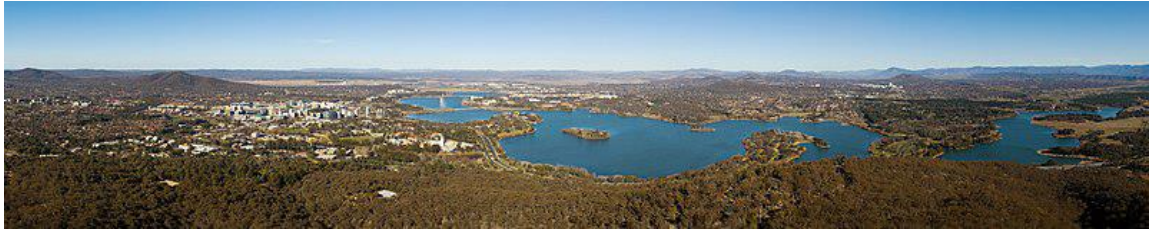
<sup>4</sup> ‘The Protection of Black Mountain’ (2000), pp. 32–33; *National Parks Association of the ACT Inc.: Oral History Project* (2012).

<sup>5</sup> ‘TV Tower’, *Canberra Times*, 23 November 1970, p. 2.

<sup>6</sup> Panter (1974), p. 10.

<sup>7</sup> Cass, Encel and O’Donnell (2017), pp. xi, 8–17, 21–43.

<sup>8</sup> 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 lies 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.<sup>9</sup> 'Everywhere in the world there is a very popular demand for these high lookout facilities', Frederick Taylor, the engineer for the project, later observed.<sup>10</sup>

At the time, Black Mountain already hosted two slender television transmitting masts, installed in the early 1960s, which served Canberra's local and national stations. 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 had required vegetation clearing. This had aroused spirited opposition, in particular from the 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 a single structure was developed.<sup>11</sup> Given the depth of antagonism in the ensuing dispute between PMG and NCDC over the design and aesthetics of a substantial tower for Black Mountain, it is ironic that the NCDC's objection to the masts on Red Hill prompted their initial suggestion to relocate the telecommunications infrastructure on Black Mountain.

In August 1970 the PMG presented its plan to Government 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'. The NCDC, aghast, thought it a 'technocratic sculptural work.'<sup>12</sup> The elongated structure with its barrelled middle, it was 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, who viewed the structure as a symbol of their 'prestige' in the capital, were determined to press ahead.<sup>13</sup> The viewing and restaurant facilities would provide a modern tourist

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<sup>9</sup> Moyal (1984), pp. 285–286.

<sup>10</sup> Sparke (1988), p. 257.

<sup>11</sup> Moyal (1984), p. 285.

<sup>12</sup> Ure (1972), p. 49; Sparke (1988), p. 258.

<sup>13</sup> Taylor and Brigden (1981), p. 92.

attraction, and would also, the PMG claimed, generate revenue to 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 obtrusive [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.'<sup>14</sup>

The following day, 3 November 1970, the NCDC provided an overview of the proposal in the *Canberra Times*, including designs of the proposed tower. Readers were informed 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, seeking 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, to be considered by the Tidbinbilla and Black Mountain Flora and Fauna Committee, which advised the Department of Interior on reserve management. Prominent local conservationist Dr Nancy Burbidge, the prime mover in the campaign to have Black Mountain declared a nature reserve, was the NPA's representative on this committee.<sup>15</sup> 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.<sup>16</sup>

## 2.2 Opposition builds

Debate about the proposal continued for the next 18 months. Opponents voiced multiple concerns. The NPA, as former president George Chippendale recalled, were 'vehemently opposed to the project'.<sup>17</sup> They feared the impact of construction activities on the mountain's fragile ecology, 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, opponents argued, was likely to increase pressure to add further facilities for visitors, further diminishing 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.<sup>18</sup> 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'.<sup>19</sup> 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

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<sup>14</sup> 'TV tower-restaurant', *Canberra Times*, 2 November, 1970, p. 1.

<sup>15</sup> 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.

<sup>16</sup> *Canberra Times*, 3 November 1970, p. 1.

<sup>17</sup> Chippendale, (2012), p. 29.

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

<sup>19</sup> Moyal (1984), p. 286.

Mountain rose sharply against the horizon. Placing a structure three-quarters of the mountain's height on the summit would create an effect of dwarfing it.<sup>20</sup>

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 technological alternatives. 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.<sup>21</sup> 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 as uneconomic by the PMG.

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.<sup>22</sup>

Communication towers to relay television and radio signals in and around major population areas also made a new type of architectural statement, representing modern advances. Not all Canberrans opposed the proposed tower. Its modern, technological symbolism appealed strongly to many.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> On 13 October 1971 NSW Labor Senator Tony Mulvihill, a strong supporter of environmental issues, tabled a petition with 248 signatures before the Senate Standing Committee

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<sup>20</sup> Sparke (1988), p. 258.

<sup>21</sup> Davidson (2010), p. 477; Moyal (1984), p. 286. Opinions differ on the effectiveness of Professor Kaneff's argument.

<sup>22</sup> Moyal (1984), p. 288.

<sup>23</sup> 'TV Tower', *Canberra Times*, 13 November 1970, p. 2.

<sup>24</sup> 'TV Tower', *Canberra Times*, 23 November, 1970, p. 2.

<sup>25</sup> Department of the Interior (1972), p. 1.

<sup>26</sup> 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.

on Social Environment.<sup>27</sup> The signatories ‘humbly prayed’ that the Senate would consider their request to examine whether construction of a ‘tower of this nature’ on Black Mountain was in the public interest, ‘having particular regard to the need to preserve the beauty and environmental quality of the national capital.’ They also challenged the refusal of the PMG to provide details of the project.<sup>28</sup> 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 was conducted in June-July 1972. A dissenting report prepared by Senators Keeffe and Mulvihill sought an examination of the viability of Mt Crace as an alternative location, explanation as to why the PMG refused to compromise on the scale of the tower and visitor facilities when a slender structure would meet the technical requirements, and criticised the construction of a tower on the summit that undermined Griffin’s design for the national capital.

The proposal for the tower was brought before the Public Works Committee in June 1972, as the controversy raged. The lengthy hearings were one of the longest held by the committee.<sup>29</sup> Around half of the submissions addressed environmental, aesthetic, technological and economic issues about the project, a point Hancock noted with satisfaction.<sup>30</sup> 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. It was intended to provide telecommunications services for the city for the next 50 years, and also raise revenue to cover its cost. The committee’s members seemed unsympathetic, even impatient, with the alternate proposals presented.<sup>31</sup> In August 1972 the Public Works Committee 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 a stated commitment to environmental protection. In February 1973 Cabinet approved a proposal from the new Minister for the Environment, Dr Moss Cass, for environmental legislation that would require an Environmental Impact Statement (EIS) to be prepared for any development project involving the Commonwealth.<sup>32</sup> Clearly one was required now. On 5 February 1973 the new Post-Master General Lionel Bowen directed the Post Office 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.’<sup>33</sup>

Despite the ‘deficiencies’ of the statement, Cass agreed to publish it. The project had been agreed by the previous government and a significant sum already invested in it, so it was decided to proceed as planned.<sup>34</sup> 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

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<sup>27</sup> *Report on a petition relating to the proposed construction of a Post Office Tower on Black Mountain*, (1972); Clune (2010).

<sup>28</sup> 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.

<sup>29</sup> Morrie Anderson, *Oral History of Parliament House*, recalls the length, complexity and challenges of being involved with these hearings; Anderson (2008).

<sup>30</sup> Hancock (1974). Evidence was received from 26 individuals or organisations, of which 11 were opposed to the project.

<sup>31</sup> Sparke (1988), p. 259.

<sup>32</sup> Formby (1987), p. 209.

<sup>33</sup> Taylor and Brigden (1981), p. 92.

<sup>34</sup> Cass, Encel and O’Donnell (2017), pp. 22–23.

briefly on the main arguments levelled at the project by opponents.<sup>35</sup> It claimed 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 diagram 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. The authors also claimed that the tower might 'enhance the visual quality' of the city or the mountain 'for the vast majority of people'.<sup>36</sup>

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.<sup>37</sup> 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.'<sup>38</sup> 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.<sup>39</sup> 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.<sup>40</sup>

The protestors moved quickly. A public meeting was organised by Hancock and Dr Bruce Kent, of the School of History at the ANU, to marshal opposition 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. Professor Ralph Slatyer (Environmental Biology, ANU) became the Committee's first president with Bruce Kent as secretary. The key opponents of the tower assembled 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.'<sup>41</sup>

The audience at the meeting represented a cross-section of Canberra's residents, although clearly one centred on its research, scientific and government communities. Present were 'architects, public servants, academics, trade unionists, environmentalists, scientists, teachers, conservationists, people from the general community and [ . . . ] ANU students.'<sup>42</sup> 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. 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 being let down. Nancy Burbidge is reported to have declared that 'we trusted the Labor Government but are extremely disappointed'.<sup>43</sup>

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<sup>35</sup> *Environmental Impact Statement Post Office Tower Black Mountain A.C.T.* (1973).

<sup>36</sup> *Environmental Impact Statement Post Office Tower Black Mountain A.C.T* (1981), p. 15; Hancock (1974), p. 13.

<sup>37</sup> Hancock (1974), pp. 12–13.

<sup>38</sup> Moyal (1984), p. 287.

<sup>39</sup> *Canberra Times*, 12 March 1973, p. 2.

<sup>40</sup> Boden (2000), p. 14.

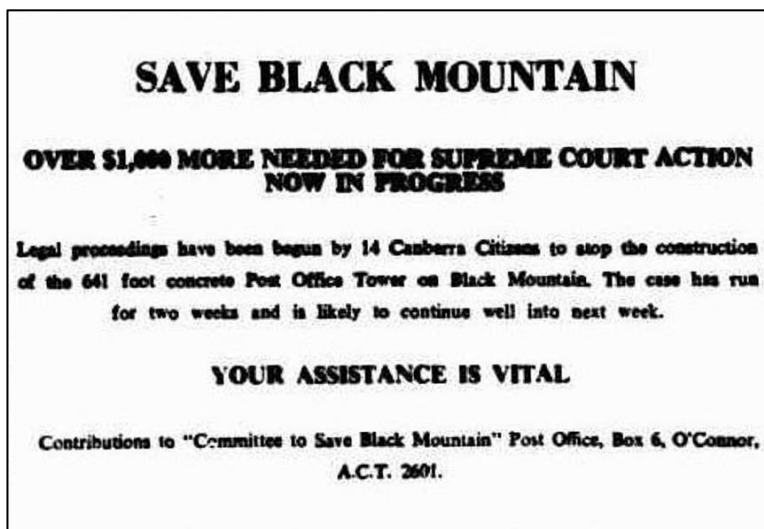
<sup>41</sup> Hancock (1974), p. 14; Padgham (1973).

<sup>42</sup> Padgham (1973).

<sup>43</sup> Padgham (1973).

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 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.<sup>44</sup>



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

In the following months, the protestors' efforts centred on convincing the Government that work on the tower should not proceed without further consideration of the proposed technology. The initial meeting of the Citizens' Committee to Save Black Mountain and subsequent representations to Cass and other sympathetic ministers by Kent and Professor Kaneff did succeed in persuading Cass of the merits of reviewing the project. He developed the view that the technology was unnecessary and the Post Office's aims could be achieved through other means. At the end of March Cass released the critique of the EIS prepared by his Department, noting that these comments and 'community reactions' to the project would be taken into account.<sup>45</sup> However, when the tower proposal was discussed by Cabinet in May 1973 it was approved with a strong vote in favour.<sup>46</sup>

The Committee to Save Black Mountain organised another public protest on the lawns in front of Parliament House on 29 May to express their indignation at this decision. They also tried, without success, to have the matter reconsidered by caucus.<sup>47</sup> With all political avenues exhausted, when they heard 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.<sup>48</sup>

<sup>44</sup> 'Airport Protest Greets Duke', *Canberra Times*, 14 March 1973, p. 1.

<sup>45</sup> 'Cass releases Departmental Critique on Black Mountain Impact Statement' (1973).

<sup>46</sup> Cass, Encel and O'Donnell (2017), pp. 23–25.

<sup>47</sup> Hancock (1976), p. 118.

<sup>48</sup> A letter of acceptance of tender was issued on 6 June 1973; Taylor and Brigden (1981), p. 93.



## 2.4 The legal challenge

On 5 June the Committee to Save Black Mountain requested the Attorney-General Lionel Murphy's fiat for a relator action—permitting them to bring a case as plaintiffs in a matter of public interest against the Commonwealth. Fourteen citizens, 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 and the university architect.<sup>49</sup> The campaigners have been described as 'a small [ . . . ] highly intelligent, highly articulate group [ . . . ] making more noise than the rest of Canberra put together.'<sup>50</sup> Certainly, the combined efforts of several of the nation's leading scientists and intellectuals, coupled with organisational savvy, and the services of a talented lawyer, Pamela Coward, proved to be a potent opposition.<sup>51</sup>

The substantive matter was scheduled for hearing in the ACT Supreme Court in late August. The protestors sought a permanent injunction against construction of the tower on the grounds that to erect it in a nature reserve would constitute a public nuisance. The visual impact of the tower, the damage to the ecology of the reserve and the increased volume of traffic would all intrude upon the enjoyment of the reserve by the public. They also argued that construction was unlawful because the NCDC, as the statutory authority, had not approved the project. The hearing commenced on 31 August and lasted four weeks. An impressive array of witnesses presented evidence on ecological, aesthetic and environmental aspects, and challenged the authority of the Commonwealth to proceed with the project. But on 19 September, while the hearing was still in progress, the government obtained an Order from the Governor General in Council authorising the Minister for Works 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.<sup>52</sup> 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.<sup>53</sup> Resistance was to adopt legal methods.

In the judgment handed down on 31 October, Justice Smithers determined that the erection of the tower was unlawful on the basis that the Post Office did not have the approval of the NCDC for the work. He upheld the statutory powers of the Commission to ensure that planning was appropriate for a national capital. Noting that the tower was a dominant building that competed with buildings of national significance, the judge determined that the approval of the NCDC was required for it to be erected in such a prominent position. The environmental arguments, however, were rejected.<sup>54</sup> As a result, on 1 November the Minister for Works announced a 'temporary' halt to the work underway on the summit.

Bruce Kent, the thirteen others who joined the action, and the 1500 people who subscribed to the legal costs (raising between \$17,000 to \$20,000) did not enjoy their victory for long. The government appealed the decision, and the matter was referred to the High Court. Although the tower was already rising from the summit, the NCDC had not yet approved the project. The Minister

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<sup>49</sup> 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.

<sup>50</sup> Moyal (1984).

<sup>51</sup> Hancock (1976), p. 120, praises Pamela Coward's role as the protestors' instructing solicitor. An overview of Hancock's manuscript papers relating to the protest against the tower and the legal proceedings is at Appendix A.

<sup>52</sup> 'Demonstrators disrupt work on tower site', *Canberra Times*, 22 September 1973, p. 1.

<sup>53</sup> Davidson (2010), p. 477.

<sup>54</sup> Sparke (1988), p. 266.; ACT Supreme Court, No. 650 of 1973, *Kent and Others v Johnson*

for Regional Development, Tom Uren, carried out a Cabinet decision to direct the NCDC to approve the construction. The Commission refused, and on 11 December 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.<sup>55</sup> This was the only occasion on which the NCDC was overridden by the Executive in Council.<sup>56</sup> Work recommenced at the site on 10 December 1973.<sup>57</sup> The appeal was heard in the High Court in May 1974, and the final decision was handed down on 17 February 1975, by which time the tower was 40 metres high. The High Court ruled that construction was lawful.

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 election statement on the environment to a wooden plank and ceremoniously burnt it.<sup>58</sup>



**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.'<sup>59</sup> Despite its acknowledged visual dominance, not all visitors to the capital immediately recognised 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.<sup>60</sup>

The Telstra Tower, as it is currently known, has become an icon and emblem of the city. Shortly before completion it was awarded 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,

<sup>55</sup> Hancock (1974); Sparke (1988); Davidson (2010), pp. 477–478.

<sup>56</sup> Brown (2014), p. 184.

<sup>57</sup> 'Order to allow work on the tower', *Canberra Times*, 12 December 1973, p. 1.

<sup>58</sup> 'Documents Burnt in PMG Tower Protest', *Canberra Times*, 14 December 1973, p. 12.

<sup>59</sup> Sparke (1988), p. 265, citing Roger Johnson, senior architect with the NCDC.

<sup>60</sup> Catanzariti (2000), p. 29.

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.<sup>61</sup>

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 draws over 430,000 visitors annually.<sup>62</sup> The revolving restaurant ceased operation in 2013; it is not known when it will resume operating.<sup>63</sup>

## 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.<sup>64</sup> 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 in refusing to consider alternatives. 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. Moreover, the fervour of their protest was fuelled by indignation at the Whitlam Government's stance on environmental issues after they were elected. Many of the academics prominent in the campaign had publicly supported Labor and felt aggrieved when they perceived the Government had turned its back on them. 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 Orders in Council circumvented the legal challenge and the plaintiffs were threatened with 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.<sup>65</sup> 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.<sup>66</sup>

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<sup>61</sup> <https://www.great-towers.com/towers/>, accessed August 2018.

<sup>62</sup> <http://www.telstratower.com.au/history.aspx>, accessed July 2018.

<sup>63</sup> <https://www.canberratimes.com.au/national/act/telstras-revolving-restaurant-still-vacant-after-three-years-20160914-grg54i.html>, accessed July 2018.

<sup>64</sup> Hancock summarises what he sees as the broad weight of popular opinion behind the protestors in *Battle* (Hancock 1974), pp. 43–44 and *Professing History* (Hancock 1976), pp. 113–114.

<sup>65</sup> Moyal (1984), p. 288; Cass, Encel and O'Donnell (2017), pp. 25–26.

<sup>66</sup> Brown (2014), p. 184.

### 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 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.<sup>67</sup> 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 who had fought against the tower. The protest campaign was fought by individuals and conservation groups with the pen and by 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 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.<sup>68</sup>

#### 3.1 The aerial gondola proposal

In July 1975, just a few months after the campaigners against 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).<sup>69</sup> The gondola system was envisaged primarily as a ‘unique tourist attraction for the nation’<sup>70</sup> 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, rising 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 contentious. 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.<sup>71</sup>

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.<sup>72</sup> 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

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<sup>67</sup> *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.

<sup>68</sup> Formby (1987), p. 214.

<sup>69</sup> *Draft Environmental Impact Statement* (1981), p. 1.

<sup>70</sup> *Draft Environmental Impact Statement* (1981), p. 3.

<sup>71</sup> *Draft Environmental Impact Statement* (1981), p. 3.

<sup>72</sup> Brown (2014), p. 194.

Avenue to the lake, comprising an international hotel complex, convention centre and banquet hall in a parkland setting.<sup>73</sup> 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.<sup>74</sup> 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.<sup>75</sup> 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 government. By late 1980 traffic congestion was becoming a serious problem.<sup>76</sup> 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.<sup>77</sup> 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. Measures proposed included 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.<sup>78</sup> 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—frustrating 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', at the same time easing traffic congestion on the summit road, or another 'opportunity to desecrate an area already violated by the Telecom edifice' on its summit.<sup>79</sup>

Opponents of the gondola rejected it on environmental, aesthetic and economic grounds. 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

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<sup>73</sup> *Tivoli Gardens Development, Canberra* (1982).

<sup>74</sup> *Draft Environmental Impact Statement* (1981), p. 3; ACT archives 'Find of the Month' (2018).

<sup>75</sup> *Draft Environmental Impact Statement* (1981), p. 26.

<sup>76</sup> 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.

<sup>77</sup> 'Black Mountain Bus Squeeze', *Canberra Times*, 2 August 1978, p. 3.

<sup>78</sup> *Canberra Times*, 25 March 1980; 31 August 1980, p. 9.

<sup>79</sup> 'Get ready for a fierce rearguard action', *Canberra Times*, 8 April, 1978, p. 2.

entrance to Luna Park.’<sup>80</sup> Lamenting the ‘piercing spire’ of the tower that attracted the eye as in a ‘nightmare’, one strident critic likened 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.<sup>81</sup> 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 gondola challenged assertions that it would be ‘pollution-free and noiseless’. These claims 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.<sup>82</sup> Damage caused by recent clearing of vegetation beneath power lines and for construction on the summit was cited as evidence of the anticipated detrimental environmental effects.<sup>83</sup> Even some supporters of the 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.’<sup>84</sup>

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.<sup>85</sup> 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 that 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.<sup>86</sup> 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 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.<sup>87</sup>

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 encouraged 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 was also reported to have expressed reservations about the appearance of the large, square gondola terminal at the summit.<sup>88</sup>

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<sup>80</sup> ‘Black Mountain Cable Car System’, *Canberra Times*, 12 November 1980, p. 18.

<sup>81</sup> ‘Hands off Black Mountain’, *Canberra Times*, 6 August 1978, p. 19.

<sup>82</sup> ‘A gondola on Black Mountain’, *Canberra Times*, 4 July 1978, p. 2.

<sup>83</sup> ‘Hands off Black Mountain’, *Canberra Times*, 6 August 1978, p. 19.

<sup>84</sup> ‘Libs vote on prostitution’, *Canberra Times*, 9 June 1980, p. 1

<sup>85</sup> *Canberra Times*, 21 July 1977, 16 August 1977, 2 November 1977, 23 September 1979, 13 December 1979, 18 March 1981.

<sup>86</sup> ‘Who’s for a ride in a gondola?’, *Canberra Times*, 31 August 1980, p. 9.

<sup>87</sup> *Canberra Times*, 16 Aug 1977, p. 2; editorial 4 March 1978.

<sup>88</sup> Boden (2000), p. 2; *Canberra Times*, 31 August 1980, p. 9; 22 April 1978, p. 3.

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.<sup>89</sup>

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'.<sup>90</sup> 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.<sup>91</sup> Strategies were also designed to overcome the 'procrastination' of bureaucrats. Politicians, business leaders and government officials were shown a promotional film of similar systems operating in the Rhineland to demonstrate the gondola's benefits.<sup>92</sup> The City Manager, Tony Blunn, remained unimpressed, pressing the case for a wider road or scenic railway.<sup>93</sup> The director of Black Mountain Cable Car also addressed public meetings to garner wider support, such as the Canberra View Club.<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup> By early 1981, when the Draft EIS was released for public comment, the aerial gondola proposal appeared to have acquired wide community support.

The *Draft Environmental Impact Statement for the Aerial Gondola System*, prepared by Environment Research Associates, was released in February 1981 for 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'.<sup>97</sup> 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.

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<sup>89</sup> 'Access plans go on despite early opposition', *Canberra Times*, 22 June 1980, p. 15.

<sup>90</sup> Advertisement by PHB Engineering Pty Ltd, *Canberra Times*, 5 June 1978, p. 6.

<sup>91</sup> 'Get ready for a fierce rearguard action', *Canberra Times*, 8 April 1978, p. 2.

<sup>92</sup> 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.

<sup>93</sup> *Canberra Times*, 16 February 1978, p. 1.

<sup>94</sup> 'Cable Car Discussed', *Canberra Times*, 10 September 1978, p. 14.

<sup>95</sup> *Canberra Times*, 3 November 1978, p. 3; 6 December 1978, p. 18.

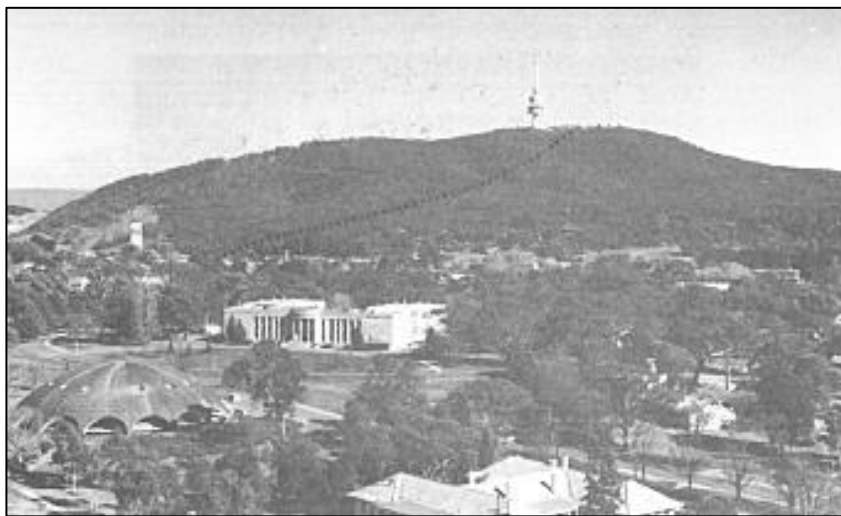
<sup>96</sup> *Canberra Times*, 31 August 1980.

<sup>97</sup> *Canberra Times*, 21 February 1981, p. 1.

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.<sup>98</sup> The authors of the EIS acknowledged that alternate routes B (south-western side) and C (to the north-east) 'may have been environmentally preferable.'<sup>99</sup>

In summary, the EIS claimed that the impact on the biophysical aspects of Black Mountain would be minimal.<sup>100</sup> 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.<sup>101</sup> The potential impact upon the visitor experience of the Botanic Gardens was acknowledged, although dismissed with the 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.<sup>102</sup> Significantly, the EIS did not address the impact of the proposal upon the broader landscape setting of Black Mountain and its place within the Griffins' design for the national capital.



**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.

<sup>98</sup> *Draft Environmental Impact Statement* (1981), pp. 7–8.

<sup>99</sup> *Draft Environmental Impact Statement* (1981), 'Summary'.

<sup>100</sup> *Draft Environmental Impact Statement* (1981), 'insignificant in a regional context', p. 26.

<sup>101</sup> *Draft Environmental Impact Statement* (1981), p. 6.

<sup>102</sup> 'London shows Canberra how to adorn a city', *Canberra Times*, 18 May 2012.



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.'<sup>103</sup> The Draft EIS supported the proposal, concluding that the 'impact on tourism in Canberra and access to Black Mt is considered to be beneficial'. Concerns about any further 'minimal' environmental damage and 'subjective' concerns about the gondola's visual appeal were dismissed.

### 3.5 Responses to the EIS

The release of the Draft EIS for comment generated quick action 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, the NPA president Neville Esau, 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 Mountain and other hills could not remain 'essentially in their natural state'.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup> 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 and 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.<sup>107</sup>

Thirty-one submissions in response to the Draft EIS were received from a range of individuals and local organisations.<sup>108</sup> The proposal received strong support from tourism and business groups.<sup>109</sup> 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, a perennial concern for the

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<sup>103</sup> *Draft Environmental Impact Statement* (1981), pp. 14, 26.

<sup>104</sup> Esau (1981), p. 2.

<sup>105</sup> Fraser (1981), p. 3 and personal communication Ian Fraser.

<sup>106</sup> 'Display of Canberra Environmental Issues', *Canberra Times*, 6 April 1981, p. 11.

<sup>107</sup> *Canberra Times*, 30 March 1981, p. 1.

<sup>108</sup> List of submissions received in *Aerial Gondola; Supplement* (1982), Annex A: List of Responses, p. 18.

<sup>109</sup> Including the Chamber of Commerce, Association for Regional Development, ACT Tourist Commissioner and Canberra Visitors Association.

growing city and its planners. The Society for Social Responsibility in Science also opposed the scheme. They aimed to limit car use and reduce traffic congestion, and 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.<sup>110</sup>

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 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.<sup>111</sup> 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.<sup>112</sup>

### 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.<sup>113</sup> 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

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<sup>110</sup> *Aerial Gondola; Supplement* (1982), p. 11.

<sup>111</sup> *Assessment of the Final Environmental Impact Statement for the Proposed Aerial Gondola System* (1982), p. 24.

<sup>112</sup> *Assessment of the Final Environmental Impact Statement for the Proposed Aerial Gondola System* (1982), p. 25.

<sup>113</sup> Archives ACT, ‘Find of the Month’ (2018).

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 they had in relation to the tower, 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 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'.<sup>114</sup> 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' had been lost, a sizeable section of the community did not want to see further intrusion onto the summit or damage to Black Mountain Nature Reserve. Moreover, arguments based on the mountain's place in the landscape and its significance as the backdrop to the National Capital continued to carry weight. Among the opponents to the aerial gondola were many people who had opposed the construction of the tower, who now marshalled similar arguments to fight this second 'Battle for Black Mountain'.

The planning decisions of the National Capital Development Commission for the summit of Black Mountain differed markedly to those concerning 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 southern 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 road network encircling the base of the mountain segmented it from its original wider landscape, leading to further opposition to the mountain's fragmentation.

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<sup>114</sup> *Canberra Times*, 29 July 1983, p. 8.

#### 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.<sup>115</sup> 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. 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?’<sup>116</sup> 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 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 threatened to encircle Black Mountain, creating ‘the largest traffic island in the world.’<sup>117</sup>

The road now known 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.<sup>118</sup> 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.<sup>119</sup> In 1984 the NCDC revised and restated its commitment to the Y-Plan, including the peripheral parkway principle, in its *Metropolitan Canberra Policy Plan [and] Development Plan*.<sup>120</sup> 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 (JDP). 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 to building roads to access the summit on Black Mountain and around Glenloch Interchange in the 1970s.<sup>121</sup> The protests by Canberra’s citizens against the spread of roads and congestion led to local ‘freeway revolts’, paralleling similar protests

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<sup>115</sup> Brown (2014), p. 162.

<sup>116</sup> Brown (2014), p. 242.

<sup>117</sup> Hancock (1976), p. 113; *Canberra Times*, 1 October 1986, p. 23.

<sup>118</sup> National Capital Development Commission (1970); Hogg (2018), p. 1.

<sup>119</sup> Hogg (2018).

<sup>120</sup> National Capital Development Commission (1984).

<sup>121</sup> Butz (2018).

internationally.<sup>122</sup> The construction of the Molonglo Arterial, in particular, kindled heated opposition to 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 protest at the site, when she stopped the earth moving equipment for a time.<sup>123</sup>

The release of updated plans for road infrastructure in *Metropolitan Canberra* aroused initial consternation, which flared into more vocal opposition when more detailed plans and consideration of options progressed. 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.<sup>124</sup> 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 Gardens, the CSIRO and the Black Mountain and O'Connor Foothills Protection Association. When he accepted the petition, Langmore agreed with its aims to prevent the destruction of the bush corridor between the two important institutions, adding that it would be a 'shame' if a freeway 'impeded' the 'beauty, quietness and research' of the gardens.<sup>125</sup> A representative of the Gardens later recalled that the level of public outcry against this proposal 'gave us quite a lot of public support' as many of the people who would have been personally affected by the road supported the gardens too.<sup>126</sup> 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.<sup>127</sup> 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.<sup>128</sup> 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

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<sup>122</sup> Thompson and Maginn (2012), pp. 361–362.

<sup>123</sup> Sparke (1988), p. 256.

<sup>124</sup> *Canberra Times*, 14 April 1986, p. 3.

<sup>125</sup> *Canberra Times*, 3 July 1987, p. 8.

<sup>126</sup> Fagg (2010), p. 26.

<sup>127</sup> *Canberra Times*, 3 December 1988, p. 3.

<sup>128</sup> 'Travel study criticised', *Canberra Times*, 27 October 1989, p. 13; 'Community ignored in Gungahlin Plan', *Canberra Times*, 2 November 1989.

upon parking, access and athletes.<sup>129</sup> A significant majority of participants in the study, 86%, favoured the John Dedman Parkway option.<sup>130</sup>

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 the recreational amenity of affected areas on Bruce and O'Connor Ridges, and to a lesser extent on Black Mountain. The final report acknowledged the diminished aesthetic quality and visitor experience of nature reserves when they were surrounded by roads, as at Black Mountain. 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.<sup>131</sup>

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 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 Mountain and Aranda Bushland, they concluded that it would be 'affected only marginally because any disturbance would be adjacent to an existing road corridor.'<sup>132</sup>



**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 transport options to service the new residents of Gungahlin. In addition to the continuing debate about the need for the road at all, the major

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<sup>129</sup> 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.

<sup>130</sup> Hogg (2018).

<sup>131</sup> Hayes, Lansley and Storer Pty Ltd (1989), p. 13.

<sup>132</sup> Hayes, Lansley and Storer Pty Ltd (1989), pp. 71–73.

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. Moreover, the Institute claimed, it would 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 focus to the north of Belconnen Way meant considerations for Black Mountain did not feature prominently in this debate.<sup>133</sup> 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.<sup>134</sup>

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 submissions, the highest ever received by a Territory inquiry.<sup>135</sup> The vast majority of submissions discussed preferences for either the eastern or western alignment of the road, scoped alternative transport options or raised concerns about the impact of clearing vegetation to the north of Belconnen Way on the wildlife and the fragmentation of native habitat.

Submissions to the inquiry raised relatively few issues concerning the potential impact of the proposed road on Black Mountain compared to the fears expressed about the much wider impact it would have on areas of high conservation value to the north of Belconnen Way. 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 Nature Reserve.<sup>136</sup> Other residents in Aranda and the Friends of Aranda Bushland raised concerns about wildlife movement, ecological damage, habitat loss, Aboriginal heritage and the impact of the freeway upon the recreation and enjoyment of Black Mountain. 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).<sup>137</sup>

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

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<sup>133</sup> Hogg (2018) and Prest (2010).

<sup>134</sup> 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.

<sup>135</sup> *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.

<sup>136</sup> Hogg (2018); *Standing Committee on Planning and Urban Services, Proposals for the Gungahlin Drive Extension* (2001), pp. 116–117.

<sup>137</sup> *Standing Committee on Planning and Urban Services, Proposals for the Gungahlin Drive Extension* (2001), p. 117.

freeway upon Bruce and O'Connor Ridges, although the protection of the western edge of Black Mountain also formed part of their stated aims.<sup>138</sup>

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.<sup>139</sup> 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 was 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 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.<sup>140</sup>



**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. This park care group was established to monitor and address perceived threats to the area arising from the proposed GDE and further road construction on the perimeters of the reserve. The Friends continue to be strong advocates for the reserve.<sup>141</sup>

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<sup>138</sup> *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](https://www.library.act.gov.au/find/history/search/Manuscript_Collections/hmss-0382-save-the-ridge-archive)

<sup>139</sup> Hogg (2018).

<sup>140</sup> Hogg (2018); Geue (2015), 34–38.

<sup>141</sup> Beveridge (2018), pp. 8–9.



In 2001 a Labor Government was elected in the ACT, which 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.<sup>142</sup>

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.<sup>143</sup>

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 reserve. In addition to the loss of a section of bushland, and further fragmentation at Glenloch Interchange, the main impacts were limited to access.<sup>144</sup>

The loss of a slice of the reserve kindled further vocal protest about the destruction of the location'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.<sup>145</sup> 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.<sup>146</sup> 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. The ecological significance of this natural feature continues to arouse passionate advocacy for 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

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<sup>142</sup> Prest (2010).

<sup>143</sup> Prest (2010), pp. 211–216, outlines the broad arc of the legal challenge and its implications for environmental assessment in the ACT.

<sup>144</sup> Hogg (2018).

<sup>145</sup> 'Scientists lash out at ridge road', *Canberra Times*, 27 March 2004. For an overview of biophysical research undertaken on Black Mountain see Purdie (2018).

<sup>146</sup> Brown (2003).

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?<sup>147</sup> 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 strong attachment to the place is reflected in the scale of involvement in protests to preserve it and the formation of local groups dedicated to protecting the reserve. The campaigns of the NPA to have the mountain declared a reserve, 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 the commitment, energy and drive of individuals to fight for what they value about this place.

Secondly, a distinctive ‘research skilled constituency’ characteristic of Canberra initiated, directed and supported the environmental campaigns to protect Black Mountain (and elsewhere in the ACT).<sup>148</sup> 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 with the skills to present arguments alongside concerned citizens. Articulate, passionate, and determined, they were (and still are) accustomed to dealing with bureaucratic obfuscation and familiar with its tactics. These people were well-equipped to marshal evidence and well-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’<sup>149</sup> and extensive community advocacy through petitions, public meetings, and targeting decision makers within all levels of government, as well as 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 resulted in only limited and short-term success, as governments reasserted their intent 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.<sup>150</sup> 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 related to local issues. The relationship between the local community and environment in Canberra has been complicated further by this government overlay, which at a local level planned for the city, while the Commonwealth planned for the National Capital. Competing government objectives could create or intensify conflicts about the uses of Black Mountain.

Finally, the history of protest also invites us to reflect on the idea of Black Mountain as ‘everybody’s mountain’. This idea represents different things to different people—Black Mountain

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<sup>147</sup> Brown (2014), p. 242.

<sup>148</sup> Brown (2014), p. 209.

<sup>149</sup> Black Mountain and O’Connor Foothills Protection Association (1986), p. 17.

<sup>150</sup> Brown (2014).

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’ to preserve it into the future.

## 6. Acknowledgments

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**Summary of material related to Black Mountain Tower in the papers of Sir William Keith Hancock, National Library of Australia  
(MS 2886, Series 5A and 5B, Boxes 13 and 14)<sup>151</sup> and selected additional material**

**1. Sir William Keith Hancock material**

**(a) Box 13 (contains Series 5A and part of 5B)**

This box contains 12 manila folders each with a varying number of typescript, handwritten and photocopies papers, files, correspondence and newspaper cuttings related to the Black Mt Tower from 1973-1974. These folders are not numbered. Hancock has noted the contents of each folder in pencil on the cover. The papers in each folder are organised in roughly chronological order (folders in sequence from the rear of the archive box to the front)

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, Series V-A</b>		
'How did it happen?'		Draft of chapter 9 and preliminary notes for chapter 13 of <i>The Battle for Black Mountain</i> .
Redraft of Ch 9 and Notes for Ch 13, newspaper clippings'		Cutting of a cartoon published in the <i>Canberra Times</i> by Pickering of the Governor-General, Sir Paul Hasluck, signing the Executive Order-in-Council to proceed with work on the tower (no date on cutting, around 10 December 1973?)
		Hancock's background notes on organisational structure and staffing of Postmaster-General's Department, November 1973
	10 November 1973	Draft of Chapter 9 'Politics' with a typed note 'Second Thoughts on Last Chapter' attached, containing Hancock's thoughts for revision. He also mentions a description of the technological grounds against the tower being prepared by Professor Stephen Kaneff and Bruce Kent.
		Proof copy of <i>The Battle for Black Mountain</i> with minor annotations.
'Book'		First draft of chapter 6 of <i>Professing History</i> , 'Thinking and Doing: Black Mountain', with annotations in an unidentified hand, possibly by Alan Fitzgerald.
Correspondence Alan Fitzgerald and Hancock	10 and 15 July 1974	Letter by Alan Fitzgerald to Hancock, written in response to the publication of <i>The Battle for Black Mountain</i> , alerting him to the 'backstory' of the controversy prior to 1970-71. He provides background to the early stages of the opposition to the tower expressed through the Tidbinbilla and Black Mountain Advisory Committee and the Advisory Council of the A.C.T., and the local Labor Party politics of the matter.
		Copies of Fitzgerald's submission to and the debate about the tower in the meeting of the A. C. T. Advisory Council held in November 1971, mentioned by Fitzgerald, are in the folder 'Odds and Ends with a bearing on the early history of the matter' (refer Series 5B below).

<sup>151</sup> Finding Aid with a guide to all the papers: <http://nla.gov.au/nla.obj-327979728/findingaid>.

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, Series V-A</b>		
Correspondence ... continued	10 and 15 July 1974 continued	Also a list of questions formulated by Hancock to Fitzgerald to tease out the local political background to the decision to proceed with the tower – the answers appear to have been annotated by Fitzgerald.
Proof Copy		Proof copy of <i>The Battle for Black Mountain</i> with notes by Hancock to a John C. (presumably John Cumpston), the printer, about changes for a second edition.
‘Black Mountain Miscellaneous’		‘Questions on the notes of P.C.’ [Pamela Coward] about possible grounds for an appeal.
‘Chapter 11, Money and Time’		Three copies of the first draft of chapter 11 of <i>The Battle for Black Mountain</i> , ‘Money and Time’, annotated by Hancock and two others. His notes mention that this draft and a proposed chapter 12, intended to report on the High Court proceedings, will only be finished if <i>The Battle for Black Mountain</i> runs into a second edition.
		Final draft of chapter 11 of <i>The Battle for Black Mountain</i> .
		Two copies of the first draft of chapter 12, ‘In the High Court (or similar title)’ with annotations. On p. 1 of the second copy Hancock records: ‘Written in case a new edition of the little book was called for quickly. Scrap heap now’
	20 July 1974	Two copies of notes for a final chapter of <i>The Battle for Black Mountain</i> , to be written after the High Court has delivered its decision, written in late May or June early June 1974 and annotated by Hancock on 20 July.
‘Black Mountain’	2 December 1973	Notes by Hancock for ‘Chapter for Second Edition’ about the High Court case.
Draft Preface to the First edition and draft appendix and notes for chapter for Second Edition	25 June 1974	Appendix for <i>The Battle for Black Mountain</i> (‘Alternatives to the APO Black Mountain Telecommunications Tower’) ‘prepared by Professor Stephen Kaneff for the Urban Affairs Committee of caucus. It was also sent to every member of Cabinet before the decisive meeting of 6 December 1973.’ Annotated in another hand with changes for publication.
		Draft Preface for <i>The Battle for Black Mountain</i> and previous, discarded, versions.
		Revised draft Preface
‘Black Mountain A. Typed draft B. Proof C. Questions of Publication’		Annotated typescript of <i>The Battle for Black Mountain</i> .
	January - April 1974	Correspondence between Hancock, John Bell, of the Society for Social Responsibility in Science (ACT) and Alan Barnard, Department of Economic History (ANU) about arrangements for publication.
	8 July 1974	Correspondence with John Crumpston, printer, about costs and challenges of printing <i>Battle</i> . In the first half of 1974, in particular, the printing industry was affected by a lack of paper. For this reason Hancock had to keep a close eye on the word limit of <i>Battle</i> . Hancock’s notes about the potential for libel in <i>Battle</i> , especially if it was published before the litigation had ceased.

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, series V-B</b>		
'Tower Diary from 1 Mar 1974' ['For Prefaces to 2 <sup>nd</sup> Edition. For supplementary chap in 2 <sup>nd</sup> edn. Query appendix on File?']	21 September 1973	Clippings of <i>Canberra Times</i> articles reporting on the protestors who stopped work while the case was still before the ACT Supreme Court.
	1 March 1974	Notes of meeting of the Committee to Save Black Mountain to discuss the prospects of an appeal to High Court. Present were 'Kent, Bartell, Cummins, Walter, Hancock, Audrey Benjamin, Pamela Coward'. Hancock's notes to serve as 'my springboard' for a supplementary chapter for the second edition, if 'one is called for'.
		p. 3. Comment about bleak prospects of an appeal succeeding. Hancock observes that 'there are strong political reasons against our fighting the legal battle to the end. Our fight will <u>not</u> save BM and it <u>will</u> endanger our friends.' Concern expressed about the mounting costs too.
	24 July 1973	Committee to Save Black Mountain letterhead. Example of a circular letter from Ralph Slatyer on behalf of the Committee to thank financial supporters of the campaign.
		Committee listed at bottom of letter as: R. J. Bartell, Audrey Benjamin, M. P. Cummins, Sir W. K. Hancock, Jack Kemp, B. E. Kent (Treasurer), Julius Roe, D. F. Wrigley. Convenor Prof. R. O Slatyer.
		Handwritten notes about 'Aboriginal sites on Black Mountain' (in an unknown hand), for preface or chapter 1 of <i>The Battle for Black Mountain?</i>
	9 March 1974	Hancock's Record of a meeting organised by Pamela Coward with 'Parker, Bartell, Hancock and Pam Coward' about whether and how to proceed with the matter in the High Court.
	No date (March 1974?)	Hancock's Record of a meeting about how to finance the appeal to the High Court. Present 'Kent, Bartell, Wrigley, Hancock, Roe, Audrey Benjamin, and Mrs Coward'.
	31 October 1973	Photocopy of the decision of Justice Smithers in <i>Kent and Others v Johnson</i> .
		<i>Canberra Times</i> article reporting on Justice Smithers' decision to rule against the tower. Photo on p. 1 of the successful plaintiffs leaving court. Also <i>Canberra Times</i> article 1 November 1973 reporting on the erection of the tower as 'unlawful'.
10 Jan 1974	Letter from Nigel Wace <sup>152</sup> to Hancock, with copies of correspondence between Wace and the Governor-General Hasluck, about the decision of the Executive Order-in-Council.	
	11 December 1973: Wace to Hasluck, noting the level of concern in Canberra about the government proceeding with construction while the matter was still before the court, and asking him to intervene to support the NCDC in their opposition to the tower.	
	20 December 1973: Hasluck to Wace, noting that it is not the Governor-General's role 'to take sides in matters of government policy'.	

<sup>152</sup> Head, School of Biogeography and Geomorphology, ANU.



Topic	Date	Notes
<b>Box 13, Black Mountain Tower, series V-B</b>		
'1 Hearing 2 Waiting 3 Judgment of High Court'	November 1974	Extract from <i>Australian Post Office News</i> , vol. 28 giving a brief outline of the Black Mountain Tower.
	4 Sep 1974	Letter from Pamela Coward (Abbot Tout Creer and Wilkinson, Solicitors) to Hancock about case law on Executive Orders.
	6-11 January 1975	<i>National Times</i> articles about Labor Government slowing down – Hancock underlined comments about 'bureaucratic inertia' and 'sluggishness'.
	27 Dec 1974? Or after?	Notes by Hancock about possible reasons for the delay with the High Court, attached to a <i>Canberra Times</i> article 27 December 1974 reporting on the progress of construction of the tower. Copy of Order by Chief Justice Barwick in <i>Johnson and Others v Kent and Others</i> (Appeal and Cross-Appeal each dismissed with Costs).
'Politics mid 1974'		Hancock's background notes on the Departments of Works and Capital Territory (staff, organisation structure)
'Black Mountain Odds and Ends 1973 and 1974'	30 July 1974	Copy of Senate Debate on the <i>Post and Telegraph Bill</i> (569-591), section in which Senator Steele Hall comments on Black Mountain Tower and Hancock's book, here referred to as 'Tower on Black Mountain'. Highlighted in margin by Hancock. Steel Hall raises the matter in the context of growing costs of APO and how to restrain them.
	9 March 1974	A cutting of a letter to the <i>Canberra Times</i> by John Bell, Secretary for the Society for Social Responsibility, about the tower being a fire hazard. Extensive notes by Hancock are attached along with copies of articles about the London Post Office Tower as an attractor for IRA terrorists.
	23 May 1974	A cutting of a letter to the <i>Canberra Times</i> by Ross Hohnen (Registrar, ANU) about the decision of Justice Smithers and criticism of the Government's action to proceed with construction.
	Early Sep 1974	Draft of newspaper article by Hancock critical of the Government's actions on the tower. This was not submitted as he considered as he thought it 'too political for a litigant before High Court?'. It builds on Bell's article about fire and hazards in the London Post Office tower.
	24 May 1974	Hancock to H. C. Coombs, sending him a sample chapter of <i>The Battle for Black Mountain</i> , seeking his comments.
	2 Dec 1974	Correspondence between Hancock and a Mr Connor of the NCDC asking Connor to review his comments for a section of his book about the Governor-General's Order in Council to proceed with the tower.
	1973	Hancock's notes on the transcript of the evidence presented by the plaintiffs in the ACT Supreme Court. Copy of a Bulletin circulated to members of Committee to Save Black Mountain outlining the findings of Justice Smithers in the court case as to why construction of the tower was not considered to create a public nuisance.

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, series V-B</b>		
'Black Mountain Odds and Ends 1973 and 1974' continued	1973 continued	Copy of Hancock's affidavit for the Supreme Court action. He emphasises the 'severe' pressures arising from tourists on the nature reserve. Draws on his research in Kosciusko National Park for <i>Discovering Monaro</i> , noting that the risk of irreparable damage had been averted by the NSW Government, including closing the sealed road to the summit for cars to 'reduce tourist pressure.' He notes that: <ul style="list-style-type: none"> <li>- (7) 'I am of the opinion that severe tourist pressure on Black Mountain will mean its loss to Canberra as a nature reserve.'</li> <li>- (8) 'I am of the opinion that despite big differences in the situation of the Kosciusko National Park and the Black Mountain nature reserve protection is even more needed for Black Mountain. In its context it is unique and more vulnerable than Mount Kosciusko.'</li> </ul>
		Report by Bruce Kent summarising the alternatives to the proposed tower put forward by Professor Kaneff.
	24 May 1973	Photocopy of letter by Stephen Kaneff to the Minister [not specified] summarising viable alternatives to the proposed tower. Letter written in response to a radio interview that morning in which the Postmaster General [Bowen] asserted that the only technical alternative to the tower was to install three towers on Black Mountain and two on Red Hill.
	13 December 1973	Cutting of a <i>Canberra Times</i> advertisement of a Public Meeting to Protest against 'Cabinet's Arbitrary Action' requiring the Governor-General to authorise the Construction of the Black Mountain Tower.' [Parliament House Lawns, Today 12.45 pm.] Sponsored by: The Australian Conservation Foundation, The Canberra Bushwalking Club, The Committee to Save Black Mountain, The National Parks Association, ACT, The Society for Social Responsibility in Science, ACT, The Royal Australian Institute of Architects, ACT Chapter.
	4 April 1974	<i>Canberra Times</i> articles about the concrete pour commencing on Black Mountain.
	18 April 1974	Correspondence between Abbot, Tout Creer and Wilkinson and the High Court Registrar to seek an early listing of the appeal.
	No date	Photocopy from the <i>Australian Law Journal</i> , vol. 19 (June 15, 1945), pp. 43-44, of poem 'A dream of a Fair Judges, after Lord Tennyson (A Long Way), by Sir Frank Garvan Duffy.
	14 March 1974; 18 March 1974	Correspondence between Evan Sawkins, Deputy-Director General, Australian Post Office and Hancock. Sawkins has heard that Hancock is writing a book about the matter and writes to 'set the record straight'. Hancock responded by saying that the book was currently in press, and that he relied upon what information he had to represent the Post Office's involvement.
	20 November 1974	H. C. Coombs to Hancock, informing him that he has had no success in influencing the Prime Minister (Whitlam) about the Black Mountain Tower.

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, series V-B</b>		
‘ACT Advisory Council’ ‘Odds and Ends with bearing on early history of tower [most of my stuff has gone into waste paper baskets after I have used it for drafting]’	No date [1974?]	Photocopy of handwritten notes: ‘ <i>An Account of the Black Mountain Tower Controversy from its beginnings up to an including the Public Works Committee hearings in June 1972.</i> ’ On behalf of the Society for Social Responsibility in Science (ACT) by J. T. O. Kirk Convenor, Study Group on Environmental Quality in the ACT). Kirk outlines the process through which the decision between the PMG and the NCDC to erect the tower on Black Mountain was made public in November 1970.
	No date	Draft Affidavit by Peter Firman Harrison, formerly Director of Planning, NCDC (1958-1967). Expands on the decision in the mid-1960s by the NCDC to move the tower in Red Hill and their agreement with PMG to locate it on Black Mountain.
	November 1971	Several copies of extracts from minutes of the ACT Advisory Council meeting on 22 November 1971 that document the debate about the tower proposal, and in particular Alan Fitzgerald’s efforts to persuade the Council to register their opposition to the proposal.
		Included in these extracts is: ‘The Case against the Proposed PMG Telecommunications Tower on Back Mountain’ prepared by Alan Fitzgerald for inclusion in these minutes. - Fitzgerald’s statement is a comprehensive and elegantly argued manifesto that summarises the main arguments against the tower and expresses the weight of feeling against the proposal. Underlined and annotated in pencil in several places by Hancock.
‘Black Mountain. A small and disorderly residue of my large collection of papers. Most of them have been destroyed.’	June 1973	‘Help Save Black Mountain’ – a flyer copied on yellow paper for distribution to drum up volunteers to protest in the event that construction commenced on the summit despite the injunction awarded in the ACT Supreme Court. The flyer asks people to participate in the ‘telephone tree’, to ring people to ask them to go to the summit for non-violent opposition when the bulldozers arrived. The aim was to contact people quickly so they could rush to the site.
	6 June 1973	Letter by Ralph Slatyer on behalf of the Citizens’ Committee to Save Black Mountain to Senator Lionel Murphy requesting that he issue a fiat for a relator action and so initiate legal action to prevent construction of the tower.
		Several drafts and working documents prepared in relation to Professor Slatyer’s letter demonstrating the process and line of thinking the group followed prior to requesting the Attorney General’s fiat.
	No date	Copy of ‘Opening Remarks on the Environmental Impact Statement Technique’ by H. J. Higgs, FAS, Department of Environment and Conservation.

Topic	Date	Notes
<b>Box 13, Black Mountain Tower, series V-B</b>		
‘Black Mountain. A small and disorderly residue of my large collection of papers. Most of them have been destroyed.’ continued	6 March 1972 (correctly – 1973)	Letter by Hancock to Prime Minister Whitlam lamenting the EIS produced by the Post Office: it ‘seems to me a tendentious document.’ Restates his arguments against the tower, primarily size and scale, tourist numbers and potential damage. Interestingly, again he compares Black Mountain to Mt Kosciusko. He expresses anxiety about traffic volume and its impact on the summit if more bush was cleared. ‘In this connection, it is worth noting that the Kosciusko National Park has closed the summit to the mountain against cars. Otherwise the entire summit area would inevitably have been shaved and sealed to accommodate cars.’
		Attached to this by paperclip are Hancock’s notes following the initial public meeting to protest the Government’s decision to proceed with the tower, held in March 1973. This also includes his suggestions to Bruce Kent about establishing the Citizens’ Committee to Save Black Mountain and his notes for his speech at that meeting.
	No date	Notes by Hancock and another about the local ACT Labour Branch’s attitudes to the tower proposal.
	March 1973	Notes and <i>Canberra Times</i> cuttings about the ACT Trades and Labour Council’s ban on work progressing on the summit.
	17 August 1973	Letter/circular to members of ALP Caucus from Peter Lee, on behalf of the Citizens’ Committee to Save Black Mountain to provide information in support of opposition to the tower prior to their meeting.
	26 Sep 1973	<i>Committee to Save Black Mountain</i> Letterhead – circular to members to thank them for donations and inform them of progress.
	11 July 1973	Letter from Ralph Slatyer to H. C. Coombs expressing grounds for his opposition to the tower. This seems to have been prompted by the recent gazette notice removing half an acre of land from the Black Mountain Nature Reserve, as the letter is attached to two copies of the <i>Commonwealth Gazette</i> , 28 and 29 June 1973.
No date (1973)	Copy of (unsworn) affidavit of John Thomas Osmond Kirk for Supreme Court hearing. Offers a succinct and informative account of how the news about the proposed tower was made public, and the continual strategies by the Post Office and other authorities to refuse or restrict information being given to the opponents of the tower.	
‘High Court Hearing, 1-2 May 1974’		Hancock’s notes on the High Court hearing and his notes and thoughts for a likely appeal.

**(b) Box 14 Black Mountain Tower (continuation of Series 5B, Series 6 and 7)**

Box 14 contains 9 document files/manila folders each with a varying number of typescript, handwritten and photocopied papers, files, correspondence and newspaper cuttings. Folders 1 and 2 are labelled 'Black Mountain Tower Controversy 1973-1974', and were added on 1 July 1996 by Stephen Foster.<sup>153</sup> Brief comments indicating the contents of each file have been written on each folder in pencil on the cover. The papers in each folder are organised in roughly chronological order (folders in sequence from the rear of the archive box to the front).

Identifier	Topic	Date	Notes
<b>Box 14, Black Mountain Tower</b>			
Series VI	'Fraser Island' [Green manila folder]	March 1973	Photocopies of extracts from the Australian Environmental Report (via CCH), with sources and dates added by Hancock, about the 'Black Mountain Impact Statement'.
			'Black Mountain Impact Statement Released', Issue 4, 9 March 1973, p. 104; and 'Cass Releases Departmental Critique on Black Mountain Impact Statement', Issue 6, 30 March 1973, pp. 138-141.
			Newspaper cuttings reporting on the Whitlam Government's approval of licences for sand mining on Fraser Island.
Series VII M2886/5B	Sir Keith Hancock, Folder 1 'Black Mountain Controversy 1973-74' 'Added 1-7-1996'	17 and 21 April 1975	Correspondence from J. G. Mosley, Director, Australian Conservation Foundation and Judith Wright to Hancock, urging him to write to Prime Minister Whitlam on their behalf against the decision to issue licences for sand mining on Fraser Island. Judith Wright draws parallels between the political pressures on Cabinet in this matter 'which has much in common with what happened over Black Mountain'.
		24 April 1975	Letter by Hancock to Prime Minister Whitlam about Fraser Island, criticising the Government's decision.
Series VII M2886/5B	Sir Keith Hancock, Folder 1 'Black Mountain Controversy 1973-74' 'Added 1-7-1996'		An unbound printed copy of <i>The Battle of Black Mountain</i> .
		July 1973 – 23 May 1974	A manila folder: 'Committee to Save Black Mountain'. A collection of correspondence, receipts, copies of minutes of the Citizens' Committee to Save Black Mountain, drafts of letters to the editor of the <i>Canberra Times</i> and drafts of the Appendix to <i>The Battle of Black Mountain</i> . The material appears to have been gathered by Ross Hohnen (Registrar, ANU), documenting aspects of the activities of The Committee to Save Black Mountain.

<sup>153</sup> Guide to the Papers of William Keith Hancock; <http://nla.gov.au/nla.obj-327979728/findingaid#nla-obj-327982087>.

Identifier	Topic	Date	Notes
<b>Box 14, Black Mountain Tower</b>			
Series VII M2886/5B continued	Sir Keith Hancock Folder 1 continued	10 December 1973	Copy of letter by Ross Hohnen to Sir John Bunting, Secretary, Department of the Prime Minister and Cabinet, expressing his shock at the cabinet decision to proceed with the tower against the representations of members representing the National Capital (Ministers for Urban and Regional Affairs, Conservation and Environment and the Capital Territory). Hohnen urges him to seek further input from other informed people prior to proceeding.
		23 May 1973	<i>Canberra Times</i> cuttings of Ross Hohnen's letter in response to the judgment of Justice Smithers, together with his earlier drafts of the letter.
	'Sir Keith Hancock Folder 2' 'Black Mountain Controversy 1973-74' 'Added 1-7-1996'		Two photocopies of the judgment handed down by Justice Smithers in the ACT Supreme Court on 31 October 1973 between Bruce Kent and others and Leslie Royston Johnson, Minister for Works, Lionel Frost Bowen, Postmaster General and the Commonwealth of Australia. S. C. No. 650 of 1973.
Series VII MS 2886/7	'Added 1978' 'Professing History (1)'		Typescript of draft manuscript (pages 5-117) of <i>Professing History</i> , annotated by Hancock.
	'Added 1978' 'Professing History (2)'		Typescript of draft manuscript (pages 118-226) of <i>Professing History</i> , annotated by Hancock.

## 2. Further Papers

<b>National Library of Australia</b>	Papers relating to the legal proceedings in the Black Mountain Tower case legal case conducted by solicitors Abbot Tout Creer and Wilkinson, Solicitors, (1973-1978) are: NLA MS 5350 (1.29 meters).
	Papers of Tom Uren* - Black Mountain, 1970-73, MS 5816, series 7, box 78 - Environment Black Mountain, 1973-74, MS 5816, series 4, folder 87, box 20
	Papers of Keppel Enderby* - Black Mountain - letters objecting to proposed tower, 1973, MS 3887, series 8(a), box 100, folder 12
<b>National Archives of Australia</b>	Records include reports, designs, and plans for the tower. Refer the Research Guide for Black Mountain Tower: <a href="http://guides.naa.gov.au/records-about-act/part1/chapter8/8.12.aspx">http://guides.naa.gov.au/records-about-act/part1/chapter8/8.12.aspx</a> .

\* Access for research is restricted to the papers of Tom Uren that relate to Black Mountain and the papers of Keppel Enderby.