



The ACT Equestrian Association Incorporated

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**Decision About Provisional Registration of the Yarralumla Woolshed and Outbuildings,
Weston Creek
Notifiable Instrument NI2015-153**

EXECUTIVE SUMMARY

The ACT Equestrian Association (ACTEA) and the National Capital Horse Trials Association (NCHTA) wish to object to the inclusion of the cross country course on Block 1201 Weston Creek on the ACT Heritage Register as part of the listing of Yarralumla Woolshed and its Outbuildings. We object in the strongest possible terms to the inaccurate and lazy assumptions behind the appropriation of a landscape specifically designed in 1968 to augment the growing Equestrian Park to the purposes of the Woolshed heritage listing. In 1968 the option of dismantling the Woolshed was a real one set against the future development of an increasingly valued community sporting and recreational asset. We argue that historical evidence supports this position.

The reality is that Block 1201 is home to a highly engineered Three Star cross country course. ACTEA argues that the main features on Block 1201 are 145 horse jumps – many of which are clearly visible from the Woolshed and on the aerial photograph accompanying the SoS. Block 1201 is not merely a ‘rural setting’ – it is an elite sporting facility. At most, Block 1201 could be described as a ‘borrowed landscape’ adjacent to the Woolshed and its Outbuildings.

The Conservation Objective of the listing is described solely as “*that the Yarralumla Woolshed and Outbuildings shall be conserved and appropriately managed in a manner respecting its heritage significance*”. There is no need whatsoever for the area of Block 1201 outside the curtilage of the buildings to be heritage listed to achieve this outcome.

ACTEA supported by funding from Sport and Recreation Services ACT

Summary of Recommendations:

1. That the Heritage Council not proceed with heritage listing for the majority of Block 1201 that comprises the Three Star cross country course, on the basis that the heritage assessment and provisional listing process has been subject to a jurisdictional error that may render it invalid if challenged, has not involved a full and proper examination of the history and use of the area, and has been based on an essentially fictional account of the relationship of the landscaping of the area to the Woolshed.
2. That the Heritage Council acknowledge that there is no evidence to support the assertion that Block 1201 was designed as a landscape setting for the Yarralumla Woolshed and reduce the heritage place from the entirety of Block 1201 to the immediate curtilage around the Woolshed itself and the adjoining Block 1144, as per the ACT Heritage nominated area identified in Figure 3 of the CMP.
3. That the Heritage Council acknowledge that there is evidence that plantings carried out on Block 1201 were part of the ongoing landscaping and development of an Equestrian Park and have no historical relationship to the Woolshed.
4. If the Heritage Council wishes to persist with listing of all of Block 1201, the SoS and Criteria (a) and (e) and (g) be amended to make it clear that any landscaping amenity afforded the Woolshed is 'borrowed' and coincidental to Block 1201 being a highly manipulated elite cross country facility.
5. That the Heritage Council acknowledge that there is substantial existing protection in place to secure the continued existence of the rural landscape that currently exists on Block 1201, which is and always has been associated with the development of an equestrian park.
6. That the Heritage Council acknowledge that the Conservation Management Plan contains a number of errors of fact and was produced by an ACT Government Agency that had, and has, no jurisdiction over the majority of the land area covered.
7. If the Heritage Council decides to proceed with listing the entirety of Block 1201 on the ACT Heritage Register, that:
 - (a) it ensure that the interest and activities of ACTEA and NCHTA are formally acknowledged and protected from interference as a result of the listing; and
 - (b) it immediately enter into discussions with ACT Sport & Recreation Services, ACTEA and NCHTA to ensure that the most efficient and effective mechanism is found to secure NCHTA's capacity to continue to maintain and develop the cross country course at Equestrian Park, in line with the advice of qualified course designers, without being required to gain prior heritage approval for the following activities:
 - Building, altering and demolishing structures on the land;
 - Carrying out earthworks or work that would affect the landscape;
 - Using the land for equestrian activities; and
 - Putting up, attaching or displaying signs and advertising material.

ACTEA and EPMG believe that a visual inspection of Block 1201 would assist the Heritage Council's decision making in regard to this listing and invites them to inspect the cross country course at a time that suits them.

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INTRODUCTION

ACTEA, established in 1970, represents 20 affiliated sporting and recreational equestrian groups such as pony clubs, trail riding clubs and endurance riding as well as the Olympic sports, showjumping, dressage and eventing.

ACTEA has held a Licence to manage Equestrian Park in Yarralumla as a public equestrian facility for the last 18 years. This Licence from the land custodian, ACT Sport & Recreation Services, devolves the development as well as the day to day management of the Park to a sub-committee of ACTEA, the Equestrian Park Management Group, comprising the primary user clubs of the Park.

Block 1201 encompasses 90 per cent of the cross country course at Equestrian Park. NCHTA is responsible for the development and maintenance of the course, the venue for annual national and international-level competitions. The course is also used by NCHTA and other clubs for local events and training days, while casual riding is a daily activity throughout the Park.

ACTEA and NCHTA would like it understood that they are not opposed to the heritage listing of the Yarralumla Woolshed or its outbuildings. We understand that the ACT Property Group and the Canberra Lakes Pony Club have been consulted about the listing of their properties and are happy with this outcome.

As not-for-profit community organisations that contribute many thousands of dollars a year and hundreds of hours of labour to maintain, develop and manage a community facility we have serious concerns about the way in which this heritage listing has been managed. The ACT Property Group, their heritage consultants and the Heritage Council have, throughout the listing process, demonstrated scant respect for a significant community group and little understanding of the true nature of the 'surroundings' of the Woolshed. ACTEA and NCHTA expect that this submission will be treated with utmost seriousness and that the matters raised herein will be properly considered in the decision about adding the place to the Heritage Register.

Co-option of the values of Block 1201 as being primarily associated with the Woolshed presents a danger to the land managers that at a future date, if there is a dispute about appropriate activities on the cross-country course, undue weight will be given to the 'landscape setting' values of the Woolshed over the obvious intent of successive government agencies that the place be managed as an equestrian park with all the manipulation of the landscape that that entails.

The submission is presented in five parts. **Parts A to C** provide arguments against inclusion in the heritage listing of Block 1201 beyond the Woolshed curtilage. These arguments are based on:

- shortcomings in the processes and procedures followed by the ACT Heritage Council and ACT Property Group in developing the provisional listing;
- errors in the Statement of Significance that undermine any argument for protection of the cross country area on heritage grounds; and
- significant errors in the Conservation Management Plan that bring its credibility into question.

Part D outlines the existing protections for the open space surrounding the Woolshed, which obviate any need for heritage listing to maintain the Woolshed's rural setting.

Part E deals with the practical implications of Block 1201 being added to the ACT Heritage Register and the arrangements that would be required for NCHTA to be able to continue developing and maintaining the cross country course.

A. STATEMENT ABOUT THE PROCESS OF PROVISIONAL LISTING

We have serious questions about the process of arriving at this provisional listing which we think does not reflect well on the parties involved.

Issue 1. Over at least 5 years, the ACT Property Group, its consultants and the ACT Heritage Council consistently failed to notify or consult the managers of the land surrounding the Woolshed on decisions about the nomination.

ACTEA is aware that the Yarralumla Woolshed and its outbuildings have been included on the Commonwealth Register of the National Estate since 1983. The only reference in that Statement of Significance (SoS) to the block on which the buildings stand is *The Woolshed and its outbuildings are well sited above Yarralumla Creek and contribute to the semi-rural landscape south of Government House*. The Conservation Management Plan (CMP) prepared by Philip Cox & Partners does not venture into the matter of the surrounding landscape. We note that the Register of the National Estate is now a non-statutory archive. We have never been concerned about this listing.

In 2011, we became aware that work was being undertaken relating to a heritage nomination of the Woolshed. Christine Lawrence was approached in a personal capacity to advertise an internet survey of views about the Woolshed and a consultant had a conversation with our then Park Manager, Jennie Hutchinson, about Equestrian Park. These interactions are recorded in the CMP. There is no record of any formal communication with ACTEA or any at all with EPMG in the CMP or in ACTEA Minutes back to 2009. At no stage in 2011, or since, were we told anything about the results of the internet survey or of any intent to include part of Equestrian Park in the listing of the Woolshed.

A clear signal to the lack of consultation is the fact that the CMP, dated 2014, refers to the possible presence of the Golden Sun Moth on Block 1201.¹ If the consultants or ACT Property Group had contacted the legal custodian of the land, Sport and Recreation Services, or ACTEA we could have advised that the moth was indeed present, and happily coexists with a world class equestrian facility – something you can read about on NCHTA's website. Indeed, Equestrian Park was designated an Offset Management Area for the moth in early 2013 and ACTEA and NCHTA have worked closely with the Land Development Agency on this matter.

In June 2013, as a result of seeking approval to remove a tree well to the south of the Woolshed, we were alerted to the possibility that an old nomination had changed. Enquiries to the ACT Property Group elicited the information that the nomination now included 'land under your management'² and that a CMP had been submitted to the Heritage Council. Enquiries to the Heritage Council to clarify the boundaries of the nomination resulted in the verbal response that the nomination had stalled and was unlikely to progress because the Woolshed outbuildings were not included in the CMP. The nominated boundary was provided as shown in **Attachment A**. This clearly shows a boundary close to the Woolshed buildings and does not include the remainder of Block 1201. At the same time we unsuccessfully tried to access a copy of the CMP from ACT Property Group to see if it had any implications for our management of that part of Block beyond the Woolshed. We were left with the impression that the nomination was not progressing and would remain a nomination of the buildings alone for the foreseeable future.

On 28 April 2015, via *The Chronicle*, ACTEA became aware that all of Blocks 1144 & 1201 had been added to the provisional heritage register. Furthermore we discovered that a public submission period closed on 14 May. ACTEA immediately informed Sport & Recreation Services.

1 Conservation Management Plan for the Yarralumla WoolshedPp5,p44

2 Email between C.Lawrence (ACTEA) and M.Brown (ACT Property Group, 7 June 2013

Issue 2. The legal custodian and manager of the land were not informed of the provisional listing, despite the fact that ownership and management arrangements are entirely transparent.

The land in question is Designated Land under the ultimate control of the National Capital Authority. The lessee is ACT Sport & Recreation Services. ACTEA has had a legal relationship with Sport & Recreation Services in regard to the management of Equestrian Park Yarralumla since 1997. Through ACTEA, the ACT equestrian community contributes around \$23,000 a year to the management of Equestrian Park through hire fees and a horse levy. The User Clubs of EPMG contribute far more than that in unpaid hands-on maintenance and in funding development infrastructure and facilities. Over the last four and a half years alone, NCHTA has invested 1400 person hours and \$88,000 in the cross country course. The ACT Government contributes a further \$25,000 a year in grants, subsidies and broadscale mowing. In the last decade it has invested some \$400,000 dollars in capital works in the Park. Around 3,000 horses a year compete at the Park. Daily use by recreational riders is not calculated, but is substantial.

Equestrian Park is clearly signposted and is marked on Googlemaps. ACTEA has a website (www.actea.asn.org) that lists contacts for all office bearers. There should have been a file record of ACTEA's enquiries about the nomination in 2013. Yet neither ACTEA nor Sport & Recreation Services received any notification of the provisional listing. Our legal arrangement with the ACT Government may not meet the test for an 'interested party' under the *ACT Heritage Act*, although we would consider ourselves 'occupiers'³ under s77 of that Act. It is beyond belief, however, that Sport & Recreation Services do not meet the test and had to find out from us. In any case, a legal limitation would have less of an impact if the ACT Property Group or their consultants had had the good manners to inform us of the imminent provisional listing.

Issue 3. A Conservation Management Plan was developed by a government agency with no jurisdiction over most of the land area involved and signed into law without the knowledge of the parties responsible for managing that land.

ACTEA, NCHTA and Sport & Recreation Services were completely unaware that a CMP covering 20ha of its cross country course was signed in November last year. This is despite the ACT Property Group introducing the CMP with the words

The plan does not substantially address the adjacent outbuildings (the Shearers' Quarters, etc), although the historical and other relationships are noted. The outbuildings are privately leased and not subject to day to day management by the ACT Property Group. It is the view of the ACT Property Group that any CMP for the outbuildings should be prepared by the private lessee.

The CMP acknowledges that the Equestrian Park surrounding the Woolshed is managed by the ACT Equestrian Association. It is unclear why the ACT Property Group and the Heritage Council deemed ACTEA – let alone Sport & Recreation Services – less competent managers than the Canberra Lakes Pony Club and that Block 1201, unlike the Shearers Quarters, needed to be included in the CMP. We hope that all parties have now accepted that the vast majority of Block 1201 is NOT subject to the day to day management of the ACT Property Group and that that agency has no jurisdiction over the area. In view of the fact that section 61J of the *ACT Heritage Act* requires a person 'responsible' for a heritage place to prepare a CMP, we question the legal validity of a Conservation Management Plan prepared by an agency that has no jurisdiction over or responsibility for the relevant area; of its submission of that Plan to the Heritage Council; and of the Heritage Council's receipt and approval of the Plan.

There are significant errors and omissions in the CMP, which relies on ignoring the value of the Block to a community that has devoted many years and hundreds of thousands of dollars to its management and development into an elite sporting facility.

3 'a person apparently in charge of the premises'

Recommendation

1. That the Heritage Council not proceed with heritage listing for the majority of Block 1201 that comprises the Three Star cross country course, on the basis that the heritage assessment and provisional listing process has been subject to a jurisdictional error that may render it invalid if challenged, has not involved a full and proper examination of the history and use of the area, and has been based on an essentially fictional account of the relationship of the landscaping of the area to the Woolshed.

B. THE HERITAGE SIGNIFICANCE OF BLOCK 1201

From advice from the ACT Heritage Unit we understand that the legal documents associated with this listing are the notifiable instrument that is the Statement of Significance (SoS), including the evaluation of the place against all the criteria of significance, and the CMP. Both contain multiple inaccuracies, which we address below.

The Statement of Significance

The Description of the Place includes the “*NCDC landscaping that uses selective planting of trees to frame views to undeveloped areas*”. The SoS claims that the rustic aesthetic of the Woolshed “*has been emphasized by the landscaping designed under Richard Clough as the NCDC’s first landscape architect in the 1960s*”.

Together these statements imply that the landscaping is deliberately associated with the Woolshed and specifically designed to contribute to its aesthetic. We believe that to be an unsubstantiated assumption.

Criterion a) importance to the course or pattern of the ACT’s cultural or natural history

Against this criterion the SoS claims:

The Woolshed and Outbuildings were incorporated into the NCDC’s parkland setting surrounding Lake Burley Griffin during the 1960s. While this landscaping is not an accurate representation of the Woolshed’s past landscapes, it does help to block views of encroaching development and emphasises area of undeveloped bushland and greenery. This creates an appealing landscape that is reminiscent of a rural past in a place that is surrounded by urban landscape.

In 1960 the shed was still shearing 26,000 sheep and was not resumed by the government until 1969. In that time it is our understanding that what was then Block 625 (now Block 1201) was subject to a grazing lease. It is hard to imagine the NCDC landscaping the block at that time. By the time Block 625 was available for another purpose the 1960s were almost gone.

In 1962, through the strenuous efforts of Captain Walter Eddison, the then Department of Interior announced it would establish an equestrian park on 67 acres between the Cotter Road, Lady Denman Drive and the Woolshed.⁴ Captain Eddison was an Englishman and had been a Lighthorseman. His vision of an equestrian park, as evidenced in his papers,⁵ was for tan riding tracks in wide green expanses protected by windbreaks of pine trees and deciduous trees for autumn colour not a rural landscape one would associate with an Australian vernacular woolshed. He never mentions any attempt to create a landscape setting for the Woolshed, or indeed the Woolshed itself, which as a local wool grower he

4 Canberra Times 3 February 1962 p3

5 Held by the ACT Equestrian Association

knew well.⁶ In its 1962 announcement the Department of Interior advised that the equestrian area “*had already been fenced, some shade trees planted and access provided*”. This landscaping did not include Block 1201 which remained in its rural (ie treeless) state.

Captain Eddison was an assiduous advocate for Equestrian Park to the end of his long life in 1966. In 1964 he was chairing an active committee seeking continuous improvements at the Park. On 15 January 1964 a Question on Notice in the ACT Advisory Council elicited the information that the National Capital Commission had spent about £1,000, “*principally on landscaping and planting*” at the park and was awaiting comment on plans for development of the Park. In 1969, after the lease on Block 625 lapsed, a further \$11,056 was allocated to Parks and Gardens for additional planting in the Equestrian Park. We believe in all, 3,000 trees were planted. Evidence for this is included in the CMP as Figure 39 where, although the NCDC plan was originally described as “*Proposed planting and extensions of equestrian park Stromlo and siting of proposed livery stables, 1968*” it is now ambiguously presented by the consultants as “*Existing and Proposed Planting in the vicinity of the Woolshed, 1968*”.⁷ Even the most casual reader of the plan will see it foreshadows the demolition of the Woolshed (“Existing Woolshed / Future Site for Ranger Residence”), not augmentation of its ‘landscape setting’.

In other words – all the plantings on Block1201 are associated with the deliberate and ongoing development of an Equestrian Park not the Woolshed.

The CMP admits that

*... the history of the plantings in the study area is not fully documented, and the full story of the NCDC landscape planning and Clough’s role would benefit from additional research and assessment to confirm the findings of this plan.*⁸

We do not deny that Richard Clough, who was undoubtedly the NCDC landscape architect up to the 1980s, may well have been responsible for the planting design. However, we can find no record of plantings around the Woolshed featuring as part of his plan for the new Lake landscaping in his archive in the National Library. It is interesting that Clough’s own plan of the Lake landscaping did not venture south of Scrivener Dam to Yarralumla Creek (**Attachment B**) and a search of his extensive collection of photographs in the National Library in the short time available to us, produced few images of Block 1201 and they only evidence a lack of any plantings on Block 1201 or along Lady Denman Drive (see **Figures 1 & 2**) as late as 1964.

The vast majority of the landscaping around the Woolshed took place not in the 1960s but in the early 1970s as an integral part of the development of the Equestrian Park. In 1968 the government underscored its primary intent for the precinct by offering at auction a lease specifically for “*a riding school and livery stable on the Cotter Road near the Yarralumla Woolshed*”.⁹ That riding school is still our neighbour. Mrs Llewellyn had established her riding school on Lady Denman Drive and, across the road, Lees Paddock was used for agistment.

The claim against this criterion that the plantings in Block 1201 “*help to block views of encroaching development and emphasises area of undeveloped bushland and greenery*” is nonsense. Standing near the northern elevation of the Woolshed there is no ‘encroaching development’ visible even 110 years after it was constructed. All that meets the eye in any direction is public land in the form of Black Mountain and the Arboretum and the Governor-General’s back yard. If you climb to the top of the ridge you can see the pine forest on the other side of the Molonglo River concealing the Zoo. You could remove every tree on Block 1201 itself and still have the benefit of this view.

6 The valuation of the Woolshed associated with its resumption by the Commonwealth Government did not happen until 1970 (Canberra Times 22 October 1970)

7 CMP p36 Figure 39

8 CMP p5

9 Canberra Times, 32 October 1968 p1.

Figure 1



Aerial photograph taken by Clough in 1964 shows Yarralumla Creek in the bottom right hand corner with no new plantings along Lady Denman Drive¹⁰

Figure 2

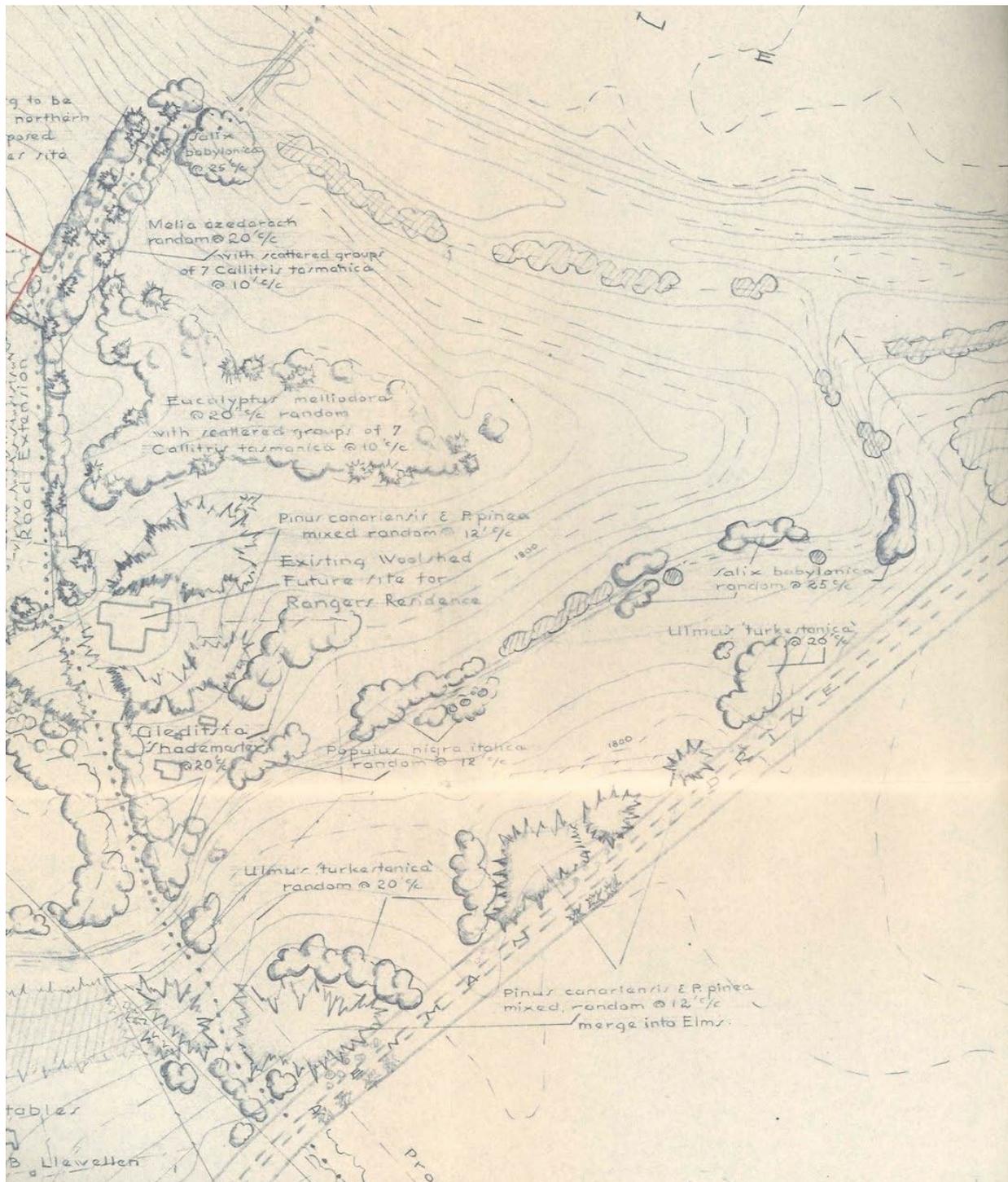


Scrivener Dam looking from upstream 1964 with no plantings on Block 1201¹¹

¹⁰ Scrivener Dam - Lake full - looking from downstream 1964, Canberra, Part of Collection of slides illustrating the design, construction and landscaping of Lake Burley Griffin and adjacent national areas of Canberra, ca. 1909-1981

¹¹ Scrivener Dam - Lake full - looking from upstream 1964, Canberra, Part of Collection of slides illustrating the design, construction and landscaping of Lake Burley Griffin and adjacent national areas of Canberra, ca. 1909-1981

Figure 3



Department of the Capital Territory, Lands Branch, Weston Creek Block 647, File no. 449/647 part 2, NCDC plan 'Proposed planting and extension of equestrian park Stromlo and siting of proposed livery stables', 1968 presented as Figure 39. Existing and Proposed Planting in the vicinity of the Woolshed, 1968 in the CMP

The inference that Clough deliberately created Block 1201 as a landscape setting for the Woolshed is not supported by the available evidence. The present landscape is indeed “not an accurate representation of the Woolshed’s past landscape” which for half of its existence was a barren sheep paddock and for a short period, a lucerne paddock. The rest of the paragraph is a fiction and should be removed unless it can be as well substantiated as the statements about the history and fabric of the Woolshed itself.

ACTEA and NCHTA do believe that Block 1201 is important to the ACT’s cultural history but for reasons not addressed at all in either the SoS or the CMP. The SoS implies that the only function of Block 1201 is as a setting for the Woolshed. The CMP refers constantly to the Woolshed as a significant facility while not ever recognising that it is surrounded by another facility significant to a large sector of the ACT community, and which has been valued by that community since the early 1960s.

Criterion (e) importance in exhibiting particular aesthetic characteristics valued by the ACT community or a cultural group in the ACT

We reiterate here our arguments under Criterion (a) against assuming that any tree planting on Block 1201 had anything to do with creating an imagined rural landscape for the Woolshed.

Criterion (g) has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons

We note that clubs and professional associations are not considered to be a cultural group for the purposes of the *Heritage Act 2004*. We point out however that inferring from the presence of the Canberra Lakes Pony Club in the Outbuildings that Equestrian Park has an association only with that club, or indeed any club, does not reflect the great regard in which the Park is held by the hundreds of recreational riders who use it on a daily basis. Further, the Park is not only a destination in itself but is part of interconnected equestrian facilities throughout Canberra. The current SoS reflects a blinkered view of equestrian activity in this town.

The first gymkhana in the Park was organised by the Llewellyn Riding School in October 1963 and they noted that some areas were unusable because they were “*planted with numerous small trees*”.¹² From 1968 Block 1201 was added to Equestrian Park and CLPC members began to build a cross country course on the land between the Woolshed and the Molonglo River.

In 1995, after years of lobbying, the ACT Government invested close to \$170,000 into transforming Equestrian Park into a major sporting facility. Twenty-one clubs from Canberra and the surrounding area pooled their resources to provide the labour required and Canberra hosted the NSW Pony Club State Eventing Championship in October 1995.

The local eventing community was determined to build on this base to create a new international-level event in Canberra. In 1996, NCHTA took responsibility for the cross country course and started running events under rules set down by the then Equestrian Federation of Australia (now Equestrian Australia). The course was further developed to support the highest level of regular national and international competition (Three Star), and served as an Olympic selection event prior to the Sydney Olympics in 2000. Today, the annual Canberra International Horse Trials event attracts elite riders from as far afield as Queensland, Victoria and South Australia. Any doubts about the veracity of this claim should be dispelled by the submissions from Olympian Gill Rolton, national eventing coach Sam Lyle and international course designers Michael Creber and Michael Etherington Smith.

By ignoring the primary purpose of the landscaping carried out in 1968 and the investments of successive governments since then, the Heritage Council shows scant respect for the history and community value of Equestrian Park, from Walter Eddison’s herculean efforts to establish it, through

12 Hoofs & Horn, January 1964

the investment of money and labour by the National Capital Authority and Parks and Gardens, to the collective efforts of local equestrians who have over fifty years raised the Park from a recreational ground to a Three Star pre-Olympic facility.

Recommendations

2. That the Heritage Council acknowledge that there is no evidence to support the assertion that Block 1201 was designed as a landscape setting for the Yarralumla Woolshed and reduce the heritage place from the entirety of Block 1201 to the immediate curtilage around the Woolshed itself and the adjoining Block 1144, as per the ACT Heritage nominated area identified in Figure 3 of the CMP.

3. That the Heritage Council acknowledge that there is evidence that plantings carried out on Block 1201 were part of the ongoing landscaping and development of an Equestrian Park and had no relationship to the Woolshed.

4. If the Heritage Council wishes to persist with listing of all of Block 1201, the SoS and Criteria (a) and (e) and (g) be amended to make it clear that any landscaping amenity afforded the Woolshed is 'borrowed' and coincidental to Block 1201 being a highly manipulated elite cross country facility.

C. YARRALUMLA WOOLSHED CONSERVATION MANAGEMENT PLAN

The CMP is full of errors of fact and places the management and protection of Block 1201 in the control of a body that has no role in the maintenance or development of a cross country course and has no financial responsibility for same while imposing on us policies based on the needs of the 'landscape setting' not the cross country course. The CMP has numerous flaws.

i It was signed by Anna Gurnill on behalf of the Heritage Council on 11 November 2014 without ACTEA, NCHTA or Sport & Recreation Services knowing it had been lodged.

ii It states that

The Yarralumla Woolshed and its block are significant for a range of reasons related to the evidence of the distinctive process of shearing, as an iconic landmark for the Canberra community, for special community attachments through social uses, because of the presence of Aboriginal stone artefacts of cultural value, for various historical associations, potential archaeological deposits, potential evidence of the evolution of shearing at Yarralumla, and the significance of the block and its plantings as part of an important migratory wildlife corridor. (pii)

but does not substantiate most of these claims in the document. The Woolshed does not meet heritage threshold against criteria relating to technical achievement, indigenous values or natural history.

iii It fails to identify the local and wider equestrian community as having *important associations and meanings arise primarily from direct experience of and ongoing relationships with a particular place (p4).*

iv It fails to recognise that the importance of the neighbouring Three Star international cross country course and describes it in terms of paddocks and horse jumps

The block is a mixture of open paddocks and woodland/plantation, and it is used for equestrian activities ... North of the Woolshed are open paddocks with some group plantings.. Throughout the equestrian area or park are a range of horse jumps or other features, some reasonably large. The wire fencing of the paddocks appears mostly modern

with timber strainer posts and metal star pickets. However, some elements may be older. (p10)

v There is no evidence that the establishment of Equestrian Park had anything to do with the development of Lake Burley Griffin or the amenity of the Woolshed as stated:

The woolshed precinct was reconfigured in the 1960s to coincide with the development of Lake Burley Griffin and Lady Denman Drive as a recreational scenic drive around the western part of the lake providing visitor access to Scrivener Dam, picnic facilities and a viewing platform to see Government House. Major landscaping work was undertaken at this time by the NDC landscape section. This includes the massed tree plantings around the Woolshed and the establishment of horse agistment paddocks. These were designed to provide a rural-style parkland setting, frame views onto undeveloped landscapes, provide seasonal interest, screen views onto future development areas, create spaces of different scales for users of the Woolshed, and provide a rural-style vehicle entry and parking. (ACT Heritage Council, letter of 8 February 2013) (p32-33)

vi Although the Woolshed itself was apparently regarded as subject to future demolition to enable construction of a ranger's residence, Figure 39 is ambiguously presented by the consultants as *Existing and Proposed Planting in the vicinity of the Woolshed, 1968* when in fact the NDC described plan as *Proposed planting and extensions of equestrian park Stromlo and siting of proposed livery stables, 1968*. (p36)

vii The findings of a Heritage Council Taskforce are accepted without question when it is quite apparent that landscaping on Block 1201 had nothing at all to do with the Woolshed. (p42)

viii It discusses the Golden Sun Moth and its habitat (*There is no obvious habitat for this species*) without consulting the land manager who could have told them the moth is both present and managed. (p44, p81)

ix The list of interviews conducted by the consultants make it quite clear they did not interview anyone involved in the management and development of Block 1201 (pp52-53). ACTEA Committee Minutes since 2009 confirm this.

x The SoS repeatedly implies that the purpose of Block 1201 is to provide a rural setting for the Woolshed when this is not the case. Any such benefit is incidental to the purpose of augmenting the amenity of Equestrian Park (p68). At most it is a borrowed landscape.

xi The Table of Attributes repeatedly gives weight to the social value of the Woolshed as a community facility over the coexisting value to a community of Equestrian Park and shows little respect for that community. (p71)

xii The statement that the *ACT Equestrian Association uses the remainder of the block for a cross-country course* does not adequately describe what happens on Block 1201 or acknowledge that the Woolshed in fact sits on the remainder of a block otherwise allocated to Equestrian Park. (p80)

xiii The assertion that ACT Property Group was negotiating a lease agreement with ACTEA was never true, because ACTEA does not have a lease but a licence, and it has never had a licence from the ACT Property Group. (p80)

xiv Discusses development opportunities on Block 1201 as if the cross country course is a minor or optional use. (p81)

xv The ACT Property Group does not undertake grass mowing on the block several times a year or indeed do any other maintenance at the Park outside the Woolshed. (p97)

xvi The CMP proposes Conservation Policies (17,18,19 and 22) for Block 1201 that do not recognise that the primary purpose of the Block is as an elite cross country course not an adjunct to the Woolshed. It makes suggestions about management of the vegetation and options for development which ignore or gloss over the fact that the land is not under the management of the ACT Property Group or there for the benefit of the Woolshed. None of these Policies were discussed with either ACTEA or Sport & Recreation Services. (pp98-100). The features of an elite cross country facility are not static but are modified and added to over time so that the course evolves in line with the specifications laid down by internationally qualified Course Designers. As Ben Smith states in his submission, the landscape surrounding the Yarralumla Woolshed has been very significantly altered by earthworks involved in developing the course over the last 20 years. In only the last two years, for example, the area on the western edge of Yarralumla Creek has been substantially modified by enlargement of the water complex, reclamation of a large area of previously unusable land, and the creation of new mounds on that reclaimed area. None of the policies in any way acknowledge the range of activities and management and development practices which operate on Block 1201. We question what powers these policies give the ACT Property Group, through the CMP, in relation to land over which they have no responsibility.

Recommendation

5. That the Heritage Council acknowledge that the Conservation Management Plan contains a number of errors of fact and was produced by an ACT Government Agency that had, and has, no jurisdiction over the majority of the land area covered.

D. EXISTING PROTECTIONS ON BLOCK 1201

ACTEA and NCHTA understand that the value of the Yarralumla Woolshed to the ACT community is enhanced by its location in a 'rural setting'. While we do not believe that the existence of this setting should be a determining factor in the Woolshed's heritage listing, or that the setting was specifically designed to support the Woolshed, we agree that future residential or commercial development on the land would be detrimental to both the Woolshed and Equestrian Park. However Block 1201 is already subject to a range of existing protections that would prevent such development.

The block is zoned Open Space (Park) under the *National Capital Plan* and it is extremely unlikely that the National Capital Authority would consider changing this zoning, given the block's location. The cross country course is within the viewshed of Government House and its lower areas are well within the hundred year flood line. Further, it is not only the equestrian community that values the existence of this open space – many local people use the park for strolling and dog walking, and it is bounded on both sides by highly trafficked cycle paths. Any proposal to develop this land would undoubtedly meet with a high level of community opposition, which would have little to do with its relationship to the Woolshed. Consultation with the NCA confirms our assessment that the risk of the Authority supporting development on this land is virtually non-existent.

In addition, as noted above, the cross country course at Equestrian Park was designated an Offset Management Area for the Golden Sun Moth in 2013. This designation is currently scheduled to run through to 2043, and advice from the Land Development Agency indicates that we can expect this designation to be renewed in the likely event that the moth remains a protected species.

Recommendation

6. That the Heritage Council acknowledge that there is substantial existing protection in place to secure the continued existence of the rural landscape that currently exists on Block 1201, which is and always has been associated with the development of an equestrian park.

E. IMPLICATIONS FOR THE DEVELOPMENT AND MANAGEMENT OF THE CROSS COUNTRY COURSE?

As the provisional registration does not even acknowledge the existence of the Three Star cross country course, ACTEA and NCHTA are concerned that any activity we undertake on Block 1201 will require us to comply with the provisions of the *ACT Heritage Act*. The *Heritage Act* imposes requirements on land owners/managers of heritage listed facilities. According to the ACT Heritage website:

Having a property listed as a heritage place essentially means that if you wish to undertake works or development at the place, the Council will advise whether the proposal will have an impact on the place's heritage significance. This advice will be considered through the development application process of the planning and land authority.

Part 58 of the *Heritage Act* defines 'development' as is meant under the *ACT Planning and Development Act 2007*, which includes:

- *Building, altering or demolishing a ... structure on the land;*
- *Carrying out earthworks or other construction work on or under the land;*
- *Carrying out work that would affect the landscape of the land;*
- *Using the land ...; or ...*
- *Putting up, attaching or displaying a sign or advertising material.*

Both of our organisations are a not-for-profit and entirely on volunteers. Requirements to comply with expensive, slow and convoluted Development Application processes to do what we have been doing for eighteen years would stifle progress at the Park. Should NCHTA decide to substantially reduce its activities, it would lead to significant and rapid deterioration in the cross country course.

As detailed in Ben Smith's submission, the development and maintenance of an international level cross country course necessarily involves building, altering and demolishing structures, carrying out earthworks, and carrying out work that affects the landscape. In addition, running events involves using the land and displaying advertising material on behalf the club and its sponsors. As a result of our Licence and understanding with ACT Sport & Recreation Services, NCHTA is not currently expected to submit development applications or works approval applications in respect of these activities, which are considered integral and necessary to the overall management of Equestrian Park.

Should the ACT Heritage Council proceed with listing the entirety of Block 1201 on the Heritage Register, ACTEA and NCHTA wish to be assured that their roles will be formally recognised and that the CMP and any other relevant documentation will specifically acknowledge the substantial work required to maintain and develop the cross country course. In particular, the legal documentation surrounding the listing must specifically allow ACTEA and NCHTA to undertake any and all activities that may be required to develop, maintain and use the cross country course without requiring prior heritage approval.

To date, limited advice received from the ACT Heritage Council indicates that such arrangements might be possible through the development of guidelines to accompany the heritage listing and/or an addendum to the CMP. Given that the CMP is an ACT Property Group document, we are not entirely sure about its applicability to land that is under the legal control of another agency – ACT Sport & Recreation Services. We note that heritage guidelines are a disallowable instrument prepared by the Heritage Council, not the land manager. Given our experiences to date this does not instil confidence that consultation on the content of such a guidelines would be sufficient to allay our concerns. We would therefore require assurance on this matter before relying on a faulty CMP to secure our capacity to maintain and develop the cross country course.

Our understanding is that guidelines under the *Heritage Act 2004* would be subject to consultation and likely take at least 12 months to finalise. We also understand that separate guidelines are not usually promulgated for a listing that comprises only one or two individual blocks, but rather for larger heritage

precincts. If this understanding is correct, ACTEA and NCHTA would seek written assurance from the ACT Heritage Council that our activities would not be subject to the strict letter of the Act in the interim.

Recommendation

7. If the Heritage Council decides to proceed with listing the entirety of Block 1201 on the ACT Heritage Register, that:

(a) it ensure that the interest and activities of ACTEA and NCHTA are formally acknowledged and protected from interference as a result of the listing; and

(b) it immediately enter into discussions with ACT Sport & Recreation Services, ACTEA and NCHTA to ensure that the most efficient and effective mechanism is found to secure NCHTA's capacity to continue to maintain and develop the cross country course at Equestrian Park, in line with the advice of qualified course designers, without being required to gain prior heritage approval for the following activities:

- **Building, altering and demolishing structures on the land;**
- **Carrying out earthworks or work that would affect the landscape;**
- **Using the land for equestrian activities; and**
- **Putting up, attaching or displaying signs and advertising material.**