FINAL DRAFT MANAGEMENT PLAN
FOR
CANBERRA NATURE PARK

Report No.7 of the Standing Committee on Urban Services
September 1998
Resolution of appointment

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, to inquire into and report on:

- planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing,
- electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services,
- environment, heritage and municipal services and any other matter under the responsibility of the portfolio minister.

Also on the same day, the Legislative Assembly resolved:

If the Assembly is not sitting when the Standing Committee on Urban Services has completed consideration of a report on draft Plan variations referred pursuant to section 25 of the Land (Planning and Environment) Act 1991 or draft Plans of Management referred pursuant to Section 203 of the Land (Planning and Environment) Act 1991, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication.

Minutes of Proceedings (Fourth Assembly) No.2, 28 April 1998

Committee Membership

Mr Harold Hird MLA (Chair)
Mr Dave Rugendyke MLA (Deputy Chair)
Mr Simon Corbell MLA (appointed on 25 June 1998, replacing Mr Wayne Berry MLA who was discharged on the same day)

Secretary: Mr Rod Power
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SUMMARY OF RECOMMENDATIONS

Recommendation 1:
The committee endorses the final draft management plan subject to the following specific recommendations.

Recommendation 2:
That the implementation plans for CNP be publicly available at minimal cost, and presented to the Assembly and the relevant Assembly committee.

Recommendation 3:
That the government seek expert advice - including, if appropriate, from the Commissioner for the Environment - on the whole issue of horse riding in Canberra Nature Park, taking into account the many matters raised during the committee’s inquiry. In particular, advice should be sought on the competing claims about the effect of horses on conservation areas and on how best to ensure the present conservation priority can be upheld in the context of adjacent city use of Canberra Nature Park. In view of the strength of community feeling on this issue [indicated in the correspondence to this committee], the committee urges the government to obtain such expert advice quickly, to table it in the Assembly and to encourage extensive debate on the issue before reiterating or amending (as the case might be) the present policies.

Recommendation 4:
That horse riding at Aranda bushland not be permitted due to the risk of damage to the conservation area.

Recommendation 5:
That horse riding at the Pinnacle (outside of the Bicentennial National Trail) not be permitted due to the risk of damage to the conservation area.

Recommendation 6:
That horse riding at Mount Painter (outside of the Bicentennial National Trail) be permitted on the lower slopes, but only after a round-table meeting of all stakeholders to discuss the optimal location for the trails. The committee urges that particular care be taken with the location of trails on the southern slopes of Mount Painter. There should be careful monitoring of the effects of equestrian use and Environment ACT should advise the Minister, and this committee, of any difficulties associated with equestrian usage.
Recommendation 7:
That the introduction of equestrian use at Mount Painter be accompanied by a publicly available code of conduct for equestrian users, and that appropriate signage be prepared by Environment ACT, in consultation with relevant stakeholders.

Recommendation 8:
That the government continue planning safe and attractive equestrian trails outside the park reserve system wherever possible, and that continuing efforts be made to integrate (where possible) these trails into an all-Canberra network. In this regard, the government should pay careful attention to the growing population of south Tuggeranong, which is increasing the demand for equestrian trails in that area. The government should facilitate discussion by all stakeholders about the appropriate location of these equestrian trails.

Recommendation 9:
That the government consider widening some road easements to facilitate safer movement of horses and other recreational users (such as mountain bike riders or recreational cyclists).

Recommendation 10:
That dogs not be permitted to accompany horses due to the potential for accidents and injury to riders, animals and other visitors.

Recommendation 11:
That a suitable site outside Canberra Nature Park be determined for a competition mountain bike track, with suitable monitoring of its operation over time.

Recommendation 12:
That improved, clear signage be located within and at the boundaries of Canberra Nature Park so that all park users are aware of the activities that are, or are not, permitted. Wherever possible, the one sign should indicate all of this information.

Recommendation 13:
That the managers of Canberra Nature Park have the authority to close trails by way of signage (for example, where equestrian or cycle access is allowed) when weather conditions are such that usage would adversely impact on the conservation of the reserve.
Recommendation 14:
That the government consider increasing the resources available to the Parks and Conservation service, in view of its responsibility for the efficient and careful management of a great deal of land close to the heart of Canberra - land which is subject to many conflicting pressures associated with the urban proximity. In particular, the committee expresses its concern that the existing staff resources do not enable effective management of the park’s existing activities, let alone the addition of new ones such as monitoring the use of new horse trails or the use of mountain bike trails.

Recommendation 15:
That the position of Conservator of Flora and Fauna be separated from that of the executive director of Environment ACT - and that it made perfectly plain that the duty of the Conservator is to protect and conserve the natural environment.

Recommendation 16:
That the government ensure any organisation storing equipment, gravel or other substance in Canberra Nature Park respect the park’s conservation values as is required by members of the public - meaning that ACTEW take speedy action to tidy up the present unsightly and lackadaisical storage of gravel at the Pinnacle.

Recommendation 17:
That the government clarify the point identified by the Administrative Appeals Tribunal about whether the provision on public land of means of access, signage and related matters constitutes an ‘Outdoor Recreation Facility’ (in terms of the Territory Plan) and thus may be prohibited except when provided by a plan of management.

Recommendation 18:
That the government liaise with the Commonwealth Government to clarify the power of any agency of the ACT government to undertake ‘work’ in a ‘Designated Area’ (such as parts of Canberra Nature Park) without the express permission of the National Capital Authority.

Recommendation 19:
That the management plan explicitly draw attention to the ‘garden-city’ design of Canberra and hence the need, from a planning perspective as well as from a conservation perspective, to preserve and protect Canberra Nature Park.
Recommendation 20:
That an independent environmental audit of the management of CNP take place on a three-yearly basis, to be reported both to the Minister and to the Assembly - and where appropriate, then considered by the relevant committee of the Assembly. It might be possible for the audit to be performed by the Commissioner for the Environment.
1. BACKGROUND

1.1. Canberra Nature Park [CNP] ‘includes most of the undeveloped hills and ridge areas in and around urban Canberra, as well as some new land areas such as the Dunlop and Gungahlin grasslands and extensions to Rob Roy Range... Currently there are 27 reserves managed as CNP... [totalling] some 6,000 hectares’. The park has an urban fringe of 200kms. More than 6000 residential leases adjoin its boundaries.¹

1.2. The subject of this report is the draft management plan for CNP prepared by the Conservator of Flora and Fauna in accordance with the Land (Planning and Environment) Act 1991. This Act requires the Conservator to prepare a draft plan of management for any area of public land. Such a management plan must include a description of the area of the public land to which it applies and also set out the manner in which the relevant management objectives are to be implemented or promoted. The Act also stipulates that, when the Conservator has submitted a draft management plan to the Minister for approval, the Minister must forward it to an appropriate committee of the Legislative Assembly.

Conduct of the inquiry

1.3. On 5 January 1998 the then Minister for the Environment, Land & Planning (Mr Humphries MLA) referred the draft plan of management to this committee’s predecessor (the Standing Committee on Planning and Environment). In view of the imminent Territory election, that committee did not commence an analysis of the draft plan.

1.4. The present committee was formed on 28 April 1998 following the general election and first meeting of the Fourth Legislative Assembly.

1.5. The committee placed advertisements in the local media in June 1998 informing the public that a public hearing about the draft management plan would take place at the Legislative Assembly on 3 July 1998. The chair also issued a media release at the same time. The committee invited members of the public to contact it if they wished to appear in person at the public hearing.

¹ Final draft management plan 1997 pix and p1
1.6. The following organisations and individuals appeared at the public hearing:

- Mr Hurlstone (President, National Parks Association) and Mr Griffith (Conservation Council of the South-East Region & Canberra Inc)
- Dr Adrian (Executive Director, Environment ACT) and Ms Arman (manager of the northern part of Canberra Nature Park)
- Mrs Geue (Convenor, Friends of the Aranda Bushland Inc) and Mr Macdonald
- Mr Thomas (former convener of the Pinnacle Environment Group)
- Mrs Taylor (President, Friends of Mt Painter), Mr Taylor, Mrs Ninham and Mr Horsnell
- Mr Hall and Mr Crockford (O’Connor Ridge Parkcare Group)
- Mrs Kelly
- Mrs Laraman
- Mrs Howitt, Mr von Behrens, Mrs Grishin (Hillview Riding Club), Mr Tully (‘Hillview’ property), Mrs Stone (secretary, ACT Equestrian Association), Dr Scott (President, Canberra off-road cyclists).

1.7. A transcript of what was said at the public hearing was produced by the Assembly’s Hansard office. Quotations from the transcript are shown in this report by the relevant page number.

1.8. The committee received a great deal of correspondence both before and after the public hearing - a list of this correspondence is appended to this report. All of the correspondence was authorised for publication. Where this correspondence is referred to in this report, the date of the correspondence is provided in the footnote reference.


1.10. The committee extends its appreciation to all who contributed to the conduct of the inquiry.
Basic documents from the government

1.11. The basic documents received by the committee from the government in relation to the draft management plan for Canberra Nature Park are:

- the Minister’s letter of referral
- the final draft management plan
- the report on the consultation process, and
- the summary of issues raised by the public and responses by Environment ACT.

Oral and written evidence

1.12. The committee has carefully considered the material made available by organisations and individuals during the inquiry. This material has been summarised in three chapters. Chapter 2 summarises some important points made by Environment ACT. Chapter 3 summarises the points made by organisations and associations. To improve clarity, dot points have been used in both of these chapters. Chapter 4 summarises the viewpoints of individuals. The material in each chapter is arranged by alphabetical order.

1.13. Several individuals, including government officials, referred to the decision of the Administrative Appeals Tribunal, dated 23 April 1998, in the case of Grishin (applicant) and the Conservator of Flora and Fauna (respondent). Ms Grishin sought review of a decision not to allow her to take her horse into Aranda bushland for horse riding. The Tribunal decided to affirm the decision under review. The Tribunal’s written judgement contains useful information and some relevant extracts are reproduced in Chapter 5.

1.14. While every effort has been made to accurately summarise a point of view, the committee does not claim that the summary is exhaustive. It acts as a convenient guide to some of the principal issues that arose during the course of the inquiry. The committee hopes that readers find it useful, as it is based on hundreds of pages of oral and written testimony.

Conclusion

1.15. The committee’s conclusions, based on careful appraisal of the material received in the course of the inquiry and in private discussions among members, are outlined in Chapter 6.
2. EVIDENCE BY ENVIRONMENT ACT

- the management plan ‘needs to be considered as part of a suite of documents dealing with environment issues... [such as] the nature conservation strategy..., the bushfire fuel management plan..., the weed strategy and the threatened species action plan’\(^2\)

- in 1989 the government received 577 submissions on the nature of a plan for CNP; in 1996 it received 39 submissions in relation to a draft plan\(^3\) - the ‘major issues of controversy that emerged related to equestrian use and cycling activities’\(^4\)

- ‘It is a balancing act for us in producing such a plan, as it is in the day-to-day management... [While] conservation objectives are the paramount objectives... at the end of the day we are looking to try to balance objectives in relation to tourism, recreation and research, as well as environmental issues’\(^5\)

- CNP covers about 6,000 hectares and consists of 27 ‘quite diverse units’, with ‘some 6,000 backyards or residences backing onto the reserve. It is that direct backyard contact that creates both an opportunity and the pleasures of being able to experience the park, but creates management challenges...’\(^6\)

- ‘In dealing with equestrian use... we have tried to balance the different interests... to achieve objectives that we believe are sound in conservation terms but also enable a variety of users to have regular and enjoyable access to the park’\(^7\)

- ‘in relation to mountain bike access... there is no doubt that pressures have increased in recent years. There is a far larger number seeking access. We believe that the focus of that access should be on formed trails - fire trails, if you like. But we have been having very good consultation with mountain bike groups and with groups in Bruce and O’Connor Ridge in looking at the possibility, in a couple of limited cases, of mountain bike access on single downhill tracks... Our philosophy is trying to balance the interests of different parties and developing some clear policies, signposting and

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\(^2\) Transcript p8
\(^3\) Transcript pp8-9
\(^4\) Transcript p9
\(^5\) Transcript p9
\(^6\) Transcript p9
\(^7\) Transcript p9
manuals of operating behaviour that we can then manage in conjunction with users.\(^8\)

- in relation to the quality of maps in the management plan, ‘we have been looking at an enhanced series of maps... in the final plan’.\(^9\) Subsequently, the committee was told that Environment ACT would insert into the final plan words along the following lines: ‘an implementation plan will be developed for CNP. The plan will specify content, timing and variability for all CNP programs, it will define detailed management prescriptions and priorities, a timetable and budget for specific works and programs and define detailed programs of operations and maintenance. The implementation plan will be produced by Environment ACT and endorsed by the Environment Advisory Committee’.\(^10\)

- there are ten dedicated Parkgcare groups in CNP who contributed over 7,000 hours of labour in the last financial year.\(^11\)

- CNP ‘is an extremely difficult park to manage, for a number of reasons... the geographical separation of all the reserves makes it quite widespread. It is not one contiguous unit as we have in the case of Namadgi National Park or Tidbinbilla Nature Reserve. The close proximity to the urban area and the high number of neighbours we have... make the park very accessible. We have a lot of issues such as backyard extensions and people walking their dogs off leads... Because of the accessibility and the high number of entry points to any reserve... it is difficult to undertake law enforcement activities... There are conflicting community expectations. It is conservation versus recreation. A lot of people have different expectations for these areas’.

‘All these factors contribute to the vulnerability of CNP. There are a number of impacts we experience, whether they be fire, weed invasion or overuse. I guess overuse is probably the biggest one that we are experiencing, and the most difficult one to manage.

‘The challenge for Environment ACT is to prevent further fragmentation of our reserves, to try to prevent the continual increase of ad hoc trails that are appearing and to manage the cumulative effect of the multiple use recreation.

‘The two major recreation issues that present management challenges are

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\(^8\) Transcript p9  
\(^9\) Transcript p10  
\(^10\) Correspondence dated 22/7/98  
\(^11\) Transcript p10
mountain bike access and equestrian access...

‘the biggest challenge for CNP and Environment ACT is to find a balance between conservation and recreation which meets the community’s expectations but does not compromise the conservation values of the park’.¹²

- In response to a question about resources available to Environment ACT, the committee was told: ‘I believe in all honesty that, given what we have proposed in the management plan and given the staff that we have and the quality of the staff that we have, we can deliver the outcomes and objectives that are specified in the plan’.¹³

- if a mountain bike championship was held again at Mount Majura, Environment ACT would ‘be looking at increased control on the way in which it was conducted’¹⁴

Further to the possible expansion of horse trails in CNP, the committee’s attention was drawn to correspondence (dated 4 March 1996) to the ACT Equestrian Association from the then manager of Canberra Nature Park which states: ‘The Parks and Conservation Service aims to provide a range of recreational opportunities within CNP while protecting its natural, cultural and social values. The Service attempts to minimise user conflicts by separating horse riders from walkers and cyclists wherever possible. It is therefore a policy that horse riding is permitted only in those CNP reserves that are part of the formal equestrian trail system. This does not include Aranda bushland or the internal walking trails in the Pinnacle nature reserve.

‘Over 40kms of equestrian trails are currently provided within CNP in those areas that are part of the formal equestrian trail system. The provision and maintenance of trails for horse riding is significant. Costs include: more regular maintenance; special surfacing in places; special fencing and access (to direct and contain riders); and special signs. CNP has a limited operational budget, limited human resources and extensive community expectations to provide for a range [of] recreational pursuits. Any additional provision for horse riders would have to be considered in the context of CNP’s capacity to manage’.

¹² Transcript pp10-12
¹³ Transcript p17
¹⁴ Transcript p18
The same correspondence contained the following reference to Aranda bushland: ‘It is essential that the diverse vegetation and important wildlife habitats in Aranda bushland are protected from the potentially adverse impact of horses... Equestrian use is not considered suitable due to the heavy use of the reserve by other groups and the likely conflicts that would occur’.

The above points were reiterated in a document lodged by Environment ACT with the Administrative Appeals Tribunal, dated 9 May 1997.\textsuperscript{15}

\textsuperscript{15} Statement pursuant to s37 of Administrative Appeals Tribunal Act 1989 by W.Kearney, Land Management Team, Conservation and Land Management - included in correspondence dated 18/8/98 from Jean Geue (Convenor, Friends of the Aranda Bushland Inc)
3. EVIDENCE GIVEN BY ORGANISATIONS AND ASSOCIATIONS

**ACT Equestrian Association**

- The Association stated that horse riding used to be permitted in the Aranda bushland (until 1993). The Association ‘would help and cooperate’ in the trial of the horse riding in Aranda bushland.\(^{16}\)

- The Association considers that ‘horse riders seem to be blamed for environmental damage without real evidence of that... I think it is very dubious that Paterson’s curse is spread by sticking to the hair and hooves of horses. I think it is just as likely to be spread by bird droppings. In the AAT hearing we heard that ants also spread the seeds’.\(^{17}\)

- ‘Horse riding has been an activity undertaken on the vehicle tracks in many CNP areas and there seem to have been very few instances where erosion, land degradation and wed infestation can be attributed to horse riding’\(^{18}\)

- The Association proposes additional trails at Aranda bushland (southern side to Bindubi Street), at the Pinnacle (western and southern sides) and at Wanniassa Hills. With respect to the latter, the Association states that ‘vehicle trails within Wanniassa Hills unit are customary horse riding routes. There is no general prohibitory signage... In east Tuggeranong there... are a large number of horses agisted in paddocks... and a safe recreational riding area is needed... Present use of vehicle trails... does not appear to have lead to degradation and therefore this Association wishes appropriate circuit trails to be agreed for this CNP unit...’\(^{19}\)

- In relation to signs, the Association supports ‘adopting a sign to indicate a multi-use trail... Rather than signing the fire tracks with signs indicating only equestrian use, a multi-use sign indicates to all users what is likely to be met with... much more educational signage is needed in CNP’\(^{20}\)

- In relation to the AAT case, the Association considers the decision ‘highlighted legal difficulties, applicable... to wider recreational use than just horse riding... including [the need for] specific written authority to allow exotic animals such as horses, also presumably dogs into CNP and the need

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16 Transcript p49
17 Transcript p49
18 Correspondence dated 23/7/98 from Beth Stone (secretary)
19 Correspondence dated 23/7/98 from Beth Stone (secretary)
20 Correspondence dated 23/7/98 from Beth Stone (secretary)
for National Capital Authority permission for ‘works’ such as cavalettis and presumably walker styles...’21

**ACT for trees**

- In relation to horses in Aranda bushland: ‘Our view basically is that if the horse trails were restricted to one trail with fencing to contain excursions then some compromise could be reached. But in the current economic and political climate there will be neither containment nor monitoring of riders and their horses. We therefore reluctantly conclude that horses should be excluded from this area.

‘After all the work which has been carried out by the Landcare Group resulting in the Bushland being 95% weed-free, it would be a shame if this area with its diversity of plants became eroded by unsupervised horse riding’.22

**Canberra off-road cyclists**

- the organisation has ‘never been in favour of designated trails for mountain bikes in terms of sole usage. We are very much in favour of multiple use’23

- the organisation considers ‘that education is the key to conflict resolution. In conjunction with CNP, we already have a code of conduct for mountain bikes in the CNP system and the ACT forest reserve areas. We feel that education and peer pressure ultimately will be a much more effective tool in self-regulation than implementing fines or other punitive actions’.24

**Cook Horse Paddocks carers’ group**

- the group supports ‘the outcome of the public consultation process, as embodied in the draft management plan’ for Mount Painter25

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21 Correspondence dated 23/7/98 from Beth Stone (secretary)
22 Correspondence dated 31/7/98 from Rosemary Nairn (convenor)
23 Transcript p50
24 Transcript p50
25 Correspondence dated 29/7/98
• ‘Members of the group are horse owners who live in suburbs adjacent to the paddock... The majority of the group is adult... [and] by profession, the group includes health care professionals, an environmental scientist, an anthropologist, a teacher and a statistician..... The group has invested considerable effort in conservation issues. In the last few years it has planted several thousand trees in the agistment complex; established and maintained a suitable exercise area for horses; [and] worked with the department on weed control programs’.26

Cooleman Ridge Park Care Group Inc

• the group does not consider that Environment ACT has the resources to monitor horses and cyclists: ‘At the times when CNP is most actively used, evenings and weekends, there is reduced staff on duty and they spend a lot of their time responding to injured animal calls’. Even where signs exist, ‘dog owners have not responded to the request to keep dogs on leads, nearly a quarter of the horse riders knowingly disobey the notices, taking their horses up and down the hills. The erosion caused on Cooleman Ridge is bad enough for the ranger to suggest that a fence is erected to keep all horses to their designated trail’27

• with respect to the draft management plan, the group states: ‘A good management plan should lead to a series of actions which can be costed; this plan does not do this. There is insufficient guidance for the management of the individual parts of CNP which we believe should have their own detailed plans... Park Care needs to be re-defined in the glossary (page 59). [And] with the government continually depriving the Parks and Conservation Service of necessary revenue, the management plan really becomes a farce’.28

Friends of grasslands

• the Friends expressed concern about damage done by horses to the ‘undisturbed... or minimally disturbed environment’ and the risk of additional erosion29

26 Correspondence dated 7/7/98
27 Correspondence dated 5/7/98
28 ibid
29 Transcript pp45-46
• the Friends also expressed concern over the consultation process, stating that the draft management plan was released during the summer school holidays and that it was not made available to all interested parties.30

Friends of Mount Painter

• the Friends have reached agreement with horse riders and Environment ACT on horse trails in the area31

• ‘Mount Painter is not as fragile an environment [as Aranda bushland]. It does not have the same unique flora... [Also] a number of the Cook horse riders’ carers are members of Friends of Mount Painter and we are well aware that they share our approach to the environment...’32

• the Friends stressed their desire to preserve ’broad community support for park care and park carers... [recognising] the rights of other users to access National Capital Open Space [and] the integrity and responsibility shown by Cook Horse Paddock Carers’.33

Friends of the Aranda Bushland Inc (a parkcare group)

• the Friends oppose horse trails: ‘Aranda bushland, with its rich flora and fragile soils and steep slopes, is not suitable for horse trails... [Horses] cause erosion... [and] bring weeds with them. The hard hooves of exotic animals do not tread lightly on the Australian bush’34

• ‘the Aranda bushland is not just any old bit of bushland, it is bushland of a particularly high quality...’35

• ‘With nine years of Parkcare, [Aranda bushland] is now over 95% free of weeds. We do not want to jeopardise this special place... The horse damage to Aranda bushland is going to negate all this volunteer effort to conserve and rehabilitate our bushlands...’36

30 Transcript p46
31 Transcript p29
32 Transcript p30
33 Correspondence dated 28/7/98 by Mrs Taylor (president)
34 Transcript p19
35 Transcript p21
36 Transcript p20
• ‘We believe that the bushland is more in danger and more at risk to damage now than it was 40 years age. There are more weeds, there is more traffic; there is greater use. To add any more elements would compromise the sustainability of the biodiversity’37

• ‘The national open space in Canberra is supposed to be managed for conservation rather than recreation. It is our heritage from the early planners who said that the hills should be kept clear of houses. I regard this bush capital as part of Canberra’s competitive edge in attracting tourist to the rich flora and bird life that are so close to the museums, art galleries, research bodies and capital city institutions. There is nowhere else in the world that has this sort of asset...

‘Aranda bushland is... tied up with this icon of the bush capital, it belongs to the nation... We in our group believe that everyone should have equal access to a genuine unadulterated bushland experience...’38

• ‘the draft management plan process is a creditable attempt to develop an agreed balance between sustaining biodiversity and maintaining a landscape for future generations while managing urban pressures in a fragmented nature park. The mission statements support conservation, but the detail in the final draft conflicts with the mission statements and commercialisation is allied with powers that may be used without further consultation with the public or politicians’39

• ‘The experience of ACT Park Care groups over the last eight years since their inception is that CNP has very limited resources to manage weed infestations in the reserves. Friends of Mount Painter asked for Paterson’s curse to be sprayed by CNP in spring in 1996 and spring 1997, but in neither year were there resources for this to be carried out.40

37 Transcript p23
38 Transcript pp20-21
39 Correspondence dated 20/6/98 p2
40 Attachment to correspondence dated 20/6/98 - the attachment was prepared by Colin Macdonald and is entitled ‘Horses, Weeds and the Aranda Bushland’ p7
Hillview Riding Club (affiliated to the ACT Equestrian Association)

- Ms Grishin (secretary) submitted that the Administrative Appeals Tribunal found there to be no problem reintroducing horse riding to the Aranda bushland. She submitted ‘that horse riders in the area of the Aranda bushland do no greater damage to the environment than do bush walkers or other users. Our request is that horse riders be permitted to ride on the existing fire trails... [They] will do nothing to enhance the process of erosion or soil degradation’.

- She recommends that ‘before you reintroduce the horses [at Aranda bushland], do a study to find what weeds are there and what weeds are not, then use the horse riders to provide feedback to CNP on that and other impacts. We would be useful in assisting CNP in the management of the area, a bit like the Parkcare groups. We are people on the ground and could give feedback on the area...

‘[We consider that] the soils at Aranda bush are incompatible with the needs of Paterson’s curse. It is not as if it is all going to grow in’.

- Ms Grishin noted that ground damage by vehicle use was likely to be greater than that caused by horses, especially after rainfall.

- Ms Grishin provided evidence by a hydrologist that: ‘From a soil erosion viewpoint, it is considered that horse riding activities on the hard surface fire trails and tracks is minimal. There is no evidence to suggest that horse riding has adversely impacted or would impact on the erosion of the Aranda Bushland trails...

‘Horse riding activities, as with other activities, may need to be curtailed for a period following very heavy rainfall...

- Ms Grishin provided evidence by a soils expert that: ‘There is no doubt that horses have some impact on the environment and would have an impact on the Aranda bushland if access is re-instated. However... I believe they would be a minor agent in a system that has been previously degraded and continues to be do due to the off-site and not immediately visible activities of the human community.'
‘Horses do cause a level of mechanical erosion but it could not be compared with the level of water erosion from the vehicle access trails whenever the area experiences an intense rainfall event.

‘There is no doubt that horses do defecate on a regular basis and transport nutrients. However, the amount of nutrients that would be introduced by horse riding in the Aranda Bushland could not possible compare with that currently running off the Environment ACT managed Cook Horse paddocks which are adjacent to this area. It could be argued that the low levels of organic materials in the soils of this area could be enhanced by the introduction of manure from the horses.

‘Horses may potentially transport the seeds of weed species. However, I must once again argue that any seeds that could potentially be transported are already entering the system from the Cook Horse Paddocks or by other agents’.  

Ms Grishin referred to evidence from a weeds expert that: ‘It has been claimed that Paterson’s curse seed may become incorporated in soil/mud in the horse hooves and subsequently drop off whilst traversing the Aranda Bushland. This of course is possible. It is also possible and perhaps more likely due to the increased incidence of... other vectors... [such as] seed from Paterson’s curse or other weeds could be carried in on walkers’ boots, dog coats, mountain bike tyres and in the tyres of ACT Parks and ACTEW vehicles that use the trails for maintenance...

‘I feel that over the bulk of the Bushlands area that the soils are too poor to support a population of Paterson’s curse.

‘The case being put forward to exclude horses from the area is heavily focussed on Paterson’s curse and its potential dispersal by horses... I feel that those maintaining this position could perhaps re-focus their weed control agenda.

‘There are three main areas where weeds are colonising the Bushland.

(1) Along the fenceline where Aranda meets the Bushland... [for example] Cotoneaster and Pampas grass. Neither species is spread by horses, rather they are there because they are invading from suburban backyards. Both species have potential to become a dominant understorey weed.

(2) The fence line on the southern edge of the Bushland is another area of concern for weed invasion... [for example] Hawthorn, Briar rose and

46 Attachment 11 to correspondence prepared for the public hearing on 3/7/98
St John’s wort is invading from the neighbouring land. There is also a substantial infestation of Saffron thistle just beyond the south western fence line, which could very easily invade the alluvial soils on that perimeter.

‘(3) The cleared area under the powerlines provides an area of significant disturbance, which has seen a number of weeds invade. These include Cootamundra wattle, Briar rose, St John’s wort and Flea bane’.47

National Parks Association of the ACT [NPA] and the Conservation Council of the South-East Region and Canberra

- management plan started in 1988, leading to a draft management plan in September 1996 and the final draft in late 199748
- a management plan is a public document but an ‘implementation’ plan is not: ‘it is possible that important issues may fall in to the cracks between the two’49
- in relation to the management plan for the Murrumbidgee River corridor, Environment ACT ‘undertook to introduce implementation plans as a way of addressing management actions in more detail in a specific timeframe and location’50
- NPA wants the committee to recommend ‘that information on implementation plans, including what role they will have in meeting management objectives and how they will be used, be incorporated into the CNP plan of management’51
- maps are not detailed enough to be useful (they do not show ‘utility easements, quarry sites, dumps, interception drains or natural features such as vegetation type and landforms’)52
- NPA accepts ‘increased horse access trial on designated trails, with monitoring, at the Pinnacle’53

47 Attachment 12 to correspondence prepared for the public hearing on 3/7/98
48 Transcript p1
49 Transcript p2
50 Transcript p1
51 Transcript p2
52 Transcript p2
53 Transcript p2
Inquiry by the Standing Committee on Urban Services into the final draft management plan for Canberra Nature Park

- NPA reluctantly accepts increased horse access at Mount Painter Reserve, recognising that this requires ‘a new multi-purpose trail around half the park on the east and south sides of the mountain’ - and the trail ‘should be monitored to guard against compromising weed control and rehabilitation efforts by a very dedicated Parkcare group’.

- NPA does not accept horse access in Aranda Bushland because ‘of the significant risk of the introduction of weeds from adjacent paddocks and horse trails and their impact on the high conservation values of the reserve’.

- NPA wants the committee to recommend ‘that future equestrian access not be extended to any CNP nature reserve not appearing in Table 6 [on p47 of the plan] at this time’.

- NPA wants the committee to recommend that ‘dogs not be permitted to accompany horses and riders [even if they are on a leash] because of the potential for accidents and injury to riders, animals and other visitors’.

- NPA considers ‘that no further mountain bike competitions should take place in CNP, because of adverse environmental impact and the time taken for regeneration to take effect’.

- NPA wants the committee to recommend that ‘a mountain bike racetrack outside CNP be established in an area without significant conservation values.’

- NPA wants the committee to recommend that ‘Environment ACT reinforce its user education policy with on-ground enforcement and legal sanctions.’

Some additional points made by the above bodies were:

- the horse trail network in Canberra could be improved if greater use was made of road easements - but in many places, these are too narrow, for example the Coppins Crossing road from Belconnen

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54 Transcript p2
55 Transcript p2
56 Transcript p2
57 Transcript p3
58 Transcript p3
59 Transcript p3
60 Transcript p3 - also see p4
61 Transcript p5 Mr Hurlstone
the management plan stipulates that dogs are permitted in most parts of CNP if they are on leashes: ‘I think Environment ACT will have to embark on a significant eduction campaign about dogs in CNP, because many dog owners are still taking their dogs out and letting them off the leash’.

‘Both our organisations feel strongly that there should be some access for mountain bikes. That is certainly a right for everyone, but we have to apply the general principle for our reserve system, and the over-riding principle is conservation of nature. Where mountain bikes are on formed roads there is less likelihood of any damage to the park’.

**O’Connor Ridge Parkcare group**

‘We support the draft management plan... We have some suggestions to make it more effective...

‘First, there should be an annual report on the operation of the plan which would be tabled or made to the Legislative Assembly. Second, this report should be subject to an environmental audit by an independent body...’

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62 Transcript p6 Mr Hurlstone  
63 Transcript p6 Mr Griffiths  
64 Transcript p33
• There is a ‘marked trend towards multiple uses of CNP... O’Connor and Bruce Ridges have been offered up to the mountain bike community as a trial site for dedicated single-lane tracks... we have been involved in these negotiations... to identify single tracks that would sustain minimum damage.

‘Despite our reservations, we are approaching this task with goodwill and remain firmly of the view that the trial, firstly, must be carefully defined with appropriate monitoring and review procedures in place to determine the success or failure of the trail; and secondly, must be carried out with the consent of all Parkcare groups...

‘We are happy for such a trail to proceed, subject to agreement on a track suitable to all parties. The group is concerned that the current illegal and unregulated use of mountain bikes in the park has created many new tracks and increased the width and erosion of existing tracks on both ridges... [the] sensible, regulated use of a single track may at least limit the damage to one area... but it still remains to be seen whether sufficient resources will be forthcoming to make either the trial or the subsequent vital monitoring and enforcement meaningful’.65

• it may be possible to encourage the cyclists ‘to do a porous concrete job on the cycling tack if it is designated to them permanently, because you can put humps in, you can put all sorts of things in, and make it extremely exciting...’66 ‘This concrete is on parts of the Black Mountain trails... [and] is remarkably stable, and the permeability is such that there is no flow erosion on the edge soils’.67

Pinnacle Environment group (a parkcare group)

• formed in 1989 with ‘the aim of restoring and rehabilitating the Pinnacle nature reserve’68

• ‘we [are concerned that] the [management] plan exceeds by a substantial margin the capacity of the ACT Parks and Conservation Service to adhere to it. We are concerned, not necessarily because it is just an academic exercise that the parks service does not meet the plan. It is more that that because it is wrong for the CNP to build up a perception, thru the plan of management,

65 Transcript pp34-35
66 Transcript p37
67 Submission on the draft management plan by Mr Crockford, tabled at the public hearing on 3/7/98
68 Transcript p25
that it can do all these things when it does not have the resources to do the job properly...

‘Unless the resources are properly provided to the Parks and Conservation Service to do this, over the years the natural beauty of the reserve will be eroded. In other words, we will be back to where we started from.’

• ‘We believe that within best practice it would be appropriate to have a business plan or an operational plan to sit within the scope of the plan of management to give it some life and to give it some priorities in what is to be achieved and what is not to be achieved - in other words, to make it a more realistic document...

‘We are also concerned that the plan lacks performance standards and indicators. I have been able to hear from Dr Adrian that he believes that the capacity exists within the Parks and Conservation Service to meet the plan of management, but we do not see the performance standards and indicators that are to be met.’

• ‘the Pinnacle Environment Group believe that the Pinnacle reserve is simply not suited to horse riding. The trails and pathways there are a natural surface... of volcanic origin. This material is easily eroded in either wet or dry conditions...

‘there is nothing in the plan to indicate the resources that would be put into hardening [the horse] trails, or enforcing horse riders to use those trails...

‘[And horses would lead to a] loss of ambience. People use that area for walking and a time of solitude... [This] would be diminished by having horses in the area...’

• ‘We believe the Bicentennial National Trail is generally fenced off and is the appropriate solution to horse riding in the area. That trail is hardened. It is suitable. It has been used for many years and it provides a good trail in natural surroundings for horse riders’.

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69 Transcript pp25-26
70 Transcript pp25-26
71 Transcript pp26-28
72 Transcript p26
Residents of Adjoining Suburbs Taking an Interest in Nature Park Governance (ROASTING)

• ‘ROASTING is a community umbrella organisation which represents people who want to protect the conservation values of the Aranda Bushland, Mount Painter and the Pinnacle. At present, it draws its membership and support principally from the suburbs of Aranda, Cook, Hawker and Weetangera which are adjacent to the Nature Park areas’.73

• the organisation opposes horse trails in Aranda bushland but accepts horse trails in Mount Painter provided that they are restricted to ‘the lower slopes of Mount Painter’. Also, ROASTING suggests ‘postponing implementation of the new trail until local invasive weed problems associated with horses and horse-riding are brought under control’. The organisation requests that, at the Pinnacle, horses ‘be restricted to the Bicentennial Trail which should be fenced to prevent riders leaving the trail and entering the Nature Reserve’.74

• the ‘vision’ set out on pviii of the management plan should have, as the first (and most important) outcome: to ‘maintain Canberra’s natural bush setting’.75

• in relation to the section headed ‘overall management objectives’ of the draft management plan (p9 of the draft plan), ROASTING states: ‘The law makes it quite clear that the primary purpose of a nature park is conservation of the natural environment not recreation, education or research. The Final Draft Management Plan of CNP is not nearly so clear on this issue - some of the mission statements are fine, but some are not. Much detail conflicts with the mission statements and with the Act itself. The Management Plan will be a subordinate document under the Act and if parts conflict they may be deemed invalid.

‘Consequently, the Management Report needs to quote the relevant parts of the Act so it is quite clear that the balance between conservation and recreation is set by the Act and it is not within the province of the Conservator to specify management objectives outside these parameters.’76

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73 Correspondence received on 17/8/98
74 ibid
75 Correspondence dated 20/8/98 p1
76 ibid
• in relation to management zones (p11 of the draft plan), ROASTING states: ‘The management zones are inadequate to conserve public land designated as nature reserve... Multiple use is not an appropriate term for the zone for most of CNP. The main zone should not allow activities requiring permits or concessions’.  

• ROASTING states that the list of significant sites in Appendix 5 of the draft plan excludes the Aranda Frost Hollow site which has received interim heritage listing.

• the section of the draft plan dealing with ‘landscape’ (on p20 of the draft plan) should mention ‘the value of the Bush Capital ambience to Canberra and the Australia nation and the value of the application of the garden city concept in town planning’ - and the section on the same page dealing with ‘potential threats’ should include ‘overuse’ and ‘feral animals’.

• in relation to the section of the draft plan headed ‘promotion and management of visitor use’, ROASTING considers: ‘This section is too heavily skewed in favour of destructive recreation activities [whereas] the prime objective of nature reserves is conservation’. The first and most important dot point under this heading should be to ‘minimise damage to the natural and cultural environment as a result of inappropriate visitor behaviour’. Further, ROASTING states: ‘Drop the second last dot point that relates to commercial tourist ventures and concessions. These are more appropriate in areas where park management has greater control and can nip problems in the bud’.

• in the section headed ‘Trails’ on p40 of the draft plan, ROASTING suggest that the following should be inserted: ‘Unhardened or unsurfaced trails may be closed to all users in periods of extreme dry and subsequent heavy rain when the trails are likely to be severely damaged’.

• in the section of the draft plan dealing with horses ([46), ROASTING suggests the following be added: ‘Horse trails should be fenced to minimise the erosion and weed spreading damage caused when horses deviate from trails... Horse riding is not compatible with maintaining and enhancing the conservation values of nature as required in the management objectives set by the Land (Planning and Environment) Act section 195(4) and Schedule 1. Horse trails may be acceptable on the perimeter of certain reserves where

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77 ibid p2
78 ibid p3
79 ibid
80 ibid p4
81 ibid p5
they are also used for bushfire management. Any expansion of horse trails should be outside nature reserves on private land or public land gazetted as ‘recreation reserve’.”

- in the section dealing with ‘management actions - recreation’ (p50 of the draft plan), ROASTING suggests a new paragraph should be inserted as follows: ‘Undertake baseline monitoring so that changes can be measured and collect photographic or other evidence of the condition of each reserve in earlier times’.

- in relation to the section headed ‘fees and fund raising’ (p52 of the plan), ROASTING suggests that ‘most commercial activities are not compatible with putting conservation first’.

- in relation to the relationship of park care groups with Environment ACT, ROASTING states: ‘Park care should develop more as a partnership than in the form of subordinate volunteer groups... Now that so many of the rangers are employed temporarily, there is almost more continuity in volunteer Park Care groups than in the paid ranger staff.

‘However, Park Care groups have the management problems that are endemic in small community groups and many suffer burnout. They need help in management training in areas such as team building and leadership. They also need practical help with longer lead times when the Service calls for comments..., adequate copies of papers that need comment... and help with establishing email connections for committee members.’

- in the section dealing with ‘capital and other works’ (p70 of the draft plan), ROASTING suggests two further points: ‘Provide plant recognition and environmental training for workers and contractors engaged in road maintenance and other construction activities in CNP; [and] identify and record on a GIS the location of key vegetation and protect this information so it only available on a need to know basis’.

_Society for Growing Australian Plants (Canberra Region) Inc._

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82 ibid pp7-8
83 ibid p9
84 ibid p10
85 ibid p10
86 ibid p11
• ‘Aranda bushland is in excellent condition as an area representing local flora, a position it holds alongside the widely-appreciated reserve surrounding Black Mountain.

‘The Society’s Council is of the opinion that to allow horse riding in the Aranda bushland now would be a conservational retrograde step and totally compromise the conservation/restorative efforts... the thin fragile soils, steep slopes of the area and its generally treed nature make it... less suited to riding than adjacent areas. Mount Painter and the Pinnacle have more to offer equestrians and others who use Canberra’s open spaces as recreation areas since they afford more space, a diversity of views and, probably, more suitable tracks’\(^87\)

\(^87\) Correspondence dated 18/7/98
4. **EVIDENCE BY INDIVIDUALS**

4.1. **Mr Bell** (Cook) opposed horse trails in Aranda bushland ‘because of [the area’s] environmental sensitivity and the value of its flora’. He requests that ‘the steep eastern sections of the proposed new trail on Mount Painter be aligned along the present informal route nearer Bindubi Street [so as] to minimise soil disturbance and weed invasion’; and asks ‘that the Pinnacle trails be kept to the Bicentennial Trail outside the park fence until routes have been worked out which avoid steep slopes and damp area and so will minimise soil disturbance and weed invasion’. 88

4.2. Mr Bell considers there is ‘ample evidence’ about the effect of horses on the spread of weeds and expresses concern that proposals to monitor the effects involve ‘a baseless guarantee to provide policing of the new access when resources are already too scarce to adequately police current facilities’. 89

4.3. Mr Bell considers that the ‘purchaser/provider’ model now used in government administration has meant that park management is simply viewed as the provider - hence, its policy input is ‘downgraded’. He claims that ‘advice from frontline staff’ is being ignored. 90

4.4. Further, he considers that ‘skilled facilitators’ should have been used during the public consultations on the draft management plan - instead, ‘senior management of Environment ACT decided to run the consultation meetings themselves’. Mr Bell states that ‘some key stakeholders and people with a committed interest in the outcome were never invited to participate, for example, the local agistment providers and horse paddocks management...’. 91

4.5. Mr Bell considers that the greater emphasis on ‘the multi-use role of the reserves’ has occurred ‘without prior development of policy guidelines for equestrian and pushbike access’. 92

4.6. **Mr Crockford** (O’Connor) expressed concern about the ‘damage being done by mountain bike riders on narrow walking tracks on O’Connor Ridge, Bruce Ridge and Mount Majura’. He considers that mountain bikes should be banned from these narrow trails.

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88 Correspondence dated 25/6/98
89 ibid
90 ibid
91 ibid
92 ibid
4.7. He also expressed concern that ‘the flow diversion banks, be they ‘rollovers’ or planks, on the more erosion-prone sections of the Mount Majura and O’Connor Ridge walking tracks’ are not checked a couple of times a year to clear away soil that acts to increase the rate of erosion.  

4.8. Mr Crockford also stated that, in his view, Cootamundra Wattle should not be considered an environmental weed.  

4.9. Mr Dornan ‘would like to see dogs banned from CNP and the imposition of hefty fines for those who do not comply. Unless these animals are kept from our parks, how will native animals feel free to inhabit them... All introduced animals including horses, cats, foxes, dogs, etc are a threat to the conservation of our native heritage’.  

4.10. K.B. Flynn (Aranda) stated that ‘the Aranda bushland... suffers neglect by Territory authorities. Horses in the area will serve to accelerate degradation of what could be, with appropriate planning and implementation, a tourist attraction of enormous value’.  

4.11. Ms Goddard (Weetangera) expressed concern ‘that the consultative process arranged by Environment ACT on equestrian use of three CNP units in Belconnen - Aranda Bushland, Mount Painter and the Pinnacle - was nothing more than a sham and failed to follow prescribed consultation principles’.  

4.12. Ms Goddard considers that ‘horse trails across these three CNP units are clearly inconsistent with the stated conservation objectives of the final draft management plan’. She states that park carers are angry and frustrated ‘to be putting in hours of work over many years trying to eliminate weeds when horses will be allowed in to continue to exacerbate the weed problem, and that funds that might have been spent by CNP on weeding may now have to be spent on upgrading and repairing tracks for horses and even monitoring units to ensure that riders stick to their permitted trails’.  

4.13. Mrs Howitt (Hughes) expressed concern that land at Hughes which adjoins Red Hill nature park and which has high conservation value might be developed in the future by the Federal Golf Club. She suggests that the land be incorporated into the CNP.  

93 Correspondence dated 2/7/98, tabled at the public hearing on 3/7/98  
94 Correspondence dated 21/7/98  
95 Correspondence dated 17/7/98  
96 Correspondence dated 23/6/98  
97 ibid  
98 Transcript pp43-45
4.14. **Mr Kelly** (Aranda) opposes horse and mountain bike trails in ‘the reserve system’ because of the risk of erosion and spread of weeds. He calls for a curfew on cats and suggests that ‘the owning of cats should be discouraged’.\(^99\)

4.15. **Mrs Kelly** (Aranda) opposes the introduction of ‘horses in the Aranda bushland because... they pose a significant threat to the biodiversity of the area... The threats the horses will pose come in two ways. The first is erosion and the second is the possible dispersal of weeds...

‘Another concern I have is that riders will not stick to the proposed trail...

‘I do not think that the Parks and Conservation Service has the necessary resources to police or to supervise and see that people are using the park responsibly’.\(^100\)

4.16. Mrs Kelly suggests that ‘an alternative area [for horses] is the Mount Stromlo pine forest. Perhaps “horse only” hours at certain times on certain days could be established to avoid conflict between bike and horse riders on the cycle path which leads from the Cook horse paddocks to the pine forests’.\(^101\)

4.17. **Mrs Laraman** (Hawker) opposes the introduction of horses and bikes at Pinnacle nature park for four reasons: ‘Firstly, it would constitute a significant danger to public safety. Secondly, it would seriously undermine the original purpose of the Pinnacle nature park. Thirdly, it would be an unwarranted expense for the taxpayer. Fourthly, it would benefit the few at the expense of the general public’.\(^102\)

4.18. Mrs Laraman noted that the Land Act (Schedule I) specifies that the objectives are to conserve the natural environment and to provide for public use for recreation, education and research: ‘The Act also provides [at section 193(4)] that in the event of inconsistency the second objective is to be read subject to the first. That is to say, conservation of the environment is paramount... we heard [officials] say that the current draft management plan is a balancing act. We also heard that the policy can be summarised as conservation versus recreation. I would submit... that [these] phrases... imply equality of value between conservation and recreation, which the Act clearly says is not the case. Those two values are not commensurate...’\(^103\)

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\(^99\) Correspondence dated 28/6/98
\(^100\) Transcript p38
\(^101\) Correspondence dated 22/6/98
\(^102\) Transcript p40
\(^103\) Transcript p41
4.19. Mrs Laraman considers that: ‘Under the existing legislation, the general public (all ACT citizens) have rights which the draft plan [of management] proposes to set aside in favour of a tiny minority. These rights include the right to have conservation valued above recreational interests’.104

4.20. Mrs Laraman expressed concern about the resources available to the Parks and Conservation Service: ‘It is quite clear that there is going to have to be formation of paths and there is going to have to be monitoring. Already the resources are inadequate... If monitoring is going to be adequate, the taxpayer is going to have to make a contribution in excess of what they now do to ensure that those resources are made available’.105

4.21. Further, she states: ‘A good management plan should lead to a series of actions which can be costed; the [management plan] does not do this’.106

4.22. **P&G Lynga** (Duffy) considers that the management plan over-emphasises the benefit of grazing, that cats should be included in ‘the table of exotic vertebrae’ and ‘a curfew [on cats] in housing areas near CNP’ should be considered, that some mention should have been made of ‘nature trails for public use’, and that ‘the section 7.4 on Park Care still appears to have a top-down approach’ rather than highlighting the usefulness of Park Care members to conservation activity.107

4.23. **Mr Mason** (Latham) opposes horse tails in Aranda Bushland because of their effect on erosion and the possible danger to walkers.108

4.24. **K.Munro and Emeritus Professor Barnett** (Aranda) oppose horse trails in Aranda Bushland because ‘horses trample ground which should be left undisturbed. They also spread weeds. [Aranda bushland] should be reserved for use by bush walkers, joggers and biologists’.109

4.25. **Ms Smith** (Aranda) opposes horse and mountain bike trails in Aranda Bushland because ‘the conservation value of the area will be threatened’. She states that ‘continued conflict is guaranteed if the expectation of multiple use within conservation value areas becomes a reality’.110

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104 Correspondence dated 22/7/98
105 Transcript p41
106 Correspondence dated 22/7/98
107 Correspondence (undated) attached to the correspondence from Cooleman Ridge Park Care Group Inc
108 Correspondence dated 3/7/98
109 Correspondence dated 30/6/98
110 Correspondence dated 1/7/98
4.26. Mr Walker (Aranda) calls for the exclusion of cattle and horses, for bicycle riders to ‘be restricted to the perimeter track’ and for ‘some of the walking tracks which merely cut off small corners [to] be closed’. He does so on the grounds that CNP should be for quiet reflective activity and because ‘hard-hoofed animals... are very effective agents of erosion... [and] spread exotic weed seeds’.\footnote{Correspondence dated 8/7/98}
5. EXTRACTS FROM THE ADMINISTRATIVE APPEALS TRIBUNAL DECISION DATED 23 APRIL 1998

• The Tribunal stated that: ‘The relationship between a Plan of Management under the Land Act and the Conservator’s powers under section 57 of the Nature Conservation Act is... [not] clear. It may be that section 194 of the Land Act places an obligation on the Conservator to exercise the Conservator’s powers in accordance with the relevant Plan of Management, if one exists...’ \(^{112}\)

• ‘We are concerned that... the respondent indicated his belief that the wording of the draft Plan of Management, if adopted, would in itself provide the written consent to allow horses to enter Aranda Bushland (and other parts of CNP) required under section 57 of the Nature Conservation Act. We are not convinced that this is so.

‘The Conservator has a clear statutory duty under s57 of the Nature Conservation Act to turn his mind to whether, and if so where and when, non-native animals may be taken into nature reserves. If our view of the relationship between s57 of the Nature Conservation Act and s194 of the Land Act is correct, the Plan of Management does not itself displace s57 but, thru s194 of the Land Act, it may direct how the Conservator’s discretion is to be exercised. If an approved Plan of Management prohibited horse riding in a reserve, then it seems that the Conservator may not be able to issue a s57 permit allowing a horse to be brought into it. But it would still be open to the Conservator to exercise his discretion to deny access to horses in a particular case, for example for conservation reasons, even if an approved Plan of Management allowed permission to be granted. Where permission is granted, it must be by the Conservator in writing’. \(^{113}\)

• in relation to what the Tribunal termed ‘environmental issues’, the Tribunal concluded: ‘In summary, the evidence appears to be that well-controlled and cared for horses pose only a small risk. The Tribunal was not persuaded that horses admitted under the controls envisaged in the draft Plan of Management would contribute significantly to soil erosion. However the possibility that they may carry weed seeds into the Aranda Bushland and that the seed growth may be promoted by horse manure cannot be ruled out, particularly if horses step off the formed gravel tracks’. \(^{114}\)

\(^{112}\) Reasons for decision p4
\(^{113}\) Reasons for decision p4
\(^{114}\) Reasons for decision p6
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- in relation to what the Tribunal termed the ‘potential usage by horses and riders and their interaction with other users’, the Tribunal concluded: ‘Our impression is that at present levels of interest, no more than 40 to 50 horses and riders would use the reserve if it were open to them. Most probably the number would be much fewer, at least in the short-term...The evidence we heard concerning Mount Ainslie and other reserves did not indicate any significant problems caused by horse riding or major difficulties of conflicting use...’

- in relation to the draft Plan of Management, the Tribunal noted that it ‘provides for horse riding in Aranda Bushland with similar controls to those applying at Mount Ainslie’. The Tribunal noted that ‘it is hard to see how access to horses can properly be allowed without some activity which might fall within the definition of ‘work’ in the Commonwealth Act [the Australian Capital Territory (Planning and Land Management) Act 1988 ], and so require the approval of the National Capital Authority... [And] such an approval is beyond the power of the Conservator and of the Tribunal’.

The Tribunal stated that ‘Aranda Bushland is identified as a ‘Designated Area’ pursuant to the National Capital Plan made under the [above] Act; and that section 12 of that Act states that:

“12. (1) No work shall be performed in a Designated Area unless (a) the proposal to perform the works has been submitted to the [National Capital] Authority together with such plans and specifications as are required by the Authority; (b) the Authority has approved the works in writing; and (c) the works are in accordance with the [National Capital] Plan.”

The Tribunal observed that the definition of “works” is as follows:

“works” includes (a) the construction, alteration, extension or demolition of buildings or structures; (b) landscaping; (c) tree-felling; or (d) excavations; but excludes anything done inside buildings or structures.”

- the Tribunal commented on the means of access as well on the provision of signage and the like: ‘The respondent has... argued that the provision of means of access, signage and the like would constitute an ‘Outdoor Recreation Facility’ and thus is prohibited except when provided for by a Plan of Management. We are not persuaded by this argument. Putting aside the difficulties posed by the circular definition of ‘Outdoor Recreation Facility’, the examples of outdoor recreation facilities listed in conjunction

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115 Reasons for decision p7
116 Reasons for decision p7
117 Reasons for decision p2
with the definition in Schedule 1 of the Territory Plan suggest that substantial structures were envisaged by the Legislature. Even if what is required in this case does fit within the definition, we consider that the exception covering temporary or minor use would apply in the circumstances of this application’.
6. ISSUES AND RECOMMENDATIONS

6.1. In this chapter, the committee draws out thirteen key issues from all of the material received in the course of the inquiry.

Management plans for public land

6.2. The committee commends the government for bringing forward a number of long-overdue management plans for public land in the Territory, such as those for Canberra Nature Park (the subject of this report), for Tidbinbilla Nature Park (also now being considered by this committee), and for urban parks and sportsgrounds in Woden, Weston Creek and Belconnen, and for Lake Ginninderra (also now before the committee).

6.3. The production of a management plan for a complex reserve system such as Canberra Nature Park is a major achievement reflecting strong interest by the community. The plan (amended at several points to reflect the recommendations set out in this chapter) will provide an appropriate basis for planning, management and community guidance.

Recommendation 1:
The committee endorses the final draft management plan subject to the following specific recommendations.

Implementation plans

6.4. The committee welcomes the undertaking by Environment ACT to produce implementation plans for CNP. These will specify the content, timing and variability of CNP programs and set out detailed management prescriptions and priorities, with a timetable and a budget for specific works. Some information will be inserted into the management plan about the purpose of implementation plans and the way they are produced.118

6.5. The committee considers that these plans should be public documents made available to the Assembly and to the relevant Assembly committee. They should be available to the public at no cost (or at most, an cost price only) at offices of Environment ACT and within CNP itself.

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118 Transcript p9
Recommendation 2:
That the implementation plans for CNP be publicly available at minimal cost, and presented to the Assembly and the relevant Assembly committee.

Maps

6.6. The committee welcomes the assurance by Environment ACT that more detailed maps will be produced in the final management plan showing greater attention to detail than those in the draft document.\textsuperscript{119}

6.7. Given the importance of the equestrian issue in the management of CNP [see the following section], the committee is surprised by the absence of a map showing the areas of CNP where horses are permitted. (The committee notes that a map showing where dogs are permitted is included in the draft plan, but not one for horses.) The committee considers it would be useful to add a map showing the places where horses are allowed. It would also be useful if the map showed the horse trail network in Canberra; this matter is discussed in more detail later in this chapter.

Horses in Canberra Nature Park

6.8. It is clear from the preceding chapters that the single most contentious issue about CNP is the extent to which horses should be permitted within the reserve. The committee was struck by two aspects of this debate.

6.9. The first is the unanimous concern of every organisation and individual to protect the conservation heritage of CNP. All those who contacted the committee agreed on this point. It was in the detail that people differed, especially about whether horse riding can be scientifically proven to detrimentally affect the conservation value of the reserve.

6.10. The committee is surprised by the absence of clear information on this point, especially given the critical role of the Conservator of Flora and Fauna.

6.11. This is the second striking feature of the debate. It is taking place in a vacuum, in that no incontrovertible scientific evidence was presented to the committee about the effect of horses on CNP in the areas where they are presently allowed.

6.12. In particular, Environment ACT has not justified its decision to expand horse usage in CNP on the basis of detailed study of what is happening at

\textsuperscript{119} Transcript p10
present. Without such a study, the committee considers Environment ACT could not be certain about the effects of expanded usage.

6.13. That Environment ACT is concerned about the possibility of damage is shown by its emphasis upon the need for a careful monitoring program of the effect of horses upon the new areas proposed for equestrian use in Aranda, Mount Painter and the Pinnacle. But this monitoring program will take place after the event, that is, after horses have been permitted into these areas.

6.14. The committee considers it is imperative to know what the effects of horses are in those areas of CNP where they are presently allowed before permitting them in additional areas. This is particularly so given the concern about the effect of horses on Cooleman Ridge at the present time, and also the statement by the Senior Plant Ecologist of the Wildlife Research Unit of Environment ACT that he ‘would not consider [equestrian usage as] appropriate to Aranda Bushland on the grounds that horses spread undesirable species in manure and feed that may be brought with them’.  

6.15. The committee is seriously disturbed that the Conservator of Wildlife would approve an extension of horse trails in CNP, including into the Aranda bushland, in the absence of detailed knowledge about the effect of horses upon existing areas. In the opinion of members, this action is bordering on negligence. It raises issues about the Conservator’s role which are taken up later in this chapter. But in relation to the proposed extension of horse trails in CNP, the committee finds itself at odds with the Conservator’s view that an expansion of horse trails should be permitted.

**Recommendation 3:**
*That the government seek expert advice - including, if appropriate, from the Commissioner for the Environment - on the whole issue of horse riding in Canberra Nature Park, taking into account the many matters raised during the committee’s inquiry. In particular, advice should be sought on the competing claims about the effect of horses on conservation areas and on how best to ensure the present conservation priority can be upheld in the context of adjacent city use of Canberra Nature Park. In view of the strength of community feeling on this issue [indicated in the correspondence to this committee], the committee urges the government to obtain such expert advice quickly, to table it in the Assembly and to encourage extensive debate on the issue before reiterating or amending (as the case might be) the present policies.*

**Recommendation 4:**

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120 Attachment 7 to correspondence prepared for the public hearing on 3/7/98
That horse riding at Aranda bushland not be permitted due to the risk of damage to the conservation area.

Recommendation 5:
That horse riding at the Pinnacle (outside of the Bicentennial National Trail) not be permitted due to the risk of damage to the conservation area.

6.16. In relation to horse riding at Mount Painter, the committee was impressed by the evident goodwill among those using this reserve and the strenuous efforts that have been made by them to reach a compromise decision about horse usage.

Recommendation 6:
That horse riding at Mount Painter (outside of the Bicentennial National Trail) be permitted on the lower slopes, but only after a round-table meeting of all stakeholders to discuss the optimal location for the trails. The committee urges that particular care be taken with the location of trails on the southern slopes of Mount Painter. There should be careful monitoring of the effects of equestrian use and Environment ACT should advise the Minister, and this committee, of any difficulties associated with equestrian usage.

Recommendation 7:
That the introduction of equestrian use at Mount Painter be accompanied by a publicly available code of conduct for equestrian users, and that appropriate signage be prepared by Environment ACT, in consultation with relevant stakeholders.

6.17. The committee is conscious that Canberra has an extensive system of equestrian trails both within and without CNP. There are over 40 kms of equestrian trails within the reserve and many more outside it. The Bicentennial National Trail passes thru Canberra and is within CNP at several points.

6.18. Further, horse riding is very popular in Canberra. The growing population of south Tuggeranong, in particular, may be placing pressure on horse trails in the area. The committee appreciates the desirability of integrating the equestrian trails into a coherent network that incorporates the Bicentennial Trail and existing areas used by horses.
Recommendation 8:
That the government continue planning safe and attractive equestrian trails outside the park reserve system wherever possible, and that continuing efforts be made to integrate (where possible) these trails into an all-Canberra network. In this regard, the government should pay careful attention to the growing population of south Tuggeranong, which is increasing the demand for equestrian trails in that area. The government should facilitate discussion by all stakeholders about the appropriate location of these equestrian trails.

6.19. The committee was told that some of the equestrian areas are not linked - but could be if horse riders could utilise road easements. The particular example given to the committee was the Coppins Crossing road linking Belconnen to the Stromlo equestrian area. While horse access along roads is obviously a second best to exclusive equestrian trails away from traffic, the committee considers the government should investigate what is involved in widening selected road easements.

Recommendation 9:
That the government consider widening some road easements to facilitate safer movement of horses and other recreational users (such as mountain bike riders or recreational cyclists).

6.20. In relation to whether dogs should accompany horse riders, the committee notes that the draft management plan states that ‘dogs may accompany horse riders, but must be on a leash’. Members of the committee are concerned that, even on a leash, dogs accompanying horses may cause problems for other park users, for native wildlife and possibly for the horse riders themselves. Until further information on this matter is obtained which might justify reconsidering the issue, the committee favours a ban on dogs accompanying horse riders.

Recommendation 10:
That dogs not be permitted to accompany horses due to the potential for accidents and injury to riders, animals and other visitors.

Mountain bikes

6.21. The committee inspected the site at Mount Majura where a recent national mountain bike championship was held, and noted the regeneration taking place.

6.22. The committee was impressed by the goodwill and cooperation shown by Environment ACT, mountain bike user-representatives, and the park care groups at O’Connor Ridge, where it is proposed to trial an exclusive route for
Inquiry by the Standing Committee on Urban Services into the final draft management plan for Canberra Nature Park

mountain bikes. The committee hopes that the on-going discussions lead to an outcome acceptable to all - and, if the decision is made to site a trial at O’Connor Ridge, the committee asks to be kept informed of the results of the trial.

6.23. The committee considers that, if the trial is to be successful, it will require additional resources to be made available to CNP. This is so that appropriate monitoring and assessment can take place.

6.24. In general, however, the committee considers mountain bike riding in competition form should take place outside CNP.

Recommendation 11:
That a suitable site outside Canberra Nature Park be determined for a competition mountain bike track, with suitable monitoring of its operation over time.

Signs

6.25. Many persons who contacted the committee referred to the need for improved signage in CNP. These are necessary, not only for safety reasons (so that park users know what is likely to be met with on a particular trail), but also for legal reasons (associated with enforcement action by park rangers).

Recommendation 12:
That improved, clear signage be located within and at the boundaries of Canberra Nature Park so that all park users are aware of the activities that are, or are not, permitted. Wherever possible, the one sign should indicate all of this information.

6.26. The committee is conscious that, in order to preserve the conservation value of CNP, there will be occasions when access should be restricted due, for example, to very wet - or very dry - conditions.

Recommendation 13:
That the managers of Canberra Nature Park have the authority to close trails by way of signage (for example, where equestrian or cycle access is allowed) when weather conditions are such that usage would adversely impact on the conservation of the reserve.
Resources available to manage Canberra Nature Park

6.27. The committee is seriously concerned that CNP does not have sufficient resources to properly perform its present tasks, let alone to take on new ones (such as monitoring extended horse use). Many people involved in the committee’s inquiry commented on this lack of resources. The committee noted the comment by Environment ACT, in relation to the role of park care groups, that: ‘There is little doubt Park Care groups are able to contribute to important programs which would otherwise be difficult to carry out by Service staff due to resource constraints’.\(^\text{121}\) And the former manager of CNP referred to the ‘significant’ cost of providing and maintaining horse trails, given that ‘CNP has a limited operational budget.[and] limited human resources’ [see Chapter 2].

6.28. The committee respects the view of the executive director of Environment ACT that he has sufficient resources ‘to deliver the outcomes and objectives that are specified in the plan’.\(^\text{122}\) Reluctantly, the committee finds itself unable to agree with this viewpoint.

Recommendation 14:
That the government consider increasing the resources available to the Parks and Conservation service, in view of its responsibility for the efficient and careful management of a great deal of land close to the heart of Canberra - land which is subject to many conflicting pressures associated with the urban proximity. In particular, the committee expresses its concern that the existing staff resources do not enable effective management of the park’s existing activities, let alone the addition of new ones such as monitoring the use of new horse trails or the use of mountain bike trails.

Park care groups

6.29. The committee applauds the dedicated, voluntary work of the many park care groups. It is obvious that these groups have made a significant contribution to preserving the conservation value of CNP. This may be most clearly demonstrated at Aranda bushland, but it is also evident elsewhere. The affection of members of park care groups for the areas they assist was apparent in all of the material submitted to the committee.

6.30. The committee appreciates that the relationship between volunteer park care groups and the professional park Service will have its ups and downs - but there is obvious respect for one another’s work. The committee can understand

\(^\text{121}\) Final draft management plan 1997 p59 [emphasis added]
\(^\text{122}\) Transcript p17
how the park care groups would prefer their relationship with Environment ACT to be less of a boss/subordinate one and more of a relationship of equals [for example, see the material submitted by ROASTING summarised in Chapter 3]. Whilever there is goodwill on both sides, the committee is confident the relationship will continue to produce good outcomes for CNP.

Conservation is paramount - the roles of the Conservator and the executive director of Environment ACT

6.31. It is obvious from the Land (Planning and Environment) Act 1991 that the primary management objective of a nature reserve is conservation of the natural environment [see schedule 1 of that Act]. Other, secondary objectives are ‘to provide for public use of the area for recreation, education and research’. Notwithstanding the many pressures upon CNP that arise from its location within the city, the committee accepts that conservation is the paramount objective.

6.32. The committee appreciates that Environment ACT feels a need to respond to these other pressures while trying to defend the conservation emphasis. But this is not a ‘balancing act’, to quote several witnesses, in which conservation becomes just one of several management objectives.

6.33. The committee is keenly interested in the comments of the Administrative Review Tribunal on the uncertain relationship between parts of the Land Act and the Nature Conservation Act 1980. The Tribunal observed that ‘the Conservator has a clear statutory duty under section 57 of the Nature Conservation Act to turn his mind to whether, and if so where and when, non-native animals may be taken into nature reserves’. The Tribunal expressed concern that the Conservator believed ‘that the wording of the draft plan of management, if adopted, would in itself provide the written consent to allow horses to enter Aranda Bushland (and other parts of CNP)’. The Tribunal stated: ‘We are not convinced that this is so’ [see Chapter 5].

6.34. There is clearly a need to clarify the role and powers of the Conservator in relation to these matters. In doing so, the committee considers the starting point should be the duty of the Conservator to act in accordance with the purpose of the Nature Conservation Act, which is described as: ‘An Act to make provision for the protection and conservation of native animals and native plants, and for the reservation of areas for those purposes’. The

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123 Section 57 states that: ‘A person shall not -
(a) without the consent in writing of the Conservator, take into, or knowingly permit to enter, a reserved area an animal other than a native animal; or
(b) take a noxious weed into a reserved area’.
committee considers these words make plain the duty of the Conservator is to protect and conserve, not to balance the competing claims of conservation, recreation and other activities.

6.35. However, the committee accepts that the person holding the position of executive director of Environment ACT must try to balance competing claims for the use of public land such as nature reserves. In doing so, the executive director, of course, will have regard to the dictates of government policy. This awareness may lead that officer, on occasions, to make conservation of the environment a lesser priority than other objectives. This is perfectly understandable - but it should not be the case that the conservation imperative suffers as a result.

6.36. When the priority of conservation competes with other management priorities, the issue should be brought to the attention of the relevant Minister for a decision. With these considerations in mind, the committee concludes that the positions of Conservator and executive director should be separated.

Recommendation 15:
That the position of Conservator of Flora and Fauna be separated from that of the executive director of Environment ACT - and that it made perfectly plain that the duty of the Conservator is to protect and conserve the natural environment.

6.37. The committee was disturbed to see evidence in CNP of government-linked organisations using the reserve as a storing ground for materials such as gravel. It seems that, in one case, ACTEW might be permitting another organisation to store material on a site sometimes used by ACTEW itself. The storage area is not well kept and displays a lack of regard for the conservation value of the reserve.

Recommendation 16:
That the government ensure any organisation storing equipment, gravel or other substance in Canberra Nature Park respect the park’s conservation values as is required by members of the public - meaning that ACTEW take speedy action to tidy up the present unsightly and lackadaisical storage of gravel at the Pinnacle.

Other legal issues raised by the Administrative Appeals Tribunal hearing

6.38. The committee considers that two additional matters arose out of the recent AAT hearing [see Chapter 5].

Recommendation 17:
That the government clarify the point identified by the Administrative Appeals Tribunal about whether the provision on public land of means of access, signage and related matters constitutes an ‘Outdoor Recreation Facility’ (in terms of the Territory Plan) and thus may be prohibited except when provided by a plan of management.

**Recommendation 18:**
That the government liaise with the Commonwealth Government to clarify the power of any agency of the ACT government to undertake ‘work’ in a “Designated Area” (such as parts of Canberra Nature Park) without the express permission of the National Capital Authority.

**Canberra’s garden-city design**

6.39. The committee heard a number of calls for some reference in the management plan to the ‘garden-city’ design of Canberra, which is largely responsible for the designation of so large a nature reserve as CNP. The committee agrees with this view.

**Recommendation 19:**
That the management plan explicitly draw attention to the ‘garden-city’ design of Canberra and hence the need, from a planning perspective as well as from a conservation perspective, to preserve and protect Canberra Nature Park.

**Possible additions to CNP**

6.40. The committee noted the view of one submitter that land adjoining Red Hill nature park has a high conservation value which might justify its inclusion in CNP [see Chapter 4]. The committee would be interested in further advice from the government on this point, that is, whether the land should be considered for inclusion in CNP.

**Assessment of the management plan**

6.41. The committee appreciates the complexity of managing a conservation area like CNP. Even if the duties and powers of the Conservator and of the executive director of Environment ACT are clarified as recommended in this report, and even if additional resources are made available to the Park Service, the management of CNP will be difficult.
6.42. The committee considers that both the Park Service and the wider Canberra community would benefit from a regular, independent review of the management of CNP. If nothing else, such a review might raise the public’s awareness of the complexity of managing the reserve. But it might do much more. A thorough, well-respected assessment of the management of CNP should assist the reserve’s administrators and give them support in some difficult areas. A review should enable ‘benchmarking’ to relevant Australian and overseas ‘best practice’. This is important for both the Territory government and the Commonwealth government, given the latter’s planning responsibility in relation to the nation’s capital city.

**Recommendation 20:**

*That an independent environmental audit of the management of CNP take place on a three-yearly basis, to be reported both to the Minister and to the Assembly - and where appropriate, then considered by the relevant committee of the Assembly. It might be possible for the audit to be performed by the Commissioner for the Environment.*

**Conclusion**

6.43. The committee reiterates its appreciation of government efforts to bring forward the management plans for public land, especially of significant areas like CNP and Tidbinbilla. The committee hopes its report will raise public awareness of the difficult, complex issues involved in managing these reserves.

Harold Hird MLA  
Chair  
10 September 1998
1. ACT Government: Letter of referral by Minister to the committee, along with the final draft management plan and supplementary information dated 22 July 1998

2. ACT Government: Report on the consultation process

3. ACT Government: Issues and responses for the Canberra Nature Park management plan

4. Correspondence from Judy Kelly dated 22/6/98

5. Correspondence from Phyl Goddard dated 23/6/98

6. Correspondence from Lee Thomas (Pinnacle Environment Group) dated 24/6/98

7. Correspondence from Jennifer Laraman dated 24/6/98 (see also nos. 11 & 25)

8. Correspondence from Valerie Taylor (President, Friends of Mt Painter) received 26/6/98 & correspondence dated 6 and 29 July 1998

9. Correspondence from Jean Geue (Convenor, Friends of the Aranda Bushland Inc) dated 20/6/98 and 18/8/98

10. Correspondence from David J Kelly dated 28/6/98

11. Correspondence from Jennifer Laraman dated 30/6/98 & 3/7/98 (see also nos. 11 & 25)

12. Correspondence from KMH Munro and SA Barnett dated 30/6/98

13. Correspondence from Susan Smith dated 1/7/98

14. Correspondence from John Mason

15. Correspondence from Cooleman Ridge Park Care Group Inc (Bess Sledge, President) dated 5 July 1998

16. Carers’ Group at the Cook Horse Paddocks dated 7 and 29 July 1998

17. Correspondence from Philip Bell dated 25 June 1998
18. Correspondence from D Walker dated 8 July 1998

19. Correspondence from Chrissy Grishin - undated

20. Correspondence from Rosemary Blemings, Secretary, Society for Growing Australian Plants - Canberra Region Inc dated 18 July 1998

21. Correspondence from K B Flynn dated 17 July 1998

22. Correspondence from Don Dornan dated 21 July 1998

23. Correspondence from Beth Stone, Secretary, the ACT Equestrian Association Inc dated 23 July '98 (addressed to the Minister and referred to the committee)

24. Correspondence from Rosemary Nairn, Convenor, ACT for Trees, dated 31 July 1998

25. Correspondence from Jennifer Laraman dated 22/7/98 addressed to the Minister of Urban Services

26. Correspondence from Dr K Vernon Bailey dated 17/8/98

27. Correspondence from ROASTING Committee dated 18/8/98 & 20/8/98 & 2/9/98