

**Contesting Development: Rural Transition in the Bega Valley Shire,
1965-1996.**

Fiona Whitelaw Firth

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A thesis submitted for the Degree of Doctor of Philosophy of
The Australian National University

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DECLARATION

This thesis contains no material which has previously been accepted for the award of any other degree or diploma at any university or institution and, to the best of my knowledge, contains no material previously published or written by another person, except where due reference has been made.

Fiona Whitelaw Firth



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ABSTRACT

Between 1965 and 1996 the population of the area now incorporated in the Bega Valley Shire more than doubled. A set of factors transformed the economic, social and demographic profile and composition of the south-eastern corner of New South Wales. The region transitioned from an economy based on dairy farming to one with an increasing presence of rural residential living, 'alternative' and post-retirement settlement, the growth of a tourism industry and the establishment of new national parks. This process has been identified by geographer John Holmes as a multifunctional rural transition.

Histories of non-urban places in Australia during this period focus on declining communities west of the Great Dividing Range. As populations increased along the eastern seaboard, rural geographers and sociologists conducted broad, quantitative studies. But this history follows the call to explore local history from the 'parish pump to the cosmos' by considering the interplay of resident and local government responses to the differing aspirations and expectations of individual newcomers, layered with increasing state government regulation of the development of non-urban spaces. It explores what geographer Doreen Massey terms 'throwntogetherness'.

Contests over development were central to these transitions, particularly over land use, environmental values and issues of social, economic and cultural change. This thesis tracks several of these conflicts, assessing the interests and identities engaged in them and analysing the experience of those people drawn into new forms of political action, organisation and regulation. Exploring what was learned by participants in these contests over land use brings both individual and historical perspectives to the local negotiation of pressures and opportunities shaping many aspects of Australian society and governance at that time.

This thesis draws on testimony from interviews with nineteen participants who were leaders in disputes selected to illustrate these historical processes. Their experiences of, and reflections on, navigating regulatory structures and seeking satisfactory outcomes reveals how individuals came to understand the bases of conflict and the capacities required to move through and beyond them. Their testimony is placed in the context of wider debates and

official responses, including the minutes of local government meetings, reports of local officials, newspaper reports and the policy and legislative frameworks in which local and state governments worked to understand the impact and progress of these debates. Studying a local area crosses subject boundaries, and this thesis draws on ideas from geography and sociology while focusing on personal stories of the struggles of people of diverse backgrounds as they attempted to fulfil their aspirations for ways of living and working in a challenged, and challenging, rural context. Legacies of these transitions have enduring consequences, many of which came into sharp focus in the conflagration that impacted villages and displaced residents and tourists in the Bega Valley between December 2019 and February 2020.

List of Abbreviations

ABS	Australian Bureau of Statistics.
ALS	Alternative Lifestyle Survey.
BAL	Bushfire Attack Level.
BRAG	Brogo Residents Amenity Group.
BVS	Bega Valley Shire.
BVSC	Bega Valley Shire Council.
Cr	Councillor.
DA	Development Application.
DEP	Department of Environment and Planning.
EG	<i>Earth Garden</i> Magazine.
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act, 1979
GDR	Great Dividing Range.
GR	<i>Grass Roots</i> Magazine.
Ha	Hectare.
IDO	Interim Development Order.
LEC	New South Wales Land and Environment Court, NSW.
LGA	Local Government area.
LG Act	Local Government Act.
MLA	Member of the Legislative Assembly.
NPA	National Parks Association of New South Wales.
NPW Act	National Parks and Wildlife Act.
NPWS	National Parks and Wildlife Service.
NSW	New South Wales.
OED	Oxford English Dictionary.
P&C	Parents and Citizens Association.
PEC	New South Wales Planning and Environment Commission.
RFS	Rural Fire Service.
SPA	New South Wales State Planning Authority.

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Map One: South East Australia.

Introduction

The South Coast has become a 'playground area' for cities like Sydney, Canberra and Albury.¹

Mr John Hatton, independent Member of the Legislative Assembly for the electorate of South Coast, made this comment shortly after being elected to the New South Wales Parliament in November 1973. Among the first of a new generation of independent politicians, he was responding to concerns that the increasing demand of city dwellers to use rural and coastal properties for leisure rather than primary production was leading to uncontrolled subdivision in his electorate. The subdivisions, he argued, were increasing the value of land and thus increasing the land rates of 'serious farmers' to a point where they were forced off their farms.² Hatton also expressed concerns that small subdivisions left idle by absentee owners were vulnerable to noxious weed and animal infestations, and were bush fire prone 'especially in rugged timbered areas'.³ Hatton was calling for each local council to plan future subdivisions and produce 'rural lands strategies' to protect not only highly productive land but also places of 'high scenic value'.⁴ His remarks, reported in a local newspaper, the *Bega District News*, revealed that Hatton was keenly aware of tensions in his electorate that would define and push the development of the area for the next thirty years.

This thesis explores these tensions, as revealed through contests over land use and value between the cultures associated with distinct phases of settlement, the interests of settlers, and the changing meanings of the 'productive landscape' associated with these dynamics in an economically marginal area. The population of the current Bega Valley Shire

¹ 'Hatton Calls for Strategic Plans on Subdivisions', *Bega District News*, 15 January 1974, 3. The southern boundary of the South Coast electorate in 1973 was the southern boundary of Mumbulla Shire and included the town of Bega.

² 'Hatton Calls for Strategic Plans'.

³ 'Hatton Calls for Strategic Plans'.

⁴ 'Hatton Calls for Strategic Plans'.

(BVS)⁵ in the far south-eastern corner of New South Wales doubled between 1966 and 1996.⁶ The 13,138 residents of the shires in 1966 were supported by a narrow economy based on dairy farming, fishing and forestry. By 1996 their number had risen to 28,845 (an increase of 119.5 per cent) with service provision then the dominant employment category.⁷ Over that period the long-established dairy farming sector, including farmers' co-operatives, had responded to major global and national pressures on their industry by restructuring their enterprises. This restructuring resulted in the farms on more fertile land expanding their operations, becoming more efficient and moving from butter to fresh milk production. Smaller, marginal dairy farmers, however, left the industry. At the same time, newcomers to the area, including young adults largely from metropolitan areas, purchased marginal land with aspirations to use it in different ways, in both lifestyle and productivity. Differences in values, aspirations and expectations of the farmers, local government representatives and the newcomers attracted to rural lifestyles, emerged in conflicts over differing styles of living on and using rural lands. The BVS that we see today has dairy and beef farms, side by side with areas of rural residential living, surrounded by state forests and national parks along the coast and the escarpment of the Great Dividing Range. This thesis adds to the general understanding of the changing nature of uses and values of rural spaces in Australia over the second half of the twentieth century by tracing the ways in which these transitions were negotiated over thirty years in one local government area. I offer a close analysis of these transitions that tested identities, promoted new environmental regulation, stimulated citizen mobilisation and deepened understandings of place and landscape value.

My central argument arising from this analysis is that the Bega Valley, in this period, demonstrates that coastal rural places have changed since the 1960s from being valued principally for primary production to being valued as places for rural living, leisure, tourism

⁵ Map Three. The Bega Valley Shire was created in 1981 by an amalgamation of Mumbulla Shire, Imlay Shire and Bega Municipality. This thesis will use the terms Bega Valley and Bega Valley Shire to refer to the land area of the Shire, and the previous three shires together.

⁶ Eamonn Clifford, Antony Green, David Clune, editors, *The Electoral Atlas of NSW, 1856 to 2006* (Bathurst, NSW: NSW Department of Lands, 2006). The southern border of the South Coast electorate changed during this period with Bega municipality excluded between 1968 and 1971 and again between 1981 and 1984. The increasing population along the south coast is reflected in the creation of a new electorate of Bega in 1988.

⁷ Australian Bureau of Statistics, Census data 1966-1996. Population data has been extracted from the relevant years. Data for Bega Municipal Council, Imlay Shire Council, Mumbulla Shire Council was aggregated for years 1966 to 1976. Bega Valley Shire data was used for years 1981-1996.

and also protection of the natural environment. This thesis argues that these changes were not smooth or uncontested but the result of a mix of increased state and national regulation and negotiation, and individual and group activism. These processes required recognition of the competing demands of people seeking to use rural lands and landscape in different ways to previous generations of landowners and reflected broader process of re-evaluation of landscape, environmental resources, and social change.

To explain such changes in uses of land in a rural area, rural geographer John Holmes identified that for the colonial period until the mid 1960s rural zones in Australia were used primarily for food and fibre production. Later in the twentieth century, he argues, two new uses or values were pursued in the zone.⁸ The first was consumption of land for market driven amenity: pleasant living spaces for rural residential lifestyles, recreation opportunities and tourism. The other new use was protection: reflecting wider society's goals for sustainability, preservation and conservation of the natural environment and Indigenous land rights. Holmes noted that these three uses or goals sometimes overlap and compete.⁹ This insight identifies broad categories of change in land uses and land occupation but provides little information on how these transitions took place or the nature of the conflict associated with such competition. As Hatton's 1974 statement suggests, there were several distinct dimensions associated with such change. I started this study with the hypothesis that the aspirations and expectations of newcomers for their life in Bega Valley would bring them into contest with their established neighbours. I changed tack when I started to talk to people and realised that their problems were not so much with their neighbours in their vicinity but with local bureaucracies around aspects of their chosen lifestyles and their uses of their own land. This thesis seeks to recapture both their journey in navigating those processes, and my own as a researcher in tracking and interpreting their paths.

Again, as Hatton suggested, several factors account for transitions in the BVS from the 1960s to the 1990s and the ways these transitions influenced debates on uses and values of rural land. To investigate the social and economic implications of the rapid increase in

⁸ John Holmes, 'Impulses Towards a Multifunctional Transition in Rural Australia: Gaps in the Research Agenda', *Journal of Rural Studies* 22 (2006): 144–150.

⁹ Holmes, 'Impulses towards a Multifunctional Transition', 142.

population in the Bega Valley, I decided to research specific contests that, in sequence, illustrate competition between Holmes's three broad categories and offer a finer-grained examination of the course of historical change. To understand the personal or individual implications of these contests, I limited the study to contests over private land because owning land implies an entitlement to choose how to use that land. Investigating the effects on individuals involved in disputes with others, and caught up in bureaucratic processes around uses and development of private land, will offer insights into the effects on individuals for their aspirations to live a rural lifestyle.

The area for study in some ways accentuated this individualised experience, ranging from patterns of dispersed settlement through to the strained capacity of local governments responding to new needs and agendas. The BVS is wedged in the far south-east corner of NSW, on the periphery of the continent, and metaphorically on the periphery of the great Australian centres of power, Canberra, Sydney and Melbourne. The area is remote from the economic advantages that these cities provide. Yet it is geographically close enough to all three to become, in Hatton's description, a 'playground', a leisure space for citizens who live in these cities, even more so in the 1990s than when Hatton made that observation in 1974. In a similar way, this thesis sits on the periphery of several academic conversations.

The migration into the Bega Valley was part of a wider population transition and economic realignment along the eastern seaboard of Australia and in southwest Western Australia: in microcosm, the example of the Bega Valley reflects what was tested and affirmed in those broader national processes. Demographers and geographers define these changes as a 'population turnaround', as 'non-metropolitan growth becomes accelerated relative to that of metropolitan areas because of migration: net migration losses from metropolitan cities occur in conjunction with net gains in peri-metropolitan and more distant localities'.¹⁰ This population turnaround was a trend not only in Australia but in Europe and northern America.¹¹

¹⁰ Ian A. Burnley and Peter A. Murphy, 'Change, Continuity or Cycles: The Population Turnaround in New South Wales', *Journal of Population Research* 19, No. 2 (2002): 137.

¹¹ Burnley and Murphy, 'Change, Continuity or Cycles', 137-8. The British experience of similar shifts is explored by British geographer Michael Woods, *Contesting Rurality: Politics in the British Countryside*. Routledge, 2017. Holmes ('Impulses towards a Multifunctional Transition', 143) argues that the model of change proposed by British geographers and characterised as post-productivism does not apply to Australia as Australia, with its larger supply of rural lands, results in a multifunctional rural rather than a post-productivist countryside.

Demographers identified that the ‘turnaround’ began in 1971 in Australia but academic research into the reasons for this trend did not begin until the mid 1980s, when broad quantitative studies identified push and pull factors.¹² In 1985 geographers Graeme Hugo and Peter Smailes concluded that there was no single cause of this new internal migration pattern. Multiple webs of cause and effect, including structural adjustments in the economy and behavioural changes, were at play in these trends.¹³ In 1996 Australian demographer Martin Bell agreed that ‘internal migration is a complex and dynamic process’—a mix of economic factors, individual preferences and government policies.¹⁴

Studies of the economic and social changes in rural Australia have mostly been conducted by social scientists, geographers and sociologists, whose attention has been to narratives of decline that by-pass the ‘turnaround’ hypothesis. *Land of Discontent: The Dynamics of Change in Rural Australia*, published in 2000, reflected this focus. The authors sought to understand alienation and frustration in rural Australia in the late 1990s as a result of the intense social and economic challenges created by the increasing forces of globalisation over the previous twenty to thirty years.¹⁵ A similar collection of chapters by rural sociologists appeared in 2001 as *Rurality Bites*, exploring the decline and ‘crisis’ facing rural communities as they grappled with challenges including declining populations and reductions in the provision of services to rural communities.¹⁶ These studies cover lands west of the Great Dividing Range and explore rural fragmentation. A very different pattern, as we will see, characterised the changes in non-metropolitan areas along the eastern seaboard of Australia, particularly in the south-east.

Discussion of the changes on the coastal lands has attracted a different narrative to the decline west of the Great Dividing Range (GDR). Reviewing *Land of Discontent*, agricultural

¹² Peter Smailes and Graeme Hugo, ‘A Process View of the Population Turnaround: An Australian Rural Case Study’, *Journal of Rural Studies* 1, no.1 (1985): 31-43 and Graeme Hugo and Peter Smailes, ‘Urban-rural Migration in Australia: A Process View of the Turnaround’, *Journal of Rural Studies* 1, no. 1 (1985): 11-30.

¹³ Hugo and Smailes, ‘Urban-Rural Migration in Australia’, 24.

¹⁴ Martin Bell, *Understanding Internal Migration* (Canberra: Australian Government Publishing Service, 1996) 28.

¹⁵ Bill Pritchard and Phil McManus, *Land of Discontent: The Dynamics of Change in Rural Australia* (Sydney: University of New South Wales, 2000).

¹⁶ Stewart Lockie and Lisa Bourke, *Rurality Bites: The Social and Environmental Transformation of Australia* (Sydney: Pluto Press, 2001).

economist Allan Tunstall proposed that the GDR was more than a physical barrier. It was also an economic divide between a declining rural west and 'booming' economies on the coast.¹⁷ Part of the boom on the coast was evident in the increasing populations of the peri-urban and coastal districts extending from the major cities. A second part of the growth of population in the coastal countryside was a migration of young people, often dubbed hippies, surfies and alternative lifestylers in the 1960s and 1970s, to places on the north coast of NSW, the wet tropics in Queensland and the south west of Western Australia.¹⁸ Curry et al argue that the alternative lifestylers who set up in or near established regional communities in the 1970s and 1980s created a cultural, social and business environment that in turn attracted a second wave of migration. These mobilities together increased the attractiveness of areas to later waves of immigration.¹⁹ The outcome was the commodification of rural lands identified by Holmes as one aspect of the multifunctional transition.

The appeal of the Australian coastal countryside as a destination for internal migration has been researched by Australian geographers. They identified that much of the internal migration is to places which have high amenity—appealing natural and built surroundings—a process now referred to as amenity migration. This was a trend not only in Australia but also in UK and USA.²⁰ In Australia, Neil Argent used the term amenity to describe the attractiveness of certain landscapes and places.²¹ In 2007 he and his co-researchers quantified an 'amenity' score for internal migration destinations based on researcher designated 'social catchments',

¹⁷ Allan Tunstall, 'Book Review: Land of Discontent: The Dynamics of Change in Rural and Regional Australia by Pritchard, B. and McManus, P.' *Journal of Economic and Social Policy* 5, no.2 (2001).

¹⁸ For example, Rosita Henry, 'Kuranda at War: Contested Space and the Politics of the Market Place', *Australian Journal of Anthropology* 5, No. 1-2 (1994): 294-305 and Johanna Kijas, and Staff and Volunteers of the Tweed River Regional Museum, *Caravans and Communes: Stories of Settling in the Tweed 1970s and 1980s* (Murwillumbah, NSW: Tweed Shire Council, 2011).

¹⁹ George Curry, Gina Koczberski and John Selwood, 'Cashing Out and Cashing In: Rural Change on the South Coast of Western Australia', *Australian Geographer* 32, no. 1 (2001): 109-124 and Matthew Tonts and Shane Greive, 'Commodification and Creative Destruction in the Australian Rural Landscape: The Case of Bridgetown, Western Australia', *Australian Geographical Studies* 40, no.1 (2002): 58-70.

²⁰ Research on amenity migration is also a topic for social scientists. For a review of the social sciences literature on amenity migration in the post-industrial world, see Hannah Gosnell and Jesse Abrams, 'Amenity Migration: Diverse Conceptualizations of Drivers, Socioeconomic Dimensions, and Emerging Challenges', *GeoJournal* (2009).

²¹ Neil Argent et al, 'Amenity-Led Migration in Rural Australia: A New Driver of Local Demographic and Environmental Change', in *Demographic Change in Australia's Rural Landscapes: Implications for Society and the Environment*, edited by Gary W. Luck, Digby Race and Rosemary Black (Melbourne, CSIRO Publishing, 2011),

comparing inmigration rates of these areas with key environmental features.²² They concluded that amenity in the Australian context meant ‘easy access to good surfing and swimming beaches; coastal views; riverine areas for recreation; and the services and facilities that complement these environmental and geographical attributes’.²³ Argent et al.’s study compared inmigration rates in two timeframes: 1976-1981 and 1996 to 2001. Applying these ‘scores’ to the study’s ‘social catchments’ in the Bega Valley in 1996, Bega rates 2.54, Pambula 4.46, Merimbula 4.06 and Eden 3.77.²⁴ In the full compass of this survey, these are medium scores. Higher rates were recorded for north and the mid north coasts of NSW, with scores between 8.08 to 10.63.²⁵ Argent noted that the ‘capacity of the model to predict inmigration rates increased substantially over the study period’,²⁶ meaning that between 1976 to 1981 seeking pleasant spaces was not as significant a factor in driving migration to rural areas as it had become in 1996 to 2001. This finding indicates that migrants in the earlier period were looking for something more than pleasant surroundings. This study will use qualitative methods to investigate reasons for the inmigration to a lower amenity area and the effects of the migration flows on the receiving area. Bell noted that internal migration exerted a ‘wide range of economic, environmental and social impacts’ on receiving areas as well as on the areas that were losing population.²⁷ By looking beyond the aggregative approaches of geographical and sociological studies, this thesis intends to assess the personal experiences of, and reaction to, these trends as a way of offering a perspective on these intersecting factors. Nicholas Brown observed in 1996 that coastal regions could offer ‘revealing views into the processes of social change’ precisely because of the intersecting narratives of decline and rejuvenation they illustrated.²⁸ Historian Johanna Kijas’s work on the effects of increasing population on the Coffs Harbour region from the 1960s into the 1990s offers an historical study of economic and social changes in a coastal area during this time. Her thesis addresses themes of contestation over emerging environmental and social values in a rapidly diversifying

²² Neil Argent, Peter Smailes and Trevor Griffin, ‘The Amenity Complex: Towards a Framework for Analysing and Predicting the Emergence of a Multifunctional Countryside in Australia’, *Geographical Research* 45, no. 3 (2007): 217-232.

²³ Argent et al, ‘The Amenity Complex’, 230-231.

²⁴ Neil Argent email to the author, 14 July 2012. The ‘social catchments’ were specific to this study.

²⁵ Argent et al, ‘The Amenity Complex’, 230-231.

²⁶ Argent et al, ‘The Amenity Complex’, 231.

²⁷ Bell, *Understanding Internal Migration*, 26.

²⁸ Nicholas Brown, ‘A Place at the Coast’, *Eureka Street* 6, no. 9 (1996): 44.

coastal region.²⁹ In her 2002 article 'Up The Country' Kate Darian-Smith observed the dearth of historians investigating these changes. 'It is certainly the case', she noted, 'that social scientists rather than historians have dominated recent analyses of the dimensions of change in regional and rural Australia'.³⁰ What social scientists might trace as trends, historians can investigate as experience, adding a human dimension to the transitions which were often far more intricate than the refrains of 'decline' or 'discontent' suggest. This thesis adds to the literature on change in rural coastal areas along the eastern seaboard of Australia by emphasising the effects of these processes on individuals. This emphasis reclaims these people from being seen as passive subjects of local and national forces. Instead, they can be seen engaging actively, and often creatively, with the resources of protest, regulation and representation that were an integral part of such change.

Studies of changing non-metropolitan Australian economy and society discuss the changes in relation to rurality, being rural, but what and where is rural Australia? Is it only the places where the economy relies on primary production? A central theme for this thesis is the interrogation of the purposes served by (or obscured by) unquestioned concepts of the rural. Holmes identifies transitions as creating a multifunctional rural, thus complicating and contesting the idea of rural as a primary production space. Newcomers entering previously monofunctional primary production zones and adding consumption and protection uses to those zones, effectively diversify the economy and also the population of rural areas, and also begin to redefine the registers of rurality itself. How then to define this much more diverse space? Does rural remain an appropriate term for these diverse non-metropolitan zones, or for the aspirations that draw people to them?

The roots of the words rural and country form a binary with the city: rural and country are the areas outside the city.³¹ Cultural associations of the binary of city and rural have a long

²⁹ Johanna Kijas, 'Moving to the Coast: Migration and Place Contestation in Northern New South Wales' (PhD, University of Technology Sydney, 2002) and Johanna Kijas, 'A Place at the Coast: Internal Migration and the Shift to the Coastal-Countryside', *Transformations: Online Journal of Region, Culture and Society* 2: 1-13. <http://www.cqu.edu.au/transformations>. Accessed 8 March 2011.

³⁰ Kate Darian-Smith, 'Up the Country: Histories and Communities' *Australian Historical Studies* 33, no. 118 (2002): 92

³¹ 'Rural' and 'Country' Oxford English Dictionary online September 2020.

history going back into classical times.³² There is a straightforward binary of the city as sophisticated and constantly developing with the rural as rustic and backward:³³ dirty, full of rednecks and yokels.³⁴ The binary is complicated and contested by an opposing binary. The city is unliveable, polluted, congested, unsafe, unaffordable³⁵ while the rural is imagined as an idyll, a place of clean air, peace and tranquillity, safety and community.³⁶

The imagined rural, or the imagined rural person, is a powerful image in Australian society. Rural people have sometimes been afforded special status in Australian society because of the contribution of primary production to export industries from the colonial period into the 1970s.³⁷ Historian Richard Waterhouse argues that an enduring Australian myth of the importance of 'the rural' is central to the Australian character: the sturdy pioneers of the nineteenth century begat the strong young rural men who fought at Gallipoli and became the progenitors of the ANZAC legend.³⁸ This idealisation of sturdy, hard-working, morally superior rural people is carried into the ethos of 'countrymindedness', reminding Australians of the importance of rural people and rural industries not only to Australia's prosperity but also to its character.³⁹ Don Aitken, who proposed the idea in 1985, wondered in 2005 whether countrymindedness had turned away from his earlier identification of 'bush' values to a more romanticised idea of rural life.⁴⁰ In contrast, Helen Berry et al.'s 2016 research reveals that the ideal has not diminished: 'countrymindedness ...is validly and accurately measured in surveys; it is alive and well in regional Australia'.⁴¹ Joining these imaginaries of

³² Raymond Williams, *The Country and The City* (London: Chatto and Windus, 1973), 1.

³³ Gerald W. Creed and Barbara Ching, 'Recognising Rusticity: Identity and the Power of Place' in *Knowing Your Place: Rural Identity and Cultural Hierarchy*, edited by Barbara Ching and Gerald W Creed, (New York: Routledge, 1997), 4.

³⁴ David Bell, 'Variations on the Rural Idyll' in *The Handbook of Rural Studies*, edited by Paul Cloke, Terry Marsden and Patrick Mooney (London: Sage, 2006), 149-160.

³⁵ Jonathon Murdoch, *The Differentiated Countryside* (London: Routledge, 2003).

³⁶ John Connell, 'Soft Country? Rural and Regional Australia in Country Style', in *Rural Change in Australia: Population, Economy, Environment*, edited by Rae Dufty-Jones and John Connell (Oxford: Routledge, 2016), 211-213.

³⁷ Judith Brett, 'The Country, the City and the State in the Australian Settlement', *Australian Journal of Political Science* 42, no. 1 (2007): 1-22.

³⁸ Richard Waterhouse, 'The Pioneer Legend and Its Legacy: In Memory of John Hirst', *Journal of the Royal Australian Historical Society* 103, no. 1 (2017): 7-25.

³⁹ Don Aitken, "'Countrymindedness": The Spread of an Idea', *Australian Cultural History* 4 (1985): 34-41.

⁴⁰ Don Aitkin, 'Return to "Countrymindedness"', in *Struggle Country: The Rural Ideal in Twentieth Century Australia* edited by Graeme Davison and Marc Brodie (Melbourne: Monash University Press, 2005), 11.5.

⁴¹ Helen Berry et al, 'Identifying and Measuring Agrarian Sentiment in Regional Australia', *Agriculture and Human Values* 33, no. 4 (2016): 939.

rural places as clean, safe and tranquil for sturdy hardworking people who are morally superior to city people makes an interesting contrast to explore in this thesis. Are the newcomers arriving to try living on rural properties responding in some way to these Australian tropes, rejecting city life and seeking not only healthy living with hard physical work but also seeking community promised or expressed as part of the ideal?

Spaces and Places

Overlaying this investigation of rurality is a second theme, more focused on the terms in which particularly identities-in-place are shaped. Investigating the changes in the Bega Valley Shire, an area defined by boundaries drawn on maps created by colonial surveyors and reallocated several times to meet changing administrative needs, I turned to geographer Doreen Massey who has written extensively on meanings and understandings of, and processes of, changing spaces and places.⁴² In this thesis I am proposing that the increasing populations made demands for new uses of rural spaces and places. Massey, like Holmes, argues that space should be seen as being multifunctional, and also constantly changing. To Massey spaces are filled with a multiplicity of trajectories—individuals, groups, ideas, and pressures—moving through them all the time. These multiple trajectories, I see as operating within a particular bounded locale, but also moving out from and back into the bounded locale, from the global into the local, and also from the local out to the global. The movements of people from the cities and other regions into the Bega Valley—their personal trajectories—are operating in these global to local and local to global spheres. So are the economic factors shaping transitions in production. Newcomers may bring with them their own ideas and imaginations of how they want to live in the space, influenced by their own backgrounds, ideas such as countrymindedness, an imagined ideal rural life, or larger social movements.

This thesis is a history of a defined geographical locale undergoing such changes, redefining meanings of space and place. At the same time as newcomers brought in ideas from outside the area, the existing farming communities were changing their production

⁴² Doreen Massey, 'Places and Their Pasts', *History Workshop Journal* 39, no. 1 (1995): 182-192 and *For Space* (London: Sage, 2005).

methods and products due to outside pressures including loss of government subsidies and international trading partners. Following Massey, this thesis argues that even as peripheral local places are enmeshed in global and national processes and networks, a sense of the local remains significant, both for the historical actors themselves, and also as a concept in analysis.

Local history continues as a popular topic for research and storytelling in the Bega Valley from the ‘three generations in the cemetery’ residents, to recent arrivals, seeking to understand and deepen their sense of belonging by investigating ‘what happened here’.⁴³ Yet the place of local history in exploring and explaining larger patterns of social change remains unsettled. David Carment argues for the importance of local history and the contribution of local history societies as members research their sense of their own history using ‘a diverse range of approaches’.⁴⁴ In the process they create what historian Tom Stannage regarded as ‘history for their own purposes of identity’.⁴⁵ Historian Tanya Evans also observes that ‘ordinary people’ have a ‘thirst for history’ and local and community history can ‘also have a significant impact on individuals and foster cultural cohesion’.⁴⁶ However, local historians and local histories are also often dismissed by academic historians as amateur, paternalistic and, parochial and presenting only narratives of colonial successes.⁴⁷ As Evans adds, ‘academics remain largely derisory about [local history] practice, often dismissing it as amateur and antiquarian’.⁴⁸ In 2009 historian Richard Waterhouse argued for further social history studies including local histories ‘to deepen our knowledge of Australia’s past at both the local and national level’.⁴⁹ In the same year, historian Frank Bongiorno noted the concern that, because local historians sought to explore the distinctiveness of locations and not how the locality

⁴³ Bega Valley Shire has five local and family history societies and several museums including an outdoor gold mining museum and a museum commemorating the whaling history of Twofold Bay at Eden. *Recollections* is a South coast history magazine appearing in a printed magazine and e-format publication which has a wide readership.

⁴⁴ David Carment, “‘For their Own Purposes of Identity’: Tom Stannage and Australian Local History”, *Public History Review* 20 (2013): 79.

⁴⁵ Carment, “‘For their Own Purposes of Identity’”.

⁴⁶ Tanya Evans, ‘Love Thy Neighbour: Local and Community History’ in *What Is Public History Globally?: Working with the Past in the Present*, edited by Paul Ashton and Alex Trapeznik (London: Bloomsbury Academic, 2019), 241.

⁴⁷ Bill Gammage, ‘A Dynamic of Local History’ in *Peripheral Visions: Essays on Australian Regional and Local History* (Townsville: Department of History and Politics, James Cook University, 1991), 1–7.

⁴⁸ Evans, ‘Love Thy Neighbour’, 241.

⁴⁹ Richard Waterhouse, ‘Locating the New Social History: Transnational Historiography and Australian Local History’, *Journal of the Royal Australian Historical Society* 95, no. 1 (2009): 13–14.

interacted with outside influences and trajectories, some of the emerging themes in historical enquiry, such as of transnational history, could not fruitfully or satisfyingly be deployed to study local history.⁵⁰ Addressing a similar concern many years earlier, historian Bill Gammage urged local historians of the 1990s to research the history of a locale from the local to the global and to 'relate the community to region, nation and world in writing, as they are in fact'.⁵¹ These concerns and connections are actively addressed in this thesis.

Also addressed in this thesis are the more evaluative terms that often become central, yet under-examined, in local histories. In 2000 urban historian Graeme Davison argued that community is a myth, even a founding myth that people cling to, hoping perhaps for a stable homogenous group acting in unison and caring for one another—and a myth that Davison mournfully adds, is failing when 'all the big decisions are made out to town'.⁵² Yet by using the word community, Gammage acknowledges that local places are occupied by people and groups who live with some sense of solidarity. The term community has many layers of meaning. The dictionary definition is 'a body of people who live in the same place, usually sharing a common cultural or ethnic identity'.⁵³ In spite of its wide use, this definition is critiqued as being too broad or vague to be useful for scholars. Historian Ian Watson echoes this view but argues that in Australia 'working class community had a precise and tangible meaning before the Second World War: a network of social relationships based on geographical proximity'.⁵⁴ Mark Lyons argued that the tradition in Australian community studies is to use the term as a synonym for 'the social organisation of a limited geographical area'.⁵⁵

Here we see two related aspects of community: geographical proximity and the organisation of social relationships within a bounded locale. In 2000 labour historian Lucy

⁵⁰ Frank Bongiorno, 'From Local History to the History of Place: A Brief History of Local History in Australia', Victoria County History International Symposium (London: Institute of Historical Research, 2009), 4.

⁵¹ Gammage, 'A Dynamic of Local History', 7.

⁵² Graeme Davison, *The Use and Abuse of Australian History* (Sydney: Allen and Unwin, 2000), 219.

⁵³ 'community, n.' OED Online, March 2021. Oxford University Press. <https://www-oed-com.virtual.anu.edu.au/view/Entry/37337?redirectedFrom=community+> (accessed April 09, 2021).

⁵⁴ Ian Watson, *A Disappearing World: Studies in Class, Gender and Memory* (Melbourne: Australian Scholarly Publishing, 2015), 111.

⁵⁵ Mark Lyons quoted in Lucy Taksa, 'Like a Bicycle, Forever Teetering between Individualism and Collectivism: Considering Community in Relation to Labour History', *Labour History* 78(2000): 13.

Taksa completed an extensive study on the many definitions of community. Rather than one homogenous community living within a bounded locale, Taksa identified that communities simultaneously operate on a number of different levels. Further, she suggests they are 'open systems rather than static entities' in a geographical area, 'made up of institutions, activities and shared practices' comprising sub-sets or sub-groups based on 'class, ethnicity, religion or gender' which can exist side by side.⁵⁶ Co-existence of these sub-groups can be 'relatively harmonious or uneasy' and external forces 'can disrupt such formations or relations between them by promoting segmentation and segregation or even open hostility'.⁵⁷ This thesis will attempt to chart a path between these polarisations, 'the myth of community' and 'multiple groups in a locality', attending to interdependencies rather than divergences—even if (and especially when) those links emerge through processes of contestation.

In this approach, I draw on another of Massey's formulations. Noting the extent to which living in 'place' and sharing 'space' inevitably involves some process of mutual recognition, Massey addresses the conundrum of community as a myth by arguing that places, although complex and changing, are usually the 'not inconsiderable achievements'⁵⁸ of people 'throwntogether' simply by living in the same neighbourhoods, and in doing so, not only do places and spaces constantly evolve, so do individuals. Massey argues that:

Place...does...change us, not through some visceral belonging (some barely changing rootedness, as so many would have it) but through the practising of place, the negotiation of intersecting trajectories; place as an arena where negotiation is forced upon us.⁵⁹

This insight is pivotal for this study as it will consider communities and groups, newcomers and existing residents 'throwntogether' in a time of changing productive and economic activity. With many individuals there exists a 'simultaneity of stories-so-far', the expression

⁵⁶ Taksa, 'Like a Bicycle', 16-17.

⁵⁷ Taksa, 'Like a Bicycle', 17.

⁵⁸ Massey, *For Space*, 154.

⁵⁹ Massey, *For Space*, 154.

Massey uses to indicate that bounded locales are filled with a multiplicity of stories that are never completed and constantly evolving.⁶⁰ For that reason, this thesis builds on such 'stories'.

Adding to earlier studies of change in coastal local government areas,⁶¹ this thesis aims to explore the implications for the economy, communities and landscapes of the Bega Valley Shire, and its predecessors, as the population increased between 1965 and 1996 at the same time as primary production industries were undergoing their own 'reconstruction'. As we will see, the coastal 'place' generated its own dimensions as mobility, leisure, social movements, lifestyle experimentation, local politics and the various levels of regulation and environmental sensibility mixed in landscapes often physically constrained between 'the mountains and the sea'. In fine detail and broader themes, these are often the places in which the reshaping of Australian society can be seen in clear relief.

Scope and methods

I have lived in the Bega Valley for forty years. Arriving in the middle of the 'population turnaround', I have observed the transitions of the area since then. Unlike many of our peers moving onto undeveloped subdivision properties, my husband and I purchased a rundown weatherboard coaching station built in 1885 beside the Brogo River named Bridge House. While living in this house we were told stories of its past which were inextricably linked to the history of the district as one of the oldest substantial buildings in the vicinity. These stories piqued my interest in local history (my first degree was in anthropology) and by the late 1990s, with the increasing dysfunction apparent in BVSC, discussed in Chapter Six, I began asking myself 'what happened here?' and 'how did these people get to be like this?' These questions led me to complete a Graduate Diploma in Local and Applied History at the University of New England, using the Bega Valley's history as source material for assignments. I have given talks about my research to local history groups and have run several tours of Bega cemetery focussing on that site as a source of social history of the town. I have organised and led a number of history-based activities at successive Cobargo Folk Festivals, including a popular

⁶⁰ Massey, *For Space*, 9.

⁶¹ Neil Argent, 'Trouble in Paradise? Governing Australia's Multifunctional Rural Landscapes' *Australian Geographer* 42, no.2 (2011): 183-205 and

walking tour around the town and a spoken word performance based on 1890s reports from the local paper, the *Cobargo Watch and South Coast Journal*. Fellow community members have staged imaginative recreations of social events such as community socials and dances using music that was played at the time, as reported in the Cobargo newspapers. I have been engaged in many aspects of the invigoration of heritage awareness and memory recovery in this community. This study is an extension of this previous research and participation, now bringing the focus to the end of the twentieth century and marking that necessary transition Tom Griffiths has reflected on: from the 'pioneer' moment to the complexities of the more contemporary dimensions of local history.⁶² Despite this involvement, with this focus, and with the academic nature of my interests and methods here, I am also marked as an outsider to a certain extent. In that way I straddle two worlds, the academic world and the local context of a rural peripheral community. Taksa argues that identity is multifaceted and one person can belong in many communities at once, and with allegiances that might change over time.⁶³ Taking this a step further, one person therefore can be an insider in some groups but an outsider to others. This status has inevitably shaped this thesis.

My observation of the community or communities as they evolved was that there were distinct groups, living side by side, moving in the same spaces but mostly only interacting within their own groups: the newcomers to the areas of different persuasions, such as hippies, surfies, new settlers, richer people living on the coast, as well as the farmers and existing townspeople in what seemed a residual rural insularity. As a participant observer in this study, I have been reflective and aware of my own biases and preconceptions and also my status as an insider in some groups and outsider to others. Oral historian Valerie Yow points out that no research is value free and the researcher is at the centre of the process with all information flowing from the data through the researcher and from the researcher into the finished report.⁶⁴ My knowledge and understanding of the changes in the Bega Valley since 1981 and my links and networks in those communities has given me understandings and access to people and documents that an outside researcher may not have had and is therefore part of

⁶² Tom Griffiths, *Beechworth: An Australian Country Town and its Past* (Richmond: Greenhouse, 1987).

⁶³ Taksa, 'Like a Bicycle', 17

⁶⁴ Valerie Yow "'Do I Like Them Too Much": Effects of the Oral history Interview on the Interviewer and Vice Versa', *Oral History Review* 24, no 1 (1997): 56.

this research. My position, enmeshed and living in the area, means I feel a responsibility to disseminate the results of this research to the participants and to the wider community as a reciprocal act for the generosity of the participants for spending time with me.⁶⁵

As an academic researcher, however, my interest has been in finding ways that the particularities of local experience could be related to wider trends and seen in terms of broader explanatory frameworks and concepts. This orientation has brought me to the perspectives offered by Holmes, Massey and others. I began the study thinking that the changes I was observing in the Bega Valley were part of a small migration of new settlers and alternative lifestyles to the north and south coasts of NSW. As I researched, I discovered that what was occurring in Bega Valley was a small part of much larger internal migration processes not only in Australia but in other Western democracies. The research evolved from these observations, highlighting Gammage's call to look to national and outside influences for a more fully rounded study of effects of broad social and economic changes on a specific rural locality.

In setting the period for this study, I sought a frame determined by the intersection of physical, economic, social and cultural influences. The sealing of the Princes Highway all the way from the Sydney to the NSW Victorian border was completed in 1965 and therefore a key date for opening the area to new interests. At the same time the population began to increase in the southern part of Imlay Shire. As a first step to verify the magnitude of the population changes in the Bega Valley, I tabulated population data using statistics from the reports of the censuses conducted by the Australian Bureau of Statistics (ABS).⁶⁶ This process required compiling data from the three local government areas (LGA): Bega municipality, Mumbulla Shire and Imlay Shire which were amalgamated into Bega Valley Shire at the beginning of 1981. This statistical analysis revealed that the population started to increase first in Imlay

⁶⁵ Through the course of this study, I became aware that other researchers had conducted research including interviewing Bega Valley residents but had not returned to the community with the results of their research even as it was used in academic papers.

⁶⁶ Australian Bureau of Statistics, *Historical Censuses* (pre 1996)

[https://www.abs.gov.au/ausstats/abs@.nsf/ViewContent? 2](https://www.abs.gov.au/ausstats/abs@.nsf/ViewContent?2). This thesis uses the enumerated population statistic: that is the number of people counted as being in the area on each census night. Enumerated population was the only figure available for census data before 1996. Since 1996 more sophisticated estimates are calculated to count usual residents who were in other locations on census night.

Shire in the southern section from 1966, with Mumbulla Shire population (the northern half) declining until the 1971 census with an increase between 1971 and 1976. Nineteen ninety-six marks the end of the study period as ABS data identifies that the rate of growth of cities again became greater than the rate of growth of non-metropolitan areas after 1996, indicating the end of the 'population turnaround'.⁶⁷ The statistics also show that the population of the major centre of Bega remained stable through the study period indicating that the population growth was not in the major urban centre but in other parts of the shire. The population statistics also showed an increase in the number of young adults in the three LGAs between 1976 and 1996 and this required investigation as ABS data reveals that as a general trend in Australia young people leave rural areas for education and employment in the cities.⁶⁸

With the population increases and age profiles revealed in these statistical formulations, I began to explore the experiences of newcomers who were experimenting with new ways of living in a rural area. The four conflicts examined in this study were selected to examine changes over time in land uses and land occupations as newcomers interacted with existing residents and local and state bureaucracies over living in, and using, rural spaces. The first two disputes involved early arrivals in the 1960s, high profile city dwellers, seeking leisure opportunities and also wanting to develop their properties. They were forced to negotiate with residents seeking to maintain their access to beaches and contesting conservation values and priorities if not principles. The third dispute involved newcomers seeking to build unauthorised and often unconventional housing in the rural hinterland, expressing new ways of occupying and using rural spaces. Here 'alternative' visions of the rural both clashed and mixed with the drive for land development as an asset. During the fourth dispute in the mid 1990s the uses and values of rural spaces for different groups were questioned as residents sought to protect their amenity against industrialised uses, drawing out tensions between production, development and lifestyle. The increasing complexity of environmental legislation by the late 1970s at a state level, a big decision made 'out of town', was used locally to put the case for rural and amenity uses rather than industrial uses in a visually attractive, rural

⁶⁷ ABS Social Trends 2008 Population Distribution:

<https://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Chapter3002008>. Accessed 17 October 2020.

⁶⁸ Australian Bureau of Statistics, 4102.0 – Australian Social Trends 2003. Accessed 1 November 2020.

<https://www.abs.gov.au/AUSSTATS/abs@.nsf/7d12b0f6763c78caca257061001cc588/3d196e4d297f42c9ca2570eb0082f628!OpenDocument>. Accessed 1 November 2020.

landscape. These four disputes illustrate social and economic change through the combined perspectives of Holmes' 'productive landscape' schema and Massey's 'throwntogetherness'. They also foreground the ways in which individuals became engaged with these issues.

Newcomers to the Bega Valley who arrived to live on rural properties were espousing a version of the agrarian ethic, an ideal of going 'back to the land' to be, in varying ways, self-sufficient. Understanding the experiences of these individuals, and the resistances they faced, in living in marginal and peripheral places captures 'history from below'. Using methods of oral history was an appropriate approach for this study, given that many people involved in the conflicts are still alive, and that both Holmes and Massey encourage an attention to meanings created in history rather than applied to it. Oral historians Lynn Abrams and Penny Summerfield agree that oral history is unusual in that the oral historian and the participant create the source.⁶⁹ I am using the term participants in this thesis as a recognition that the interview and the evidence that is collected is a joint construction of the interviewer and the narrator and therefore the narrators are participating in the production of the thesis. While this may seem to be problematic in terms of subjectivities of the interviewer or the participant, for research projects where other sources do not exist, as in history from below or history of marginalised or peripheral groups, oral history can be a way to create a source where none existed previously. Oral history is then 'the entry point from the present into the culture of the past'⁷⁰ of stories that would otherwise remain only in the tellings among family and friends, if ever. Abrams points out that oral sources 'must be judged differently to conventional documentary sources, but that this in no way detracts from their veracity and utility'.⁷¹ The insights gained from individuals who are answering questions posed by an interviewer uncover aspects of conflicts, and being involved in conflict, that are not visible using documentary sources alone and have been refined in remembering and reflection.⁷² I sought people's recollections of their experiences of becoming concerned by an issue, being

⁶⁹ Lynn Abrams, *Oral History Theory* (Oxford and New York: Routledge, 2016), 26/261 Proquest Ebook Central, and Penny Summerfield, *Histories of the Self: Personal Narratives and Historical Practice* (Oxford: Routledge, 2019), 102/183 Proquest Ebook Central.

⁷⁰ Abrams, *Oral History Theory*, 27/261 Proquest Ebook Central.

⁷¹ Abrams, *Oral History Theory*, 17/261 Proquest Ebook Central.

⁷² Valerie Yow, *Recording Oral History: A Guide for the Humanities and Social Sciences* (California, Rowman and Littlefield Publishers, 2014), Chapter 1: Qualitative Research and Quantitative Research: Comparisons. For example, Watson, *Fighting over the Forests*; Kijas, 'Moving to the Coast'.

involved in associated conflict, testing common ground and defending values. Rebutting claims that memory is not a reliable source of evidence for historical studies, recent research on memory by psychologists and neuroscientists has shown that memories can be stable over a long time, depending on interests and needs.⁷³

Many participants in this project admitted that their recollection or memory of the orders of the events was hazy. I was not collecting facts or orders of events but asking people to reflect on the impacts of being involved in conflict: what skills they brought to the conflict, what they learned, the skills they gained, and why they became involved in the conflict. To some extent, it was not so much the accuracy of their memory of the conflict that mattered; I could draw on other sources to establish aspects of 'what happened' (the issues were, after all, contested in open ways). I was interested instead in how they came to understand the experience of moving through conflict and the experience of negotiating with others who have different outlooks and agendas.⁷⁴ This follows Abrams argument that interviews create a space for the subjective experiences of the narrators to be articulated in the present.⁷⁵ Yow identifies that older participants were 'better at telling stories of the past' because 'older adults make better sense of the story'.⁷⁶ Oral historian Paul Thompson argues that a real advantage of oral evidence is that it allows 'a more realistic reconstruction of the past...it is a primary merit of oral history that, to a much greater extent than most sources, it allows the original multiplicity of standpoints to be recreated'.⁷⁷

Conducting interviews requires high ethical standards from the interviewer and this project was conducted using an approved ANU ethical protocol. This thesis will be deposited in digital format. I advised all participants of this, and that in this small community it may not be possible to totally deidentify all participants, given their prominence in the disputes discussed. Some participants consented to be identified by their real names, the rest were identified with pseudonyms. The difference between identified and deidentified participants

⁷³ Yow, *Recording Oral History*, Chapter 2: Aging and Memory.

⁷⁴ A list of questions to participants is included as Appendix One.

⁷⁵ Abrams, *Oral History Theory*, 18/261 Proquest Ebook Central.

⁷⁶ Yow, *Recording Oral History*, Chapter 2: Aging and Memory. The disputes took place thirty to fifty years ago therefore participants who were young adults at the time can be considered to be older adults.

⁷⁷ Paul Thompson, *The Voice of the Past* (Oxford: Oxford University Press, 2000), 6. Third edition.

is reflected in the text with the pseudonym appearing in inverted commas in the footnote. The naming convention uses first names for participants, as using surnames or other naming conventions seemed too formal, unless the participant also had an official local government position when surname and titles are used. I also allowed the participants who appear in the text to view that text for comment prior to submission in case they wanted to reconsider their participation.

My position as a community member informed the selection of some of the people I interviewed—and no doubt informed their responses to me. As I surveyed the documentation for the disputes, including council minutes and newspaper reports, I identified other spokespeople and leaders to talk to. I do not claim mine as a fully representative sample of all dimensions of the conflicts: I have interviewed nineteen people in all, representing differing viewpoints in the debates. The depth of these interviews enables me to take participants through their enduring experience of ‘throwntogetherness’. I conducted semi-structured interviews with open questions, then analysed the content. As themes emerged, I grouped responses around these themes, listening carefully to language use such as fear, self-sufficiency, land and care for the environment, guided by similar studies using oral interviews.⁷⁸ Abrams, quoting Christine Borland, identifies that analysis of interviews is a ‘second level narrative based upon, but at the same time, reshaping the first’.⁷⁹ This thesis employs what Abrams describes as an evidential model, using ‘oral testimony as data, providing information to support an argument and illustrative material for publication...[using] short pithy extracts chosen for their typicality or their ability to say something in a memorable way’.⁸⁰ In the text I use this method to mix contextualisation and interpretation and include sections or quotes from the participants to illustrate salient points.

The ‘depth’ of the interviews consists of a number of elements. By using semi-structured interview questions, I sought to clarify and understand what processes, bureaucratic and otherwise, the participants understood themselves to be working in as they

⁷⁸ Peter Read, *Belonging: Australian, Place and Aboriginal Ownership* (Cambridge University Press, 2008); Ian Watson, *Fighting Over the Forests* (Sydney: Allen and Unwin, 1990); and Kijas ‘Moving to the Coast’.

⁷⁹ Abrams, quoting Christine Borland, *Oral History Theory*, 25/261 Proquest Ebook Central.

⁸⁰ Abrams, *Oral History Theory*, 25/261 Proquest Ebook Central.

negotiated their dispute. I have asked them to reflect on what skills they had to bring to these negotiations, or they acquired (or felt tested or lacking) in their involvement in the dispute. I have also asked them to reflect on how significant the conflict seems in retrospect. That the issues might have been 'resolved' to some extent in no way diminishes the importance of the conflict itself: the trajectories of resolution are part of my interest, and not as a manual of dispute management, but as an historical process.

As these conflicts were about citizens in conflict and their involvement with local councils and state bureaucracies, I consulted relevant bound council minute books.⁸¹ The minute books of the meetings of BVSC and Mumbulla Shire Council reveal, to some extent, the background to the disputes or conflicts and decision-making processes of councillors and staff and their attempts to resolve or negotiate these disputes or conflicts. These minutes conceal as much as they reveal. They must be read keeping in mind that they are not verbatim reports of the proceedings of meetings, but summaries of the essentials required to report the progress of the meeting and to keep track of the decisions made by councillors in order for the staff to action those decisions. Reports by council staff, also bound into the minute books, inform councillors of their duties, responsibilities and liabilities, and provide background information about issues to be debated in meetings. Reading between the lines of these two-way 'conversations', between the councillors and their staff, enhances understanding of the thinking and views of the councillors and council staff. Consulting the Local Government Act and other legislation was also necessary to understand the background to the disputes and the actions of council staff and councillors.

Newspapers add further understanding and illuminate perspectives of wider community interests. Country newspapers perform political, social and economic functions for their readers. Newspapers in country NSW were privately owned and family run enterprises, with the 'owner-editor as leading citizen' from the 1860s right through until the end of the twentieth century.⁸² The position as editor provided the owner with a platform to express their views, with some more strident than others in expressing their own and fellow

⁸¹ A Freedom of Information request was granted by BVSC.

⁸² Rod Kirkpatrick, *Country Conscience: A History of the New South Wales Provincial Press, 1841–1995* (Canberra: Infinite Harvest Publishing, 2000), xiii.

citizens' positions on local and national debates. The Bega township had up to three local papers and the surrounding villages supported newspapers at different times.⁸³ These newspapers contained a wealth of information for their readers (and for future historians) including political, social and sporting activities, advertisements for goods and services, positions vacant, land and farms for sale, and court reports. By the second half of the twentieth century, local councils used press releases to inform the public of council decisions and changing regulations. Newspapers can include personal perspectives of readers in the 'letters to the editor' sections. Groups and local organisations present their perspectives in reports of activities and meetings. Newspapers also document the activities of new groups and interests entering the towns including new businesses, local handcraft markets, alternative schooling, peace activism and anti-nuclear campaigning and as such provide information on the changing cultural and economic milieu of the communities the newspapers serve. I have used newspaper reports extensively as a source to situate each conflict in the wider social context of the time, and to examine each conflict in the framework of these social dynamics.

A thesis on the history of a local area requires detail from many sources to reveal contextual information important to assist reader understanding and to further the argument. I have used sources including maps, meteorological data, geographical data, government and scientific reports as well as academic studies. These sources are footnoted in the text. As this is a thesis about a place and places have spatial relationships to each other, I have included a series of maps to assist the reader and to illustrate visually points made in the thesis. I made these maps based on the National Mapping printable maps⁸⁴ choosing an appropriate scale for each map, tracing maps using a lightbox and including only the relevant details for each point I am illustrating. I chose to make these maps myself as published maps included more detail than I needed and also as a nod to my personal self-sufficiency ethic. I used parts of two parish maps using the same technique and these have attribution in the text.

There are inevitably omissions from this thesis, reflecting its focus on disputes between 'settlers' on privately owned land. This thesis has been written on and about the

⁸³ Kirkpatrick, *Country Conscience*, Appendix, 419-460.

⁸⁴ National Mapping printable maps, <https://nationalmap.gov.au/>. Accessed 1 November 2020.

lands of the Djiranganj and Thaua peoples of the Yuin nation. Less than one third of the land area of the Bega Valley Shire was sold to colonisers by colonial governments but the rest was taken by the Crown and held as state forest and Crown land. The European squatters and selectors claimed the land that they considered good for grazing and agriculture, the same lands that were occupied by Indigenous land managers to provide their day-to-day needs. After the 1861 Land Settlement Acts, to be discussed in Chapter Two, European selectors expanded the extent of land brought into some form of European use: fenced, farmed and vulnerable to new forms of environmental degradation. Denis Byrne argues that Aboriginal people were 'literally fenced out of their richest lands'.⁸⁵ Further, in 1891, they were fenced in to Wallaga Lake Reserve.⁸⁶ By the 1940s Aboriginal people were working as seasonal labourers and in the timber industry but by the 1980s these manual jobs had disappeared with increasing farm mechanisation and increasing costs of labour.⁸⁷ These impacts, and Indigenous responses to them, are a rich and powerful aspect of the Bega Valley's history, many aspects of which have already been told.⁸⁸

This thesis, however, concentrates on disputes over alienated land: land sold by colonial governments to Europeans. This is in no way intended to dismiss the ongoing custodianship of the Yuin peoples. After Howitt's work with Yuin men in 1883,⁸⁹ anthropologists and archaeologists worked with Aboriginal people from the 1970s recognising this ongoing custodianship and relationships to Country. In 1979 Brian Egloff conducted a study of archaeological sites on Mumbulla Mountain, leading to the declaration of a reserve on the top of Mumbulla Mountain in 1980.⁹⁰ Respected anthropologist Deborah Bird Rose worked with Yuin women and men in the late 1980s to document the sacred qualities of

⁸⁵ Denis Byrne, *The Mountains Call Me Back: A History of the Aborigines of the Far South Coast of NSW* (Sydney, NSW Ministry of Aboriginal Affairs, 1984), 18.

⁸⁶ Byrne, *The Mountains Call Me Back*, 19.

⁸⁷ Byrne, *The Mountains Call Me Back*, 19 and Deborah Bird Rose, *Gulaga: A report of the Cultural Significance of Mt Dromedary to Aboriginal People presented to the Forestry Commission of New South Wales and the New South Wales National Parks and Wildlife Service* (Sydney: National Parks and Wildlife Service, 1990), 49.

⁸⁸ See for example Rob Castle and Jim Hagan, 'Dependence and Independence', *Labour History* 35 (1978): 158–171; Eileen Morgan, *The Calling of the Spirits* (Canberra: Aboriginal Studies Press, 1994); Lee Chittick and Terry Fox, *Travelling with Percy* (Canberra: Aboriginal Studies Press, 1997).

⁸⁹ A. W. Howitt, *The Native Tribes of South East Australia* (Canberra: Aboriginal Studies Press, 1996, facsimile of London, Macmillan 1904).

⁹⁰ Brian Egloff, *Mumbulla Mountain: An Anthropological and Archaeological Investigation* (Sydney: National Parks and Wildlife Service, 1981).

Gulaga (named Mount Dromedary by Captain Cook when he sailed past in 1770), arguing that logging of the forests on Gulaga was incompatible with that sacredness and recommending protection for the whole mountain.⁹¹

Recognising this ongoing custodianship, Biamanga and Gulaga National Parks, declared 2006, are two of the first national parks in NSW to have Indigenous boards of management.⁹² The recognition of Indigenous claims gained acceptance slowly through the study period. In 1967, the beginning of the study period, Bega had come just behind Kalgoorlie in recording the highest rejection of the referendum to allow the Commonwealth to make laws for Aboriginal people.⁹³ At this point, the settlers were still in a state of ‘forgetting’ Indigenous occupation.⁹⁴ They failed to understand, or refused to accept, that the Aboriginal people who they worked with or who worked for them did have spiritual connections to the land because they [the Aboriginal people] never told their employers or work mates their secret and sacred stories.⁹⁵ Through the study period there was an evolving recognition of the meaning and values of landscape arising from the processes of Indigenous recognition. In the course of my interviews, as they were taken after 2012 and therefore in a period when Indigenous recognition was well established, several of the participants did reflect on their work in Indigenous communities, their interest in having issues of recognition addressed in the work of the Council, and on their awareness of Indigenous disadvantage and marginalisation. Their concerns with these matters were an aspect of their social and political engagement but were not directly reflected in these specific land use debates that are the topic of this thesis.

One local conflict that brought the Bega Valley into the national spotlight during the time period covered by this thesis was the issue of logging of native forests for woodchipping. Many newcomers to the shire were involved in these confrontations. While I touch on the

⁹¹ Rose, *Gulaga*, 2.

⁹² New South Wales National Parks Service, *Plan of management Yuin Bangguri (Mountain) Parks: incorporating Gulaga National Park and Biamanga National Park* (Sydney: National Parks and Wildlife Service, Office of Environment and Heritage, 2014).

⁹³ See Peter Read, ‘The Look of the Rocks and the Grass and the Hills: A Rural Life Site on the South Coast of New South Wales’, *Voices*, (Winter 1992), 37–48; also Nicholas Brown, ‘A Place at the Coast’. *Eureka Street* 6, no. 9 (1996): 43

⁹⁴ Mark McKenna, *Looking for Blackfellas’ Point: An Australian History of Place* (Sydney: UNSW Press, 2002), 4–8 and 173–190.

⁹⁵ Byrne, *The Mountains Call Me Back*, 25.

issue at several points in the thesis and the native forest is a major aspect of the natural environment of the Bega Valley, I have chosen not to include these debates in any detail in this thesis. The contests I am exploring are small in scale and focus on debates over private use of land. The forest debates are about protecting a national asset with the aim of preservation of public land in its natural state. By researching disputes over private uses of land, I hope to illuminate the personal dimensions of protecting individuals' own versions of, and visions for, their land and their immediate neighbourhoods. Research of larger scale campaigns requires different methodologies and makes different contributions.⁹⁶

I have, however, decided to include a final chapter framed by the conflagration which engulfed much of the Bega Valley from 30 December 2019 through to February 2020. While coming outside my periodisation, and perhaps also my themes, those fires brought into sharp focus the results of the transitions of the previous fifty years. The vulnerability of patterns of settlement largely arising in my period of study was one clear signal from those events. So was the extent to which people who had moved to rural areas seeking community and authenticity found that the diverse groups, who mostly had co-existed side by side, then came together to support each other in an extreme example of 'throwntogetherness' that Massey would identify as an 'event of place'.

While coastal places and regions in NSW seem peripheral to national history and national conversations, these places are now valued as places to live and for holidays, and as sites that can reach deep into our national consciousness. This thesis will highlight that the transformations of the rural spaces and economic bases were not smooth or uncontested. Individuals, groups and local and state government representatives all took active roles in the development of the area. Those roles are worth attending to in themselves, as an integral part of the continual remaking of place in the Australian landscape.

⁹⁶ Ian Watson, *Fighting Over the Forests* (Sydney: Allen & Unwin, 1990).



Map Two: Bega Valley Roads and Rivers

Chapter One

Constraints and Opportunities

When you travel along the far south coast of New South Wales it is most likely that you will be in a car, or perhaps a bus. There is no railway. The Princes Highway, winding and narrow in places, follows Australia's east coast from Sydney to Melbourne, sometimes offering views of the ocean, sometimes going inland. You arrive and leave the Bega Valley Shire through forests of eucalypts. Once in the shire you travel through towns that had their heyday a hundred years ago, drive through cleared farmland and look at forested ranges on the horizon. Travelling from Canberra or the Monaro tablelands on the Snowy Mountains Highway that runs west to east, you arrive in the Bega Valley Shire on the slopes of Brown Mountain. Standing at Pipers Lookout on a clear day you see valleys, forested ridges and patches of bush below. On a sunny day you may be able to discern the Tasman Sea out to the east. Continuing your journey, you descend the mountain through the South East Forests National Park. The forest opens out as you finish your descent and you wind across hilly, grazing country until you reach the regional centre of Bega. You may decide to continue on and end your journey at the seaside town of Tathra. Or you could arrive into Merimbula airport in a small aeroplane. And then you would have to travel to your destination by car as there is no connecting bus service.

From the 1850s into the 1960s, the development of the area included in the current Bega Valley Shire was constrained by this topography. In 1966 the area had a population of 13,138 (2.18 people per square kilometre) with a narrow economy based on dairy farming. The 1960s were a time of change in the dairy industry as declining consumer demand for butter, the main product for the first half of the twentieth century, meant that producers had to find new products and new markets if the industry was to continue. These changes had substantial impacts on land allocation, use and value over the coming decades. Broader economic and social changes across Australia also impacted on the economy and society of the Bega Valley. New opportunities for travel, tourism and settlement were enhanced by improvements to the main roads serving the region. From the 1960s to the 1990s migration into the Bega Valley Shire diversified its population, reflecting these factors; equally new values were attached to non-metropolitan lands and landscapes including recreational uses

along the coastal fringe and alternative lifestyle settlement in rural areas. The intersection of these influences created a mix of constraints and opportunities that set the scene for this thesis and are the focus of this chapter.

CONSTRAINTS

Location and Topography

With Sydney 421 kilometres to the north and Melbourne 613 kilometres to the south west, the current Bega Valley Shire is a long, narrow local government area bounded on the east by the Tasman Sea and on the west by the escarpment of the Great Dividing Range (GDR), rising to some 1000 metres above sea level. The southern boundary follows the New South Wales Victorian border and the northern boundary follows a series of compass bearings and watercourses from the escarpment down to the sea at Wallaga Lake. [Map Two]. The coastal boundary, 225 km in length, has 101 beaches and twenty-six estuaries.¹ The topography is hilly with slopes classified as rugged or mountainous (in excess of fifteen degrees) common throughout the shire.² Running parallel to, and close to the coast in the northern part is a lower range of forested hills with Mumbulla Mountain (773 metres elevation) its highest point. Forested hills and mountains typify the southern section with Mount Imlay (888 metres) the highest point. Four main river systems—Narira Creek, Dry River, Brogo/Bega and Towamba Rivers—drain from the escarpment and open out when reaching lower elevations before being forced through narrow openings in the coastal ranges, creating wetlands and shallow lakes before emptying into the sea.

This is a highly dissected terrain, both north to south and east to west, and characterised by a range of soil types that support different ecologies, uses and values. Prior to colonisation forests and woodlands covered the entire area in a variety of ecological communities. The coastal area between the beaches and the coastal ranges has mostly poor

¹'About the Bega Valley Shire', Bega Valley Shire Council website, https://www.begavalley.nsw.gov.au/cp_themes/default/page.asp?p=DOC-KWS-62-56-27. Accessed 2 December 2018.

² Bega Valley Shire Council *Annual Report 1995/96*. Bega : The Council, 1996, 4.

soils on wooded slopes, interspersed with pockets of alluvial soils near creeks. It attracted minimal European interest until the new patterns of residential settlement of the 1960s more interested in the aesthetic than the productive attributes of this land. Of most value along the coast were the few navigable ports that developed for the coastal shipping on which the area relied until the improvement of roads. Inland, between the coastal range and the base of the mountains that form the GDR, a series of relatively fertile river valley floors were cleared for use by early European settlers as sheep and cattle grazing land, and after 1861, dairy farming and some agriculture. These hinterland valleys were where the largest European communities were established and where the majority of the population lived before the 1970s. [Map Four].

Early colonial descriptions of the vegetation of the area are limited. Both G. A. Robinson, the Protector of Aborigines who visited in 1844, and Dr John Dunmore Lang, who visited in 1866, drew comparisons to the English countryside, evoking the possibility of an English version of 'the rural' being enacted on or laid over these particular landforms, rivers, valleys, wetlands, hills and forests.³ Recent botanical studies have identified the probable vegetation that covered significant areas of the current Bega Valley Shire before colonisation. The Lowland Grassy Woodland ecosystem was the likely vegetation type for the area that was mostly cleared for farming by the 1920s.⁴ This ecosystem is now classified as an endangered ecological community and only exists in remnant patches on private land, roadside verges and several cemeteries, places fenced off from grazing and agriculture.⁵ The vegetation cover of this ecological community is described as having an open tree canopy and a nearly continuous groundcover, dominated by grasses and herbs, sometimes with layers of shrubs and small trees.⁶ In 2010 a report compiled by the Department of Environment, Climate Change and Water NSW estimated that about '80 per cent of the estimated original area of Lowland Grassy

³ G. Mackaness, 'George Augustus Robinson's Journey into South-eastern Australia, 1844', *Journal of the Royal Australian Historical Society*, 27, 1941: 335, and 'Dr Lang Free Selection', *Queenslander*, 9 June 1866, 11. Reverend Dr Lang, 'Notes on Ulladulla, Merimbula, Bega, Panbula and Eden', *Empire*, 31 May 1866, 5.

⁴ Anthony Scott, *History of Land Use in the Murrumbidgee/Dry River Catchment, NSW South Coast*, (electronic resource), Technical Report CSIRO 54/99, Canberra, 1999.
<http://www.clw.csiro.au/publications/technical99/tr54-99.pdf>. Accessed 16 January 2015.

⁵ *Lowland Grassy Woodland in the South East Corner Bioregion*, Department of Environment, Climate Change and Water NSW, report DECCW 2010/523, 2010.
<http://www.epa.nsw.gov.au/resources/pnf/10523LowlandGrassyWoodlandGuidelines.pdf>. Accessed 5 October 2017.

⁶ *Lowland Grassy Woodland in the South East Corner Bioregion*.

Woodland has been cleared for agriculture'.⁷ The areas of private land in the Bega Valley in 1968 are shown on Map Four (page 75). Land with these features—open woodland with grasses and groundcover herbs—would have been highly desirable for squatters and selectors seeking pasture for their grazing animals without the arduous and time-consuming requirement to clear thick forest. This suitability accounts for the movement of squatters with sheep and cattle into the hinterland river valleys from the 1830s and the quick acceleration of dairying in the 1860s after the Robertson Land Settlement Acts. This ecosystem enabled selectors to build up large herds of cattle in the 1860s and 1870s. The selectors also actively changed the ecosystem by introducing non-native grass species and killing the larger trees by ringbarking.⁸ Such incursions were common in the lowland grassy woodland, which covered as much as twenty-five to thirty percent of the total land area. The remaining forests on the steeper slopes with poorer soils were not cleared for farming by the selectors.

This topography is matched to a generally mild temperate climate (cool to warm summers and cold winters) with a mean maximum of 22.3°C in Bega town and a mean minimum of 8.3°C.⁹ The climate is highly variable between the coast and the hinterland and between wet and dry years. Coastal rainfall averages are higher than the hinterland areas, reflecting the rainshadow associated with the escarpment of the GDR.¹⁰ The historic mean annual rainfall is 862.7 millimetres (mm) at Bega, 910.2 mm at Cobargo and 750.2 mm at Candelo.¹¹ These averages, however, mask a marked yearly variability of between 350 mm to 2172.9 mm, again reflecting topographical influences.¹² An east coast low pressure weather system, moving in from the Tasman Sea, can dump up to 600 mm of rain over the district in a

⁷ *Lowland Grassy Woodland in the South East Corner Bioregion*.

⁸ 'A Tour to the South', *Australian Town and Country Journal*, 11-25 November 1871: 618, 663, 696. Free selectors in the Wolumla area, south of Kameruka, had built herds of between 80 and 250 in the nine years since land was open for free selection and were already improving the land with non-native grasses. Selectors removed the bark around the trunks of eucalypts to kill those trees. Photographs of the district from the 1890s have a background of dead trees in the middle distance.

⁹ Australian Government Bureau of Meteorology, Climate Data Online, <http://www.bom.gov.au/jsp/ncc/cdio/weatherData/>; and Australian Government Bureau of Meteorology, *Stormy Weather: A Century of Storms, Fire, Flood and Drought in NSW*, BOM, 2009. <http://www.bom.gov.au/nsw/sevwx/facts/stormy-weather.pdf>. Accessed 24 August 2018.

¹⁰ Scott, *History of Land Use in the Murrumbidgee/Dry River Catchment*.

¹¹ Australian Government Bureau of Meteorology, Rainfall records from three stations: Bega township (records begin in 1879), Candelo Post Office (1887) and Cobargo Post Office (1887). www.bom.gov.au/jsp/ncc/cdio/weatherData/. Accessed 15 June 2018.

¹² Rainfall at three stations Bega, Candelo and Cobargo.

few days. Floods are an irregular but not infrequent occurrence. Local history researcher William Bayley recorded twenty flood events in the Bega district between 1851 and 1934 based on his readings of the local newspapers.¹³ Most towns and villages, houses and farm buildings are built above areas that are prone to flooding. But droughts can equally settle over the valleys for extended periods. The Bureau of Meteorology defines drought as periods when rainfall in the previous consecutive three months is in the lowest ten per cent of the monthly rainfall figures for that area.¹⁴ Ecologist Daniel Lunney lists twenty-six periods of drought in the Bega District from the 1840s to 1988, drawing on historical records.¹⁵ In 1885 Bega recorded 398 mm of rain and 584 mm in 1886. In this drought water was so short that local newspapers reported it was shipped from Sydney.¹⁶ Nineteen-forty and 1941 were also dry with only 505 mm and 408 mm respectively recorded in Bega township.¹⁷

While the topography and vegetation cover facilitated early colonisation for grazing and later agriculture, farmers had to learn to live with these marked transitions between wet and dry periods, and the variety of soil types. Expanding operations onto new country was not an option as viable land was hemmed in by the terrain and the forests and limited by soil quality. The pattern of settlement and farming laid out by the early squatters and selectors barely changed through the early twentieth century. Map Four shows the extent of privately held land, indicating the endurance of patterns set by land sales that had largely taken place before 1900.¹⁸ The development of European farming within these environmental constraints will be examined in detail in Chapter Two.

Isolation

¹³ William A. Bayley, *The Story of the Settlement and Development of Bega*, Reprinted by Bega Pioneer' Museum 1987, 115.

¹⁴ Australian Government Bureau of Meteorology, 'Drought' *Climate Glossary*, <http://www.bom.gov.au/climate/glossary/drought.shtml>. Accessed 8 December 2018.

¹⁵ Daniel Lunney and Tanya Leary, 'The Impact on Native Mammals of Land-use Changes and Exotic Species in the Bega District, New South Wales, Since Settlement', *Australian Journal of Ecology*, 13 (1988): 73. Lunney and Leary define the Bega district using a map and they include all of the current Bega Valley Shire north of Pambula.

¹⁶ Bayley, *Settlement and Development of Bega*, 48.

¹⁷ Climate Data Online, Rainfall statistics for Bega, 1940 and 1941.

¹⁸ NSW Land Registry Services, County of Auckland Map, 1928 and County of Dampier Map 1928, Historical Lands Records Viewer, <https://hlrv.nswlrs.com.au/>. Accessed 7 September 2019.

Adding to the limitations of farming in such a varied climate, a parallel theme in the history of the Bega Valley is isolation. Not only was the district isolated by distance from the major cities, the towns and villages were also isolated from one another by the distances between them, the rugged terrain separating the river valleys and poor roads [Map Two]. This geographical separation also created elements of cultural insularity. Before the First World War the villages dotted across the coastal hinterland were the centres of local commerce and community activity. Candelo, Cobargo, Bemboka and Wolumla developed in the second half of the nineteenth century to service the farming populations around them. Each village had a butter factory by 1905 and businesses that provided a range of services to their immediate populations. Geographer Stephen Codrington, who conducted an extensive study of the Bega Valley dairy industry, argued that the period from 1905 to 1914 was the high point for these villages, judged particularly in terms of population and the numbers of local business and community activities. Cobargo, for example, had a population of 346 in 1891, reaching a peak of 610 in 1911, falling back to 390 in 1933.¹⁹ This village had an active community through the 1890s and into the 1920s with regular musical events and dances at the community-built School of Arts hall, an annual agricultural show, a mutual assistance 'friendly' society and its own newspaper, first the *Cobargo Watch and South Coast Journal*, published from 1890 to 1898 followed by the *Cobargo Chronicle* from 1898 to 1944.²⁰ The produce from farms surrounding the town was transported to the coast at Bermagui (approximately twenty kilometres to the east), for export from a wharf serviced by a coastal shipping service. Travellers in and out of the Cobargo area used these ships, and then links provided by horse or horse drawn vehicles. Similarly, Bega people used the wharf at Tathra and Wolumla farmers used Merimbula.

Ports and Shipping

With these services, farmers in the hinterland valleys were within twenty to fifty kilometres of the coast. This was close enough to regularly access the wharves to ship their produce to

¹⁹ Stephen Codrington, *Gold from Gold: the History of Dairying in the Bega Valley* (Sydney: Mercury Research Press, 1979), 188.

²⁰ I have extracted information from the *Cobargo Watch and South Coast Journal* and *Cobargo Chronicle* newspaper for history presentations at the annual Cobargo Folk Festival.

the rapidly growing markets of Sydney and Melbourne from the 1840s. Cheese, pork and other products of the district found metropolitan customers from the 1860s. While farmers were relatively close to the coast, taking produce to the wharf could still be a hazardous and time-consuming exercise given the reliance on horse-drawn transport and roads that were in places, and sometimes in turn, hilly, boggy, swampy and sandy. The trading links with the cities did consolidate significant elements of the local society and economy.

The only safe, deep harbour was at Twofold Bay where the town of Eden, proclaimed in 1843, developed as a whaling centre. Surrounded by forest, the closest agricultural centre to Eden was the town of Pambula some twenty kilometres north. The Twofold Bay Pastoral Association (TBPA) set up a port in Merimbula Lake north of Eden and Pambula in 1855 reportedly because the Association was not given permission for steamships to use the facilities at Twofold Bay.²¹ As the Merimbula wharf was built on the banks of a coastal lagoon, all freight and passengers had to be transferred from the ship anchored in the bay onto flat bottom barges to be taken up the estuary to the wharf and dry land. As well as being used for TBPA business, Merimbula port was also used by farmers in the Wolumla and Candelo areas and in 1859 was advertised as the port to access the Kiandra goldfields across the Monaro.²² Farmers around Bega river flats successfully petitioned the colonial government to build a wharf at the coast nearest to their town. In 1862 the open sea wharf at Tathra was completed,²³ built on the northern side of a rocky headland where the water was deep enough to dock larger vessels but constrained because it could only be used in certain wind conditions. Bermagui River entrance was used for shipping as early as 1842 for the farmers around the area that became Cobargo village.²⁴

While the coastal steamers provided a reasonably regular service, the sea voyage was not always comfortable, or safe, for humans, nor reliable for cargo, with many shipwrecks off

²¹ *Bega Gazette*, 1 August 1868, 2.

²² 'Nearest route to and from Snowy River diggings [cartographic material]: by way of Merimbula and Twofold Bay compiled from New South Wales and Victorian government maps'. Original held in State Library of NSW, photocopy held at Bega Library.

²³ 'Bega, Twofold Bay', *Illawarra Mercury*, 24 June 1862, 2. Tathra Wharf was completed in June 1862.

²⁴ 'Coasters Inward', *Sydney Morning Herald*, 14 February 1842, 2. Bermagui River entrance was used for freight. In 1842 a shipment of wattle bark arrived in Sydney from Bermagui.

the far south coast since early settlement.²⁵ The Illawarra Steam Navigation Company, set up in 1858,²⁶ was known colloquially as the Pig and Whistle Line. Pigs were an important part of agricultural production (they were fed the by-products of making cheese and butter) and live pigs would be carried to Sydney, passengers being subjected to their squealing for the entire journey. In April 1908 the steam ship *Bega* sank after leaving Tathra with a full cargo, including 176 live pigs, as well as many of the district's top animals on their way to be exhibited at the Sydney Royal Easter Show. All the passengers were evacuated safely apart from one man who had a heart attack on deck.²⁷ The steamer *Merimbula* was built in Scotland to replace the *Bega* and launched in 1909,²⁸ with provision for ninety-six first class passengers and ten second class. In 1928 the *Merimbula* ran aground off Jervis Bay with only thirteen passengers on board, all rescued.²⁹ The company did not replace the *Merimbula* and passenger services ceased in 1928. Local historian W. A. Bayley attributes the loss of the coastal passenger services to the competition from the motor car and bus services which had begun in 1910.³⁰ Freight services along the coast by sea finished in 1955 as road transport became more efficient.

Contributing to the isolation was the lack of railway services. In 1888 Henry Parkes promised a rail line from Bega to Eden to expedite transport of butter and cheese to the city markets through the port of Eden but this railway was never built.³¹ The nearest coastal railhead at Bomaderry, 263 kilometres to the north, opened in 1893.³² Bomaderry is on the northern bank of the Shoalhaven River, so wide that a railway bridge to the town of Nowra on

²⁵ NSW Heritage Office, *Shipwrecks—Far South Coast*, <https://www.environment.nsw.gov.au/resources/heritagebranch/maritime/shipwreckstwofold.pdf>. Accessed 11 October 2018.

²⁶ Cosmos Coroneos, *Steamer Bega (1883-1908) Conservation Plan*, Parramatta, NSW Heritage Office, 2005, 5. <https://www.environment.nsw.gov.au/resources/heritagebranch/maritime/Bega1908ConsPlan.pdf>. Accessed 11 October 2019.

²⁷ Coroneos, *Steamer Bega*, 7.

²⁸ *Ss Merimbula (1909-1928)*, Maritime Heritage, Office of Environment and Heritage website, <https://www.environment.nsw.gov.au/MaritimeHeritage/researchcentre/wreckmerimbula.htm>. Accessed 8 December 2018.

²⁹ *Ss Merimbula (1909-1928)*.

³⁰ Bayley, *Settlement and Development of Bega*.

³¹ Codrington, *Gold from Gold*, 31. And 'The Bega District', *Sydney Morning Herald*, 11 January 1888, 5.

³² NSW, Department of Environment and Heritage, Bomaderry Railway Station and Yard Group. <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4801133>. Accessed 11 October 2018. Bomaderry is on the northern bank of the Shoalhaven estuary and Nowra the main town on the southern side.

the southern bank was not built. Much closer was a station at Cooma, only 133 kilometres to the west on the tablelands, which opened in 1889, with extensions to Nimmitabel in 1912, and Bombala in 1921.³³ Access to rail services on the tablelands again relied on the development of roads descending the escarpment, at first navigated by bullock-drawn carts, later by motorised transport. As late as 1952 a commentator writing for *The Land* newspaper proposed building rail links to the far south coast to increase markets for local produce.³⁴ For perishable local produce including butter, cheese, bacon, fish and seafood, these slow sea and land links, also vulnerable to weather variability, were far from ideal, particularly in serving the growing demand in the major cities for high quality products in bigger volumes.

Roads

Road transport links slowly improved from a low base. At the beginning of the twentieth century there was no reliable north-south road access within or beyond the area. As roads were gradually improved, however, the land transport axis also redefined some patterns of community and identity. The axis shifted from the west-east transits, defined by routes to the ports, to a north-south axis during and after the First World War. The Princes Highway was formally proclaimed as State Highway Number One in 1928.³⁵ The role and cost of maintaining the highway was a local government responsibility until assumed by the Main Roads Board in the implementation of the Main Roads Act 1924, with the objective of providing more standardised, reliable conditions.³⁶ The lack of funds in local councils to maintain let alone improve roads had been a major impediment to development on the far south coast, prompting one traveller using the Princes Highway in 1925 to observe that ‘from Bega to Sydney the Prince’s Highway, as it is called, falls naturally into three divisions—bad, very bad and atrocious’.³⁷

³³ Rolfe Bolzer, NSWrail.net <https://www.nswrail.net/locations/show.php?name>. Accessed 11 October 2018.

³⁴ A. Thornton, ‘Rail Link with Far South Coast would Lift Nation’s Food Output’, *The Land*, 2 May 1952, 19.

³⁵ *The Prince’s Highway* (Sydney: Department of Main Roads, 198-), 73-84. Extract from Issue of *Main Roads, Journal of Department of Main Roads, New South Wales* (March 1951), 83.

³⁶ *The Prince’s Highway*, 83. The form of the name changed to Princes Highway in 1941.

³⁷ ‘A Holiday A-Wheel. Up the South Coast’, *Kyogle Examiner*, 21 February 1925, 1.

As motorised trucks, buses and cars were introduced the highway became the main route serving these valleys.³⁸ Privately operated motor coaches took passengers to destinations along the coast and up to the railheads on the tablelands as early as 1916. The highway followed an inland route south of Tilba, winding across farmland in the middle of the Bega Valley, travelling through the towns of Cobargo, Quaama, Bega and Wolumla and then back to the coast at Merimbula.³⁹ With the ease of interconnection provided by main roads, localised economies suffered. Gradually, between 1930s to the 1950s, the town of Bega became the centre of commerce and service provision and the populations in the villages dwindled. Cobargo had a population of only 290 in 1961.⁴⁰

Yet the Princes Highway was not an all-weather sealed road and the difficulty of moving around the district and in and out of it, especially in wet weather, contributed to the relative isolation of the area well into the 1960s. The hilly terrain meant that there are many river and creek crossings and an ever-present potential for flooding to wash bridges away. A wooden truss bridge crossing the Brogo River, built in 1885, was washed away in a flood in 1934. During the three years it took to build a replacement steel and concrete structure, travellers had to use a low-level temporary crossing which itself took time to complete. In the interim, bus passengers were carried across the river in a flying fox and met by a bus on the other side to continue their journey.⁴¹ By 1951 the highway was sealed with a bituminous surface from Sydney to Moruya. From Moruya to the Victorian border, a distance of 241 kilometres, only 53 kilometres were sealed.⁴² In 1956 the president of the Cobargo Chamber of Commerce complained about the state of the highway at the chamber's annual meeting, noting that it could be cut 'whenever a few inches of rain fell'.⁴³ He reported that the local government representatives for all the local government areas south of Batemans Bay were lobbying the Main Roads Department to have the road improved and sealed to the Victorian

³⁸ *The Prince's Highway*, 84.

³⁹ *The Prince's Highway*.

⁴⁰ Codrington, *Gold From Gold*, 188.

⁴¹ 'Flood Damage', *Sydney Morning Herald*, 12 January 1934, 10. Photographs of the remains of the wooden bridge and a scene with the flying fox crossing spanning the Brogo River are held by the author.

⁴² *The Prince's Highway*, 84.

⁴³ 'Primitive Highway System a Disgrace', *Bega District News*, 13 July 1956, 1.

border.⁴⁴ It took the next fourteen years for the Department of Main Roads to complete the task.⁴⁵

The Snowy Mountains Highway was the main route from Bega to the tablelands, Canberra and the western slopes and plains of NSW, and to the train link to Sydney from Nimmitabel or Cooma. Travellers were preferring this route to the sea voyage as early as 1916, but again it was not always suitable for heavier transport. In a report of his journey from Sydney to Bega, 'J. E. C.', writing in the *Sydney Morning Herald*, extolled the virtues of land transport, writing: 'train and motor have revolutionised travelling as far as Bega is concerned. In nineteen hours from Sydney the picturesque town is reached, and steamer discomfort is exchanged for the luxury of modern conditions of travel'.⁴⁶ This route was not hazard free given the steep ascent/descent of Brown Mountain—between Nimmitabel and Bemboka—that was subject to landslides and occasional snow in winter. The road was greatly improved through the early 1960s because of increasing traffic supplying the growing markets for Bega Valley dairy products in Canberra and Cooma⁴⁷ and finally sealed in the section from the top of Brown Mountain to Nimmitabel in mid 1966.⁴⁸ This network of roads did not so much service established patterns of production and settlement as contribute to emerging social and economic transitions.

Local industries

Dairying was the main industry in Mumbulla and Imlay Shires in the first half of the twentieth century, with workers in primary production making up just under half of the total workforce.⁴⁹ By 1967, with restructuring in the dairy industry and increasing mechanisation on farms, the primary production workforce had declined to thirty percent. In 1969 Peter Laut, seeking to understand the changes in the dairy industry and options for both Commonwealth and state

⁴⁴ 'Primitive Highway System a Disgrace'.

⁴⁵ 'Prince's Highway Now Sealed in N.S.W.', *Bega District News*, 1 June 1965, 2.

⁴⁶ J.E.C. (pseud). 'Bega After 40 Years', *Sydney Morning Herald*, 2 December 1916, 7.

⁴⁷ 'Snowy Highway Improvement Wanted by 1968', *Bega District News*, 12 February 1965, 1.

⁴⁸ 'Helicopter will guide road builders', *Canberra Times*, 2 February 1966, 28.

⁴⁹ ABS Census, Workers by Industry Tables for Bega, Imlay and Mumbulla Shires: 1921, 1933, 1947, 1954, 1961, 1966.

government policies to support dairy farmers, completed an extensive study of the dairy industry on both the NSW north and south coasts in the areas which produced milk solids.⁵⁰ The number of registered dairy farms in the Bega Valley dropped from 638 in 1947 to 455 in 1967, but the total amount of milk sold to dairy factories increased from 11.6 million gallons to 17.5 million gallons in the same period, indicating fewer farmers were producing milk more efficiently.⁵¹ Milk was processed at local factories. In 1917 there were seven butter factories and forty-seven cheese factories, many on individual farms.⁵² By 1949, with rationalisation of the dairy industry, many smaller operators had left the industry leaving five butter and seven cheese factories.⁵³ Laut observed that rural depopulation in dairying areas would continue without targeted state and commonwealth policies.⁵⁴ The declining numbers of dairy farms meant that by the 1970s there was underutilised land potentially available for other uses as marginal ex-dairying land came onto the market at low costs. The primary production history of Bega Valley will be explored in detail in Chapter Two.

Within the constraints of isolation, climate and poor transport links, a number of other small local industries provided employment and economic returns for the district. Approximately five per cent of workers had food manufacturing jobs after 1954⁵⁵ including at a bacon factory at Merimbula, a cordial factory in Bega and, after 1948, a salmon canning factory at Twofold Bay that later processed tuna.⁵⁶ The fishing, hunting and trapping industry also provided some employment with a peak of 219 employed in 1947 (5 per cent of the work force), dropping to 183 in 1966 (3.5 per cent).

⁵⁰ Peter Laut, 'Land, Dairy Production and Rural Population Prospects in Coastal NSW, with Special Reference to the Macleay Valley' (PhD thesis, Australian National University, 1969). Milk solids included butter and cheese. Laut limited his study to those areas producing milk solids as these dairy farms were less profitable than farms producing fresh for city consumers.

⁵¹ Laut, 'Land, Dairy Production and Rural Population', volume 2 table II-2, 'Number of Registered Dairy Farms reported by Valley Regions 1946-1967' and Table II-3 'Volume of Milk reported sold by registered dairy farms to dairy factories by valley regions 1947-1967'.

⁵² Codrington, *Gold From Gold*, 50-51.

⁵³ *The Monaro South Coast Region of New South Wales: A Preliminary Survey of Resources*, edited by the New South Wales Division of Reconstruction and Development, 1952, 70.

⁵⁴ Laut, 'Land, Dairy production and Rural Population', Volume 1, 204.

⁵⁵ ABS, Census data: 1947, 1954, 1961, 1966, tables for Bega lmlay and Mumbulla aggregate figures. The number of workers in food manufacturing became a separate category in 1947 and prior to that are included in general manufacturing.

⁵⁶ 'Salmon Canning in Australia 1948', Newsreel British Pathé, 1948.
www.youtube.com/watch?v=RWec0oqT2lY. Accessed 2 October 2019.

Forestry was also a small but important industry. Extensive forests covered two thirds of the area and were selectively logged from the 1860s for timber for construction, fencing and railway sleepers.⁵⁷ There were at least fourteen timber mills operating in the area around Bega between 1865 and 1898.⁵⁸ Railway sleepers were the main product of these operations from about 1900 into the 1960s.⁵⁹ In 1934 and 1935 Twofold Bay was investigated as a possible site for a pulp and paper mill utilizing the hardwood forests.⁶⁰ While the volume and quality of timber was adequate for a paper mill, the constraints of the site meant Burnie in Tasmania was selected instead. The Burnie site had a railway, a good supply of water offered for a minimal fee, cheap hydro-electric power to run the plant, and good port facilities.⁶¹ Imlay residents' hopes for the development of a grand industry to utilise both the forest and the bay and create substantial employment and a local industry, 'a long cherished dream', were dashed.⁶² Selective logging continued in the forests of Imlay and Mumbulla Shires, intensified after the Second World War increased demand for sawn timber for the boom in housing construction, then declined due to the increasing costs of transporting sawn timber from Twofold Bay relative to its value.⁶³ In 1949 there were two sawmills operating in Bega and three in Eden.⁶⁴ The number of people working in forestry was always small, a peak of 4.8 per cent of the work force in 1947 down to 1.4 per cent in 1966.⁶⁵

⁵⁷ Selective logging removes only the most valuable timbers, leaving the rest of the forest trees in situ.

⁵⁸ Lunney and Leary 'The Impact on Native Mammals', 72.

⁵⁹ Lunney and Leary 'The Impact on Native Mammals', 72.

⁶⁰ A. E. Perkins, 'Experts Examine South Coast Claim As Paper Pulp Industry Site', *Daily Telegraph*, 7 June 1935, 8.

⁶¹ 'Paper Industry at Burnie', *Advocate*, 9 March 1936, 7.

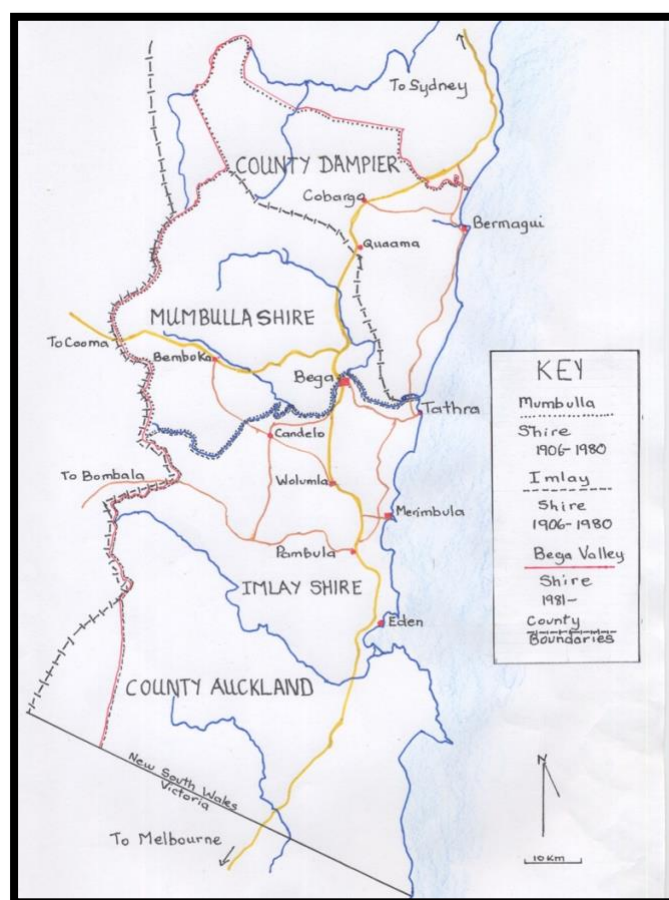
⁶² Perkins, 'Experts Examine South Coast Claim As Paper Pulp Industry Site'.

⁶³ Daniel Lunney and Alison Matthews, 'Ecological Changes to Forests in the Eden Region of New South Wales'. *Australia's Ever-Changing Forests V, Proceedings of the Fifth National Conference on Australian Forest History* (Canberra: ANU Centre for Resource and Environmental Studies, 2002), 302. A forester who worked in the Eden district in the 1950s told ecologist Dan Lunney that the saw log industry declined because it was uneconomic to process and export the far south coast eucalypts as sawn timber because of the high cost of freight from Eden to the capital cities.

⁶⁴ Monaro South Coast Region, 71.

⁶⁵ ABS Census data. Workers in Forest Industry Tables 1947-1966.

Administration



Map Three: Shire and County Boundaries.⁶⁶

Local governments administered service provision and were responsible for maintenance of local roads, sanitation, water supplies and facilities in towns and villages including rubbish collections, street lighting and footpaths, referred to in the vernacular as 'roads, rates and rubbish'. Until 1980 the area now included in Bega Valley Shire covered three local government areas, Bega Municipality, and Imlay and Mumbulla Shires. In 1883, the townspeople of Bega embraced the opportunity for local control of service provision and facilities and incorporated Bega Municipality, an area of four-square miles. Imlay Shire and Mumbulla Shire, named after the dominant mountain in each shire, were declared in 1906 with the implementation of compulsory incorporation and the first New South Wales Local

⁶⁶ Boundaries are drawn from *Map of the County of Auckland: Eastern division, NSW 1929*, <https://nla.gov.au/nla.obj-234367502/view> and *Map of the County of Dampier: Eastern division, NSW 1961*, <https://nla.gov.au/nla.obj-233851299/view>. Accessed 30 March 2019.

Government Act (LG Act) of 1906.⁶⁷ [Map Three]. Mumbulla and Imlay Shires were both rural shires with small populations and large areas. Mumbulla was 1,000 square miles (2590 square kilometres) with a population density of 4.1 people per square mile (1.58 people per square kilometre) in 1947. Imlay was larger, 1,372 square miles (3,533 square kilometres) and a population density of 3.49 per square mile (1.36 per square kilometre) in 1947.⁶⁸ The division between the two shires was the Tantawangalo/Bega River that runs from the escarpment of the GDR to the sea north of Tathra. The offices of Mumbulla Shire were in Bega town, a pragmatic solution for a shire with villages spread across a wide area and no main centre. Bermagui, a remnant trading port, was Mumbulla's largest town and had a population hovering around 550 for the period 1947 to 1961.⁶⁹ Eden, on the shores of Twofold Bay, became the municipal centre of Imlay.

Local government was administered by elected representatives, called councillors, who received little or no remuneration and were responsible for decision making for the councils with the assistance of paid staff.⁷⁰ Income came from rates and a range of loans and grants from state government.⁷¹ Rates were collected from landowners, rather than all residents, and this led to what planning and legal academic Andrew Kelly has argued was a ratepayer ideology: local government's function was primarily to serve the ratepayers and ratepayer interests.⁷² Local government, Kelly argues, is the result of strong property franchise and its original aims were to 'protect residential amenity and create urban areas free from

⁶⁷ Andrew Kelly, 'The Development of Local Government in Australia, Focusing on NSW: From Road Builder to Planning Agency to Servant of the State Government and Developmentalism', Paper presented at the World Planning Schools Congress 2011, Perth, 4-8 July: 6.

⁶⁸ 'Report to Ratepayers', Mumbulla Shire Council, 1963. 'Estimates, Shire of Imlay 1974'. The population density is calculated by dividing the number of people in each shire (from ABS census figures) by the area of the shire from information for ratepayers leaflet. Mumbulla Shire and Imlay Shire each printed a leaflet to inform ratepayers of income and expenses, service provision with the titles above each year from 1966 to 1980 before the councils were amalgamated into Bega Valley Shire. Copies of these leaflets are held at the National Library of Australia.

⁶⁹ Bruce Ryan 'Towns and Settlement of the South Coast, New South Wales' (PhD, Australian National University, 1965) table 15 (n.p.). The population of Bermagui was 544 in 1947, 512 in 1961 and 540 in 1971. As a port and a centre for fishing, the 1966 census shows only forty residents of Mumbulla shire declaring they were working in the fishing and hunting industries, 2.8 percent of the Mumbulla Shire work force.

⁷⁰ ABS *Official Year Book of NSW*, no. 61, (1971): 196. Councillors did not receive an income but were eligible for small allowances to reimburse costs of attending meetings and attending to other council duties. David Barton elected to the first Bega Valley Shire Council told me that there were no travel or other allowances during his term on Council between 1981 and 1984. David Barton, interview with the author, 13 June 2013.

⁷¹ For example Shire of Imlay, Estimates, 1967 includes pie graphs of income sources and expenditures.

⁷² Andrew Kelly, 'The Development of Local Government', 2.

trades and industries'.⁷³ The LG Act 1919 contained provisions for town planning, including building roads and subdivisions but did not mention planning or development of non-urban spaces.⁷⁴

After the Second World War the NSW State government extended planning powers to local governments to cover all their jurisdiction, not only urban areas. This action was prompted by the Commonwealth government during the war, as it urged the states to create regional planning schemes to assist post-war development of resources, decentralization of population and increase economic activity across regions.⁷⁵ With this impetus, the NSW government gave local governments powers to determine the development potential of local areas with an amendment to the Local Government (Town and Country Planning) Amendment Act, number 21, 1945. Clause XIA was inserted into the Act to make 'better provision for and in relation to town planning and country planning',⁷⁶ making it the first act to include the aspiration or the need to plan 'country'—non-urban—areas. This opportunity to be more proactive in planning all land was constrained in Imlay and Mumbulla as it was costly to employ specialist planners, and existing staff time and budgets were limited.⁷⁷

The Act gave local councils powers for 'regulating and controlling the use of land and the purposes for which land may be used'.⁷⁸ It also defined development in these terms:

the erection of any building, and the carrying out of any work, and any use of the land or building or work thereon for a purpose which is different from the purpose which the land or building or work was last being used.⁷⁹

⁷³ Kelly, 'The Development of Local Government', 6.

⁷⁴ Local Government Act 1919 Sections 305-317 and 326-334.

⁷⁵ T. G. Harris and Kay E. Dixon, *Regional Planning in New South Wales and Victoria since 1944 with Special Reference to the Albury-Wodonga Growth Centre* (Canberra: ANU Centre for Research on Federal Financial Relations, 1978), 15-21.

⁷⁶ New South Wales Local Government (Town and Country Planning) Amendment Act, Act 21, 1945 XII preamble. http://www5.austlii.edu.au/au/legis/nsw/num_act/lgacpaa1945n21561.pdf. Accessed 19 November 2018.

⁷⁷ A. S Ford, Mumbulla Shire Council: Investigation into Administration of the Council: Involvement of a member in Real Estate and Development. Report made pursuant to Section 212 of the Local Government Act, 1919. New South Wales Local Government Department, 27 August 1976, 4. In Mumbulla Shire in the 1970s the shire engineer also had town planning qualifications and combined both roles.

⁷⁸ LG Act Amendment 1945, section 342G, and *SPAN State Planning Authority News* 1, no 2 December 1966, 3.

⁷⁹ LG Act Amendment 1945, section 342T.

Local governments could create planning schemes for their area. However, neither Mumbulla nor Imlay took this opportunity because plans were costly to produce and then subject to a cumbersome and time-consuming process of public comment and final approval by the Minister for Local Government.⁸⁰

In Imlay and Mumbulla Shires, with so few development prospects in the early 1960s, the need for future planning could have been perceived as an expensive luxury. At the same time, the State government was responding to the need for more and better planning across the whole of NSW. The need for planning became increasingly pressing between 1945 and the early 1960s as the population of NSW rose rapidly, a result of post war immigration and the 'baby boom'.⁸¹ In 1963 the State government passed the State Planning Authority Act, creating the State Planning Authority (SPA) tasked with streamlining the planning approval process and 'securing the orderly and economic development and use of land'.⁸² The SPA was initially focussed on planning in the Sydney basin and looked to increase control and planning of coastal areas north of Sydney which were subject to speculative development.⁸³ Areas with fewer development pressures, such as Imlay and Mumbulla, were not exempted from the legislation, nor did they have the immediate need or resources to respond to it.

In general, local councils tended to be parochial in responding to these pressures and were suspicious of outside interference in their own planning and development decisions. Councillors believed they were the level of government closest to the people, 'the truest form of democracy', and therefore knew what their constituents wanted and needed.⁸⁴ To counter this parochialism and encourage local government councillors and employees to see the benefits of forward planning for the whole community, members of the State Planning Authority⁸⁵ sent representatives to local government areas to promote stricter planning

⁸⁰ LG Act Amendment 1945, section 342C to 342K, 205-214.

⁸¹ ABS, *Official Year Book of NSW*, no. 61, 1971, 242. In 1947 the population of NSW was 2,984,838. By June 1966 the NSW population had increased to 4,233,822, a 41.8 per cent increase.

⁸² New South Wales. State Planning Authority Act, no. 59, 1963, Part III, Section 12, 607

⁸³ New South Wales. SPA Act, 1963.

⁸⁴ 'Local Government—What is it?', Shire of Imlay, Estimates 1967.

⁸⁵ New South Wales. SPA Act, 1963. Section 4, 592-594. The Authority had twelve members including an appointed chair and deputy chair (one of whom required planning qualifications), and representatives from

controls being placed on coastal areas of NSW, presenting planning as a benefit to the state not a hindrance to development.⁸⁶ A year later the SPA continued its educative role by publishing a quarterly journal *SPAN (State Planning Authority News)* which aimed to create an 'open communications channel linking planners and the public'.⁸⁷ The authority defined town and country planning as:

An attempt to secure in advance the orderly arrangement and use of land in town and country, to promote, for the greatest good of the greatest number, the improvement of community life and of the environment. It is concerned with the conditions in which they are to live, work and play, with the provision of services and utilities, and with transport, whether of people or their everyday commodities.⁸⁸

Seeking to further regularise these processes, between 1963 and 1966, with the assistance of SPA planners, local government representatives created interim development orders (IDOs) for each shire that were in effect 'embryo planning schemes' aiming to control development while comprehensive planning schemes were being developed.⁸⁹ An IDO is a planning instrument, usually accompanied by a map, which set out land zonings and specified uses and developments allowed on particular parcels of land.⁹⁰ Mumbulla and Imlay Shire IDO's came into effect in 1966 and were the first step in planning of non-urban areas.⁹¹

Imlay Shire councillors did take account of the SPA's advice on the benefits of forward planning even as that meant moderating their interest in serving their rate payers and developing their own local plans as the pressure for compliance became inescapable.⁹² By

Departments of Main Roads, Transport, Local Government, public utilities, a registered surveyor or engineer, a qualified planner, and five representatives from local councils.

⁸⁶ *Bega District News*, 1 June 1965.

⁸⁷ P.H. Morton, 'A Message from the Minister', *SPAN* 1, no. 1, September 1966: 1.

⁸⁸ 'Town and Country Planning in New South Wales', *SPAN* 1, no. 2 (1966): 1.

⁸⁹ 'Interim Development Orders', *SPAN* 1, no. 2 (1966): 3. The first Local Environment Plan for the Bega Valley Shire was approved in 1987.

⁹⁰ 'Interim Development Orders'.

⁹¹ State Planning Authority Annual Report 1966/67, 36. Edna Duncanson, Councillor on Bega Municipal Council from 1974 remembered the first town plan of Bega was prepared in 1974.

⁹² Local government councillors in both Imlay and Mumbulla represented only voters in their own wards, parts of the entire LGA, making representation even parochial.

1967 the language and intent of the SPA Act is evident in Imlay Shire's information leaflet which informed ratepayers that 'part of council's job today is to anticipate development and plan for it'.⁹³ The 1968 leaflet included a section headed 'Planning for the Future,' informing ratepayers that consultant planners had been employed to create town plans for Eden, Merimbula and Pambula. Even though 'the initial cost of planning may be difficult to find', ratepayers were advised, the resultant plans would bring benefits to the community because 'orderly planning' (a critical phrase in the Act) created more efficient service provision and 'preservation of natural beauty spots'.⁹⁴

As we will explore in the following chapters, options for new or different uses of land in Mumbulla and Imlay Shires, later to be amalgamated into Bega Valley Shire, were contested by various groups and in different ways with interventions and mediation between local and state governments and local governments and residents. This thesis will track increasingly complex legislative frameworks and land use regulation in NSW created to manage these competing demands for uses of non-urban lands.

OPPORTUNITIES

As we have seen, until the 1960s, development in Bega, Imlay and Mumbulla Shires was held back by isolation, poor roads and transport links, and a narrow economy. There were areas of initiative, however such as the work of dairy co-operatives' directors in seeking to modernise the local industry and find new markets for dairy produce after the Second World War. We will come back to these attempts in Chapter Two. For the moment they underscore historian Bill Gammage's advice to investigate not only what happens locally but include how outside forces shape a local area.⁹⁵ In Mumbulla and Imlay Shires and Bega Municipality, the state government was mitigating isolation by funding the upgrading of road links. These road improvements paved the way for the entry of other outside influences which in turn created opportunities for development. The extensive coastline of relatively underdeveloped

⁹³ 'Information for Ratepayers', Imlay Shire Council, *Estimates*, 1967.

⁹⁴ 'Planning for the Future', Imlay Shire Council, *Estimates*, 1968.

⁹⁵ Bill Gammage, 'A Dynamic of Local History', *Peripheral Visions: Essays on Australian Regional and Local History*, edited by B. J. Dalton (Townsville: Department of History and Politics, James Cook University, 1991), 7.

beaches, lagoons and headlands was an opportunity for developers in co-operation with local government to build a tourism industry. Unrelated to road improvements but prominent in new development was the timber industry, which—as noted above—had figured in earlier stages of development, declined by mid-century, but sought fresh opportunities in the 1960s. By then, the abundant forests of the escarpment especially offered an opportunity to create a new industry: woodchipping. In competition with those interested in developing the coast for tourism and forest resources were conservationists looking to preserve the existing natural features of the coastal fringes of Mumbulla and Imlay Shires, keeping them free from any development.

In the early 1960s modernity slowly began to creep into the far south coast, appearing in the form of a radical new motel, the Black Dolphin at Merimbula, designed by respected modernist architect Robin Boyd and built and managed by a young Cambridge-educated entrepreneur David Yencken. Yencken was sensing the mood of increasing interest in tourism as the Princes Highway, which followed the coast from Sydney to Melbourne, was gradually becoming a manageable, attractive route for the ‘car tourist’ and the holidaying family.⁹⁶ By the 1960s increasing personal mobility provided by family car ownership and generous holiday entitlements meant that families could travel further from their city and suburban homes. Not every family could afford the luxury of a motel holiday, and caravanning and camping holidays became increasingly popular, providing ‘a home away from home’.⁹⁷ Seaside holidays were always popular but by the 1960s it was possible for families to reach destinations on the far south coast, hundreds of kilometres from Sydney, Melbourne and the rapidly expanding Canberra.

To capitalise on this increasing interest in coastal holidays, and in a rare act of co-operation for the usually parochial councils, Eurobodalla (the coastal LGA to the north of Mumbulla), Mumbulla, and Imlay Shires, Bega Municipality and the Bega Chamber of

⁹⁶ David Yencken, ‘A Tale of Two Motels: The Times, the Architecture and the Architects’, *La Trobe Journal* (2014): 140. <https://www.slv.vic.gov.au/sites/default/files/La-Trobe-Journal-93-94-David-Yencken.pdf>. Accessed 20 February 2019.

⁹⁷ Graeme Davison, *Car Wars: How the Car Won Our Hearts and Conquered Our Cities* (Sydney: Allen and Unwin, 2004), 97; and Richard White, ‘A Short History of Beach Holidays’ in *Something Rich and Strange: Sea Change, Beaches and the Littoral in the Antipodes*, edited by Susan Hocking et al (Adelaide: Wakefield, 2009), 1-19.

Commerce commissioned the film *Sun and Surf* to promote the far south coast to city dwellers.⁹⁸ The film premiered in Bega in September 1964, and was welcomed in glowing, perhaps hopeful, terms.⁹⁹

Sun and Surf, has revealed in film form all the excitement and beauty available to holidaymakers from Bateman's Bay to Twofold Bay...This film presents in colourful and sparkling sequences those things the summer tourist in this country seeks, and as the viewer will see, for natural attractions there can be no better area for a holiday than the south eastern coast strip of New South Wales.¹⁰⁰

The film not only promoted the coast and beaches but also showcased coastal towns and local industries, including scenes of forestry workers felling a tree, the tuna canning factory at Eden and the cheese factory at Kameruka.¹⁰¹ The NSW Tourism Board produced and issued 45,000 'high class brochures in colour' to add to the publicity generated by the film, a partnership recognising shared interests in this consolidating sector of the economy.¹⁰²

That change was inevitable was obvious, and not always welcome. Walter 'Curly' Annabel, 'editor-as-citizen' and proprietor of the *Bega District News*,¹⁰³ praised the beauty of his local coastlines. In May 1965, in an editorial, he wrote: 'Our coast...the beaches and the forest country, so far out of harm's way, are wonders of natural beauty'. Sensing the threat of increasing development from tourism, he advocated for planning of future developments along the coast to protect that natural beauty, adding the warning that:

once areas are opened up for occupation and tourism, a frenzy takes hold of reason and before every headland is stripped of its natural cover...every control

⁹⁸ National Film and Archive of Australia, Catalogue description for Film *Sun and Surf* 1965, <http://colsearch.nfsa.gov.au/nfsa/search/display/>. The entry for this film in the Film and Sound archive catalogue says 'A description of the south coast region of NSW, the towns, scenery, tourist attractions and various industries'. Accessed 5 December 2018.

⁹⁹ 'Attractions to be Publicised' *Canberra Times*, 22 September 1964, 12.

¹⁰⁰ 'Coast Must be Equal to Film Promotion', *Bega District News*, 22 September 1964, 2.

¹⁰¹ Australian National Film and Archive, *Sun and Surf*, 1965.

¹⁰² 'Coast Must be Equal to Film Promotion', 2.

¹⁰³ Rod Kirkpatrick, *Country Conscience: A History of the New South Wales Provincial Press, 1841-1995* (Canberra: Infinite Harvest Publishing, 2000), 236.

should be exerted to prevent the tragedy that could stalk through our...coastal inheritance.¹⁰⁴

Annabel wrote these comments just two weeks after NSW state election in May 1965 when voters elected a Liberal Country Party government after twenty-four years of Labor government.¹⁰⁵ The new government, led by Premier Robert Askin, advocated development and decentralisation.¹⁰⁶ Jack Beale and Tom Lewis were appointed to Askin's cabinet, two men who would have profound effects on the development of Mumbulla and Imlay Shires and Bega Municipality over subsequent years.

Jack Beale, the member for South Coast, was appointed the Minister for Conservation responsible for the State's water, soil and forest resources, beginning an association that would bring distinctive elements to this history.¹⁰⁷ The South Coast electorate then ran down the coast from Nowra to the southern boundary of Mumbulla Shire and up to the escarpment of the Great Dividing Range.¹⁰⁸ Beale was first elected in 1942 at the age of twenty-five, succeeding his father, Rupert, who had died suddenly shortly after his own election to the seat. Like his father, Beale began sitting as an independent but then joined the Liberal Party in 1948, serving until 1973.¹⁰⁹ Beale had trained as an engineer and became interested in water conservation and irrigation while working for the Public Works Department in the late 1930s. While in opposition, he developed several businesses that manufactured irrigation

¹⁰⁴ 'Protect our Natural Beauty from Ruin', Editorial, *Bega District News*, 28 May 1965, 2.

¹⁰⁵ *Official Year Book of NSW*, 1950: 40 and 1973: 39. Sir Robert Askin Former Members Page, NSW Parliament website <https://www.parliament.nsw.gov.au/members/formermembers/Pages/former-member-details.aspx?pk=1683>. Accessed 1 October 2018.

¹⁰⁶ 'South Coast Industry Boom', *The Bega News*, 21 January 1971: 9-10.

¹⁰⁷ Andrew Constance, Member for Bega, Condolence Motion for Jack Beale NSW Parliament, Legislative Assembly Hansard 19 September 2006, Death of the Honourable Jack Gordon Beale, AO, a former Minister of the Crown,

<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-80941> and Location map of South Coast Electorate in 1966: Eamonn Clifford et al. *The Electoral Atlas of New South Wales, 1856-2006* (Bathurst: New South Wales Department of Lands, 2006), 99.

¹⁰⁸ Clifford, et al. *The Electoral Atlas of NSW, 1856 to 2006*. The electorate of South Coast was created in 1930 and included the town of Bega on its southern boundary until 1968. Electoral boundaries shifted with the town of Bega moving between electorates of South Coast and Monaro between 1978 and 1984. The electorate of Bega was created in 1988 reflecting of the increasing population along the coast.

¹⁰⁹ New South Wales. Parliament. Former members page: The Hon. Jack Beale <https://www.parliament.nsw.gov.au/members/formermembers/Pages/former-member-details.aspx?pk=1765>. Accessed 10 December 2018.

equipment.¹¹⁰ In 1955 he became the inaugural chair of the Water Research Foundation of Australia, established 'for the purpose of initiating, promoting and furthering research into the development and control of Australia's water resources'.¹¹¹ A partnership of scientists, engineers, industrialists, farmers and graziers, the Foundation was committed to initiatives in 'water harvesting', and Beale proved a zealous proponent of 'water conservation'.¹¹² Several sitting MLAs referred to him as 'The Water Man' in the condolence motion in NSW Parliament after his death in 2006.¹¹³ Beale is credited with beginning the process of commissioning the Brogo Dam and dams on the Bemboka River and Tantawangalo Creek in 1970 to ensure supply of water for rural users downstream, to assist production in the frequent dry spells, and for possible use as water supplies for towns and villages.¹¹⁴ The problems created by drought were fresh in the minds of Mumbulla Shire residents as 1968 was such a dry year that water had to be trucked into the villages of Cobargo and Bermagui and drought relief given to farming families by the Anglican Church.¹¹⁵

Tom Lewis, representing Wollondilly in the Southern Highlands, became the Minister for Lands. He advocated for the creation of a national parks service and more national parks in NSW from his election to parliament in 1957. In 1960 he put forward a private member's bill to create a single government agency to control all parks and reserves and protect all flora and fauna.¹¹⁶ He had served overseas in the Second World War, worked briefly in the Australian Embassy in Washington, and had travelled in the United States, admiring its national parks and the national parks service.¹¹⁷ As Minister for Lands he was responsible for the parks and reserves of NSW, itself producing elements of tension in relation to Beale's remit as Minister for Conservation. Realising his long-held dream, Lewis' National Parks and Wildlife

¹¹⁰ Malcolm Brown, 'Guardian of that Precious Resource', *Sydney Morning Herald*, 16 June 2006. <https://www.smh.com.au/national/guardian-of-that-precious-resource-20060616-gdnrj8.html>. Accessed 6 October 2019.

¹¹¹ Brown, 'Guardian of that Precious Resource' and Water Research Foundation of Australia (1955-?), Encyclopaedia of Australian Science, <http://www.eoas.info/biogs/A002107b.htm#pub-resources>. Accessed 5 October 2019.

¹¹² Jack G. Beale, 'Water: Key to the Future of Our Dry Continent', *Sydney Morning Herald*, 16 April 1956, 2.

¹¹³ Andrew Constance, 'Condolence Motion for Jack Beale'.

¹¹⁴ '\$5 m Bega Valley dams project approved', *Canberra Times*, 12 September 1970, 7.

¹¹⁵ 'The Drought: Action Not Talk Wanted, Says Munro', *Canberra Times*, 25 October 1968, 9; and 'Cobargo has No Drinking Water', *Canberra Times*, 4 November 1968, 1.

¹¹⁶ Alec Chisholm, 'A Large Job for Lands Minister', *Sydney Morning Herald*, 9 July 1965, 2.

¹¹⁷ NSW Parliament Hansard Condolence Motion for the Honourable Tom Lewis, Legislative Assembly, 31 May 2016.

Act (NPW Act) was passed into law in 1967. He had authored the bill himself in consultation with a range of interest groups.¹¹⁸ The Act created the National Parks and Wildlife Service (NPWS) to 'develop, care for, control and manage national parks, state parks and historic sites'.¹¹⁹ Geographer Andrew Turner argues that this initiative reflected Lewis' own ambitions and viewpoint, and in building a consensus to advance this cause, wilderness, nature conservation and bushwalking groups were prepared to compromise their various agendas rather than have no legislation.¹²⁰

While Lewis was working to fulfil his ambition to create national parks and a parks service, Beale was showing support for the people of his electorate, and his support of his government's development and decentralisation agenda. Just three and a half months after the election, on 31 August 1965 he attended a meeting of the Mumbulla Shire Council and promised to encourage the expansion of existing industries and the establishment of new initiatives.¹²¹ Among the government's options for the coast south of Nowra were low interest loans for factories, housing for key employees, and grants for training for unskilled labour.¹²² Recognising the distance to markets and poor transport links, transport subsidies and freight concessions were also introduced.¹²³ These initiatives reflected Beale's view that the future of his electorate and solutions to reverse the declining population (Mumbulla's population had declined by 542 people since 1954) lay in continuing development of, and government support for, primary and secondary industries. Identifying those industries proved to be the next challenge.

Woodchipping

The mixed eucalypt forests covering approximately two thirds of Mumbulla and Imlay Shires in the 1960s presented one particular opportunity for such a new venture. With

¹¹⁸ Turner, 'National Parks in New South Wales', 251–254.

¹¹⁹ New South Wales, National Parks and Wildlife Act, Act No.35, 1967: 1. Victoria passed its National Parks Act in 1956.

¹²⁰ Turner, 'National Parks in NSW', 252.

¹²¹ Jack Beale addressed the regular monthly meeting of Mumbulla Shire Council, August 1965, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 31 August 1965.

¹²² 'South Coast Industry Boom', *Bega News*, 21 January 1971, 9.

¹²³ 'South Coast Industry Boom'.

modernisation and increasing demand in both Japan and Australia after the Second World War, the market for paper and cardboard increased dramatically, as did the need for raw materials.¹²⁴ In 1967 ten Japanese companies were interested in accessing the southeast forests to supply woodchips for their pulp mills in Japan.¹²⁵ The forests were not only in Beale's electorate but also in the Monaro electorate to the south.¹²⁶ Steven Mauger was elected for the first time as the member for Monaro in the Legislative Assembly 1965, also a member of Askin's government.¹²⁷ Beale and Mauger vigorously pursued this opportunity to create jobs and boost economic activity in their electorates. Mauger is reported to have made 'repeated representations' to State government departments on behalf of the Harris Daishowa woodchip company, a joint venture between a Japanese and an Australian firm.¹²⁸ In November 1967 Harris Daishowa was awarded the contract to extract woodchips on the south coast.¹²⁹ Forest historian John Dargavel argues that the NSW government rushed through the initial approval stages so that operations at Eden could begin before more mills were set up in Tasmania, gaining an advantage for NSW.¹³⁰ The first woodchips left Twofold Bay on 2 January 1971.¹³¹ This project differed from the pulp and paper mill in Burnie developed in the 1930s in that the woodchips were exported and the paper and pulp were manufactured in Japan. The Commonwealth government had granted an export licence for the woodchips leaving Eden on condition that Harris Daishowa build a pulp mill at Twofold Bay by 1977, a provision intended to create additional jobs and opportunities for Eden by processing the raw material into a more valuable product in Australia.¹³² While this promise was not fulfilled, and nor did further industrialisation at Twofold Bay eventuate, the prospect reflected some of the

¹²⁴ John Dargavel, *Fashioning Australia's Forests* (Melbourne: Oxford University Press, 1995), 84-87.

¹²⁵ 'Japanese Timber Plant Aid', *Sydney Morning Herald*, 16 October, 1967, 6.

¹²⁶ The boundaries of this electorate also changed with redistributions through the 1950s and 1960s. These changes are mapped in *Electoral Atlas of NSW, 1856 to 2006*.

¹²⁷ Mauger remained the member for Monaro until his death in 1976 at the age of 56.

¹²⁸ <https://www.parliament.nsw.gov.au/members/formermembers/Pages/former-member-details.aspx?pk=1793>. Accessed 23 September 2020.

¹²⁹ 'They Played Key Parts, Keen Interest from Mauger' Supplement to *Bega News*, 6 February 1971, 2.

¹³⁰ 'Industry worth \$5m for Eden', *Canberra Times*, 15 November 1967, 1.

¹³¹ Dargavel, *Fashioning Australia's Forests*, 93.

¹³² 'Chip Ship Ushers in New Era', *Bega News*, 7 January 1971, 1. The Nansho Maru entered Twofold Bay on 22 December 1970 and took ten days to load.

¹³³ Dargavel, *Fashioning Australia's Forests*, 93. The Commonwealth government, which granted licences to export the woodchips as external trade is part of its constitutional responsibility, made building a pulp mill part of the approval for the export licence. The pulp mill was never built.

ways in which the region was seen to be entering a new phase of progress, albeit with attendant strains and debates.

Such enthusiasm was evident in an advertisement in a supplement to the *Bega News* titled *Woodchips* in 1971:

The President and Councillors of the Imlay Shire congratulate Harris-Daishowa (Aust) Pty Ltd. on the successful commencement of their export operations of woodchips to Japan. The first shipment to leave Eden...was physical evidence of success achieved after many months of hard work in establishing this vast wood chipping project on the shores of Twofold Bay. Council is interested in assisting further industrial development at EDEN and will welcome inquiries. F.G. Clare, Shire President.¹³³

Initial enthusiasm seemed uncomplicated; the proposition self-evident. The prospect of woodchipping in the Eden forests created a new industrial opportunity for development which was welcomed by Imlay Shire Council and Imlay residents in particular.

‘No one in Australia expected serious conflicts about exporting woodchips’, Dargavel wrote.¹³⁴ To Beale and Mauger, clearing degraded forests and regrowing new ones in their place was an appropriate use of natural resources, and exporting raw materials especially from ‘backward rural areas’ would provide urgently needed employment opportunities.¹³⁵ There were also likely to be votes in the exercise. The industry soon, however, became the focus of a major sustained environmental battle which continues to this day.¹³⁶ While woodchipping is not among the disputes pursued in detail in this thesis, these conflicts serve to highlight a number of its major themes regarding the intersection of social and economic change with perceptions of landscape value and new forms of engagement with such contestation.

¹³³ Supplement to the *Bega News*, 6 February 1971: 2.

¹³⁴ Dargavel, *Fashioning Australia's Forests*, 87.

¹³⁵ Dargavel, *Fashioning Australia's Forests*, 87.

¹³⁶ Drew Hutton and Libby Connors, *A History of the Australian Environment Movement* (Cambridge: Cambridge University Press, 1999), 188-191.

Debates over woodchipping were deeply divisive in the Bega Valley through the 1970s and 1980s. Those in the forest industries resented the intrusion of conservationists and newcomers with different outlooks into an area and industry that seemed set to serve such obvious needs. New interests, however, less attuned to the old productive values of the region, wanted to save the forests, particularly the old growth forests from being cleared. Imlay residents accused conservationists of ‘making a land grab’ to create national parks in the shire.¹³⁷ One of historian Mark McKenna’s arguments in *Looking for Blackfellas’ Point* is that Eden, having never fulfilled promises of prosperity that had been proposed in that past, had fostered a victim mentality among residents.¹³⁸ The opposition to woodchipping was just the newest phase of dashed hopes of development and reliable employment.¹³⁹ The ‘forest wars’¹⁴⁰ also encapsulated two different views of conservation that went back to the nineteenth century: ‘wise use’ conservation versus preservationist conservation. The contest between them would underpin much conflict in the region over the coming decades.

The opposing views, according to forest researcher Kevin Frawley, had their origins in the US in the latter part of the nineteenth century, and the mix of social and economic change of that time.¹⁴¹ The first group Frawley called the ‘progressives’: those who promoted utilitarian and rational resource management systems and used scientific methods to devise programs to facilitate resource use (water, soil, forests) in the present at the same time as preparing a ‘sustained yield’ to ensure a ‘supply of a certain volume or quantity of a particular natural resource in perpetuity’.¹⁴² The creation of the NSW Department of Conservation in 1944 reflected this wise use view, with the department being ‘responsible for the preservation

¹³⁷ Mark McKenna, *Looking for Blackfellas’ Point* (Sydney: UNSW Press, 2002), 139.

¹³⁸ McKenna, *Looking for Blackfellas’ Point*, 138.

¹³⁹ McKenna, *Looking for Blackfellas’ Point*, 138.

¹⁴⁰ Judith Ajani, *Forest Wars* (Melbourne: Melbourne University Press, 2007); Tim Bonyhady, *Places Worth Keeping: Conservationists, Politics and Law* (Sydney: Allen and Unwin, 1993); Dargavel, *Fashioning Australia’s Forests*.

¹⁴¹ Kevin Frawley, ‘The History of Conservation and the National Park Concept in Australia: The State of Knowledge Review’ in *Australia’s Ever Changing Forests, Proceedings of The First National Conference on Australian Forest History* (Canberra: Department of Geography and Oceanography, Australian Defence Force Academy, 1988), 400.

¹⁴² Kevin Frawley, ‘The History of Conservation’, 400, referencing the work of Hays.

and controlled use of the natural resources of the State'.¹⁴³ Bringing together the functions of government agencies responsible for the state's water, soil and forest resources,¹⁴⁴ this department—which continued under that name and remit until 1975—provided the base for the ascendancy of 'wise use' conservationists into the 1960s. As its minister, Beale exemplified this approach. At the event to commission the woodchipping plant at Twofold Bay in October 1969, he told the audience that the southeast forests, 'ravaged by harvesting and bush fires to a stage where much could not be economically logged for sawmilling', could now be efficiently harvested and the 'waste' material converted into 'lucrative wood chips'.¹⁴⁵ A new forest would then grow from its own seed bed or with replanting programs (paid for from royalty payments) and be available for the next phase of timber harvesting in the future.¹⁴⁶

The second movement Frawley identifies were 'preservationists', whose concern was with protecting natural areas from any type of human activity or use and promoting the concept of wilderness.¹⁴⁷ From this perspective, the natural environment was 'valuable for itself not merely because it is useful to humans'.¹⁴⁸ Preservationist ideas came into increasing prominence beginning in the 1960s with the modern environment movement. Ecologist and policy researcher Stephen Dovers traces the beginnings of the modern environment movement to the publication of Rachel Carson's *Silent Spring* in 1962 and Kenneth Boulding's 'Spaceship Earth' essay in 1966.¹⁴⁹ Environmental historian Libby Robin demonstrates a shift from conservationism to environmentalism in her account of the campaign to save the Little Desert in Victoria from subdivision for sheep farms between 1968 and 1973.¹⁵⁰ Compared to the older style utilitarian conservationists and the natural history group members and bushwalkers, the new environmentalists, Robin argues, reflected the outlooks and skills of largely urban people who wished to protect nature for its own sake. They did not need to be personally or intimately connected with, or knowledgeable about, wild places to be active in

¹⁴³ State Archives and Records. Agency AGY-464 Department of Conservation (1944-1948) Conservation Authority of New South Wales (1949-1975) Agency Description.

¹⁴⁴ NSW State Archives, Department of Conservation.

¹⁴⁵ 'Wood chip plant producing soon', *Canberra Times*, 29 November 1969, 3.

¹⁴⁶ 'Wood chip plant producing soon', 3.

¹⁴⁷ Frawley, 'The History of Conservation', 400, developed from Nash 1974.

¹⁴⁸ Turner, 'National Parks in New South Wales', 13.

¹⁴⁹ Stephen Dovers, 'The Australian Environmental Policy Agenda', *Australian Journal of Public Administration* 72, no.2 (2013): 117.

¹⁵⁰ Libby Robin, *Defending the Little Desert: The Rise of Ecological Consciousness in Australia* (Melbourne: Melbourne University Press, 1998), 134–140.

trying to save them. A model of 'scientific ecology' gave their campaigns a claim extending far beyond the productive values of a particular place or region.¹⁵¹

Along a spectrum between the wise use proponents and the wilderness advocates were a range of groups interested in protecting and preserving and using natural areas for different purposes. These groups included natural history associations interested in protecting small local patches of bush, bushwalkers interested in recreation in wild places, and natural scientists who wanted to protect and study intact and undisturbed ecosystems. The same factors that began opening the south coast to new patterns of development also brought in these interests, their values, and their expertise.

Following the passing of the NPW Act, Lewis formed a Scientific Committee to survey the state's needs for the conservation of natural environments.¹⁵² From December 1967 to October 1968, leading ecologists and geographers of the mid to late 1960s, H. J. Frith, G. J. Mosley and A. B. Costin, made submissions to the NPWS requesting urgent action to dedicate parks and reserves in the County of Auckland which included all the land in Imlay Shire, the southern half of Mumbulla Shire and Glenbog area at the top of the escarpment [Maps Three and Four] where there were large areas of wilderness.¹⁵³ This was at the same time as the Forestry Commission was creating an inventory and mapping the southeast forests to be allocated for productive forestry.¹⁵⁴

Among the most prominent groups lobbying for more national parks on the far south coast was the National Parks Association of New South Wales (NPA), led by bushwalker and businessman Paddy Pallin, and conservationist and bushwalker Milo Dunphy. Founded in 1957 to lobby for national parks for recreational pursuits,¹⁵⁵ by 1968 the NPA was recommending nineteen areas south of Wollongong as unspoiled by development but urgently requiring to

¹⁵¹ Robin, *Defending the Little Desert*, 140–154.

¹⁵² 'The South Coast Committee', *National Parks Journal*, December 1969, 5.

¹⁵³ Lunney and Matthews, 'Ecological Changes', 299, quoting NPWS File M1413.

¹⁵⁴ Lunney and Matthews, 'Ecological Changes', 299.

¹⁵⁵ Alix Goodwin, 'NPA and NPWS, An Amazing History-an Even Better Future', website of National Parks Association of New South Wales, <https://npansw.org/2018/03/01/npa-and-npws-an-amazing-history-an-even-better-future/>. Accessed 5 October 2018.

be placed beyond such pressures.¹⁵⁶ The Association continued to lobby for coastal national parks along the south coast and in 1969 they formed a specifically-designated 'South Coast Committee',¹⁵⁷ including representatives from several conservation organisations including NPAs of NSW and the ACT, with the aims of surveying possible sites for national parks in NSW; proposing a system or series of national parks; and creating a public campaign to 'achieve dedication of this system'.¹⁵⁸ Dr Nancy Burbidge, a leading systematic botanist with the CSIRO in Canberra, and a determined campaigner for the creation of national parks, was a member of this committee; so was Dr R.F. Brissenden, an ANU-based academic whose poetry captured the increasing investment of many Canberra residents in the region; and architect Robin Boyd. The NPA's December 1969 newsletter argued that:

The south coast from Sydney to the Victorian border and west to the tablelands has some of the most diversified environments which have contributed to the most beautiful scenery to be seen in Australia. We could gradually lose it to vested interests.¹⁵⁹

The incursions that particularly concerned the NPA members were woodchipping, forestry and logging, and private development.¹⁶⁰ They saw private developments spoiling the natural values of coastal headlands 'with bricks, fences and fibro for a privileged few' and argued for more planning of coastal areas.¹⁶¹ Nine of the nineteen parks proposed by the NPA were in Mumbulla and Imlay Shires including Mt Dromedary-Wallaga Lake, Bermagui to Murrah River, Mimosa Rocks, Tathra-Kangarutha, Bournda, Broadwater-Quandolo State Forest, Boyd Town on Twofold Bay, Womboyne and Mt Imlay-Wog Wog.¹⁶²

The South Coast Committee was created specifically to lobby the state government for more national parks along the NSW coast. At the national level, in November 1969, the

¹⁵⁶ 'South Coast Committee', 5.

¹⁵⁷ 'Group Wants South Coast Preservation', *Canberra Times*, 28 October 1969, 7. Committee members were Mr A.J Brand, Dr Nancy Burbridge, Mr H.O. Oakman, Mr E. van der Mark, Dr John Hill, Dr R. F Brissenden and Mr Robin Boyd, architect

¹⁵⁸ 'South Coast Committee', 5.

¹⁵⁹ 'South Coast Committee', 5.

¹⁶⁰ 'South Coast Committee', 6.

¹⁶¹ 'South Coast Committee', 5.

¹⁶² 'South Coast Committee', 6.

recently formed Australian Conservation Foundation (ACF) facilitated a symposium, held in Adelaide, titled 'Conservation of the Australian Coast' to discuss issues facing the coastal fringe of Australia.¹⁶³ A primary concern expressed by delegates, similar to the South Coast Committee's concerns, was the threat to much of the coast created by the rapid rise in the growth of 'recreational demands' which could threaten the very thing that users were seeking: natural beauty and scenery.

[T]he most serious problem is the likelihood that lengthy parts of the coastline may be encrusted with a man-made necklace of shacks, petrol filling stations, ice cream stalls, public toilets and all the other signs of an affluent civilized community on holidays.¹⁶⁴

The presenters at this symposium covered a range of fields including the biological and physical sciences, a planner, a senator and conservationists.¹⁶⁵ These experts acknowledged the conflicts faced by coastal local governments from the pressure to develop the coast for tourism versus the pressure to save natural beauty spots and local ecologies. Francis Ratcliffe, a noted conservationist, environmental activist and 'founding spirit' of the ACF,¹⁶⁶ was blunt: 'if we really are to make the best of the coast someone will have to be empowered to lay down, and enforce, some pretty dictatorial regulations'.¹⁶⁷ The final recommendation of the symposium was that the coast be treated as a national asset and a national responsibility, that state level planning be implemented to treat the coast as a whole with 'coastal resources for the long-term benefits of all rather than for the benefit chiefly of local and/or other vested interests'.¹⁶⁸ The resolution published as a result of the symposium clearly stated that the attendees at the conference were:

¹⁶³ *Conservation of the Australian Coast: Papers of an Australian Conservation Foundation Symposium* held in association with the Adult Education Department, University of Adelaide, 7-9 November 1969'. Special Publication 7, (Australian Conservation Foundation, 1972). The Australian Conservation Foundation (ACF) was an independent, non-profit association created in 1965.

¹⁶⁴ M. McCaskill, 'Final Summation' in 'Conservation of the Coast', 70.

¹⁶⁵ 'Introduction', 'The Coast — Postwar Changes and Overall Conservation Problems in a Developing Country', *Conservation of the Australian Coast*, vii.

¹⁶⁶ John Warhurst, 'Ratcliffe, Francis Noble (1904–1970)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/ratcliffe-francis-noble-11490/text20491>, published first in hardcopy 2002. Accessed 21 February 2019.

¹⁶⁷ Francis Ratcliffe, 'Conservation of the Australian Coast', 14.

¹⁶⁸ 'Resolution', Coastal Conference, Adelaide 1969, 73.

acutely aware of the rapidly growing human pressures, and of the conflicting demands on the resources of the coast. It is considered that these demands cannot be successfully resolved in the future on an ad hoc basis by local government bodies with very restricted financial resources.¹⁶⁹

The symposium delegates recommended that state and federal funding be put into protecting and managing the competing demands in the coastal zone including development for housing or tourism activities, resource extraction and conservation. As we have already seen, local governments on the far south coast had few resources to meet state planning requirements. The fear expressed at the national symposium was that local government could be swayed by promises of investment to improve the local economy at the expense of the amenity of the coast. National and state funding was recommended because 'most people enjoying the amenity preserved as a result [of coastal conservation] come from outside the local area therefore state and federal govt should financially assist conservation management administration and construction of facilities'.¹⁷⁰

In July 1970, with increasing calls for both wise use and preservationist conservation of coastal resources, Lewis and Beale made a joint announcement 'of their policies on the conservation of nature and resources' creating coastal national parks and reserves along sixty-five miles (104.6 kilometres) of coast south of Toallo Point near Pambula and 53,000 acres or 21,500 hectares to the Victorian border.¹⁷¹ While half that span of coast was already included in the declared Nadgee Nature Reserve, NPA members were gratified that an additional thirty two kilometres of coastline was protected and 'free from the chip-millers timber cutting'.¹⁷² Ben Boyd National Park was created within the agreement, changing the status of this land on the coast north and south of Twofold Bay from state forest to national park. Beale and Lewis

¹⁶⁹ 'Resolution', Coastal Conference, Adelaide 1969, 73.

¹⁷⁰ 'Resolution', Coastal Conference, Adelaide 1969, 75.

¹⁷¹ '92,630 Acres Area for Recreation on the Far South Coast' *National Parks Journal*, August 1970, 8-9 reprinting for members an article that appeared in the *Daily Telegraph*, 8 July 1970.

¹⁷² 'Saving the Seashore', Letter to the Editor of the *Sydney Morning Herald* reprinted in *National Parks Journal*, August 1970: 9.

had done a deal converting a coastal state forest into a national park.¹⁷³ As well as the coastal parks Lewis and Beale announced a further 39,000 acres (15,780 hectares) of inland forests in County Auckland to be moved into national park.¹⁷⁴ These areas, including Mount Imlay, Egan Peaks and Mount Wog Wog, were also recommended by the NPA to be included in the system of national parks.¹⁷⁵ This may have sounded very generous but came with a second part to the announcement that 'the balance of Crown land in this area, in the County of Auckland would be reserved to meet the requirements of the woodchip industry based in Twofold Bay'.¹⁷⁶

Beale and Lewis both got something they wanted in this deal; however, it seems there was little consultation with Imlay Shire representatives either at the time or in the subsequent year. Information from the Council to its ratepayers explained that the Council agreed 'in principle' with the proposal to set aside some '70 per cent of our coastline' in national parks and nature reserves. Council also requested, unsuccessfully, that some of the proposed coastal parks be reduced in size to 'reserve suitable land for future well planned residential and tourist type development'.¹⁷⁷ The Council was looking to the coast for future development which would generate rates income. Adding to the already evident feeling in Imlay of having 'future prospects' taken away from ratepayers, the Council expressed its disappointment: 'As the parks are a national asset it does seem unjust that only the Imlay ratepayers should subsidise their coast indirectly through rate burden'.¹⁷⁸ This was exactly the conflict and cost pressures for local government that the delegates at the national coastal symposium had so clearly articulated in 1969.

Social changes of the 1960s and 1970s

As the discussion so far suggests, on the far south coast through the second half of the 1960s we can see interest group leaders and the state government exploring opportunities for the

¹⁷³ Map of the Country of Auckland, 1929, <https://nla.gov.au/nla.obj-234367502/view>. Accessed 6 September 2019.

¹⁷⁴ The inland areas declared as national parks were Egan Peaks, Mount Imlay, Mount Wog Wog, White Rock and Mount Nungatta.

¹⁷⁵ 'South Coast Committee', 6.

¹⁷⁶ '92,630 acres area for recreation on the Far South Coast'.

¹⁷⁷ 'National Parks and Reserves' Shire of Imlay, Estimates 1971.

¹⁷⁸ 'National Parks and Reserves' Shire of Imlay, Estimates 1971.

development and future prosperity in the industries and businesses that they were familiar with: forestry and primary production, and—increasingly—tourism. Even within these interests there were elements of tension. The place of the community within these initiatives, however, was not always so clear, and as the case studies to follow will show, government, expert and lobby group advocacy did not readily capture the concerns of local residents, either those with long-established associations with the region, or those pursuing new aspirations there.

None of these leaders could foresee the impact on the far south coast as social changes in Australia led to an increasing interest in living in non-metropolitan areas as a ‘lifestyle choice’ rather than following farming, mining or manufacturing work opportunities. Increasing interest in living in non-metropolitan areas led to a rapid increase in population on the far south coast between 1966 and 1996.

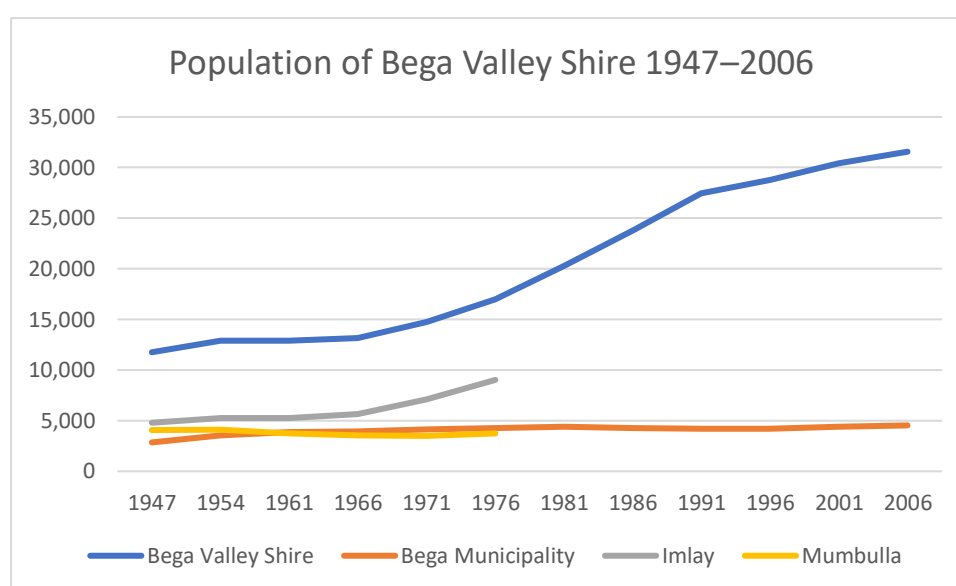


Figure One: Population of Bega Valley local government areas 1947 to 2006.¹⁷⁹

The total population of the three LGAs included in this study rose dramatically after 1966. As the three local government areas (LGAs) were amalgamated in 1980, Figure One shows that population figures for each area are only available for each LGA until the 1976 census, after which population is captured in the single blue line. The orange line tracks the

¹⁷⁹ Australian Bureau of Statistics, Census data for 1947 to 1996 with the data for Bega, Imlay and Mumbulla Shires aggregated until 1976, then the census records figures for Bega Valley Shire as a whole.

population of Bega township, a separate LGA until 1980. While Bega township was the largest population centre in the Shire until 1986, its relatively steady population indicates that new arrivals were moving to other, sometimes more dispersed parts of the three shires. Imlay Shire population rapidly increased after 1966 as workers moved to Eden and Merimbula to build the chip mill and to start woodchip logging.

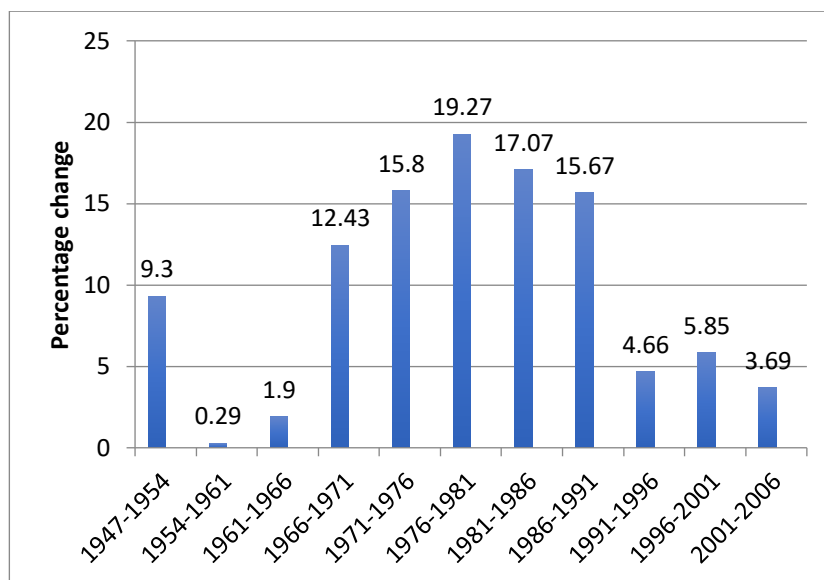


Figure Two: Rate of Population Growth for Bega Valley Shire in each census period from 1947 to 2006.¹⁸⁰

Figure Two shows the percentage increases in the enumerated population (the number of people in an area on the night of each census) of the Bega Valley Shire (years 1947 to 1981 are aggregated totals of Bega, Imlay and Mumbulla LGAs). The growth across the three shires between 1947 and 1954 reflects in part the baby boom after the Second World War followed by very little growth again until 1966. The highest rates of growth are from 1966 to 1991, the period demographers came to define as a population turnaround.

¹⁸⁰ The rate of population growth was calculated by the author and entered onto an excel spread sheet to create Figure Two. The percentages were calculated using the formula $B - A = C$, C was divided by A and multiplied by 100 to give a percentage change over time: B was the total population at the later census date, A the total population at the earlier census date; C , was then divided into the total population of the earlier census date, A , and multiplied by 100 to give the percentage increase in the population over the time period between the two dates. Total enumerated population for Bega Valley Shire from 1991 to 2006 taken from Profile id–Bega Valley website <https://profile.id.com.au/bega-valley/population>. Accessed 3 November 2020.

Population Turnaround

This growth of population in the Bega Valley mirrors increases in other coastal rural areas of Australia at the same time. Demographers have observed that, beginning around 1971, people began leaving Australia's largest cities.¹⁸¹ From the 1970s to the early 2000s 'more than one million people left the five mainland capitals for smaller places, with 450,000 leaving Sydney alone'.¹⁸² Geographers Ian Burnley and Peter Murphy, key academics in the study of population dynamics in Australia, called this process a population turnaround, defined as times 'when non-metropolitan growth becomes accelerated relative to that of metropolitan areas because of migration'.¹⁸³ The migration from the cities was to peri-metropolitan zones within commuting distance to the city, or to coastal areas. Burnley and Murphy note that: 'In NSW between 1971 and 1996 the population of the non-metropolitan coastal zones grew by 395,000 while the peri-metropolitan zones around Sydney, Newcastle and Wollongong grew by 200,000'.¹⁸⁴ Their figures show a net intrastate migration from Sydney every census period from 1971 to 1996,¹⁸⁵ and between 1981 and 1991 the rates of growth in the peri-metropolitan and north and south coast NSW were three times higher than in Sydney.¹⁸⁶ This trend of people leaving the cities contrasts to the movement of people from country to city for improved work and education prospects, observed in NSW before 1971 and after 1996.¹⁸⁷

¹⁸¹ The population increase began in Imlay Shire earlier than 1971 because the population growth in Imlay occurred at the same time as the commissioning of the woodchip mill.

¹⁸² Nancy Marshall et al, *Welfare Outcomes of Migration of Low-income Earners from Metropolitan to Non-metropolitan Australia*, Final Report Number 32, Australian Housing and Urban Research Institute, Melbourne, 2003, 5.

¹⁸³ Ian Burnley and Peter Murphy, 'Change, Continuity or Cycles: the Population Turnaround in New South Wales', *Journal of Population Research* 19, no. 2 (2002): 137. The terms counterurbanization, population turnaround and decentralisation have similar meanings but are not synonyms. Morgan Sant and Peter Simons, 'Counterurbanization and Coastal Development in NSW', *Geoforum* 24, no. 3 (1993): 292, favour counterurbanisation which they define as 'a net outflow of people from large urban or metropolitan, centres to smaller settlements and rural areas'. They see population turnaround as implying a return to areas of previous loss. Some researchers use population turnaround or counterurbanisation for people 'moving down the urban hierarchy' that is moving from urban places of higher population to towns and villages with smaller populations.

¹⁸⁴ Burnley and Murphy, 'Change and Continuity', 138.

¹⁸⁵ Burnley and Murphy, 'Change and Continuity', 143.

¹⁸⁶ Burnley and Murphy, 'Change and Continuity', 141.

¹⁸⁷ Ian Burnley and Peter Murphy, *Sea Change: Movement from Metropolitan to Arcadian Australia* (Sydney: University of New South Wales Press, 2004), 26.

Why were people moving out of the cities in such large numbers? Qualitative studies on the population turnaround in Australia and overseas explain the phenomenon as involving push factors which influence people to leave the cities and pull factors which draw people to rural and regional areas. Push factors are the difficulties of living in growing cities including increased noise, air pollution, traffic congestion and the cost of housing. Pull factors include the perceptions of more affordable housing, cheaper costs of living, and the desire to live in a visually attractive and less stressful environment.¹⁸⁸ Burnley's 1988 research pointed to environmental and lifestyle factors as being influential in population turnaround migration against the usual trend of migration to areas of higher employment.¹⁸⁹ In their book *Sea Change: Movement from Metropolitan to Arcadian Australia*, Burnley and Murphy reiterate that the movement out of the cities was the result of economic shifts in the cities including de-industrialisation, structural adjustments in industry and service provision, and changing social values including a wave of anti-urbanism. They argue that reasons for moving are more complex than the simple push and pull factors would imply and also reflect highly personal decisions. They also stress the diversity of movers in both age and background from professional retirees to welfare recipients.¹⁹⁰ These 'highly personal decisions' were, as Burnley and Murphy note, partly a result of changing social values. These observations add weight to demographer Bernard Salt's assertion that changes in values end up in the census.¹⁹¹ Bega Valley's coastal access and location between Melbourne, Sydney and close to Canberra meant it was receiving population from all of those cities, and reflecting choices made in response—to a significant degree—to the identification and pursuit of such values.¹⁹²

What, then, were some of the drivers for such change, and how did they intersect with the particularities of place represented in the Bega Valley? The 1960s and 1970s was a time of social change in Australia. Social commentator Donald Horne tracked changing attitudes

¹⁸⁸ Ian H. Burnley, 'Population Turnaround and the Peopling of the Countryside? Migration from Sydney to Country Districts of New South Wales,' *Australian Geographer* 19, no. 2 (Nov. 1988): 281-282.

¹⁸⁹ Burnley 'Population Turnaround', 268.

¹⁹⁰ Burnley and Murphy, *Sea Change*.

¹⁹¹ Bernard Salt, *The Big Shift: Welcome to the Third Australian Culture: The Bernard Salt Report*, 2nd ed. (Melbourne: Hardie Grant Books, 2004), xiv.

¹⁹² Burnley and Murphy, 'Change and Continuity', 138; Morgan Sant and Peter Simons, 'Counterurbanization and Coastal Development in New South Wales', *Geoforum* 24, no. 3 (1993): 292-293; Burnley, 'Population Turnaround', 273.

using editorial comments in the *Sydney Morning Herald* from 1965 to 1972.¹⁹³ Horne argues that 1966 to 1972 (the period from the resignation of Prime Minister Menzies until the election of the Whitlam government) was a 'time of hope' and a 'time of challenge to some of the dominant values and bodies of knowledge in Australia'.¹⁹⁴ A defining issue of the 'time of hope', for young people especially, was growing opposition to Australia's involvement in the Vietnam War. By August 1969 an opinion poll found that the majority of Australians favoured a withdrawal of troops from Vietnam.¹⁹⁵ The opposition to Australia's involvement increased as images and stories of the horrors of the war and the death and injury tolls rose. Moratorium marches in the capital cities in 1970 and 1971 attracted hundreds of thousands of demonstrators. Australia's involvement in the Vietnam War, including conscription of young men to fight overseas, led to dissension as people questioned the need or the desirability to go and fight in a war that was really nothing to do with Australia. Horne argues that prior to the anti-Vietnam War demonstrations there was no real culture of political protest in Australia and that protests over the war empowered people to protest against other issues.¹⁹⁶ Historian of the 1970s Michelle Arrow also argues for the importance of the anti-war campaign in spawning new social movements from the late 1960s.¹⁹⁷ This was a time when individuals and groups with an opinion or particular agenda for change sought to influence the decisions of governments by protest including media stunts that often tested identities of citizenship and social inclusion.¹⁹⁸ Political scientist Verity Burgmann proposes that these new social movements sought to influence public opinion, 'to make demands for change of the existing social system' by direct actions of individuals and community groups rather than influencing political decision-making from within the existing political process.¹⁹⁹ The environment movement was one such social movement, seeking to influence political decision making by lobbying politicians and direct actions.

¹⁹³ Donald Horne, *Time of Hope: Australia 1966–1972* (London: Angus and Robertson, 1980), 4.

¹⁹⁴ Horne, *Time of Hope*, 4.

¹⁹⁵ Australian Department of Veterans' Affairs Anzac Portal 'Public Opinion' <https://anzacportal.dva.gov.au/wars-and-missions/vietnam-war-1962-1975/events/public-opinion>. Accessed 2 October 2020.

¹⁹⁶ Horne, *Time of Hope*, 58.

¹⁹⁷ Michelle Arrow, *Friday on Our Minds: Popular Culture in Australia since 1945* (Sydney: UNSW Press, 2009), 110–111 and Michelle Arrow, *The Seventies: the Personal, the Political and the Making of Modern Australia* (Sydney: NewSouth Press, 2019), 35.

¹⁹⁸ Horne, *Time of Hope*, 65.

¹⁹⁹ Verity Burgmann, *Power and Protest: Movements for Change in Australian Society* (Sydney: Allen and Unwin, 1993), 4.

While urban environmentalists and those in new social movements were seeking to influence politicians from their city and suburban homes, other people were looking for different ways to create meaningful lives. In her book *Communes in Rural Australia* Margaret Munro–Clark explores the breakdown of cultural values of the late 1960s and early 1970s. She saw changing values as a liberation that led many people to seek an alternative existence: a desire to live in a way that was different from the (formerly unquestioned) cultural assumptions of the time. It also meant a nostalgia for a lost time of simplicity and individuation, reflecting a desire for more control for the individual over all the parts of his or her life: where to live, how to clothe and feed oneself and one's family, and what or how much (of the conveniences supplied by modernity) to consume.²⁰⁰

Desire for more control and having a say in your own life's course manifested particularly in young people's actions. Horne observed that young people were dissatisfied with existing power regimes and the problems of increasing industrialisation. They expressed their desire for autonomy in phrases such as 'do your own thing'.²⁰¹ The youth culture was strong in the late 1960s and 1970s because of the sheer numbers of young people. In 1971 forty-six percent of the population of Australia was under twenty-five years of age. Thirty-nine percent were under twenty.²⁰² Young people aged 15–24 years old made up seventeen percent of the total population of Australia.²⁰³ Martha DuBose, writing for the *Sydney Morning Herald* in September 1971, observed the development of a 'Youthquake' of 'youngies, hippies and yippies'.²⁰⁴ Because these young people grew up in the prosperous times after the Second World War they were better educated than previous generations and had more leisure, more money, were supported by their parents longer, and stayed out of employment for longer. American political scientist Ronald Inglehart argues that there was an intergenerational shift in cultural values emerging in the late 1960s and early 1970s.²⁰⁵ The older generation (born

²⁰⁰ Margaret Munro–Clark, *Communes in Rural Australia: the Movement since 1970* (Sydney: Hale and Iremonger, c.1986), 29–30.

²⁰¹ Horne, *Time of Hope*, 42.

²⁰² Australian Bureau of Statistics, *Australian Year Book*, 1975, 149.

²⁰³ Australian Bureau of Statistics, *Australian Year Book*, 1972, 1056.

²⁰⁴ Martha DuBose, 'Language of the Young', *Sydney Morning Herald*, 30 September 1971, 16.

²⁰⁵ Ronald Inglehart, 'Changing Values among Western publics from 1970 to 2006', *West European Politics* 31, no. 1–2 (2008) 130–146.

before the Second World War) was materialistic, having grown up feeling survival was precarious. In contrast the post war generation grew up in a time of prosperity unprecedented in human history, and with the security provided by a welfare state. This context created a post-materialist generation that placed 'an increasing emphasis on autonomy and self-expression and quality of life'.²⁰⁶ This post-materialist generation, Inglehart argues, was defined by the issues that mattered to those reaching young adulthood twenty years after the end of the Second World War. These are the baby boomers.

Acting on their desire for freedom from convention and autonomy, young adults were among those leaving the cities making a particular mark on demographic trends in the Bega Valley in the late 1970s and through the 1980s.

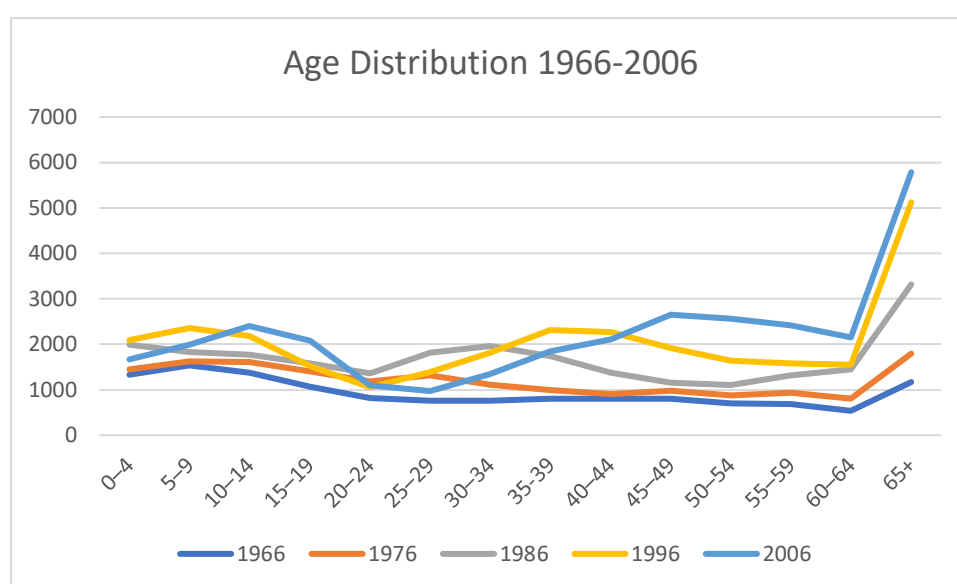


Figure Three: Age Distribution of population of Bega Valley from 1966 to 2006 with people over 65 aggregated into one statistic for clarity.²⁰⁷

This graph uses ten-year intervals for ease of reading. The retirement age cohort, age 65 plus, is also aggregated. The trend both before and after the population turnaround of 1971 to 1996

²⁰⁶ Inglehart, 'Changing Values', 131.

²⁰⁷ ABS, Census 1966-2006. The data sets I have for 1966 to 1976 aggregate persons 65+ into one figure. In 1986 75+ is aggregated so for comparison across the study period I have aggregated 65+.

was for young people, aged 15-24, to leave rural areas to pursue education and work in the cities.²⁰⁸ The age distribution for the year 1986 (grey) shows a higher number of young adults aged 25-34 years old than previous or subsequent years, an indication that the population turnaround to the Bega Valley as a whole included adults of working age. This influx of young adults was against the usual trend of this age group to be moving away from rural areas. Increasing population was an opportunity for increasing economic activity in the receiving area, bringing benefits to the existing communities by having more customers in shops and children for the schools. Because many of the new arrivals were buying property, they became ratepayers adding to the rates income of council. But many of these newcomers were not coming to Bega Valley to find work: they were pursuing a different kind of lifestyle that puzzled and concerned existing residents.

Lifestyle

People moving to Bega Valley were making a conscious decision to live in a non-metropolitan area, choosing where they wanted to live. A word and idea that is central to this thesis is lifestyle. Lifestyle is defined by *Oxford English Dictionary* (OED) as ‘a style or way of living (associated with an individual person, a society etc.); especially the characteristic manner in which a person lives (or chooses to live) his or her life’.²⁰⁹ The key word here is choice. The word lifestyle has become ubiquitous, and perhaps meaningless, and now is compounded with other words relating to the ways people live, or chose to live, such as: lifestyle change and lifestyle factor. Lifestyle also encompasses the commercialisation and commodification of choice with expressions such as lifestyle advertising, lifestyle brand, lifestyle magazine and lifestyle marketing.²¹⁰

The compound ‘alternative lifestyle’, however, was a much more powerful expression of difference in the 1970s. The phrase came into the English language in the late 1960s and is

²⁰⁸ Graeme Hugo et al, ‘Population Dynamics in Regional Australia’, Regional Australia Institute, Canberra, 2015, 9.

²⁰⁹ ‘Lifestyle, n.’ OED Online September 2020, www.oed.com/view/Entry/108129. Accessed 3 October 2020.

²¹⁰ ‘Lifestyle’, OED Online.

defined as 'a way of life that departs from traditional norms'.²¹¹ The *Oxford English Dictionary* cites the first use of the phrase 'alternative lifestyle' in February 1968 in the *New York Times*: 'A loose coalition of anti-war, anti-draft and radical left groups that profess their goal to be 'to build a new kind of America' by setting up 'alternative life styles' to the present ones'.²¹² 'Alternative lifestylers' were people seeking a way of living different from the rest of society. Australia has a highly urbanised population: sixty-five percent living in the capital cities and less than ten percent living in villages or areas with populations under one thousand.²¹³ Expressing difference was rejecting the conventional life of a nine-to-five job in an office or factory and a home in the suburbs. In rejecting those norms many chose the opposite of the city: a rural lifestyle. Significantly the term as it is adopted in this study was most evident as a label applied by Bega Valley Shire local government officials seeking to manage an influx of 'alternative lifestylers' into their area with a survey of 'the alternative lifestyle' as if it were a way of living that could be observed and then 'solved'. This survey and Bega Valley Shire Council attempts to manage the 'alternative lifestyle' is examined in detail in Chapter Four.

The 'alternative lifestyle' may have been a convenient term to mark out people living in different ways from the conventional farmers in the Bega Valley in late 1970s but the living arrangements of new arrivals in the Bega Valley were diverse. Craig McGregor, writing for *The Way Out: Radical Alternatives in Australia*, proposed that there was no one 'alternative lifestyle' or a single countercultural movement but myriad expressions of youth rebellion and non-mainstream styles of living.²¹⁴ Denis Altman, an Australian social commentator and academic, attributed the beginnings of the counterculture movement to the Beat generation of America in the late 1950s which in turn spawned the hippie movement epitomised by the

²¹¹ 'Alternative, adj. and n.' OED Online September 2020, www.oed.com/view/Entry/5803. Accessed 3 October 2020. Compound 'alternative lifestyle'.

²¹² 'Alternative, adj. and n.' OED Online.

²¹³ The Australian Bureau of Statistics defines 'other urban' as centre with more than 1000 people. 'How does the ABS define urban and rural', <https://www.abs.gov.au/websitedbs/d3310114.nsf/home/frequently+asked+questions#Anchor7>. Accessed 3 October 2020.

²¹⁴ Craig McGregor, 'What Counter Culture?' in *The Way Out: Radical Alternatives in Australia*, edited by Margaret Smith and David Crossley (Melbourne: Lansdowne Press, 1975), 15-17. Digital reproduction, <http://thewayoutnow.com>. Accessed 15 April 2017.

'Summer of Love' in San Francisco and the musical *Hair*.²¹⁵ Altman defined the counter culture as:

that social movement found in most Western societies since the mid 1960s and consisting of mainly young adults and teenagers acting out opposition to what they perceive as the dominant values of their society. Counterculture then, is both an alternative set of values and beliefs (a consciousness to use the term popularised by Charles Reich) and a set of alternative institutions and behaviour patterns, united in opposition to what in radical rhetoric is seen as "the system".²¹⁶

Altman saw the youth rebellion of the 1960s and 1970s as a youth subculture, not a counterculture, because it existed within, and did not challenge the supremacy of, the dominant culture. While he did not see the counterculture as challenging the dominant culture, Altman did conclude that countercultural ideas of the time influenced 'attitudes to work, authority, sexuality, hierarchy' and led many people to seek alternatives including 'new living and work situations, alternative forms of energy and housing [and] new forms of professional activity'.²¹⁷ Countercultural ethics included anti-capitalism, anti-consumerism, an interest in ecology and preserving and caring for the natural environment.

The youth rebellion, whether alternative or countercultural, came to national attention in Australia with the *Aquarius Festival* held in the small and dying town of Nimbin on the north coast of New South Wales in May 1973.²¹⁸ The festival was organised by the Australian Union of Students (AUS). Peter Cock, a researcher on alternative communities, described the Aquarius Festival as 'the first obvious expression of the existence of a national alternatives movement...it hailed the beginnings of a national awareness of the alternative

²¹⁵ The musical *Hair* was staged in Sydney in June 1969 and shocked with its inclusion of nude actors, bad language, drugs and 'free love'.

²¹⁶ Denis Altman, 'The Counterculture: Nostalgia or Prophecy?' in *Australian Society: A Sociological Introduction*, eds A.F. Davis and others (Melbourne: Longman Cheshire, 1977), 449-464.

²¹⁷ Altman, 'Counterculture', 464.

²¹⁸ Rob Garbutt, 'Aquarius and Beyond: Thinking through the Counterculture', *M/C Journal* 17, no.6 (December 2014) <http://www.journal.media-culture.org.au/index.php/mcjournal/article/viewArticle/911>. Accessed 10 August, 2014.

society'.²¹⁹ *The May Manifesto* set out the aims of the festival.²²⁰ The festival's theme was to be 'survival on the earth and a living affirmation that we do not need to be sold our culture'.²²¹ The objective was to set up an experimental community in a rural location based on small 'tribal groups' all looking after each other. Participants were expected to create the event by providing the entertainment, information and activities of the festival. 'The festival will provide a place and a reason for gathering, facilitate exchanges on survival techniques and give an opportunity to learn home crafts like pottery, weaving and bread making'.²²²

The *Aquarius Festival* associated counter cultures and alternative lifestyles with a 'life on the land'—it was counter or an alternative to their parents' suburban lives and nine-to-five factory or office jobs—and therefore encouraged young people to move out of the cities and into non-urban areas. The *May Manifesto* stated that 'the festival [is] to be organised in a fairly isolated rural setting where the participants will be relatively free from interactions with the surrounding established communities and where architects and the like could develop new styles in community organisation'.²²³ This ambition changed over the period that the festival was being organised. One of the organisers was Colin James, a lecturer at the University of Sydney's School of Architecture. In 1982 James remembered that the Aquarius Festival was 'very deliberately an experiment in decentralisation'.²²⁴ First conceived as being isolated from existing communities, the Festival had the aim of 'recycl[ing] a country town, rather than going out into the wilderness and stuffing it up'.²²⁵ The *Confest* festivals, organised by Jim Cairns, an ex-deputy Prime Minister and Labor politician, and others, first at the Cotter River near Canberra in 1976 and then on land near Bredbo on the Monaro Tablelands in 1977, further promoted these ideas of alternative and self-sufficient lifestyles in rural settings.²²⁶ Festivals were expressions of a hippie/self-sufficient/back-to-the-land lifestyles with

²¹⁹ Peter Cock, *Alternative Australia: Communities of the Future?* (Melbourne: Quarter Books, 1979), 47-48.

²²⁰ 'The May Manifesto' in *The Way Out: Radical Alternatives in Australia*, edited by Margaret Smith and David Crossley, (Melbourne: Lansdowne Press, 1975), 20. Facsimile edition <http://thewayoutnow.com>. Accessed 15 April 2017.

²²¹ 'The May Manifesto', 20.

²²² 'The May Manifesto', 20.

²²³ 'The May Manifesto', 20.

²²⁴ 'The Settler's Advocate', *Southern Flyer*, no. 1 (January 1982): 28.

²²⁵ 'The Settler's Advocate', 28.

²²⁶ Graham St John, 'Alternative Cultural Heterotopia: ConFest as Australia's Marginal Centre' (PhD, La Trobe University, Melbourne, 1999), 66-86.

instruction, talks and workshops about growing food, doing craftwork, building shelters and experimenting with alternative technologies.

The Grass Roots Effect

This interest in 'alternative lifestyles' was inspired by, and reflected in, the growing interest in 'alternative lifestyle' magazines. Two magazines in particular, *Grass Roots* (GR) and *Earth Garden* (EG), both with a national circulation, recruited people into the movement. *Earth Garden* began publication in Sydney in 1972. *Grass Roots* was published by Meg and David Miller from 1973 from their rural property in Shepparton in central Victoria: '*Grass Roots* is produced for those who wish to regain control of their lifestyle by exploring alternatives to mass consumption'.²²⁷ Both magazines provided information on aspects of alternative lifestyles and self-sufficiency, including growing food, looking after animals, house building and alternative technologies. *Grass Roots* was 'low key and folksy'.²²⁸ *Earth Garden* appealed to a more educated audience with more practical advice, gadgets and articles on alternative technologies.²²⁹ As 'back to the landers' spread out across rural Australia, feedback and linkup pages in these magazines performed a vital service facilitating communication between like-minded individuals in the days before digital technologies.

In 1983 *Grass Roots* had a national circulation of 25,000 and *Earth Garden* 15,000.²³⁰ In the ten years since the Nimbin festival, interest in alternative lifestyles had not waned. Bill Metcalf, an academic with an interest in intentional communities, and Frank Vanclay, a social researcher, have researched alternative lifestyles using GR and EG and several more minor alternative publications.²³¹ Conducting a reader survey and content analysis, they sought to explore the assumption that these movements fostered a shared ethic and identity.²³² Using

²²⁷ *Grass Roots: the craft and lifestyle magazine*, Shepparton Vic., 1973. *Earth Garden* was a similar magazine published in Balmain in Sydney beginning in 1972.

²²⁸ Frank Vanclay and Bill Metcalf, 'Alternative Lifestyle Magazines: An Analysis of Readers,' *Media Information Australia*, 36 (May 1985), 49-55.

²²⁹ Vanclay and Metcalf, 'Alternative Lifestyle Magazines: An Analysis of Readers', 49-55.

²³⁰ Bill Metcalf and Frank Vanclay, 'Alternative Lifestyle Magazines: What's in them,' *Media Information Australia*, 33 (August 1984), 51.

²³¹ Vanclay and Metcalf, 'Alternative Lifestyle Magazines: An Analysis of Readers', 49-55.

²³² Vanclay and Metcalf, 'Alternative Lifestyle Magazines: An Analysis of Readers'. There were other alternative lifestyle magazines, but I have chosen to focus on the results given for GR and EG as these are the ones

estimates based on the actual circulation of these magazines, they came up with the figure of about 60,000 people who self-identified as participating in an alternative lifestyle and another approximately 95,000 'who planned to adopt such a lifestyle'.²³³ Metcalf observed that the alternative lifestyle movement in Australia was 'diverse, the only point in common being the rejection of mainstream society', but that it was also pervasive in its ethos.²³⁴

Being in a rural, non-metropolitan area, and being on a rural block, was central to the aspirations of many of the newcomers to Bega Valley by the 1970s and 1980s. The analysis of *GR* and *EG* revealed that the category 'land dealings' comprised 38.7 per cent of the content of *EG* and 15.9 per cent of the content of *GR*.²³⁵ The land dealings content of these magazines included readers writing in to offer land for sale using the magazine to find 'like-minded' people to share the purchase of land and set up group living arrangements. Land dealings also included people selling land, perhaps when their dreams had gone sour, or informing others of land for sale in their area to encourage people influenced by the same magazines to come and live near them. While they were labelled as alternative lifestylers and hippies, they preferred the identity of new settler indicating their desire to settle on the land but to use it in a different way to conventional farmers.

The constraints that had hampered development in the Bega Valley in the first half of the twentieth century—poor roads, limited amounts of good farming land, irregular rainfall and slow population growth, coinciding with the decline in dairy farming—created a situation that meant that by the mid to late 1970s there was cheap, marginal land coming on to the market, which could find ready interest among those seeking to explore self-sufficiency. Adults, 20-35 years old, moved to communes, land shares or to land owned as a nuclear family unit. Population researcher Peter Murphy argues that over time the idea of an alternative lifestyle has 'broadened considerably from the obvious hippies to many less obvious followers

mentioned by my participants. One magazine was a local Queensland one and another, *Australian Survivalist*, had mostly male readers and much of the content was anathema to peace and non-violent stance of many new settlers.

²³³ Vanclay and Metcalf, 'Alternative Lifestyle Magazines: An Analysis of Readers', 49.

²³⁴ Metcalf and Vanclay, 'Alternative Lifestyle Magazines: What's in them', 47.

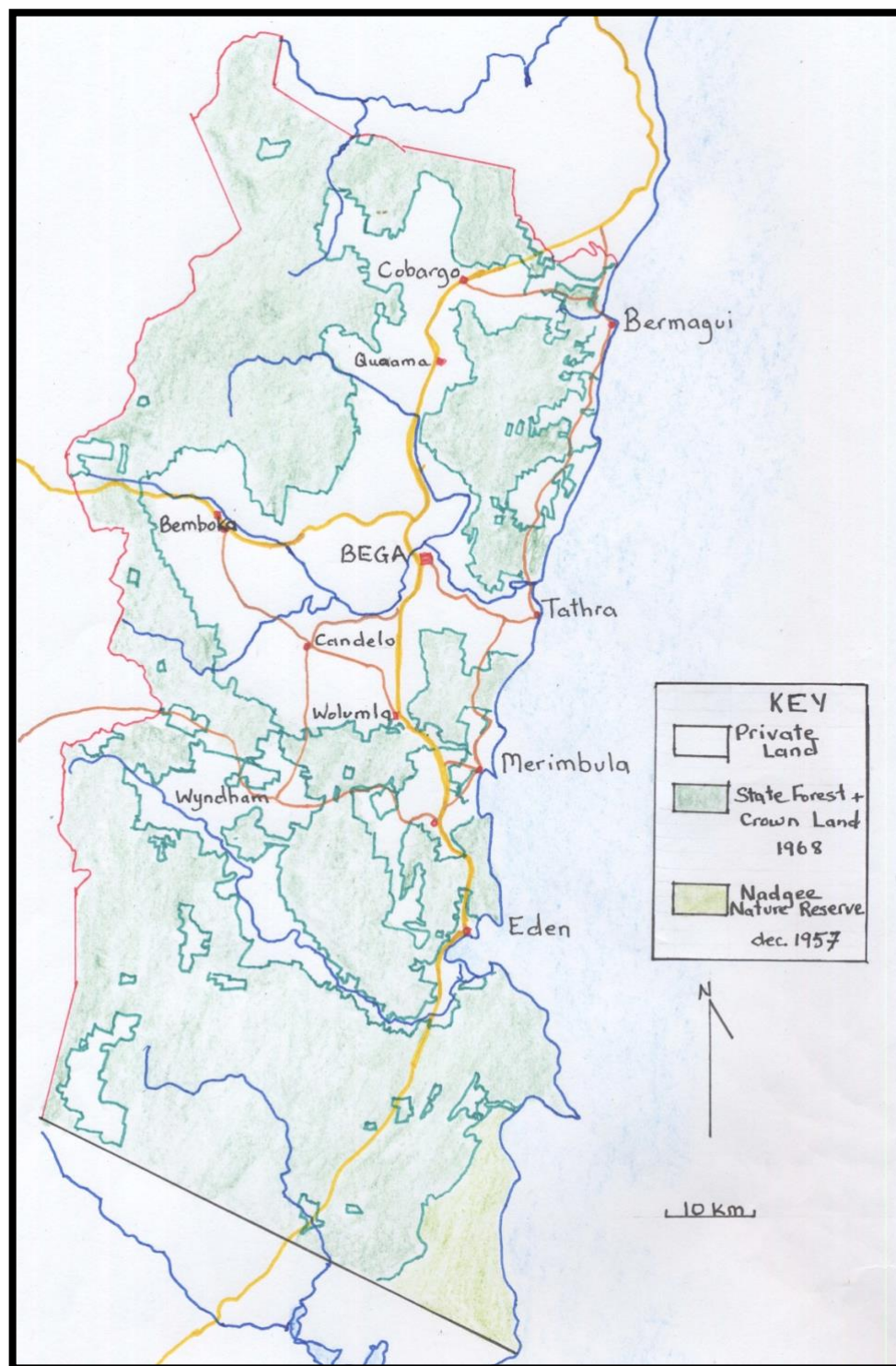
²³⁵ Metcalf and Vanclay, 'Alternative Lifestyle Magazines: What's in them', 49.

and sympathisers'.²³⁶ We will see in the following chapters that a diversity of newcomers, new settlers and alternative lifestylers became residents of the Bega Valley during the 1970s and the 1980s and used their skills and experience to influence decisions about how the Bega Valley would develop through the last quarter of the twentieth century.

Conclusion

In the mid 1960s the Bega Valley had been in decline for some time. The dairy producers and manufacturers, the mainstay of the economy since 1900, were being forced to change their production and farming methods and there was decreasing employment in primary and secondary industries. Poor roads and the high costs of freight held back development. From 1965 new opportunities opened up. The eucalypt forests became available for woodchip production. The adjacent safe harbour of Twofold Bay meant the woodchips could be exported directly from the chip mill to Japan. The natural, undeveloped scenery along the coast was an opportunity for the creation of coastal national parks. Local governments saw opportunities to develop a tourist industry based on the beauty of the coast and the popularity of seaside holidays for city people. Personal mobility facilitated by increasing car ownership meant that city people could drive to the Bega Valley for camping and caravanning or more luxurious holidays. Young people with cars could also drive to the Bega Valley, purchase land and live in rural areas to pursue an 'alternative lifestyle'. Their differences in education, employment, life goals and interest in environmental issues meant they were not always seen as contributing to the existing community, and differences in outlook and lifestyles led to conflicts over development in the last third of the twentieth century.

²³⁶ Peter Murphy, 'Sea Change: Re-Inventing Rural and Regional Australia', *Transformations: Online Journal of Region, Culture and Society* (March 2002), 2. <http://www.cqu.edu.au/transformations>. Accessed 4 August 2011.



Map Four: Bega Valley: Private and Public Land, 1968.

Chapter Two

The Changing Productive Landscape

SOUTHERN FLYER is a new magazine. A magazine for an emerging social group.

For some time now, people have been returning to live in the country. Country life has taken on a new meaning. New people, new influences, new directions.¹

Steve Elias wrote these words as his introduction to the first edition of the *Southern Flyer* in January 1982. Elias had been living in the Bega Valley since the mid 1970s and his interest in writing and storytelling led him to publish a magazine addressed to those seeking different content from mainstream publications. This magazine was short lived, with only eight issues published through 1982. Elias's observations of the place and society he entered captured his impressions of both the new settlers and the existing communities, tinted perhaps with the romanticism of exploring a rural lifestyle. His initiative in launching the *Flyer*, and its fate, reflect dimensions of the settlement processes this thesis explores. In his magazine, Elias aimed to mix historical and emerging understandings of the rural areas and also the nation in the stories he presented in the magazine. 'Much of what we are today', Elias wrote, 'can be found, still thriving, in the country. It's like a two-way mirror, providing a glimpse of the future, while at the same time reflecting the past'.² He interviewed 'old timers' about the old ways and newcomers with ideas of how the region might develop.³ The future Elias envisioned was people from the cities 'bringing new life to what was previously a stagnant, ultra-conservative society'.⁴ Given the transitions then underway in the industries that once defined the region, there was an irony in Elias' perception. As the dairy farms got bigger and more mechanised in the name of efficiency, some newcomers arrived to take advantage of opportunities for businesses based around growing lifestyle and recreation opportunities. Others aspired to live on rural land they purchased in a way akin to subsistence farming: growing enough food for those on the farm, with any surplus available for barter. This irony—and the identities it fostered—underpins this chapter.

¹ Steve Elias, *Southern Flyer* 1 (January 1982): 3.

² Elias, *Southern Flyer* 1: 3

³ Elias, *Southern Flyer* 1: 3

⁴ Elias, *Southern Flyer* 1: 3.

Elias wrote of new opportunities for new settlers in places such as the Bega Valley:

SOUTHERN FLYER believes that today's concept of country life has matured into a lifestyle that is very much a growing, thriving, and exciting experience, for those willing to take the plunge.⁵

But, as we have seen, the 'maturing' of country life for established residents had been a very different, more complex process. The established community was wary of new challenges and new people, and that wariness was often transacted at the basic level of contending visions of the landscape, versions of land use and the identities associated with both.

Elias' portrayal of the Bega Valley was of a place that, prior to this infusion of new settlers, was static, even stagnant: a single homogenous community with dairying as the primary activity. This idea speaks to the myth of rural societies as unchanging and belies the transitions that had taken place over the previous one hundred and fifty years. Over those decades there had been several waves of 'new influences and new directions', with 'new people' taking up new opportunities. Geographer John Holmes observed that Australia's non-urban spaces from colonisation until the 1970s had been characterised as a mono-functional rural settlement based on primary production.⁶ At the same time, it is important to register the ways in which these patterns had been negotiated with distinct influences on layered local identities. This was true for the Bega Valley, where farmers had transitioned through several phases of primary production. Europeans began grazing sheep and cattle in the 1830s, transitioning to mixed grazing and agriculture in the second half of the nineteenth century. They specialised in butter production from 1900 to the 1960s in large part in response to policy and economic influences from beyond the region itself. This Bega Valley history is more appropriately seen in terms of geographer Doreen Massey's idea of spaces always changing, never static. The Bega Valley, described by Elias as stagnant, was instead an area which had been subject to changing farming and production practices to meet new demands and take advantage of opportunities and changing values attached to rural places. These transitions set the context for this thesis in three main ways set out below. First: primary production

⁵ Elias, *Southern Flyer* 1: 3.

⁶ John Holmes, 'Impulses Towards a Multifunctional Transition in Rural Australia: Gaps in the Research Agenda', *Journal of Rural Studies* 22 (2006): 145.

dominated land use in the Bega Valley, transitioning into dairy farming, which then became locked into butter production for the first half of the twentieth century. Second: as butter production caused by decreasing demand, the Bega Co-operative diversified its product range and customer base so that dairying continued on the more fertile valley lands. Third: as butter farmers left the industry marginal lands came onto the real estate market and found ready interest among newcomers willing to buy that land for a different style of rural living from previous generations.

Exploiting Crown Lands: The Squatters

From the 1820s in New South Wales colonists took advantage of the vast areas of grass lands of the colony to graze the sheep and cattle. The ‘legal fiction’⁷ of terra nullius (nobody’s land) meant that the British government claimed sovereignty over all the lands of the colony of NSW in 1788, declaring it Crown land. Lexicographer William Ramson describes the early understandings (1788 to 1838) in the colony that ‘Crown land is either inalienable or unalienated land which is either reserved for the purposes of the Crown...or held in the name of the Crown’.⁸ The instructions from King George III to Governor Phillip for administering the colony included the power to make land grants from Crown land to emancipists ‘provided that the person to whom the said land shall have been granted shall reside within the same and proceed to the cultivation and improvement thereof’.⁹ Lord Grenville subsequently gave Phillip permission to make land grants to serving non-commissioned officers and soldiers who wished to remain in the colony, reasoning that such men would be useful ‘for protection and defence’ and also to cultivate the land.¹⁰ As successive governors continued to make land grants to colonists, emancipists and free settlers, ‘improvement’ became a continuing theme in the colonising process. The term was deployed in the 1847 Order in Council, to be discussed below, and again in land legislation in 1861. Improvement in its current context means

⁷ Kate Galloway and Leon Terrill, ‘FactCheck: Can Native Title “only exist if Australia was settled not invaded”?’ , *The Conversation*, 28 January 2018. <https://theconversation.com/factcheck-can-native-title-only-exist-if-australia-was-settled-not-invaded>. Accessed 3 January 2019.

⁸ William Ramson, *Wasteland to Wilderness: Changing Perceptions of the Environment, The Humanities and the Australian Environment: Australian Academy of the Humanities Symposium 1990* (Canberra: Australian Academy of the Humanities, 1991), 7.

⁹ Instructions to Phillip, 25 April 1787 in C.M.H. Clark, *Select Documents in Australian History 1788-1850*, (Sydney: Angus and Robertson, 1950), 219.

¹⁰ Grenville to Phillip, 22 August 1789, *Select Documents in Australian History 1788-1850*, 218.

‘making something or someone better’ and ‘becoming more proficient or increase[ing] in quality or standard’.¹¹ The Oxford English Dictionary also includes meanings that were current in the eighteenth and nineteenth centuries. Improvement comes from the Anglo-Norman word, *emprouement* and *enpruement* which mean ‘management or use of something for financial gain’. A second definition from this time is that improvement is ‘the enclosure and cultivation of wasteland or unoccupied land. In later use: esp. (North American, Australian and New Zealand) the making of farmland more profitable by the erection of buildings, fences, etc.’.¹² This defines improvement as a very pragmatic activity: turning ‘unoccupied’, ‘unused’ or not fully utilised land (from the colonists’ perspective) into land that will make a profit for the owner.

Creating wealth from the soil, making ‘waste lands’ productive and profitable, was a vital activity for colonists. Historian Richard Waterhouse argues that from the earliest days of European occupation land owning was a way to create ‘wealth and achieve upward mobility’.¹³ With so many colonists with these aspirations, Governor Darling attempted to confine the population into the nineteen counties within a 250-mile radius of Sydney—referred to as the limits of location—the area where land could be surveyed and then sold at auction and which could be policed effectively. The southern boundary of the nineteen counties was the Moruya River.¹⁴

Squatters, European men, had no compunction about taking sheep and cattle to feed on the grasses of Crown lands south of the nineteen counties with neither the permission of the governor nor of the Yuin people. Incursions onto lands of the far south coast began in 1829 with squatters moving towards the coast from the tablelands south of Braidwood and also moving north from the nascent whaling settlement in Twofold Bay. The valley floors of the Murrah, Brogo, Bega and Towamba river systems, with their grasses and herbage under

¹¹ ‘Improvement, n.’. OED Online, September 2020. www.oed.com/view/Entry/92858. Accessed 3 November 2020.

¹² ‘Improvement’, 2b, *OED Online*.

¹³ Richard Waterhouse, ‘Agrarian Ideals and Pastoral Realities: The Use and Misuse of Land in Rural Australia’ in *The Great Mistakes of Australian History*, edited by M. Crotty and D. A. Roberts (Sydney: University of New South Wales Press, 2006), 64–78.

¹⁴ ‘14 October 1829—Nineteen Counties Proclaimed’, New South Wales State Archives and Records, <https://www.records.nsw.gov.au/archives/magazine/onthisday/14-October-1829>. Accessed 12 June 2018.

scattered trees, were the first places where stations were established. The Imlay brothers, three Scottish doctors, arrived in the early 1830s and grazed their sheep and cattle on much of the land south of the Bega River over the subsequent ten years.¹⁵ Further north, William Tarlinton and others brought sheep and cattle to the Brogo River and Narira Creek, having been guided down the escarpment from the Braidwood district by Aboriginal men.¹⁶

In 1836 the colonial administration, unable to stop the spread of unauthorised occupation by squatters and their sheep, passed Act 7 Will. IV: An Act to restrain the unauthorised occupation of Crown Lands. The act included provisions to appoint Commissioners of Crown Lands who had powers to control law and order and issue annual licences to squatters to graze sheep and cattle outside the 'limits of location'.¹⁷ John Lambie was appointed Commissioner for the squatting district of Monaro, covering the area south from the Moruya River into what is now north east Victoria and including the Monaro tablelands to the west.¹⁸ In 1840 squatter Stewart Ryrie received comprehensive instructions from Deputy Surveyor-General, Captain Samuel Augustus Perry, to carry out a survey of the Monaro district and provide plans and sketched views in his reports.¹⁹ Ryrie also mapped the stations and runs that he came across. His report listed forty-two squattages, also called stations and runs, with their locations in the coastal sector of the district from the Moruya River south to the Genoa River now in Victoria, and west to the escarpment.²⁰ Squatters paid an annual licence fee to depasture sheep and cattle on those lands, acquiring a sense of entitlement which was revealed in an advertisement in the *Sydney Morning Herald* in 1843 for the sale of Brogo Station on the banks of the Brogo River.²¹ The sale, advertised as an 'excellent opportunity to invest capital', included 2,000 sheep ('more or less'), and also bullocks, fencing, huts, wheat in the ground, gardens, farming tools and cooking utensils.

¹⁵ H. P. Wellings, 'Imlay, Alexander (1800–1847)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/imlay-alexander-2831/text2887>, published first in hardcopy 1967. Accessed online 18 March 2021.

¹⁶ Mark McKenna, *Looking for Blackfellas' Point: An Australian History of Place* (Sydney, University of New South Wales Press, 2002), 68.

¹⁷ 'Commissioners of Crown Lands Guide', New South Wales State Archives and Records, <https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/commissioners-crown-lands-guide>. Accessed 12 June 2018.

¹⁸ 'New South Wales Squattage Districts, 1840' Map 2 in W.K. Hancock, *Discovering Monaro, A Study of Man's Impact on his Environment* (Cambridge: Cambridge University Press, 1972), 7.

¹⁹ Alan E.J. Andrews, *Earliest Monaro and Burragorang, 1790 to 1840* (Canberra: Tabletop Press, 1998), 140.

²⁰ Andrews, 'Ryrie Goes East' Map 28, *Earliest Monaro and Burragorang*, 181.

²¹ 'An Excellent Opportunity for the Investment of Capital', *Sydney Morning Herald*, 11 July 1843, 4.

There is no mention in the advertisement of the acreage of the land (the size of the station) or that the land was only occupied by annual licence. This limitation did not deter the owner of the improvements from advertising the whole station for sale.²² William Walker, 'owner of a trading and pastoral firm' in Hobart, took over the licences for the largest of the Imlay's runs when the brothers 'failed to repay advances' to him.²³ These exchanges implied a possession of the land itself, even if legal claims were limited to the annual licence.

As squatters across New South Wales grew in wealth, producing wool for export, they also gained political power and used that power to gain property rights. By the mid 1840s they were pushing Governor Gipps for security of tenure on the lands they occupied.²⁴ This pressure led to the 1847 Order in Council that granted leases to the existing licence holders and included provisions for the leaseholders to purchase title to 'not less than' 160 acres of the land around their station houses and premises by 'pre-emptive purchase'.²⁵ Twenty-three leases were granted in the far south coast area to six licence holders.²⁶ Peter Imlay, surviving his two brothers who had died in the late 1840s, kept four leases north of the Brogo/Bega River, and William Walker, who had taken over the other Imlay brothers' runs in 1844, had the leases for Kameruka, Stockyard (Candelo), Yacklama and Tuamba (Towamba), south of the Bemboka/Bega River. By 1848 Mr S. Polack had Brogo Station and William Tarlinton had two runs on Narira Creek: these men are recorded as taking the leaseholds on these properties.²⁷

The 1847 Order specifically stated that the leased land was for pastoral purposes.²⁸ The only agricultural activities permitted were to support residents on the leasehold land.²⁹ This edict created a practical and cultural paradox. Waterhouse argues that the cultural values the English settlers brought with them to the colony of New South Wales meant that they believed

²² 'An Excellent Opportunity for the Investment of Capital'.

²³ Patricia Clarke, *A Colonial Woman: The Life and Times of Mary Braidwood Mowle, 1827-1857* (Sydney: Allen and Unwin, 1986), and W.A Bayley, *The Story of the Settlement and Development of Bega* (reprinted by Bega Pioneers Museum, 1987), 17.

²⁴ Samuel Clyde McCulloch, 'Gipps, Sir George (1791-1847)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/gipps-sir-george-2098/text2645>, published first in hardcopy 1966. Accessed 5 January 2019.

²⁵ Text of the Order in Council 1847, *Select Documents in Australian History 1788-1850*, 252-256.

²⁶ 'Claims to Leases of Crown Lands Beyond the Settled Districts, Maneroo District, (from the Government Gazette)', *Sydney Morning Herald*, 7 October 1848, 8 and 11 October 1848, 3-4.

²⁷ 'Claims to Leases of Crown Lands'. The boundaries of these leases are described in detail in these claims.

²⁸ Order in Council 1847, *Select Documents in Australian History 1788-1850*, 254.

²⁹ Order in Council 1847, *Select Documents in Australian History 1788-1850*, 254.

that agriculture was the cornerstone of a settled and civilized society.³⁰ Grazing—semi-nomadic herding—was culturally considered uncivilized while agriculture was civilizing. Saltzman et al argue that the word culture originally meant agriculture—the tilling of the ground and cultivation of crops—therefore the development of agriculture marks the beginning of civilization.³¹

The centrality of agriculture to Western societies is expressed as the ideology of agrarianism. American philosopher James Montmarquet traced the history of the idea of agrarianism back to the shift from hunter gatherer societies to the establishment of settled cultures.³² Farmers' work, tilling the soil, created surplus food to support not only the farmers but also artisans and religious practitioners. This was the beginning of civilisation: therefore agrarianism 'carries at least the strong suggestion that agriculture is more valuable than other pursuits'.³³ Montmarquet outlines the many iterations of the use and understanding of the term from Greek writers to a sturdy yeomanry in England to American philosophers.³⁴ Australian rural sociologists Stewart Lockie and Lisa Bourke take up this idea arguing that agrarianism is 'the belief that farming is an ennobling way of life, that underpins an ideal society and at the same time provides the food and fibre necessary for the larger society'.³⁵

While the early squatters and leaseholders in the river valleys were focussed on grazing sheep and cattle, by 1850 other European colonists with some assets began arriving in the County of Auckland wanting to buy land to use for agriculture.³⁶ They sought to be independent farmers in keeping with the agrarian ideal—not working for wages for a wealthier landowner or squatter. The potential for agriculture on the lands of the County was evident before 1850 as tenant farmers grew wheat and potatoes on the fertile alluvial flats on the banks of the Pambula River near the port of Eden, and also on the extensive river flats at

³⁰ Waterhouse, 'Agrarian Ideals and Pastoral Realities'.

³¹ K Saltzman et al, 'Do Cows Belong in Nature? The Cultural Basis of Agriculture in Sweden and Australia', *Journal of Cultural Studies* 27 (2011): 56.

³² James A Montmarquet, *The Idea of Agrarianism: From Hunter Gatherer to Agrarian Radical in Western Culture* (Idaho: University of Idaho Press, 1989).

³³ Montmarquet, *The Idea of Agrarianism*, viii.

³⁴ Montmarquet, *The Idea of Agrarianism*.

³⁵ Ian Gray and Emily Phillips, 'Beyond life in "the bush": Australian rural cultures', in *Rurality Bites*, eds. Stewart Lockie and Lisa Bourke (Sydney: Pluto Press, 2001), 54.

³⁶ 'Twofold Bay- from a correspondent', *Empire*, 29 October 1853, 3.

the confluence of the Bega and Brogo Rivers.³⁷ Soon they lobbied to have the squatters' leaseholds made available to them for purchase as agricultural land. In 1853, a correspondent to the *Empire* (a Sydney newspaper edited by Henry Parkes with a liberal emphasis) reported on this demand for land and calls for land auctions in the Twofold Bay District. The correspondent noted that the district was well suited to agriculture; crops had not failed for the previous ten years; newly arrived settlers from the gold diggings were looking for farms; the rapidly increasing populations of New South Wales and Victoria were creating demand for food; and there was enough produce from the area to warrant a steamship calling at Twofold Bay regularly to take local produce to city markets.³⁸ The same correspondent had a further article published two weeks later opining that all that was holding back the sale of land was the need for surveys leading to public auction. The government was, the correspondent alleged, being tardy in releasing land for sale given this great demand.³⁹ If the 'high land on the ridges' was only suitable for grazing, the 'flats and low lands are exceedingly fertile and much sought after'.⁴⁰ Biggar (one of the original spellings of Bega) was particularly described as having fertile soil, 'thinly timbered flats, [and a] plentiful supply of water-courses...unexcelled in this part of the colony'.⁴¹

Such pressure seems to have brought action. Land in the nascent town of Bega sold at auction beginning in 1854 and between 1855 and 1860 large areas of agricultural land in the Bega Parish were released for sale.⁴² Robert and Edwin Tooth, prominent brewers and members of a Sydney-based syndicate, the Twofold Bay Pastoral Association, had purchased the leasehold of Kameruka run from William Walker in 1853.⁴³ To permanently secure the valuable land on the river flats near the Bega township they purchased 1,508 acres of their

³⁷ 'Dreadful Storm and Loss of Seventeen Lives', *Sydney Morning Herald*, 29 May 1851. The report of the storm that killed seventeen residents living on the banks of the Bega River lists the crops that were being grown by the tenant farmers.

³⁸ 'Twofold Bay- from a correspondent', *Empire*, 29 October 1853, 3.

³⁹ 'Twofold Bay- from a correspondent', *Empire*, 15 November 1853, 3.

⁴⁰ 'Twofold Bay- from a correspondent', *Empire*, 15 November 1853, 3.

⁴¹ 'Foundation of Bega', *Bega Standard*, 11 November 1876, 2. Prior to the 1876 visit of John Robertson, the NSW Premier, the newspaper published a report reprinting a petition that was sent to the Duke of Newcastle in 1853 by a group of settlers in the requesting land around the Bega River flats be sold freehold.

⁴² W.A. Bayley, *The Story of the Settlement and Development of Bega*, reprinted in 1987.

⁴³ Bayley, *Settlement and Development of Bega*, 20.

leasehold at these auctions.⁴⁴ While these established interests bought large holdings, fifty-two other men and women were also able to buy land totalling 6,755 acres at these auctions.⁴⁵

This imbalance in access illustrated the tension that was developing in the colony with calls from newly enfranchised voters to 'unlock the lands' for small scale agricultural producers against the power of the leaseholders who were graziers.⁴⁶ To break the monopoly of the leaseholders and reduce the time it took to survey Crown land for auction, John Robertson (later Sir John), a NSW parliamentarian, lobbied to open land to settlement prior to survey and auction. By 1861 he had secured enough support to pass his land bills in both the Legislative Council and the Legislative Assembly.⁴⁷ In 1861, at the end of the squatting period, the population of the County of Auckland was 2,324 Europeans, increased from just 777 in 1851, indicating the degree of interest in the lands about to be 'thrown open'.⁴⁸

Purchasing Crown Lands: The Free Selectors

The sale of Crown lands to 'free selectors' between 1862 and 1900 under the terms of the Crown Lands Occupation Act of 1861 and the Crown Land Alienation Act of 1861 (commonly referred to as the Robertson Land Settlement Acts, RLSA),⁴⁹ precipitated the second transition in the area as land was transferred from control by eight leaseholders to many hundreds of conditional purchasers.⁵⁰ Robertson's Acts fundamentally changed the way land was alienated from the Crown with all colonists, men, women and children, eligible to take out conditional

⁴⁴ 'Panbula [From our own Correspondent]', *The Empire*, 1 December 1855, 3.

⁴⁵ Fiona Firth, 'Turn the Churn and Grow Rich: a History of the Emergence of Dairy Farming in the Bega Valley Rainshadow 1855-1900' (Honours, University of New England, 2004), 79. These figures were compiled using the State Records of NSW: Map of County of Auckland, A.O. No. 10163 showing land purchased prior to 1860 and the Parish Map of the Parish of Bega which shows the name of the person who bought the land from the Crown i.e. the person who bought the land at auction. The NSW Parish maps are now available online through the Historic Records Reader NSW Land Registry Services, <https://www.nswlrs.com.au/Parish-and-Historical-Maps>.

⁴⁶ NSW was granted self-government in 1856 and universal male suffrage in 1858.

⁴⁷ Bede Nairn, 'Robertson, Sir John (1816–1891)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/robertson-sir-john-4490/text7337>, published first in hardcopy 1976, accessed online 15 October 2017.

⁴⁸ *Census of the Colony of New South Wales taken on 7 April 1861 under the Act 24 Victoria*, 5 (Sydney, Government Printer, 1862), 14.

⁴⁹ An Act for Regulating the Alienation of Crown Lands [18 October 1861], *Public General Statutes of New South Wales from 16 Victoriae (1852-1862)* (Sydney: Government Printer, 1962).

⁵⁰ Firth, 'Turn the Churn and Grow Rich', 79. The Conditional Purchase registers record 747 conditional purchases taken out at the Eden Lands office in the years 1862 to 1865 in the parishes now included in Bega Valley Shire.

purchases, assisted by government credit. The provisions of the Crown Lands Alienation Act were that anyone could select⁵¹ from forty to 320 acres of land prior to the land being surveyed. All land was sold at the set price of £1 per acre.⁵² The conditional purchaser, also called a free selector, estimated the acreage of the land he wished to occupy and paid a twenty-five percent deposit based on the estimated acreage: for example, a selection of 40 acres, the total cost was £40, the deposit was £10 to be paid at the time the conditional purchase was registered. Similar to Phillip's 1787 orders to make land grants to emancipists, the purchase was conditional on the purchaser living on the land and improving it. By 1861 the value of improvements was specified. Improvements were to be at least equal to the value of the land: a 40 acre selection cost £40 and improvements were to be valued at least to £40, in the form of housing, fencing and/or land clearing.⁵³ If after three years the residence and improvement conditions had been met, the selector was to pay the balance of the sum and receive the title, or had the option to pay interest at five per cent per annum on the balance owing.⁵⁴ Robertson argued that the residence and improvement clauses would ensure that only 'bona fide' conditional purchasers—conditional purchasers who fulfilled the residence and improvement requirements and were therefore genuine owner occupiers—would select land and prevent the existing rich leaseholders taking more land.⁵⁵

The sale of land using the conditional purchasing legislation was widely taken up across the colony from 1861. There was, however, still conflict between the leaseholders, who wanted to retain their large holdings, and free selectors who wanted to buy sufficient land to become independent farmers. The 'free selectors' competed with each other and with the squatters using a variety of 'abuses' or tactics employed by both groups to secure access to

⁵¹ Selecting land meant going out into the bush or countryside and putting stakes in the ground on the perimeters of the land you wanted then going to the local lands office, in this area to Eden in 1861, to register your claim on the land selected, and paying the deposit. If no one else claimed the same land on the same day you were deemed the conditional purchaser.

⁵² The price of £1 per acre was set in the Order in Council in 1847 and applied to leaseholders purchasing land on their run by pre-emptive purchase. Governor Gipps raised the government's price from five shillings per acre to one pound per acre as a measure to raise funds to support higher immigration to the colony. The same price was set for the Robertson Land Settlement Acts.

⁵³ 'Improvements', New South Wales An Act for Regulating the Alienation of Crown Lands, assented 18 October 1861.

⁵⁴ 'Alienation of Crown Lands', Clauses 13-27, 3378-3382.

⁵⁵ Nairn, 'Robertson, Sir John'.

land.⁵⁶ In the Bega district the biggest and most powerful leaseholder was not an individual but the Twofold Bay Pastoral Association, a syndicate of six men, some politically powerful, others rich.⁵⁷ William Montague Manning (later Sir William), previously a solicitor general of NSW and later a member of the Legislative Council and his brother were members as were the Tooths. Together, these men conducted a series of transactions to secure tenure to separate parts of the lands of Kameruka and Towamba leasehold even before the Acts passed, their political connections and knowledge indicating the need to secure the best areas before the opening of the area to all comers. Although Manning had been paid out of his share of the Association and had leasehold in the southern valleys, he was active in 1862 using the acts to select portions in his own name near rivers within the Kameruka run in competition with the Tooth leaseholders.⁵⁸ Robert Lucas Tooth inherited the Kameruka estate from his uncle and converted 22,000 acres of leasehold to freehold at the core of Kameruka estate, but did not compete with free selectors taking out conditional purchases in parts of the run distant from the main homestead.⁵⁹ A familiar pattern was developing: a patchwork of holdings not always concealing the power of the wealthy to secure the best country, but still creating opportunities for smaller settlers.

Robertson's aims for the development of the colony using the land acts have been the subject of extensive debate among historians. Bill Gammage reviewed this historiography in 1990 in asking 'Who gained, and who was meant to gain, from land selection in NSW?'.⁶⁰ Gammage confidently claimed that the most common historical opinion expressed by eighteen general historians between 1903 and 1989 was that 'land selection intended to

⁵⁶ One prevalent tactic was 'dummying', where one person used another person's name such as a tenant or an employee to take out a conditional purchase and then the originator took over the conditional purchase at a later date.

⁵⁷ G. P. Walsh, 'Tooth, Robert (1821–1893)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/tooth-robert-4731/text7851>, published first in hardcopy 1976. Accessed online 20 March 2021.

⁵⁸ The conditional purchase registers record W. M. Manning as taking conditional purchases on the first day that the land office at Eden was opened to record free selections and subsequently several more conditional purchases. As far as I can ascertain he did not fulfil the residence clause as he was living at his Sydney residence, Wallaroy House, Edgecliff from 1860. Martha Rutledge, 'Manning, Sir William Montagu (1811–1895)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/manning-sir-william-montagu-4150/text6657>, published first in hardcopy 1974. Accessed online 13 February 2020.

⁵⁹ Bruce Ryan, 'Kameruka Estate, New South Wales, 1864–1964', *New Zealand Geographer* 20 (1964), 111–114.

⁶⁰ Bill Gammage, 'Who Gained and Who was Meant to Gain from Land Selection in New South Wales', *Australian Historical Studies*, 24, No 94, 1990: 104–122.

implement the yeoman ideal—that is by opening the land to everyone, to establish small farmers and their families, independent of the squatter, on their own land’.⁶¹ This was the improvement agenda of creating a civilizing agrarian society of morally superior farmers cultivating the soil. Gammage’s survey also showed that most historians held the view that the squatters won most land.⁶² On this basis, he called for more detailed local studies to establish the extent of free selection in particular areas. In 1999 John Ferry studied the pattern of conditional purchasing around Armidale, in northern New South Wales, and argued that while squatters kept control of much of ‘their’ runs, selectors were also able to secure good agricultural land.⁶³ Barbara Dawson, researching land on the Monaro Tablelands, concluded that both squatters and selectors used the acts to gain title to large land holdings.⁶⁴ My research in the Bega district demonstrated that individuals did successfully use the acts to create a community of farmers on small to medium size farms.⁶⁵ The farmers/conditional purchasers themselves were very supportive of Robertson when he made an official visit to the far south coast as Premier in 1876 thanking to him for the legislation that gave them access to land acquired by conditional purchase. The Premier spoke at meetings and celebratory lunches and dinners in Tathra, Bega, Wolumla and Candelo. ‘Hundreds’ of locals accompanied Robertson as he travelled between the villages before ascending to the tablelands to continue his tour.⁶⁶ A correspondent travelling with Robertson’s entourage reported in the *Town and Country Journal* that the people present at the village meetings ‘were respectable well to do farmers, who were loud in their praise of Mr Robertson for giving them the means of acquiring homes on [sic] the district’.⁶⁷

In 1883, twenty-two years after the introduction of the land acts, visitors to the Bega District attributed to the Acts the success of the residents in creating a wealthy, agricultural community. ‘Bega is one of the most prosperous districts in the colony, and its prosperity is

⁶¹ Gammage, ‘Who Gained’, 111.

⁶² Gammage, ‘Who Gained’, 105.

⁶³ John Ferry, *Colonial Armidale*, (St Lucia Qld: Queensland University Press, 1999).

⁶⁴ Barbara Dawson, ‘Holding Selectors at Bay: An Analysis of the Robertson Land Acts on the Property of Bibbenluke in Southern Monaro’ (Master of Arts, Australian National University, 1996).

⁶⁵ Firth, ‘Turn the Churn and Grow Rich’.

⁶⁶ ‘Ministerial Visit to Bega and Monaro’, *Australian Town and Country Journal*, 25 November 1876, 24.

⁶⁷ ‘Ministerial Visit to Monaro’, *Australian Town and Country Journal*, 18 November 1876, 9.

mainly attributable to the fact of the land having been thrown open to the people'.⁶⁸ Augustus Morris and George Rankin, commissioned by the NSW Parliament to investigate the success, or otherwise, of the RLSA, also reported to the NSW Parliament in 1883 that in the Bega district 'land has mainly been alienated through bona fide conditional purchase'.⁶⁹ Also in 1883, Mr W. B. Christie, who spoke publicly across the colony about the land laws, visited the district and the Bega Show and wrote a glowing report of all he saw. Published in the *Bega Gazette* and also in *Sydney Mail and New South Wales Advertiser*,⁷⁰ Christie declared that the range and quality of the exhibits at the Bega Show could only come from a community of independent farmers 'where men are their own landlords and being their own masters are free to compete with all their neighbours in the work of production and add wealth and prosperity to districts blest with the absence of land monopolists'.⁷¹

My research into the success of the land acts in the Bega Valley has confirmed that the Acts were successful in breaking up leasehold land into smaller farms owned by individuals.⁷² Men and women with a small amount of capital began farming, creating successful and vibrant communities of owner occupiers who trialled a mix of agricultural and pastoral pursuits to support their families within the constraints of the land they occupied.⁷³ The reality of the Bega District lands was that only the flatter areas were suitable for ploughing and the more hilly terrain was more suited to grazing. Wheat was grown in the first decades of settlement, but farmers switched to growing maize as a hardier and more reliable grain crop to feed livestock. Free selectors tried a variety of enterprises to build their farming businesses. On the fertile river flats pigs were fattened and ham and bacon smoked on farm before being sent to Sydney and Melbourne.⁷⁴ Bark was cut from wattle trees and sent to Sydney for leather

⁶⁸ Augustus Morris and George Rankin, 'Report of Inquiry into the State of the Public Lands and the Operation of the Land Laws', *Journal of the Legislative Council of New South Wales*, 1883, XXXIV, part 1, 1883, 270-448.

⁶⁹ Morris and Rankin, 'Report of Inquiry into the State of the Public Lands'.

⁷⁰ W. B. Christie, 'A Visitor's Impressions of the Bega District', *Sydney Mail and New South Wales Advertiser*, 31 March 1883, 594-595 and *Bega Gazette*, 7 April 1883, 2.

⁷¹ Christie, 'A Visitor's Impression'.

⁷² Firth, 'Turn the Churn'.

⁷³ Firth, 'Turn the Churn'.

⁷⁴ 'Tour to the South' *Australian Town and Country Journal*, November 4, 1871, 600. The *Australian Town and Country* reporter gave an estimate of 2,700 pigs fattened on the Bega River flats and 'sent away' in the previous year with an estimated value of £12,000. Using a modern currency calculator that is the equivalent of \$1,785,000 in 2017. <http://www.thomblake.com.au/secondary/hisdata/calculate.php>.

tanning.⁷⁵ Over the forty years from the settlement acts, dairying became the preferred farming activity. Over time the land proved more suited to grazing than cropping, the farms were close to the coast for shipping produce to the cities, and large families provided labour to 'value add' to grazing by making butter and cheese. Dairying was also promoted by the richer farmers, assisting those with fewer resources with a system called 'dairying on the halves': a farmer with extra cows would give cows and milking equipment to a free selector with grazing land but little capital on the condition that the profits from the cheese or butter produced would be shared.⁷⁶ Dairying on the halves and leasing farms from wealthier landholders was common along the coast south from Wollongong from the 1880s.⁷⁷ Cheese production was favoured by the independent dairy farmers as cheeses transported better and required fewer preservatives than butter. By 1900 farmers in the Bega district were producing half of the cheese in NSW.⁷⁸

From 1861 through to the 1890s free selectors continued looking for more 'good land'. The first selections were taken up in the parishes between Wolumla and Bega on the land that had been the Kameruka leasehold.⁷⁹ Once that land was converted to conditional purchase and freehold, selectors moved into the valleys north of Bega township and into more remote terrain, following creeks to find pockets of good land in the many valleys. These selectors limited themselves to what they considered the 'good land', and parish maps and current data show that less than thirty percent of the contemporary Bega Valley Shire was ever converted

⁷⁵ *Acacia mearnsii*, a local black wattle, has high tannin content in the bark which, when used in the tanning process, made a high-quality leather. Collecting wattle bark was a way for conditional purchasers to generate some income to provide capital for their farming ventures and fulfil the improvement clause of the conditional purchase by clearing land.

⁷⁶ John Marshall Black was one such entrepreneur. He and his family started cheese making in 1868. His farm records indicate that he had such an arrangement with the Blanchard family who had land near his at Wolumla. Mrs Blanchard and her son went to Black's farm to learn the cheese making process. Information extracted from J. M. Black's records by Mrs C. Mueller. John Marshall Black's farm and business records are now preserved at the Pambula Courthouse by the Bega Valley Genealogy Society.

⁷⁷ D. N Jeans, *An Historical Geography of New South Wales to 1901* (Sydney: Reed Education, 1972), 252-253.

⁷⁸ Jeans, *Historical Geography of NSW*, 261.

⁷⁹ Kenneth Bruce Ryan, 'Kameruka Estate, New South Wales, 1864-1964', *New Zealand Geographer* 29 (1964): 103-15. and Firth 'Turn the Churn'. The leaseholder of the Kameruka estate was the syndicate Twofold Bay Pastoral Association. There was a division of land between the various owners in 1860 before the RLSA were passed. Tooth family members and William Montagu Manning and his brother James were able to secure much of the land of the leasehold using the provisions of the 1847 Order in council. They chose or were not able to keep control of the remainder of the leasehold they had prior to 1860.

to freehold by these processes.⁸⁰ One example is in the Parish of Murrah, which runs from the coast onto the lower slopes of Mumbulla Mountain. Members of the Benny and Gowing families took out conditional purchases with frontage to Murrah River in the 1880s.⁸¹ [Map Five]. These private land holdings were surrounded at the time by vacant Crown land which was later gazetted as Murrah State Forest. Land that was attractive to the free selectors in the 1880s diminished in its productive value by the early twentieth century as farms became more mechanised, favouring better quality land closer to the emerging butter factories. Yet these private land portions deep in the forest but along the many watercourses would become attractive again in the 1970s and 1980s, when sold to 'new settlers' looking for 'a bit of land by a creek to grow veggies' surrounded by 'undisturbed' bush.

In 1851 there were 777 Europeans in the police district of Eden,⁸² and the lands, controlled by eight leaseholder squatters, were limited to the land around the main watercourses, on the grassy lightly timbered woodlands. By 1901 the population of the County of Auckland had risen to 10,776,⁸³ and the farmed land, about one third of the total area, was divided into small to medium-sized family-owned farms along the rivers and creeks, with the forests and steeper less fertile bushland remaining as Crown land.

The 'Dairy Revolution'

The third transition in production on Bega Valley lands began when new technologies in the late 1880s revolutionised dairy manufacture across the world and enabled the creation of an international export trade for Australian butter to the United Kingdom. Even peripheral places such as Bega Valley could contribute to this expansion. Three advances improved the quality

⁸⁰ Daniel Lunney and Alison Matthews, 'Ecological Changes to Forests in the Eden Region of New South Wales'. Australia's Ever-Changing Forests V, Proceedings of the Fifth National Conference on Australian Forest History (Canberra: ANU Centre for Resource and Environmental Studies, 2002): 289-310. Lunney and Matthews' analysis of the extent of Crown land and State Forest using the NSW Forestry Commission 1968 Project Map also reveals the extent of freehold land.

⁸¹ New South Wales Land Registry Service Murrah Parish Map second Edition, http://www.nswlrs.com.au/land_titles/historical_research/parish_maps. Accessed 27 January 2019.

⁸² Returns of population in the police districts on 1 March 1851, http://hccda.adu.edu.au/pages/NSW-1851-census-01_14. The Police district of Eden was 'in the squatting district of Monaroo and embracing the county of Auckland', 'Police', *Maitland Mercury and Hunter River General Advertiser*, 12 May 1852, 1.

⁸³ Census of NSW 1901 http://hccda.anu.edu.au/pages/NSW-1901-census-02_46. This figure does not include population in the areas north of the Brogo River as these are counted in the County of Dampier, population 5752 in 1901. The local government areas of Imlay and Mumbulla were not incorporated until 1906.

of butter and cheese produced in all dairying areas. Refrigerated shipping, invented in 1879, meant that less preservative and salt was required for storage and transport resulting in more palatable and therefore more saleable butter.⁸⁴ The second invention was the steam cream separator, which separated the cream from the milk efficiently and hygienically for butter production.⁸⁵ The third invention was the Babcock Tester, invented in 1890 and used in Australia from 1892, a machine which could accurately measure the butter fat content of milk.⁸⁶ This invention opened the way for farmers to supply milk or cream to processing factories knowing that there was an objective measure of the quality of the cream. Each farmer could be paid according to the butterfat content rather than the volume of milk or cream. Farmers then had an incentive to improve the quality of their milk and herds, and also the means and incentives to band together and co-operate to make the butter manufacturing process more efficient and profitable.⁸⁷

These opportunities to expand and modernise the dairy industry were taken up by Bega district farmers. In 1894 a private company, the New South Wales Creamery Butter Company, built a factory at Yarranung on the banks of the Brogo River a few miles from Bega.⁸⁸ The company collected milk at stations in six locations across the valley, used a steam cream separator locally and then sent cream to the factory at Yarranung to be processed into butter. With factories in the major dairying districts of New South Wales, the company planned to export the butter from its factories directly to London.⁸⁹ Some farmers chose not to supply a private company but still saw the advantages of the 'factory system' and heard about the advantages of co-operation from farmers who made speeches locally on the benefits of such practices further up the coast around Kiama.⁹⁰ In 1900 a group of farmers opened the Bega Co-operative Butter Factory in direct competition to the private company.⁹¹ The Co-operative

⁸⁴ Jeans, *Historical Geography of NSW*, 255.

⁸⁵ Jeans, *Historical Geography of NSW*, 255.

⁸⁶ Jeans, *Historical Geography of NSW*, 256.

⁸⁷ Jeans, *Historical Geography of NSW*, 256.

⁸⁸ Stephen B. Codrington, *Gold from Gold: The History of Dairying in the Bega Valley* (Sydney: Mercury Research Press, 1979), 34 and 'N.S.W. Creamery Butter Company – The Bega Factory', *Bega Standard*, 16 November 1894, 2.

⁸⁹ Codrington, *Gold from Gold*, 39-40 and 'A New Creamery and Butter Company', *Sydney Mail and New South Wales Advertiser*, 7 July 1894, 6.

⁹⁰ Gary Lewis, *The Democracy Principle: Farmer Co-operatives in Twentieth Century Australia* (Wamboin, NSW: Gary Lewis, under the auspices of the Co-operative Federation of NSW, 2006).

⁹¹ Codrington, *Gold from Gold*, 34-40.

model was preferred by the Bega Valley farmers and by 1903 the private company was gone.⁹² These farmers valued their independence, as the previous generation of selectors had, and by becoming shareholders in co-operatives they were keeping the profits locally and controlling the business, not working for a company which distributed profits to shareholders.

Regulation and Subsidy: Dairy Co-operatives 1900 to 1945

This model of co-operative dairy production defined the economy, patterns of settlement and identity of the Bega Valley until the 1970s. In turn, it established understandings of what constituted a productive landscape. After 1901 farmers on good agricultural lands in the south and inland to the foothills of the ranges settled into dairying for butter production around the villages of Cobargo, Bemboka, Candelo, South Wolumla, Home Farm on Kameruka estate, and Bega [Map Three] where the butter factories were established.⁹³ Earlier constraints still applied in terms of the limits of the topography, relative isolation and poor roads. The weather was still a factor with droughts limiting production in some years and floods also affecting milking and therefore production at other times. Supply also fluctuated over an annual cycle with less milk produced by the cows during winter than in spring and summer.⁹⁴ But at least there was now an industry that consolidated networks and offered the prospect of longer-term economic viability, subject to a range of State and Commonwealth policy interventions, regulation and assistance which sought to both guarantee the quality of produce and to regularise markets and prices.

Introduced in 1915, the Dairy Industry Act effectively regulated every stage of the production process: 'manufacture, sale, storage, transit and export of dairy produce including margarine'.⁹⁵ The Act included provisions regulating the grading of cream and butter and payment for cream; required registration of premises associated with dairy production and storage; and mandated inspections of dairy premises and equipment. The Act was criticised by many farmers as government interference in the free market.⁹⁶ Countering this view was

⁹² Codrington, *Gold from Gold*, 42

⁹³ Codrington, *Gold from Gold*, 50. These were the seven butter factories registered under the Dairy Act 1915.

⁹⁴ Codrington, *Gold from Gold*, 63.

⁹⁵ New South Wales, Dairy Industry Act, Act No. 45, 1915.

⁹⁶ E.L. Geary, 'The Dairying Position' Letter to the Editor, *Daily Telegraph*, 17 June 1915, 4. Mr Geary was from Kalang, Bellingen on the mid north coast of NSW.

an insistence on the need to improve the quality of produce which was, increasingly, intended for export. The government's experts advised that the purpose of the legislation was to end a situation of the production of very poor-quality butter.⁹⁷ Under such scrutiny, the quality of cream produced in the Bega district did improve,⁹⁸ butter factories were modernised, and markets, including overseas markets, began to seem more secure.⁹⁹

Having the infrastructure in place to export large quantities of Australian butter to the London marketplace was a boost to Australian butter manufacturing, but the returns for butter exported to the London market varied depending on supply, the amount that was being received from the importing countries (including New Zealand) and demand. By the 1920s one third of Australian butter was exported and the returns for exported butter were lower than from butter sold on the domestic market.¹⁰⁰ In an attempt to address this disparity, Victorian Country Party federal parliamentarian Thomas Paterson developed a voluntary scheme, adopted in NSW and Queensland in 1926, which collected a levy on all butter produced.¹⁰¹ A bounty was paid to those farmers whose butter was exported while effectively increasing the domestic price.¹⁰² The net effect of this scheme was to encourage more farmers into dairying, because of the assured returns. A distorted market was one outcome, but so was a continuing process of regulation.¹⁰³ In 1935 the Paterson scheme was replaced by an Australia-wide equalisation scheme, which required all states to join in annually setting a national average price,¹⁰⁴ and setting up the Australian Dairy Produce Board to control butter and cheese exports to Britain.¹⁰⁵ Dairying, then, was far from a free market with regulation and control of production and prices and interventions from both state and federal governments to ensure stable prices and production. At the beginning of the Second World War, the Dairy Board entered contracts to supply the United Kingdom with butter and cheese deemed surplus to Australia's requirements at fixed prices according to the grade. While this practice set a secure

⁹⁷ 'Butter Industry. Provisions of New Act.' *Sydney Morning Herald*, 10 March 1916, 10.

⁹⁸ Codrington, *Gold from Gold*, 49.

⁹⁹ Codrington, *Gold from Gold*, 45-46.

¹⁰⁰ Codrington, *Gold from Gold*, 54-56.

¹⁰¹ ABS New South Wales Year Book 1966, 991.

¹⁰² Codrington, *Gold from Gold*, 56.

¹⁰³ Codrington, *Gold from Gold*, 56.

¹⁰⁴ Codrington, *Gold from Gold*, 60.

¹⁰⁵ Australian Bureau of Statistics 'The Australian Dairy Industry', *Yearbook Australia* 2004.

<https://www.abs.gov.au/Ausstats/abs@.nsf/0/B006A83A9127B0F5CA256DEA00053965?Open>. Accessed 4 November 2019.

price, the fact that Britain was coming out of economic depression meant the contracted price was low. In 1942 Prime Minister John Curtin introduced a further market intervention, providing a bounty payment under the Dairy Industry Assistance Act 1942.¹⁰⁶ The aim of this payment was to increase production and to ensure dairy farmers remained in the industry.¹⁰⁷ Despite these interventions, Bega Valley dairy farmers struggled during the war not only from manpower shortages but also from drought.¹⁰⁸ A layering of factors, with inbuilt tensions as well as opportunities, continued to shape perceptions of productivity, and in turn of the landscape on which it drew, and the communities it supported.

After nearly half a century of being in a stable, subsidised and highly regulated industry, the conservatism of the Bega Valley farmers, who had once been at the forefront of innovation and entrepreneurship, was showing. In April 1948, Mr J. T. Rogers, the Chairman of the Bega Co-operative Society Limited, reported to those present at the Society's half yearly meeting that although the Society's directors recommended diversifying the Co-op's product range, including moving to manufacturing milk concentrates

in this district we have evidence of great nervousness and a fear of embarking on what is a new and profitable era of the dairying industry...it is regrettable that this district, which was a cradle of the industry, it is not in the van of progress.¹⁰⁹

The supplier-shareholders were reluctant to follow the advice of the chairman and directors because of the costs associated with change, including the new processing equipment and storage facilities. Investment in the Co-op's facilities would decrease their returns in the short run.¹¹⁰

Between 1952 and 1954 geographer John Holmes began his research career studying the profitability and 'incipient decline' in two butterfat dairying areas of NSW: Moruya in Eurobodalla shire—immediately to the north of the Bega Valley area—and Copmanhurst on the Clarence River on the NSW mid-north coast. He revisited and updated these 1950s case

¹⁰⁶ Australia, Dairy Industry Act No.58 of 1942. <https://www.legislation.gov.au/Details/C1942A00058>.

¹⁰⁷ John Wilkinson, *Dairy Industry in NSW: Past and Present*, Briefing Paper 23/99, NSW Parliamentary Library Research Service, 1999, 14.

¹⁰⁸ Codrington, *Gold from Gold*, 60-61.

¹⁰⁹ Codrington, *Gold from Gold*, 67.

¹¹⁰ Codrington, *Gold from Gold*, 67.

studies with further research in Moruya in 2010-2011 and in Copmanhurst in 2018. He used evolutionary economic theorisation of path dependence to explain the resilience of the butterfat dairy industry and its prolonged demise.¹¹¹ Path dependence explains economic processes where (in this example) an industry develops and the producers become 'locked in' to a particular production system which subsequently becomes very difficult to leave. In this model, the industry passes through four phases: initiation, articulation, entrenchment and dissolution.¹¹² The initiation phase is adaptive to the local circumstances. This was evident on the far south coast as government settlement policies encouraged potential farmers with few assets to take up small landholdings by conditional purchase, even providing interest-only loans.¹¹³ The prospective farmers in this early stage had little or no capital but large families to provide labour. Among them, successful and entrepreneurial farmers encouraged their neighbours into adopting dairying on the halves arrangements, so consolidating an industry, which looked profitable but was to some extent one-dimensional and potentially vulnerable to fluctuation. In the articulation phase new technologies made dairying more efficient and more profitable. Co-operatives began butter-making and created transport and marketing systems that were easy for these farmers to access. Entrenchment began when governments, both state and federal, and supported by strong pro-farming lobbies, keen to have an export industry, provided subsidies and bounties.¹¹⁴ These payments and the 'tight, monopolised, vertical integration' of the system of co-operative production, marketing and service provision kept farmers in the industry despite low returns.¹¹⁵ Farmers found it difficult to exit due to lack of other local farming or work opportunities. The butterfat dairy farmers, Holmes argues, therefore became locked into a dysfunctional production system which had 'survivability in the face of adversity and barriers against exit',¹¹⁶ in part because of the learned resilience and frugality of the farmers and their families. Observing this pattern, Holmes views path dependence as evolutionary and synergistic with his multifunctionality concept of rural transitioning processes. He and other researchers ask the question of whether this path

¹¹¹ John Holmes, 'Dysfunctional Path Dependence in Mid-century Butterfat Dairy Farming on Eastern Australia's Subtropical Coastlands: Case Studies at Moruya and Copmanhurst', *Geographical Research* 57, no. 3 (2019): 312–330.

¹¹² Holmes, 'Dysfunctional Path Dependence', 329.

¹¹³ Firth, 'Turn the Churn'. The conditional purchase registers show that many conditional purchasers were still paying the interest only on the land and had not paid off any capital in the 1910s and 1920s.

¹¹⁴ Holmes, 'Dysfunctional Path Dependence', 313.

¹¹⁵ Holmes, 'Dysfunctional Path Dependence', 314.

¹¹⁶ Holmes, 'Dysfunctional Path Dependence', 313.

dependence is a process or effect that is 'locally contingent and locally emergent and hence to a large extent 'place dependent''.¹¹⁷

While Holmes' focus was Moruya, these factors became more pronounced in the dairying areas further south around Bega. The Bega Valley offers an example of a locally contingent and 'place dependent' response evolving out of the 'dissolution phase' of dairying for butter production. While farms at Moruya and Copmanhurst largely phased out of dairying and moved to beef production, some Bega Valley farmers continued dairy farming but changed their product to fresh milk and cheese. Two factors worked in favour of the most efficient Bega Valley farmers and the Bega Co-operative to keep them in the industry through the Australia-wide restructuring of industry that continued into the 1970s and beyond. As the butter industry dissolved, the Bega Co-operative directors, like their predecessors fifty years earlier, proved entrepreneurial in initiating a new phase of product diversification, taking advantage of the opportunity to supply fresh whole milk to growing populations of Canberra and the Snowy Mountains. While reluctant to invest in new product lines in 1948, by 1951 the farmers and shareholders of the Bega Co-operative were beginning to heed advice of the co-operative chairman that it was time to diversify away from butter production—a rare sign of a move to escape the geographical constraints observed in the previous chapter, and to seize new opportunities. As a sign of increasing preparedness to innovate, or of the increasing pressures to do so, in 1954 the Bega Co-op added a milk bottling plant to provide pasteurised milk to the townsfolk of Bega, a small cheese making plant to use excess milk production when demand for bottled milk was low, and also began to manufacture flavoured milk for an expanding novelty consumer market.¹¹⁸ In 1956 a milk drying plant was added to manufacture milk powder.¹¹⁹ As the roads to the tablelands were improved and with the ACT's population growing rapidly, the Bega Co-operative Society opened a fresh milk processing factory in the Canberra suburb of Griffith in 1960.¹²⁰ This was the first time Bega farmers were able to supply

¹¹⁷ Ron Martin and Peter Sunley, 'The Place of Path Dependence in an Evolutionary Perspective on the Economic Landscape', in *The Handbook of Evolutionary Economic Geography* edited by R. Boschma and R. Martin, (Edward Elgar Publishing, 2010), https://eprints.soton.ac.uk/65970/1/Path_Dependence_and_EvolutionofEconLand28Sept.pdf. Accessed 2 February 2020.

¹¹⁸ Codrington, *Gold from Gold*, 80.

¹¹⁹ Bega Cheese website <https://www.begacheese.com.au/student-resources/brief-history/>. Accessed 6 November 2017.

¹²⁰ Codrington, *Gold from Gold*, 100.

fresh milk daily to a major population centre and their returns improved as they received more for whole milk than for cream.

Despite these initiatives, the 1960s saw a rapid decline in the number of dairy farms as smaller producers on less fertile lands became even less economic and returns overall remained low.¹²¹ In 1947 there were 638 registered dairy farms in the Bega Valley, dropping to 455 in 1967.¹²² Changing economies of scale were evident. The mean number of milking cows per registered dairy in the Bega Valley increased over the same period from 54.5 to 71.¹²³ The volume of milk sold to factories also increased, indicating that the remaining farmers were becoming more efficient.¹²⁴ With the decrease in dairy farms, the number of dairy farmers and workers also dropped in the Bega Valley area from 1,312 in 1947 to 1,001 in 1961.¹²⁵ Between 1947 and 1971 the total number of workers involved in primary production in Bega, Imlay and Mumbulla shires dropped from 2,103 to 1,506.¹²⁶

The bounties on dairy products commenced during the Second World War continued to increase into the 1970s.¹²⁷ In spite of the subsidies and bounties, the dairying industry across Australia had always offered low returns for farmers, a great many living below the poverty line.¹²⁸ In 1970 the Commonwealth government assisted the 'low income' farmers to leave the industry and other subsidies and incentives were provided to encourage producers to move to other land uses as part of the new NSW Dairy Industry Authority Act (DIAA).¹²⁹ The DIAA also included clauses to improve the minimum standards of dairy buildings, leading to

¹²¹ Wilkinson, *Dairy Industry in NSW: Past and Present*, 16. Wilkinson quotes a Federal Bureau of Agricultural Economics report which noted that returns for all dairy farmer across Australia fifty-five per cent of farms had a net farm income of less than \$2,000 and 14 per cent had a negative income.

¹²² Peter Laut, 'Land, Dairy Production and Rural Population Prospects in Coastal NSW, with Special Reference to the Macleay Valley' (PhD thesis, Australian National University, 1969), volume II, Table II-2.

¹²³ Laut, 'Land, Dairy Production and Rural Population Prospects', vol II, Table II-6. Highlighting the restructuring rationalisation and finally deregulation of the dairy industry in 2000 the number of dairy farms in NSW at 2015 was 713 with an average herd size of 277, Kerry Kempton, *Dairy Industry Overview*, (NSW Department of Primary Industries, 2015), 4. http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/519260/dairy-industry-overview-2015.pdf. Accessed 26 August 2017.

¹²⁴ Laut, 'Land, Dairy Production and Rural Population Prospects', vol II, Table II-3.

¹²⁵ ABS Census data 1947, 1961. In 1966 the category Rural combined the figures for agriculture and grazing so direct comparison is no longer possible. In 1966 there were 1305 working in agriculture and grazing.

¹²⁶ ABS Census data 1947, 1971 with figures for Bega town, Imlay Shire and Mumbulla Shire aggregated.

¹²⁷ Wilkinson, *Dairy Industry in NSW: Past and Present*, 14-15.

¹²⁸ Geoffrey Lawrence *Capitalism and the Countryside: The Rural Crisis in Australia*, Sydney Pluto 1987, 19.

¹²⁹ Wilkinson, *Dairy Industry in NSW: Past and Present*, 18. Marginal Dairy Farms Agreement Act 1970 (Federal) and 'Marginal Dairy Farms Reconstruction Scheme' *New South Wales Official Yearbook* 1974, 888.

some farmers leaving the industry rather than shouldering the additional costs of upgrading their buildings.¹³⁰ The Bega Co-operative's directors' move to diversify away from butter into fresh milk, cheese and powdered milk was vindicated as Britain moved into the European Economic Community in 1972-1973 and butter exports to Europe virtually stopped.¹³¹ Total butter production for NSW dropped from 67,525 thousand kilograms in 1934 to 17,541 thousand kilograms in 1973.¹³²

By the 1970s, then, the dairy industry nationally was in significant transition, including the size of viable farms, the markets they served, and their place within the labour markets of their regions. In the Bega Valley, the productive values attributed to the landscape reflected these transitions, in a mix of structural, cultural and demographic factors. A range of State and Commonwealth policies were 'rationalising' the industry in decisive ways, with significant local impacts.¹³³ Holmes argued the industry reforms driven by the Whitlam government between 1973 and 1975 were a significant factor in shifting 'the policy emphasis away from protection and towards adjustment', not least because the Federal Labor government was much less influenced by the powerful farm lobby than the previous Liberal Country Party governments.¹³⁴ To this transition might be coupled the shifting political alignments of the 'bellwether' Eden-Monaro electorate. By 1976 there were 156 dairy farms left in Mumbulla Shire,¹³⁵ and the farmers were reconsidering the future of their farming operations. Geographer Stephen Codrington's survey of those producers that year recorded that a quarter were still producing cream for the butter factories,¹³⁶ but their returns had fallen by up to 38 per cent of their 1952 income (adjusted for inflation).¹³⁷ Some 44 per cent of the cream producers had firm plans to leave dairying compared to 18 per cent of farmers supplying whole milk to co-operatives.¹³⁸ Of the total of the 156 farmers surveyed, 24 per cent had firm

¹³⁰ Codrington, *Gold from Gold*, 141.

¹³¹ John Wilkinson, *Dairy Industry in NSW: Past and Present*, Briefing Paper 23/99, NSW Parliamentary Library Research Service, 1999, 6-8.

¹³² *NSW Official Yearbook*, 1974, 893.

¹³³ Wilkinson, *Dairy Industry in NSW: Past and Present*, 19 quoting Report of the Inter-departmental Committee on the Dairy Industry, 8.

¹³⁴ Holmes, 'Dysfunctional Path Analysis',

¹³⁵ Codrington, *Gold from Gold*, 214-217. This figure only includes farmers in Mumbulla Shire and not the farmers in Imlay Shire which are included in the Bega Valley figure for 1967.

¹³⁶ Codrington, *Gold from Gold*, 181. Only Cobargo and Bemboka Co-operatives were still producing butter in 1976.

¹³⁷ Codrington, *Gold from Gold*, 181.

¹³⁸ Codrington, *Gold from Gold*, 212.

plans to quit dairying.¹³⁹ As farmers left, dairying land came on the market, not only whole farms but also as smaller subdivisions off larger farms available at relatively low costs for new interests and ventures.

The impacts of these changes can be registered in some of the broader profiles of the valley, as the pattern of restructuring continued across many dimensions for decades. While marked, it is important to emphasise that such transitions do not quickly transform established local patterns and interests. The following graph demonstrates that even though the numbers of primary producers were declining after 1966 they were still a significant proportion of the work force until 1981; it was at this point that the influence of the 'newcomers', and the emerging tertiary service sector, became more pronounced. It is this transition that provides a central context for this thesis. The farmers leaving the dairy industry were able to take advantage of newcomers entering the real estate market to sell part or all of their land. Farmers could then use the revenue from the sale to improve their dairy operations and continue dairying, stay on the land and transition to beef farming or retire from farming.

¹³⁹ Codrington, *Gold from Gold*, 212.

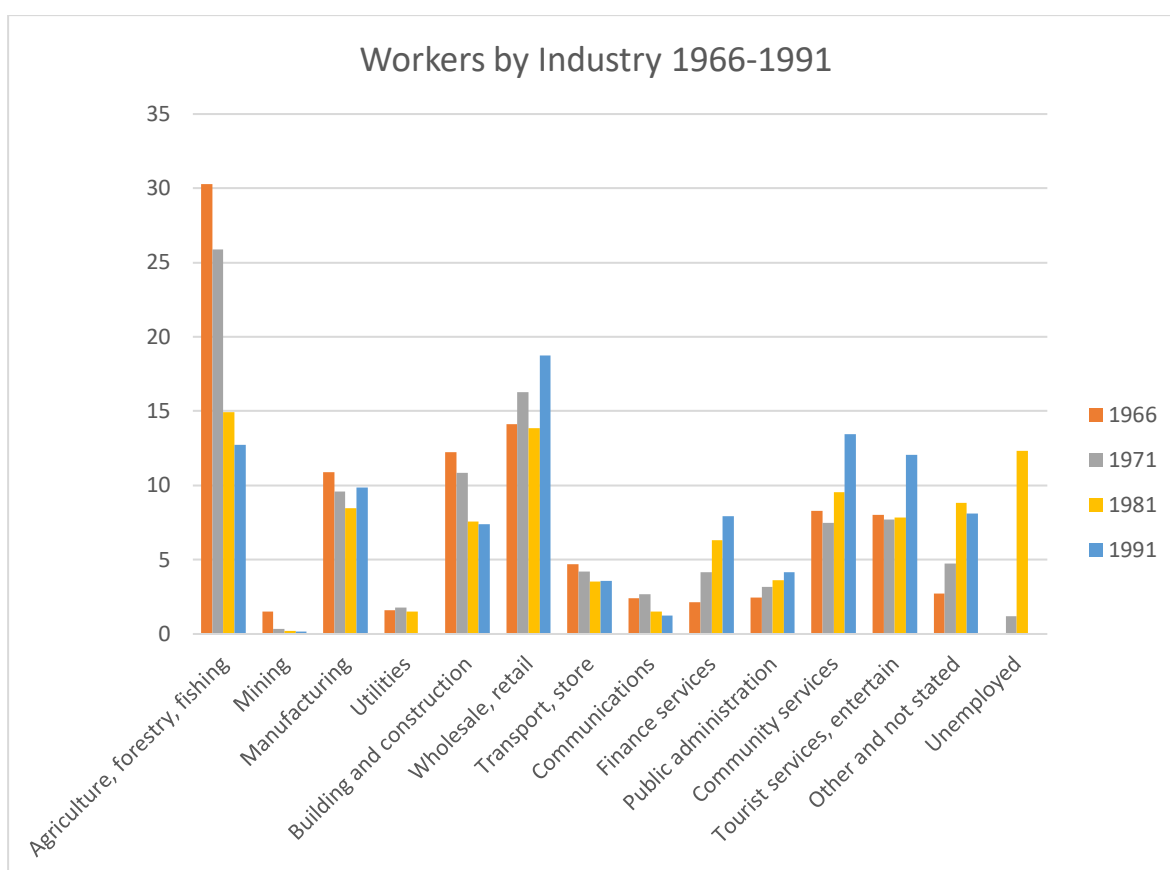


Figure Four: Workers in industry categories as a percentage of the total work force. Bega, Imlay and Mumbulla Shires aggregated for 1966 and 1971, and Bega Valley Shire for 1981 and 1991.¹⁴⁰

New Interest in Rural Lands

Interdependent with these transitions in the rural economy, in the late 1960s and early 1970s increasing purchases of rural lands, initially around the metropolitan areas in commuting zones in NSW, influenced the development of new state government planning policies. The updated policies and regulations were applied to rural lands in the three Bega Valley local government areas relatively early in this transition, again reflecting the dynamics identified in Chapter One. The NSW State Planning Authority (SPA) and local government councils in rural areas around Sydney and Canberra were dealing with increasing demands for small acre rural properties within commuting distance of the cities as people with more leisure time bought land for hobby farms and rural retreats.¹⁴¹ In the Bega Valley, the same pressures were being associated with car-tourism, weekender or emerging retirement interests. In the

¹⁴⁰ Data for this table was extracted from the ABS data for the years shown in the graph.

¹⁴¹ Claire Wager, *Rural Retreats: Urban Investment in Rural Land for Residential Purposes* (Canberra: AGPS, 1975).

early 1960s, the NSW Department of Local Government had raised the minimum subdivision from two hectares to ten hectares with the aim of keeping 'agriculturally viable' land in production and to prevent property speculation for potential future development.¹⁴² But, at the same time, the terms of such 'viability' were under pressure.

By the late 1960s representatives of local government shires surrounding the ACT were voicing concerns to state government regarding pressures of increasing and competing demand for land in these peri-metropolitan zones—the rural lands on the fringes of cities. Representatives from local governments adjacent to the Australian Capital Territory—Canberra's growth having its own impact on these concerns—held conferences in 1969 and 1972, calling for regional planning of rural land. Proposals included setting a state-wide minimum size for a rural subdivision to co-ordinate and standardise the varying local responses to subdivision pressure. Local council representatives were attempting to manage competing demands of farmers and those seeking rural lifestyle opportunities. The demand for land was inflating land prices and therefore land values, leading not only to increases in rates payments but hindering 'genuine farmers' increasing their land holdings to take advantage of economies of scale.¹⁴³ Claire Wagner argues that rural retreaters and hobby farmers were people with 'an environmental choice' responding to increased leisure by rejecting the 'routine of city life' and buying rural properties for daily commuting to work in the city or as weekend retreats.¹⁴⁴ Their values could be starkly opposed to the established communities into which they moved, however much their investment might have been welcomed.

In 1973 SPA again raised the minimum size of subdivisions across NSW to 40 ha (100 acres) in non-urban areas in its policy circular 67. There were two reasons for this move. The first was to 'to prevent the fragmentation of viable rural holdings' to facilitate 'effective farming'.¹⁴⁵ The second was to prevent premature subdivision by speculators ahead of

¹⁴² NSW State Planning Authority, Report for the year ended 30 June 1973, 1973, 23.

¹⁴³ 'Shires will join in land planning', *Canberra Times*, 24 February 1972, 3. This was apparent around Canberra. Increasing rural land values were attributed to Canberra people who had purchased 617 rural blocks in the shires around Canberra between 1960 and 1970. Canberra was also the focus for a study of the increasing number of hobby farms around cities published in 1975, Claire Wager, *Rural Retreats: Urban Investment in Rural Land for Residential Purposes*, (Canberra: AGPS, 1975).

¹⁴⁴ Wagner, *Rural Retreats*.

¹⁴⁵ 'Circular No. 67' State Planning Authority of New South Wales, 19 April 1973, 1.

demand, in line with the SPA's remit to promote planning for 'orderly and economic development and use of land'. While the policies were developed principally to deal with development concerns in other areas of the state, the SPA policy applied across the whole state and had a profound effect on subsequent land subdivision in Imlay and Mumbulla Shires and in Bega Valley Shire after 1980.

Imlay and Mumbulla Shires had set the minimum size for a subdivision block at 10 hectares (25 acres) when creating their interim development orders (IDOs) in 1966 in line with the early 1960s Department of Local Government ruling. When the minimum was raised to 40 hectares Mumbulla and Imlay shire councillors debated the issues raised by the ratepayers who were either objecting to or in favour of the increased minimum. The main objection locally, similar to objections in other parts of the state, was that Shire rates increased with increasing property valuations. This particularly affected the marginal and low-income farmers trying to adjust their operations in the restructuring primary production economy. A second objection to smaller subdivisions was the perception held by larger land holdings that owners of small holdings left their land to become infested with weeds and feral animals as fencing fell into disrepair. Farmers had spent much time and energy over generations improving the land by keeping their farms 'clean'—free of weeds, rabbits and trees. Mr Fred Game, the Chairman of the Eden Pastures Protection Board, addressed a Mumbulla Shire Council general meeting in January 1974 calling small acre subdivisions 'random pockets of mismanaged land'.¹⁴⁶ Mr Game spoke of the danger of small subdivisions leading to loss of production of farm products and 'the way things are going butter and cheese would have to be imported into the area' and that certain land would not be used for 'serious farming'.¹⁴⁷ The Councillors and the Pastures Protection Board representatives then debated 10 ha versus 40 ha subdivision minimums, including the rights of people to sell their land to anyone who wanted to buy and the possibility of mismanagement of smaller blocks.¹⁴⁸ In the rapidly changing times of dairy restructuring, the farmers who had been locked into low return farming (the static, stagnant society observed by Elias) were expressing their conservatism,

¹⁴⁶ 'Stop Subdivisions' *Bega District News*, 4 January 1974, 3.

¹⁴⁷ 'Subdivision Debate Continues', *Bega District News*, 30 January 1974, 5.

¹⁴⁸ 'Subdivision Debate Continues', 5.

frustration and perhaps powerlessness in the face of changing modes of rural living and land occupation.

Newly elected independent MLA John Hatton also addressed the January 1974 Mumbulla Shire Council meeting on the issue of rural subdivisions. Elected to NSW State Parliament on 17 November 1973 as the member for South Coast, Hatton had been a science and agriculture teacher and was a long-serving Shoalhaven Shire councillor before his election. He strove for accountability in government.¹⁴⁹ Hatton supported orderly development of land including proper planning of new subdivisions, acknowledging that demand for small acre rural properties was apparent all along the south coast. In Shoalhaven Shire, in the north of Hatton's electorate, the council officers had already produced a report on rural subdivisions. His preference was for the concentration of small rural subdivisions in particular areas that would facilitate more efficient service provision and have higher land values and therefore higher rates, and other areas with larger blocks for genuine farmers and genuine rural activities.¹⁵⁰

The intention of Planning Circular 67 may have been to limit subdivision and to keep land in agriculturally useful portions. The policy, however, also included exemption clauses. Clause 20 (2) allowed for a maximum of three lots to be divided from a land holding of over forty hectares *at the council's discretion* (my emphasis) for agricultural purposes. The hope of orderly planning envisaged by State planners and Mr Hatton—having rural residents clustered together on small acreages for better access and more efficient service delivery—was thwarted to a certain extent by individual councils' discretionary power. This exemption provision, referred to as 'concessional allotments', meant farmers with properties larger than forty hectares could request to subdivide up to three lots from their land holding. Many of these subdivisions in the general agricultural zone were approved by Mumbulla and Imlay Shire councils, conscious in part of their rate base, and became the standard subdivision policy rather than an exception for special cases.

¹⁴⁹ Ruth Richmond, 'The Little Bloke: An Authorised Biography of John Hatton, OA', (Master of Arts, University of Wollongong, 2007).

¹⁵⁰ 'Hatton Calls for Strategic Planning on Subdivisions', *Bega District News*, 15 January 1974, 3.

Amid these pressures, the productive landscape of the Bega Valley changed in the 1970s. The butter factories closed. As the number of dairy farms decreased and the land was subdivided, abandoned dairy buildings were converted into sheds, sometimes even into dwellings. Small acre subdivisions meant more dwellings across the landscape. New settlers began small scale agricultural ventures such as goat farming, planting orchards, grazing horses and even sheep.¹⁵¹ The dairy farmers staying in the industry did not give up or sell off their most productive land, the land that would support more than one cow per acre, the minimum for a viable dairy. The highly productive river flats were flood prone and not suitable for subdivision. The money farmers gained from subdividing portions off their farms provided capital to invest in farm improvements (an option not available to previous generations of dairy farmers), to retire or to change to beef production.

Mumbulla and Imlay Shire Councils approved many subdivisions in the general agricultural zone using the concessional allotment provisions. These small parcels of land were coming onto the market at the same time as people seeking a rural lifestyle were looking to buy small acreages away from the city. The subsequent migration into the Bega Valley was unlike the movement to peri-urban areas because the links to the city were lost; these rural lands were not in the commuting zone and were too far from the cities to be hobby farms. Alternative lifestylers and new settlers were eschewing city life altogether, moving well away from the major cities. As dairying declined the Bega Valley became a receiving area for those leaving the cities. It was half-way between Sydney and Melbourne, a few hours drive from Canberra and the land was relatively cheap.

Newcomers Buying Rural Lands

Newcomers living on rural lands became more visible in the community, and in the landscape, in the period between 1976 and 1980, as the population increased markedly (Figure One in Chapter One). Averil Fink noted that enthusiastic, energised young people had arrived in rural parts of Bega Valley between 1976 and 1980. Averil came to Bega Valley as a newly trained high school teacher in 1973. For her, moving to the country to begin a teaching career was not

¹⁵¹ Sheep had all but disappeared from the far south coast in the early 1980s even though wool was an important export of the district a century before.

unusual; she felt that recent graduates were expected to spend some time teaching in the rural areas of NSW.¹⁵² Most of her cohort were aiming for the north coast and to be different she chose to go south. Averil remembered that when she first arrived in 1973 there were few people like her: the people around her had 'been here for generations'. There were the obvious hippies and alternatives, but she felt more conservative than they were. She was 'on the fringes' of a newly developing artistic community but slowly she met a few like-minded people. After living in the valley for several years, she and her partner purchased an old farmhouse, then went away for several years to earn money to pay for the property, before returning in 1980. When she returned, she felt a change immediately: 'it was a very dramatic change...there were houses up Verona Road...there were a lot more young people around, drastically more'. These were young adults, in their twenties, who were starting families and there were enough children to start a playgroup. A core group developed from the playgroup to start the Mumbulla School for Rudolf Steiner Education, an alternative to mainstream public education established in Bega in 1988.¹⁵³

To understand what was motivating young people to move to the Bega Valley and purchase land that farmers were willing to sell, I asked participants in this study why they chose to move to the Bega Valley. Thirteen of the nineteen participants interviewed came to the Bega Valley to live in a rural area, on a rural property or a farm. While the main purpose of the interviews was to hear from the participants about the dispute of the use of the land with which they would become identified, I also asked questions about their aspirations and expectations of their move to the country. Eight expressed this, using terms such as 'going back to the land', to be 'on the land', 'back to the earth', 'back to mother earth', to 'live close to the earth' and 'to be a caretaker of land'. The idea of going 'back to the land' was part of the vernacular of the time, even if the reality was that none of the participants was returning to a rural lifestyle they had previously experienced. Many were, however, familiar with being outside of the urban environment. Of these thirteen people, seven talked about previous experience in living on the urban-bush boundary, holidaying in 'the country', or spending time in nature such as bushwalking and camping, prior to moving to the Bega Valley. These people therefore had a personal understanding of being in non-urban environments in the Australian

¹⁵² Averil Fink, interview with the author, 29 April 2012.

¹⁵³ Averil Fink interview.

landscape, all be it one shaped by aspects of mobility, choice, education and recreation that were scarcely shared with the established local communities.

Australians pursuing a 'back to the land' lifestyle were following an international trend: the desire for self-sufficiency expressed by young people especially in North America.¹⁵⁴ Dona Brown's *Back to the Land: The Enduring Dream of Self-Sufficiency in Modern America* traces 'back to the land' movements from nineteenth- and twentieth-century America with various groups responding to social and economic problems created by economic cycles of boom and bust, by promoting going back to the 'green earth' and being self-reliant by reducing expenses and growing their own food.¹⁵⁵ There were several more iterations of the movement from the 1920s to 1950s. In the 'back to the land' movement of the 1960s and 1970s, Brown saw that the old ideas of self-sufficiency and self-reliance were linked to agrarian ideology and were now incorporating a new ethic: caring for the land, caring for Mother Earth.¹⁵⁶ The agrarian ideology was that cultivating the land and growing food was a morally superior way of living. Montmarquet identified strands of agrarianism that included knowledge of and care of nature 'from Hesiod and Virgil, to the medieval Cistercians, to Locke and the early Agricultural Societies to Jefferson and Crèvecoeur' and later writers and philosophers including Thoreau and Wendell Berry.¹⁵⁷ By the 1970s this approach began to include the emerging ideas of environmentalism: of being on the land, including looking after the land, and not exploiting it by depleting the soil. The Australian version included caring for the 'bush'.

The people who moved to the rural areas of the Bega Valley from the mid 1970s to live on degraded or marginal farmland and on large and small rural subdivisions were not an homogenous group that can all be corralled under a single label of 'hippie' or 'alternative lifestyle'. I am using the broader, more inclusive term 'new settler' as used by Elias in 1982. The interviews, and my own observations, point instead to a very diverse range of individuals seeking out and experimenting with different ways of being rural and living in a non-urban area. These individuals brought with them their own philosophies, backgrounds and interests and a variety of personal, educational and financial resources. What they had in common was

¹⁵⁴ Steve Elias, Interview with the author.

¹⁵⁵ Dona Brown, *Back to the Land: The Enduring Dream of Self-Sufficiency in Modern America*, (Madison, Wisconsin: University of Wisconsin Press, 2011), 5.

¹⁵⁶ Brown, *Back to the Land*, 8.

¹⁵⁷ Montmarquet, *The Idea of Agrarianism*, 92.

the desire to move away from a city or suburban lifestyle—the desire to try a rural way of living (and this too varied from individual to individual) and trying to be self-reliant by growing their own food and building their own shelter.

Sylvie had spent several years in the United Kingdom investigating styles of non-urban living including a year on a commune in Scotland. She returned to Australia with her young family. Together they searched for a communal share farming arrangement to follow their aspirations to live in the country in keeping with their environmental and ethical ideals. Sylvie and her partner became members of a co-operative with other families living on 320 hectares of degraded farmland in a remote valley in the south of the Imlay Shire. Sylvie was not sure whether the farm had been a dairy farm but there was a large river flat that had been used to grow beans and corn. Her view was that the farm had once been ‘quite usable’. As Sylvie said, ‘a lot of the farmers were selling off their properties, marginal bits of their properties to people like us, and that was helping them [the farmers] really’.¹⁵⁸ The co-owners of the property knew they could not restore the land to a conventional farm, and ‘we certainly weren’t going to get it back to the kind of production it had been in’ because the land was degraded, no longer wanted and had ‘just been abandoned’.¹⁵⁹ Rather, the co-owners saw themselves as caretakers of land, ‘having some positive impact’ by living on the land, having some cows and repairing fencing. One of the first communal activities of group members was to grow a commercial crop of corn: ‘we were such amateurs...a bit of a laugh when you think about us, you know, driving the tractors and trying to weed them [the corn plants] all by hand’, in line with their philosophy not to use poisons. The reality of trying to be self-sufficient for food on degraded farmland was soon realised by the co-owners. Not long after they took over the property there was a drought that lasted several years. Sylvie remembered:

We arrived at the very beginning of the drought and the first couple of years of trying to grow everything in a drought was just hideous, unbelievably bad, so we couldn’t become self-sufficient at all...we were very idealistic but a lot of it got knocked out of us pretty early on.¹⁶⁰

¹⁵⁸ Sylvie, Interview with author, July 2013.

¹⁵⁹ Sylvie, Interview with author.

¹⁶⁰ Sylvie, Interview with author.

Joe and Sandra moved to Bega Valley from inner city Sydney and chose to purchase land that was cut off a bigger farm, a concessional lot. Fred, the landowner, had three blocks for sale on the edge of his large farm. Joe and Sandra had first choice because they knew about the subdivision before the paperwork was finalised. They chose the forty-hectare property over two smaller blocks in the same subdivision because they wanted to graze a small number of beef cattle as a farming venture. The land that Joe and Sandra purchased was a 'bare block', as the dwellings and farm buildings were on the main farm that Fred retained. Joe saw his move to a rural area to live on rural land as an adventure, 'like pioneering',

I can remember I was quite shocked when I was still working in [the city] that you were allowed just to buy a big hunk of land somewhere. I thought you might have to be a sort of registered farmer or you might have to know something about it, or you would have to buy a farm...like in the city you would buy a house or a unit. And I thought in the country there would be farms and you could buy a farm but as for just turning up out of the blue and buying it, I couldn't believe it was allowable and it really captured me.¹⁶¹

Joe was expressing his joy at being able to experiment with farming, albeit at a very small scale. His aim was never to be a 'full time farmer' but to use the land for a 'farming' lifestyle, and to set up a professional consulting business in Bega for the family's income.¹⁶²

Marilyn came to the area to visit friends and stayed. Her expectation was 'to do a bit of the self-sufficiency thing, have fun, play around with self-sufficiency, see what happened'.¹⁶³ Sylvie's and Marilyn's prominent aspiration was expressed as self-sufficiency or being self-sufficient. Four participants directly said this was their aspiration in moving to the Bega Valley hoping, expecting or having 'the dream' to be self-sufficient. The diversity of aspirations of the new settlers is apparent in their descriptions of their self-sufficiency aspirations. Linda's idea of self-sufficiency was to 'grow food, make clothes, we were already making our own cheese'.¹⁶⁴ For others, self-sufficiency meant doing things and making things for oneself, and minimising the use of consumer products. Buying and living on a small rural property was part

¹⁶¹ 'Joe' and 'Sandra', Interview with author, 17 May 2013.

¹⁶² 'Joe' and 'Sandra', Interview with author.

¹⁶³ 'Marilyn' Interview with author.

¹⁶⁴ 'Linda' Interview with author.

of the dream, being able to grow one's own food including having domestic animals such as chickens for eggs and a few grazing animals such as cows or goats. This was a different expression or a modified version of the agrarian philosophy, growing and producing food and working with the soil as a moral and ethical choice. Being self-reliant in the 1970s included the ideals of being anti-capitalist, anti-consumerist and anti 'the system'. Building one's own house with recycled or locally available wood or earth was ethical because the builders were sourcing materials locally and cheaply such as dirt and forest poles or using materials that would otherwise have been thrown away. Self-builders avoided taking out large mortgages and thus stayed out of the capitalist 'system'. Di told me that she had 'never been a supporter of capitalism' since she was taught the difference between simple interest and compound interest at school. This realisation influenced her decision to build her own house and to live mortgage free.¹⁶⁵

The first step to enacting the decision to live in a rural area was to find land to buy. In the early 1970s Ralph Stuart, a former pig farmer from Cobargo, began a real estate agency to take advantage of the demand for small, low cost, rural blocks.¹⁶⁶ Stuart was happy to deal with the newcomers when other more conservative local agents were not. Interviewed by Elias, in 1984 for *Simply Living* a lifestyle magazine, Stuart noted that within two months of starting his business he was working seven days and nights a week, such was the demand. He reminisced that

the model block [for the new settler] is one with a creek on it, probably two to five acres of arable land on the creek preferably flat, perhaps with a few more acres of cleared country with a good building site, and the rest of it timbered. If you could produce blocks like that you could sell five a day, but the governing factor would be that you would have to produce them for less than thirty-five thousand dollars.¹⁶⁷

This 'dream block', as identified by Mr Stuart, had all the qualities desired for an 'back to the land' lifestyle: fresh water close by, arable land for vegetable gardens and orchards,

¹⁶⁵ 'Di' Interview with the author, 23 May 2013.

¹⁶⁶ Stuart was Shire President of Mumbulla Shire from 1974-1976.

¹⁶⁷ Steve Elias, 'Southern Comfort', *Simply Living* no 2 (1984): 42.

and a good building site. The remainder 'timbered' land, bush in other words, fitted with philosophy of the 'back to the landers', the ecological ideology of living in tune with nature, 'creating a garden in nature', as discussed by Rebecca Jones in *Green Harvest*.¹⁶⁸

The Bush

Owning some bush or being near bush, 'timbered areas' as Stuart described, was intrinsically important to many of the new arrivals. The bush was part of their understanding of non-urban Australia and this generation with their environmental ethics wanted to care for the bush. Previous generations of colonists 'improved' their rural lands and 'tamed' the bush by cutting down trees and planting non-native grasses and fodder crops to feed their animals to provide a modest income. The new arrivals in the 1970s and 1980s had a different view. Eight of the participants expressed an affinity with the bush in their interviews. Their desires and aspirations for a 'not city' lifestyle included the bush and being in the bush. Jean left her administrative job in the city and followed her adult children to the Bega Valley because she wanted to live in the bush: 'every day I walked and looked at the country and got to know the whole place. I just love being out in the bush, sitting out there in a bush shack'.¹⁶⁹ Di expressed her connection to her property in terms of the bush: 'The bush and the forest got into my bones. It was a real spirit call'.¹⁷⁰ The bush was a place to live and enjoy as it was: in a 'bush shack' or a 'bush cabin' reached by a 'bush track'. Joe and Sandra love going out into the 'big patch of bush' on their property. Joe remembered being excited, thinking 'I am going to own all these trees'. After more than thirty years Sandra still enjoys the bush: 'the fascination of going into the forest hasn't worn off'.¹⁷¹ Former Bega Valley Shire councillor David Barton ascribed his love of and connection to the bush to his primary school teacher Mr Milne: 'he used to take us for walks and talk about the bush and how it all worked, and you know, he was selling the idea of [the bush as] a spiritual home'.¹⁷² Linda found the forests and the bush

¹⁶⁸ Rebecca Jones, *Green Harvest: A History of Organic Farming and Gardening in Australia* (Melbourne: CSIRO Publishing, 2010), 93.

¹⁶⁹ 'Jean', interview with author, 7 May 2013.

¹⁷⁰ 'Di', interview with author.

¹⁷¹ 'Joe' and 'Sandra', Interview with author.

¹⁷² David Barton, Interview with the author, 23 June 2013.

of the Bega Valley much more visually attractive than the inland area she moved from which she remembered as flat and polluted from intensive agribusiness.¹⁷³

One group of new settlers acting on their desire to care for the land and the bush took a different approach to 'improving' farmlands. This new group set out to repair denuded and degraded farmlands by planting trees, windbreaks, shelter belts of local native tree and shrub species. Responding to the decline in forests and increasing land degradation across the world, Michael Hissink, a local landowner and environmentalist, formed a local branch of Men of the Trees (MOTT), an international organisation started by Richard St Barbe Baker in Africa to plant trees in the desert. Bega Valley MOTT was later renamed Bega Valley Tree Planters (BVTP) to reflect that it was not just men who were planting trees but women and children as well. My family were members of this group. I am storing the group's records, including a book of meeting minutes, a newspaper clippings file, and correspondence which has been used as evidence for this section. MOTT members were newcomers to the valley, and included young adults going 'back to the land' to pursue a modified version of agrarianism far from the cities they were escaping. Some of the members had tertiary qualifications in science and environmental science. Several were graduates of the ANU Forestry School and one an ANU Botany graduate. To promote care for the bush, group members worked with commercial tree propagators and mainstream farmers to plant tree plots and windbreaks along major roads, seeking to demonstrate to neighbouring landholders that growing native trees improved farm productivity by decreasing evaporation and providing shelter for stock. The group received support in 1983 from prominent local businessman Roy Howard, who made a \$1000 donation to the group. He also employed a contractor to plant a demonstration windbreak on his property near a main road, a visual signal that trees should be part of the farming landscape. In MOTT's scheme the farmer purchased the trees and fencing and group members would plant the trees as a Sunday morning activity. The group also undertook education activities, building shade houses at schools and teaching children how to propagate trees, producing brochures and advertising the group's aims and work at field and market days. Over the fourteen years it operated (1982-1996) the group planted more than thirty thousand native

¹⁷³ 'Linda', interview with the author, 10 September 2015.

trees and shrubs on private land in the Bega Valley.¹⁷⁴ In 1993 BVTP used grant money from Greening Australia to plant a wildlife corridor across farmland to join existing bushland areas for native animals to move between isolated pockets of remnant vegetation. Local landholders allowed group members to plant trees on their land. In the 1994 the group administered a grant from the Australian Nature Conservation Agency for a 'Save the Bush Program'. The grant money paid local botanist Jackie Miles to identify patches of remnant bushland, bush that had the same assemblage of native plants that were there at colonisation. Miles prepared reports for the owners of the land on how best to manage and care for their bush. Miles reported back to the BVTP and the funding providers that:

all of the seven properties visited so far have been owned by new settlers who seem to be the group with the most interest in the subject of remnant vegetation. However, it is hoped that in the second year we might manage to involve some mainstream farmers.¹⁷⁵

Previous generations of farmers kept their farms 'clean' by removing native trees and shrubs. Farmers in the 1970s sold their marginal farming land to newcomers, who wished to care for the land. By reintroducing trees into the farming landscape, the tree planting group's aim was to show farmers that having trees and shelter belts on their farms did not decrease but added to the productivity of the land. This was before the importance of trees to the environmental health of farming landscapes was an issue that attracted national attention and government funding. MOTT/BVTP ceased to operate when other groups and programs such as Landcare, Farm Forestry, and Greening Australia were funded by State and the Commonwealth governments from the late 1980s. These initiatives assisted landowners, land managers and community members to tackle problems created by the intensive farming techniques of the previous century including land clearing, soil erosion and salination, overgrazing and degradation of waterways.¹⁷⁶ Improvement of productive landscapes had changed over the two hundred years since colonial incursion began. Improving in the early colonial context meant clearing land of vegetation, building structures, fencing and using

¹⁷⁴ Jackie Miles, 'Summary of the Bega Valley Tree Planters (previously Men of the Trees) Activities 1982-1996'. The archives of the group are stored by the author.

¹⁷⁵ Jackie Miles, 'Secretary's Report 1994-1995', Bega Valley Tree Planters, held by the author.

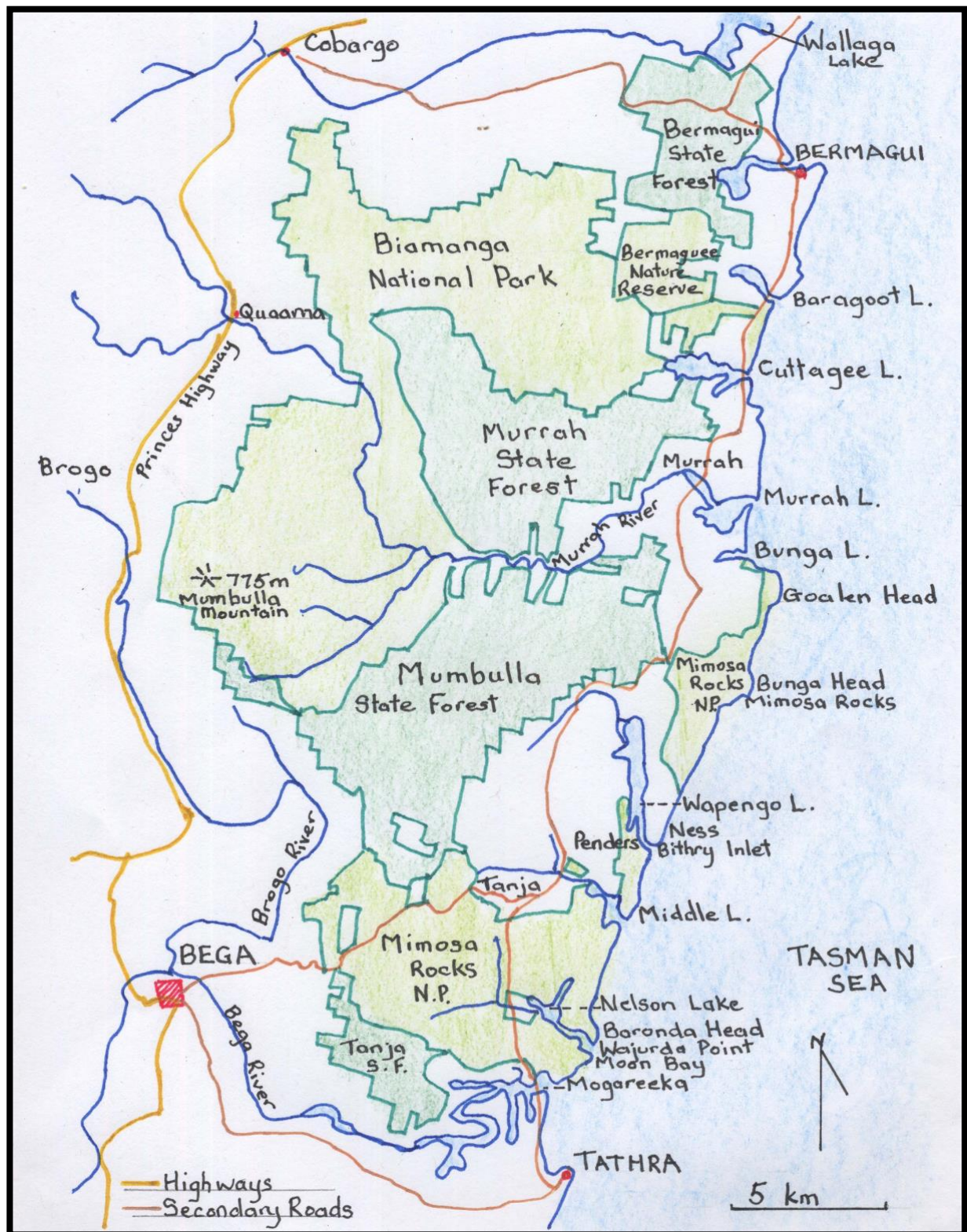
¹⁷⁶ Alan Curtis and Michael Lockwood, 'Landcare and Catchment Management in Australia: Lessons for State-Sponsored Community Participation', *Society and Natural Resources* 13 (2000), 61-73.

‘waste lands’ to make a profit. As Australian farmers gradually came to terms with the limits of the soils and ecosystems of Australia, by the late twentieth century community members and landowners including farmers were restoring the health of land and ecosystems with land and rivercare programs supported by government.

Conclusion

From the beginning of colonisation into the 1960s rural land was valued for its primary production potential, a mono-functional rural. The lands of the Bega Valley had been used for grazing, for mixed agriculture, and became locked into dairying for butter production in the first half of the twentieth century. Through the 1960s and 1970s the dairy industry restructured with some farmers leaving the industry and those with better quality land intensifying farming operations and becoming more efficient. This left ‘spare’ land. The less fertile and hillier lands with bush or close to the bushland became valuable to a new group: those choosing to pursue different styles of rural living, including very small-scale farming ventures as a lifestyle choice. This mix of modern agribusiness farming and small lifestyle properties diversified the meanings and the uses of productive landscapes of the Bega Valley.

As the Bega Valley transitioned from a landscape dominated by dairying and the population increased, contests developed between those seeking to influence outcomes of the transitioning processes. Newcomers buying land in rural areas arrived with aspirations and expectations for how they could use that land. At the same time, the NSW State government was introducing legislation to regulate non-urban spaces and to manage emerging and competing demands for use of these spaces. These changes in legislation influenced not only what rural residents could do on their own land but also what neighbours and other residents could do on theirs. Would the coast be developed for recreation and tourism, for suburbs by the sea, or not developed at all? Could people with rural small holdings live on, and build housing on, their own land? Who had the power to decide when considering whether a quarry could be built in what became a rural residential area?



Map Five: Coast from Bermagui to Tathra with National Park and State Forest 2020.

Chapter Three

Contesting the Coast

Australians have a longstanding love-affair with their coasts and beaches...The Australian coastline...is of national importance as a whole and belongs to the National Estate. Holding many of our most attractive and dramatic landscapes, and with its familiar beaches, embayments and estuaries, it is the greatest single playground for Australians and visitors.¹

Mimosa Rocks National Park

Mimosa Rocks National Park protects twenty kilometres of coastline from North Bunga Beach to the mouth of the Bega River at Mogareeka. [Map Five]. The Park includes three coastal lagoons with adjacent wetlands, beaches, headlands and areas of coastal forest.² In 1965, before the park was created, extensive areas of land along this stretch of coast from the sea inland to the eastern slopes of Mumbulla Mountain were dedicated state forests and only three small areas were designated as recreation and other crown reserves.³ The rest was privately owned. The road from Bermagui to Bega and Tathra does not follow the coast closely along the Cuttagee to Tanja section, but veers inland partly to avoid crossings at the entrances to the coastal lagoons and partly to link the farms further inland that are dotted along the creeks and rivers that feed into the lagoons. The road's route reflects the economic priorities of early settlement in the region. By the time this study begins those priorities were beginning to shift.

The history of Mimosa Rocks National Park includes contests over development and rural transition. The creation of the park from privately owned land and state forest exemplifies one aspect of the rural transition of the Bega Valley Shire between 1965 and 1996:

¹ *Report of the National Estate: Report of the Committee of Inquiry into the National Estate*, (Canberra: Australian Government Publishing Service, 1974), 62.

² National Parks and Wildlife Service, Part of the NSW Department of Environment, Climate Change and Water, *Mimosa Rocks National Park: Plan of Management* (Department of Environment, Climate Change and Water, 2011), 2.

³ NPWS, *Mimosa Rocks Management Plan*, 3. Reserves were on the southern shore of Middle Lagoon, north and south of Wajurda Point. In 1933, a reserve was created at Bunga Head for both public recreation and to protect native flora.

a transition from a primary production mode (dairy and beef farming with some timber cutting) to that of protecting coastal and forest zones. This history reveals a complex interplay between the values accorded to non-urban land for primary production, consumption including lifestyle, tourism and recreation, and environmental protection, that began to emerge in the 1960s. The changes exemplify Holmes's schema of rural transition from monofunctional primary production to multifunctionality: that is a rural space fulfilling many functions. This chapter offers an insight into the complex negotiation of these competing and changing demands between those production, consumption and protection uses at the state, local, group and individual scales as they assumed new importance at the beginning of the period studied in this thesis. This chapter will investigate how two contests over public access to, and control of, the coast demonstrated early formulations of issues which run throughout this thesis, spanning the economic, demographic, social, cultural and regulatory realignments of the period. Most specifically, the debates over what would become the Mimosa Rocks National Park provide a perspective on two fundamental issues: first, who can access the beaches, coastal lakes and coastal forests, and on what basis; and second, the power of individuals and groups to affect political decision making by advocacy and lobbying.⁴

New Interest in Coastal Lands

Until the late 1960s, the principal mode of occupation of the coastal lands from Bermagui south to Mogareeka and inland to the forests of Mumbulla Mountain was primary production. Parish maps show land was selected from the 1870s to the 1890s to the sea edge and beside the many creeks running from the foothills of the eastern side of Mumbulla Mountain to the sea. By 1900 the 'good land' along the coastal strip was in private ownership, apart from three coastal reserves and forest on the slopes of Mumbulla Mountain. The coastal forests were dedicated as state forest in 1918 following the formation the NSW Forestry Commission in 1916 to regulate the commercial logging of forest timber.⁵ The privately held lands were used for dairy and beef farming and timber cutting into the 1960s. For dairy farmers, a truck would

⁴ Richard White, 'A Short History of Beach Holidays', in *Something Rich and Strange: Sea Changes, Beaches and the Littoral in the Antipodes*, edited by Susan Hocking et al (Adelaide: Wakefield, 2009) Democratisation of Beach, 4; Egalitarianism of beach, 7.

⁵ Daniel Lunney and Tanya Leary, 'The Impact on Native Mammals of Land-use Changes and Exotic species in the Bega District, New South Wales, since Settlement', *Australian Journal of Ecology* 13 (1988): 72.

travel south from Bermagui every day in summer and three times a week in winter to pick up cans of cream from small farms for processing at the Bega butter factory. The truck driver provided a vital service to these isolated farms, also collecting and delivering mail and distributing pre-ordered goods from shops in Bega to farms on his way home.⁶ This exchange was one central dimension of a close-knit community, making the most of what linkages could be forged. The gravel road which serviced the communities of Murrah, Wapengo and Tanja included narrow wooden bridges at major crossings, built in the 1890s to 1900s and minimally maintained as there was little need for access by other than local traffic. These communities had few facilities. Murrah Hall, built with local funds and labour and doubling as a school building, was opened in September 1903 after the bridge nearby was completed.⁷ Further along the road, Tanja had a school, a tennis court, one church and—from the 1940s—a post office and telephone exchange.

By 1965, however, these roads were beginning to serve new purposes. Tourism and interest in coastal recreation this far south of Sydney began increasing rapidly as the Princes Highway was upgraded and the area was promoted using the film *Sun and Surf*, discussed in Chapter One. Approaching from the north, Bermagui is fifteen kilometres from the Princes Highway. To increase its appeal as a holiday destination, Bermagui town residents and businessmen began calling for realignment and resurfacing of the access roads to the town.⁸ The road along the coast south from Bermagui diverged at the village of Tanja, one leg traversing Doctor George Mountain direct to Bega and the other section continuing south to Mogareeka then on to Tathra across the mouth of the Bega River.⁹ Mumbulla Shire Council was responsible for the maintenance of these roads with assistance from state grants. In 1965 the secretary of the Bermagui Tourist and Development Association argued that the Department of Main Roads should increase its support for the cost of maintaining the road above its current two thirds share. The route, association members argued, was growing in

⁶ Nola Dummett, Interview with the author, 4 July 2012.

⁷ David Nichols, Kate Bowles, Gordon Waitt, “‘A Special Australian Country Thing’ The Small Hall in Australian Country Life’, in *Cultural Sustainability in Rural Communities: Rethinking Australian Country Towns*, edited by Catherine Driscoll et al (Taylor and Francis, 2017). And ‘Opening of the Murrah Hall’, *Southern Star*, 16 September 1903, 2.

⁸ ‘Bermagui Association has Complaint on Road’ *Bega District News*, 30 March 1965, 4.

⁹ A car punt was used to cross the Bega River mouth at Mogareeka from early in the twentieth century until 1957 when a concrete bridge was completed. The middle spans of this bridge washed away in the flood of February 1971 and the bridge not re-opened until 1976.

importance for tourism, particularly given that motorists were increasingly seeking to use shorter routes to transit the region, effectively repurposing what had been local roads as thoroughfares.¹⁰ Such traffic also accelerated wear on these roads. Thirty-nine residents living between Wapengo and Tanja signed a petition requesting a bitumen surface through the village of Tanja to dampen the dust created by increased usage. Anticipating future development prospects, the shire president met with representatives from the Department of Main Roads to request funding to reconstruct the road to create a shorter and safer route to the south.¹¹

As the residents adjusted to increasing traffic, local beaches also began to attract tourists. Among the increasing number of visitors were people camping on remote beaches over weekends or on holidays taken away from the cities. This usage was brought to the attention of the Mumbulla Shire councillors by their health inspector. Throughout this thesis, the role of council staff, in advocating for issues, framing their importance, determining responses and allocating resources, is an integral component of processes of conflict identification and management, and also of local identities and roles under pressure. In informing elected representatives of their observations and recommendations for day-to-day operations of the Shire, council staff were agents in their own right. Their reports were reproduced in full or as summaries and bound with the minutes of the meetings, and have been retained by the council and subsequently by the Bega Valley Shire Council. The role of such reporting was evident in January 1966 when the health inspector reported to councillors that 'Mumbulla Shire appears to have had its share of people from the inland seeking the cool, pleasant atmosphere of the coastal areas'.¹² The inspector, L. P. Brasington, had surveyed beaches up and down the Shire—from Wallaga Lake to Mogareeka—over the Christmas holiday season and advised the many groups who were camping illegally that they must move to designated areas, and clean up their mess before they left. Selected legal camping areas, he recommended, might be better provided with rubbish bins, and the council might employ

¹⁰ 'Bermagui Association has Complaint on Road'.

¹¹ 'Adequate Funds Appeal for Bermagui Road', *Bega District News*, 23 February 1965, 1.

¹² Health Inspector's Report to the Regular Monthly Meeting of Mumbulla Shire Council, 19 January 1966, 61.

‘a person with a utility’ to manage their tidy use.¹³ This service would, nonetheless, be a strain on council revenue, already stretched and with little capacity to levy charges on such itinerant users. The rapid increase in tourism, while welcomed for the benefit to the local economy, put pressure on the local facilities and infrastructure of small communities with few resources to improve them. It also strained values attached to local environments which were now suddenly opening up to new uses, new pressures, and new identities: the camper, the car tourist, and the regular family summer holiday at a favourite beach.¹⁴

In the next phase of this transition, as the area of land on the far south coast used for primary production declined in value and in use, both on the coast and in the coastal hinterland, new owners repurposed rural lands. On the coast, individuals and families with some means—more means than those who could only afford a simple camping or caravanning holiday once a year—were purchasing property for coastal retreats. Some combined their ideal retreat with an ambition to create a commercial enterprise on the land. At the same time, politicians and government officials sought to protect undeveloped or underdeveloped coastal fringes in New South Wales, concerned at the inherent costs and liabilities of uncontrolled development, and aware of the need to meet the emerging calls for protection of these zones. With such a range of competing interests and demands for uses of these spaces, conflicts or contests emerged as individuals and groups sought to influence the outcomes of these transitions. These contests typify Massey’s assertion is that people living ‘side by side’ in a neighbourhood, and from a diverse range of backgrounds and life experiences can be forced into processes of negotiation over their divergent visions of how their shared spaces develop and change over time. This chapter centres on such a mix of values and uses, not as a simple polarity between the old and the new, but as a complex intersection of interests. An early and distinct group of newcomers heralded a new phase of occupation and contestation as ‘city people’, seeking a place for retreat and recreation far away from their busy city lives, brought with them a distinct environmental outlook and developmental capacity.

¹³ Health Inspector’s Report, 19 January 1966, 61 and ‘Probe for Camps over Shire’, *Bega District News*, 22 January 1965, 1. The previous summer the then health inspector also noted illegal camping and poor camp site facilities along the coast.

¹⁴ White, ‘A Short History of Beach Holidays’.

In 1964 Roy Grounds (later Sir Roy), a prominent Melbourne architect, bought 'Penders', a property of 240 hectares (590 acres) between Wapengo Lake/Bithry Inlet and Middle Lake, with two kilometres of beach fronting the Tasman Sea. Kenneth Myer, the Melbourne businessman of the Myer retailing family, became a co-owner of the property soon after.¹⁵ In 1965 David Yencken, who had previously built two motels on the coast south of Tathra, purchased a property with frontage to Nelson Lake.¹⁶ In 1968 Dymphna Clark, the wife of notable historian Manning Clark, purchased a property on the northern shore of Wapengo Lake, a peninsula with both lake and ocean frontage and named it 'Ness'.¹⁷ These prominent Australians recounted their personal stories publicly, including their aspirations for these holiday properties, leaving rich material for future historians. Roy Grounds, for example, was interviewed by the esteemed oral historian Hazel de Berg.¹⁸ Yencken, who became the Chair of the Heritage Commission soon after the 'Baronda Affair', wrote an extended piece about his entrepreneurship in building and running two motels just as motels were becoming available for the car tourist.¹⁹ These accounts have been read keeping in mind that these prominent men had reputations to defend and were accustomed to public life. Their prominence also meant that there are wider sources to consult, including the listings in the state heritage register descriptions of their properties. The stories of the purchase and use of these lands adjacent to the coast reflects the transitioning processes discussed in this thesis at several levels, ranging from the aesthetic of coastal retreats and lifestyles to the influence of regulatory systems on the development of the coast.

In 1976, less than fifteen years after purchasing their land holdings, Sir Roy Grounds, Ken Myer and David Yencken donated their land holdings to the nascent Mimosa Rocks National Park. These donations formed an important step for the creation of the park.²⁰ The

¹⁵ Janet Hawley, 'Landed Sentries', *Good Weekend*, 4 April 1992, 31-37.

¹⁶ David Yencken, 'A Tale of Two Motels: The Times, the Architecture and the Architects', *La Trobe Journal* (2014): 140. <https://www.slv.vic.gov.au/sites/default/files/La-Trobe-Journal-93-94-David-Yencken.pdf>. Accessed 20 February 2019 and Peter Tonkin, 'Baronda House', *ArchitectureAU*, 1 December 2010. <https://architectureau.com/articles/baronda-house/>. Accessed 15 December 2019.

¹⁷ Mark McKenna, *An Eye for Eternity: The Life of Manning Clark* (Carlton, Vic.: Miegunyah Press, 2011), 539.

¹⁸ Roy Grounds interviewed by Hazel de Berg. 11 October 1971. National Library of Australia TRC 1/549 [sound recording]. <http://nla.gov.au/nla.obj-214632188>. Accessed 27 May 2016.

¹⁹ Yencken, 'Two Motels'.

²⁰ Hawley, *Landed Sentries* and Philip Cox and Janet Hawley, *A Place on the Coast* (Melbourne: Five Mile Press, 1997).

donations also, in part, arose from a complex mix of local political activity and negotiation reflecting the heterogeneity and diversity of distinct groups and values, intersecting with the responses by state government to broader pressures on land use and environmental concern, with a particular focus on coastal areas. Local residents were active in preserving access to beloved beaches and forests through private land. Conservation-minded individuals and groups, both local and city-based, used political processes to ensure the protection of the coast in its underdeveloped state. At the same time NSW State government ministers actively worked to change the status of private land on the coastal fringe into national park, not least with their own calculations of electoral appeal. These early examples reveal that new arrivals and local residents can have differing views and values for their own land and their neighbourhood and muster personal and group resources to put forward their views on future development of the now shared spaces. The early campaigners used established political lobbying techniques to further their cause. All groups were moving into processes which will be traced in their evolution in following chapters, as actors used not only these techniques but were also forced to add more complex arguments and campaigns as regulatory frameworks became more complex and also their own identities and interests were thrown together.

Roy Grounds and Penders

When Roy Grounds purchased 'Penders', he was seeking a 'a private retreat from a public world'.²¹ (Map Six) At the time he was the chief architect overseeing the building of the National Gallery of Victoria (NGV) in Melbourne, with an award-winning modern design.²² Kenneth Myer was his patron and supporter.²³ While drawing on modern architectural principles for the NGV, Grounds' design also evoked earlier architectural periods including 'palazzo forms and medieval references' such as the inclusion of three internal courtyards and

²¹ Jennifer Taylor 'The Barn of Penders' *Architecture Australia* 74, no.7 (1985): 86.

²² Conrad Hamann, 'Grounds, Sir Roy Burman (1905–1981)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/grounds-sir-roy-burman-12571/text22635>, published first in hardcopy 2007. Accessed 13 March 2019.

²³ NSW Office of Environment and Heritage, State Heritage Register, *Penders* <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053623>. Accessed 11 March 2019 and Hamman, 'Grounds, Sir Roy Burman'.

the Great Hall with a stained glass ceiling designed by Leonard French.²⁴ He sought new syntheses in building forms and materials, and also insisted on artistic control over these large, prominent projects. Grounds precipitated the breakup of the architectural firm of Grounds, Romberg and Boyd because he took the sole commission for the building, shutting his business partners out of the project. This, along with the actual design of the building, caused 'dismay and anger of colleagues and friends' by 1962.²⁵

For Grounds, Penders proved to be a place of retreat from those stresses but also a place of experimentation. At the time the property was partly cleared, some areas leased to local farmers for grazing, and the forests of eucalypts had previously been logged.²⁶ Grounds had started his architecture career designing houses and experimenting with domestic scales. At Penders he built two prominent structures: The Barn and the Myer House, and other smaller ones, using minimally processed timber. While the NGV was austere and modernist in style and construction, here Grounds pursued a rustic aesthetic, using wooden structures and forms that responded to the natural environment. The suite of buildings and structures Grounds created at Penders are now listed on the NSW State Heritage Register and 'held in high esteem' by Australian architects.²⁷ The Barn, nine poles radiating from a central ring beam originally with a sod roof and canvas 'walls', is one of his celebrated designs. Beside it he constructed a geodesic dome of wooden poles joined with tin garbage bin lids.²⁸ These techniques were not just local adaptations but reflected an emerging aesthetic. Showing his interest in construction using drop-log methods, Grounds had already prepared plans for a theatre at the Swan Hill Pioneer Village that he saw as a particular Australian variation on log cabin construction.²⁹ But Penders brought an additional authenticity, and personal imprint, to such experimentation. This was not to be the last time that the south coast of NSW provided such a stage for architectural innovation, mixing the relatively 'untouched' appeal of the landscape with the ready access of new designers, and a new market.³⁰

²⁴ Hamann, 'Grounds, Sir Roy Burman'.

²⁵ Hamann, 'Grounds, Sir Roy Burman'.

²⁶ Sue Feary, 'Penders Perpetual Forest Plantation', *Australia's Ever-Changing Forests II: Proceedings of the Second National Conference on Australian Forest History*, Canberra 1993, 74.

²⁷ State Heritage Register *Penders*.

²⁸ State Heritage Register *Penders*.

²⁹ Kate Darian-Smith and David Nichols, "'How Our Forebears Lived': The Modern Nation, its Folklore and "Living" Heritage in Twentieth-Century Australia', *Australian Geographer* 49, no. 1 (2018): 208.

³⁰ State Heritage Register, *Penders*.

The pressures involved in the construction of the NGV may have influenced Grounds to purchase Penders as a 'retreat from a public world' but this was not the first time he had sought refuge in rural pursuits. In his interview with Hazel de Berg in 1971, he was candid in explaining that due to his service in New Guinea in the Second World War he suffered an 'emotional reaction' (his phrase) that meant he 'couldn't face the community' or return to his architectural practice. He described that he and his wife purchased a rural property outside Melbourne at the end of the war. 'I wanted to go back to nature and think. We milked cows. We tilled the land'.³¹ Here we see that Grounds was not differentiating between 'being in nature' and farming: farms were natural environments to him.

Grounds brought the 'wise use' conservation ethic discussed in Chapter One with him to Penders. Reflecting on his association with Penders in 1971, Grounds recalled that

I bought it to prevent subdivision, to return it back to the wonders of nature, a part of Australia that would for all time remain that way. With the inlets, with the surf, the ocean, the forests. I'd been going there for a week every month, and a month in the summer removed from mail, correspondence, people; just my wife and one or two intimate friends occasionally. We've spent ten years at it. We will spend another lifetime, my lifetime, perhaps his [Ken Myer], in seeing this nature reserve and nature come back into its OWN [his emphasis] control without interruption by man.³²

While Grounds expressed this wish to let nature take its own course at Penders, with Myer he began a tree planting program to 'improve' the 'degraded' forest and to experiment with known timber-producing eucalypt species from the north coast of NSW.³³ Grounds himself saw no contradiction in replanting non-local native species on the cleared areas and creating a forest to be managed for timber production: as he saw it, he was letting nature

³¹ Roy Grounds interviewed by Hazel de Berg. Permission to quote from this interview was granted by National Library of Australia on 4 April 2019.

³² Roy Grounds interviewed by Hazel de Berg.

³³ 'Exercise in Timber Preservation', *Bega District News*, 11 June 1965, 2.

come back 'into its own control'. 'Curly' Annabel, the locally respected editor of the *Bega District News*, visited the site in June 1965. His report of the tree planting program also included 'wise use' conservation language: 'what is planned is an example of wise treatment of the State's natural assets, for future as well as present generations of private owners'.³⁴ Revealing Grounds' wide professional network, Professor Lindsay Pryor of the Botany Department, Australian National University, advised Grounds on suitable species for timber production including Sydney blue gum (*Eucalyptus saligna*), flooded gum (*Eucalyptus grandis*) and turpentine (*Syncarpia glomulifera*).³⁵ The eucalypt species were known to produce tall straight trunks and had attributes making them suitable for house construction. Turpentine is suited to growing in coastal environments and is resistant to fire, termite and marine borer attack and is the 'pre-eminent timber in Australia for salt-water piling', that is for wharf construction.³⁶

To utilise the forest and plantation timbers, Grounds and Myer also started a timber preservation works. They drew on the expertise of the Commonwealth Scientific and Industrial Research Organisation³⁷ and used a process to infuse the eucalypt timber poles cut from the forest with a mix of copper, chrome and arsenic in solution to prevent degradation by termites and fungus.³⁸ Annabel was impressed by the demonstration of the process as 'a solid hint for local decentralisation champions to follow'.³⁹ The hope was that the wood treatment plant would generate work and commercial prospects for the area at a time when other primary industry employment was declining. In 1968 treated timber from Penders was used to build a house a few kilometres further down the coast at Nelson Lake.⁴⁰ Round poles

³⁴ 'Exercise in Timber Preservation'.

³⁵ State Heritage Register, *Penders*. Best practice revegetation programs now include only locally occurring species with seed collected as close to the site as possible and the planting of the range of the ecosystem including grasses, shrubs and trees.

³⁶ Norman Hall et al., *Forest Trees of Australia* (Canberra: Australian Government Publishing Service, 1975), 54 and 56.

³⁷ 'Bega News', *Canberra Times*, 8 June 1965, 18.

³⁸ 'Penders Timber Preservation', advertisement, *Bega News*, 4 Feb 1971, 3. The process is described in the advertisement: 'Tanalised (copper chrome arsenic) Natural Round Timber impregnation by vacuum pressure treatment against rot, borers, white ants...treated timber is an investment, never an expense'.

³⁹ 'Exercise in Timber Preservation'.

⁴⁰ Tonkin, 'Baronda House'.

were grown on the property using a coppicing technique and by 1971 were being advertised for sale locally as suitable for construction and fence posts, culverts, drains and crossings'.⁴¹

Roy Grounds and the Road Builders of Tanja

Notions of public and private space were tested as these new owners, seeking privacy and seclusion, entered the coastal fringe from Bermagui to Tathra in the 1960s. The first contest was in 1965 at Penders Beach and the second was in 1970-71 at Wajurda Point and Nelson Lake over rights of access to the coast and beaches. [Map Five]. The actions by individuals and groups of residents, discomforted if not always openly opposing these new uses, typify Massey's argument that such negotiations at points where individual's trajectories meet can in themselves serve to create new senses of place.

In early 1965, as Grounds began his tree planting program, he fenced his property and put a locked gate over the 'fisherman's' track that the residents of Tanja, Tathra and Bega had long been using to access Penders Beach, a favourite picnic spot on the shores of Bithry Inlet. As we have seen in Chapter Two, anyone who had the necessary finances could purchase land that was offered for sale by local landowners. Ownership of land also came with property rights to prevent trespass. There was the possibility for conflict, however, when that land adjoined the coast. The land to shoreline may be privately owned but the beaches can not. The limit of private property in Australia is the mean high-water mark (MHW), land between that and the sea—the beach—is Crown land.⁴² This legality reflects the principle that 'no one should own the beach' as it is a public resource: the place of a collective 'longstanding love-affair'.⁴³ But what about access to the beach? If all the land along the coast is privately owned, with few or no public roads, how do members of the public get to the beach? Before the 1960s, in this small community along this part of the coast, fishermen and picnickers used a

⁴¹ 'Penders Timber Preservation'.

⁴² NSW Land Registry Service, *Tidal Boundaries (MHW)—Registrar General's Guidelines*. https://rg-guidelines.nswlrs.com.au/deposited_plans/natural_boundaries/tidal_boundaries. Accessed 4 December 2019. 'Title to bed of all other tidal water is vested in the Crown'.

⁴³ Nicholas Brown, 'On the Margins of Littoral Society: The New South Wales South Coast since 1945', *Environment and History* 4 (1998): 209-237.

network of unofficial tracks through private land to access favourite spots. Otherwise the only access to the beach was from the sea.

Penders Beach is a sandy area inside the inlet near the mouth of Wapengo Lake. Although tidal, it is a very safe place to swim as is not subject to the ocean currents of the beach on the seaward side. Nola Dummett, who grew up in Tanja, fondly remembered:

It was such a lovely place and so safe, and I remember when I was young, the pools that would come, and the tides would change it and you'd get a big pool of water. It'd be as warm as anything because sitting there with the sun on it, and it was just the best place for kids, the safest place.⁴⁴

The new owners may have had their own visions for how they were going to occupy and use their land, but their landholding surrounded a much loved and visited beach. Local residents were not going to yield to the new ownership so easily and looked for ways to continue their visits.

Nola Dummett and her family moved to Tanja when she was nine years old. Her mother and grandmother ran the post office and telephone exchange and her father was a farmer. Nola's family enjoyed Sunday picnics, swimming and fishing expeditions at favourite spots along this part of the coast. I interviewed Nola for this project because her parents were involved in community activism to have a new road built to Penders Beach when Grounds closed the existing road. By talking to people involved in a negotiation or episode of contest or conflict, or reflecting on their sense of its significance, I was able to hear the personal effects of being part of negotiations, aspects often not able to be recovered in the sparse documentary traces left behind. Many years after an event the 'story' may have crystallised into an oft-recounted narrative, as it was in Nola's case. She and others that I interviewed for this project were aware they were 'talking to history' and were willing to participate in this project because they wanted to tell their personal versions of events. In Nola's retelling, the Tanja residents, and others who used the beach, were 'astonished' to have their access to the

⁴⁴ Nola Dummett, interview with the author.

beach cut and worked both politically and physically to have a new road built. Nola recounted the story from the perspective of the roadbuilders and the local community, with the roadbuilders as the primary protagonists. She recalled that community members were hard working, practical and resourceful country people who liked to go the beach on weekends for a picnic or to go fishing and who are effectively locked out of a place they were accustomed to visiting. They felt they had a right enjoy this particular beach: that sense of 'right' was fundamental to her account, and her sense of why the issue mattered so much to her parents and their colleagues.

The residents' story, as retold by Nola, was that Roy Grounds approached people visiting the beach and told them that the property was now private property and that they should leave. Grounds is reported as waving his arm up the lake and saying, 'this is all mine so you'd better leave'. Nola was working with her mother at the post office/telephone exchange in Tanja at this time. She remembered many people coming to them saying:

'What's going on at Penders? We've been asked to leave. We've had to come back, we haven't had lunch, we've had to leave'...everyone was a bit astounded and didn't believe it, didn't think it would be right.⁴⁵

The locals believed that the beach area was public land but did acknowledge that the road they were using to access the beach was over private land. As Nola said, 'he was quite within his rights because the road that we travelled wasn't necessarily where we ought to have been'. While acknowledging issues related to access, Nola indicates that the Tanja residents were not unworldly regarding property rights and access to public land. They knew that land titles were recorded on parish maps. Nola continued the story:

They made some hurried phone calls and got out the Parish maps and said 'there has got to be a road, surely? Surely the old surveyors have provided a road to the beach?'...they got a parish map out and discovered that yes, like most of these places the old surveyors had provided roads of access.⁴⁶

⁴⁵ Nola Dummett, interview with the author.

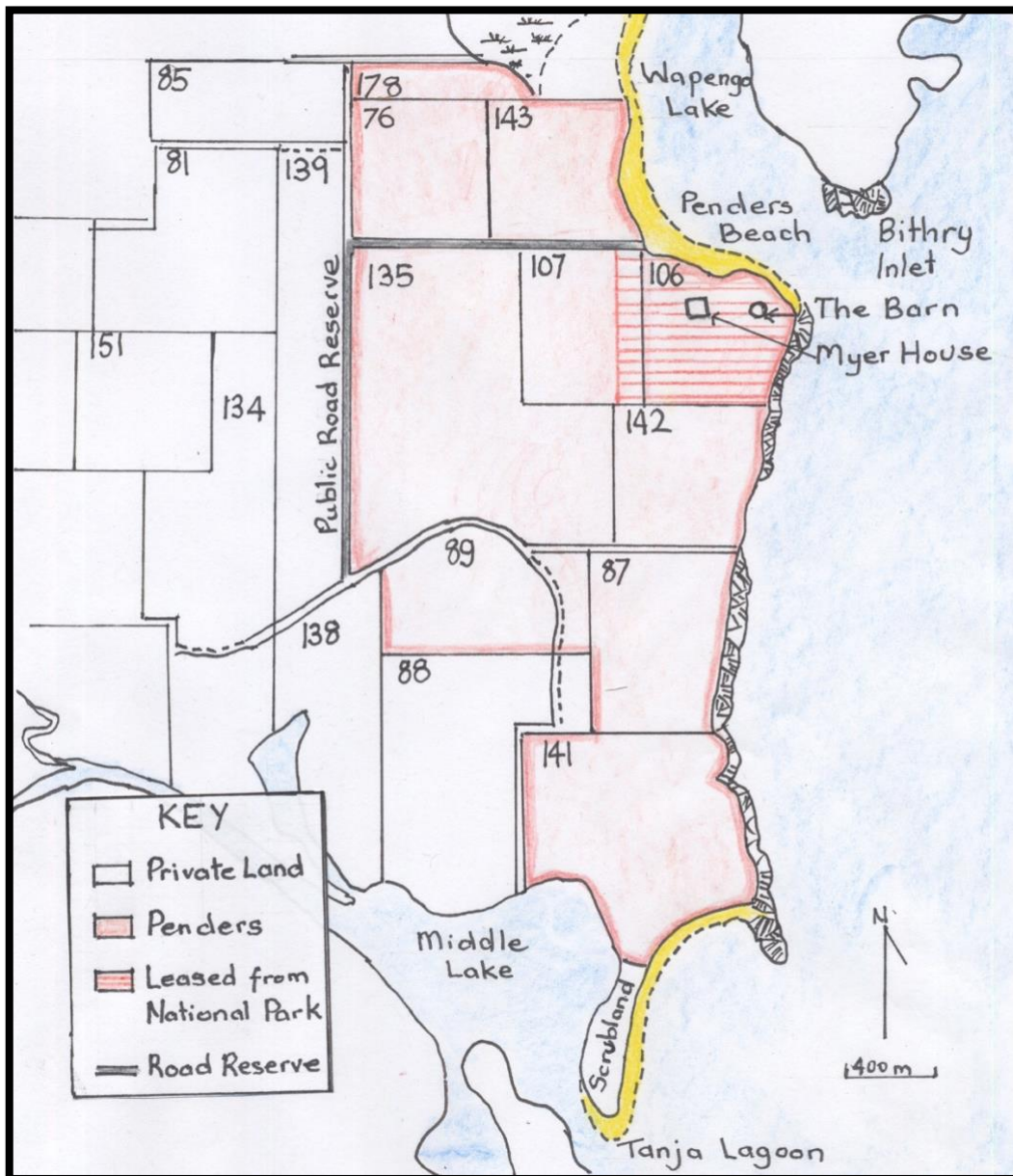
⁴⁶ Nola Dummett, interview with the author.

The Parish map, below, shows public access routes created at the time the land was surveyed.⁴⁷ These routes were between portions and follow the straight lines of the property boundaries giving every property access to a road. They are owned by the Crown and called Crown Roads or ‘paper roads’⁴⁸ and ‘comprise land corridors set aside for legal access’.⁴⁹ These straight lines often do not correspond to easily traversable routes ‘through the bush’, hence the use of tracks along the easiest route. In this case the first section of road easement from the Bermagui Road went through Charles Taylor’s property and then through Penders. Grounds could not object to the public using this Crown road easement because Crown roads are public access routes reserved at the time the land was surveyed.

⁴⁷ Eric Smith, ‘Crown Roads’, Blog of Doherty Smith and Associates Consulting Surveyors, 27 April 2018. www.dohertysmith.com.au/blog/crown-roads/. Accessed 13 March 2019.

⁴⁸ Smith, ‘Crown Roads’.

⁴⁹ *Guidelines—Administration of Crown Roads*, NSW Department of Industry—Land and Water, Document 18/100824, https://www.industry.nsw.gov.au/_data/assets/pdf_file/0017/164033/Administration-of-Crown-roads-guideline.pdf. Accessed 28 February 2020, 1.



Map Six: Penders and Wapengo Lake showing the portions of the Grounds Myer property and the public road reserves.⁵⁰

Nola's account misses a part of the story, however, that can be tracked through the minutes of the Mumbulla Shire Council meetings. Her recounting, in a story-telling mode of presentation, is most likely the story told and retold over the years, by her parents and her neighbours as they reminisced. As protagonists they recall the important steps from their own

⁵⁰ Parish and Historical Maps, Drawn from Map of County Dampier, Tanja Parish. Reproduced with the permission of the Office of the Registrar General, a unit of the Department of Customer Service. And Feary, 'Penders Perpetual Forest'.

perspective. I will return later to the particular way, and the reason why, Nola sought to publicly memorialise this event nearly forty-five years later. The Tanja residents particularly remembered consulting the Parish maps finding a legal way to retain access, but they also used an established lobbying technique which did not form part of Nola's story.

In March 1965, Tanja residents began gathering signatures on a petition to request the local council to assist them to access the beach.⁵¹ The petition, signed by '634 residents of Tanja, Tathra, Bega and surrounding districts',⁵² expressed the popularity of the beach for residents, not only those living on the coast but those living in the coastal hinterland.⁵³ In response to the petition, the council appointed a committee to talk with the residents and to Grounds to determine a mutually satisfactory agreement. The Shire President, J. J. O'Connell, called a public meeting to discuss the issue at the Tanja Hall on 5 April 1965 at 8:00 pm.⁵⁴

Between 'seventy to eighty' people attended the public meeting—many travelling up to thirty-five kilometres on rough dirt roads in the dark to get there: an impressive attendance considering the population of the area at the time. Forty written apologies were also tabled.⁵⁵ All present at the meeting acknowledged that the 'fisherman's track' was a road across Grounds' private property and could no longer be used. O'Connell then put forward an eight-point plan to create a public road to the beach. His plan included surveying and assessing the Crown road for its practicality, obtaining necessary permissions and approvals from the Forestry Department and Lands Department, and securing Charles Taylor's support to enter his property to ascertain its suitability for part of the road. The plan also included the option:

To elect a committee to establish an organisation of members to offer voluntary assistance and raise funds for the alternative access road and other implementations connected with the overall plan to develop the beach reserve.⁵⁶

⁵¹ President's Minute, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 21 April 1965, 20.

⁵² President's Minute, 21 April 1965, 20.

⁵³ 634 people was approximately ten per cent of the population. Mumbulla Shire population was 3500, Bega 2,000 and Tathra (in Imlay Shire) 600, a total of 6100 people.

⁵⁴ President's Minute, 21 April 1965, 20.

⁵⁵ President's Minute, 21 April 1965, 20.

⁵⁶ President's Minute, 21 April 1965, 20.

The meeting attendees voted to accept the O'Connell plan and created the Penders Beach Reserve Recreation and Development Association (Penders Association).⁵⁷ It was clear from these proposals that Council expected the new association's members to take responsibility to build and pay for the access road to the beach and take responsibility for future care of the picnic area. This expectation reflected the Council's lack of funds to build the road and maintain the recreation area.

It was still not clear whether, or how much, land adjacent at Penders Beach was Crown land. Determining this extent would influence the area the public could access at the beach. As noted, Nola's interview recounts Grounds telling visitors that the land along the lake to the waters-edge was his private property and therefore he could ask people to leave. Confirmation of Grounds' belief comes from O'Connell's presidential minute included in the bound copies of the Shire's minute book. These detailed summaries record comments on the progress of discussions between Grounds and the council. At an on-site meeting on 18 April 1965 attended by O'Connell, other councillors and staff and a representative the Penders Association, Grounds stated that he believed he owned all the land to the high-water mark within the inlet. He disagreed with the Shire President over the status of the land 100 feet (thirty metres) from the shoreline. O'Connell, in his record of this exchange, noted that he 'expressed an opinion that the beach frontage and the beach was not included in his [Grounds'] property judging from the Parish map which we had before us'. The fine details of ownership of the coastal margins of the land went to fundamental issues of historical record and amenity.⁵⁸

Perhaps Grounds did, at that point, believe he owned land to the high-water mark. He had purchased the property to be a place of escape, therefore the news that public land accessible by a Crown road adjacent to the beach may have come as a shock. He may have been told, by a real estate agent or the previous owner, for example, that property boundary was the high-water mark. After checks by his solicitor, Grounds conceded that his boundary was 100 feet (30 metres) in from the high-water mark, meaning that the land beyond that

⁵⁷ Author has a printed copy of the objectives of the association given by Nola Dummett.

⁵⁸ President's Minute, 21 April 1965, 19.

boundary was able to be used by the general public.⁵⁹ With this point established, the Penders Association was quick to start building the road after a 'go ahead' from Council.

By the end of April 'arrangements were made to begin work on the proposed access road'.⁶⁰ Public assistance was requested through a newspaper article in the *Bega District News*, with the committee hoping that 'that the road will be cleared, and the public will again have access to the popular and beautiful beach'.⁶¹ Nola continued the story of the process of building the road:

They did it basically by volunteer effort, weekends, not much happened through the week. Everybody worked, but weekends, they'd be hammer and tongs down there. A few tractors, there weren't a lot of tractors about. Charlie [Taylor] had a tractor, we had a small tractor by then, and Dad took that, but the sleeper cutters from around, they had chainsaws to fall the timber and do anything like that. So, then they hired a bulldozer from Tathra, he was a local fella that used to come across and do work around here. They got him to come and he put in a couple of little cuttings, you'll see as the road progresses, he put those in with the dozer and drew some of the bigger timber in, that they couldn't handle with their tractors, the dozer pulled that into place. They were two and a half days, full days with the dozer. He donated half a day's labour and his machine time to help the cause.⁶²

This story tells of the resources of a close-knit local community of farmers and timber workers with the practical skills, labour and equipment to accomplish the complex task of building a road to maintain access to a shared, local recreation area. Those resources were sufficient to make the new road with bridges across the three small creeks along the route. The road builders used a drawing of a bridge from another site to create log bridges using the trees cut to clear the route through the forest.⁶³ The road building all took place over a few months in the winter of 1965. The Penders Association members did all the physical labour and paid for

⁵⁹ President's Minute, 21 April 1965, 20.

⁶⁰ 'Assistance Needed for Road', *Bega District News*, 7 May 1965, 7.

⁶¹ 'Assistance Needed for Road'.

⁶² Nola Dummett, interview with the author.

⁶³ Nola Dummett, interview with the author.

those aspects of the road construction that went beyond voluntary labour, with Council assisting with paperwork and approvals with the State Government departments.⁶⁴

With access to the beach restored, Mumbulla Shire Council, the Lands Department and Grounds were still negotiating the exact boundaries of the proposed public recreation reserve. Into 1966, Mumbulla Shire Council requested the Lands Department office in Bega to investigate the area ‘with reference to establishing a Public Reserve near the beach,’ indicating that although the land was not previously a dedicated recreation area, the intention was now to create such a space.⁶⁵ A plan was prepared by the Lands Department and submitted to the Penders Association and was approved at a public meeting on 15 November 1965 with one amendment to the proposed boundaries.⁶⁶ The Mumbulla Council was still uncertain of the status of the land as Crown land after that.⁶⁷ In October 1966, council was still discussing the proposed reserve boundaries and placement of facilities including car parking. Grounds was arguing, supported by a letter from Professor Pryor, that a car park should not be built right on the edge of the beach, but further back to protect a stable hind-dune plant assemblage.⁶⁸ It was not until 1970 that the negotiations between the parties were complete and the Lands Department gazetted the public road along the new route.⁶⁹

Grounds and Myer were seeking to create a coastal retreat at Penders while simultaneously revegetating and ‘improving’ the coastal forests on their land: ‘improving’ because they planted trees that were recommended as fast-growing coastal species suitable to produce structural timber and to support a small, innovative business. This was their personal objective, what Massey would call a trajectory. Other individuals occupying adjacent, nearby or even further away properties also wanted to use some of that space in the same way as they had in the past: as a picnic, swimming and fishing spot—their trajectory. The second group drew in a third party, the local council, to further their cause. All parties were

⁶⁴ Nola Dummett, interview with the author.

⁶⁵ President’s Minute, Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 17 November 1965, 10.

⁶⁶ President’s Minute, 17 November 1965, 10.

⁶⁷ T. Ryan, Shire Clerk Mumbulla Shire Council, Letters to Mrs A. Britten, dated 27 and 30 April 1966. Copy of the letter held by the author.

⁶⁸ Roy Grounds, Letter to The Shire Clerk, Mumbulla Shire Council, 9 September 1966 and forwarded to the Penders Association. Copy of the letter held by the author.

⁶⁹ ‘Precis of Correspondence’, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 17 February 1970, Letter from Department of Lands to Mumbulla Shire Council, June 1970.

forced to negotiate ways to access and use this space. These actions by residents confirm Massey's argument that the points where individual trajectories meet require negotiation and that these negotiations are in turn an event that creates the place, even as that iteration of the place is transitory. An access road and parking area for visitors to visit a newly declared recreation area at Penders beach might seem a small local gesture, but the intersection of interests and resources it reflects established some of the themes to be developed through this thesis. An environmental sensibility was framed in petitioning the Council, physically building the new road to the beach, and forming an association to care for the recreation area. The roadbuilders were conscious of 'fighting' to regain access, and of defending elements of a landscape — historical association, identity, labour and shared rights — against another way of seeing that place, framed by. The relationship between these positions, as Massey insists, is often more of dynamic negotiation than polarity, as can be seen in the next iteration of these negotiations.

Wajurda Point: Development to Protect the Coast

In 1970 a second episode of community activism, stimulated by actual or proposed development of the coast, began several beaches south of Penders. The issue was similar to the Penders debate: public access to the beach and the purpose and future of a dedicated recreation reserve. The interests, skills and resources involved, however, were more articulate, the issues and negotiations more complex, as were the number of individuals and groups expressing differing viewpoints. Even in these elements, the dynamics of change in the region, and of negotiation, were evident. Residents of the far south coast and outsiders in this second episode disputed the right of a private entrepreneur to lease a Crown land recreation reserve for a private tourist venture. Once again, interested parties were required to negotiate with one another over the future of this place.

Adding to the complexity of the number of individuals and groups with different agendas negotiating to protect the coast, the regulatory and governance context for development along the NSW coast changed substantially between 1965 and 1970. The State Government increased regulation and control of development along the coastal fringe of NSW

to preserve scenic beauty and to protect spaces for public recreation and conservation. As outlined in Chapter One, this process began with the State Planning Authority (SPA) introducing measures to streamline the planning of non-urban lands by creating the system mandating zones of activity for particular areas of land. In 1966, the SPA publicly stated, via its publication the *State Planning Authority News (SPAN)*, that the coastline of NSW was 'of national importance [and] should be protected from spoliation by haphazard development'.⁷⁰ The key to preventing 'haphazard development', the SPA argued, was to plan in advance 'the orderly arrangement of town and country ... to promote for the greatest good of the greatest number, the improvement of community life and of the environment'. The SPA expressed the view that development and coastal protection were not antithetical. If orderly planning schemes were implemented, the state could both benefit from further development and decentralisation and also protect the coastal zone.⁷¹ The interim development orders for Mumbulla and Imlay shires, adopted in 1965 and gazetted in 1966, began the process of regulating development along their sections of the coast.

These initiatives gather political patronage and regulatory sophistication. To protect the flora and fauna of the state and provide recreation areas, Mr Tom Lewis, the Minister for Lands, sponsored the National Parks and Wildlife Act passed by the NSW Parliament in 1967, as discussed in Chapter One. The Act established the National Parks and Wildlife Service and amalgamated the work and responsibilities of officers formerly attached to the Fauna Protection Panel and the Parks and Reserve Branch of the Department of Lands with direct accountability to the Minister. A significant consolidation of roles and expertise, the Act also recognised the importance of advice from scientists and conservation groups on land that could be included into new national parks. In 1969 the Australian Conservation Foundation, promoting the protection of the coastal fringe of the whole of Australia, convened a conference on the importance of the coast as 'a national asset'.⁷²

⁷⁰ 'Coastal Planning', *SPAN (State Planning Authority News)* 1, no. 1 (1966), 7.

⁷¹ 'Coastal Planning', 7.

⁷² *Conservation of the Australian Coast*: Papers of an Australian Conservation Foundation symposium held in association with the Adult Education Department, University of Adelaide, 7-9 November 1969.

In 1965, before these regulatory changes were coordinated, David Yencken purchased Portion 171 Parish Tanja, a block of seventy-five acres ostensibly as a remote weekender.⁷³ (Map Seven). This property had frontage to Nelson Lake and the beach between Baronda Head and Wajurda Point which was, at the time, undeveloped and covered in coastal forest.⁷⁴ The land was five kilometres north of Tathra, and accessible only by rough dirt tracks through Tanja State Forest. It was an isolated area and required a sturdy car and time to get there. Yencken was a Melbourne based entrepreneur, businessman, developer and conservationist. His Australian father had worked for the British diplomatic corps and, as a child, Yencken lived in Cairo, Rome and Madrid and also spent some years in Australia with his mother's family.⁷⁵ In 1954, after graduating in History from Cambridge University, Yencken moved back to Australia as a twenty-three year old.⁷⁶ On this journey he travelled across North America, enjoying its modern attractions, including 'hamburgers, three minute car washes'⁷⁷ and importantly for his future life, motels: the provision of accommodation premised on the needs of private car tourists. After his arrival in Melbourne he made plans and researched the prospects for developing motels in Australia modelled on what he had seen in Canada.⁷⁸ Yencken decided that a site for a motel on the Hume Highway, the inland route between Sydney and Melbourne, was a risk as the highway could be rerouted away from his chosen site.⁷⁹ Instead he built a motel on a site on the outskirts of Bairnsdale in Gippsland in 1957 near the popular tourist destination of the Gippsland Lakes and on the coastal route between Sydney and Melbourne, the Princes Highway.⁸⁰ In 1960 after the sale of the Bairnsdale motel, Yencken became managing director of a company set up to build a new motel at the southern approaches to Merimbula, on a coastal estuary thirty kilometres south-east of Bega. The site was between a lake and the surf beach and less than two kilometres from the newly opened

⁷³ Tonkin, 'Baronda House'.

⁷⁴ Nelson Lake was the name used by Mumbulla Shire Council. It is also referred to as Nelson Lagoon or Nelson Inlet, and more locally, referred to as Nelsons.

⁷⁵ Grant Meyer, 'Time Out with David Yencken', *Planning News* 43, No.1 (February 2017): 8–10. Graeme Davison, 'Visionary Yencken: A Thinker, Entrepreneur and Astute Politician', *Sydney Morning Herald*, 21 October 2019. <https://www.smh.com.au/national/visionary-yencken-a-thinker-entrepreneur-and-astute-politician-20191021-p532ps.html>. Accessed 4 December 2019.

⁷⁶ Yencken, 'Two Motels', 140.

⁷⁷ Davison, 'Visionary Yencken'.

⁷⁸ Yencken, 'Two Motels', 140.

⁷⁹ Yencken, 'Two Motels', 140.

⁸⁰ Yencken, 'Two Motels', 141.

Merimbula airport.⁸¹ By this time, Yencken had met and admired the work of renowned architect Robin Boyd, who became the architect for the planned motel, subsequently named the Black Dolphin. At this time Boyd was in partnership with Roy Grounds in the architectural firm of the Grounds, Romberg, Boyd, but (as noted above) this partnership was crumbling because Grounds excluded Boyd and Romberg from the NGV project.⁸² The Black Dolphin motel was designed to be ‘an original and authentic response to the Australian environment’, utilising undressed, locally sourced timber pole supports as external architectural features.⁸³ Yencken personally ran the motel for several years before it was sold in 1965 to Ansett Hotels—a transaction itself indicating the extent to which this area of the coast was being identified for tourist development.⁸⁴ Yencken later attributed his interest in design, planning and care for the environment to his involvement in building and running these two motels.⁸⁵ The year the Black Dolphin was sold, Yencken and his business partner, John Ridges, founded Merchant Builders Pty Ltd, to build architect-designed project homes in Victoria. The company, with Graeme Gunn as the consultant architect, designed housing developments ‘dedicated to the protection of the natural environment’ and offering architect designed kit homes ‘to minimise costs and embodied energy.’⁸⁶ Soon after this company was established Yencken became a public figure in heritage and conservation positions. He later wrote an autobiographical piece on his development of motels and was the subject of several interviews on his life’s work.⁸⁷

Adjacent to Yencken’s property at Nelson Lake were two portions, 172 and 173, Parish Tanja gazetted in 1939 as a recreation reserve.⁸⁸ [Map Seven]. This reserve covered half of

⁸¹ Dominic Giannini, ‘Final Stage of Merimbula Airport Upgrade to Begin This Week’, *About Regional*, 31 October 2019. <https://aboutregional.com.au/final-stage-of-merimbula-airport-upgrade-to-begin-this-weekend/>. Accessed 9 December, 2019. This web site includes photographs of the opening of Merimbula Airport on 1 May 1959.

⁸² Hamann, ‘Grounds, Sir Roy Burman’.

⁸³ Yencken, ‘Two Motels’, 145

⁸⁴ Yencken, ‘Two Motels’, 159.

⁸⁵ Yencken, ‘Two Motels’, 159

⁸⁶ Rees Quilford, ‘Merchant Builders: Celebrating a Fifty-year Legacy’, *Pursuit by The University of Melbourne* quoting Adam Mornemount, architectural historian <https://pursuit.unimelb.edu.au/articles/merchant-builders-celebrating-a-fifty-year-legacy>. Accessed 3 July 2016.

⁸⁷ Yencken was interviewed by Gregg Borschmann between 1995 and 1996 for the Environmental Awareness in Australia Oral History project held at the National Library of Australia. Mr Yencken did not grant permission for this author to access the interview.

⁸⁸ *Mimosa Rocks Plan of Management*, 3, also *NSW Government Gazette* 24 February 1939.

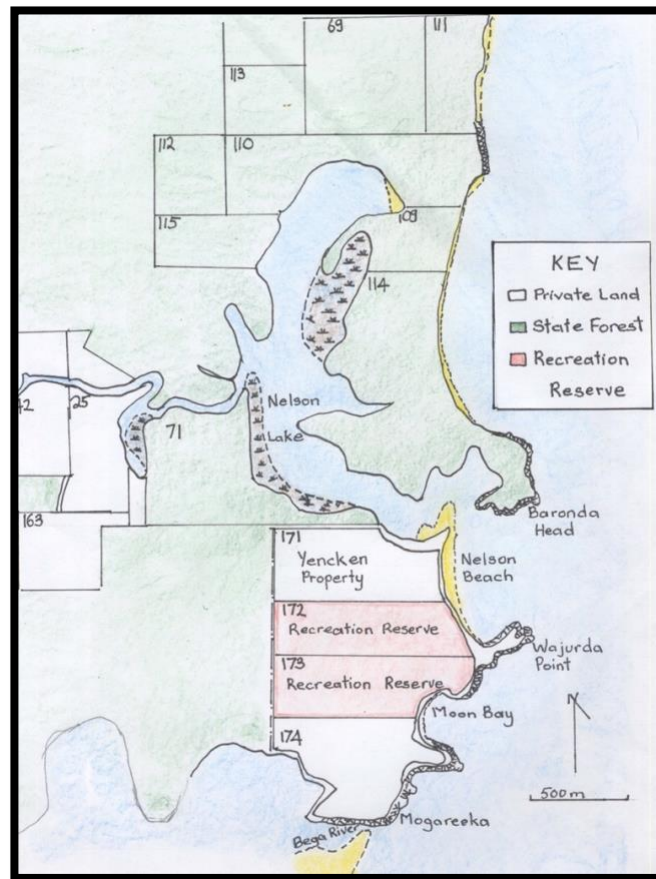
Nelson Beach and half of Moon Bay including a hind dune ecosystem of coastal scrub (coast wattle, coast banksia, coastal rosemary and coastal beard heath).⁸⁹ Wajurda Point juts out into the sea from the junction of the two reserve portions. A ridge runs from the junction out to the point. The elevation at the top of the ridge is twenty-four to twenty-nine metres above sea level and the ridge slopes steeply into the sea on both sides. From Wajurda Point itself there are long views of the beaches and the forested coast to the north, to the south and out to sea. The reserves were controlled by the NSW Department of Lands and managed by Mumbulla Shire Council.⁹⁰ Moon Bay, a small, secluded bay with a sandy beach, was a most attractive feature of the coast, and also subject to increasing use by day visitors and campers.

As Yencken spent time at his property, he personally observed the effects of the increasing popularity of such usage along this section of coast—impacts which were also concerning Mumbulla Shire Council health inspectors.⁹¹ Portion 171, Yencken's property, was positioned on the southern shore of Nelson Lake, effectively obstructing public access to the Lake. (Map) The fact that this land was privately owned did not deter campers and day visitors. Yencken observed people camping at Nelson Beach (an illegal activity in the reserve) and on private land; driving over the sand dunes; chopping down trees for firewood; and leaving litter.

⁸⁹ *Mimosa Rocks Plan of Management* includes an extensive plant list on pages 15-16. The flora of the Park is described as a 'mosaic of native plant communities'.

⁹⁰ T. J. Campbell, Shire Engineer, Report to Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 21 April 1970, 26.

⁹¹ David Yencken, 'Summary of Proposals for Nelson Inlet, 2 Sept 1970', Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 20 October 1970, 32-33.



Map Seven: Wajurda Point and Nelson Lake.⁹²

In May 1965 Yencken approached Mumbulla Shire Council with a proposal to lease and develop the reserves fronting Nelson Beach and Moon Bay and his own land as a holiday resort.⁹³ In early 1967 Yencken submitted a development proposal to the council for a holiday resort including a large motel and golf course complex on his own land and holiday cabins (twenty to forty) on the adjoining portion 172 on the recreation reserve.⁹⁴ In later years, Yencken maintained that when he initially approached the council he was told that the lease would be more likely to be approved if he presented an extensive development rather than a more modest proposal. A central principle of his proposal was that the development would

⁹² Parish and Historical Maps Drawn from Map of Country Dampier, Parish Tanja. Reproduced with the permission of the Office of the Registrar General, a unit of the Department of Customer Service.

⁹³ Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 19 May 1965, 7. The meeting appointed the President, the Shire Clerk and the Shire Engineer to confer with Mr Yencken.

⁹⁴ Town Planner's Report, Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 20 October 1970, 6.

be sympathetic to the environment, minimise disturbance to it, and provide greater capacity to restrict more destructive uses of the area.

The approval of the tourist development on private land and leased Crown reserve was a complex process involving three agencies: the Department of Lands, the State Planning Authority and Mumbulla Shire Council. First, the Department of Lands was responsible for granting the special lease, including negotiating the terms of the lease as the agency responsible for the recreation reserve. As was the case on other reserves in NSW, it was not unusual at this time for private developers to be granted leases to use Crown lands for caravan parks and camping grounds.⁹⁵

Second, the State Planning Authority was responsible for ensuring adherence to the conditions of the interim development order approved for Mumbulla Shire in 1966. Mumbulla Shire's town planner exchanged correspondence and phone calls with a representative from the State Planning Authority (SPA) in 1967 over whether, in fact, the council had the jurisdiction to approve the development in the light of the interim development order (IDO) that had come into force the previous year. This IDO allowed caravan parks and camping grounds on coastal lands but required consent from the State Planning Authority for any new residential developments. The SPA received legal advice that cabin developments as Yencken proposed were similar to caravan parks therefore the SPA agreed that the Mumbulla Shire Council did have the power to approve the cabin development.⁹⁶

Third was Mumbulla Shire Council. The Council, responsible for care of the reserves, did not have the authority to approve any lease of the reserves. When the lease was proposed and negotiations began, this Council, having been consulted by the Lands Department, decided in principle not to object to the granting of the special lease as long as the developer (Yencken) agreed to create roads that would be dedicated as public roads, that all cabins would be a minimum of five chains (100 metres) from the beach front, the public would still have free access to the area and that the flora, fauna and the 'ecology generally' would be

⁹⁵ Town Planner's Report, 20 October 1970, 6.

⁹⁶ Town Planner's Supplementary Report, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting 20 October 1970, 37.

preserved'.⁹⁷ These conditions would mean that the reserves would still be available for the general public with better road access and protection of the natural environment than existed in the late 1960s. The attraction for the Council was that the developer would provide facilities for day visitors at no cost to the Council which, as shown in the discussions over the Penders road in the 1965, did not have the financial resources to provide facilities for, or manage the use of, such reserves. This point was confirmed in June 1970 when the Shire Clerk bluntly stated in his report to councillors that 'Council has not, and most likely will never have, the funds' to 'provide the public with good access and facilities for fishing, bathing and picnicking' at the public reserves.⁹⁸ Yencken continued to negotiate the conditions of the lease with the Department of Lands. His stance was that he was protecting the coast as he wanted the lease to develop his resort on portion 172 and leave portion 173, Moon Bay, free from all development and in its natural state. The Department of Lands wanted to include, or at least leave open the possibility for, a camping and caravan park on Moon Bay. Yencken spent much time and frustration trying to prevent that option being included in any approval. The final lease included a clause that the Department could take land out of the lease for another developer to develop a caravan park on Moon Bay at some point in the future. Yencken maintained that this was a sticking point for him (and why the lease was taking so long to be approved) as he tried to negotiate with the Lands Department to leave Moon Bay undeveloped.⁹⁹

For three years, 1967 to 1970, Yencken negotiated with the Department of Lands and Mumbulla Shire Council over his request for the special lease of the recreation reserve at Wajurda Point, with Mumbulla Shire Council also consulting with the State Planning Authority over the types of development the Council town planners could approve. Yencken was presenting his scheme as a conservation plan not simply a development plan, as his proposal would only include low key cabins and provide visitor facilities and public roads for tourists and locals alike.

⁹⁷ Shire Clerk's Report, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting of 23 June 1970, 19.

⁹⁸ Shire Clerk's Report, 23 June 1970, 19.

⁹⁹ Town Planner's Report, Mumbulla Shire Council, Minutes of the Regular Monthly Meeting, 20 October 1970, 25-26 and David Yencken, Letter to Mumbulla Shire Council dated 18 September 1970, included in the Minutes of the Regular Monthly Meeting, 20 October 1970, 30.

Supporting Yencken's claims to be a conservationist and to have bought portion 171 as a weekend retreat—seemingly at odds with his proposal to build a large motel complex on the site submitted to Mumbulla Council in 1967—in 1968 he commissioned his business associate, architect Graeme Gunn, to design a holiday house beside Nelson Lake using locally sourced timbers.¹⁰⁰ In 2011 this house was placed on the NSW Heritage register as an item of state significance, the citation in part recognising the house as:

Modest and experimental but accomplished in its use of natural materials and rustic finishes and in its sculptural manipulation of the living spaces in the form of a geometric spiral with rectangular projections. It is ecologically sensitive in drawing its materials from the local environment while maximising the views to surrounding bush and lagoon.¹⁰¹

Significantly, the citation also places the house in a company of Grounds' Barn and Myer House, Boyd's Black Dolphin and the Clark house at Wapengo as examples of the 'innovative', environmentally sensitive building that characterised new interest in occupying coastal lands for recreation and conservation along this part of the coast in the late 1960s.¹⁰² Baronda House, as it is now called—managed by the NSW National Parks and Wildlife Service, and 'used on occasion for institutional research and study group meetings'¹⁰³—is made from treated timber poles from Penders.¹⁰⁴ In retrospect, then, it can seem integral to the consolidation of conservation values in the coast. But, as with Penders, the story is not quite so simple.

The Baronda Affair (The Three Ladies of Tathra)

As Yencken negotiated the conditions of the lease with government agencies, local conservationists from the Far South Coast Conservation League (FSCCL) with members from Bega, Tathra and Merimbula approached Mumbulla Council in April 1970 to request

¹⁰⁰ Tonkin, 'Baronda House'.

¹⁰¹ NSW State Heritage Register *Baronda*.

<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5061816>. Accessed 16 May 2021.

¹⁰² State Heritage Register *Baronda*.

¹⁰³ State Heritage Register *Baronda*.

¹⁰⁴ Tonkin, 'Baronda House'.

information on the status of the reserves and the progress of the negotiations for the lease. Members of the League inquired about 'the Shire's intention, as trustees, regarding the reserves—portions 172 and 173 near Nelson Lake'.¹⁰⁵ At this stage League members, aware of Yencken's request for a lease over the reserves, were requesting that Mumbulla Council emphasise 'to any potential leaseholders' the importance of reserves because:

These are some of the last areas along our coastline which can be preserved in their natural state and that it should be their [the leaseholder's] aim to prevent any unnecessary destruction of flora and fauna in the areas as these are an attraction to tourists.¹⁰⁶

The group also sought reassurance from Mumbulla Council that even if the lease was approved that 'public access will always be available to these and other reserves in the area under your control'.¹⁰⁷ In June, the Town Planner reported to the regular Council meeting on the conditions of the proposed lease which had been provided by the Lands Department. On 21 July the FSCCL informed Council the League would object to the granting of the lease.

The FSCCL's intervention into the lease negotiations between Yencken, the Department of Lands and Mumbulla Council, forced Yencken to negotiate with yet another group, as interests, identities and values were negotiated in these processes. As the pressure from the FSCCL members increased through 1970, Yencken went to Council to personally press his case for his company to lease the reserves on portions 172 and 173. On 2 September 1970, Yencken addressed the regular monthly council meeting, his speech indicating how much his proposal had changed since he submitted the development proposal in 1967.¹⁰⁸ Three representatives of the FSCCL also attended this meeting: Mr R. Howard, Mrs D. De Oliveira and Mr R. Russell, indicating that the Council was also considering the views of local conservationists. Yencken presented his amended proposal to this meeting.¹⁰⁹ He was now

¹⁰⁵ Far South Coast Conservation League (22/4/1970) Correspondence, Mumbulla Shire Council, Minutes of the Adjourned Meeting, 27 April 1970, 72.

¹⁰⁶ Far South Coast Conservation League (22/4/1970).

¹⁰⁷ Far South Coast Conservation League (22/4/1970).

¹⁰⁸ Mumbulla Shire Council, Minutes of the Adjourned Regular Monthly Meeting, 2 September 1970, 7.

¹⁰⁹ Mumbulla Shire Council, Minutes of the Adjourned Regular Monthly Meeting, 2 September 1970, 7.

framing his proposal primarily as a 'conservation proposal rather than a development proposal'. The large motel and golf course development had been deleted from the proposal. In his address, Yencken argued that the picnickers and campers were damaging the natural environment and the use of the area needed to be well planned and managed. If he was permitted to lease the reserves his company would build facilities not only for his paying guests but also for day visitors from the general public. His paying guests would stay in well-designed cabins built of natural materials 'blending' into the bush at least 100 metres beyond high water mark. These facilities, the cabins, toilets, roads and carparks would be built to the highest conservation standards, designed by Graeme Gunn and the award-winning landscape designer Ellis Stones.¹¹⁰ Stones was a renowned landscape architect and passionate conservationist inspired by Australian landscapes.¹¹¹ With these experts, Yencken maintained that his company could design and construct the project, including roads and day visitor facilities to a standard that council could not afford. Leasing of the cabins would enable the company to employ an onsite manager who would prevent illegal camping, dissuade vandals, and keep the land and the beach clean and tidy.¹¹² Mr Russell spoke as the representative of the FSCCL, expressing concern that the final outcome of Yencken's project could not be guaranteed as his plans had changed several times, indicating calculated responses to the scrutiny being brought to the project.¹¹³ The councillors voted to hold a special meeting at the Nelson Lake property the following week so that Yencken could explain the plan and enable the councillors to see for themselves where each of the proposed features would be constructed.¹¹⁴

Yencken took the opportunity provided by the on-site meeting on 8 September, where all councillors, three council staff and eight representatives of the FSCCL were present, to point out the damage and 'despoilation' [sic] caused by day visitors and illegal campers, the result of Council's lack of resources to care for the reserve.¹¹⁵ At this meeting, councillors asked

¹¹⁰ Yencken 'Summary of Proposals for Nelson Inlet Lease of Portions 172 and 173' 20 October 1970, 12.

¹¹¹ Anne Latreille, 'Stones, Ellis Andrew (1895–1975)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/stones-ellis-andrew-11781/text21073>, published first in hardcopy 2002. Accessed online 22 March 2019.

¹¹² Mumbulla Shire Council, Minutes of the Adjourned meeting, 2 September 1970, 7.

¹¹³ Mumbulla Shire Council, Minutes of the Adjourned meeting, 2 September 1970, 7.

¹¹⁴ Mumbulla Shire Council, Minutes of the Adjourned meeting, 2 September 1970, 7.

¹¹⁵ Mumbulla Shire Council, Special Meeting, 8 September 1970, 1. The names of the FSCCL representatives are not recorded.

Yencken to supply more detailed plans and give an undertaking that 'the areas of his own land to be developed will be retained for public use'.¹¹⁶ The conservationists asked Yencken directly why the development could not be limited to his private land leaving the reserves in public control. His reply was to reiterate that his aim was to use the income generated by the cabins to provide the facilities including roads and facilities for day visitors as well as his guests, and an on-site caretaker to prevent illegal camping and to keep the reserves tidy.¹¹⁷

The views of the conservationists in FSCCL split at this point, despite Yencken's explanations and reassurances to those present at the on-site meeting. Some members of the FSCCL were persuaded that Yencken's plan was the way forward to protect the reserves but others were not. The schism within the group is recorded in the minutes of the Mumbulla Shire Council meetings as members of each group sent correspondence to the Council. This record, however, does not indicate the nature of the schism, while making it very clear there were now two groups to be taken into account.¹¹⁸

The day following the special council meeting, conservationists held their own meeting. A newly named 'FSCCL Bega Tathra Branch' emerged at this meeting and passed a motion resolving to call for Portions 172 and 173 to be declared 'Public Recreation Reserves free from sale or lease' and to write to Minister for Lands stating their objections to proposed special lease. The group's letter to Mumbulla Council, dated 11 September, stated their objections in the following terms:

at the rate of development indicated by recent land development proposals along the Coast, beach resorts will be highly concentrated in the future, and only by retaining the reserves in question, and other choice beauty spots and improving them (by Government Grants and other means) as natural areas to be visited by day tourists and fishermen, will the Coast remain a place where people will want to come to refresh themselves mentally and physically. By the turn of the century

¹¹⁶ Mumbulla Shire Council, Special Meeting, 8 September 1970, 1.

¹¹⁷ David Yencken, Letter to Mumbulla Shire Council dated 18 September 1970, and presented with the Minutes of the Regular Monthly Meeting, 20 October 1970, 30.

¹¹⁸ Precis of Correspondence, Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 20 October 1970, 54-55.

these areas will be of unlimited value to the public and we feel it is a National disaster to release public recreation reserves to commercial enterprise.¹¹⁹

These conservationists were asserting the rights of members of the general public to be able to access the beaches and undeveloped natural areas of the coast for recreation and fishing then and in the future. The Bega Tathra members also sent letters with the same requests to the Minister for Lands, to the Administrator of Parks and Reserves, Department of Lands and enclosed copies of this correspondence for the Mumbulla Shire councillors.¹²⁰

Adding more arguments to their case, two further letters appealed to councillors to consider disallowing the lease application were recorded in the correspondence received and tabled at the September Council meeting, two weeks after the on-site meeting at Nelson Lake. The first was from Tanja bush fire brigade reminding the councillors of the risk posed by bush fires to people living or holidaying in the proposed cabins at Nelson Lake because of the 'heavy timber' of the forest at the reserves.¹²¹ The second was from Mr R. M. Russell (also present at the meeting when Yencken made his presentation to councillors on 2 September¹²²) who sent a personal letter to council requesting that, if the lease of the reserves went ahead, at least Wajurda Point, the headland between the two beaches, be reserved from the lease. Russell noted Yencken's dismissal of the importance of the headland, recording that Yencken had told the attendees at the special meeting that 'few people use this area'. Russell stated that:

Mr Yencken knows full well that the special attraction to his scheme is the great beauty of the headland area. I doubt if Victoria has anything to compare. Mr Yencken must think so too to come so far as a developer...This area is priceless and should be retained in its natural state for the nation. Surely the time will come when money will be available again for any necessary expense on the area.¹²³

¹¹⁹ 'Precis of Correspondence, Item 17', Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 22 September 1970, 36. This transcription of the correspondence includes the capitalisation of words as they appeared in the original letter.

¹²⁰ 'Precis of Correspondence, item 17'.

¹²¹ 'Precis of Correspondence, item 17'.

¹²² Mumbulla Shire, Minutes of Regular Monthly Meeting, 2 September 1970, 7.

¹²³ 'Precis of Correspondence, item 17'.

The Bega Tathra Branch of the Conservation League held to their view that the reserve should be declared 'free from sale or lease', thereby preventing any development. In these terms they continued their lobbying and letter writing campaign despite Yencken's assurances that his plan would secure conservation of the area from increasing pressures of unauthorised campers and day visitors.

Jim Collins, a well-respected conservationist and dairy farmer,¹²⁴ publicly expressed support for a pragmatic approach to care of the reserves in a letter to the editor of the *Bega News* published on 29 September 1970. Collins noted that 'confused and emotional letters' on the issue had appeared in the paper. He went on to argue in favour of the proposed development as the plan would allow public access through Mr Yencken's private land to the lake. Collins made several other points in favour of the proposal: the current access road was in a very poor state; the dunes were being eroded and litter was a problem; and 'at Christmas time the lack of proper toilets and water is a health hazard'. Collins' argument was the same as Yencken's: that the development plan would preserve the bush not destroy it and that conservation 'is not a policy for doing nothing; rather a stitch in time saves nine'.¹²⁵

Indicating that the views of the conservationists were diverging, the president of the Merimbula Branch of the FSCCL made a public declaration that their members did not share the views of the Bega Tathra group. The president of the Merimbula Branch, Jean Russell, wrote a strongly worded letter to the editor of the *Bega News*, which the editor headlined 'Disagreement over Inlet'. While not overtly stating the position of the Merimbula branch members on the Nelson Lake proposal, Jean Russell made it very clear that the views of the Bega Tathra branch were not the views of the Merimbula branch members.¹²⁶

¹²⁴ Jim Collins, AM, and his wife Moira Collins are well respected dairy farmers and local conservationists, an unusual combination in the Bega Valley. Jim and Moira were very active in 1976 in lobbying for the removal of the Sydney milk zone so that Bega Valley dairy farmers could access more of the fresh milk market in NSW and get a better price for their milk. <https://www.abc.net.au/local/audio/2011/01/27/3122948.htm>. Accessed 31 March 2020. Moira Collins, environmentalist, farmer and social activist, entry in the *Australian Women's Register*, <http://www.womenaustralia.info/biogs/AWE4482b.htm>. Accessed 31 March 2020.

¹²⁵ Jim Collins, Letter to the Editor, *Bega News*, 29 September 1970, 2.

¹²⁶ Jean Russell 'Disagreement over Inlet', Letters to the Editor, *Bega News*, 16 October 1970.

While local conservationists were disagreeing over the best way to protect the coast at Wajurda Point, conservationists from outside the area were also taking an active interest in protecting the coast from Bermagui south to the Bega River in the late 1960s. Members of the National Parks Association of NSW (NPA), introduced in Chapter One, recognised this section of coast as one of the few parts of the NSW coast with very little development and was worthy of inclusion in a national park. A leader in this particular campaign was Colin Watson, a Sydney-based cabinet maker who began bushwalking the Budawang Ranges in the 1940s and by the 1960s held a number of executive positions in the NPA and other bushwalking groups. He was an initiator of the South Coast Committee, also introduced in Chapter One, and part of a group that made the initial recommendation for the creation of Mimosa Rocks National Park to Tom Lewis, the Minister for Lands and the minister responsible for the National Parks and Wildlife Service.¹²⁷ Watson organised a NPA group excursion to one of those sites: Mimosa Rocks, Bithry Inlet and Wapengo Lake on the January long weekend of 1970, describing this section of coast as possessing ‘some of the most interesting and diversified environments on our coastline’.¹²⁸ Indicating that NPA members were aware that Lewis was actively considering signing the lease at that time, the February 1971 edition of the *National Parks Journal* included a request from Watson and Milo Dunphy to members to urgently write to the Minister for Lands to oppose the alienation of the reserves at Baronda.¹²⁹

In February 1971, the Bega Tathra Conservation Society (renamed from the FSCCL Bega Tathra Branch) members were also keeping up their lobbying campaign to have Yencken’s proposal refused. One member was Jean Greenland. She and her husband retired to Tathra from their farm at Inverell in the late 1960s.¹³⁰ She was interviewed in 1999 about her work on various conservation campaigns on the far south coast over thirty years. In the interview she talked about the early campaign to save the coast north of Mogareeka:

¹²⁷ ‘Vale Colin Watson OAM (1924-2017)’ National Parks Association of NSW web site, 29 May 2017. <https://npansw.org/2017/05/29/vale-col-watson/>. Accessed 15 December 2019.

¹²⁸ Colin Watson, ‘Bermagui-Mimosa Rocks-Bithry Inlet- Lake Wapengo’, *National Parks Journal* (December 1969): 25. Watson records in these activity notes that the area for the visit was one of the ones the NPA recommended to the Scientific committee Mr Tom Lewis set up in 1968 to be included in national parks in NSW.

¹²⁹ Colin Watson and Milo Dunphy, ‘The Baronda Affair’, *National Parks Journal* (February 1971): 9.

¹³⁰ Jean Greenland was interviewed by Anabel Macdonald in 1999 in *And They’re Still Falling: Women’s Voices from the Southeast Forests*, edited by Claire Lupton (Canberra: Ginninderra Press, 2006), 29-33.

at this time much of the prime coastal land of NSW was in danger of being given away to developers for almost nothing. The Askin government was unloading those reserves, they didn't want to use their manpower to look after them...There were four of us and we were really fanatical, we just wouldn't give in.¹³¹

'The four of us', Jean and her husband Jim Greenland, Doreen De Oliveira and Hazel Meadham, all residents of Tathra, were a self-described formidable team. Doreen De Oliveira had farmed with her husband near Bemboka in the 1950s and moved to Tathra in the early 1960s.¹³² Local conservationist Jim Collins recently described the women as 'tenacious' and also formidable.¹³³ Each of the four had particular roles. Hazel 'hated to write anything, she used the phone as second nature. She had this ability to make people laugh. She had a very light touch, so she did all the ringing up'.¹³⁴ Doreen, who had attended meetings with Yencken and the Mumbulla Shire councillors, wrote newsletters and Jean was the typist for the group, focussing on letter and submission writing to politicians and local government. The Greenlands are remembered for their tactics of conducting 'paper warfare', writing forty letters per month to pursue their conservation projects, including supporting the preservation of the public reserves and the formation of Bournda National Park, south of Tathra.¹³⁵ The group, relentless in their opposition to leasing the reserves north of Tathra, continued lobbying for nature conservation, including objecting to woodchipping, after the Nelson Lake 'campaign'.¹³⁶

The application for Yencken's special lease was still waiting to be either approved or disallowed at the end of January in 1971. The BTCS members had written to Lewis, the Minister for Lands, the previous September asking him to not approve the lease, but there had still been no decision. The four committed conservationists pointedly made the journey

¹³¹ Jean Greenland interviewed by Anabel Macdonald.

¹³² Personal communication from Christine Hamilton, Mrs De Oliveira's daughter.

¹³³ Jim Collins and Betty Thatcher interviewed by David Gallan for the film *Understorey: The Campaigns to Protect the South East Forests*, 2016.

¹³⁴ Jean Greenland interviewed by Anabel McDonald, 31.

¹³⁵ Jim Collins and Betty Thatcher interviewed by David Gallan.

¹³⁶ Jean Greenland interviewed by Anabel McDonald, 31.

to Sydney to personally appeal to Lewis in his office 'a week or two' before the 1971 State election, signifying an intention to give political traction to the issues.¹³⁷

This timing was critical to the impact of lobbying efforts surrounding Yencken's proposal and all that it represented. Jack Beale had been the member for South Coast since 1942 and a government minister since 1965.¹³⁸ The election in South Coast was predicted to be a very tight contest between Beale and John Hatton, an independent candidate, a schoolteacher and president (1969-1973) of the Shoalhaven Shire Council.¹³⁹ Beale won this election only by 340 votes demonstrating Hatton's emerging appeal and Beale's waning support.¹⁴⁰

Taking advantage of the prediction of a very close election result, and as their first approach in Sydney, the 'three ladies' met Lewis, finding him charming but evasive. They left the meeting unsure what his actions would be: would he refer the matter to the Land Board, or would he sign the lease?¹⁴¹ Next they visited staff of the Reserves Branch at the Department of Lands, with whom they had already made contact by letter and again were not were given any assurance that the application for the lease would be declined. As they had not succeeded in getting a definitive answer on the fate of the special leases, the Tathra conservationists decided to change tack and make personal approaches to their own local member: Jack Beale. Then campaigning for re-election, Beale proved more difficult to reach but efforts to contact him nonetheless became part of the public representation of their campaign. The three ladies from Tathra tried reaching Beale by telegram and leaving telephone messages.¹⁴² When that approach failed to get a response, they went to visit Beale in his parliamentary office to attempt a personal approach. On that occasion Beale rushed in and out, saying he had an important meeting with the Governor.¹⁴³ The three ladies decided to wait in the office for his

¹³⁷ Milo Dunphy, 'The Three Ladies from Tathra (More on the Baronda Affair)', *National Parks Journal* (May 1971): 1.

¹³⁸ 'Jack Beale', New South Wales Parliament, Former Members Page.

¹³⁹ Ruth Richmond, 'The Little Bloke: An Authorised Biography of John Hatton OA', (Master of Arts, University of Wollongong, 2007), 38.

¹⁴⁰ Richmond, 'The Little Bloke', 47-49.

¹⁴¹ Dunphy, 'Three Ladies', 1.

¹⁴² Dunphy, 'Three Ladies', 1.

¹⁴³ It is not recorded what the meeting with the Governor was about but the far south coast had just experienced a large flood event which may have been occupying Beale's attention.

return. It is not recorded how long they waited but 'later that day they came away triumphantly bearing a letter which said the Reserves would be preserved'.¹⁴⁴ Again the tactics as much as the result reflected the emerging dynamics of the issues. The momentum seemed with them, especially on the eve of the 13 February election. On 9 February, Lewis, as Minister for Lands, wrote to Beale informing him that the reserves would remain in public hands. Indicating the strength of the call to preserve the reserves, Lewis informed Beale that there were strong objections not only from the Bega Tathra Conservation Society but also from many other groups and individuals, both 'conservationists and others' from 'various centres':

As you are aware it is not only the general policy of the Government to preserve existing parks and reserves but to greatly increase the overall areas throughout the State. It is not possible, therefore, to revoke reserved areas against strong public objections.¹⁴⁵

The story of the three ladies' trip to Sydney to lobby state politicians was particularly recounted by Milo Dunphy, State Councillor of and ex-honorary secretary of the NPA, who retold the story of the 'Three Ladies from Tathra (More on the Baronda Affair)' in the *National Parks Journal* of May 1971. These articles indicated that members of the Bega Tathra Conservation Society were communicating with members of the NPA including Colin Watson and Milo Dunphy, building their networks, expertise and leverage.¹⁴⁶ Dunphy attributed the refusal of the application for the special lease solely to the personal petitioning of the local member and the Minister for Lands by constituents just before a tightly contested election.¹⁴⁷ The significance Dunphy saw in this particular campaign was in its capacity to inform a wider rallying call to members, arguing that constituents in marginal or tightly contested seats had the power to save iconic areas in their own electorates by directly and personally lobbying their local members.¹⁴⁸ This connection indicates the significance of the Nelson Lake campaign

¹⁴⁴ Dunphy, 'Three Ladies', 1.

¹⁴⁵ 'Sequel to the Baronda Affair', *National Parks Journal* (March 1971): 13. And 'Application Refused: Nelson Inlet to Remain Public Reserve', *Bega News*, 18 February 1971, 1.

¹⁴⁶ Dunphy, 'The Three Ladies', 2.

¹⁴⁷ Beale was aware of the popularity of Hatton. Editions of the *Bega News* in January and February 1971 include multipage supplements featuring projects in the area supported by Beale.

¹⁴⁸ Dunphy, 'Three Ladies', 2.

in this wider mobilisation for the creation of national parks and protection of the natural environment.

The Bega Tathra group of conservationists, supported by the NPA, took a long-term conservation view, hoping that if the reserves were not leased, eventually the state government would fund facilities and maintenance in the reserves. They were also determined that the land should not be left to the uncertainties of private developers. While Yencken promised that his proposal was saving the recreation reserve and the natural environment from desecration by uncontrolled camping and day visitation, the conservation league members were more wary and perhaps distrusted Yencken. First, Yencken was a developer associated with two previous motels which were sold to bigger companies who may not have shared his conservation ethics. Second, Yencken had, in his first application in 1967, proposed a motel and golf course on his own land. Later, he said that he did this because he was told by Mumbulla council officials that his proposal to lease the reserves would be more favourably received in the Lands Department if he included a motel and golf course. By 1970 he had removed any tourist development on his own land from the proposal (and built a substantial weekender there) proposing only to put cabins on the reserve. Yencken's own actions in proposing a bigger development than he actually planned was something he may have come to regret. Third, had the lease been approved, the Department of Lands could have insisted that land at Moon Bay be leased to another developer for a caravan park, a condition of the proposed lease to Yencken.

Both the Penders and the Nelson Lake conflicts over whether access to beaches should be in private or public control are examples of residents of Bega Valley lobbying their local and state politicians using established and evolving political processes. By petitioning, letter writing, making submissions and attending and speaking at public forums, these citizens sought to have a say in the future development—or in this case non development—of their local area, echoing Massey's argument that place is a creation of ongoing negotiations between individuals and groups. The values they were seeking to protect were an early synthesis of local, established land usage and emerging conservation values. The evolution of this synthesis will be a recurring theme in this thesis.

The Coastal Lands Protection Scheme

Through the early 1970s Tom Lewis, as Minister for Lands, continued his efforts to create more areas of national park in New South Wales. Early proposals focused on creating coastal national parks. As noted in Chapter One, in July 1970, Lewis began the process of dedicating Ben Boyd National Park to protect coastal land north and south of Eden which was previously designated as state forest. This park changed the status of Crown land from one use to another so did not involve government in any land purchases. In February 1971, the same month as he refused Yencken's application for the special leases over the reserves at Wajurda Point, Lewis issued a press release promising that 'over forty per cent of the New South Wales coastline will be set aside as national parks or recreation reserves within the next two years'.¹⁴⁹ In November that year Lewis and Pat Morton, Minister for Local Government, formed a committee including representatives from the State Planning Authority, the Department of Lands and the National Parks and Wildlife Service to report on the best way to preserve 'the appearance of the coast' and protect it against 'undesirable development'.¹⁵⁰ The report of this committee, titled 'Protection of Coastal Lands in New South Wales', recommended that the best way to prevent development on the coastal fringe was by state government acquisition of, or restrictive zoning of, coastal lands outside metropolitan areas.¹⁵¹ Based on these recommendations, Cabinet decided in July 1973 to set up the Coastal Lands Protection Scheme (CPLS). The scheme funded government acquisition of freehold land adjacent to the coast to be incorporated into national parks or state recreation areas or areas for scientific research.¹⁵² In 1973, the Director of the National Parks and Wildlife Service confirmed the stance in the NPWS annual report stating that 'the Service rates the establishment of coastal parks and reserves as the highest priority'.¹⁵³ Mimosa Rocks National Park was created in 1973 with the declaration of 629 hectares from Bunga Headland to Picnic Point, land already controlled by the Lands Department and protected in recreation and flora reserves prior to

¹⁴⁹ Ministerial Press Release, 'Large Proportion of Coastline to be Reserved', *National Parks Journal*, April 1971, 6.

¹⁵⁰ *Protection of Coastal Lands in New South Wales: Report by Inter-departmental Committee*, 30 June 1975, NSW Planning and Environment Commission, 1975, 1.

¹⁵¹ *Protection of Coastal Lands in New South Wales*, 2.

¹⁵² *Protection of Coastal Lands in New South Wales*, 2-3.

¹⁵³ New South Wales National Parks and Wildlife Service, *Annual Report 1973*, 12.

1965.¹⁵⁴ Bureaucratically this was a relatively simple first step but it was an important signal of the government's, or at least Lewis', commitment to creating a coastal national park on this section of the coast.

While a start was made in creating a coastal national park between Bermagui and Tathra, much of the land on this strip was still privately owned. In the 1974-1975 financial year there were 'firm commitments' to purchase 109 hectares in the Parish of Tanja for \$205,000, using CPLS funding. These portions are on the southern side of Middle Lake and on the shores of Gillard's Beach surrounding one of the existing recreation reserves. Further funding was allocated to purchase more land in the 1975/76 year.¹⁵⁵ By acquiring portions immediately behind the beach and imposing strict non-development zonings on adjacent land, the intention was to limit the ability of speculators and developers to capitalise on the emerging demand for such properties. In 1973, Mumbulla and Imlay Shire Clerks reported that many Sydney-based developers were approaching them looking for development opportunities in coastal sections of their shires.¹⁵⁶ The concerns of conservationists regarding tourist and residential pressures were, as we have seen, more established.

These competing demands for development or protection of coastal lands in Mumbulla and Imlay Shires intensified through the 1970s. Highlighting these tensions was a proposal by a developer to create a new 'city' on the coast south of Middle Lagoon. As already discussed in this chapter and Chapter One, Mumbulla Shire Council had a low rates base and a large area to service and did not have sufficient funds or workers to look after existing reserves. Sydney developers were approaching Mumbulla and Imlay shire councils with plans to purchase coastal lands for developments such as new areas for residential subdivisions which would have meant increased rates and a more diverse economy in the shires.¹⁵⁷ At the same time, the NPWS was seeking to increase the size of coastal national parks using CLPS funding for land purchases. For Mumbulla shire councillors, in a shire with so few resources and so few development opportunities, it must have been frustrating that the state

¹⁵⁴ *Mimosa Rocks Plan of Management*, 4.

¹⁵⁵ *Protection of the Coastal Lands in New South Wales*, 9.

¹⁵⁶ 'Coastal Areas in Demand', *Bega and District Times*, 11 April 1973, 1.

¹⁵⁷ 'Coastal Areas in Demand'.

government was refusing to allow certain potential lucrative developments. This frustration is visible when a proposal for a large residential development, supported by Mumbulla shire councillors, was refused by the State Planning Authority. In January 1974, plans for a new development named 'Tanja Nova' were published in the *Bega District News*.¹⁵⁸ 'This will be a "super city"' trumpeted the front-page headline above an artist's impression of an urban development for 4,000 people between Middle Lagoon and Gillards Beach near Tanja and near the area being purchased using CPLS funding. The development was promoted as:

more sophisticated than the famed Surfers Paradise on Queensland's Gold Coast. The ambitious project will cater for businessmen and their families trying to escape the rat race of the capital cities. It will have international standard motel and hotel accommodation...[and] high quality residential blocks. The feature of the estate would be a 'circular shopping complex'.¹⁵⁹

The land proposed for the development was already zoned 'not for development' by the SPA,¹⁶⁰ and the authority would have had to grant special permission for the development to proceed. A delegation of Mumbulla shire councillors and the developers lobbied Lewis, the Minister for Lands, to end the obstructions of the State Planning Authority.¹⁶¹ Lewis, who favoured coastal national parks and championed the CPLS, was not persuaded and this scheme did not go ahead. While the venture was highly speculative, it reflected interests in the area which had concerned NPA conservationists since the mid 1960s,¹⁶² but it stimulated further, determined lobbying by conservationists¹⁶³ and highlighted the determination of the Minister for Lands, the NPWS and the SPA to retain these coastal lands with no development against pressure from elected local governments, developers and landowners seeking to sell their coastal properties.

¹⁵⁸ 'This will be a Super City', *Bega District News*, 25 January 1974, 1.

¹⁵⁹ 'This will be a Super City'. At the 1971 census the population of Bega was 4,159, Mumbulla Shire was 3,498 and the combined population of the three shires was 14,117.

¹⁶⁰ 'This will be a Super City'.

¹⁶¹ 'This will be a Super City'.

¹⁶² Watson and Dunphy, 'The Baronda Affair'.

¹⁶³ *Mimosa Rocks Plan of Management*, 4.

A further threat to the ‘appearance of the coast’, which the Minister for Lands and the SPA had fought for since the mid-1960s, was the logging of coastal forests. Here was yet another competing demand for use of a coastal resources, for a vision of a productive landscape, this time the forest itself. While land between Nelson Lake and the sea had been alienated into private hands in the 1870s, in 1956 the land was purchased by the Department of Public Works for inclusion in Tanja State Forest in 1956.¹⁶⁴ As discussed in Chapter One, by 1970 the Forestry Commission was logging state forests to supply logs for woodchipping at the Eden mill. Lewis had been able to protect some coastal forests in Ben Boyd National Park in 1971, but by the mid 1970s accessible timber around the Eden mill was dwindling and the Forestry Commission was looking for ‘resource’ further afield. Opposition to woodchipping was building through the 1970s because of destructive logging practices. The first woodchipping operations used a technique called clear felling where all the vegetation in a logging coup was cut to the ground creating large areas of wasteland described by forest historian John Dargavel as ‘hideous’.¹⁶⁵ Jean Greenland and others from the Bega Tathra Conservation Society observed the damage caused by clear felling first-hand. Members of the BTCS were invited to East Boyd Forest by the district forester, whose brother was a member of the society, as a public relations exercise. This visit did not have the desired effect (for the forester) of convincing the conservationists of the merits of logging. Jean recalled that ‘they told us half-truths’ and ‘it was devastating to see it’.¹⁶⁶ She and other members of the society were not able to negotiate directly with the Forestry Commission but kept up their letter writing campaigns to express opposition to woodchipping. Their letters pointed out, to as many ‘powers’ as they could think of, the instances where the foresters and the Forestry Commission were not following the requirements of the Forestry Commission’s own management plan, for instance logging the creek beds when the management plan forbade that. Recounting her involvement in the campaigns against woodchipping, Jean concluded that they did not have much success but took pride in at least ‘being a thorn in the side’ of the

¹⁶⁴ ‘Forestry Act, 1916–1951. Tanja State Forest, no. 544. Vesting of Land in Her Majesty’. NSW Government Gazette 57, 18 May 1956, 1388. The portions purchased for inclusion in Tanja State Forest, depicted on Map Seven with boundaries and portion numbers, were alienated by conditional purchase between 1876 and 1879, Map of Parish Tanja, Country Dampier, second edition. Historic Lands Records Viewer, <https://hlrv.nswlrs.com.au/>. Accessed 23 October 2020.

¹⁶⁵ John Dargavel, *Fashioning Australia’s Forests* (Melbourne: Oxford University Press, 1995), 163.

¹⁶⁶ Lupton, ed., *And They’re Still Falling*, 31.

forestry industry.¹⁶⁷ The techniques that members of BTCS used, letter writing and lobbying politicians, did not hold sway when the lobby promoting the financial and employment benefits provided by forestry operations was so strong.

Also observing the destruction of forests around Eden and perceiving the possibility of logging of the forests in Mumbulla Shire including the catchment of Nelson Lake, another group of local activists headed by Jack Miller under the banner of the Bega District Forest Action Council, began lobbying to stop the proposal to log Tanja State Forest West in late 1976.¹⁶⁸ Their approach was strategic, aiming to gather support from a broad public audience to save the coastal forests. Jack Miller was a schoolteacher recently arrived in the Valley to develop an environmental education centre at Bournda National Park. Jack and his supporters took a more direct approach than the Bega Tathra Conservation Society members and organised a public meeting held in Tathra in January 1977, deliberately organised in peak tourist season to attract a large audience. The meeting, promoted as an information session with speakers both for and against logging for woodchips, was attended by 250 people indicating the depth of interest in the issue. Miller sought support from the well-known local land-owners Manning Clark and David Yencken who were both present at the meeting.¹⁶⁹ Clark an increasingly publicly prominent, even controversial, professor of Australian history at the Australian National University; Yencken had become chair of the Australian Heritage Commission.¹⁷⁰ By 1976 any local development versus conservation ideology that had defined earlier disputes was dissipated in the common goal to protect the coast from woodchipping. Clark and Miller both addressed the meeting as did regional officer of the Forestry Commission, Ross Dobbins.¹⁷¹ Miller judged the meeting a success as he was invited to be a conservation representative on a committee to investigate logging in the forests north of the Bega River.¹⁷²

¹⁶⁷ Lupton, editor, *And They're Still Falling*, 30–31.

¹⁶⁸ Jack Miller, interview with the author, 2 August 2012.

¹⁶⁹ Jack Miller, interview with the author and State Heritage Register *Baronda*.

¹⁷⁰ Meyer, 'Time Out with David Yencken'.

¹⁷¹ Jack Miller, interview with the author.

¹⁷² Jack Miller, interview with the author.

In response to the lobbying and reports of the large attendance at the meeting, the NSW Premier Neville Wran set up the Advisory Committee on South Coast Woodchipping, known as the Ashton committee.¹⁷³ The Wran Labor government was elected in May 1976 so was relatively new to government without the long-term commitment to woodchipping of the previous government. However, the far south coast forestry industry was on a single trajectory to secure as much employment to its members as possible while other groups of citizens were on a path of protecting as much undisturbed forest as possible. Put in the position of negotiating between forestry industry representatives and conservationists was Mr Nigel Ashton, in his role as special advisor to the Minister of Planning and Environment. Ashton had been the chair of the State Planning Authority from 1964 to 1974, as it pushed for coastal protection during that period. He was also a member of the Heritage Council of NSW from 1977 to 1993.¹⁷⁴ When announcing the terms of reference for the committee Wran made it clear that, even as the committee was investigating the 'environmental conditions under which woodchip and other logging should be permitted in the "five forests" between Bermagui and Tathra' that woodchipping would be permitted.¹⁷⁵ Miller and Dick Thompson from Ecology Action represented the conservation of the forest perspective on the committee. Dick Thompson was a founding member of Ecology Action set up in 1971 with the 'aim to get legislation introduced to enable the environment to be protected and to widen the rights of individuals to protest against any action which would have an impact on the environment'.¹⁷⁶ Lloyd Cocks and Len Ferguson represented Associated Country Sawmills, the sawmillers and loggers.¹⁷⁷ The Ashton committee met for many months in 1977 to investigate the potential of woodchipping in the areas included in the Tanja, Mumbulla, Murrah, Bermagui and Murrabrine state forests, the Five Forests (see map).¹⁷⁸ In his interview with me, Jack Miller described this committee as a negotiation of priorities: the forestry industry working to secure as much timber resource as possible and the conservationists protecting as much forest from logging as possible. Delicately balancing these two interest groups, Ashton

¹⁷³ Jack Miller, interview with the author.

¹⁷⁴ Robert Freestone and Tony Stephens, 'Sydney's Town Planner—A Big Picture Man', *Sydney Morning Herald*, 22 May 2008, <https://www.smh.com.au/national/sydneys-town-planner-a-big-picture-man-20080522-gdselr.html>. Accessed 3 November 2011.

¹⁷⁵ Joseph Glascott, 'Go-ahead for extension of woodchipping', *Sydney Morning Herald*, 11 June 1977, 23.

¹⁷⁶ 'Ecology Action: It Means What It Says', *Sun Herald*, 4 July 1971, 132.

¹⁷⁷ Jack Miller, interview with the author.

¹⁷⁸ *Mimosa Rocks Plan of Management*, 4.

managed to have all committee members agree to the recommendation that three thousand hectares of spotted gum forest (*Corymbia maculata*) ‘on one of the last unspoilt stretches of NSW coast... [be] protected on March 31 [1978] as a future national park’.¹⁷⁹ The whole catchment of Nelson Lake and all state forest east of the Bermagui Tathra Road¹⁸⁰ was added to Mimosa Rocks National Park in 1982.¹⁸¹ The committee was key to the protection of the sensitive ecological zones surrounding Nelson Lake and Middle Lagoon. The benefits of a ‘productive’ (primary production) use of the forest resource by logging it would have been short term. The benefits of leaving the forest intact and protecting the coast and adjacent forest in national park have been long term—not only for the ecological communities the parks protect, but also for the difficult to quantify economic benefits of an ‘unspoilt’ coast for tourism and recreation.

The Story of the Park

Alongside the history of the negotiations and the bureaucratic processes that created the Mimosa Rocks National Park are narratives of the people who worked to create the park. The change of status from privately owned land and state forest to national park was only possible along a stretch of coast as undeveloped and as isolated as this one. It had been left underdeveloped until the 1960s because of the constraints outlined in Chapter One and then protected from development from the 1970s by a complex mix of individual, group and government action. Mimosa Rocks National Park was initially created to protect 628 hectares of recreation and flora reserves and has increased in size incrementally since then.¹⁸² The fact that Mimosa Rocks National Park had already been created even with such a small area at first, no doubt gave prospective donors security that the land would be protected and public access to these forests and beaches was assured. In 1976 Roy Grounds and Kenneth Myer, who was well known for his philanthropy, gifted Penders for inclusion in the park and David Yencken gifted his property at Nelson Lake. As part of the agreement for these gifts, the donors and their heirs were able to lease back their buildings with curtilage until the leases

¹⁷⁹ ‘Woodchippers Last Stand’, *Canberra Times*, 10 January 1978, 3.

¹⁸⁰ *Mimosa Rocks Plan of Management* and Interview with Jack Miller

¹⁸¹ *Mimosa Rocks Plan of Management* and Interview with Jack Miller.

¹⁸² *Mimosa Rocks Plan of Management*, 4.

ended in 2011. These leases allowed the donors to enjoy the benefits of their built assets and environs for their lifetimes, at the same knowing the surrounding land would be protected as natural areas in perpetuity.¹⁸³ These areas and the recreation reserves at Wajurda Point were formally gazetted into the park in 1979.¹⁸⁴ Lands purchased by the Coastal Lands Protection Scheme and other private donations added to the park over the subsequent thirty years. A table of these additions is included in the Mimosa Rocks National Park plan of management.¹⁸⁵ By 2011 the park protected 5,802 hectares of land.¹⁸⁶

The Mimosa Rocks National Park Plan of Management acknowledges that the donation of land by Grounds and Myer was critical ‘in establishing or consolidating core areas of the national park that would subsequently be added to and joined to create a viable conservation reserve’.¹⁸⁷ A plaque memorialising the donation is placed on the edge of Penders Beach facing the Myer house, incorrectly naming as beneficiary the ‘Department of National Parks and Wildlife’; the government agency was then titled the ‘National Parks and Wildlife Service’ and has been since its inception in 1967. If the NWPS had created the plaque they would have given themselves the correct title. The Myer and Grounds’ families do not want their generosity forgotten.

¹⁸³ *Mimosa Rocks Plan of Management*, 55.

¹⁸⁴ *Mimosa Rocks Plan of Management*, 5.

¹⁸⁵ *Mimosa Rocks Plan of Management*, 5.

¹⁸⁶ *Mimosa Rocks Plan of Management*, 1.

¹⁸⁷ *Mimosa Rocks Plan of Management*, 4.



Forty-six years after the road was built a further place making event occurred when a plaque memorialising the road builders was set on a granite stone at the terminus of the road which is now included in Mimosa Rocks National Park.



Nola Dummett organised and paid for the plaque, which was unveiled at a public ceremony on 8 October 2011.¹⁸⁸ This very deliberate act of creating a memorial adds another layer to the complex story of the block of land called Penders, putting the Tanja residents back on the ground, as it were, into the story of the creation of Mimosa Rocks National Park. Nola went to a deal of effort and expense to have the plaque set on the rock at the end of the road with the co-operation of the NSW National Parks and Wildlife Service. She was spurred to create this memorial around the same time as community consultation over the future uses for the Myer house and the Barn began in 2010. The discussions over the future uses of the buildings caused a great deal of community concern in Tanja particularly over whether the general public would be excluded from the areas around these buildings in the park, as they had been while the lease was in place.¹⁸⁹ Nola denied, when I interviewed her in 2012, that she was motivated by the discussions of the park's future in 2010, rather she had (previously) found the records of the Penders Beach Association in her late mother's effects and wanted the story retold. Nola explained her actions: 'I got to thinking about it and I thought, really and truly, they should be acknowledged because they did put in a lot of work, a lot of effort and a lot of time'.¹⁹⁰ She also realised that many of the newer residents of the area did not know the story of the building of the road into Penders Beach. When I interviewed Nola for this project some months after the plaque unveiling, she was very happy to retell the story. Nola may be one of the last to remember the story. She insisted the roadbuilders should not be forgotten and ensured this by creating a lasting memorial.

Integrated into the history of the creation of Mimosa Rocks National Park by a series of people and groups resisting development in the cause of recreation, conservation and environmental protection are competing narratives of who was primarily responsible for creating the Park. Most often credit goes to Roy Grounds, Ken Myer and David Yencken for gifting their properties as foundation areas for the Park. In 1992 journalist, Janet Hawley recounted stories of a small group of influential artists and architects who lived and holidayed along this part of the coast in an article in the *Good Weekend*. She argued that these

¹⁸⁸ The author was present at this event.

¹⁸⁹ Stan Gorton, 'Bithry Friends Continue Fight', *Bega District News*, 14 October 2010.

<https://www.begadistrictnews.com.au/story/1079753/bithry-friends-continue-fight>. Accessed 19 May 2020.

¹⁹⁰ Nola Dummett, interview with the author.

prominent and well-connected individuals ‘saved’ the coast from development by maintaining their private property and managing it with a conservation consciousness.¹⁹¹ Yet the ‘three ladies of Tathra’ and the Bega Tathra Conservation Society also played a significant part in resisting a development proposal with fierce determination, seeking to keep the Wajurda Point reserves ‘free from sale or lease’. The National Parks Association credits Colin Watson for a leading role in the creation of the park.¹⁹² Beneath such leaders, however, was the work of many members of the NPA who campaigned for ten years for the National Parks and Wildlife Act (which created the National Parks and Wildlife Service) and then zealously for national parks along the whole coastline of NSW against strong pressure from developers and resource extractors. The Coastal Lands Protection Scheme introduced by Tom Lewis decreased pressure from developers and speculators interested in creating residential and holiday accommodation on this stretch of coast. Negotiations within the Ashton committee were instrumental in pushing for the inclusion of the coastal forests east of the Bermagui Tathra Road to be included in the Park, protecting those forests from woodchipping. In these multiple actions there is a complex and layered story of testing, articulating and defending the value of land that was previously impoverished farmland and forest and had come to be valued as a ‘natural environment’.

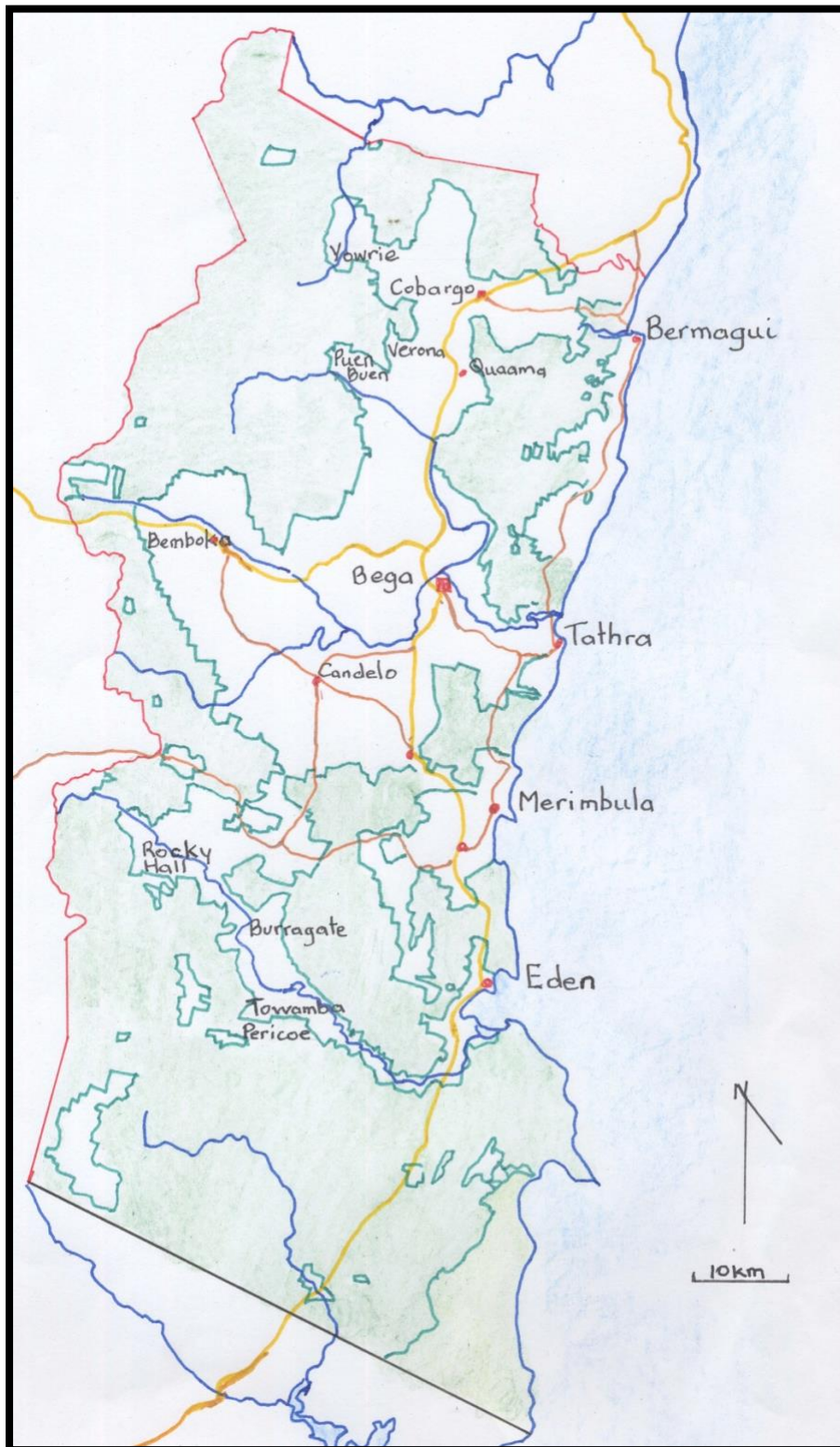
Conclusion

Mimosa Rocks National Park is now appreciated by Bega Valley residents and visitors alike for its natural coastal and forest beauty ‘where the forest meets the sea’. The story or the history of the change to national park status of much of the state forest and privately-owned land on the coastal fringe is remarkable given the high value placed on coastal land and coastal lifestyles. This chapter has outlined the many intersecting trajectories that were negotiated to create this place: personal, group and governmental. As Holmes would argue, this is an example of a key land use transition from a production value to protection. And as Massey proposes, the process that enables transition is negotiation between interested parties or in more modern parlance, negotiation between stakeholders. Individuals, groups and

¹⁹¹ Janet Hawley, ‘Landed Sentries’, 31-37.

¹⁹² National Parks Association of NSW, ‘Vale Colin Watson OAM (1924–2017)’. National Parks Association of NSW website: <https://npansw.org.au/2017/05/29/vale-col-watson/>. Accessed 15 March 2019.

government instrumentalities were forced to negotiate outcomes with one another creating a 'new' place over twenty-five years: Mimosa Rocks National Park. The Park now appreciated as one of the great coastal parks of New South Wales.



Map Eight: Alternative Lifestyle areas on the margins of the forests.

Chapter Four

Contesting the Alternative Lifestyle

At the 27 January 1982 meeting of the Bega Valley Shire Council (BVSC), the Chief Health Surveyor reported that his staff would commence inspections in early February ‘in connection with the alternative lifestyle survey’ (ALS). The need to identify and inspect ‘alternative lifestyle communities’ indicated that new patterns and forms of settlement had become a matter of concern for the Council. The survey was to begin in the remote northern section of the shire, in an area where one the first such settlements had begun in the early 1970s.¹ When I asked Frank Pollard, who was one of the BVSC building inspectors at that time, the reasons for the survey, he outlined the factors that most explained the Council’s concern:

Not long after amalgamation in 1981, it was realised that there was a tremendous amount of illegal structures, some good standard, some just the opposite, erupting through the whole of the Bega Valley Shire, and a lot of the people were alternative lifestylers and something had to be done about it, otherwise it was going to get out of hand.²

Pollard was, at the time of the survey, an experienced local government officer. He had worked for twenty years in Sutherland and Eurobodalla Shires before moving further south. In 1978 he became the Chief Health Surveyor and Principal Building Inspector for Mumbulla Shire.³ In this role, and as his duties were subsumed into the wider remit of the BVSC, Pollard was integral to the initiative of identifying and visiting the ‘alternative’ communities, and incorporating them—and the issues of governance they reflected—into Council business. What was then perceived as ‘getting out of hand’ was a complex of issues, some regulatory, some cultural, some political and environmental, and some more fundamentally about threatened identities, that run throughout this thesis.

¹ Chief Health Surveyor, BVSC, Report to Ordinary Meeting, 27 January 1982, 3.

² Frank Pollard, interview with the author, 16 August 2012.

³ Frank Pollard, interview with the author. Mumbulla Shire, Information for Ratepayers leaflet 1978 records Pollard as Health Surveyor. Having been the health surveyor for Mumbulla Council, Pollard secured a position as a health surveyor on the newly created Bega Valley Shire Council but not a leadership role.

The aspirations of the newcomers to live in the Bega Valley in different ways to previous generations contested aspects of prevailing land occupation, planning regulations and building codes. New settlers negotiated new styles of land occupation and building in ways that, in retrospect, reflect one part of the transition of the Bega Valley from an economy based on primary production to one with a much more diverse population and range of businesses and services. Beyond these more material contrasts, there were different views of the value and meaning of the land itself. The newcomers arriving through the 1970s began living in the more remote valleys of the Bega Valley Shire, building dwellings and other structures without the required permissions, permits and inspections, and in some cases not following prevailing building regulations or ordinances. They did so in part as an expression of their philosophies and in part as a reflection of their circumstances. Either way, this implicit questioning, or explicit ignoring, of existing planning and building regulations was a threat to the authority of the Council officers and to orderly planning processes. Council officers had responsibilities to uphold provisions of the Local Government Act (LG Act) and the Public Health Act within their jurisdiction. And, at that time, the discharge of those responsibilities was becoming a matter of greater sensitivity for a council itself caught in the challenges of change.

By 1982 officers of the Council's health, building and planning department had to bring illegal and unauthorised building under control rapidly. They had a very real fear of losing control of orderly development, planning and building across the shire. The consequences ranged from questions of precedent to Council liability and even their own reputations. Dealing with these challenges, the officers were also aware that the recent amalgamation of the three councils had compounded issues of accountability. The new settlers in turn argued that because they were living in remote rural locations—on land only available because other viable uses had not been found or had failed—the strict planning and building standards required for towns and villages should not apply to them. The stand-off expressed many issues of the time. Health and building officers argued for the imperative of the same development and building standards across urban and rural areas. This reflects the beginnings of the modernisation of the area, in tourism and suburban subdivisions, and the need to comply with patterns of settlement that matched those of the rest of Australia. Part of those transitions was also the extent to which state governments, and other councils, were seeking to revise

the ways in which more diverse economic, environmental and cultural values should be recognised in planning laws. The councils, the new settlers, and the larger moves for planning reform, reflected three very different outlooks and constituencies.

The alternative lifestyle survey was a product of this context, and these intersecting interests and identities. It serves in this chapter as the intervention which highlighted this mix of concerns and brought them to an accentuated point of contest. The survey was only partially completed between February and July 1982, such was the extent of unapproved building and development and the remote locations of unapproved dwellings. Council's attempt to quantify the spread of illegal land occupation and building in the hinterland valleys highlighted that, until 1981-82, unauthorised building had effectively gone 'under the radar'. It also captured the terms in which that problem was identified, and the resources the Council judged appropriate to invest in its solution. While the survey was initially to be a fact-finding mission, the health and building officers chose to escalate confrontation with the group so pointedly identified as alternative lifestylers. Council officers threatened to demolish unauthorised buildings discovered during the progress of the survey, challenging not only individual new settlers but the emerging patterns of settlement pursued by alternative lifestylers.

Equally, while the survey had the effect of initially polarising positions, as Councillor Reg Taylor said to journalist Steve Elias (who had moved on from the short-lived *Southern Flyer* magazine to become a freelance writer), 'We've got to get used to the alternative lifestyle and they have to get used to us. There must be a middle in it'.⁴ Taylor, the Shire President during the height of the conflict, worked to balance the aspirations of the new settlers with the need to control development in rural and remote areas, and to ensure all structures built met minimum standards for safe and healthy living. Finding this 'middle' is the focus of this chapter, as the Council and its officers, the existing locals and the new settlers, navigated distinct visions of land occupation, use and value. The negotiations also required advocacy for the new settlers by the independent State local member John Hatton, the intervention of staff from the NSW Department of Environment and Planning, and the support

⁴ Steve Elias, 'Southern Comfort', *Simply Living* 2 (1984): 40-41. *Simply Living*, published from 1975 to 1996, was a glossy Australian magazine with content covering environmental, lifestyle and the arts.

and experiences of alternative lifestylers and home builders from the north coast of NSW. In this process all Bega Valley residents were part of the wider transitions occurring in non-metropolitan Australia at the time.

The negotiations over alternative lifestyle settlements and styles of land occupation and building exemplify geographer Doreen Massey's assertion that places are constantly changing and that negotiations between individuals and groups 'throwntogether' by proximity and social and economic change in themselves create new versions of those places. Local Government councillors—the elected representatives—and their staff were forced to negotiate with newcomers and State government representatives. Newcomers seeking to make the Bega Valley their home, and adopting their own version of a rural lifestyle, questioned the existing legal and regulatory structures. Each group had to change preconceived ideas and adapt in ways that did lead to the legitimisation of new ways of living in a rural space. This is one episode of those negotiations and adaptations.

Alternative Lifestyles and Building

The newcomers arriving to experience life in a rural area were described or identified by the Council Officers as 'alternative lifestylers'. The terms alternative lifestyle and alternative lifestylers were also used by some in the existing community as a pejorative description of those settlers. 'Alternative' had, then, a clear set of associations in political rhetoric. In June 1981, Bega Valley Shire Councillor Green, a farmer from Cobargo and using the newspaper with the highest local circulation as a forum, accused alternative lifestylers of 'trying to bend the rules and break the system', adding that they were 'a disruptive influence to other workers'.⁵ Councillor Cole of Tathra agreed with this view.⁶ Social researchers Bill Metcalf and Frank Vanclay observed in 1984 that the alternative lifestyle movement in Australia was 'diverse, the only point in common being the rejection of mainstream society'.⁷ Given this diversity it is hard to pinpoint or define one 'alternative lifestyle' let alone survey 'the

⁵ 'Alternative Lifestyle Views Differ', *Bega District News*, 12 June 1981, 9.

⁶ 'Alternative Lifestyle Views Differ'.

⁷ Bill Metcalf and Frank Vanclay, 'Alternative Lifestyle Magazines: What's In Them', *Media Information Australia* 33 (1984): 47.

alternative lifestyle’ as those Bega Valley Shire officers attempted in 1982. The preferred term of newcomers for themselves was ‘new settlers’, implying a positive purpose: settling in an area by purchasing land, investing not only money but time and effort in building homes, establishing gardens, rural enterprises and communities. New settler was also the term preferred by a State level working party created to investigate the dynamics of such ‘new settler movement on the south coast’ to be discussed later in this chapter. Steve Elias wrote about the benefits to rural Australia of new settlers in his introduction of the *Southern Flyer* magazine, which I used to introduce Chapter Two, published through 1982, the year that the ‘alternative lifestyle survey’ was being conducted. As the new settlers were establishing themselves in the area and the local magazine announced their presence, and to some extent their aims, Council officers began attempting to police or control the new settlers’ chosen styles of occupying space. The terminology of new settlers and alternative lifestylers mattered and was invested with its own political claims and counterclaims. When it was deployed, it had its own impact.

The announcement of the alternative lifestyle survey sparked fear in some communities. Sylvie, living on a farm owned by the group using a co-operative structure which we met in Chapter Two, remembers thinking that the point of such an inquiry—with its primary focus on locating and itemising specific properties—must be a prelude to an active attempt to get rid of newcomers:

I think we felt...I think the initial feeling was that they actually wanted to ...chase us out of the Valley. They actually wanted to get rid of us and make us leave, and this was the way to do it, by declaring our houses illegal and making us homeless. I think we felt...for some reason we threatened the established society and they really wanted to see us leave.⁸

The new settlers already had a sense of being conspicuous in the community and were often reminded of that status. They stood out as they arrived in the 1970s. They dressed differently, grew their hair long and did not work in ways that existing community members could

⁸ Sylvie Mester, interview with the author, 3 July 2013.

comprehend. As introduced in Chapters One and Two, new settlers often aspired to an ethic of self-sufficiency, reacting against expected norms of an urban existence, emphatically distancing themselves from lives spent working in an office or factory and settling in the suburbs to raise a family. More particularly, in the Bega Valley, they challenged the identity of established residents already conscious of their economic marginality, of feeling marginalised from a capacity to match those same aspirations. Rejecting the consumer-oriented suburban 'dream', an important part of the self-sufficiency ethic was building a home with their own hands and to their own designs and plans, using locally available and salvaged materials, not as a matter of necessity but as a statement of values. These building practices exemplified their determination to stand outside established rural community's ambitions to modernise their own living conditions, and even more, challenged the affluence underpinning the new subdivisions along the coast.

A clear formulation of the homebuilding project comes from Marilyn, who lived with her partner on a remote property in the hills behind Bemboka. She described the process of building her dwelling as an anarchic act, ignoring the rules and regulations of 'the system' by not submitting proper plans nor seeking approvals. She wanted to use unusual building materials, self-consciously setting herself against conventions: her home was constructed from 'round poles and bark and lots of second-hand things, which didn't really fit the building code'.⁹ Marilyn expanded on why she did not apply for the required permits and permissions:

We just thought this is our place. We are not on town electricity [or] water, barely got a road: why can't we just do what you want? We're not hurting anyone. Make sure it's built strongly enough and most of them were over built rather than under-built by the code ... and people saw it as a learning experience. They didn't want to get a builder in, they didn't want to have proper plumbing. People just wanted to do it their way as they could afford. I think a lot of it was just that thing of we just want to do our own thing. We're not getting anything from Council and we're not hurting anyone. Leave us alone.¹⁰

⁹ 'Marilyn', interview with author, 13 August 2013.

¹⁰ 'Marilyn', interview with author.

Marilyn did not deliberately set out to reject or contest the law but ignored the regulations by saying these should not apply to her because of her remote location and lack of council services.

Like Marilyn, other new settlers were relying on the remoteness of their land and the lax policing of regulations prevailing before 1982, hoping to remain 'unnoticed' by authorities which, especially before the council amalgamations, were stretched in their capacity to monitor practices in the remote areas. Sylvie, the co-op member, did know that she should apply for building permits but because her farm was 'far enough away' and 'everyone else was doing it' she decided to follow shared convictions and practices: 'we just went along with it'.¹¹ 'Just going along with it' was partly a result of social pressure within the 'alternative' community. Bob's neighbours, at the other end of the same valley to Sylvie, pressured him not to apply for a building permit: they didn't want him to have building inspectors visit alerting them to other unapproved houses in their valley.¹² There was, to some extent, a code of honour, if not a certain implicit pressure to solidarity, among the new settlers.

The identities embraced by these settlers, however, had mirror images for established residents. Given their unusual appearance and their low cost ways of living on rural properties, new settlers were characterised as unemployed 'dole bludgers' by established communities in the Bega Valley.¹³ Sylvie remembered that mainstream community members, particularly those living in the larger towns, 'didn't see that we were contributing anything, they saw us as hippies ... as parasites on the society because a lot of us were on unemployment benefits or various benefits'.¹⁴ Such assumptions developed their own politics, and tapped into wider social and political trends. To counter such stereotyping, in August 1980, members of the Bega Unemployed Group, a federally funded Community Youth Support Scheme, prepared an article which was published in the *Bega District News*. The authors argued that unemployment was a real problem in Australia and likely to continue through the 1980s, especially for young

¹¹ Sylvie, interview with author.

¹² Personal communication to the author.

¹³ Verity Archer, 'Dole Bludgers, Taxpayers and the New Right: Constructing Discourses of Welfare in 1970s Australia', *Labour History* 96, (2009): 177-190. Archer argues that the term 'dole bludger' was invented in 1974 constructing welfare recipients as parasites on Australian taxpayers as one arm of the New Right's agenda to dismantle the welfare state.

¹⁴ Sylvie, interview with the author.

people. They urged readers to re-evaluate their attitudes to unemployment and unemployed people.¹⁵ This message was not always heeded. BVS Councillors Green and Cole proposed that unemployment benefit payments should be replaced by food and clothing coupons.¹⁶ Political currents that had a wider currency could assume a more exaggerated polarity in communities in which the concept of state assistance was, at best, geared to enhancing productivity, not to supporting need.

This stereotyping of young adults not working in the conventional economy and the high rate of local unemployment prompts two questions, each reflecting wider aspects of the transitions under discussion. Why were young people moving to the Bega Valley at a time when unemployment in the area was high? Were they taking advantage of the welfare system to fund a 'lifestyle choice'? These issues were well-established in local politics, as they were in wider political debate. The people I interviewed for this project were very clear, even before I asked any questions about employment or employment benefits, that they did not come to the valley planning to live on welfare benefits. Having purchased land, they were planning to be self-sufficient and therefore thought they required little or no money. In many instances, part of their stance was to distance themselves from the state rather than to depend on its support. At face value, and from a contemporary perspective, this aspiration seems idealistic and unrealistic (and time would prove that to be true for most). But for at least some of these people, their intentions had been to live on their land with little or no income. Others were more pragmatic, stating that they knew they would have to undertake at least part-time or casual work, using previously acquired skills to find some paid employment. Their ideals, in themselves, reflected access to education, training and skills that were in general above the experience of existing residents and would in turn shape the advocacy they brought to their position. Sylvie, who had professional qualifications, was able to secure part-time work at the hospital as a way to establish herself.¹⁷ Jean, who told me she was a rebel, was insistent that she never took 'the dole'. One week every month, she returned to Sydney to undertake administrative positions to earn enough money to fund her simple bush lifestyle.¹⁸ Marilyn

¹⁵ 'The Dole Bludger Myth', *Bega District News*, 1 August 1980, 8.

¹⁶ 'Alternative Lifestyles Views Differ'.

¹⁷ Sylvie, interview with the author.

¹⁸ 'Jean', interview with the author, 7 May 2013.

joined with her friends in a variety of retail and craft businesses, some more financially successful than others. As the population rose rapidly there was at least part-time or casual work for teachers and nurses and also for those with building trade skills.

Many of the newcomers took paid work while working on building their houses and gardens, yet they were characterised or caricatured as lazy and bludging. The low rates of pay they received for basic jobs and the part-time and intermittent employment they secured in the services sector meant that many new settlers had low incomes, and so remained associated with poverty and dependency. Architect and academic Lee Stickells, in his article on alternative building and settlement around Nimbin in the 1970s and 1980s, characterises this willingness to live on a small income as voluntary simplicity or voluntary poverty—again, a status at odds with local values.¹⁹ Marilyn and other respondents explained that low income was one of the reasons for self-building, and building with second-hand materials. The ideals of voluntary simplicity may have been puzzling, even anathema, to existing residents. New settlers were proud of their resourcefulness and creativity and saw their activities as being self-reliant in the uncertain economic times of industrial and rural restructuring of the 1970s and early 1980s.

These discrepancies in work ethics reflected tensions in ideas of what constituted productive labour at the time. They were coupled to other contrasting identities and threats, also registering areas in which established communities felt vulnerable, or comprehended threats to their values. New settlers were also often stereotyped as having poor hygiene habits. Local real estate agent Ralph Stuart reminisced to journalist Steve Elias of ‘the hippies’ he met when he first opened his business in the mid 1970s:

In the early days our average client was the fellow who was termed a hippy. No doubt he was dead set and you could pretty well smell some of them before they

¹⁹ Lee Stickells, ‘Negotiating Off-Grid: Counterculture, Conflict and Autonomous Architecture in Australia’s Rainbow Region’, *Fabrications* 25, no.1 (2015): 113. People choosing to live on small incomes, voluntary simplicity or voluntary poverty must have been puzzling to existing residents so near poverty themselves—the experience in many dairy farming areas in the 1970s revealed in the Henderson report.

got into the office. They'd been on the road for probably a week without a bath or anything.²⁰

'Alternative' was quickly associated with a challenge to conventions of cleanliness, respectability and pride that could be hard-fought in marginal communities. It also reflected a determination to set aside such restrictive conventions of personal behaviour. Marilyn told me that she and her friends didn't aspire to have 'proper plumbing' in the early days. New settlers buying bare blocks of land had to create their own services including water supplies and manage their own effluent. Water was collected in rainwater tanks or pumped from creeks or dams and was a precious resource that required careful management in the frequent dry spells. The issue of management of human waste on these properties became a touch point of the controversy in 1982. The new settlers used varying methods, experimenting with both old and new technologies which may have added to the perceptions of difference including lack of hygiene at the time. Many went back to the old fashioned 'pit toilets' (basically a hole in the ground with a building (dunny) over the top and a short distance from the house).²¹ Others investigated alternative options and used various designs for composting and low water toilets. These choices often reflected a conscious 'alternative' program, as magazines such as *Grass Roots* and *Earth Garden* offered guidance on building low water use toilets and effluent management systems. A conventional 'modern' flushing toilet used more water than could be supplied from local rainfall and catchments and created effluent management problems that could affect wider ecosystems. This contrast between newcomers using 'old technologies' that existing residents were trying to distance themselves from in order to be 'modern' became a point of contention. Sylvie remembered:

The pit toilets might have been an issue ... They kind of suspected us of not being able to look after our sanitation needs and so they quoted this example of somebody who had been stupid enough to build a toilet over a creek, deliberately

²⁰ Elias, 'Southern Comfort', 42.

²¹ *Bega District News* 30 March 1965, 4. Mumbulla Shire offered subsidies to residents of small towns to put individual septic tanks onto their houses in 1966. Pit toilets or a sanitary collection being offered to that point. Bega Valley Shire Information for Ratepayers 1982. Bega Valley Shire was still offering a 'sanitary collection' (with a separate fee to garbage collection) to residents in 1982 indicating that not all residents in the towns and villages had access to flushing toilets.

... It must have been a fairly small creek, and everything just fell into the creek and got washed away by it.²²

Sylvie told me that this story of unsanitary disposal of human waste was always quoted by council staff at meetings with the new settlers. No one is sure now where the story came from, but it was used to create a picture of new settlers as careless and polluting local creeks. It became part of the ready associations between 'alternative' and existing residents and an affront to hard-fought for values; and between the aspirations of new settlers and those of established communities.

Shire Amalgamation: The Creation of Bega Valley Shire

In addition to these more generalised or thematic contrasts of values, there was a particular dimension to the challenge of alternative settlement in the Bega Valley. Crucial to the context of the 'alternative lifestyle survey' in 1982 were a range of issues associated with the creation of the Bega Valley Shire Council itself.²³ The amalgamation of Imlay and Mumbulla Shires and Bega Municipality in 1981 was forced as part of a wider state concern with costs and regulation, with boundaries decided by the then Minister for Local Government. Local councillors were shocked and angered when, despite their strong representations, their preferred plan was ignored by the minister. The State Government had been pursuing options for council amalgamations through the 1970s, its State Boundaries Commission being tasked with investigating the merger of local government areas to improve efficiency in provision of services. The Commission recognised that a town and a surrounding rural shire—in this case Mumbulla Shire surrounding Bega Municipality—were economically interdependent and that resources and costs should be shared within one local government area.²⁴ In the Bega Valley, however, the new shire exacerbated issues of inadequate resources to control development pressures in some areas and to provide services across a large geographic area with a low

²² Sylvie, interview with author.

²³ Clearly at least some illegal building had been taking place through the 1970s as the council inspectors in 1982 observed 'dwellings' and these take some time to construct. Sylvie told me her house construction took several years.

²⁴ 'Amalgamation Forced on Locals', Bega Valley Shire Council 30th Anniversary Supplement in the *Bega District News*, 1 July 2011, 22.

population density. The requirement to provide basic services such as water and sewerage to rapidly increasing resident populations was heightened by an annual influx of summer tourists demanding modern facilities and amenities.²⁵ Again, these pressures compounded existing spatial inequalities in access to such services and in capacities to lobby for them.

The Bega Valley Shire Council, consisting of fifteen elected councillors, first met in January 1981 with many administrative decisions to make.²⁶ The choice of staff was an urgent priority given the need to recruit, or adapt, expertise to a range of demands. Often all parties were learning quickly and ‘on the job’, with assumptions, experience and interests being tested in ways that profoundly shaped responses to issues such as the regulation of alternative lifestyle settlements. Councillor David Barton, a commercial fisherman from Eden, had no prior experience as an elected Councillor.²⁷ In his interview with me in 2013 Barton remembered that the first few months of duties in the Council were difficult:

everyone was angry about the amalgamation anyway, and then the first job we had to do was to select one team to be the Bega Valley Shire Council which meant that two out of every three employees from the old Imlay, Mumbulla and Bega were going to lose their jobs, so it wasn’t very pleasant.²⁸

Barton was also concerned that the process of application and interview of potential staff by newly elected councillors was likely to have been distorted given that ‘you only knew the staff from your area or town’.²⁹ Councillor Duncanson, with six years’ experience as a councillor with Bega Municipal Council, had similar memories of such tensions in the early months:

²⁵ The population of Imlay shire grew rapidly in the previous five years (5641 to 7114). Most of the growth occurring in industrial Eden and tourism focussed Merimbula; only 1.8 per cent of the population growth in Imlay Shire from 1966 to 1971 was not in these two towns. With the amalgamation of the three Shires at the beginning of 1981, the census figures taken later in that year include the population for the new shire. Most candidates for the local government election held in December agreed that providing better water supplies to the Shire was a priority for the new council: *Bega District News*, 6 December 1980.

²⁶ ‘Amalgamation Forced on Locals’, 35. The newly elected councillors debated the name for the new Shire. Bega Valley Shire was selected over Sapphire Coast Shire. They also debated the placement of the administrative centre. The majority voted for Bega but those from the south favoured rapidly growing Merimbula.

²⁷ ‘Amalgamation Forced on Locals’, 22. Barton, an ex-policeman, stood as the Liberal candidate in the seat of Monaro in the NSW state election in September 1981. Barton was also a descendent of Sir Edmund Barton.

²⁸ David Barton, interview with author, 13 June 2013.

²⁹ David Barton, interview with the author.

‘there was a lot of behind the scene manoeuvring, shall we call it...a lot of those decisions were probably made on a parochial basis’.³⁰ Duncanson’s careful wording indicates that opinion was divided among the councillors in these recruitment processes: the Council was far from united in shaping its new professional identity.

The Chief Health and Building Surveyor appointed to the newly created Council was John Barnard. He had worked as the health surveyor in Imlay Shire since 1972.³¹ Barnard brought a strong sense of duty to his role, and a temperament inclined to take statutory responsibilities very seriously, including close readings of the Local Government Act. Responsible for building approvals in the Shire, he also oversaw sanitation and sanitary facilities within his jurisdiction. Section S57 (1) and (2) of the Public Health Act ‘imposes a duty on Council to ensure that all dwellings within the area are not “in a state so injurious to health as to be unfit for human habitation”’.³² Barnard read that role strictly, asserting his authority in the Council, with his staff and the councillors, and also with ratepayers. I approached Barnard to be interviewed for this project but he did not follow up the invitation. His stance on the issue of illegal building is very clear in his reports to Council meetings which have been included in the bound minute books I was granted permission to access. Barnard represented mainstream conservative values and the rigid application of rules and regulations in a context that was rapidly changing. His training, standards and professionalism were challenged not only by the building practices of the new settlers and their attitudes to the rules and regulations of ‘the System’, but also by the changes in regulation, and patterns of development, that were part of ‘turnaround’ in the expanded shire and wider regional dynamics. His concerns with precedent, accountability and consistency need to be seen at the intersection of a particular temperament and the tensions of development that were, in themselves, multifaceted.

Frank Pollard, a health and building inspector in the new Council, who was willing to be interviewed, took a much more pragmatic approach than Barnard and aimed to work with

³⁰ Edna Duncanson, interview with author, 28 November 2013.

³¹ Imlay Shire Council, Estimates and Information for Ratepayers leaflet, 1966-1980. Held at National Library of Australia.

³² Chief Health Surveyor, BVSC, Report to the Special Meeting, 15 July 1982, 4.

the existing residents and newcomers including 'alternative lifestylers'. Pollard sought to build friendly relationships with all new residents. His aim was to give builders an understanding of why the building regulations and standards were important and show them how building inspectors could assist builders to meet those standards.

Both Barnard and Pollard had held responsible positions with Imlay and Mumbulla Councils respectively prior to amalgamation. As the populations of the coastal towns of both Imlay and Mumbulla Shires rose rapidly, building inspectors focussed their limited staff time on developments in those coastal towns where new subdivisions and speculative estates were commencing. Pollard arrived in Mumbulla Shire in 1978, adapting to 'a big work load' associated, for example, with overseeing development in Bermagui on the coast (where the population increased by 47.74 per cent between 1976 and 1981) while also travelling weekly to Bemboka, Tanja and the district around Bega Municipality.³³ The coastal towns in Imlay Shire, where Barnard was the Building Inspector from 1972, were growing at a similar rate (population increases of 33 per cent in Eden and Merimbula and 27 per cent in Tathra between 1976 and 1981). From 1978, new suburban subdivisions at Tura Beach³⁴ and Tathra River Estate were being developed in Imlay Shire. The rapid increase of domestic building for the newly arriving coastal populations and limited resources for building inspections, had been part of the context in which potentially illegal and unauthorised building away from the coastal towns had, to this point, gone relatively unnoticed.

The building inspectors, however, became interested in dealing with the buildings of the new settlers after amalgamation, in part because of a more coordinated sphere of responsibility, in part because of an awareness of pressures and exposure to liability for unapproved dwellings. Unauthorised building had been going on for many years in the more remote hinterland valleys of Imlay and Mumbulla Shires. An alternative lifestyle settlement called Tralfamadore had been established on the northern boundary of Mumbulla Shire in the early to mid 1970s. In a recently published memoir of growing up in that community, Blaise

³³ Frank Pollard, interview with the author.

³⁴ 'Imlay Shire Current Major Development Proposals', Information for Ratepayers leaflet, 1978.

Van Hecke recounts her mother's and other neighbours' house building activities.³⁵ These were the first houses inspected under the 'survey' in 1982.³⁶ Marilyn, living in Mumbulla Shire, also commenced building before 1981. Sylvie, living in Imlay Shire, commenced building in the late 1970s and her dwelling took some years to complete. This building activity, acknowledged by the builders as unauthorised, was in spite of the very clear direction spelt out in Imlay Shire's annual *Information to Ratepayers* leaflet that 'Building Application[s] - Must be lodged with Council for prior approval before commencing erection or alteration of buildings anywhere in the Shire'.³⁷ New settlers relied on their remoteness, hoping not to be noticed as Sylvie did or arguing as Marilyn did that remote residents should be subject to less strict regulations.

State-Wide Problem

The problems created by alternative lifestylers living outside the regulations applying to building and occupying rural spaces were not limited to the Bega Valley Shire. Alternative lifestylers moved into coastal rural shires in NSW both north and south of Sydney, from the early 1970s straining local government resources by testing the authority of local governments to control and regulate land occupation and building construction. After the Nimbin Aquarius festival in 1973, young people with few assets jointly purchased large tracts of land in northern NSW. They had acquired degraded farmland on which they began growing food and living communally and co-operatively. Groups used a variety of legal structures for these jointly owned properties: co-operatives, companies or trusts. Many groups were intentional communities, people coming together to create a community around a common philosophy or goal.³⁸ The people living in these communities built a variety of unusual, often experimental, structures. This was illegal as the planning regulations at the time allowed one

³⁵ Blaise Van Hecke, *The Road to Tralfamadore is Bathed in River Water: Stories from a Gypsy Childhood*, (Melbourne: Busybird Publishing, 2018). In this lyrical memoir Van Hecke recounts assisting with building activities, such as carrying rocks from the creek up to her mother's house site.

³⁶ Chief Health Surveyor, BVSC, Report to Regular Monthly Meeting, 27 January 1982, 3.

³⁷ Imlay Shire Council, Estimates. All private landholders are liable to pay rates annually.

³⁸ Margaret Munro-Clarke, *Communes in Rural Australia: The Movement since 1970* (Sydney: Hale and Iremonger in association with the Ian Buchan Fell Research Centre, 1986) and William J Metcalf, 'A Classification of Alternative Lifestyle Groups', *Australian and New Zealand Journal of Sociology* 20, no. 1(1984): 66–80.

dwelling per land title.³⁹ In 1977, for example, Lismore Council threatened to demolish a number of illegal dwellings on Bodhi Farm which had multiple joint owners.⁴⁰ The same year, and facing threats of demolition of their dwellings, concerned citizens of Nimbin and the surrounding area formed a Home Builders Association 'to promote, publicise and further the interests of owner-builders of the Rainbow Region'.⁴¹ Many in the mainstream community, including the Leader of the NSW Country Party, Mr Punch, objected to the communities. He argued that allowing communal housing created a double standard: one title with multiple dwellings for some groups, while individual farmers were not able to subdivide property into smaller lots and were required to adhere to 'strict regulations governing sanitation and water supply'.⁴² Punch is also echoing the rhetoric that commune dwellers were not law abiding and had unhygienic living arrangements.

Over the next three years the home builders in the Rainbow Region lobbied the state government to have their styles of rural land occupation and building legitimised against the threats from local government. In December 1979 the Minister for Planning and Environment, Paul Landa, and the Planning and Environment Commission (PEC)⁴³ supported the development of communally owned properties by announcing a policy to permit Multiple Occupancy (abbreviated to MO) on rural land.⁴⁴ The term multiple occupancy was in circulation in 1978⁴⁵ having been used by Colin James in the Lismore Report⁴⁶ and was adopted as the name of the policy by the Planning Commission in 1980.⁴⁷ James, himself, was a leading figure in these transitions. An architect, then teaching at the University of Sydney, he was a prominent supporter of the Green Bans movement in Sydney and had been 'appointed by

³⁹ Stickells, 'Negotiating Off-Grid', 114.

⁴⁰ Geraldine Brooks, 'Battle for the Valley', *Sydney Morning Herald*, 12 November 1979, 7.

⁴¹ Stickells, 'Negotiating Off-Grid': 116. Also Brooks, 'Battle for the Valley'.

⁴² 'Concern over Two sets of Laws', *Canberra Times*, 4 December 1979, 8. And: Brooks, 'Battle for the Valley'.

⁴³ 'The NSW Planning and Environment Commission, 1974-1980: A Retrospective', New South Wales Planning and Environment Commission, Annual Report, 1979-80, 8-9. The Planning and Environment Commission took over from the State Planning Authority in 1974 and was superseded by the Department of Environment and Planning in 1980.

⁴⁴ 'Multiple Occupancy on Farms: Planning Aspects', Report by the Town Planner, BVSC, to Regular Monthly Meeting, 26 February, 1982, 18. The Town Planner stated that the policy was issued in draft form in November 1979 and the formal policy circulated in July 1980.

⁴⁵ Jeff Penberthy, 'The Hippies and the Locals—A Clash of Cultures Shakes a Quiet Town', *Sun Herald*, 19 March 1978, 60-61.

⁴⁶ Colin James, Lismore Report 1979.

⁴⁷ Graham Holland, 'Planning and Building Regulations and Alternative Lifestyles: Conflict and Its Resolution in New South Wales, Australia', *Journal of Architectural and Planning Research* 3, issue 1 (1986): 65.

Whitlam government minister Tom Uren as a resident advocate for the development of Woolloomooloo under the Federal Department of Urban and Regional Development initiatives'.⁴⁸ Formalised through these links, 'multiple occupancy' covered a broad range of land ownership arrangements and types of communities. The common feature was that one parcel of land was owned by a group who lived on the land in a cluster of dwellings referred to as a hamlet development. The policy stated that 'multiple occupancy' properties were to be on suitable land, have appropriate services and the effects on neighbours had to be considered. All dwellings had to comply with health and safety requirements.⁴⁹ This state government policy validated a new way of occupying rural lands, acknowledging not only the presence of alternative lifestylers and new settlers but also lending legitimacy to people's aspirations to live communally and simply.

To investigate the issues created by the unusual building techniques and styles mushrooming on the MOs, the PEC provided funding for a technical assistance group to set up an:

[E]xperimental building area to test new building forms and materials for residential development and to give a broader understanding of building and health regulations to Councils, their staff, new settlers and all home owner-builders'.⁵⁰

In 1981 the Liaison Committee for the Experimental Building Area, in conjunction with the Technical Assistance Group led by Colin James, collaborated to create the text that became *Low Cost Country Home Building*.⁵¹ This plain language guide to the building codes was endorsed by the Minister for Planning and Environment, Eric Bedford. The book provided information to 'those with limited expertise in home building' on low-cost materials and forms

⁴⁸ Paul Pholeros, Karine Shellshear and Sue Clarke, 'Giant Architect Built for Justice', *Sydney Morning Herald*, 23 February 2013, <https://www.smh.com.au/national/giant-architect-built-for-justice-20130222-2ewqg.html>. Accessed 18 September 2020.

⁴⁹ 'Government Gives Nod to Communes: Health, Safety Chief Requirements under New Law on Hamlet Development', *Sydney Morning Herald*, 3 December 1979, 3.

⁵⁰ Technical Assistance Group, Department of Architecture, University of Sydney, *Low Cost Country Home Building: A Handbook on the Essentials of Low Cost Construction for the Guidance of Rural Homebuilders* (Sydney: Department of Environment and Planning, 1981). Foreword, 3.

⁵¹ *Low Cost Country Home Building*.

of construction that were within the State's building regulations'.⁵² It was a mediating tool between aspiring builders and building inspectors and planners, offering simple plans for structures to ensure compliance with building codes. People following this guide could submit plans to meet the Council's requirements while maintaining some integrity with ideals for simple and low-cost building materials and techniques.

Bringing attention to alternative lifestylers and unauthorised building in his electorate, in May 1981 Mr Hatton, the NSW Legislative Assembly member for South Coast, arranged a conference to discuss the issues of building houses without Council approval. The conference was attended by representatives from Bega, Shoalhaven and Eurobodalla Shire Councils, the NSW Department of Environment and Planning and the Health Commission who also discussed the possibility of unauthorised building activities causing pollution of waterways by humans and animals.⁵³ Hatton argued that the issue should be dealt with at the state government level and was not only for local government to resolve. He recognised that the problems in his electorate were similar problems to those already dealt with at the state level by the PEC on the north coast.⁵⁴ Bega Valley Shire was well represented at this meeting. Councillors Duncanson, Cocks⁵⁵ and Green attended with the Shire Engineer and the Health Surveyor. Duncanson reported back to the BVSC that the aim of the conference was to develop a policy across the three shires (Bega Valley, Eurobodalla and Shoalhaven being the shires of Hatton's electorate) on zoning of hamlet developments (multiple occupancy properties)⁵⁶ to avoid the confrontations that had occurred in the Lismore area in the late 1970s.⁵⁷ Duncanson noted in her report that she believed the councils and the Department would 'do their utmost to cooperate and achieve a solution to the problems involved'.⁵⁸

At the State level, the outcome of the conference in Eurobodalla was the formation of the 'Working Party on the New Settlers Movement on the South Coast of New South Wales'

⁵² *Low Cost Country Home Building*, 3.

⁵³ 'Open Mind on Alternative Lifestyles', South Coast News, *Canberra Times*, 3 May 1981, 6.

⁵⁴ 'Open Mind on Alternative Lifestyles'.

⁵⁵ Councillor Mary Cocks was from Eden.

⁵⁶ The clusters of dwellings and residential buildings on one multiple occupancy property were called hamlets in the earlier stages of the debate on the north coast.

⁵⁷ 'Alternative Lifestyles Views Differ'.

⁵⁸ 'Alternative Lifestyles Views Differ'.

that met irregularly in 1981 and 1982 in both Eurobodalla Shire and BVS to discuss issues of illegal building and land occupation and report their findings to the Minister for Environment and Planning. The Working Party included representatives from local government including councillors and staff, and also representatives from the DEP and the Health Commission. The State government—in part in adopting the terminology many groups used to define themselves—was making the ‘New Settlers Movement’ a State level matter as Hatton requested, lifting the debates above parochial and more conservative opinions among local government councillors and council staff.

During the discussion of reports to the full Council of the proceedings of the conference, the BV Shire President said that he wanted the staff to ‘report on just what is going on in the Shire’s back-blocks’, an admission of the lack of knowledge of the scale of the unauthorised building in the remote parts of the Shire. The meeting then resolved to order a report.⁵⁹ The alternative lifestyle survey—again, persisting with this terminology—was the actioning of this resolution. Councillor Barton, who did not attend Hatton’s conference, had taken it upon himself to go and see what was going on ‘in the back blocks’. Barton visited remote Rocky Hall and Burragate valleys, talked with residents and reported on his findings to the May 1981 meeting.⁶⁰ While talking to me Barton reminisced about going into these places:

I arranged a meeting out at Rocky Hall, and we met a whole heap of residents who were living out there. I didn’t know there were so many people out there ... instead of being slabs of bark in the bush and all this sort of stuff that we were hearing about, these were beautiful homes of rammed earth and this, that and the other, but they were all illegal. And the people that lived in them were all professionals working in Canberra and CSIRO or whatever, so the whole scenario of hippies living in the bush illegally and piddling in the creeks and smoking dope and all that sort of stuff was total rubbish.⁶¹

⁵⁹ ‘Alternative Lifestyles Views Differ’.

⁶⁰ ‘Alternative Lifestyles Views Differ’.

⁶¹ David Barton, interview with author. As with all memories the timelines of these activities are not always clear but Barton is reported in the BDN going to visit alternative lifestylers in Rocky Hall and Burragate in 1981 and he went and saw other owner builders in Brogo in September 1982. His overriding memory is that the Council officers were not giving the full picture to the Councillors when describing owner built properties.

Barton added that what he saw himself when visiting the remote valleys made him sceptical that the information the Council officers presented to the Councillors at meetings was entirely accurate, colouring his views of the Council officers advice to meetings on the issue over the next two years.⁶² Barton's initiative in talking to the owners of illegal buildings was an indication of the opening-up of discussion in these issues; it was, not however, sufficient to deter negative voices on the Council.

The Alternative Lifestyle Survey

When Barnard announced the commencement of the alternative lifestyle survey (ALS) at the January 1982 Council meeting, he justified the action with the admission that there was a lack of basic information on the numbers of unauthorised buildings in the Shire. In explaining the process and aims of the survey in his report to Council, Barnard:

[S]tressed that the inspection will be a fact-finding mission, and it is hoped it will be carried out with the full co-operation of the residents of that area [the northern section of the Shire]. It is hoped to talk to as many of the residents of that area as possible to find out their thoughts and feelings on the whole situation to ultimately enable a full report to be submitted to Council. It is considered that a Survey of this kind, to be successful, must be embarked upon with a spirit of mutual concern and co-operation between the residents of the area and Council representatives, so that hopefully a mutually satisfactory solution can be found for any problems which may exist.⁶³

Despite this co-operative and conciliatory framing, as we have seen, some alternative lifestyleers suspected other agendas.

At the same meeting, Barnard raised the issue of increasing council responsibility for, and the liability of, illegal buildings within the Shire. He tabled an article from the *Shire and*

⁶² David Barton, interview with author.

⁶³ Chief Health Surveyor Report to the BVSC Ordinary Meeting, 27 January 1982, 3-4. And 'Looking at Alternative Type Housing' *Bega District News*, 2 February 1982, 1.

Municipal Record documenting a case in which a local council in the United Kingdom was sued by a property owner who had purchased a house with defects that should not have passed council inspections. As Barnard advised councillors, council staff now needed to accept a far greater responsibility for building approvals.⁶⁴ He would make this point often through subsequent debates, insisting that approvals had to be given prior to any commencement of building,⁶⁵ otherwise the council would be liable for defects in approved structures and for failure to carry out mandatory inspections during the construction phase.

Some councillors were informed by the previous discussions of options to resolve issues raised by illegal development and building in other parts of the state. Councillor Patricia Thogersen attended Hatton's conference in May the previous year. She was a staunch supporter of alternative lifestylers.⁶⁶ Thogersen had researched the issue of building prior to approval and sought advice from the Department of Planning and Environment.⁶⁷ At the same meeting as Barnard announced the commencement of the ALS, she put forward a motion to grant 'immunity from prosecution for three months, during which time applications (Development and Building) can be submitted by persons who have erected buildings without approvals'.⁶⁸ While the motion was passed, significant dissent after the debate led to a special Council meeting being convened on 10 February, which received reports from Council's solicitor and Barnard 'regarding the legal and practical implications of the proposed immunity'.⁶⁹ A rescission motion was then passed.⁷⁰ The overturning of Thogersen's motion indicates division within the Council on the presence and activities of alternative lifestylers in the Shire, and the mobilisation of several councillors around this issue. Councillors Cole and Green had made negative comments about alternative lifestylers in Council the previous

⁶⁴ Chief Health Surveyor Report to BVSC Ordinary Meeting, 27 January 1982, 1.

⁶⁵ New South Wales Local Government Act, 1919, Clause 317.

⁶⁶ Ken Anderson, 'Local Suspicion Blights this Garden of Eden', *Daily Telegraph*, 9 March 1982, 10. 'Pat Thogersen has her say' *Bega District News*, 24 November 1980, 16. Thogersen was an active member of the Australian Labor Party (ALP), an advocate for a broad range of rural issues. She was born in Yorkshire and migrated to Australia with her Danish husband and family and they became share farmers on a dairy at Kameruka Estate in the mid 1960s. They subsequently built an unusual house of stone and logs dubbed 'the log cabin' in the Candelo area.

⁶⁷ BVSC, Minutes of the Ordinary Meeting, 27 January 1982, 9.

⁶⁸ BVSC, Minutes of the Ordinary Meeting, 27 January 1982, 9.

⁶⁹ BVSC, Minutes of the Special Meeting, 10 February 1982.

⁷⁰ 'No immunity for unauthorised constructions', *Bega District News*, 15 February 1982, 1.

year.⁷¹ Councillor Wills, previously a Bega Municipal councillor, specifically asked to have his vote against Thogersen's original motion recorded in the minutes.⁷²

These events added to the fear felt by new settlers. There was a perception that the Council's survey was more than a fact-finding process: threats of demolition of housing had been aired (but denied) the previous year. The original motion implies that people who had unauthorised dwellings were liable to prosecution. The rescission of that motion may have been interpreted as a signal that prosecution was imminent. Sylvie remembers feeling there was potential for the situation to get 'really nasty' in the early stages. At the same time Shire President Reg Taylor offered assurances, through the medium of the *Bega District News*, that 'any person involved in an unauthorised building or development coming forward to Council officers would receive sympathetic assistance in trying to overcome any problems created by these activities'.⁷³ But that assurance was offered in a newspaper report that then went on to note the progress and intent of the ALS.

Given these tensions it is no surprise that distrust deepened between Council staff and those residents potentially being surveyed. In this context, Frank Pollard's preparedness to undertake a mediating role is significant. As he recalled:

No one particularly wanted the job because there were some people out there, they were frightened people, and they didn't want you on their property and there was even a story of where a gun was fired in the air to dissuade the inspectors from going out there. Nobody wanted the job. I myself felt quite confident I could do something about this with no disruption to my life. I put my hand up to investigate the illegals, find out what method we could use to legalise them.⁷⁴

'They were frightened people' Pollard said several times in his interview: a fear shared among some council officers tasked with carrying out the inspections.

⁷¹ 'Alternative Lifestyles Views Differ'.

⁷² BVSC, Minutes of the Ordinary Meeting, 27 January 1982, 9.

⁷³ 'No immunity for unauthorised constructions', *Bega District News*, 15 February 1982, 1.

⁷⁴ Frank Pollard, interview with the author.

To allay such fears Pollard and Barnard attended public meetings to explain the survey and its possible implications. At Cobargo on 3 February, they sought to make contact with people interested in alternative building methods and to discuss the contents of *Low Cost Country Home Building*.⁷⁵ Responding to an invitation from the Candelo Progress Association, on 4 March they were joined in that village by senior council officers and councillors including Taylor, Thogersen and Green, the Deputy Health Surveyor, the Town Planner and the Engineer. This meeting was well attended, with Council representatives and new settlers 'debat[ing] at length' issues of illegal building and town planning.⁷⁶ A summary of the meeting published in the *Southern Flyer*, written from the owner builders' perspective, agreed that 'many lively and helpful discussions took place' leading to a 'fair level of agreement with Council on health and fire safety'.⁷⁷ With such consensus Taylor encouraged those present to 'get together a submission of all the things [they would] like to see changed in the present regulations'.⁷⁸ This offer to present a submission implied that at least some councillors might be somewhat flexible on the application of existing regulations and be motivated to seek solutions for owners of unauthorised dwellings.

The regulations that the new settlers sought to change related to four aspects that were contentious: consent for development, multiple occupancy, temporary dwellings and the building regulations as specified in Ordinance 70.⁷⁹ The first related to obtaining consent to develop a property. As we have seen in previous chapters, land use and land occupation were regulated by pre-existing land zonings. An owner of land first had to apply to develop their land, including applications to build structures. Once a development application was approved only then could an owner submit plans and apply for a building permit. A building permit could not be granted when the land parcel was less than 40 hectares because of the rules of Planning Circular 67 discussed in Chapter Two.⁸⁰ People with these properties wanted the regulations changed to allow dwellings on parcels of land smaller than forty hectares.⁸¹

⁷⁵ Chief Health Surveyor BVSC, Report to Ordinary Meeting, 27 January 1982, 3.

⁷⁶ Chief Health Surveyor BVSC, Report to Ordinary Meeting, 24 March 1982, 1.

⁷⁷ Sylvie Insch, *Southern Flyer*, 3 April 1982, 6.

⁷⁸ Insch, *Southern Flyer*, 6.

⁷⁹ Insch, *Southern Flyer*, 6.

⁸⁰ 'Planners at Wyndham', *Wyndham Observer*, 27 July 1982, 2.

⁸¹ Some of these smaller properties were original portions created using the Robertson Land Settlements Acts, sold as original portions but smaller than the forty hectare minimum.

Second, owner builders wanted the state government policy on Multiple Occupancy (MO) applied in the Bega Valley.⁸² The BVS Town Planner, Ernie Royston brought the policy to the attention of Councillors in his report to the meeting of 26 February 1982, a month after the ALS was announced. Royston, while favouring the MO policy in principle, advised a cautious approach to approval of any MOs as each MO had to meet conditions specified in the policy before approval.⁸³ Royston recommended waiting until the ALS survey was complete before investigating any properties for MO approval. This approach left the MO dwellers in limbo: they could not apply to have their houses certified as meeting the minimum standards until the MO land share was approved but approving MOs was not going to be considered until the Survey was complete. Sylvie and her group lived with the real possibility they could receive demolition orders for their dwellings before their multiple occupancy was approved.

Third, owner builders wanted to be permitted to live in temporary accommodation on their own land before a building permit was issued. The regulation, however, was that an owner builder could live in a temporary structure (such as a caravan or shed) once building plans were approved and building had commenced. Moving onto the land and living there in a caravan or shed to learn about the land through the seasons and select optimum sites for a house, for roads and for gardens, was not permitted. Owner builders also argued that being able to experiment with different building techniques and materials would develop skills and knowledge for planning and building their permanent dwelling. The dream and aspiration was to be self-reliant and live on their own land while they did this, not rent 'in town' while they built a permanent dwelling.

Fourth, the new settlers created a problem for themselves with their building activities. The Local Government Act required anyone putting up a structure had to lodge plans with council and have those plans approved before commencing any construction. New

⁸² *Low Cost Country Home Building*, Appendix 1, 67. The text of The Multiple Occupancy on Farms Circular was published as an appendix in *Low Cost Country Home Building* but had not yet been accepted by the BVSC as applicable to any existing areas in the Shire.

⁸³ Town Planner's Report to BVSC Ordinary Meeting, 26 February 1982, 20.

settlers failed to do this for many reasons: they did not have development approval (see above) so had no legal right to build on their property; they did not want to pay council fees and charges; they did not have the money to pay for architects and drafting fees to create 'proper plans'; they did not think their construction methods and material would be approved; they were building incrementally as time and money permitted so did not start with a 'proper plan' they could submit for approval.⁸⁴ Some new settlers did not apply because they thought they would not get approval to use non-standard materials such as mudbrick or pisé.⁸⁵

Rather than making individual submissions to have these regulations changed or modified to include the aspirations of those wanting to self-build at a low cost, those threatened agreed that representations would be stronger coming from a group. Marilyn recalled her outrage when Thogersen told new settlers of the threat of demolition and prosecution. Marilyn's reaction was 'we've got to do something. We've got to change this'. Such reactions motivated her to join a group with the thought that 'together we will win this'.⁸⁶ The ethic emerging from these discussions, Sylvie recounted, was 'to have a voice. When people are individually being threatened or persecuted...if they all band together they have obviously got a much stronger voice. So that's why we did it'.⁸⁷ Sixty people had similar reactions to this news, attending a public meeting to talk about forming a group.⁸⁸ Those present created an interim committee, naming the group the Bega Valley Shire Owner Builders Association (BVSOPA), then called a second public meeting to form the association proper and to discuss the content of the report to Council.⁸⁹

BVSOPA members came from across the shire: from the Rocky Hall and the Towamba valley in the far south, to the Bemboka area and north around Quaama and Cobargo. Most of the leaders had tertiary level qualifications. Given the spread of new settlers and their relative remoteness, lack of telephones, bad roads and no public transport, there were obvious

⁸⁴ Bega Valley Shire Owner Builders Association submission to Bega Valley Shire Council 29 July 1982. Bound in the BVSC Minute Book 1982 after the Minutes of the Special Meeting, 9 September 1982.

⁸⁵ Chief Health Surveyor, BVSC, Report to Ordinary Meeting, 26 February 1982, 2. These techniques and materials were allowed in the Bega Valley before 1982.

⁸⁶ 'Marilyn', interview with the author.

⁸⁷ Sylvie, interview with the author.

⁸⁸ Insch, *Southern Flyer*, 6.

⁸⁹ Insch, *Southern Flyer*, 6.

difficulties for members of the group to meet and co-ordinate their submission writing. Not deterred, the new settlers used their education, contacts and networking skills to research their options and advocate their cause. This group of self-described rebels and anarchists, otherwise ordinary people who had wanted to 'escape the system' and 'do their own thing', were drawn back into 'the system' to lobby for regulatory change to defend what they had built, their creative work, and were forced to advocate for their right to occupy their own land. The aims of the Association were to develop more coordinated representations to Council and the State Government; to encourage, support and inform members in their building work; and support members with difficulties, especially those involved in negotiating the legalisation of dwellings.⁹⁰

Identifying and naming themselves as 'owner builders' was a political act. The group members framed their position as owners. They had invested in their place, their land, and wanted the right to use what they owned.⁹¹ In identifying themselves as owner builders their land tenure and industry were central to their identity not their lifestyle. Owner builders were claiming an identity with an established lineage. Architecture academic Graeme Holland's research reveals that owner building is an established tradition in Australia. In 1979-80 thirty percent of houses built outside the major metropolitan centres in New South Wales were being built by owner builders.⁹² Owner building mainstream style housing was common after the Second World War in Australia. Sociologist Alastair Greig argued that big business Fordist mass production of housing, an ambition of the post war Federal Government, was to a certain extent subverted by owner builders finding their own ways to overcome material and labour shortages.⁹³ In the Bega Valley, and with their own distinct inflections, these same sentiments began drawing people into an identity that could be much more effectively pitched against

⁹⁰ 'Owner Builders to negotiate', *Bega District News*, 28 September 1982, 9.

⁹¹ By contrast, one group on the north coast called themselves 'home builders'.

⁹² Graham Holland, 'Planning and Building Regulations and Alternative Lifestyles: Conflict and Its Resolution in New South Wales, Australia'. *Journal of Architectural and Planning Research* 3, 1, (1986): 65. Holland was a Member of the Technical Advisory Group that published *Low Cost Country Home Building*.

⁹³ Alastair Greig, *Housing and Social Theory: Testing the Fordist Models, or, Social Theory and AffORDable Housing*, Working Paper No. 45, Urban Research Program, Australian National University 1995. Enterprising owner builders created co-operative schemes to build houses for themselves in Melbourne and Adelaide in the post Second World War era. Two examples of self-help building groups: Moira Scollay, 'Homes for the People The Lalor Home Building Co-operative: 1946-2004' (PhD, Australian National University, 2010), and Julie Collins and Christine Garnaut, *'Not for Ourselves Alone': The South Australian Home Builders Club 1945-1965'*, (Adelaide: Architecture Museum, University of South Australia and Crossing Press, 2013).

those who dismissed them as ‘alternatives’. In the process, however, their own identities also had to adapt.

Information and advice on building materials and techniques for owner builders was circulating in the alternative community and alternative press in the 1970s. Building with earth, dirt and mud was popular in the 1970s and 1980s as the raw material was cheap and onsite. Mudbrick builders of some experience, John and Gerry Archer, began publishing an alternative style magazine *The Owner Builder Magazine* in 1981. This magazine included articles on current owner builders undertaking their own projects (including two council approved Bega Valley houses in the first two issues). The magazine also included book reviews for recently published Australian and American publications about self-building, particularly with earth, including the Archers’ *Dirt Cheap—The Mudbrick Book* in 1980 and *The Earth Builders Companion* published under the Grass Roots Publication banner. Early editions of *The Owner Builder Magazine* included articles on colonial Australian homes utilizing mud, mudbricks and pisé construction techniques linking colonial building practices with the current generation of owner builders, thus normalising and historicising the earth building resurgence. The members of the BVSOPA were aware of these patterns and arguments and were able to draw on the experiences and expertise of other groups of owner builders in NSW, especially in the Rainbow Region around Nimbin, who had overcome similar problems.⁹⁴ Asking the council to adopt the principles in *Low Cost Country Home Building* for rural dwellings—a request in itself highlighting the wider currency of these issues—perhaps only deepened a stand-off between the interests involved. The owner builders wanted information on how to comply with the regulations in a format that was easy to understand. Barnard argued that adopting the processes advocated in *Low Cost Country Home Building* created double standards for rural and town dwellers.⁹⁵

Retrospective Approvals

⁹⁴ Sylvie, interview with the author.

⁹⁵ Chief Health Surveyor, BVSC, Report to Special Committee Meeting of the Whole, 15 July 1982, 9.

By mid-July 1982 Barnard had a clear sense that the survey was taking a long time to achieve small results with his staff only visiting four 'alternative lifestyle survey areas' since February.⁹⁶ He was alarmed at the state of the twenty-five illegal structures his staff found. In March he reported to council that eleven houses in the first settlement surveyed, Tralfamadore, were health and safety hazards. Barnard's close reading of the Local Government Act created his firm belief that the only way to deal with dwellings or structures that had been constructed without any council approvals or oversight of construction was demolition. He reasoned that if any defects were discovered in unapproved buildings in the future, the Council and its staff could or would be legally liable to pay any damages to the owners.

Barnard put his concerns and recommendations into a report that was tabled at a 'Special Committee Meeting of the Whole' on 15 July 1982.⁹⁷ The meeting was called by the Shire Clark and the first item of business was to discuss 'informally, illegal buildings generally and specifically'.⁹⁸ The meeting was attended by twelve of the fifteen councillors and nine senior council officers.⁹⁹ Mr Schultheis, the Regional Manager (South East) of Department of Environment and Planning (DEP) and Council's solicitor, Mr P. Crook, also attended but it is not recorded who invited them or why they were present at a Special Council Meeting.¹⁰⁰ Schultheis spoke first, reiterating that the DEP's Working Party on New Settlers Movement was studying the 'problems of alternative lifestyle developments over a large area'.¹⁰¹ He outlined solutions that were being implemented in Eurobodalla Shire that satisfied the new settlers, the council and the state government. Eurobodalla Shire was recognising all unauthorised dwellings in existence at a fixed date, giving security to those existing residents but also creating a date after which all unauthorised building would be dealt with strictly

⁹⁶ Chief Health Surveyor Report, 15 July 1982, 8.

⁹⁷ The public and the press are not permitted to attend a 'special committee meeting of the whole'.

⁹⁸ BVSC, Minutes of the Special Meeting, 15 July 1982, 1. There were two cases of illegal building brought against Bega Valley citizens at this time by BVSC. One was BVSC vs Perovic. Peter Perovic had poured a slab for an extension on his old house at Candelo and did not have approvals for the building works. The second case was against Mr and Mrs Kleiss who were living in a boat on dry land at Wyndham. They published the *Wyndham Observer* newspaper, the only newspaper reporting the owner builder issue in the second half of 1982 from the boat.

⁹⁹ BVSC, Minutes of the Special Meeting, 15 July 1982.

¹⁰⁰ Described as being from the Planning Commission, later correspondence in the Minute Books reveals that Schultheis was the Regional Manager (South East), NSW Department of Environment and Planning.

¹⁰¹ BVSC, Minutes of the Special Meeting, 15 July 1982, 1.

according to the regulations. The purpose of setting a date was to record and map the existing residences and to send a strong message to the community that no further unauthorised building would be tolerated. Owners of existing but unauthorised dwellings would be given time to bring their residences up to the minimum standard after which they would be issued with a Certificate of Compliance under section 317 of the LG Act. Schultheis proposed that Bega Valley owner builders could be given time to come forward voluntarily and make submissions to bring their dwellings up to the minimum standard and then use the solutions taken up in Eurobodalla Shire to regularise their dwellings including obtaining certificates of compliance.

Here, then, was one move towards resolution, conveyed by a relatively senior state official and in keeping with some councillors expressed wish to avoid confrontations similar to those on the north coast some years earlier. However, after Schultheis' presentation, Barnard presented his ten-page report. Provocatively, Barnard recommended that Council begin proceedings to order the demolition of all the twenty-five dwellings discovered in the survey. In spite of Schultheis' recommendations and advice, Barnard advised that Council officers could not approve dwellings which had been constructed without prior approval (retrospective approvals), even if they fully complied with building regulations, therefore they should be demolished. The BVSC's solicitor, Mr Crook, backed this interpretation. It was his opinion that:

[O]nce council had inspected and recognised a building that unless some action was taken by Council to rectify any illegalities about that building then Council could be liable in future times for damages sustained in a subsequent suit.¹⁰²

Barnard's report was discussed in detail. Cr Barton remembering that 'it was a pretty ugly scene for a while. People were pro or against ... with great passion and there was a lot of ugly things said in Council'.¹⁰³ A majority of councillors at this meeting chose a moderate stance,

¹⁰² BVSC, Minutes of the Special Meeting, 15 July 1982, 3.

¹⁰³ David Barton, interview with author. Barton was accused of leaking the events of this meeting and wrote a scathing response to the accusations in a letter published in the Wyndham Observer on 27 July 1982, an independent newspaper published by Chris Kleiss who was appearing in court over the course of 1982 for his illegal building activities.

voting to defer consideration of the issues raised by illegal building, including Barnard's recommendation for demolition of dwellings, until there was a further report from Schultheis' Working Party.¹⁰⁴

Here we have official meetings of two different entities supposedly working together to solve the problems created by 'the new settler movement' but with participants with different agendas. The Council meetings involved elected representatives who were advised by staff while also representing their constituents. All operate within the LG Act and its ordinances and regulations. Staff have their own set of rules and guidelines (guidelines from their professional associations) and duties, many specified in the LG Act. The Minister for Local Government was the top of this hierarchy.

The Working Party meetings were called and run by Schultheis, who was ultimately responsible to the Minister for Environment and Planning.¹⁰⁵ Different individuals represented particular organisations at successive meetings: the constant was the presence of Schultheis as the chair. His office was in Queanbeyan so his personal attendance was a measure of the importance of resolving the issue of illegal building and land occupation in the BVS for the DEP. Attending the eighth meeting of the Working Party, held on the 16 August in Bega, were Schultheis, Barnard and two other BVSC officers, one representative from Eurobodalla and one from Tallaganda (to the west of Eurobodalla on the tablelands) Shire Councils and two representatives from the BVSOBA but no BVS councillors. It is clear from the minutes of this meeting that Schultheis could not persuade Barnard to adopt the solutions adopted in Eurobodalla as he (Schultheis) had suggested at the July Special Council Meeting.

The submissions to Council prepared by the BVSOBA (as suggested by the Shire President back in March) were received in Council on 29 July 1982 and presented to the Working Party meeting on 16 August. They began in a conciliatory tone, the owner builders

¹⁰⁴ Chief Health Surveyor, BVSC, Report to the Special Meeting of 15 July 1982, Recommendation 9.1, 9. Councillors voted against accepting this recommendation and instead voted to defer the recommendation to order demolitions until after the receipt of the report of the Working Party for alternative style development, Page 3 of the meeting minutes.

¹⁰⁵ The NSW Health Commission sent a representative to the earlier meetings but not to the meetings in Bega in 1982.

conceding that there were misunderstandings on both sides 'as to the nature of the others intentions' and hoping that their submission will make their position clearer.¹⁰⁶ The owner builders acknowledged that many people did build houses without first approaching council and not complying with the minimum standards of Ordinance 70. They also acknowledged that 'certain councillors' found the situation so unacceptable that they argued that demolition of the dwellings was warranted. More firmly, the owner builders indicated they were well aware that the State government already had policies and remedies that had been accepted in other parts of the state and suggested these solutions be adopted in Bega Valley. The submissions then mirrored the solutions developed for both northern rivers and Eurobodalla shires. The owner builders used their submission to assert their position as valid community members arguing that they were adding to the community by providing their own housing. For the owner builders who could not get development approval because they were either on a block of land of less than forty hectares or a multiple occupancy landholding, they suggested planning issues could be resolved by an application for a 'variation of Ministerial standards approval under the State Environmental Planning Policy No. 1'.¹⁰⁷

As the last item of business, Schultheis advised the meeting that the DEP had 'invited consultants to examine some of the buildings in the areas already surveyed to examine if there was a case for taking no demolition action based on structural soundness or general health requirements'.¹⁰⁸ The consultant was Colin James, the acknowledged expert previously commissioned by the Planning Commission to write a report on unauthorised housing around Lismore.¹⁰⁹

Schultheis sent the meeting minutes of the Eighth Working Party to the BVSC through the BV Shire Clerk on 23 August. The cover letter stated very clearly that it was State government policy that demolition of illegal structures would only be considered if there were health or safety concerns. Barnard's position that all illegal dwelling must be demolished to

¹⁰⁶ BVSC Minute Book 1982, 'Report from Owner Builders to Bega Valley Shire Council', 29 July 1982.

¹⁰⁷ 'Report from Owner Builders to Bega Valley Shire Council'.

¹⁰⁸ BVSC, Minutes of the Eighth Meeting of the Working Party on New Settlers Movement on the South Coast held on 16 August, 1982 at Bega. DEP document 80/6964 Pt 2. Bound in the 1983 Minute Book after the Chief Health Surveyors Report to BVSC Policy, Staff and Planning Meeting, 9 September 1982.

¹⁰⁹ Colin James prepared the *Lismore Report* for Lismore Council in 1979 investigating the illegal builders there and was a lead author of *Low Cost Country Home Building*.

save council from future liability was clearly not the view held by the officers and legal advisors of the State government departments who were investigating the issue. The State government stepped in to resolve the situation by refusing to countenance demolition and offering a model for resolving each of the problems within the existing laws and regulations.

While the matter of whether the BVSC could order demolitions was at the forefront of the debate, the survey looking for unapproved dwellings had slipped into the background. The solutions used to bring some control to unauthorised and illegal building in Eurobodalla included the need to set a date after which all unauthorised building would be dealt with according to provisions of the LG Act. This led back to the need to complete the survey. Council officers needed to register and map all the illegal houses in existence at the set date and work with the owners to bring them up to the minimum standards and to also to send a strong message to future builders that unauthorised building would no longer be tolerated.

Having lost the option to order demolition of illegal dwellings, Barnard (and his supporting councillors) took a second provocative action proposing a radical, controversial solution to finding all the illegal dwellings expeditiously and cheaply. This episode was dubbed 'spy in the sky' and created controversy among the councillors and the public. On 9 September, just three days before Colin James was due to arrive to inspect houses that Barnard wanted to demolish, Barnard tabled a report to the Council's Policy, Staff and Planning committee meeting. Again, this was a meeting held *in camera*. Barnard's report, marked confidential, recommended that an aerial survey be conducted to identify 'suspected locations' of alternative communities.¹¹⁰ Barnard further recommended using the information from the aerial survey for Council staff to undertake a follow up ground survey to record and map the structures. Barnard and his staff recommended completing the alternative lifestyle survey urgently. The existing method was 'cumbersome, time consuming, expensive and very short on results'.¹¹¹ This was an admission that the survey and the methods they used had

¹¹⁰ Chief Health Surveyor, BVSC, Report to Policy, Staff and Planning Meeting, 9 September 1982. The Owner Builders Builder's submission and Schultheis covering letter and Minutes of the Eight Meeting of the Working Party are included in the minutes book after Barnard's report. The owner builder's submission dated 28 July 1982 expressed the hope that discussions of owner builder issues would be addressed in open council meetings.

¹¹¹ Chief Health Surveyor Report to BVSC Policy, Staff and Planning Meeting.

failed. By carrying out an aerial survey they argued they would finally establish the magnitude of illegal building; encourage illegal builders to come forward and register; discourage further illegal building; and to establish a cut-off date to facilitate further actions.¹¹² Barnard assured councillors that the costs of an aerial survey would not be onerous—Council would only incur the costs of hiring light aircraft as there was ‘no shortage of pilots in the area who would be prepared to fly the plane at no cost to Council to build up flying time’.¹¹³ I asked Frank Pollard why the aerial survey was proposed. He replied that he was not having success with getting people to register voluntarily, as suggested by Schultheis, so Council staff said to themselves and then to the Councillors ‘if you [owner builders] are not going to cooperate with the volunteering that’s how we are going to go about it’.¹¹⁴ This was an admission that Pollard and his colleagues were not able to convince owner builders to register their dwellings in spite of his rhetoric earlier in the interview that he was able to convince owner builders to come forward. The threat of the aerial survey added to the fear in the owner builder community that houses would be found, and demolition ordered.

At the committee meeting on 9 September a majority of councillors voted to authorise the aerial survey. This decision provoked a rapid response from those who disagreed. In spite of Barnard’s report being marked confidential, Mr Hatton was soon informed of the issue and sent a telex to the Shire President the next day. Hatton requested that the proposed survey be postponed until after James’ visit and the meeting of the Working Party scheduled for 13 September.¹¹⁵ The Shire President acceded to this request. Colin James carried out his inspections over the weekend and was present at the Working Party meeting on the 13th.

Present at the Working Party meeting on 13 September were Schultheis and Colin James representing DEP, Shire President Taylor, Councillors Duncanson and Thogersen, the Deputy Health Surveyor, the Shire Clerk, the Chief Planner, Steven Lang and several other members

¹¹² Chief Health Surveyor Report to BVSC Policy, Staff and Planning Meeting.

¹¹³ Chief Health Surveyor Report to BVSC Policy, Staff and Planning Meeting.

¹¹⁴ Frank Pollard, interview with the author.

¹¹⁵ BVSC, Minute Book 1982, Telex from Hatton, bound in the Minute Book 1982 after the Shire Clerk’s Report to the BVSC Regular Meeting, 22 September 1982.

of the BVSOBA,¹¹⁶ and Claire Lupton, a reporter from the *Bega District News*.¹¹⁷ Conspicuous in their absence were Barnard and the 'anti alternative lifestyle' Councillors Green and Cole. After discussion about the meaning and understanding of the motion to approve of the aerial survey, the Shire President and those present agreed that the survey needed to be completed quickly, the date suggested was the end of October. The owner builders expressed concern at the method of the aerial survey. They offered to do the survey themselves, using their networks to create a list of the people living in unauthorised dwellings. This offer was accepted by the Shire President who subsequently recommended to the next full Council meeting of September 22 'that the Alternative Life Style Survey continue with the objective to complete by no later than end of October, 1982, BUT that the methodology be reviewed'.¹¹⁸

The decision on the method of conducting the alternative lifestyle survey was taken by the Shire President in consultation with members of the working party. The elected Councillors were not given an opportunity to vote on the change. Councillors debated the working party's decision at its subsequent meeting on 22 September. These debates were not recorded in detail in the minutes but reported in the *Bega District News* of 24 September with the page one headline reading 'No aerial "spying" for dwelling survey'.¹¹⁹ While there had been a majority vote to conduct an aerial survey, even some of the more conservative councillors told the reporter that they objected to 'aerial spying' and potential breaches of privacy during the process of conducting an aerial survey. Councillor Furner expressed his frustration to the newspaper reporter that he was sick of making decisions in council only to read in the newspapers that the decision had been overturned. According to the newspaper report there was general agreement that the survey of unauthorised dwellings needed to be completed expeditiously. Councillors Green and Wade, who expressed a distrust of the owner builders and alternative lifestyleurs in the media and at earlier council meetings, wanted to continue with the aerial survey. Councillors then agreed that the Council Health and Building officers and the owner builders would 'cooperate' to complete the survey.¹²⁰

¹¹⁶ Names not recorded.

¹¹⁷ BVSC 'For Information, Alternative Lifestyle Survey', Shire Clerk's Report to the BVSC Regular Meeting, 22 September 1982, 4.

¹¹⁸ Shire Clerk's Report to the BVSC Regular Meeting, 22 September 1982, 5.

¹¹⁹ 'No aerial "spying" for dwelling survey', *Bega District News* 24 September 1982, 1. The *Bega District News*, the Bega paper with the biggest circulation, did not report on the issue of illegal building until this report.

¹²⁰ 'No aerial "spying" for dwelling survey'.

Marilyn's memory of assisting with the survey was that the BVSOBA offered to use their contacts and networks to persuade the owner builders to come forward voluntarily and register their dwellings:

we did this survey and saved them the trouble of doing the aerial thing and we thought that would be incredibly intrusive for people and we wanted to show them how many houses there were. I don't know how we did it, just word of mouth, I suppose, and people volunteered their information.¹²¹

Owner builders were given assurances that if they registered their dwellings, they would be immune from prosecution and their houses would not be demolished. They also were assured by the knowledge that the state government was not in favour of ordering demolition.¹²² BVSOBA members and other illegal owner builders came forward voluntarily so that the process of recognition and regularisation of their tenure and buildings could begin. This process of regularisation was called 'the Amnesties'.¹²³ Owner builders came forward to be test cases for the Amnesties, including Marilyn and Sylvie.

The survey compiled by the BVSOBA revealed that there were 320 illegal dwellings in the Shire housing 610 residents.¹²⁴ This total indicates the extent of unauthorised building prior to 1982. Barnard was right to be concerned and the extent of the unauthorised building was an indication of lack of oversight of building 'in the back blocks' prior to 1982. The steps that were taken over the course of 1982 were supposed to draw a line in the sand after which no further unauthorised building would be tolerated and while this was successful in 'finding'

¹²¹ 'Marilyn', interview with the author.

¹²² Councillor Thogersen would have seen a copy of the Schultheis' letter to that effect that was included in the Meeting minutes.

¹²³ 'Illegal Buildings Amnesty', *Bega District News*, 12 April 2001. This report includes the information that 557 structures, including 130 new dwellings, mobile homes or home additions, were registered with council during a three month amnesty in 1998. There was one more 'amnesty' in 2001 revealing that the problem was not stopped by the 1982 amnesty.

¹²⁴ John Barnard, Letter to Minister for Environment and Planning, 12 November 1982 signed by the Shire Clerk, WC Fripp. Held on BVSC file 82.3427.

320 dwellings in 1982, illegal and unauthorised building did continue with a final amnesty offered in 2001.¹²⁵

Retrospective approvals and issuing certificates of compliance to dwellings that were constructed without prior approval, but which complied with the building standards, continued to vex John Barnard. James presented 'The Bega Report' to Council, including reports on the owner builders' houses he inspected on 11 and 12 September, and noting that all but one dwelling could be brought up to the minimum standards and could then be legalised by issuing a certificate of compliance.¹²⁶ This was the direct opposite of the building inspectors' assessments. Critiques of James' report in the form of margin notes and a report from Pollard to Barnard are not included in Council minutes but held on file. Barnard was particularly offended by James' implication that the consultants knew more about technical building aspects than the building inspectors.¹²⁷

After the amnesty was announced and development approval issues had been addressed by planning and zoning changes, councillors, council staff and BVSOBA representatives continued efforts to resolve the issue of retrospective approvals of dwellings registered and notified to Council by the BVSOBA survey. In spite of all the legal advice from the Department of Local Government and assurances from Schultheis and the DEP, Barnard still believed that no dwelling could be approved or given a certificate of compliance if it had not been inspected during the building process, that is there could be no 'retrospective approvals'. A deputation including councillors, staff and two representatives of the BVSOBA meet the Ministers for Local Government and Environment and Planning Department in Sydney in November 1982 'in an attempt to have the two ministers resolve the illegal building issue in the Shire, or to provide the Council with guidance as to the handling of a problem that has taken on major proportions'.¹²⁸ This newspaper report records that the BVSC representatives were again told by the Ministers that the Local Government Act was adequate

¹²⁵ 'Illegal Buildings Amnesty'.

¹²⁶ Colin James, *The Bega Report*, BVSC file 82.3427.

¹²⁷ James, *The Bega Report*.

¹²⁸ 'Delegation to Ministers', *Wyndham Observer*, no date. Press clipping in BVSC file 82.3427.

to deal with the situation and that the Council did have options it could exercise without resorting to prosecution and demolition.¹²⁹

Unsatisfied with the advice that the illegal housing issue could be solved using the existing legislation, over the first half of 1983 Barnard sent many letters seeking further legal opinion and the opinion of the Building Surveyors Institute.¹³⁰ In April 1983 the Bega Valley Shire Council received a copy of legal advice supplied to the Shires Association of NSW from a firm of Sydney Solicitors and Attorneys answering a set of questions sent to the firm in December 1982.¹³¹ The advice reiterated that retrospective approvals were against the law, that is, an application for a building permit could not be issued after the building had been constructed. Instead, instances of illegal building could be dealt with by either ordering the demolition the building or issuing a certificate of compliance once building inspectors were satisfied that the structure met the minimum building standards. This letter states that the aim of this section of the Act (317B(1A)) was 'to allow council to deal with illegal building in a summary fashion, avoiding lengthy and expensive Equity Court litigation'.¹³² Advice was also requested on the issue of Council and council officers' liability in instances of building failures due to lack of oversight of buildings. The legal advice was that councils could be liable for negligence and the issues should be taken up with 'council insurance brokers'.¹³³ Further, that 'in order to minimise the possibility of such a claim' Council implement a procedure to assess each unapproved structure individually and issue a certificate of compliance when the structure met the minimum building standards. These certificates would inform future purchasers (referring to section 149 of the EPA Act) that the structure was not approved but did meet minimum building standards thereby minimising the risk of future liability of the council because the new owner was fully aware of what they were purchasing.¹³⁴ Barnard and his staff did have a complex set of issues to work through. His preferred option of ordering the demolition of all unauthorised structures was politically unpalatable to the State

¹²⁹ 'Delegation to Ministers'.

¹³⁰ BVSC file 82.3437.

¹³¹ Mr Rigg, Hall and Hall, Solicitors and Attorneys, Letter to The Director, Administrative Division, The Shires Association of New South Wales, 20 April, 1983. BVSC File 82.3437, received in Bega 22 April 1983.

¹³² Rigg, Hall and Hall, Letter to The Director, Administrative Division,.

¹³³ John Barnard, Letter to the Director, NSW Shires Association. Held on BVSC File 82.3437.

¹³⁴ Letter to the Director, NSW Shires Association.

government and he and his staff had to follow procedures to register, inspect and order owner builders to bring their dwellings up to a minimum standard.

The illegal and unauthorised builders in the Bega Valley created a time consuming and expensive problem for the Council. The processes followed after the amnesties were announced, of registering buildings and issuing certificates of compliance where appropriate, and also designating properties as multiple occupancy, took time and resources to implement. Since 1983 time has blurred the memories of this eventful year for those who were caught up in the 'alternative lifestyle survey'. Those who I talked to thirty years later remember the issue as 'fizzling out' after the amnesties were announced. The threat of demolition was minimised because of the State government's stance. The issue shifted from the need for public actions and lobbying to a personal one for each owner builder who had a process to work through with the building department to regularise their occupation and bring their buildings up to the minimum standards. That transition, in itself, was a significant iteration in 'place as an area where negotiation is forced upon us'.

Conclusion

Over the year 1982 and into 1983 landowners who identified as new settlers and owner builders banded together and negotiated with local government councillors, local government staff, State Department of Environment and Planning representatives and John Hatton, their state government local member, to have their chosen way of living in a rural area legitimised. Some parts of their ideal had to give way: existing structures had to be improved to meet the minimum building standards; all new buildings had to conform to local government acts and regulations including health regulations; and all builders had to make the proper applications prior to building and pay council fees and charges. Other contentious aspects, including alternative styles of building, and living on small acreages or in multiple occupancy land sharing arrangements, were allowed by changes to State regulations to the satisfaction of the owner builders and alternative lifestyle, and Council officers.

The more conservative elements of the mainstream society did have to concede that new people were moving into their area, their place was changing and that perhaps the newcomers were adding something positive to the community. In March 1982 Councillor Thogersen publicly praised the new settlers for creating new businesses and holding markets in the smaller communities that added 'colour and interest to the daily life of the community'.¹³⁵ In May 1983 Thogersen requested the councillors and council staff to assist and welcome the home builders, reminding them that the newcomers were buying land, paying rates and taxes, spending locally, and helping to combat a national housing shortage.¹³⁶ Councillor Edna Duncanson remembered that existing residents did concede that the new settlers added to the community in a positive way telling me that:

I think also there was a recognition that they were bringing different ideas to the area. That they had maybe a different view to the conservative rural population that was in the area. The locals realised there was a different style of life where farming wasn't the be all and end all of the community.¹³⁷

The negotiations that took place during 1982 assisted the communities—the existing residents and new settlers—to find 'the middle in it' and accept other people's ways of being in a rural space. Ultimately the idea rural residential living was codified as a legitimate way to occupy rural land with rural residential zones, initially called rural (small holdings) zone1(c), included in the 1987 Local Environment Plan.¹³⁸

¹³⁵ Anderson, 'Local Suspicion', 11.

¹³⁶ Pat Thogersen, Notice of Motion to May Meeting 1983. Held on BVSC file 82.3437.

¹³⁷ Edna Duncanson, interview with the author.

¹³⁸ BVSC, Bega Valley Local Environment Plan 1987, Gazetted 10 April 1987, 10.

Chapter Five

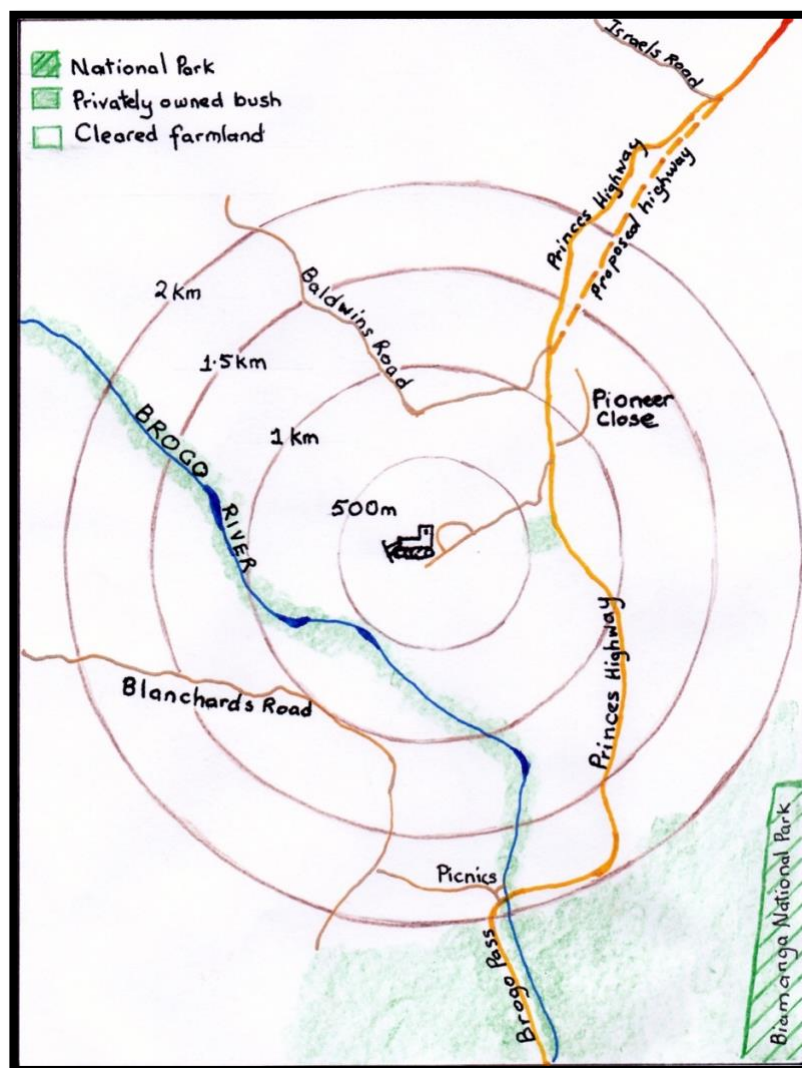
Contesting a Quarry

In the early 1990s there was a sandy beach on the edge of the Brogo River just upstream of the concrete bridge on the Princes Highway. The beach was accessed by a rough dirt track, a left over from the temporary road built to ford the river after the wooden truss bridge was washed away in 1934 and used until the replacement bridge was completed in 1937. The track has been maintained as access to the river for trucks to collect water for firefighting and road construction and by residents to collect water in dry times. The banks are shaded by ancient casuarina trees, creating an attractive recreation space.

Through the 1990s, on hot summer afternoons, Brogo families would gather beside the river, cooling off in a deepish pool. The deafening buzz of cicadas drowned out the traffic noise from the highway as children, lots of children, splashed around and grown-ups caught up on the latest news. After a particularly hot day, more dads and mums arrived, straight from work, and jumped into the water with their kids to wash off the cares of the day. Families ate picnic teas waiting for the cool evening breezes to arrive. The gatherings would gradually disperse with calls of ‘have to go, it’s a school night’ or ‘have to be up early for work’ as families set off home to overheated houses. Occasionally there was an excited rush to pack up as a summer thunderstorm rolled in. This little gritty, sandy, shady beach was a loved meeting place in summertime Brogo.

Brogo is a rural locality 20 km north of Bega. The Princes Highway runs north to south through the locality, which is 20 km from the coast. Mumbulla Mountain is a prominent feature in the landscape and offers a forested backdrop to the easterly views. The Brogo River runs northwest to southeast from the Great Dividing Range (GDR) escarpment flowing through the hills, and through a bottleneck, the Brogo Pass, where Mumbulla Mountain meets a ridge also running west to east. The river cuts through the Pass and flows across river flats used for dairy farming, meandering a further 20 km to meet the Bega/Bemboka River at Bega. The Brogo River has been controlled since 1976 when the water storage dam, first mooted in

the late 1960s by Jack Beale, Minister for Conservation, was completed in its upper reaches for irrigation, stock and domestic water use downstream.¹ The mix of hilly terrain, views of the forested slopes of both the mountains of the coastal range to the east and the GDR escarpment to the west, quick and easy access to Bega along the highway, and near permanent water supply from the river makes the properties along the river highly desirable and valuable. Properties without river frontage are also sought for the attractive rural views they offer: rolling hills in the foreground with forested ridges on the horizon.



Map Nine: Brogo 1994 with Quarry at the centre. Residences are not marked to ensure privacy.

¹ Brogo Dam website <http://www.waternsw.com.au/supply/visit/brogo-dam>. The dam was completed in 1976 to provide water for irrigation and stock and domestic water for downstream users. In the early 1980s water was also pumped to supply town water to Quaama, Cobargo and Bermagui as populations in these villages increased.

Many of the families along the Brogo river in the 1990s were relative newcomers, arriving over the previous ten years, lured by the opportunity to purchase small acre properties in the locality. In 1972 there were fourteen farms in the Brogo area from Blanchards Road north to Baldwins Road. By 1993 there were more than thirty-three dwellings.² By the early 1990s the population of the rural locality of Brogo had increased from 1976 levels, reflecting wider trends.³ The population of the whole Bega Valley Shire increased from 14,771 in 1971 to 27,380 in 1991 an increase of 85.36 per cent in those twenty years.⁴ Burnley and Murphy calculated that the population of rural localities in the Bega Valley (with populations between 200 and 999) grew by thirty-two per cent between 1986 and 1991 alone; the population of the 'rural remainder', which included the locality of Brogo, grew by thirty-four per cent in the same period.⁵

As we have noted in earlier chapters, rural areas across the Bega Valley experienced significant change in the period 1971 to 1991. We have also tracked geographer John Holmes' argument that, from the 1960s, rural spaces in Australia transitioned from primarily agricultural and grazing (production) uses towards the emergence of two additional uses or values: consumption and protection (conservation). These transitions, Holmes suggests, created 'a more complex, contested variable mix of production, consumption and protection goals'.⁶ Chapter Three identified a change from production of dairy and forest products on the coast to protecting parts of the coast and coastal forests in Mimosa Rocks National Park. Chapter Four revealed a shift in ownership of rural lands from production farming to more

² National Mapping, Brogo 1:25000 Map, Field Revision in 1972 printed in 1974 compared to data collected for the Quarry dispute in 1994 by Gary Peacock, *Statement of Evidence: Tapsall and Others versus Bega Valley Council Proposed Hard Rock Quarry Lot DP 221884, "Lucas Vale", Brogo, NSW*, 78. Copy held by the author.

³As a proxy for number of adults in the Brogo locality, in 1976 110 electors voted in the NSW state elections at the Brogo polling centre. This date has been used as it is the first NSW state election where eighteen-year-olds could vote. In 1994 at the Federal election, 158 votes were cast at Brogo. Therefore, the number of voters at Brogo polling centre increased by 43 per cent between 1976 and 1994. The actual population figures are hard to ascertain for this small scale as the smallest unit of data collection, the census data collection area, boundaries can change with each census as populations fluctuate. The category 'rural remainder' is any area with less than 200 people. As village populations increase from under 200 to over 200 as Quaama and Cobargo did, these areas move from being counted in the rural remainder figure to the rural locality figure. Once a village reaches 1000 people it is classed as urban.

⁴ ABS Census data, 1971-1991.

⁵ Ian Burnley and Peter Murphy, *Sea Change: Movement from Metropolitan to Arcadian Australia* (Sydney: UNSW Press, 2004), 123.

⁶ John Holmes, 'Impulses Toward a Multifunctional Transition in Rural Australia: Gaps in the Research Agenda', *Journal of Rural Studies* 22 (2006): 145.

small-scale home-based agrarian production and homebuilding. In 2002 Professor of Planning and Urban Development Peter Murphy, argued that the movement of ‘hippies’ and alternative lifestyles into rural areas along the eastern seaboard in the 1970s convinced more people ‘of the virtues of a non-metropolitan lifestyles’.⁷ The attractions of a rural lifestyle encouraged a new wave of incoming migrants who were more diverse in ‘social and economic profiles, attitudes and reasons for moving’ than the hippies.⁸ Ideas of self-sufficiency and alternative living matured into rural lifestyles, a process which is articulated by the people who will feature in this chapter. These people—and the contest over land use into which they were drawn—reflected a further iteration of inward migration, pursuing what Holmes would identify as ‘consuming’ rural spaces for ‘market driven amenity-oriented uses’ including residential, tourism and recreation.⁹ Amenity, meaning pleasantness and agreeableness of a place or locality, is an important concept for this chapter.

Newcomers moved in to rural areas to purchase land and pursue their own, personal ideal version of a rural lifestyle as portrayed in magazines not only of an early of ‘alternative’ cast, such as *Earth Garden* and *Grass Roots*, but including later publications such as *Australian Country Style*, published from 1988 to 2008.¹⁰ Their expectations added another dimension to tensions between the newcomers and existing residents, those who had lived in the area for several generations, who expected to carry on much as they had ‘always done’. At the same time the existing residents were increasingly accepting the need for some form of development for the future of a region to which they had committed, and, as they moved in, changing patterns in that commitment.

The conflicts discussed throughout this thesis are those between individuals and groups making a claim about how they want their place, their neighbourhood, their region, to be. ‘Thowntogetherness’, a major theme in this study, gained complexity as newcomers arrived with a diversity of aspirations and expectations of their future which sometimes competed with the expectations and agendas of the existing residents. We have also seen

⁷ Peter Murphy, ‘Sea Change: Re-Inventing Rural and Regional Australia’, *Transformations*, no.2 (March 2002): 6. <http://www.cqu.edu.au/transformations>. Accessed 8 April 2011.

⁸ Murphy, ‘Sea Change: Re-inventing Rural and Regional Australia’.

⁹ Holmes, ‘Impulses Toward a Multifunctional Transition’, 145.

¹⁰ *Australian Country Style* (Sydney: Century Publishing, 1988-2008).

how that competition was influenced by, and reflected in, the broader contexts of an increasingly regulated land use planning system imposed from outside the area. While the economic marginality of the Bega Valley has been another recurring theme, by the 1990s — as a consequence of these transitions—pressures and opportunities for economic investment had become more pronounced as new areas of settlement, new services and new demographic trends were laid over the landscape. Disputes over development are far from exceptional, but the historical point is that, as the NSW state government began to plan and manage development, the negotiations between groups who have competing agendas for development has become more complex. To manage these demands, new state laws and regulations had been introduced since the early 1970s to balance the needs and wants for development while at the same time aiming to protect and improve the environment.

The dispute discussed in this chapter highlights this increasing complexity, of both the planning and development regulations and of groups opposing a proposed development coming ten years after the owner builder dispute. The previous conflicts discussed in this thesis involved citizen's interactions with local and state governments. Coastal dwellers appealed directly to local and state government bureaucracies and elected representatives. Owner builders were able to work with state government bureaucrats to help them negotiate with local government councillors and council staff. These disputes over planning, development and building involved protagonists learning new skills including technical and lobbying skills, to pursue their case with council and state government as an active dimension of their settlement *aspirations*. This chapter, however, deals with a later stage: the mobilisation of new settlers to protect their *interests*. These disputes highlight that asserting demands over and development of space is not always a top-down process from state to local government and then to local people, but instead a mix of two-way traffic in which individuals and groups are able to use a range of strategies to exert their influence and insist on their views. Rural geographer Michael Woods observes that appealing to higher levels of government for resolution of local disputes is also a feature of British rural politics as 'local activists may discover that disputes cannot be resolved at a local scale, but must be taken to a higher authority'.¹¹

¹¹ Michael Woods, *Contesting Rurality: Politics in the British Countryside* (Routledge, 2017), Chapter One, section: 'The Political Impact of Rural Restructuring'. ebook edition,

By the 1980s the complexity of processes of applying for development approvals and also objecting to proposed developments at the local level, included more systematic attention to policies relating to environmental planning and monitoring enacted by state government. Laws and processes put in place in NSW from the late 1970s included lofty ambitions to facilitate public consultation and participation in development at the planning stages. However, the laws and regulations to manage the demands of developers and those who would potentially be impacted had an inbuilt, unequal power dynamic: not everyone had the same access to the processes to resolve disputes to their satisfaction for two reasons. The first is an unwillingness on the part of decision makers to 'hear' all the voices, because of their own preconceptions, biases and political agendas. The second is a lack of knowledge and money to prosecute a case or contest a development by those potentially most affected by the development.

This chapter investigates a dispute over the development of a hard rock quarry in 1993-94 in Brogo, just up-stream from the Brogo River picnicking site, and in an area with many small acre subdivisions created over the previous twenty years. Neighbours objected to the development using provisions of the Environmental Protection and Assessment Act (EPA Act) introduced in 1979 to be discussed below. By investigating the processes of negotiation over the dispute at the micro scale we can see how difficult or easy, effective or not, was public participation in decision making, as expressed in the first iteration of the EPA Act. Examining these microprocesses and micro politics examples through the thesis reveals the agility of groups and individuals working within existing legal frameworks and systems in their quest to preserve their view or vision of their living spaces. This chapter will also demonstrate that being involved in these processes is not always easy or cost free. Massey reminds us that something different or new is created through negotiating processes, in this case a sense of solidarity and increased belonging within one group of protagonists.

Changing uses of rural lands

Emerging regimes of land zoning were central to the dispute over the quarry, and to the terms in which all parties engaged with the issues it raised for them. Zoning is the first regulatory step in managing competing demands over use of land resources. As a planning tool, zoning seeks to separate incompatible land uses and mandates allowable uses in each zone. By the mid 1980s, Bega Valley Shire Council (BVSC) recognised that activities in, and uses of, rural lands were changing, particularly in allocating allowable uses of rural lands. The introduction of Interim Development Orders in Imlay and Mumbulla Shires in 1966 marked the beginning of this process. These development orders were ‘interim’ as a first step in controlling development while more detailed land management plans were prepared. As discussed in Chapter One, development plans were costly for rural shires with a low rate base and so there were few rules for zoning in areas such as Brogo before 1980. After the amalgamation of Imlay, Mumbulla and Bega into the Bega Valley Shire in 1981 (discussed in Chapter Four), it took until 1987 to gazette a comprehensive Local Environmental Plan (LEP) to apply to the lands coming within their jurisdiction.¹² The aim of the plan was to ‘consolidate, rationalise and update existing planning controls and policies’ and replace the existing LEP and Interim Development Orders at that date.¹³ As communicated to the public, each zone was colour-coded on a map of the shire accompanying the plan. Specific rural, residential, business, industrial and environmental protection zones were identified within these boundaries. The plan detailed the objectives of each zone, permissible uses within each zone that did not require special Council consent, and those uses which did require special consent. The two categories that are important for the following discussion are Zone 1(a) Rural A and Zone 1(c) Rural (Small Holdings).

Within Rural 1(a) a variety of developments were permitted alongside farming and grazing. Acceptable uses ranging from extractive industries to professional consulting rooms indicated council’s acceptance of the need for, or pressures to, allow a broad range of additional commercial or service activities on rural lands. Allowable activities also recognised

¹² Bega Valley Shire Council, Bega Valley Local Environmental Plan 1987, gazetted 10 April 1987 (Bega: Bega Valley Shire Council, 1987), updated to 24 April 1992, 4.

¹³ Bega Valley Local Environment Plan, 4.

the rise of rural tourism in the hinterland, as well as the coastal fringe, as elements of the changing concepts of the productive landscape discussed in Chapter Two. In addition to agricultural, pastoral and extractive industries, in Rural 1(a) zone development consent from the BVSC could be sought for home businesses, home industries, retail plant nurseries, reception establishments, and tourist facilities.¹⁴

The inclusion of Zone 1(c) (Rural Smallholdings) in the plan was BVSC recognition of the value of small acre holdings and hobby farms as a valid/allowable use of rural space. The minimum size for a land holding with a dwelling in this zone was set as 5000 square metres (half a hectare or 1.25 acres). The aim of grouping rural small holdings together was to enable more cost-effective provision of services such as access roads, electricity and telecommunications. This kind of subdivision, preferred by John Hatton in 1973 as a reflection of his commitment to managing the strains of competing demands for rural lands, allowed subdivision to meet 'genuine demand' (Hatton's phrase) but not at the expense of breaking up 'good' agricultural land. Rural small holdings zone allowed a smaller range of activities than Zone 1(a), excluding more heavy industrial uses such as abattoirs, sawmills and garbage disposal areas but not quarries.

In the 1987 LEP, the minimum size for a property with a dwelling in zone Rural 1(a) was set at 120 hectares in keeping with the ambition of preserving land in viable agricultural portion sizes. In spite of this principle, BVSC had continued to take advantage of the concessional allotment conditions described in Chapter Two by allowing small acre properties to be subdivided from a larger property. Subdivisions in the general agricultural zone (Rural 1(a)) were approved with permission to build a dwelling on each property subdivided from the original larger portion if the lots were created 'lawfully for that purpose [dwelling houses] subsequent to 1 January 1981'.¹⁵ BVSC benefited by the concessional allotment policy because it increased the number of ratepayers and thus revenue for council. As a result of the extensive subdivision of land in Rural 1(a) zone in Bega Valley Shire, many rural small holdings were taken up among the larger dairy and beef farms. Over the twenty years from 1972 to 1993 thirty-three rural allotments of less than twenty hectares in size had been subdivided off the

¹⁴ Bega Valley Local Environment Plan, 9.

¹⁵ Bega Valley Local Environment Plan, 10.

fourteen farms that made up the area in Brogo from Blanchards Road north to the bottom of McLeods Hill.¹⁶ These subdivisions were within a two kilometre radius of the quarry proposal at the centre of this chapter. (Map Nine).

A quarry: background to competing demands

As noted, one of the permissible uses of land in both zones 1(a) and 1(c) was extractive industry, provided that consent for the development was granted by the Council. Extractive materials are defined in the LEP to include sand, gravel, clay, rock and stone.¹⁷ In 1992, the Australian building and construction materials company, Boral, conducted exploratory work and found hard rock (reported to be basalt and granodiorite) on Guy Lucas' property just off the Princes Highway in Brogo.¹⁸ Basalt and granite can be crushed into small rocks for industrial uses including making concrete and road building.¹⁹ Boral did not continue its inquiries after this exploration phase in 1992, deciding that quarrying would be uneconomic for their company. This exploration did, however, give Lucas, the landowner, the impetus to investigate further. The Department of Main Roads was getting ready to build a new section of highway near the quarry site to replace a narrow winding section of road at McLeods Hill.²⁰ If, at the beginning of the period covered by this thesis, road construction was a major sign of deficit for this region, by the 1990s it was—by contrast—a major area of public investment.

In 1993 Guy Lucas was a dairy farmer with a property of 445 hectares—on the larger side for owner-operated dairy production at that time. The Lucas family had lived in the Bega Valley for many generations. When I interviewed Mr Lucas in 2016, he spoke proudly of his

¹⁶ Gary Peacock, Outline Planning Consultants Pty. Ltd, 'Statement of Evidence' Prepared for Pike, Pike and Fenwick, 8. Held by the author.

¹⁷ Bega Valley Local Environment Plan, 5.

¹⁸ Boral had a concrete batching plant in Bega in 1992.

¹⁹ Guy Lucas Brogo NSW, An Environmental Impact Statement for the quarrying and processing of Granodiorite and Basalt at 'Lucas Vale', Brogo prepared by Cowman Stoddart Pty Ltd, Town Planning and Environmental Consultants, July 1993. The First EIS. Form 4 EPA Act 1979, Section 77 (3) (d), 1993, 8 and An Environmental Impact Statement for the quarrying and processing of Granodiorite and Basalt at 'Lucas Vale', Brogo prepared by Cowman Stoddart Pty Ltd (Supplementary Report), February 1994, 9-10.

²⁰ Map Nine shows the winding road to the north of the quarry site which was the route of the highway until it was realigned in the mid 1990s, widening the road to include an uphill overtaking lane and removing the dangerous bends.

own individual drive and self-improvement, with a succession of occupations to some extent marking the economic evolution of the area more generally. He started his working life in his mid-teens as a sleeper cutter in the local forests, later owning and operating heavy machinery for the same task. In the 1960s and 1970s he owned bulldozers and undertook land clearing on contract as the early phases of development called for increasing scales of repurposing local lands. He and his wife also purchased dairy farms after they were married. By the mid 1980s they had installed a 'rotolactor'—a motor driven rotary milking machine—and also saw an opportunity to display the milking operation to visitors, selling milkshakes and other refreshments, and creating a tourist destination on their dairy farm in Brogo.²¹ This combining of a working dairy farm with a tourism venture is itself a reflection of the changing productive landscape. It also reflects, Lucas' entrepreneurial spirit. He detailed many other entrepreneurial ventures since the 1980s in his interview with me.²²

After Boral decided it was uneconomic to extract the rock resource at a large scale from his property, Lucas determined to go ahead with his own venture. He submitted a Development Application (DA) for the Brogo quarry to BVSC in July 1993 with an accompanying Environmental Impact Statement (EIS) as required under the EPA Act 1979. The EIS was prepared by town planning and environmental consultants, Cowman Stoddart Pty. Ltd., a Nowra based company, in accordance with clauses 34 and 35 of the Environmental Planning and Assessment Regulation Act, 1980.²³ The statement covered aspects including planning considerations, a description of the proposal, the expected impacts on the environment and a justification for the development. It also included mandatory surveys of flora and fauna, expected noise and dust impacts, and the impact on traffic on the highway. The EIS stated that crushed basalt from the site would provide suitable aggregate for concrete manufacture, road base, road sealing aggregate, rail ballast (the nearest railways are at least 200 km away at Canberra and Nowra), boulders for armouring sea walls and rock walls, and weathered rock for filling purposes.²⁴

²¹ 'Sapphire Coast's Happiest Holiday', *Canberra Times*, 1 March 1984, 2.

²² Guy Lucas, interview with the author

²³ EIS. 1993. Form 4 EPA Act 1979, Section 77 (3) (d).

²⁴ EIS, 1993, 8.

The BVSC had the responsibility for approving or disallowing the development application and Councillors took advice from their Planning Department staff on the appropriateness of the development, within guidelines set in the EPA Act 1979 to be discussed below. The BVSC Planning Department supported Lucas' development application, noting that Council had been looking for a new source of rock for its own operations. The Director of the Council's engineering department informed the Planning staff that there was a genuine need for a rock quarry in the northern part of the shire, given that rock was then being sourced from as far away as Cooma.²⁵ The Council had already taken a lease on a quarry at Wallagoot but was not able to use any of the resource because it was not legally allowed to use the road into the quarry.²⁶ The growth of population in the rural parts of the Shire, outlined at the beginning of this chapter, meant increased use of unsealed rural roads, in turn building pressure to maintain and upgrade those roads.

Local Government as Consent Authority

Local government had powers to make planning decisions in its area since the 1945 addition to the Local Government Act discussed in Chapter Two. These powers have, however, been modified and qualified through the 1970s as changes in environmental awareness in the general public and at State government level was leading to legislative change to protect the environment. A continuing theme in this thesis is examining the State government and general public's increasing interest in protection of the environment through the second half of the twentieth century. At this point, it is worth noting the extent to which these interventions had drawn on various formulations of environmental concern. From 1906 local governments in NSW had been responsible for dealing with/oversight of sanitation and various pollutants referred to as 'nuisances' including smoke, noise, animals and animal waste, and putrescence, using powers of the Local Government Act and the Public Health Act. This heritage was not lost to legislators or arbitrators. In 2007, Judge Preston, Chief Judge of the Land and Environment Court, reviewing the development of environmental law in NSW, argued that, as population and industrialisation accelerated after World War Two, existing laws and

²⁵ Building and Planning Services Ordinary Report to the Bega Valley Shire Council Meeting of 14 June 1994, 53 which is a copy of Planning and Building Services Ordinary Report, 23 November 1993, 62.

²⁶ '\$45,000 for quarry that can't be used', *Bega District News*, 17 May 1994, 1.

regulations were no longer adequate to deal with the scale of pollution generated by increased extractive and industrial activity.²⁷ State efforts to manage increasing pollution had begun in earnest with the passing of the Clean Air Act 1961: an act 'relating to the prevention and minimising of air pollution'²⁸ previously covered by the Smoke Nuisance Abatement Act and the Local Government Act 1919. In 1970 the NSW Clean Waters Act was passed with comparable objectives. As solicitor Max Staples argues, in a liberal democracy, the laws in force at any one time 'more or less represents the attitudes of the populace'.²⁹ Therefore the introduction of these acts marked the interest of 'the populace' in living in an environment with clean air and clean water. In 1972 the Premier, Sir Robert Askin, also began to take environmental issues seriously, declaring that his government 'recognises that an increasingly urgent responsibility rests upon the community to preserve the quality of our environment and maintain conditions under which man and nature can exist in productive harmony'.³⁰ Political and regulatory pressures combined in ways that could have distinct local impacts far from the centres of power.

In keeping with Askin's declaration of the importance of caring for the environment, Jack Beale, Member for South Coast, promoted environmental planning as 'the only feasible way to plan economic development whilst maintaining a quality environment'.³¹ Beale was Minister for Conservation from 1965 until 1971 and was then appointed as the Minister for Environment Control in March 1971, a ministry he held until he left parliament in December 1973.³² Environmental planning measures included requiring developers to prepare impact statements including studies of the environment before commencement and the probable effects of their proposed developments.³³ Beale argued that these impact statements were

²⁷ Brian Preston, *Environmental Law 1927-2007: Retrospect and Prospect*, Judges' Review Conference 2007: Past, Present and Future Perspectives on the Law organised by the Australian Law Journal, Sydney 2007.

²⁸ New South Wales Clean Air Act, no. 69, 1969.

²⁹ Max Staples. 'Who Owns the Landscape; and is there a Right to a View?' in *Rural Lifestyles, Community Wellbeing and Social Change: Lessons from Country Australia for Global Citizens*, edited by Angela T. Ragusa (Bentham Science Publishers, 2014), 7.

³⁰ Jack G. Beale, 'Environmental Impact Policy', *Ecolink Report*, May 1972, 2.

³¹ Jack G. Beale, *Environmental Planning within the Environmental Impact Policy of the Government of New South Wales* (Sydney: Department of Environment, 1973), 15.

³² NSW Parliament, Former Members Page, The Honourable Jack Gordon Beale, <https://www.parliament.nsw.gov.au/members/formermembers/Pages/former-member-details.aspx?pk=1765>. Accessed 4 June 2020.

³³ Beale, 'Environment Impact Policy', 3.

necessary to limit the amount of conflict or opposition to projects as they were proposed and built. Beale urged developers to embrace the environmental impact study process, in spite of its costs, because, by considering all of the environmental impacts in the planning phase of a project, there would be fewer objections when a development application was lodged.³⁴

The idea of environmental planning had broad in principle support from both sides of politics at the state level. Through the 1970s the NSW Planning and Environment Commission (PEC), which took over from the State Planning Authority in 1974, worked with the Askin/Lewis/Willis government until 1975 and then the Wran Labor government to introduce an Environmental Protection Act. The Liberal Country Party put its Environmental Planning Bill before parliament in April 1976 just before that parliament was prorogued. The incoming Wran Government followed with extensive public consultation and dissemination of information by the PEC.³⁵ This work culminated in the passing of the Environmental Planning and Assessment Act, 1979 (EPA Act).³⁶ This new legislation gave the Department of Environment and Planning far reaching responsibility for developments which had state and regional significance.

Local government retained the power to determine development applications within its own shire that were not of regional or state significance. The local council became the consent authority delegated to determine the development application. The Act includes a list of eighteen factors that the consent authority must consider when determining a development application.³⁷ These factors were addressed in the Environmental Impact Statement submitted with the development application (DA). The extensive list of factors for consideration by the consent authority reveals how the state level environmental protection laws increased the regulation of local government processes and procedures and decreased local government's power to make parochial or ad hoc decisions that might favour particular developers.

³⁴ Beale, 'Environment Impact Policy', 4.

³⁵ NSW Planning and Environment Commission, *Annual Report 79/80*, 7. NSW premiers list at <http://australianpolitics.com/states/nsw/premiers-of-nsw-since-1856>. Accessed 29/9/2016.

³⁶ The PEC presented a previous iteration, the Environmental Planning Bill in 1976 but this bill lapsed as parliament was prorogued for the 1976 election. PEC *Annual Report 79/80*.

³⁷ EPA Act, No. 203, 1979, Clause 90.

The Quarry

When the development application for the Brogo quarry was lodged with BVSC, Council staff commenced the approval procedure by detailing the proposal in local newspapers for local comment, notifying landholders likely to be affected and requesting submissions on the EIS from sixteen relevant government agencies—all actions required by EPA legislation.³⁸ This extensive consultation indicated how much had changed in the management of potential contests over land use and values in a few decades. Diverse voices now had an officially sanctioned pathway to express their interests and concerns: public participation in the ‘determination of development applications’ was now an integral part of the EPA Act.³⁹

The processes set out in that Act gave neighbours and other interested citizens the ability to voice concerns about the effects of a proposed development to the authority who had the power to allow or disallow the proposed development. The hope or expectation was that the consent authority, in this case the elected representatives of the BVSC, would weigh the evidence from the EIS with the comments and concerns expressed in submissions, not only from neighbours but also the other government authorities. Councillors were to make their assessments with reference to factors including: the need for the development; the adequacy of measures to minimise environmental damage; the concerns voiced by neighbours and other interested parties. Also mandated in the Act were clauses to allow anyone dissatisfied with the decision of the consent authority to appeal to the Land and Environment Court, itself established under the EPA Act for this purpose.⁴⁰

I interviewed the developer and four Brogo residents who were at the centre of the dispute surrounding the quarry proposal, seeking to ascertain how they came to appreciate

³⁸ BVSC Building and Planning report 23 November 1993, p.47 (attachment to Planning Report to Council meeting of 14 June 1994, 38).

³⁹ Paul McFarland, ‘The Best Planning System in Australia or a System in Need of Review? An Analysis of the New South Wales Planning System’. *Planning Perspectives* 26, no. 3 (2011): 406 and Preston, *Environmental Law 1927-2007*, 21.

⁴⁰ David Robinson, The Environmental Defender’s Office NSW, 1985-1995, *Environmental Planning and Law Journal* 13, no. 3 (1996): 155.

and articulate their respective interests. Their testimony highlighted the circumstances and patterns of change in such advocacy over the decades covered by this study. Three of the residents lived close to the proposed site and a fourth person became more involved in a later stage of campaigning. It was twenty years after the events took place, so time had blurred memories of the exact sequences of events. Oral historian Thompson argues that sequences and chronology are weak aspects of oral history interviews.⁴¹ Yet while times and dates may not be exact, some actions and events were still very clear in the recollections of these interviewees twenty years later, highlighting the impact such involvement had on each individual.

I also interviewed two of the BVSC councillors who were serving on Council during the eighteen months that Council considered the development application for the quarry. Edna Duncanson had been a councillor for twenty years, first on the Bega Municipal Council from 1974 then on the BVSC. She was Shire President from 1988 to 1991⁴². Jack Miller, a local environmentalist, served as a councillor from the late 1980s until 1999. Their interviews covered a range of topics including governance, owner building and conservation activities discussed in Chapters Three and Four. Neither had very strong memories of Brogo quarry development application and considered the events surrounding the approval of the quarry as an unremarkable part of their duties. As will be outlined later in this chapter, the Councillors were dealing with other, more difficult issues during this period in office. If, for them, legislation had formalised procedures to be followed on such issues, the same ease was not always shared by others making use of these provisions.

The process of making objections to the quarry development and appealing the approval of the council's development consent in the Land and Environment Court, in itself created a set of documents that have been used extensively in this chapter. Much of this documentation, which was retained by one of the participants in this project, includes technical aspects including expert reports on noise and dust levels, sediment dams, blasting, and over blast effects. Appellants wrote directly to the Court, explaining how they thought the proposed quarry would affect their way of life and the aspects of the development that

⁴¹ Paul Thompson, *The Voice of the Past: Oral History* (Oxford: Oxford University Press, 2000), 167

⁴² 'New Council Started the Hard Work', *Bega District News*, 1 July 2011, 35.

concerned them. These letters and statements also express why people moved to Brogo, what they appreciated about living in the area, and what they thought they would lose if the quarry operated in their neighbourhood. These documents capture the views and interests of those residents at that moment in 1994. The retention of the documents also perhaps indicates something of their enduring importance for the individuals concerned, not least because the initial licence to operate the quarry only lasted ten years: keeping these records was also a way of preserving the resources for future engagement in the issues. Finding a voice, and being heard, are constant themes in this study: the formality of these processes by the 1990s is significant in itself. The content of the interviews, read side by side with the documents created by, and on behalf of, the Brogo Residents Amenity Group (BRAG), forms the basis of the evidence for this chapter. The BRAG documents provide formal texts written for the purpose of persuading the reader, in this case the consent authority or the court, that the development was not favoured by the writer and the reasons for that. The interviews add an extra dimension in that the participants were able to recount their emotions and the actions behind the scenes as the dispute unfolded, and a sense of how the dispute affected or brought together neighbours who often, prior to the dispute, did not know each other. BRAG was formed as concerned residents came together to respond to this issue, maximising common interests and taking advantage of complementary expertise.

The members of BRAG were all living within sight or sound of the quarry, but none claimed conventional farming as their primary or sole source of income. A list of names and addresses from 1994 in the BRAG files lists ninety-one residents living in fifty-six households in the Brogo area. Of these, thirty-nine residents are listed as appellants to the Land and Environment Court. Appellants were those who wrote letters to Council objecting to the development when it was advertised in March-April 1994. The list of occupations of appellants reveals a broad range of employment in this rural community, not least the extent to which a services sector had grown as one dimension of the region's demographic transformation. Twenty-five list their occupations: six teachers, four clerks, three in social services and a variety of other occupations including catchment manager, electrician, fleet inspector and computer consultant. Seven identify their role as home managers, four describe themselves as retired or pensioners. Only three of the thirty-nine refer to themselves as unemployed. This list of occupations reveals the diversity of the Brogo residents both in education and

occupation—and also aspects of the evolution of the local economy and society. The educational requirements for the stated occupations of appellants reveals that many members of this group had tertiary qualifications. The interviews reveal they also had skills to draw on, including previous involvement in community groups. None of these people are recorded as being involved in the owner builder dispute ten years earlier; nor were they in any way associated with the issues covered in Chapter Three except for Councillor Miller. These residents lived within a few kilometres of the main highway though the area, and to some extent were defined by the mobility, services, development and opportunities that came with living in this part of Brogo.

Out of the process of writing and interacting with Council, leaders emerged within the group. They were also the ones living closest to the proposed quarry, their residences and agricultural activities identified on the EIS as likely to be most affected by dust and noise. They, therefore, had the greatest interest for the quarry not to go ahead. This chapter relies heavily on the memories of three of the protagonists, two of whom became spokespeople for the group in the resultant court case.

Linda appears on the court documents as the primary appellant in contesting the development approval for the quarry. She had purchased her property only three years before. The property had river frontage with large granite boulders emerging out of a chain of deep ponds shaded by tall casuarina trees on the riverbank. She had searched for some years for a suitable property, her criteria being for a small acreage, permanent water supply, north facing aspect and good soil for food production. She wished to graze thoroughbred horses and cattle. This property in Brogo had all these features including the river access for water supply and for recreation including fishing. The elevated position of this property created long views over surrounding farms and forests of Mumbulla Mountain. She valued the peaceful, quiet aspect of the property but also its relative proximity to the highway and her workplace in Bega.⁴³

⁴³ 'Linda', Statement of Evidence to Land and Environment Court. Copy held by the author.

Richard and Michelle, with a small acre property on the southern side of the river, had also spent several years in the early 1980s looking for a property to meet their criteria, which included access to permanent water supply, fertile soil and north facing aspect. Their land was the closest to the quarry site and at the time the quarry was proposed they were completing their permanent dwelling.⁴⁴ While the couple worked in the Snowy Mountains during the week, they visited their property every weekend and holiday. They had spent time and money developing an organic orchard producing dessert peaches, varieties specifically chosen to ripen at peak tourist time in December and January taking advantage of holiday customers for locally grown fresh fruit. In the same way that they were invested in the development of the peach farm, Richard and Michelle were equally involved in the campaign to stop the quarry. I interviewed them together. British oral historian Graham Smith argues for the benefits of group interviews for eliciting memories and understandings of past events.⁴⁵ He notes that when couples who have been in a long relationship are interviewed together, they can correct information and reinforce or stimulate the recollections of the other.⁴⁶ This was true for Richard and Michelle. While at times they talked over each other making listening to each voice tricky, the strategy of interviewing them together was successful as they reminded each other of events or happenings, adding depth to the story of the events they were discussing, and highlighting the place of the dispute in the dynamics of their own relationship. The decision to interview them together was partly an ethical one since I did not want to burden them by taking up more of their time. But I was also interested in the ways in which personal relationships might shape such advocacy, as one of the elements that could shape, support or hinder involvement in such a dispute. They did not question that they would both be interviewed at the same time. Of course, had they requested separate interviews I would have met that request.

At this point I declare that I was one of the appellants listed in the legal case. My family home was in the outer circle of interest, being two kilometres away from the quarry site: we were one of the families that met at the river on hot summers days. In 1981, my husband and

⁴⁴ 'Richard' and 'Michelle', interview with the author.

⁴⁵ Graham Smith, 'Remembering in Groups: Negotiating Between "Individual" and "Collective" Memories, in *The Oral History Reader* edited by Robert Perks and Alastair Thomson, third edition (Oxford: Routledge, 2016) Kindle edition. Part Two: Interviewing.

⁴⁶ Smith, 'Remembering in Groups: Negotiating Between "Individual" and "Collective" Memories'.

I bought a run-down weatherboard house, built around 1885 as a coaching station and on the route between Bega and Cobargo adjacent to the crossing of the Brogo River. We moved to Brogo, attracted by the opportunity to try a self-sufficiency rural lifestyle, with all the naivety and hope implied in that statement. As the reality of living with little or no income set in, my husband, a forestry school graduate, set up a plant growing and retail plant nursery small business. The constant water available with a commercial water licence enabled the business to succeed and the river also supplied the water required for our home gardens and orchard. The business was also successful because the increasing number of small acre landholders in the district created a demand for fruit trees for orchards and native trees and shrubs for domestic gardens and to revegetate degraded farmland. The site from which we pumped water and the swimming hole and beach, the site of the summer picnics, were down stream of the quarry. My concern with the proposed quarry was that in high rainfall events run-off from the quarry site would enter the river decreasing our water quality and diminishing our livelihood. I was also concerned that this quarry, an industrial land use, was incompatible with the pleasant rural landscape and very small-scale agriculture (home fruit and vegetable and chicken/egg production) and grazing. I also felt that the BVSC had actively, by its policy of allowing concessional allotments, created the situation now under contest—people had moved to Brogo to enjoy living on a small property in a rural area, taking up semi-commercial or ‘productive’ uses of their property. Then they had to accept an industrial development which seemed incompatible with small scale rural lifestyle properties and with the kinds of production the land now supported. As the quarry development application was being discussed, more small rural properties were approved in a subdivision on the other side of the highway from the proposed quarry at Pioneer Close. Part of my motivation was also solidarity with land holders closer to the development, having this seemingly incompatible land use thrust upon them. The advantage of being an insider to this dispute is that the participants were, I think, willing to be candid with me and enabled more open discussion.

As BRAG came together, individuals and group members used a range of techniques to gather information and support to further their cause in challenging the development of the quarry. Initially residents most affected, those whose residences were identified in the EIS, took individual steps to ascertain likely outcomes and effects on their properties. Residents who had been seeking advice individually then met in private houses to share

information they had collected through their own networks and by contacting people who they thought might assist them. One person had a family member who was a geologist, another a hydrologist. Linda remembered that it was ‘like a TV detective show’, with different people following up leads and then reporting back to the group with the information they had gleaned.⁴⁷ The group held many meetings: questions were raised and members were assigned to find the answers to these questions and then inform the group. Linda said ‘group members did some of the legal work and everyone did bits and pieces. It was really good that we had the skills in our group to do that’.⁴⁸ Michelle remembered doing research, completing paperwork and going to group meetings and meetings with the consultants the group hired to pursue their case.⁴⁹ One member had para-legal training and she and others did as much of the paperwork as possible to cut down on the legal bills.⁵⁰

Reaching further out to the State-level bureaucracy, group members also contacted representatives from government departments mentioned in the EIS. They were able to arrange a meeting with Mr William Dove, Environmental Protection Officer responsible for the South East NSW, representing the NSW Environment Protection Authority. Dove visited from Wollongong on 29 September 1993.⁵¹ Meeting with a delegation of Brogo residents near the river, Dove expressed his concerns for the health and wellbeing of those living in such close proximity to the site. He highlighted the potential dangers to business, property and the environment posed by a quarry so close to the Brogo River.⁵² One detail of State-wide quarry design protocols that residents were to learn in their fact-finding efforts was a NSW Department of Environment and Planning recommendation that ‘buffer zones [around quarries] are necessary to ensure the development of compatible surrounding land uses to avoid land use conflict between incompatible uses’.⁵³ The Environmental Protection Authority established minimum buffer zone around quarries was 1000 metres.⁵⁴

⁴⁷ ‘Linda’, interview with the author, 10 September 2015.

⁴⁸ ‘Linda’, interview with the author

⁴⁹ ‘Michelle’, interview with the author.

⁵⁰ Information from Linda and, Richard and Michelle’s interviews

⁵¹ BRAG letter to Claire Lupton. Copy held by the author.

⁵² BRAG letter to councillors and journalists dated 12 October 1993. Copy held by the author.

⁵³ Nolan and Associates, Review of Bega Valley Development Application No. 93.1239, 2. Copy held by the author.

⁵⁴ Gary Peacock, Outline Planning Consultants Pty. Ltd, ‘Statement of Evidence’ Prepared for Pike, Pike and Fenwick, 2. Copy held by the author.

In keeping with the mandated aim of ‘community consultation’, the BVSC planning department arranged an on-site meeting supported by the developer in November 1993.⁵⁵ Affected persons and all councillors were invited to this meeting. Council staff and the developer’s consultant experts attended. The BVSC planning department staff reported to councillors that ‘the meeting afforded concerned residents the opportunity to visualise the site and ask questions of the applicant. Councillors were afforded the opportunity to hear public concerns, view the site and ask questions’.⁵⁶

Michelle and Richard, the peach farmers, offered an account of their experience of what was likely to have been the same meeting at the quarry site with councillors in attendance.⁵⁷ In reflecting on this account, we should keep in mind Thompson’s argument that one value of oral evidence is in conveying personal historical perspectives and retrospective interpretations: interviewees narrate their interpretations of past events seen from the present. Nonetheless, Thompson reminds us that any untruths told are psychologically true for the interviewee.⁵⁸ Richard and Michelle—in an exchange which highlighted the weaving of their own personal dynamics through their experience and the benefits of being interviewed together, reinforcing points and adding to the story—told me the reasons why they became so involved in the quarry dispute:

Richard: it was supposed to be a hard rock quarry...it was going to go on forever...

Michelle: and there was going to be a big rock crusher and

Richard: and, yes, a huge rock crusher and then, when they sited the thing, and you had a look at how far it was from our house, which we’d already built...it was about three hundred metres from the house. Well, that was pretty alarming!

Michelle: and in full view, wasn’t even tucked [in].⁵⁹

⁵⁵ BVSC Building and Planning Services, Ordinary Report 23 November 1993, included in the report of 14 June 1994, 48.

⁵⁶ BVSC Building and Planning Services, Ordinary Report 23 November 1993.

⁵⁷ The BVSC Planning Department records very few meetings at the quarry site itself.

⁵⁸ Paul Thompson, *The Voice of the Past: Oral History* (Oxford: Oxford University Press, 2000), 161-162.

⁵⁹ ‘Richard’ and ‘Michelle’, interview with the author.

Both had memories of the reactions of two of the women BVS councillors, Kay Rogers and Beryl Schaefer, at an on-site meeting. Both councillors were community stalwarts and leaders in the local branches of a variety of community organisations including the Red Cross and Agricultural Show Societies with deep local connections in the farming and business communities.⁶⁰ Michelle thought that Rogers ‘was behaving as if we were a bunch of rabble, who were actually trying to cramp Guy Lucas’ lifestyle, maybe pauper him, make it really hard for him to make a good honest living by objecting’. Richard remembered Rogers and Schaefer as being ‘almost pugilistic’ and setting a tone of ‘us and them’: the objectors (newcomers) against the established community and established land use practices.⁶¹ It is unlikely that theirs is a verbatim record of what was said, but their recollections of this encounter confirm that Michelle and Richard felt that they were not being addressed or even heard. Michelle put it like this: ‘So we thought she was just poo-pooing our fears’ and Richard continued ‘that’s what it felt like, and that’s what provoked it really...and we started going around garnering support’.⁶² ‘Garnering support’ involved holding private meetings, gathering signatures on petitions and encouraging neighbours to write personal letters to Council expressing concerns over the development of the quarry.

As this concern gained momentum, in large part through such shared moments, residents extended their engagement with the issues, reading the EIS and gathering as much information as they could in order to present their concerns to Council. The EIS was over 100 pages. The specialist reports required for the EIS and the approval of the DA include vocabulary, statistics and quarry design diagrams distinct to the expertise of each specialist consultant. These were details that a lay person with no prior knowledge of geology or quarrying would find difficult to understand, meaning that it was not clear what the effects of the proposed quarrying operations would be at each residence. Technical sections included assessments of air quality, dust deposition rates, likelihood of fly-rock escaping and hitting nearby residences, noise levels from the quarrying processes and the effects of overpressure

⁶⁰ Claire Lupton. ‘A Driving Force’, Bega District News, 23 September 2010. <https://www.begadistrictnews.com.au/story/1078887/a-driving-force/>. Accessed 3 July 2020 and Ben Smyth, ‘Beryl, A True Gem of Cobargo Community’, Bega District News, 3 September 2015. <https://www.begadistrictnews.com.au/story/3325473/beryl-a-true-gem-of-cobargo-community/>. Accessed 3 July 2020.

⁶¹ ‘Richard’ and ‘Michelle’, interview with the author.

⁶² ‘Richard’ and ‘Michelle’, interview with the author.

and ground vibration from blasting of rocks at each of eight residences identified as being within 1000 to 1500 metres from the quarry site. One residence was identified as being 600 to 700 metres from the site.⁶³

Council received seventeen written objections from the public, four petitions with a total of 168 signatures, a report from a firm of planning consultants commissioned by an objecting resident, and two submissions from Russell Smith MP, the Liberal State local member on behalf of constituents. The points of objection to the quarry included impacts of dust, erosion, siltation and pollution of Brogo River, noise/blasting/vibration, incompatible land use and visual impact.⁶⁴ Three additional concerns of residents that appear in the objections were not dealt with in Planning Department considerations. The first was decreasing land values. Both Linda, and Richard and Michelle received advice from real estate agents that the value of their properties would be diminished by a quarry at the proposed location. The second issue related to increased heavy truck movements on the highway. Residents perceived this aspect of the development as a risk particularly to children in school buses travelling what was a particularly narrow winding section of the highway at McLeods Hill and the narrow section at the Brogo Bridge and Pass. The third issue that was not adequately considered was the amenity of the area: an aspect that was highly valued by the BRAG members.

The first DA and EIS were put to BVS Councillors at their general meeting on 23 November 1993. A majority of Councillors voted to allow the development based on advice received from the BVSC Planning Department. A detailed report recommended the approval of the DA, stating that the 'points of objection raised do not warrant refusal'.⁶⁵ The approval included twenty four conditions of consent, additional to the provisions in the original EIS.⁶⁶ The BVSC Planning Department staff argued that the concerns of residents and government departments were all addressed in the conditions of consent which included additional (additional to provisions offered in the EIS) conditions for blasting and drilling, dust

⁶³ EIS, 1993.

⁶⁴ Planning Department, Report to BVSC, 23 Nov 1993, 56.

⁶⁵ Planning Department, Report to BVSC, 23 Nov 1993.

⁶⁶ Building and Planning Services, BVSC, Ordinary Report, 14 June 1994, 13.

suppression and noise abatement. The large number of additional conditions imposed by the Council's staff suggests that the proposal as presented in the EIS did not fully address all the factors that should have been included based on the requirements set in Clause 90 of the EPA Act discussed above.

After the period for submissions ended, but before the Councillors had voted on the DA, the BVS General Manager forwarded the submissions objecting to the proposed development to officers at the NSW Department of Planning, as mandated in the EPA Act.⁶⁷ Before a response had been received from the NSW Department of Planning, the development application was put to and passed by a majority of BVS Councillors on 23 November 1993.⁶⁸ On 3 December, the BVSC General Manager received in a strongly worded letter from the Manager of the Assessments and Major Hazards Branch at the NSW Department of Planning (signed on 30 November 1993) expressing concern at the adequacy of the EIS, based on the submissions and the letters of objection from neighbours.⁶⁹ This letter told the General Manager that the developer 'needs to resubmit' the plans and detail how water would be managed on site and 'demonstrate how effective containment of contaminated runoff would be obtained'.⁷⁰ The National Parks and Wildlife Service (NPWS) also requested a more detailed archaeological report. The development application was rescinded, and the developer was requested to provide more detailed information in the form of a supplementary EIS to address the concerns of both the Department of Planning and NPWS. The developer prepared a supplementary report to address these concerns and the EIS and supplementary EIS were resubmitted and advertised again for public comment between March and April 1994.

The NSW Department of Planning was keeping a close watch on what was happening in the BVSC at this time. The first decision to approve the quarry in November 1993 by a majority of councillors had occurred in a very volatile time for the Council as the Shire

⁶⁷ EPA Act 1979, Clause 87 (3).

⁶⁸ Building and Planning Services, BVSC, Ordinary Report, 14 June 1994, 13.

⁶⁹ Letter from NSW Department of Planning, Manager Assessments and Major Hazards Branch to General Manager BVSC dated 30 November 1993, included in the Supplementary EIS dated February 1994. Held by the author.

⁷⁰ Letter from NSW Department of Planning, 30 November 1993.

President, L. R. (Mick) Allen, was in conflict with the NSW Planning Department and the Department of Local Government. Allen was a part-owner of a caravan park on the shoreline at Twofold Bay. In 1991, he had the sand dunes adjacent to the beach, already zoned for coastal protection, flattened and proceeded to erect six holiday cabins there without development consent from BVSC.⁷¹ In April 1993 an independent inquiry commissioned by the State government recommended that the Council 'immediately rectify' the unapproved coastal development (that is, remove the cabins). The BVS Councillors voted 6 to 5 to defy this recommendation and seek their own legal advice on whether development approval was required. Allen had a voting bloc of support, one newspaper report calling it a faction: several fellow councillors were interested in development of the Shire.⁷² Councillor Jack Miller moved to adopt a motion to remove the cabins, but the vote was lost. Miller expressed his frustration that councillors were ignoring expert advice from an independent consultant and the NSW Crown Solicitor.⁷³ In September 1993, business journalist Ian Verrender wrote an article for the *Sydney Morning Herald* comparing the lack of development on the South Coast to the rampant development on the North Coast. In his report Verrender noted Allen's 'devout' belief in development, more specifically that Allen perceived the need for 'rapid tourist development, manufacturing industry and possibility even a pulp and paper mill or a brewery' in the Bega Valley Shire.⁷⁴ Verrender must have interviewed Allen while researching this article as he noted that Allen hated 'greenies' and blamed them for the lack of development in the Shire.⁷⁵ As well as Miller, there were two other Councillors who were considered 'green', Roland Breckwoldt and Vicki Wootten. Breckwoldt, author of several non-fiction titles of wildlife and nature conservation, had a diversity of interests and roles, including running a beef cattle property in the Candelo district during the 1990s, having previously held positions in the NSW Department of Agriculture, then NSW NPWS between 1966 and 1973, before taking teaching and research roles in ecology at the Australian National University.⁷⁶ In her

⁷¹ Amanda Meade, 'Council to Defy Government Advice on Van Park', *Sydney Morning Herald*, 28 April 1993, 12.

⁷² Meade, 'Council to Defy Government'.

⁷³ Meade, 'Council to Defy Government'.

⁷⁴ Ian Verrender, 'Do Not Disturb: The Slumbering South Coast', *Sydney Morning Herald*, 11 September 1993, 122. The pulp mill was part of the agreement between the Federal and State Governments to permit woodchipping in the 1960s but was never built.

⁷⁵ Verrender, 'Do Not Disturb'.

⁷⁶ Roland Breckwoldt, Honorary Lecturer, Fenner School of Environment and Society https://fennerschool.anu.edu.au/people/visiting/roland-breckwoldt#acton-tabs-link--tabs-person_tabs-middle-1. Accessed 3 July 2020. Roland Breckwoldt, Biographical Note, Guide to the Papers of Roland

councillor role, Vicki Wootten worked to promote environmental protection, social justice, the development of community services and improved social planning.⁷⁷ In explaining this division in the Council, it should be noted that the BVS was not divided into wards, so candidates could be elected by voters from across the whole shire. Since its inception in 1981 the majority of BVS Councillors have not represented the established political parties but a wide cross-section of interests. The presence of councillors who supported environmental causes shows enough voters supported candidates with such interests to have three representatives in a council of twelve, even if the majority supported candidates with business, farming, development or town interests. This electoral pattern meant that the Council itself came to reflect the increasing diversity of the region, and the impacts of social change within it.

As directed by the NSW Planning Department, the original and supplement EIS reports were re-advertised in March 1994, giving the residents more time to gather support, refine arguments against the quarry, seek expert advice and a second chance to object to the proposal. By this time the residents objecting to the development had formed themselves into that more organised group, the Brogo Residents Amenity Group (BRAG), noted above. The residents purposely used the word amenity in the name to signal that they were acting to keep the pleasing aspects of their surroundings in Brogo and did not want a noisy, dusty industrial use to impinge into the landscape. Amenity is a word used in the EPA Act 1979 meaning the concept has legal acceptance. Clause 90(o) says that the consent authority must take into consideration ‘the existing and likely future amenity of the neighbourhood’.⁷⁸

As already outlined, group members had been seeking support and information where-ever they could, writing petitions and contacting their local members, individual councillors and also the local journalists. Michelle, the peach farm partner, told me she had contacted the Australian Conservation Foundation but was told that as a national organisation

Breckwoldt, National Library of Australia, <https://nla.gov.au/nla.obj-299195286/findingaid>. Accessed 15 September 2020.

⁷⁷ Vicki Wootten Loses Battle with Cancer’, *Bega District News*, 17 March 2008, <https://www.begadistrictnews.com.au/story/1075014/vicki-wootten-loses-battle-with-cancer/>. Accessed 3 July 2020.

⁷⁸ EPA Act 203, 1979 Clause 90(o).

they did not deal with local issues.⁷⁹ Richard, her partner, remembered seeking advice from the Environmental Defenders Office (EDO) in Sydney. Set up by a group of environmental lawyers in 1985, the EDO offered assistance in cases where a citizen or citizen group was objecting to a development in the Land and Environment Court. It arose from the initiative of lawyers who had created the Environmental Law Association in 1981, having identified that citizens appealing to the court rarely had 'adequate legal advice and representation': there was a power imbalance or information imbalance between developers and objectors.⁸⁰ While a developer could pay for consultants and lawyers to strengthen their case from the future profits of a development, objecting citizens had to work their way through a vast amount of technical and legal information to put their case and contest the evidence of such well-paid experts. The EDO offered advice to objectors to a development in the first instance and by the time of the Brogo quarry case (1992) had prepared at least forty-two printed fact sheets on topics that were useful to citizens.⁸¹ In the Brogo quarry case, the EDO provided written advice on objecting to development proposals and how to appeal the development consent in the Land and Environment Court.⁸²

The process of preparing the EIS and designing the development to conform to high standards of quarrying to mitigate damage to environment was complicated and undertaken by specialist geologists, hydrologists and planning consultants. The EPA Act states that adjacent landholders and near neighbours must be notified of the proposed development and given the opportunity to view and comment on the EIS. The Act states that in making a submission to the consent authority about a proposed development, the submission should state the reasons for objecting to the development.⁸³ BRAG members objected to the proposal on many grounds, including: incompatible land use (a quarry in an area with so many small acre properties); runoff and sediment into the river especially in high rainfall events; possibility of decreased water quality (including at the swimming hole, but also for people

⁷⁹ 'Richard' and 'Michelle', interview with the author.

⁸⁰ Robinson, 'Environmental Defender's Office', 156.

⁸¹ BRAG records include copies of sixteen fact sheets on topics. Environmental Defender's Office, *Environmental Law Fact Sheets* including, No.8 'Development Applications', No. 10 'Due Diligence and the Environmental Offences and Penalties Act', 1989 (NSW), no. 16 'Experts in Environmental Impact Assessment and the Land and Environment Court', no. 29 'Organising an Environmental Group'.

⁸² David Mossop, Environmental Defender's Office, Letter to Mr P. Boreham, Re: Cowman Stoddart Pty Ltd Quarry Proposal, 30 June 1994. Held by the author.

⁸³ Environmental Protection Act, Act 203 1979, Clause 87, 60.

drawing water for 'stock and domestic' and irrigation purposes along the river downstream); the noise of blasting and crushing the rocks; the potential for dust covering property including grass feed for animals and fruit and vegetables in home and commercial orchards; and the increase of heavy truck movements on the highway.⁸⁴ Objecting to the quarry in a meaningful way required the objectors to process and assimilate information about calculating the impact of overburden and blasts, noise abatement and decibel impacts—or pay experts to prepare those reports. Rural residents do not necessarily have spare cash to pay for this advice and expertise and at least early in the campaign did their own research to write letters to the BVSC expressing their objections.

The EIS, Supplementary EIS and development application were resubmitted to Council in March 1994, after which the process of advertising, notifying neighbours and receiving submissions began again. The DA was presented to the BVSC meeting on 14 June 1994 and the BVSC Planning Department again recommended that the development be approved.⁸⁵ There were more objections to the development after the second advertising period, with thirty-six individual letters objecting to the proposal, two letters of support and 'an objecting petition' with 173 signatures. The BVSC Planning Department report to Council at this meeting outlined the issues again for the councillors to consider, and again noted that 'the points of objection raised in the submissions did not warrant refusal of the proposal, [and] the application is recommended for conditional approval'.⁸⁶ This report included draft conditions of consent and comments on the objections raised by residents and the statutory authorities that had requested more information after the first approval.

More than seventy Brogo residents were present in the council chambers in June 1994 when the DA was discussed.⁸⁷ Again, the residents I interviewed were frustrated and angered by the response of Councillors attending that meeting. BRAG members filled the public gallery with more people than there were seats, and some sat on the floor. Linda was frustrated that,

⁸⁴ Planning and Building Services Ordinary Report, Meeting 14 June 1994, 19. Copy held by the author.

⁸⁵ Planning and Building Services Ordinary Report, 14 June 1994. 14.

⁸⁶ Planning and Building Services Ordinary Report, 14 June 1994. 14.

⁸⁷ BRAG member, Letter to the Minister for Planning, 16 June 1994. With a note saying copies were also sent to the Environment Protection Authority and CALM (Department of Conservation and Land Management). Held by the author.

again, resident's concerns were not being listened to or respected. She remembered 'council discussion when we got to the quarry was really nothing about the merits of the quarry. It was all about councillor's conflict with each other...anyway, it was a circus and of course they approved it but only very marginally'. Linda remembered that the councillors did not discuss the issues that the residents were concerned about such as noise, dust, loss of amenity and contaminated run-off entering the Brogo River.⁸⁸

The proceedings of this Council meeting were reported on the front page of the *Bega District News* three days after the meeting.⁸⁹ The newspaper had been edited by Anna Glover since 1987. Glover was a journalist with twenty years' experience in regional and national newspapers, and in the Commonwealth public service. She took the freedom of the press seriously.⁹⁰ As well as discussing local politics, the newspaper's letters to the editor section was a forum in which residents and readers could express their opinions and use persuasive language to put their views on topics under debate in the community. The *News* offers a strong sense of an unfolding contest. Glover's report of the discussions about the approval of the DA for the Brogo quarry at the council meeting of June 1994 indicates that Breckwoldt spoke against the quarry, saying the application should be refused because too many issues remained unresolved. He took issue with the BVSC Planning Department approach of putting conditions on the building and operation of the development rather than having all the issues detailed in the EIS. He urged councillors to wait to approve the development until more work was done on the EIS.⁹¹ Miller followed up an earlier request to staff to find if other sites could supply the rock council needed. Wootten urged caution in approving the DA because of the likelihood that residents would appeal the decision in the Land and Environment Court. She reminded fellow councillors 'that council had a responsibility to take the course of action which was the most professional position, and which would mean the least cost to

⁸⁸ 'Linda', interview with the author.

⁸⁹ 'Quarry Gets the Nod', *Bega District News*, 17 June 1994, 1 and 5.

⁹⁰ Rod Kirkpatrick, *Country Conscience: A History of the New South Wales Provincial Press, 1841–1995* (Canberra: Infinite Harvest Publishing, 2000), 237–238. In May 1992 Bega Valley Shire councillors threatened to take action against 'people' who defamed the Council. Glover took this as a threat to freedom of the press with councillors attempting to stifle criticism and comments of their [Council's and councillors] actions. On 29 May 1992 the *Bega District News* was published with a blank cover page with only a text box in the centre declaring that 'we could see pages like this every time we want to bring council reports to our readers', *Bega District News*, 29 May 1992, 1.

⁹¹ 'Quarry Gets the Nod', 1.

ratepayers'.⁹² She forecast that if the DA was approved the council would face a protracted, expensive court case, adding 'I believe we should not be battling a large number of our ratepayers in court'.⁹³

Cr Mick Allen, no longer the Shire President, attended the meeting. He was antagonistic to those present in the public gallery, in keeping with his publicly expressed disdain of environmentalists. He obviously, by his speech, thought all those present in the gallery were 'greenies'. Linda remembered that Allen, on hearing a less than flattering comment about himself from the gallery, offered to take the interjector 'outside'.⁹⁴ While the newspaper reporter did not recount this altercation, they did report that Allen, turning to the gallery, said 'you'll just have to wear it because you deserve it'.⁹⁵ Allen's implication was that the Brogo residents who objected to the quarry on environmental grounds were 'greenies' and therefore deserved to live in unpleasant surroundings.

Councillors then voted to approve the DA subject to the draft conditions set out in the planning report, but only by a one vote margin. Again, the councillors voted along factional lines, according to the increasingly conflictual division within council described earlier. Breckwoldt, Miller, Wootten and Mack Hopkins, a moderate, voted against the development.⁹⁶ Duncanson was on approved leave for this meeting. Councillors Allen and Miller had given their apologies in advance for not attending but turned up anyway.⁹⁷ Rogers did not vote on this matter, even though she had voted for the original approval in December 1993, as there had been discussion that she also had a conflict of interest being involved in sand and rock extraction on her own property.⁹⁸ On 22 June the objectors were notified in writing that they had the right to appeal this development consent to the Land and Environment Court.

⁹² 'Quarry Gets the Nod', 1 and 5.

⁹³ 'Quarry Gets the Nod', 1 and 5.

⁹⁴ 'Linda', interview with the author.

⁹⁵ 'Quarry Gets the Nod', 5.

⁹⁶ 'Quarry Gets the Nod', 1 and 5.

⁹⁷ BVSC, Business Paper Ordinary Meeting, 14 June 1994, 1. Apologies from Councillors Allen, Duncanson and Miller were accepted as the second order of business. Copy of Business Paper held by the author.

⁹⁸ These divisions between 'pro-development' councillors and 'greenie' or more moderate councillors were already evident in 1993 and noted in the report that recommended the sacking of the BVSC in early 1999. In 1999 Collins, Radford, Schaefer and Knight were still on Council as were Miller, Hopkins and Wootten.

The Court Case

Brogo residents were expressing how they wanted their place to be: they wanted to retain the visually attractive and quiet rural setting that they had literally 'bought into'. Massey discusses places as being negotiated by individuals and groups through rather than despite conflicts among them. In this case the majority of councillors wanted development in their Shire but on their own terms and in industries they understood (tourism, manufacturing, even a pulp and paper mill) much as did Jack Beale and Mumbulla and Imlay Shire Councillors in the 1960s whom we met in Chapter One. With council approval in the years since 1973, farmers and landholders offered their farms or parts of their farms for subdivision, happy to make the capital gain. The majority of elected representatives were not prepared or willing to negotiate with people who arrived to buy these small acre properties who had a different world view and different aspirations and visions of what 'a rural lifestyle' was becoming. Just over half of the councillors were not interested in imposing stricter conditions on the operations of the quarry; nor were they listening to the concerns of neighbours or to the advice of the State government departments. They also seemed to be ignoring, or to be unfamiliar with, the State laws introduced over the previous fifteen years which aimed to include environmental protection as a fundamental part of planning future developments.

BRAG members carefully considered whether to appeal the development approval in the Land and Environment Court. It was a hard decision because going to court would cost money which had to be raised by group members. Only residents who had sent a letter of objection could be a party to the appeal; when a decision to move ahead with an appeal, thirty-nine people joined the action. The group members did feel they had support for their case from State government departments and the technical experts they hired. They hoped the judge would take their concerns and objections seriously without the influence of partisan local politics on show in BVSC. BRAG members took advice from a geo-technical expert that a merit appeal was the best course for the group. In this class of appeal each party was responsible for paying their own costs and would not be liable to pay the costs of the other

side if their arguments did not succeed.⁹⁹ In the Land and Environment Court case, a group of residents was asking the court to review the BVSC's approval of the Brogo Quarry development application including the conditions on the operations of quarry.

Having decided to appeal the Council's approval in the LEC, the group also decided to engage a Sydney lawyer to act on their behalf, because they were advised that this course would be quicker and less costly than employing Bega based lawyers. Linda and Richard went to Sydney in late December 1994 and sat through the whole case which took nearly a week. Linda remembers the court case as being gruelling and frustrating.¹⁰⁰ The design of the quarry site had been changed by the developer and his consultants in the weeks prior to the case going to court (a practice, the group was told, which was often adopted in such cases). This move, however made it more expensive for the appellants as BRAG's consultants had to update their already prepared submissions to the Court, which had been based on the EIS and supplementary EIS.¹⁰¹ Such expense exacerbated the prevailing power imbalance: the developer could change his designs with better environmental protections after the development had been approved and conditions set by the consent authority. This indicates that these stronger conditions could or should have been put into the conditions required in the Council's approval of the DA.

Linda and Richard both remember being in court as personally nerve wracking and traumatic, especially when giving evidence. The process was adversarial, Richard feeling he was cross examined as if in a criminal case.¹⁰² Linda felt she was treated poorly, being cross examined on personal matters, such as whether she had a licence to take water from the river, which in no way related to her objecting to the quarry: 'talking about it still riles me up ...nobody was dealing with the issues' she told me.¹⁰³ Richard also thought his questioning was humiliating, remembering that:

⁹⁹ Environmental Defenders Office, 'Environmental Law Fact Sheets: Jurisdiction of the Land and Environment Court', Fact Sheet no. 22, September 1992. Copy held by the author.

¹⁰⁰ 'Linda', interview with the author.

¹⁰¹ Letter from BRAG to all newly elected BVSC at the election on 9 September 1995, held by the author.

¹⁰² 'Richard', interview with the author.

¹⁰³ 'Linda', interview with the author.

the other people's lawyers go out of their way to discredit you, as a person, in front of the judge. That's apparently a common tactic...they just make you feel and look stupid and so that was confronting being in court, like that. It was quite unnecessary really.¹⁰⁴

Richard was questioned aggressively about the number of heavy vehicle movements per day on Brown Mountain, referring to the importation of hard rock into the Bega Valley from tablelands quarries, but again this questioning was tangential to environmental protection at the proposed Brogo quarry.¹⁰⁵ He remembered that after all the evidence had been heard the judge told them all to 'just sort it out'. This judge thus directed the developer's and the appellants' consultants, well versed in quarry design, to negotiate further conditions on the development and operation of the quarry which were satisfactory to both parties. The appellants finally had an opportunity to have stricter controls mandated for the development that were legally binding.

As Richard recalls, both parties then:

went to a room in the courthouse and consulted...Linda and I and our consultant and Guy and his consultant and his barrister or solicitor and that was it. And you know what? The consultants, they'd 'been there, done that' before. They just got into it. Blab, blab, this that, this that, and that was how it [the revised conditions of operation] was worked out. It was done reasonably quickly, and it made you think...oh dear, this could have all been done down in Bega, without getting to the Land and Environment Court. It needed some sort of mediator or something to get in there... once the two consultants got together it was very easy to work out what was going to happen and what wasn't.¹⁰⁶

¹⁰⁴ 'Richard', interview with the author.

¹⁰⁵ 'Richard', interview with the author.

¹⁰⁶ 'Richard', interview with the author.

BRAG's appeal to the LEC was dismissed meaning that quarrying could go ahead. Even though their appeal was dismissed, from the BRAG perspective the case was a success because the court determined a more stringent set of operating conditions than the conditions imposed by the BVSC in Bega months before.¹⁰⁷ These new conditions included shorter hours of operation, the crusher was to be covered to dampen noise, dust suppressed by sealing the road access from the highway and regular watering of the site and the design of the sediment dams was improved. All of the more stringent controls did mean increased costs for the developer, both for the initial set up and daily costs of operating the quarry.

Condition 23 imposed in the LEC was establishment of a committee to report to Council 'as appropriate'. The developer was to provide 'reasonable access to the committee to the quarry site for the purpose of inspection'.¹⁰⁸ The committee comprised the developer or his nominee, and two representatives from BVSC, an engineer and a town planner.¹⁰⁹ As the consent authority it was Council's responsibility to ensure that the developer was complying with the conditions of operation imposed by the LEC. Three representatives from BRAG were also appointed to the committee. The quarry was visible from some properties so residents could observe activity on the site. Residents could also hear bulldozers and blasting, both issues having been central to their objections to the development. Therefore, the BRAG representatives found themselves in the position of 'watchdogs', reporting to Council when they observed or heard the quarry operating outside the agreed conditions of consent. The BRAG representatives approached the Council representatives on numerous occasions to ask questions about compliance with the conditions. BRAG members did not receive answers that they considered satisfactory to questions such as whether site works had commenced before all the licencing permits were received, and whether Council had received plans as set out in the court determined conditions. Cr Breckwoldt, responding to concerns of BRAG members, asked the BVSC Manager, Development Services, a series of questions about compliance with the conditions of consent at the Council meeting on 26 April 1995. The Manager answered all Breckwoldt's questions to the effect that all conditions were being met by the developer.¹¹⁰

¹⁰⁷ 'Linda', interview with the author.

¹⁰⁸ Building and Planning Services, BVSC, Ordinary Report, 24 January 1995, 67. Copy held by the author.

¹⁰⁹ Building and Planning Services, BVSC, Ordinary Report, 24 January 1995, 67.

¹¹⁰ BVSC Minutes of the Ordinary Meeting of BVSC held 26 April 1995, 19. Copy held by the author.

BRAG members disagreed with this assessment and carried on lobbying for the conditions of consent to be enforced. On 28 September 1995, after the scheduled local government elections, BRAG members wrote to all the councillors, new and re-elected, outlining the history of the Brogo quarry, and requesting that the councillors ensure the conditions of consent were monitored by Council staff and adhered to by the developer.¹¹¹ The developer refused to attend committee meetings or to allow BRAG committee members to inspect the quarrying site, citing occupation health and safety concerns, even though this was part of the court conditions.

Faced with these elements of impasse, and perhaps in the inevitable dynamic of voluntary groups, over the time the BRAG group dissipated; equally, there seemed to be little continuing activity on the quarry site. In his interview with me twenty years after the court case, Guy Lucas admitted that he did not continue to dig or crush rock after the initial commencement of quarrying. One of the pieces of equipment he purchased, a rock crushing screen, should have lasted three months operation but it only lasted three days and this made his venture uneconomic to continue.¹¹² In retrospect, he stated that did not mind all the paperwork involved in preparing the development applications and getting all the approvals including Environmental Impact Statement (EIS). It was just what he had to do.¹¹³ In 2004, the BVSC granted a ten-year extension on the original ten-year approval. The accompanying documentation for the request confirmed that only one per cent of the rock resource had been removed in the first ten years 'due to competitive industry reasons'.¹¹⁴ In spite of this lack of resource removal, Guy was satisfied with the outcome, as he was able to recoup his costs by leasing the quarry to another quarry owner, who did not extract any rock, due to other contractual arrangements.¹¹⁵ In retrospect Guy was quite blasé about the original dispute, and unwilling to talk about it in any detail during the interview—hence his seeming absence from this narrative. Instead he told me about his past and more recent

¹¹¹ Brogo Residents Amenity Group, Letter to newly elected councillors of BVSC, 28 September 1995 attached to Bega Valley Shire Councillors, List of Councillors as at 18 September 1995: a list of Councillor's names, addresses and phone and fax numbers. Copy held by the author.

¹¹² Guy Lucas, interview with the author.

¹¹³ Guy Lucas, interview with the author.

¹¹⁴ Keepplan, Planning and Development Services 'Section 96 Application for Modification of Development Consent', 2004.

¹¹⁵ Guy Lucas, interview with the author.

entrepreneurial and farming activities. One thing he would say was that he did learn a lot about geology.¹¹⁶ The postscript to this episode is that approval has been granted to allow the quarry to continue for a further twenty years from 2020.

Community Building

For their part, the BRAG members I interviewed did feel, in retrospect, that the experience of the quarry dispute was not all negative, despite the personal anger, stress and frustration created and the expenses incurred. In a neighbourhood where a number of people were newcomers from a diversity of backgrounds, and whose only point of connection was that they chose to buy property in the same locality, this dispute ‘threw’ them together in quite an intense way. It was not only individuals negotiating with governments or government agencies to further their wants and needs but neighbours learning to negotiate with each other to pursue a common goal. Linda remembered that while BRAG members were mobilising and raising their concerns with Council, the group was aiming for consensus decisions. She tried to ensure that everyone at a meeting had a chance to have their say and not let more vocal or loud members dominate others or dominate the meetings. The group changed to ‘majority rules’ when making the decision whether to employ a Sydney lawyer and fast track the appeal or work with local lawyers. The issues in this instance went to the core of the inequality of positions in the dispute, and the relative strain on voluntary commitments, local sentiments and personal resources. In the lead-up to this change of rules, the majority felt that Bega based lawyers would be more expensive and would want to drag the process out. This decision was not accepted by all members and one couple left the group.¹¹⁷ Yet overall BRAG participants in this study were happy with community building that developed though this period. Michelle and Richard were only at their property on weekends and holidays. Michelle appreciated the opportunity to get to know the neighbours. Linda also appreciated that she got to know her neighbours and made friends as a result of participating in BRAG.

¹¹⁶ Guy Lucas, interview with the author.

¹¹⁷ ‘Linda’, interview with the author.

Michelle valued the networks formed in a context of an 'us versus them' conflict, cementing the newer residents as a separate group to the long-established residents. She remembered that as 'more and more people got on board, it was a matter of ...we're a team now...we're fighting on the...we're a little army. We're the allies and they're the enemy so, you know, we keep going'.¹¹⁸ Community solidarity was a motivation for James, a landholder who had a property that overlooked that quarry, to join the group too. His major involvement was as one of the community representatives on the quarry committee. He told me that he joined 'more out of, for want of a better term, community solidarity... if something was happening at my place, I'd want their support ...basically you've got to stick together'.¹¹⁹ Richard thought that for the people like James, who lived further away from the quarry site, outside the two kilometre circle but still potentially overlooking the site from their higher elevations, 'they were involved because of the social thing, you know, it was getting very social. It was a way of pulling everyone together'.¹²⁰

The 'social thing', however, led to innovative community processes. When BRAG members decided to appeal to the LEC they were given estimates of the cost of proceeding to be between \$25,000 and \$60,000 in lawyer's fees and fees for the reports from expert consultants.¹²¹ Members made pledges to pay an amount they nominated themselves to cover the (yet to be determined) costs. Those living closest to the quarry site pledged the most and others according to what they could, or wanted to, offer.¹²² Total cost for the court case including paying legal representatives and expert witnesses was in the vicinity of \$40,000. The experts and legal advisors were also generous to the BRAG group, agreeing to keep their fees to a minimum.

As well as the money raised by the members individual contributions, the members also began fundraising to help with the expected expenses. Fundraising activities added to the sense of community and contributed \$4,202 from raffles, cake stalls, a 'trash and treasure'

¹¹⁸ 'Michelle', interview with the author.

¹¹⁹ 'James', interview with the author.

¹²⁰ 'Richard', interview with the author.

¹²¹ BRAG Minutes of Meeting held 4 February 1995, 1. Copy held by the author.

¹²² 'Linda', interview with author.

market and a dance raised \$1,617.¹²³ The remaining money was raised by what was termed a 500 club, effectively a raffle with cash prizes. One hundred tickets costing \$100 each were sold to community members, not only BRAG members but also friends, relatives and work colleagues. The last cash prize was a substantial amount. This activity was popular because it raised considerable funds for a small amount of effort. No records of this activity have been kept. The community get-togethers to draw the raffle prizes were also important for social cohesion within the group.

The fundraising events facilitated community building and importantly gave people a social outlet in an otherwise stressful time. Several members of the group were musicians, and they organised a dance at the Brogo Hall. The poster advertising the dance shows that humour was used to inject an element of light-heartedness. The advertised names of bands performing on the night included *Blue Metal*, *The Heap*, *Gravel Rash and the Pits*, *The Quarrymen* and *Remnant Species*.¹²⁴ This dance was held on 10 September 1994, before the court case. These fundraising activities were remembered fondly by the participants I interviewed. Linda reminisced that ‘Dances were great for community building’. Richard remembered ‘being amazed at how many people turned up at that dance...it was a community thing and that was fabulous’.¹²⁵ At the same time as acknowledging the community building aspect, Richard regretted that the community could raise such a large amount of money to be spent on a court case, saying ‘We did really well. It’s a pity it had to be put towards fighting the quarry’.¹²⁶

Both Richard and Linda spoke in their interview of their wish, in retrospect, for the ability to mediate the dispute rather than having to go to court. Richard told me bluntly when I asked what he had learned from the dispute: ‘never go to court’. He saw how the conditions of operation of the quarry were mediated by the expert consultants in the court offices and wondered why those processes could not have been used in Bega before the dispute went as far as appealing to the court. Linda recalled thinking that ‘we should have picked up the phone

¹²³ BRAG records held by the author.

¹²⁴ Poster advertising the dance, held by the author.

¹²⁵ ‘Richard’, interview with the author.

¹²⁶ ‘Richard’, interview with the author.

in that first week and spoken to the developer’—but, clearly, that temper of negotiation was not a first resort at the time. While mediation was possible when ordered by the judge in a Sydney courtroom, it is debatable whether mediation between the parties would have been possible when the first development application was considered, given the pro-development stance of the majority of councillors, the difficult atmosphere in the Council chamber, and the EIS that supposedly dealt with points of possible contention. Mediating conditions of operation such as installing a screen over the crushing plant, bigger sediment ponds and landscaping works would have also been difficult at an early stage. These improvements for environmental protection and the amenity of adjacent residents would have added to the capital and operational costs of the quarry, making the quarry less financially viable and therefore unacceptable to the developer.

Place as a continuing negotiation

Quarry developments continued to be discussed in Bega Valley Shire Council in the subsequent years. In February 1997, just over two years after the court case, a paragraph appeared in the local paper, not attributed to an author but probably the editor of the *Bega District News*, Anna Glover, as the newspaper had a representative at every Council meeting. This single paragraph said:

Some old council watchers had a sense of *deja vue* on Tuesday as Cr Radford castigated anyone opposed to having a quarry open near. He referred to the group which opposed the Brogo quarry as ‘all hooch-smoking hippies who have never done a day’s work between them.’¹²⁷

The reason for inclusion of this quip in the paper is not known but Cr Radford was the Deputy President of the Council and in the faction that voted for the Brogo quarry approvals in 1993 and 1994. Mick Allen was not an elected councillor after the 1995 council elections, but still in conflict with council over his caravan park development. In 1997 the Council was still

¹²⁷ *Bega District News* 14 Feb 1997, 2. Cr Radford was the deputy president in 1994 when the Brogo quarry DA was being discussed.

wracked by division between two factions, the pro-development faction and the moderate faction including environmentalists which will be discussed further in Chapter Six.¹²⁸ The editor may have been hoping for some kind of public response from this quip. Two letters supporting the Brogo activists (one written by this author) and one against were published in the paper in the subsequent weeks.¹²⁹ The letter opposing the BRAG members was not complimentary. Valmai Patterson, who lived near the Brogo River more than two kilometres upstream of the quarry site, assured readers that half of residents of Brogo supported the establishment of the quarry which was

situated in 1A zoned for agriculture, forestry and extraction industries. It amazes me that a group of people would be proud of their attempts to shut down a small business, employing several people at a time when unemployment figures are approaching one million. Most un-Australian.¹³⁰

Why Ms Patterson chose to enter the debate is not clear. The quarry development had not been stopped by the appeal. There was very little activity at the quarry site by 1997 and therefore no opportunity for employment there apart from the developer and his family members. Ms Patterson may have wished a continuation of rural landscapes only for primary production, but Brogo landowners had moved on, using their land for a diversity of small businesses all also permitted in Zone 1(a) as discussed above.

To answer Cr Radford and Ms Patterson's criticism of Brogo residents as lazy, unemployed and not contributing to the local economy, Brogo small business owners banded together and organised nine small businesses operating in Brogo to take out advertisements in the *Bega District News* which featured over several weeks in July and August 1997 under the headline 'Working Brogo'. Each business paid for a full page 'advertorial', a story and photo of their business, which appeared with advertisements for the other businesses around the edges of the page. The businesses advertising included a bakery, jeweller, computer

¹²⁸ The council elected in 1995 was dismissed in 1999 after the Minister for Local Government ordered a public inquiry into the conduct of the council. T. J. Rogers, 'Bega Valley Shire Council Public Inquiry' 16 August 1999.

¹²⁹ D. and F. Firth, 'Brogo Demands Apology' Letter to Editor, *Bega District News*, 18 February 1997, 2. And Marie-Anne Arnts, 'Criticism' Letter to Editor, *Bega District News*, 4 March 1997, 2.

¹³⁰ Valmai Patterson, 'Brogo Quarry', Letter to the Editor *Bega District News*, 21 February 1997, 2.

training, sawmilling, car and small machinery mechanic, fuel stove repairer, a worm farm business and plant nursery.¹³¹ The bakery owners had already featured in a news story in April 1997 about the development of their sourdough bakery that was making 1,000 loaves of bread a week, selling in retail outlets along the coast and on the tablelands. The bakery owners also made the point that their business employed several local families.¹³² While 'half' of Brogo residents favoured an industrial landscape, according to Valmai Patterson, these small business owners were publicly declaring themselves invested in an essentially rural but still productive landscape.

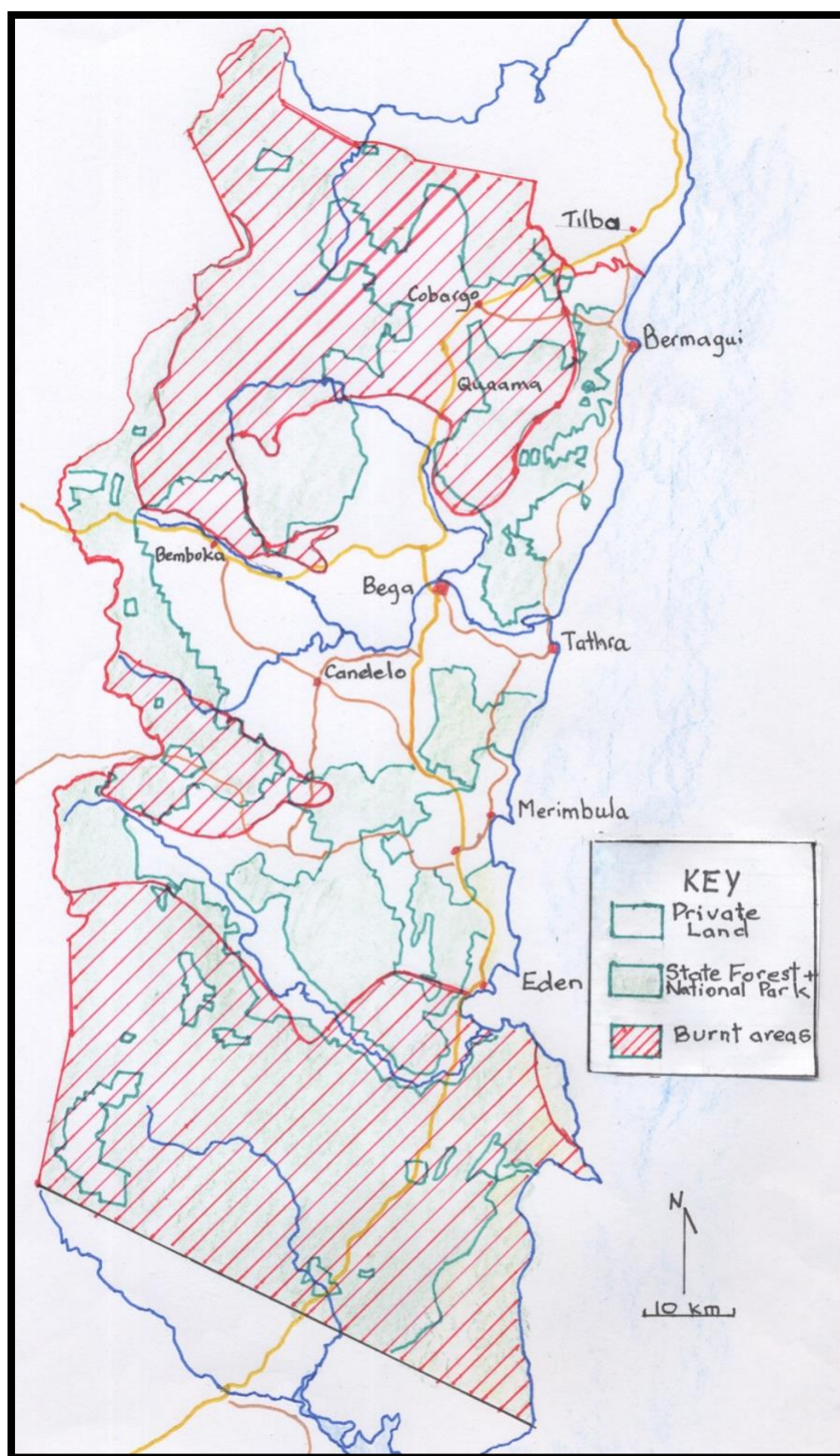
Conclusion

This dispute reveals the lengths that individuals were prepared to go to in pursuing their version of the rural landscape they wished to occupy. Between 1982 and 1993 newcomers to Bega Valley, and more specifically to Brogo, arrived and took advantage of the subdivision of large farms into small acre properties. Individuals from a diverse range of backgrounds chose to pursue their own versions or visions of a rural lifestyle in a quiet, visually attractive landscape. Increasingly over the years, by choice or necessity, but certainly as a reflection of skill and values, the newcomers worked in a variety of occupations. Some had started businesses in the area that indicated transitions in rural possibilities and lifestyles over the period. Neighbours from a diversity of backgrounds came together to fight a perceived threat to the amenity of their neighbourhood as another neighbour sought to impose an industrial land use into that landscape. The opponents initially expressed their concerns to local government. When these concerns were not 'heard', the objectors took their objections through the emerging channels of stakeholder contestation, to the Land and Environment Court, using provisions of the Environmental Planning and Assessment Act, 1979. While disputes over development do occur from time to time, this chapter reveals that contesting these neighbourhood disputes has become more complex since the 1970s. The amount of technical information that must be assimilated and the cost of appeals using legal processes makes the ideal expressed in the EPA Act 1979 of community consultation in development

¹³¹ 'Working Brogo', *Bega District News*, 25 July 1997, 17.

¹³² 'Prize-winning Bread from Brogo', *Bega District News*, 13 April 1997, 5.

applications an unequal power dynamic. Citizens face barriers including lack of specialised technical knowledge and money to raise objections to, and fight, development applications in order to influence the patterns of development in their neighbourhood. This case also reveals that no amount of community participation or community consultation is possible when the consent authority, or the majority of decision makers within a consent authority, has a fixed position favouring the development. The objectors therefore had to be agile and 'jump over' the local authority and use state-based court processes to appeal a locally made decision. On the positive side the neighbours drawn into opposing the development created a sense of shared values and solidarity among people who did not know each other before the dispute, and whose interests in the changing rural landscape were clearly a part of an evolving regional politics and community.



Map Ten: Extent of fire in the Bega Valley December 2019 to February 2020.¹

¹ Bega Valley Shire Council, Local Recovery Committee, Recovery Action Plan: 2019/20 Black Summer Bushfires, (Bega: Bega Valley Shire Council, 2020), 3.

Chapter Six

Legacies

This thesis opened with a car journey into the Bega Valley through dense eucalypt forests. Imagine leaving the valley forty years later, this time in a bumper-to-bumper convoy, the red taillights of the car ahead just visible through dense bushfire smoke. Between 30 December 2019 and 2 January 2020 thousands of tourists and residents had this experience as they responded to advice from the Commissioner of the NSW Rural Fire Service, Bega Valley Shire Mayor and the NSW Police to leave the far south coast as bushfires raced unchecked across forests and farmland. The district did not have the resources, neither fuel, electricity, water nor food, to look after local residents let alone the seasonal influx of tourists during the emergency. The only route out was along the Snowy Mountains Highway through Bega and up the Brown Mountain to Cooma. The Princes Highway was closed by fires to the north of the Bega Valley and also to the south. The southern route to Victoria would remain closed for weeks. The coast road from Bermagui to Tathra, hardly improved since the 1970s and still with four one lane wooden bridges, became an escape route from Bermagui to Tathra as main roads were closed by the authorities.

The constraints of isolation including weak transport and communication links that seemed to have been ameliorated by the end of the twentieth century were again brought into sharp focus by the catastrophic fires that roared out of the escarpment forests, engulfing farms and farmland before racing into the villages of Cobargo and Quaama on 31 December 2019. It was peak tourist time and the town of Bermagui was full of holiday makers. Tourists joined evacuees from surrounding villages and properties seeking refuge close to the beach and the sea. Bermagui's permanent population is around 1,500 people.² On New Year's Eve that number grew to an estimated 5,000. Surf Lifesaving Association members were tasked to open their club rooms as an emergency evacuation centre. Bermagui township was spared from the fire by a last-minute wind change, but ash and smoke made daytime like night. Community members worked alongside surf lifesaving volunteers to assist those escaping the

² Bega Valley Shire profile id statistics. The 2016 census records 1536 people living in and around Bermagui, <https://profile.id.com.au/bega-valley/locality-snapshots?WebID=10307100>. Accessed 28 October 2020.

fires. The local medical centre also used the club house as a base to treat injured victims and those suffering from smoke inhalation. Food was prepared by volunteer chefs. With travel out of Bermagui restricted, this evacuation centre and its volunteers performed a vital role.³

The fires were not over in one day but flared up in different parts of the Shire during January and into February. Up to two hundred millimetres of rain fell across Bega Valley between 8 and 10 February, clearing the smoke from the sky and releasing residents, community leaders and emergency service providers from constant anxiety. By 28 February, as assessments were consolidated, four people were recorded as having died as a direct result of fire, 465 homes were lost, 134 were damaged and 400,000 ha had been burnt, equivalent to sixty per cent of the Bega Valley land area.⁴ (Map Ten) Two-hundred and seventy-six houses in the northern part of the shire in and around Cobargo, Quaama, Verona, Yowrie and Upper Brogo were destroyed over the month of January.⁵

While unprecedented, and coming outside the period studied in this thesis, these fires provided a graphic indication of the enduring significance of many of the themes surveyed here. This final chapter was not part of the initial structure proposed for this thesis, but the events of 2019-2020 underscored my focus on the intersection of social change, the values attached to landscape, the capacity of governments to respond to such shifting pressures, and the lived experiences of those people enmeshed within these processes. With the increase in the population and the increasing diversification of the social and economic spheres during the study period, this thesis has identified groups of individuals forming to fight for various causes and for different or alternative ways of living in the rural areas in Bega Valley Shire. These differences were most marked in contrast to the established 'three-generations-in-the-cemetery' community of conventional farmers. Newcomers arriving through the 1970s to the 1990s created informal networks and communities based on shared interests—groups which moved along mostly side-by-side with the existing residents, sometimes in parallel streams but with those moments of intensified scrutiny, suspicion and conflict explored in previous

³ 'Bushfire Crisis: Far South Coast Surf Clubs Shelter over 7000 on New Year's Eve' *Bega District News* 12 February 2020. <https://www.begadistrictnews.com.au/story/6627483/bushfire-crisis-far-south-coast-surf-clubs-shelter-over-7000-on-new-years-eve/>. Accessed 27 July 2020.

⁴ BVSC, Recovery Action Plan, 3.

⁵ Figures provided to the author by BVSC staff.

chapters. The sometimes hostile ‘us’ and ‘them’ observed in the 1980s and 1990s in newcomers’ interactions with some established local residents and BVS councillors seemed to dissipate gradually as rural residential living became accepted, as one of the major aspects of an evolving regional economy and community. Cultural and artistic life blossomed.⁶ The villages of Cobargo and Candelo began to host regular musical festivals. Visual artists and musicians set up studios across the valley.⁷ As well as encouraging tourists to visit Cobargo, with the ‘olde worlde’ feel of the Victorian era shops on the main street, the village became a space for artists and artists cooperatives to sell their work to the tourists. It could seem, to some extent, as if the tensions with which this thesis began had dissipated either in negotiation or, perhaps more markedly, in a further refinement of the multifunctional landscape. By 2013, going ‘back-to-the-earth’ was mainstream, even if only as an aspiration for ‘city folks’.⁸ The creation of a sustainable, environmentally-sensitive farm, ‘River Cottage’, near the village of Tilba just north of Bermagui in Eurobodalla Shire, by an international television franchise commodified the venture and the dream, a local version of a global movement and an eminently saleable image. The farm was sold by the franchise in 2017. The featured ‘rookie farmer’ vowed to return to the district (‘the South Coast gets under your skin’) but—for the time being—the point had been made.⁹ Lifestyle and property magazines replaced the ways in which the *Southern Flyer* had, in the 1980s, sought to evoke new ways of living in a rural area.

All who were living on the far south coast in late 2019 were throwntogether in the extreme circumstances created by the fires, revealing strengthened ties and networks amongst and between some groups. Dramatic film of burning shops on the main street of

⁶ Gordon Waitt and Chris Gibson, ‘The Spiral Gallery: Non-market Creativity and Belonging in an Australian Country Town’, *Journal of Rural Studies* 30 (2013): 75–85.

⁷ Chris Gibson and Andrea Gordon, ‘Rural cultural Resourcefulness: How Community Music Enterprises Sustain Cultural Vitality’, *Journal of Rural Studies* (2016). <http://dx.doi.org/10.1016/j.rurstud.2016.11.001>. Accessed 8 August 2018.

⁸ John Connell, ‘Soft Country? Rural and Regional Australia in Country Style’, in *Rural Change in Australia: Population, Economy, Environment* edited by John Connell and Rae Dufty-Jones (Farnham, G. B.: Routledge, 2016), 211–234.

⁹ ‘River Cottage Australia Property at Tilba up For Sale’, *Narooma News*, 10 May 2017. <https://www.naroomanewsonline.com.au/story/4652726/river-cottage-australia-property-at-tilba-up-for-sale/#slide=0>. Accessed 28 October 2020.

Cobargo made the national and international news on 31 December 2019.¹⁰ The Cobargo showground had been opened as an emergency evacuation centre for fire affected residents who could not leave on roads overrun by fire and closed by authorities. Community members assisted each other however they could. The two groups who ran annual events at the showground, members of the Agricultural Show Society and the Yuin Folk Club, worked together to keep evacuees as safe as possible in the circumstances. No one was sure if the fire would reach the showground itself on 31 January but the arena, a large, grassed area, provided a makeshift marshalling/evacuation point. The Show Society and the Folk Club members do not necessarily or often mix socially, with quite different backgrounds and differing ideas of what being 'rural' means. Even so, they had been working together to upgrade facilities at the Showground over the previous ten years. It was the safest place around.

While these two interest groups were working alongside one another, old division lines, simmering below the surface, re-emerged. On 2 January, Cobargo again made national headlines and caused a furore nationally, also attracting international coverage, and provoked division and criticism locally. In response to the fire emergency, Tony Allen, a current BVSC councillor and ex-mayor, invited the Prime Minister to tour the village and talk to the evacuees gathering at the showground, without informing the state local member, Andrew Constance, who had fought to save his own house further up the coast at Malua Bay on the same day Cobargo burned.¹¹ The Federal member for Eden Monaro, Mike Kelly, was not present nor was the BVSC Mayor Kristy McBain. As a 'three-generations-in-the-cemetery-local', Allen may have been trying to gain more recognition for his community's circumstances. Yet some residents refused to shake the Prime Minister's hand, angry because of the lack of assistance to Cobargo and surrounding areas during, and in the days after, the fire.¹² In response to being heckled by

¹⁰ Niki Burnside and Victoria Pengilley, 'Bushfire Ravages Main Street of New South Wales Town Cobargo', <https://www.abc.net.au/news/2019-12-31/nsw-bushfires-cobargo-fire-destroys-towns-main-street/11834322>. Accessed 10 August 2020.

¹¹ Jordan Baker, "'Like an Atomic Bomb': Memories of Fire will Stick with MP Forever", *Sydney Morning Herald*, 10 January 2020. <https://www.smh.com.au/national/nsw/like-an-atomic-bomb-memories-of-fires-will-stick-with-mp-forever-20200110-p53qim.html>. Accessed 12 August 2020.

¹² This is just one example of media coverage of the meeting. Using the search terms Cobargo and Prime Minister there at least six video reports and nine newspaper reports of this incident. Matt Bungard and Josh Dye, "'Go Back to Kirribilli': Morrison heckled by angry residents in Cobargo", 2 January 2020. <https://www.smh.com.au/politics/federal/go-back-to-kirribilli-morrison-heckled-by-angry-residents-in-cobargo-20200102-p53ogb.html>. Accessed 10 August 2020.

some at the showground, including by one woman described in the press as ‘leading a goat’, the Prime Minister beat a hasty retreat. The episode, however, created upset and division in the community, additional to the trauma of the bushfire experience. The way the incident was portrayed in the media highlighted an ‘us’ and ‘them’ division we have seen in the chapters in this thesis, one which was raw in these extreme circumstances. The Prime Minister’s visit took place on the same day that McBain requested residents to leave the northern parts of the Shire because the fires had damaged critical infrastructure: there was no water and no electricity supply to some villages. But residents refused to leave Cobargo. The nearest official evacuation centre was forty-four kilometres away, an eighty-eight kilometre round trip for anyone needing to return to their properties to care for animals. Fuel for vehicles was in short supply. The Prime Minister’s sudden arrival and departure highlighted to residents their peripheral, remote and marginal status.

The fire event occurred when I was in the last few weeks before the submission of this thesis—projected to conclude in 1996, the end date being determined by the end of the population turnaround. The fires were a reminder that, as geographer Doreen Massey argues, places are never finished but are constantly in processes of being made and remade. This thesis has highlighted that process: sometimes transitioning slowly, almost imperceptibly, and sometimes, as in the case of the fire, dramatically and quickly. The fire event has been described as a rupture. How that rupture is repaired, and how it influences the stage in these transitions, will depend on how conflicts that are bound to emerge are negotiated by and between residents, local government and state governments. How does fire, as a non-human yet potentially destructive, even deadly, agent in a rural area, shape possible future developments? How are the competing demands over the need for safety and asset protection in a fire-prone landscape to be managed? How can government negotiate with people who want to live in bushland areas yet, given their marginality, and their choices, are hard to service? The examples of the contests presented in this thesis can give us some clues to possible future conflicts, as they build on those that emerged and were negotiated in the past. One will be whether people should be allowed to rebuild deep in the forest and what kinds of dwellings and infrastructure will be permitted for them. Another might be how and where tourist developments and tourist facilities are permitted, given the strains as well as the investment that comes with them. Should the coastal towns backed by forest be allowed

to continue to grow or should there be caps on development? How should 'natural' forest areas, abutting dispersed areas of farming or settlement, be managed? These questions will be answered over the coming years. Revisiting how these issues have been addressed in the past, and the extent to which those histories inform current policies to address such issues, may provide some clues to how the discussions can be fruitfully, respectfully and sensitively undertaken.

Living in a fire prone land

The Bega Valley Shire has more than two-thirds of its area covered in eucalypt forests. Fire is coded into the DNA of Australian flora. Eucalypt species are flammable, most evolved to survive after fire by producing epicormic shoots along the trunks and major branches unless the fire is of extremely high intensity. Fire heat opens the seed pods of eucalypts, banksias and hakeas. Smoke also opens seed pods of some species. The seeds germinate in a nutrient rich bed of ash in a cleared landscape, free of competing vegetation. Landscapes evolve to reproduce even after fire. As with much of Australia, the colonial history of Bega Valley is dotted with stories of bushfires of varying intensity, each of which has tested distinct phases and aspects of settlement. On 11 January 1866 the Bega correspondent to the *Sydney Morning Herald* reported that the temperature in Bega reached 109 degrees Fahrenheit (42.7°C), there was no grass feed, cattle were dying in numbers and bushfires were raging.¹³ In November 1894 fierce bushfires were reported around the district of Cobargo destroying grass feed, wattlebark,¹⁴ fencing and two one-teacher public schools, one at Puen Buen and the other at Couria Creek.¹⁵ In February 1940 a bush fire destroyed six houses and a store at Tathra.¹⁶ Ecologist Daniel Lunney's search of newspaper reports from the 1860s to the 1980s found fourteen instances of major fires in the Bega District between 1865 and 1980.¹⁷ In the Bega Valley the bush fire danger season can extend from August to March. On 18 March 2018, later

¹³ Bega correspondent, 'Bega', *Sydney Morning Herald*, 11 January 1866, 5.

¹⁴ Wattlebark was an important export of the district. Dried bark was sold to leather tanning factories in Sydney.

¹⁵ *Cobargo Watch and South Coast Journal*, 17 November 1894, 2.

¹⁶ 'Bushfire Threat. Townships in Danger. Homes destroyed', *Sydney Morning Herald*, 23 February 1940, 9.

¹⁷ Daniel Lunney and Tanya Leary. 'The Impact on Native Mammals of Land-Use Changes and Exotic Species in the Bega District, New South Wales, since Settlement', *Australian Journal of Ecology* 13 (1988): 73.

than was considered the high fire danger season, a fire started in a coastal forest on the northern side of the Bega River. It was carried east towards the sea by a blustery hot westerly wind, jumped the Bega River and destroyed 56 houses and 35 outbuildings in the coastal town of Tathra.¹⁸ Later that year, in August, the middle of winter, a fire started at Yankee's Gap near the town of Bemboka at the bottom of Brown Mountain. The fire burned for four weeks in the forests to the west of the village in the South East Forests National Park.¹⁹ Motorists took incongruous videos of driving through the snow at the top of Brown Mountain then emerging out of the forest at the bottom of the mountain where fire was burning on ridgetops of the hinterland valleys.²⁰ It was a bizarre compression of 'the Alps to the sea' journeys once offered by the first car tours operating in the region between the wars.

One effect of the transitions of the rural discussed in this thesis has been the increased number of people living in dispersed areas across the shire. Current shire estimates are that about a third of the population of this shire lives in rural areas.²¹ Some live on small acre properties spread across the cleared areas, the result of the subdivision policies that began in the 1970s. Others, however, live in the more remote valleys including in the forest itself. As detailed in Chapter Two, an early transition in the Bega District was from land occupation by squatters and leaseholders to free selectors who moved up the rivers into the forests to take up conditional purchases on the riverbanks where they saw potential grazing and farming opportunities. [Map Four]. The parish maps of the time record these land dealings and the pockets of privately-owned land in state forests and national parks, revealing the endeavours of these early pioneers.²² Kept for rough or drought grazing or left to grow back to bush, these

¹⁸ Eryk Bagshaw, 'Shocking Photos of Tathra show Scenes of Utter Devastation', *Bega District News*, 19 March 2018. <https://www.begadistrictnews.com.au/story/5293396/shocking-photos-of-tathra-show-scenes-of-utter-devastation/?cs=509>. Accessed 20 August 2020.

¹⁹ Ben Smyth, 'Updates: Bemboka Bushfire Out of Control, Three Buildings Lost', *Bega District News*, 15 September 2018

²⁰ 'Bemboka Bushfire: 7500ha Blaze is being Controlled by RFS', *Bega District News* 21 August 2018. <https://www.begadistrictnews.com.au/story/5597347/bemboka-bushfire-7500ha-blaze-is-being-controlled-by-rfs/> Accessed 10 August 2020.

²¹ BVSC, 'Rural Residential Strategy, February 2020' (Bega: BVSC, 2020), 1

²² The Map Five shows the private land holdings along the Murrah River in Mumbulla and Murrah forests and also private land holdings now surrounded by Mimosa Rocks National Park. The uncoloured areas are land that is currently privately owned. As will be discussed in this chapter areas of private land adjacent to the coast were gradually included into the Park between 1976 and 2006. Note the rectangular borders between private land and state forest and national park and several enclaves of private land within state forests and national parks. This indicates the 'surveyor's hand' as nineteenth century surveyors had strict rules to apply when surveying land for private ownership.

landholdings are isolated and fire prone. But it was these privately-owned pockets of land in the forests or on the boundaries of the forest and farmland that were attractive to the first wave of new settlers from the early 1970s either as retreats from the modern world or because the land was affordable.

The knowledge of the risks of bushfires did not deter the newcomers to the district from seeking to live in the bush or deep in the forest. The community of Tralfamadore, one hour's drive west of Cobargo was established around 1974, on portions of private land taken out as conditional purchases in 1891.²³ Tralfamadore dwellings were among the first recommended for demolition in 1982 as discussed in Chapter Four. When I interviewed Jean, who began living at Tralfamadore in the early 1980s, for this project, she told me that the commune founders sought out this land as a safe retreat in the event of a nuclear war: 'in case someone drops a bomb somewhere'.²⁴ This property might have been relatively safe from nuclear attack but not fire: the 2019-2020 fire destroyed most of the dwellings.²⁵

Experienced local government councillor on both Bega Municipal and Bega Valley Shire Council and Mayor of BVS for some years, Edna Duncanson, was concerned about the new settlers moving into forested areas of the shire such as Tralfamadore, and Pericoe and Rocky Hall west of Eden. When I interviewed her for this project, Duncanson remembered going on drives with the local area chief of the Bush Fire Brigade, Phil Collins, around the time of the alternative lifestyle survey, looking for unauthorised dwellings. Both Duncanson and Collins were concerned for the 'people who were looking for an alternative lifestyle and the type of people who built out the back of beyond'. She and Collins observed that the alternative lifestylers 'were building in places that were very inaccessible with only one possible exit', thereby putting both themselves and firefighters at risk if 'a fire incident came through'.²⁶ Duncanson remembered that she and other existing residents did wonder why the alternative lifestylers would live in the bush. They asked each other: 'oh, what do they think they are

²³ NSW Land Registry Services, Parish and Historical Maps, <https://www.nswlrs.com.au/Parish-and-Historical-Maps>, Wadbilliga Parish, Edition 1

²⁴ 'Jean', interview with the author, 7 May 2013.

²⁵ Personal communications to the author.

²⁶ Edna Duncanson, interview with the author, 27 November 2013.

doing?’ and ‘don’t they realise the danger they are putting themselves in?’²⁷ In 1982 MLA John Hatton expressed a similar concern for ‘alternative lifestylers’ facing ‘bushfire hazards’ in his electorate.²⁸

Many among the newcomers and alternative lifestylers were also aware of the danger of fire, enough to join bush fire brigades early in their residency. These early connections against a common enemy (fire) began to build community and networks between newcomers and existing residents where there had initially been some incredulity even animosity. Averil Fink, who arrived in Bega in 1973 to teach at the high school observed changes in the Bega Valley communities since that time and credited bush fire brigade activities with bringing together different groups, assisting them to see each other’s similarities rather than their differences.²⁹ Sylvie, a leader in the Owner Builders Association told me ‘I think because we did show some kind of willingness, they (the existing residents) they respected us for it, really, and we very much tried to integrate into the community, join the fire brigade, progress association and we were pretty active in the school’.³⁰ Deb said that she and her partner, who were also active in the Owner Builders Association featured in Chapter Four, ‘wanted to be seen as members of the society that was there...we didn’t want to actually go out there and just grow our own veggies and look at our navels’. To enact that decision including a desire to be part of a broader community, Deb remembered joining the local fire brigade. She was given a stereotypical (for the time) woman’s role of making refreshments which did not suit her as she felt she was not accomplished at making ‘dainty’ sandwiches. She did have a truck driver’s licence but was not allowed to drive the fire trucks to a fire, but she did drive the fire trucks on the highway (to take them to be serviced for example).³¹ The attitude to women as fire fighters in that brigade did change over the subsequent few years as the number of local farm workers available at short notice declined. Judy remembers that the fire brigade members actively recruited and trained women in their district to become fire fighters because it was the women who were home during the day if a fire broke out. The men were likely to be

²⁷ Edna Duncanson, interview with the author.

²⁸ ‘Alternative-Lifestyle Hazards Worry MP’, *Canberra Times*, 31 October 1982, 6.

²⁹ Averil Fink, interview with the author, 29 April 2012.

³⁰ Sylvie Mester, interview with the author, 3 July 2013.

³¹ ‘Deb’, interview with the author, 21 June 2013.

working off farm or some distance away to supplement farm income.³² Jack Miller, the environmentalist who worked to have forests around Nelson's Lake included in Mimosa Rocks National Park (Chapter Three) and who subsequently became a BVS councillor (Chapter Five), also joined his local fire brigade soon after coming to the district in the mid 1970s. When I interviewed him for this project, he told me that he felt he was not welcome when he first arrived: specifically, he was not invited to a fire brigade meeting. But he decided to just turn up. Soon he felt suspicion dissipated and after three years he was president. Jack told me that, as newcomers, he and his family were gradually accepted as part of the community once they got involved in community groups and fundraising including the bushfire brigade and the local school's Parents and Citizen's Association. Gradually the existing residents 'saw you were not as different as they thought you might be...it takes time'.³³

Such unspoken, incremental gestures and commitments ran alongside the more open conflicts discussed in previous chapters—conflicts which centred on one version of the changing landscape and its regulation. Extreme events such as the 2019-2020 fires revealed instead the layering of diverse interests and associations occurring beneath or alongside older lines of conflict.

The Changing Productive Landscape

This slow, tentative forming of relationships was one dimension of social transformation in the Bega Valley, with its own specific contributions to the resilience of communities. The landscape in which these relationships were transacted—the other core dimension of this thesis—was valued in comparable if not always congruent ways, as settlers shaped an environmental awareness that could highlight priorities for conservation while also extending patterns of land use that posed their own challenges for environmental protection. Again, the 2019-2020 fires revealed these inherent tensions.

³² Personal communication to the author

³³ Jack Miller, Interview with the author, 2 August 2012.

The forests have been a backdrop to much of this study, edging into changing meanings of the productive landscape. New settlers arrived and spread towards the timbered escarpment, in the forests and also on old farms and subdivisions in cleared country, changing perceptions and values for rural land. They began a longer-term shift to an emphasis on lifestyle and hobby farms, for tourism and for protection of natural areas. From the 1970s increasing populations in the Bega Valley appreciated the rural land they purchased, accepting it could be or was fire prone, acknowledging the risks by joining local fire brigades, but not always seeing the extent to which their own patterns might enhance those risks. Appreciation of rural lands extended to appreciation of natural environments including coastal and escarpment forests. Some of the new settlers and alternative lifestylers began informing and acting with larger city based conservation societies working against the destruction of habitats of endangered species and critical water catchments by the woodchipping industry.³⁴ The Tantawanglo Catchment Association and the Towamba River Catchment Association fought long and hard to stop woodchipping in the forests of the catchment of the rivers which feed into the increasingly important water sources for the growing villages and towns especially Merimbula and Tura Beach, serving new residential areas and tourist facilities.

Through the 1980s and into the 1990s these local and state-based conservation groups increased pressure on state and federal government to preserve valuable habitats and species diversity, both on the coast and along the escarpment, from logging and woodchipping. Areas particularly targeted for protection were the Coolangubra and Tantawanglo wilderness areas already placed on the interim register of the National Estate by the Australian Heritage Commission.³⁵ In 1992 the Commonwealth and the state governments created a National Forest Policy Statement aimed at managing the competing demands of forests for production versus forests as conservation areas, seeking to recognise 'stakeholder' interests in the landscape and where necessary, and possible, to support process of economic transition out of inefficient practices. The policy aimed to 'maintain the native forest estate, manage it in an

³⁴ David Gallan *Understorey: A Film on the South East Forest Campaign*, (Tathra: DVD).

³⁵ Drew Hutton and Libby Connors, *A History of the Australian Environment* (Cambridge: Cambridge University Press, 1999), 188-191; Tim Bonyhady, *Places Worth Keeping: Conservationists, Politics, and Law* (Sydney: Allen and Unwin, 1993), 88-90; David Gallan *Understorey*, (Tathra: DVD); Daniel Lunney, The Eden Woodchip Debate: Part II (1987-2004), Proceedings of the Sixth National Conference of the Australian Forest History Society Inc. <https://www.foresthistory.org.au/Proceedings2004/127.pdf>. Accessed 20 October 2020.

ecologically sustainable manner and develop sustainable forest-based industries'.³⁶ In 1997 in Bega Valley Shire, 33 per cent of land was in timber production areas and 34 per cent in conservation areas.³⁷ The South East Forest National Park was created in the lead up to the Eden Regional Forest Agreement, the agreement between the Commonwealth and New South Wales governments that was negotiated as a result of the National Forest Policy Statement and as part of the 'structural adjustment' of forest industries and related economies. The Park includes areas declared as national parks prior to 1997 including Wog Wog, Nungatta and Nalbaugh, Tantawanglo and Coolangubra and created a 'comprehensive, adequate and representative public reserve system for the Eden region'³⁸ as well as ensuring a sustainable forest industry. By 2004 in the Bega Valley Shire, the balance of land uses/values had shifted towards conservation with only 24 per cent of forests in timber production and 42 per cent in conservation areas.³⁹ Conservation areas include not only designated national parks but also reserves managed by the Forestry Corporation as special ecological forest zones and flora reserves.⁴⁰ Every national park has a plan of management which includes fire management and prescribed burning regimes which take account of the optimum intervals for the burning of each particular ecological type or zone. These fire plans are based on ecological research. In the near future there may be public pressure to increase hazard reduction burning in the national parks at the same time as there are also calls to limit such burning because of the effects of smoke on health and aesthetics. These are competing demands which will continue to be debated locally and nationally: extreme fire events exacerbate the tensions of managing a forest resource that directly impact on patterns of dispersed settlement, and rural lands that are no longer maintained for agribusiness scale farming.

³⁶ NSW National Parks and Wildlife Service, *South East Forest National Park and Egan Peaks Nature Reserve, Plan of Management*, (Sydney: Department of Environment and Conservation, 2006), 3.

³⁷ *State of the Environment Report, Australian Capital Region 2004*.

<http://reports.envcomm.act.gov.au/SoE2004/BegaValley/landuse.htm>

³⁸ *South East Forest National Park Plan of Management*, 3-4.

³⁹ *State of the Environment Report, Australian Capital Region 2004*.

<http://reports.envcomm.act.gov.au/SoE2004/BegaValley/landuse.htm>

⁴⁰ *State of the Environment Report, 2004*, Bega Valley, Landuse.

Tourism

The coastal forests, largely protected in national parks before 1992, discussed in Chapter Three, and the escarpment national parks created later, have also become tourist attractions even though the risk of bushfires in these forests has not diminished. In 1970 the Far South Coast Conservation League members predicted that ‘the Coast will remain a place where people will want to come to refresh themselves mentally and physically. By the turn of the century these areas will be of unlimited value to the public’.⁴¹ The opportunity to create a tourist industry on the far south coast, explored by local government and businesspeople from the early 1960s described in Chapter One, was realised. More Australians have been able to appreciate the coastal and escarpment as roads into the area improved and the far south coast has become a popular holiday destination promoting the forests and the beaches.

By 2015 tourism had become ‘one of the largest direct and indirect economic contributors’ to the local economy providing \$223 million per annum according to the Bega Valley Shire Economic Development Strategy report.⁴² The Shire attracts more than 400,000 visitors annually, mostly domestic tourists, taking advantage of the natural attractions. From 2010 the far south coast has been promoted as a high-quality tourist destination based on national parks and wilderness areas ‘saved’ by previous generations of conservationists. The coastline from Bermagui to the Victorian border forms the northern half of the ‘The Australian Coastal Wilderness National Landscape’, declared in 2014. The National Landscapes program is a joint tourism and conservation initiative to attract ‘experience seekers’, people interested in ‘authentic personal experiences, active learning, engaging with locals and combining a variety of experiences in a single trip’.⁴³ This is how the area is marketed to tourists:

Located in South Eastern Australia is a relatively untouched stretch of wilderness coastline that offers a unique opportunity to be immersed in nature’s

⁴¹ ‘Precis of Correspondence, Item 17’, Mumbulla Shire Council, Minutes of Regular Monthly Meeting, 22 September 1970, 36.

⁴² Bega Valley Shire Council, ‘Economic Development Strategy 2016-2021’, 2015.
https://begavalley.nsw.gov.au/cp_themes/default/page.asp?p=DOC-KOQ-32-26-07. Accessed 7 August 2020.

⁴³ *National Coastal Wilderness Landscape, Experiences Strategy Report, 2010*.
<http://www.environment.nsw.gov.au/resources/parksecopass/grants-coastal-wilderness.pdf>. Accessed 29 July 2016.

playground...This hidden pocket of Australia's endless coastline is where you can get close and share your love of nature. Immerse yourself in the natural beauty of tall forests, lakes and beaches in this unspoilt coastal wilderness.⁴⁴

With such high visitor numbers in the summer months, there is a tension between coastal forests and their attractiveness for tourists and residents and the possibility of bushfires. The peak tourist season on the far south coast is the week between Christmas and New Year, also in the high fire danger period. The numbers of tourists spread out along the coast increased the complexity of managing the ongoing fires after 30 December 2019. The NSW Premier responded by declaring a state of emergency with Rural Fire Service requesting all holidaymakers to leave the coastal areas south of Nowra and Ulladulla because fire conditions were forecast to be worse on 4 January than they were on New Year's Eve.⁴⁵ It was these images of stranded holidaying families, perhaps more than those of the established rural communities, that touched the public conscience during the crisis.

Planning for Fire Prone Lands

Through the twentieth century response and management of bushfires shifted from being a local government responsibility set out in the Local Government Act 1919 to being managed by a highly trained and increasingly well-resourced Rural Fire Service (RFS).⁴⁶ Local government is responsible for planning developments and enforcing development standards to comply with state planning and environmental protection legislation, including taking into account any proposed development's vulnerability to bush fire. This balancing of roles within the hierarchy of governments has brought increased scrutiny on local government, both in its accountability for services and as a forum in which diverse community interests are managed. As outlined in Chapter Five, through the 1990s the majority group of the elected representatives on BVS Council were interested in development without any constraints and

⁴⁴ *National Coastal Wilderness Landscape, Experiences Strategy Report, 2010*, ii.

⁴⁵ Kevin Nguyen and Emma Elsworthy, 'NSW Premier Gladys Berejiklian Declares State of Emergency, As Thousands Flee South Coast ahead of Horror Fire Weekend', ABC, 2 January 2020, <https://www.abc.net.au/news/2020-01-02/nsw-rural-fire-service-declares-tourist-leave-zone-south-coast/11836730>. Accessed 30 August 2020.

⁴⁶ 'History', Rural Fire Service web site <https://www.rfs.nsw.gov.au/about-us/history>. Accessed 23 August 2020.

without adhering to environmental regulations and standards set by the state government. By 1999 the situation both within the council and between some of the councillors and council staff had become so dysfunctional that the Minister for Local Government called an inquiry into the BVSC. The Terms of Reference specifically stated that the inquiry was to determine whether or not the elected representatives be removed from office; whether 'the elected representatives command the community's confidence and support'; and whether the councillors were managing council business 'in accordance with the Local Government Act 1993'.⁴⁷ Commissioner Tim Rogers headed the inquiry and, after eleven days of public hearings and reviewing other written material including 150 submissions,⁴⁸ recommended that all councillor positions be declared vacant, that an administrator be appointed and that elections for a new council be held in mid 2001. Rogers recommended the appointment of an administrator to give council employees time to 'restore the organisational balance and review policies'.⁴⁹ Rogers reported that:

The lack of acceptance by Councillors of the emergence in recent years of a greater level of environmental expectations and the need for Council to undertake more complex environmental analysis, together with need for long term and consistent planning over assets and in particular matters of long-term sustainability, such as water supplies, is an issue.⁵⁰

The administrator, Rod Calvert, oversaw the improvement of the governance of the council business including regulation of development. The Local Environment Plan was updated in 2001 during Calvert's administration. The new plan took into account increasing need for rural planning but still allowed small acre rural subdivisions in the general agricultural zone that had created the problems of incompatible land uses in Brogo in 1993-1994 as discussed in Chapter Five. In 2001 while the policies were being reviewed, the BVSC Director of Planning told a journalist for the *Bega District News* that 'concerns about concessional allotments related to the fragmentation of agricultural land, the conflict between agricultural

⁴⁷ T. J. Rogers, Bega Valley Shire Council Public Inquiry, August 1999, 7.

⁴⁸ Rogers, BVSC Public Inquiry, 4.

⁴⁹ Rogers, BVSC Public Inquiry, 406.

⁵⁰ Rogers, BVSC Public Inquiry, 405.

activities and rural lifestyle, the impact on passive infrastructure and bushfire services'.⁵¹ In 2008 the NSW government took away the power of local government to allow concessional allotment subdivisions as part of a larger plan to protect agricultural land from fragmentation (which they had been trying to implement since the 1970s as discussed in Chapter Two) and to reduce land use conflicts.⁵² Further modernisation of the BVS LEP in 2013 reflected much more progressive and accountable procedures for planning development, conservation and sustainability than was possible in the 1990s with the divisive council culture. The 2013 plan recognises the importance of the natural environment and the contribution of tourism to the economy and records that the Council's policies were brought up to state regulatory standards. The primary aim of the plan was to

To protect and improve the economic, natural and social resources of the Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change.⁵³

In 2008 increasingly strict standards were mandated by the NSW Department of Planning relating to development of rural lands and set out in the Department's Planning Circular PS08-002.⁵⁴ These standards have been reflected in BVSC planning policies from that time to improve planning and to manage the competing demands arising from issues in the past, including the need to keep good farming land and rural landscapes intact, minimise disputes over land uses, and locate new rural residential properties close to services. In February 2020, after a period of community consultation, BVSC adopted an updated rural residential land strategy to ensure that 'future rural residential opportunities are appropriately planned while ensuring that the important productive, environmental and scenic landscape attributes are protected'.⁵⁵ The strategy recognised the ad hoc nature of past

⁵¹ 'Win on Concessional Lots', Bega District News, 3 September 2001.

<https://www.begadistrictnews.com.au/story/1023535/win-on-concessional-lots/>. Accessed 11 August 2020.

⁵² NSW Department of Planning, Planning Circular PS08-002. <https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-state-environmental-planning-policy-rural-lands-2008-05-09.pdf>. Accessed 31 August 2020.

⁵³ Bega Valley Local Environment Plan 2013.

⁵⁴ NSW Department of Planning, Planning Circular PS08-002.

⁵⁵ Bega Valley Shire Council 'Rural Residential Strategy, February 2020' (Bega: BVSC, 2020). www.begavalley.nsw.gov.au. Accessed 11 August 2020.

rural subdivision practices which ‘contributed to land use conflicts’ and to ‘people being remote from services such as schools, shops and recreational opportunities’.⁵⁶ The policy identifies ‘suitable growth areas’ around existing towns and villages which have potential for subdivision into small area rural residential properties at the same time as being close to existing services including social and cultural infrastructure. The designated areas are identified as having little risk of land use conflicts with existing agricultural activities and take account of levels of bushfire risk.⁵⁷

Even with these new planning guidelines identifying lower risk areas for future subdivisions and residential areas in the Bega Valley, the report of the NSW Bushfire Inquiry published in August 2020 noted the limitations of NSW planning legislation framework to facilitate bushfire protection. The report identifies that there are no current NSW planning instruments that prohibit development in ‘areas where bushfire risks are too great and cannot be mitigated’.⁵⁸ The report also recognised that:

The system is not well equipped to identify and deal with unapproved developments i.e. those which landholders construct without development consent (dwellings, campgrounds, etc.). These are often not built to the appropriate fire protection standard; may in themselves constitute a fire hazard; and at times house vulnerable people.⁵⁹

This statement applies to the BVS. Illegal or unauthorised housing/development in the more remote parts of the shire were not controlled or even identified with the last amnesty (the opportunity for a land holder to seek retrospective approval for their dwelling without incurring a penalty) in 2001 as discussed in Chapter Four.⁶⁰ The BVSC Mayor, Kristy McBain, in one of her daily addresses to the public in January 2020 called for people who had been burnt

⁵⁶ BVSC, Rural Residential Strategy, 2.

⁵⁷ BVSC, Rural Residential Strategy. Maps of bush fire prone land are produced by local councils and certified by the Commissioner of the NSW RFS. <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/bush-fire-prone-land>. Accessed 11 August 2020.

⁵⁸ Dave Owens and Mary O’Kane, *Final Report of the NSW Bushfire Inquiry, 31 July 2020*, 189-190. <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/NSW-Bushfire-Inquiry-1630/Final-Report-of-the-NSW-Bushfire-Inquiry.pdf>. Accessed 30 August 2020.

⁵⁹ Owens and O’Kane, *Final Report*, 190.

⁶⁰ ‘Illegal Buildings Amnesty’, *Bega District News*, 12 April 2001.

out to come forward for fire recovery assistance even if their dwelling was illegal or unauthorised. This call was reiterated by the NSW government appointed bushfire recovery coordinator for southern NSW, Dick Adams, who said ‘we’re not interested in prosecuting anyone—we’re interested in helping you’. Adams made this call to people who were uninsured or who had potentially illegal dwellings in the context of appealing to bushfire affected people to come forward and register for the state funded clean-up program.⁶¹ The State government was paying for the clean-up of properties by a single registered contractor to streamline and hasten the process. For those insured this meant their total payment from insurance policies could be used for rebuilding. By including those who were uninsured in the program, the government was ensuring that the clean-up happened in a safe way. As part of the clean-up trained contractors identified and removed asbestos and other hazardous materials and burned out trees.⁶²

By identifying that existing planning laws do not include powers to refuse proposed developments in very high fire danger zones, the Bushfire Inquiry Report reopens the question of whether people should be living in such fire prone environments at all. As discussed earlier in this chapter, Duncanson and Collins had asked the same question as early as 1981. In January 2020 fire ecologist Kevin Tolhurst argued that there are places in Australia where dwellings should never have been built and should not be rebuilt. Tolhurst suggests a government buyback scheme for such properties. This was recommended by the Royal Commission into the Black Saturday fire in Victoria but never implemented.⁶³ This measure may not be politically palatable or feasible given how many people want to remain living in the bush. Many have already returned to their properties in spite of the discomforts on living in temporary and makeshift accommodation. Solutions and answers to these questions may appear over time or the problems apparent in this fire event will be perpetuated as people continue to live on privately owned bush properties. Even those living in villages surrounded

⁶¹ Ben Smyth, ‘Uninsured, Illegal Dwellings urged to Register for Bushfire Recovery’, *Bega District News*, 10 February 2020. <https://www.begadistrictnews.com.au/story/6622087/uninsured-illegal-dwellings-urged-to-register-for-bushfire-recovery-were-not-interested-in-prosecuting-anyone>. Accessed 27 July 2020.

⁶² Smyth ‘Uninsured Illegal Dwellings’.

⁶³ Loretta Florance and Norman Hermant, ‘Bushfire Experts Say It’s Time to Revisit Black Saturday Recommendations and Stop People Rebuilding in Highly Dangerous Areas’. ABC website <https://www.abc.net.au/news/2020-01-20/government-buybacks-for-properties-extreme-bushfire-danger-zones/11851884>. Accessed 27 July 2020.

by cleared farmland may not be safe in all fire events, as fires in the Bega Valley after 30 December 2019 clearly showed.

Landholders wishing to return to high-risk areas face high costs of rebuilding to meet increasing bush fire building safety codes. The 1980s owner builders favoured low cost building techniques, including second-hand building materials. These types of materials may not be as fire-resistant as more modern materials. To mitigate some of the risk, the NSW government has changed the building codes to include Bushfire Attack Level (BAL) ratings for all new developments and buildings. BAL ratings mean that the closer the dwelling is to forest the more fire mitigation features need to be built into the dwelling.⁶⁴ Even with these apparent reassurances, architect Geoff Hanmer forcefully points out that even the latest Australian Standard 3959 relating to new homes in bush fire prone areas cannot guarantee that dwellings built to the specification ‘will survive a bushfire event on every occasion’.⁶⁵ The mandated features add considerably to the cost of rebuilding. Insurance estimates of these additional costs (additional to the cost of a similar dwelling in an area with no bush fire risk) of building on properties with the highest BAL ratings range from \$16,000 to more than \$120,000.⁶⁶ It remains to be seen how the issue of living in and rebuilding in a bushfire prone area with few assets can be negotiated between local government staff required to administer current regulations and fire affected residents who wish to remain living on their property. The negotiations that will be required between landholders and local governments will evolve and unfold over the coming years.

Limits of infrastructure

The geographical constraints that limited development of the Bega Valley well into the 1960s, including distance from major centres, isolation and topography, were ameliorated to some

⁶⁴ Raymond William Loveridge, ‘Australian Building Codes Don’t Expect Houses to be Fire-proof – and that’s by Design’, *The Conversation*, 14 January 2020 <https://theconversation.com/australian-building-codes-dont-expect-houses-to-be-fire-proof-and-thats-by-design-129540?>. Accessed 26 July 2020.

⁶⁵ Geoff Hanmer, ‘Building Standards Give Us False Hope. There’s no such Thing as a Fireproof House’, *The Conversation*, 30 January 2020. <https://theconversation.com/building-standards-give-us-false-hope-theres-no-such-thing-as-a-fireproof-house-130165>. Accessed 26 July 2020.

⁶⁶ PCIB, Peter Collins Insurance Brokers. This site recommends the amount that householders should increase their existing insurance cover based on the added features needed to meet the updated BAL rating. <https://www.pcibroker.com.au/new-rating-system-for-homes-at-risk/>. Accessed 30 August 2020.

extent over the following decades. The scale of the 2019-2020 fires including in neighbouring local government areas limited the capacity of local government and emergency services to respond. There were simply not enough firefighting resources to attend the number of fires alight at the same time.

The road network was vulnerable to fire as all the roads in and out of the Bega Valley require travel through dense eucalypt forests. Fire and police services managed this by opening the Snowy Mountains Highway as soon as it was safe to do so and opening the Princes Highway as sections were cleared and made safe.

The electricity network was also extremely vulnerable with the population spread out over a large area and much of the infrastructure burned by the fire. Lines were repaired as quickly as possible but in some of the more remote areas this took many weeks. Reliance on electricity impacted the ability to respond to the fire emergency, for example the fuel pumps at petrol stations rely on electricity so motorists trying to fill their fuel tanks had to wait for back-up generators. Electronic sales devices were unusable while there was no power, limiting survivor's ability to buy much needed supplies.

The advances in telecommunications infrastructure over the last twenty years was a strength but also a key vulnerability. The NSW Bushfire Inquiry reported that telecommunications service was the most valued service in the 2019-2020 bushfire season. Telecommunications services enabled people to call Triple O for emergency assistance, keep in touch with family and enabled the government agencies to issue alerts and emergency warnings.⁶⁷ Improvements in digital and mobile technologies means that RFS telecommunications services are able to text send messages to residents in imminent danger. The 'fires near me' application for mobile phones, launched in 2011, informs users of the location of fires to assist people in making decisions about leaving areas in the projected path of any fire.⁶⁸ However these systems are only useful when the mobile phone network is available and has enough capacity to deal with increased demand in situations such as a large

⁶⁷ Owens and O'Kane, *Final Report*, 198.

⁶⁸ NSW Rural Fire Service 'History, 2001-present day', <https://www.rfs.nsw.gov.au/about-us/history>. Accessed 15 August 2020.

fire. The system also relies on having electricity. The NSW Bushfire Inquiry recommended that all service providers improve their bushfire preparedness, responses and backup for these critical pieces of infrastructure.⁶⁹

These service-provision and regulatory challenges are not new, as this thesis shows. At the beginning of the study period service provision had been subsidised by community service delivery systems to give rural residents similar access to electricity, telephone and postal services as their city cousins.⁷⁰ With the introduction of ‘user pays’ ideologies from the 1970s, these supports have lessened and left vital infrastructure to the whims of market forces. A simplistic contrast could be the suggestion that at the beginning of the period insular communities were reacting against change brought in by newcomers; these examples show the ‘three generations in the cemetery’ residents were adjusting not only to the newcomers but also to the loss of subsidised services and their special status as farmers. All are now working towards goals seeking to protect environmental as well as economic and social assets. Part of the argument of this thesis is that such a polarisation, the farmers and the ‘hippies’, is neither helpful nor historically supported. While some media reports during and since the fire have focussed on disharmony and dysfunction⁷¹, at the personal and village level, individuals and groups have come together to assist each other in locally organised relief centres run by volunteers. At the same time, as a reflection of the connections between the global and the local, very generous monetary and in-kind donations from all over Australia and the world have also helped fire affected residents. Digital technologies enable donors world-wide to give directly to local causes and groups such as the relief centres using fundraising internet sites and the ability to make direct deposits into local group bank accounts. As government service provision has declined for rural and regional communities, in this time of extreme stress citizens from all over the world have been moved to directly assist small local communities.

⁶⁹ Owens and O’Kane, *Final Report*, 201-205

⁷⁰ Graeme Davison, ‘Rural Sustainability in Historical Perspective’, in *Sustainability and Change in Rural Australia*. Edited by Graeme Davison, Chris Cocklin and Jacqui Dibden (Sydney: University of New South Wales Press, 2005), 49.

⁷¹ Michael McGowan, “‘You can See it in their Eyes’: Long after the Bushfires the Pain Lingers in Cobargo”, *Guardian* 25 July 2020. <https://www.theguardian.com/australia-news/2020/jul/25/you-can-see-it-in-their-eyes-long-after-the-bushfires-the-pain-lingers-in-cobargo>. Accessed 31 October 2020.

Conclusion

The extreme fire event of 2019/2020 highlighted issues that Council had been working to resolve, including the need for better planning of multiple rural land uses and managing competing land use conflicts. High value agricultural lands are now protected from ad hoc subdivision. Rural residential living has been accepted as a valid use of rural space but in the future will only be allowed in carefully planned subdivisions close to services which have a lower bushfire risk. How redevelopment of private property is managed, including rebuilding to highest bush fire protection standards with its associated costs, is yet to be addressed. While fire recovery around Cobargo has been portrayed in some media outlets as 'us and them' in terms of who is deserving of support and assistance, there are also examples of communities looking after one another, building community connections and networks rather than creating conflict. The transitions in the Bega Valley since that 1960s have meant that many different versions of rural life have been accepted and will be important contributors to social life and economic viability for future transitions of the Bega Valley.

Conclusion

This thesis has been framed by marked demographic and structural changes in the Bega Valley Shire. Between 1966 and 1996 the population of that area more than doubled. At the same time the dairy industry, the mainstay of the economy from the turn of the twentieth century, was restructured under pressure from changing market and policy settings, resulting in fewer but more intensive commercial farming operations. In 1965 three relatively insular local government areas, with a stable social and economic base, entered a sustained process of transformation. Incorporated into a single local government area (LGA) in 1981, by 1996 the area had a more diverse population and economy. In regional Australia it was far from alone in these processes, but—given its marginality—its experience was of heightened significance, especially in the ways in which individuals, enmeshed in transitioning processes, understood what was at stake for the landscape itself.

This thesis has investigated many layers of these transitions. Individuals and families moving into this rural area brought with them aspirations and expectations for an ‘alternative’ lifestyle. They contested established land use and landscape values and, over time, negotiated new understandings of the value and meaning of rural spaces. We have studied not simply a polarisation of perspectives—familiar enough in environmental and social histories—but processes of negotiation that tested all parties, including the regimes of local, state and national government and regulation that were an integral dimension of these processes. New arrivals were seeking a different way of living from the cities and suburbs they were escaping, seeking and making different patterns from the existing modes of rural living. Many new arrivals purchased land for small scale agriculture, hobby farming, bushland retreats and leisure in visually attractive coastal and hinterland surroundings. They were far from alone: the ‘sea-change’ or ‘tree-change’ phenomenon has been one of prominent motifs of Australian settlement dynamics over recent decades. Yet, again, the Bega Valley had its own distinctive constraints and opportunities. In general, there have been few qualitative studies of the implications of population change and increase for rural regional communities in coastal areas along the eastern seaboard of Australia: this research has sought to extend existing

research with its own particular example of wider patterns intersecting with local circumstances.

This population shift from urban areas to rural areas occurred not just in Australia but in other Western democracies in Europe and North America at the same time. Geographer John Holmes named the Australian version of this process a multifunctional rural transition in contrast to the European idea of a post-productive change, in part because there was more space in Australia for in-migrants to spread out across the landscape. In Australia some of the land attractive to the in-migrants was no longer suited, or in reality had never been suited, to intensive agriculture and grazing. Therefore, there was less competition for rural spaces than was seen in Europe—there was the prospect of a different dream to be fulfilled. In Holmes' typology two new values or uses for rural lands were added to primary production: consumption (market driven amenity goals for land use including lifestyle, recreation and tourism) and protection, especially focussed on the perceived enduring qualities of natural environments.

This thesis observes these three uses emerging in the Bega Valley after 1965, as newcomers arrived, and the dairy industry transitioned. Geographer Doreen Massey's theorisation of space and place as constantly transitioning provided a way to examine change over time by exploring a multiplicity of social and bureaucratic relationships and changes occurring simultaneously. These relationships were highlighted by conflicts over development, including contests over land uses, environmental values and wider issues of social and economic change which, in turn, reflected ways in which ideas of belonging, value and representation were negotiated. And these contests were not so much determined by settled positions and interests, but by the experience of defining interests, articulating values, accessing resources, and testing identities.

This thesis' originality lies in interrogating historical rural change in one locality by synthesising or weaving together these two geographical concepts: multifunctional rural transition and Massey's ideas of space as constantly transitioning. This synthesis is enhanced by a series of personal reflections on involvement in these contests, and of finding tracks beyond them. Holmes presents the multifunctional rural transition as the central dynamic

driving rural change, but the concept, as it is presented, is static—land moving from one use to another and not changing again. With newcomers literally ‘buying into’ rural localities, competing demands for spaces led to contests over development which is, and of, itself a marker of transition—development being defined in the Local Government Act 1945 as a change from one land use to another. This thesis has examined four examples of these intersecting interests, the conflicts they generated and the paths to resolution that emerged as the Bega Valley played out its place in the larger story of social change in rural areas across the western democracies in the last decades of the twentieth century.

Newcomers were from diverse backgrounds and had diverse ambitions and aspirations for their new lives. Many of the newcomers became landowners. Land ownership confers rights but also includes responsibilities (for instance to deal with weeds and vermin). However, owning private property does not entitle the landowner to uncontrolled use of the land. Local and state government regulations aim to manage competing demands and health and safety concerns and also respond to wider concepts of environmental sustainability, heritage and productivity. Most of the time the farmers and the ‘three generations in the cemetery’ residents move along side by side with later arrivals, business and town’s people and do not interact unless they have shared interests. When competing demands emerge for uses of space, individuals are forced to negotiate and use whatever strategies they can to assert their desired outcomes for their own places or their shared spaces including neighbourhoods or leisure spaces. These are the processes which have been traced in this thesis.

The image of the coast and its hinterland areas as leisure space is pervasive, increasingly so during this study period. In 1974 John Hatton, member for South Coast, described his electorate as a playground for the growing cities of Sydney, Canberra and Albury. Also in 1974, the Report of the National Estate described the coastline as Australia’s ‘biggest playground’. Non-metropolitan coastal areas along the eastern seaboard have attracted populations seeking leisure opportunities, more so since the 1960s with increased mobility in private motor vehicles. In the coastal hinterland, on farmland no longer suitable for large scale agriculture and grazing, small acre rural properties are now sold as lifestyle properties and hobby farms, both terms implying that occupying these properties is a game or an indulgence. The people who moved to these areas made homes and livings to provide for themselves and

their families. Within these processes the landscapes changed from being solely for primary production in the sense of commercial farming to being multifunctional, and to being 'productive' for a range of other purposes and values. These multifunctional landscapes and land uses extend the ideas of rurality or being rural. We started the thesis defining rural as 'not city', with myriad connotations. With population shifts to coastal fringes and growing inland urban centres, the idea of rural as being 'not city' has been replaced by the more encompassing term regional, differentiating metropolitan ('real') city, from smaller inland and coastal cities. Bega Valley is now classed as outer regional in statistical and service provision terms, but this still does not necessarily capture the complex ways in which its populations have come to understand themselves, their aspirations, or perhaps their vulnerabilities—as underscored by the bushfire crisis of 2019-20.

As noted above, to explore contests over development in the recent past I included oral interviews as a method to investigate individuals' recollections—to understand more fully what they did and why, but also to gain an appreciation of how that experience shaped or changed them. I wanted to capture participants own thoughts and words, and in doing so not only their memories but also how they made sense of their past experiences in the Bega Valley. This is what oral history interviews do, they capture participant's memories as interpreted by them in the present. The interviews were planned to be the centrepiece of this project. As I started examining the evidence and recording interviews, it became clear that choosing to study conflict, the intersections and interactions of people thrown together and claiming a space in the place of the BVS, required an understanding of the regulatory frameworks into which the parties were drawn. In the quarry case, for the participants to object to the quarry they had to amass and learn information about quarrying, including the effects and impacts of quarrying so they could make meaningful objections. In the same way, in order to understand the progress and the processes of negotiation, I had to understand the bureaucratic processes in which the protagonists were operating. Understanding those regulations and processes was important to understanding the negotiations themselves. The research revealed that these regulatory systems were also being transformed, brought about by increasing need at State government level to manage development in a way that protected or brought the least harm to the environment. The research, then, is written between the regulatory processes and the participants actions as they related to each other and reacted

against or used those processes to negotiate solutions satisfactory to them. Including evidence from individuals brings to the fore the effects on individuals, communities, local government officials and elected representatives of working in changing regulatory frameworks imposed from the state level but not necessarily well accepted in some sections of local government.

Critiquing local history, historian Graeme Davison asks: how can we believe in the myth of community when ‘all the big decisions are made out of town?’ This thesis reveals that while the ‘big decisions’, in this case the changing regulatory frameworks—the increased need for proper planning for orderly development—were made out of town, that was far from the end of the story. Local government sometimes resisted this ‘interference’ believing that, as the level of government ‘closest to the people’, it was the appropriate agent to decide planning and development issues. However, local decisions could be parochial and short sighted. Orderly planning therefore had to be managed in the context of balancing top-down regulation with local adaptations and aspirations. In some instances, the top-down rules and regulations were favoured by protagonists over locally made, parochial applications of those rules and regulations. In most, however, the translation was more equal, and enabling, even for those who might begin with a perception of being most ‘outside’ such formalities.

Davison writes that community does not exist—it is a myth—based on his studies of urban and suburban areas. The myth of community he refers to is the myth of community as a stable homogenous and harmonious social group. He did not find it in rapidly gentrifying suburbs. He mourns the loss of community saying most local histories end on an elegiac note at the end of the pioneer period.¹ By investigating a relatively small population and interrogating individual’s actions and activities, this thesis has revealed that communities can form for particular actions and activities, then dissipate, but not necessarily in defeat. Even as these ‘communities of interest’ dissolve and individuals disperse; those networks and connections remain and can be activated for future events and activities as required. If anything, there is a wealth of community as activity and actions since the 2019–2020 fires have shown, with locals and neighbours assisting each other to recover. The bureaucratic

¹ Graeme Davison, *The Use and Abuse of Australian History* (Sydney: Allen and Unwin, 2000), 219.

structures to manage disasters broke down because the scale of fires across NSW overwhelmed the resources available to respond. Groups and neighbourhoods banded together, creating community even if only for a short period, with information sharing and looking out for one another in extreme circumstances

The value and significance of this thesis is that it demonstrates that change in a place is constant and not a stable, static society of harmonious social relations. Sometimes these transitions are slow, almost imperceptible, sometimes so dramatic they seem a rupture right to the core of a place. Between the 1860s and the 1960s in the Bega Valley, the major transitions were within the primary production mode of occupation and use. Newcomers moved into the area from the 1960s, buying land and pursuing their own visions and versions of a rural life, adding new uses and values including rural residential, small scale agriculture, tourism and conservation values: creating a multifunctional rural. Individuals and groups are agile, often creative in their advocacy for what they want their place to be and possibilities for development. If there was an issue they really cared about, they entered into contests or negotiations using whatever tools, expertise and support they could muster to further their cause either for or against the bureaucratic structures or even playing one set of structures against another within the same system (as in the quarry). In the process networks and communities form, dissipate, perhaps re-form. Through the contests considered in this thesis we have traced the changes in what was available for such advocacy, and how those changes shaped and reflected the identities of the advocates themselves. There is never one single homogenous community but diverse, messy, often helpful communities. As noted in the Introduction, in the years following the main land-use conflicts discussed in this thesis, an awareness of, and an imperative to address, Indigenous histories and claims would significantly expand these negotiations. Rob Garbutt has also shown how areas less peripheral and more culturally diverse than that studied here have tested ideas of Australia as a postcolonial, multicultural nation.² Now, the many communities of the far south coast are rebuilding themselves in different ways after the fires, some with volunteer recovery centres supported and funded by outsiders. These renewal activities are unique to each small community.

² Rob Garbutt, *The Locals: Identity, Place and Belonging in Australia and Beyond* (Oxford: Peter Lang, 2001).

Changes in a rural local government area are distinctive due to the particularities of time and place and the individuals who are there at any one time, each bringing their own expectations, ambitions and skills to situations which demand negotiation to manage competing demands. The particularities of the contests, negotiations and transitions after 1965 were the result of factors and protagonists that were distinctive because of Bega Valley's history, geography, proximity to the coast and its peripheral status to the national story. Yet while negotiations are particular to a time and a place, they speak to wider stories of social change. Community members in other local government areas with different pressures will also have skills and resources to negotiate and agitate for their desired outcomes when faced with proposed developments which change land uses in their areas.

Appendix One

Participant Questions

The interviews I conducted were semi-structured and these questions were a starting guide. I always began with this question as an 'ice breaker':

When did you first come to/see Bega Valley and what were your first impressions?

Questions for new settlers.

When did you decide to come to live in the Bega Valley?

Did you come by yourself or with family members?

What inspired you to leave your (then) home?

Had you been to the Bega Valley before as a visitor, holidaymaker or a resident?

What motivated you to come to live in the Bega Valley? Did you look at any other areas and if so where?

What did you expect your lifestyle would be once you had moved? Where did you live when you first arrived? Did you buy a house or land or did you rent a house?

Did you have family or friends living in the area already?

How did you go about making new friends?

What groups or clubs did you join?

General questions for existing residents.

Have you always lived in the Bega Valley?

Did you ever move away for work?

Do you own your own farm and what do you farm?

Did living in the Bega Valley limit the sort of jobs you could get?

Have you got other family members living close by?

What clubs and groups do you belong to? Did you belong to other clubs in the 1970s?

When did you first notice new people coming to the area? What did you think of the new arrivals?

Section Two

Specific questions about the contests participants were involved in.

The interviews became less scripted and more open to exploring the experiences of the participants in the relevant conflict. A general line of questioning took the following course:

When did you first become aware of the issue concerned, and of the potential for conflict over it?

Why did you get involved in the issue?

What did you think you were going to lose or gain?

Did these views change over time?

If yes, what made you change your mind?

Were there distinct stages in that involvement?

Did you ever feel like giving up?

Did anything happen that made you more determined to continue?

How did you understand the motives, or interests, of those on other sides of the conflict? Did this change over time?

What skills did you feel you particularly brought to the conflict?

What did you seek to acquire through your involvement?

What challenges faced you, or the group/s with which you were involved, in the course of the conflict?

Were there distinct stages to the conflict, and if so what determined them?

What do you think you learned through the conflict?

What do you think the impact or the consequences of the conflict have been?

Was it worth it?

Has it changed your view of politics, or government, of other groups in the community?

This is not a full list of questions so that I had the ability to ask for more detailed information from the participants on topics that they raise using open questions such as: Can you tell me

more about that? What do you mean by that? How did you react to that? Can you give me another example? What happened next?

Reflections on the processes and content of interviews.

The interviews were semi-structured, tailored to the individual and the dispute the participant was involved in. Through the process of interviews, I observed that participants responses could be very different depending on the personal communication style of each participant. Two just talked for two hours on what they wanted to say and deflected questions on other topics, others answered questions very directly with no supplementary details, requiring more follow up questions. Most often participants offered detailed answers which covered several of the questions in one response. These different communication styles meant more direct questions to some participants and fewer to others. Most answered my prepared questions in the course of the interview. Most were also aware they were 'talking to history' and some acknowledged that this was one of the reasons they agreed to participate: to be part of 'making history'. Sending the participant information sheet prior to the interview gave participants time to mentally prepare and some began the interview with a statement that seemed rehearsed or scripted, indicating that they had been thinking about the topics that might be raised prior to the event. One participant had checked details with his previous work colleagues.

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Participants who wished to be known by a pseudonym appear as a name in inverted commas.

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