

# **Ninney Rise and John Büsst Memorial Bingil Bay, North Qld Conservation Management Plan**



**Prepared for Friends of Ninney Rise**

Cover image : Artist John Büsst and his wife Alison (east veranda Bingil Bay house) c1968, SLV

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## 1.0 INTRODUCTION

### 1.1 Background

Ninney Rise and John Büsst Memorial are located in Bingil Bay, North Queensland - 136 kms south of Cairns and 237 km north of Townsville in Cassowary Coast local government area. Bingil Bay sits at the north end of four coastal hamlets nestled between the rainforest and beach along 14 kms of coast – namely Mission Beach; Wongaling Beach and South Mission Beach. Bingil Bay is 4kms north of Mission Beach.



Fig 1. View over Bingil Bay looking south-east to Dunk Island beyond Clump Point from behind Ninney Rise. This view takes in two World Heritage Areas - Wet Tropics of Queensland World Heritage Area to right and Great Barrier Reef World Heritage Area to the left. (Image source: slideshow, *What is Ninney Rise* by Liz Gallie for FoNR, 2013)

Ninney Rise is a 2 hectare site comprising a substantial tropical house and established garden elevated above Bingil Bay Beach. The place is located in an area of outstanding natural beauty and significance. It overlooks **two National Heritage sites** which are **also World Heritage Areas** – the Great Barrier Reef WHA, 100m to the east and the Wet Tropics of Queensland WHA, 1000m to the south.



Fig 2. Map showing location of Ninney Rise relative to two World Heritage Areas - Great Barrier Reef (100m east) and Wet Tropics Queensland (1000m south); adjacent National Parks and the townships of Bingil Bay and Mission Beach. Inset shows location of Ninney Rise relative to Cairns and Townsville, North Qld (image source, QPWS)

The house was designed and built c1959/61 by John Büsst and his wife Alison.<sup>1</sup>

John Büsst was born in 1909 in Bendigo, Victoria, the son of a local mining warden who left him independently wealthy. He studied law in Melbourne; worked as a journalist, became drawn to art practice and relocated to semi-rural Eltham, Victoria in 1934 to help found an artist's community (later named Montsalvat).<sup>2</sup> In 1940, Büsst relocated to Bedarra Island, North Queensland (on the Cassowary Coast off South Mission Beach) with the intention of forming a tropical artists colony. He built a substantial verandahed mud-brick house at Bedarra (assisted by his sister and fellow artist Phylis Büsst) and in 1950 Büsst married fellow Melbournian Alison nee Fitchett.<sup>3</sup>

Together, John and Alison Büsst became increasingly interested in reef ecology and flora and fauna, planting the seeds of environmental activism that were to follow.<sup>4</sup> For reasons including seeking convenience, they relocated to Bingil Bay on the mainland in 1957 and purchased an old 4 hectare farm from the Crown (about twice of the current Ninney Rise lot) along with 60 hectares of rainforest immediately to the north.

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<sup>1</sup> No building permit records exist for the original house, but photographic evidence, held by QPWS & DEHP, dated by Brenda Harvey (a long term local resident) shows earthworks for the house had commenced by late-1959.

<sup>2</sup> DEHP file records; Roland B (1984)

<sup>3</sup> Porter JG (1983)

<sup>4</sup> See Ford P (2011); Fraser I (2003) and Hayes HC (1965)

From the time they moved to the mainland, the Büsssts determined to fight for protection of remnant rainforest at Clump Mountain south of Bingil Bay with the assistance of scientists Len Webb and Geoff Tracey with whom they formed a close working relationship.<sup>5</sup> Büssst would later convince the Federal Government to engage Webb & Tracey in 1965 to conduct the first systematic vegetation survey of North Queensland rainforests - actions which ultimately resulted in World Heritage recognition and protection for substantial areas of Wet Tropics rainforests of North Queensland and inclusion of Clump Mountain National Park within this WHA.

Coupled with rainforest activism, the Büsssts became increasingly embattled in fighting for reef protection. In the mid-1960's, without legal assistance, they successfully fought an application to mine nearby offshore Ellison Reef for limestone - an action that led to recognition of the interdependent ecology of the entire Reef and set a legal precedent for not mining the entire Great Barrier Reef. A protracted campaign continued by poet activist Judith Wright and others, ultimately saw the creation of the Great Barrier Reef Marine Park and its declaration as a World Heritage area.



Fig 3. Judith Wright (left); Arthur (Taff) Fenton Sec WPSQ (centre) and John Büssst (right) at the start of a protracted campaign against mining the GBR. Fenton & Büssst would not live to see the outcome. (Wright, 2014)

Büssst died in 1971 during the height of this Reef campaign. His Memorial plaque, with wording by Judith Wright, lies 230m north-east of Ninney Rise on the foreshore of Bingil Bay near Ninney Point. Fittingly, the Memorial sits beneath a rainforest backdrop facing the Reef he was fighting to protect.

Alison Büssst subdivided the rainforest to the north for private sale after attempts to gift it to James Cook University and sell it to the Australian Government for the National Estate. She also excised the western half of the house lot for private sale reducing the site to its current holding. In 1979, she sold the house and garden to Kate Tode (an American philanthropist and naturalist) along with an adjacent 3.8 hectare rainforest lot, immediately to the north and behind the John Büssst Memorial plaque.

Kate Tode immediately named the house and garden '**Ninney Rise**' and bequeathed it (and the rest of her Australian Estate) in her Will for National Park purposes. She repaired and extended the house and

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<sup>5</sup> Letter from Alison Büssst to Prof Dalton 3<sup>rd</sup> Sept 1979 (JBC/CORR/14 Personal Correspondence; JCU John Büssst Collection)

developed the Büsst's garden. By 1983, she had gifted the adjoining rainforest lot to the state, for a token sale amount of \$1.00 for National Park purposes (its extant use as Lot 155 NPW502). Following her death in 1990, Ninney Rise passed initially to her executors (Jean Rentoul and Ken Kitson) and was subsequently transferred to the Qld Parks & Wildlife Service in 1995.

QPWS was alert to the potential heritage significance of the place and sought to have this clarified. They explored interests for an environmental research station / residence at Ninney Rise and undertook maintenance and repair works to allow a ranger in residence. Later, the State Government examined development prospects for eco-tourism development.

Local environmental groups became increasingly concerned about the uncertain future of Ninney Rise; its proposed sale; possible inappropriate development and lack of heritage protection. In 2004, the Community for Coastal and Cassowary Conservation (C4) nominated Ninney Rise; JB Memorial and the adjacent rainforest National Park (Lot 155 NPW502) to the Qld Heritage Register.

In 2010, the cultural heritage values of Ninney Rise and JB Memorial were acknowledged by inclusion in the Qld Heritage Register (Qld Heritage Act 1992), however, the adjoining rainforest National Park was excluded. The **Friends of Ninney Rise** was formed in 2013, with representatives from several local environmental and tourism groups to promote the conservation and appropriate use of the place. In 2014, FoNR took over an active management role for Ninney Rise overseen through QPWS; installed an on-site caretaker and became responsible for routine grounds maintenance.

FoNR conduct regular community activities days at Ninney Rise to raise awareness of the Busst's pivotal role in reef and rainforest protection and for fundraising activities. They also make Ninney Rise available for seminars for researchers and scientists who work in these fields of enquiry.

## **1.2 Study Brief; Authorship, Process and Acknowledgements**

This study was commissioned by FoNR with assistance from a Qld Government Everyone's Environment Grant and FoNR fundraising. Tony O'Malley (Terrain NRM) oversaw the study on behalf of FoNR.

### **Brief**

The broad objectives were to :

- enable FoNR to gain a better understanding of the significance of Ninney Rise so that its heritage values could be managed
- provide advice on potential future uses
- involve stakeholders including the local community

### **Authorship**

The study was written by Michael Gunn Architects and Catherine Brouwer Landscape Architects.

Michael Gunn (AIA) oversaw the study and liaised with FoNR. He collated existing histories; undertook further research and prepared the place chronology and history. He prepared base site information; assessed the setting and house, prepared significance gradings; conservation policies and heritage management strategies for those items. He also collated stakeholder comments and compiled the final document. Catherine Brouwer (FAILA) provided specialist heritage landscape architectural input. She assessed the grounds; prepared significance gradings; conservation policies and heritage management strategies for those elements.

Photo credits: Colour photos of the present day house are by Michael Gunn. Historic photos were obtained from various sources and are credited accordingly. Colour photos of the present day grounds and gardens are by Catherine Brouwer.

### **Process and Consultation**

Michael Gunn and Catherine Brouwer visited Ninney Rise in August 2015 to inspect physical evidence; gather information from owners; managers and engage with stakeholders. Ahead of their site visit, FoNR workshopped future visions / uses. The findings were collated by the authors and are included in this study as future possible compatible uses for Ninney Rise. Transcripts of extensive oral histories carried by FoNR in recent years were made available to the authors prior to and during their site visit.

On their site visit, Michael and Catherine conducted a workshop with local stakeholders including key representatives of FoNR; QPWS; Qld Museum Network to clarify the Burra Charter process; documentary evidence findings and to discuss future uses. The authors also met with long term local residents including Brenda Harvey; Geoff Dove (Kate Tode's gardener) and Bob West (son of George West, local carpenter who assisted the Büsst's) to gain a better understanding of the place.

### **Acknowledgements**

The assistance of the following people is gratefully acknowledged for the preparation of this study:-

- Tony O'Malley (Terrain NRM & FoNR) for day-to-day liaison as project director; facilitating stakeholder meetings; oral histories and copies of file records stored at Ninney Rise
- Sandal Hayes (Sec FoNR) for site visit assistance including accommodation & site access
- Liz Gallie (Treasurer FoNR) for assistance recording stakeholder meetings and oral histories
- Craig Dean (QPWS) for mapping; property details and chronology of QPWS management
- Cameron Sharpe (QPWS) for early photos of Bedarra Island and Ninney Rise
- Audrey Reilly (QPWS) for records relating to maintenance works by QPWS
- Geoff Dove (gardener) for information on Kate Tode; Jean Rentoul & garden works
- Brenda Harvey (wife of the late Perry Harvey) and local resident who knew the Büsst's well
- Peter Rowles (C4) for advice on existing plantings at Ninney Rise
- Liz Downes (WPSQ, Townsville) for assistance with material from John Büsst Archives, JCU
- Jenny Freeman (Librarian SLQ) for assistance with requests for reference material
- Dr Rosemary Hill (CSRIO Ecosystem Sciences, Cairns) for advice on Kate Tode's sphere of influence on the WHA for Wet Tropics Qld.

We are also indebted to time given for information gathering meetings and submissions on the draft report by various members of FoNR; QPWS; DEHP and Noel Ruting (Director, LandArc Pty Ltd) for FoNR.

### 1.3 Definition of the Place

The Ninney Rise is owned and managed by the Queensland Parks and Wildlife Service (QPWS) – part of the Queensland Department of National Parks; Sport and Racing (NPRSR). John Büsst Memorial is located on Crown Land on an Esplanade managed by Cassowary Coast Regional Council. Both sites are entered on the Queensland Heritage Register (QHR). Details :-

|         |  |
|---------|--|
| Name    | Ninney Rise and John Büsst Memorial                    |
| QHR No  | 602499   |
| Address | 405 Alexander Drive and Esplanade; Bingil Bay Q 4854   |
| RPD     | Lot 539 NR6887; Lot 1 ROAD0; Lot A RP730263 (Easement) |
| LGA     | Cassowary Coast Regional Council                       |

The boundaries of the place are indicated on the following QHR map.



Fig 4. Qld Heritage Register - listing boundary outlines (image source QHR Map for Place ID 602499, Place Name – Ninney Rise and John Busst Memorial). Annotations by MGA.

## 1.4 Study Approach; Structure & Limitations

The philosophy and approach of the study has been guided by reference to the following documents: -

- *The Queensland Heritage Act 1992* as amended;
- *The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance 2013* (The Burra Charter) the accepted heritage and conservation professions' standard.
- *The Conservation Plan*, J.S. Kerr (Seventh Edition 2013.)

The study has been structured to follow the DEHP guideline for creating and using CMP's (2010) <sup>6</sup> and is presented in eleven chapters:-

**Chapter 1 Introduction** (this chapter), outlines the study brief; methodology; limitations and findings.

**Chapter 2 History & Documentary Evidence** examines the history behind the Ninney Rise and the JB Memorial, citing documentary records as appropriate.

**Chapter 3 Physical Evidence: Setting and House** describes the site context; the design and construction of the house and identifies changes.

**Chapter 4 Physical Evidence: The Grounds** overviews the grounds and describes eleven areas distinguished by changes in topography; planting and use. The history; use and intactness of each area is discussed.

**Chapter 5 Assessment of Cultural Significance** defines cultural heritage significance; proposes a place specific approach for assessing cultural heritage values and a succinct statement of significance. Significance criteria included in the Qld Heritage Register Entry are considered and an appropriate heritage curtilage discussed with recommendations for some adjustments.

**Chapter 6 Grading Significance** outlines a classification system for levels of significance and conservation measures appropriate for each. Levels of significance are identified for the House; Setting and Grounds.

**Chapter 7 Condition** discusses general condition & maintenance issues for the House and Grounds and identifies some repair and maintenance items.

**Chapter 8 Constraints & Opportunities** discusses statutory status; obligations arising from Kate Tode's gifting; management and operational constraints; FoNR activities and future aspirations; constraints and opportunities arising from Significance of the Setting; House & Grounds.

**Chapter 9 Conservation Policy** outlines the Burra Charter conservation process.

**Chapter 10 Conservation Strategy** outlines policies for protecting the cultural heritage values of NR & JBM. It includes general policies for conservation planning; management and future use along with specific policies for various components of the Setting; House and Grounds.

**Chapter 11 Action Plan** outlines further investigations required ahead of implementing future use scenarios; a conservation master planning process and identifies priorities.

**The Appendix** contains a detailed Chronology; Grounds Schedules for Built Elements; Limited Vegetation and Fold Out Drawings referred to in the text.

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<sup>6</sup> Guideline - Conservation Management Plans, Dept of Environment and Heritage Protection, 2010



## 1.5 Limitations

The study acknowledges Djiru traditional owners and the value of the place as described by them but does not extend to assessing Indigenous heritage significance (outside our expertise). Further, Qld Heritage Act (1992) criteria for which the place is currently listed deal specifically with historical (built) cultural heritage. This Act does not apply to places or objects of traditional Indigenous cultural heritage significance.

Historical research was not funded for this study - it was assumed existing histories prepared for the Qld Heritage Register would suffice. However, during the course of the study it became apparent there were anomalies – especially in relation to the complex sequence of adjoining property acquisition and disposal for private sale and donation to the state for National Parks. Further, Kate Tode's role within the place history was sparsely documented and not well understood. Much research has been donated by MGA in the course of preparing this study to clarify these aspects as funding limitations precluded engagement of a consultant historian. Future funds should be directed to properly document these histories.

Reef and rainforest conservation campaigns have been extensively researched and documented (eg Clare P- 1971; Wright J - 2014; Ford P - 2011; Frazer I – 2003; McCalman I - 2013; Valentine P & Hill R - 2008). It is assumed the reader is familiar with these. It is not the task of this CMP to dwell on these campaigns. Apart from Clare P (1971) - who provides an illuminating description of the house; grounds and setting in the Busst era (linking physical aspects of place to these campaigns), they deal with a history of events rather than built fabric history. Further research, outside the scope of this study, has the potential to yield deeper connections between these campaigns and physical evidence at the place.

Physical inspection was limited to checking documentary records with physical evidence; recording discrepancies and identifying obvious visual condition issues. It did not include detailed condition assessments; investigative removals; finishes investigations or services audits.

House; garden and grounds surveys are based on preliminary data and are approximate record only. Grounds and Vegetation survey limitations: The Grounds Site Plan (Appendix C foldout dwg no 0501-03) was prepared by CBLA using a) MGA's base site plan (collating QPWS aerial contour mapping and existing title plan survey - see figures below) and b) site measure by Catherine Brouwer to record garden form; trees and features hidden below aerial imagery. Comprehensive vegetation surveys (of the garden; forests and regenerating forests in the peripheral grounds) was beyond the scope of this CMP – our team did not include expertise for ecological and flora and fauna assessments.<sup>7</sup> A cadastral surveyor's Detail Survey is required to establish a comprehensive planting inventory.

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<sup>7</sup> Comprehensive vegetation surveys and flora & fauna assessments would be beneficial for future management of the place. They can be addressed strategically, conditional to particular uses at each management and / or funding stage.



Fig 5. Top – QPWS aerial contour map 50cm (2015); Fig 6. Bottom – MGA Site Base Plan (2015) prepared as trace overlay from aerial contour with boundary data from title plan surveys.

## 1.6 Summary of Findings

The study finds Ninney Rise & JB Memorial significant on historic; aesthetic and intangible heritage grounds. Historical associations between the place; the Büsst's and pivotal, pioneering environmental campaigns of the 1960's - 70's to protect the Reef & Rainforest run very deep. The place has high aesthetic significance as a conserved mid-late 20<sup>th</sup> C tropical house and garden, rare in Queensland. The setting overlooking WHA Reef and Rainforest heightens this aesthetic significance and provides a tangible reminder of historical associations. The unconventional, robust hybrid construction (combining in-situ concrete with brick masonry) also has potential technical significance, yet to be fully understood.

The house and grounds have been modified through successive ownership, but are essentially intact. The house retains most of its original structure and layout. Büsst's design intentions are apparent although somewhat obscured by Kate Tode's modifications. The grounds, likewise, retain terrain shaping; layout and planting by the Büsst's occupation with subsequent layering by Kate Tode.

The place may be modified to suit changed functional requirements but not at the expense of the irretrievable loss of significant aspects of the house; garden; peripheral grounds and setting. *Continuity of use as a tropical house and garden provides the best possible opportunity for ensuring the cultural heritage values of the place are retained.* The place can be readily adapted to a Tropical House Museum for public visitation, interpreting the life and work of John and Alison Büsst whilst supporting supplementary low impact environmental educational and scientific activities. The study recommends a process of carefully managed conservation; restoration and controlled adaptation of discreet parts to safeguard these compatible uses.

The future care of the place should be the responsibility of a co-ordinated management structure including representatives of owners and managers along with relevant experts. A co-ordinated program of staged investigation and conservation work is recommended when funds permit.

The place has a rich social history with considerable oral histories recorded through the voluntary efforts of FoNR . Also, artifacts and documents relating to occupation by the Büsst's and Kate Tode exist but need to be properly identified and catalogued. Such material has excellent potential to form the basis of a combined Oral History Project and Collections & Interpretation Plan. This could be scoped and commissioned as soon as funds permit.

The QHR Entry should be revised to reflect the findings of this report in regards to history; significance and heritage boundaries. The National significance of the place warrants future consideration given the important evidence it provides of the birthplace of World Heritage Great Barrier Reef and Tropical Rainforest protection.<sup>8</sup>

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<sup>8</sup> The National Heritage List is administered by the Australian Government under the Environmental Protection and Biodiversity Conservation Act, 1999. National Heritage places are divided into natural, historic and indigenous domains to reflect administrative management structures. Threshold for entry is *outstanding values to the nation* – eg recognition of outstanding events in Australia's history. The only historic place in Queensland on the National list is the QANTAS Hangar, Longreach.

The findings of this study should be reviewed and revised if necessary, preferably within ten years, or earlier in the event of significant changed circumstances or when significant additional information is gained.

## 1.7 Terminology

The Bingil Bay area was not geographically distinguished from Clump Point until c1940s. Thus, the early settlement of Clump Point extended north from the present day Clump Point to Bingil Bay.

'Ninney Rise' is often used to describe the place in the Büsst era (1957-1979) but in fact only came into being when Kate Tode purchased in 1979 and decided on that name for the house and garden - reflecting its proximity and elevation above nearby Ninney Point to the north. The place is more properly described in the Büsst era as their Bingil Bay homestead (Clare P, 1971).

The term 'Büsst' is commonly used to imply John Büsst. However, oral histories suggest Alison Büsst was intimately involved in Reef and Rainforest campaigns providing counsel and advice and writing letters. This is also supported by slim documentary evidence held at John Büsst Archive (James Cook Uni) but is not recognised in existing published and unpublished histories. Further research is required to understand Alison's role in these campaigns. For the purposes of this study, the term "Büsst" implies Alison and John Büsst, unless noted otherwise.

## 1.8 Abbreviations

The following abbreviations are used throughout the study :-

|          |   |
|----------|---|
| ACF      | Australian Conservation Foundation                        |
| CCRC     | Cassowary Coast Regional Council                          |
| C4       | Community for Coastal & Cassowary Conservation            |
| CMP      | Conservation Management Plan                              |
| DEHP     | Department of Environmental and Heritage Protection (Qld) |
| FoNR     | Friends of Ninney Rise                                    |
| GBRMP    | Great Barrier Reef Marine Park                            |
| JBA      | John Büsst Archives                                       |
| JCU      | James Cook University                                     |
| NHL      | National Heritage List                                    |
| NR & JBM | Ninney Rise and John Büsst Memorial                       |
| QPWS     | Qld Parks & Wildlife Service (now part of QNPRSR)         |
| QHR      | Qld Heritage Register (Qld Heritage Act 1992)             |
| SLQ      | State Library of Qld                                      |
| SLV      | State Library of Victoria                                 |
| WPSQ     | Wildlife Protection Society of Qld                        |
| WHA      | World Heritage Area                                       |
| WTQ      | Wet Tropics of Queensland                                 |

## 2.0 HISTORY & DOCUMENTARY EVIDENCE

### Introduction

This section outlines history relevant to the place as a whole to understand how it changed over time and what factors contributed to those changes. It also identifies important associations with people; events and other related places. It answers key questions :- what was the place like prior to the Busst-era? How did the Busst's modify and use it? And post- Busst, how did Kate Tode subsequently change the place before gifting it. (A detailed chronology of events and associations related to the place is detailed in Appendix A.)

### 2.1 Pre-contact

For approximately 20-30,000 years, the Djiru peoples have inhabited the Mission Beach area including Bingil Bay. Their coastal environment provided a rich source of food; medicine and resources. Concepts of culture and spirit are integral to their Country.<sup>9</sup> Hunters, fishers and gatherers, the Djiru excelled in canoe and raft building and were expert at fishing the fresh and marine waters.<sup>10</sup>

Bingil Bay, with plentiful creeks, was a favoured camping place -'Bingil' is a Djiru word meaning good camping with fresh water. The Djiru used bark canoes to hunt sharks; dugongs; turtles and fish and travelled to nearby islands for birds eggs. Rainforest plants were used to make fish nets; shelters (mijas); tools; weapons and for medicines. Milky pine bark was used to kill fish for food and as a base for firesticks.<sup>11</sup>

At Bingil Bay, people camped along the beachfront near their primary food source and travelled for social obligations. During wet and stormy weather, they moved inland to safer, flat places well above creeks. During extreme weather - ie cyclones, the dense rainforest behind the beach provided refuge – people used the base of large trees as shelters. As far as can be ascertained for the scope of this study, little clearing of the forest would have occurred and the landscape at Ninney Rise would most likely have been naturally occurring lowland rainforest.<sup>12</sup> In the early 1920s, the 'last' Aboriginal people of Bingil Bay, an old couple living at 'Ninney Point' were removed by police to the Palm Islands Aboriginal Settlement.<sup>13</sup>

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<sup>9</sup> QPWS website Clump Mt Nat Park

<sup>10</sup> A Brief History of Mission Beach, Cassowary Coast Regional Council

<sup>11</sup> QPWS website Clump Mt Nat Park

<sup>12</sup> Oral history from traditional owner Leonard Andy 7<sup>th</sup> March 2013, transcript by Tony O'Malley, FoNR

<sup>13</sup> Mackness, C (1983), Clump Pt and District, p53

## 2.2 European explorers and early contact

European discovery of the region is likely attributable to James Cook's and Joseph Banks' 1770 "Voyage of Discovery" on HMS Endeavour. They mapped the North Queensland coastline and named many local landmarks near Ninney Rise including Dunk Island and Rockingham Bay, passing within 15km of Clump Pt on 10<sup>th</sup> June 1770. Little early contact is recorded. Numerous explorers; survey and transport expeditions followed.<sup>14</sup>

In 1818-20 Captain Phillip King charted the inner reef with naturalist/explorer Alan Cunningham. They recorded contact with traditional owners on the Family Group of Islands to the south of Ninney Rise. A few decades later, in 1843, Captain Blackwood of HMS Fly surveyed Rockingham Bay. In 1848, Captain Owen Stanley (of HMS Rattlesnake and Bramble), surveyed the passage between Great Barrier Reef and mainland for safe landing of 'Kennedy Exploration Expedition' at Rockingham Bay. This was the first expedition to land on the mainland. Stanley's chart provides a detailed early record of the coastline and topography near Bingil Bay. Its features are recognizable today.<sup>15</sup>

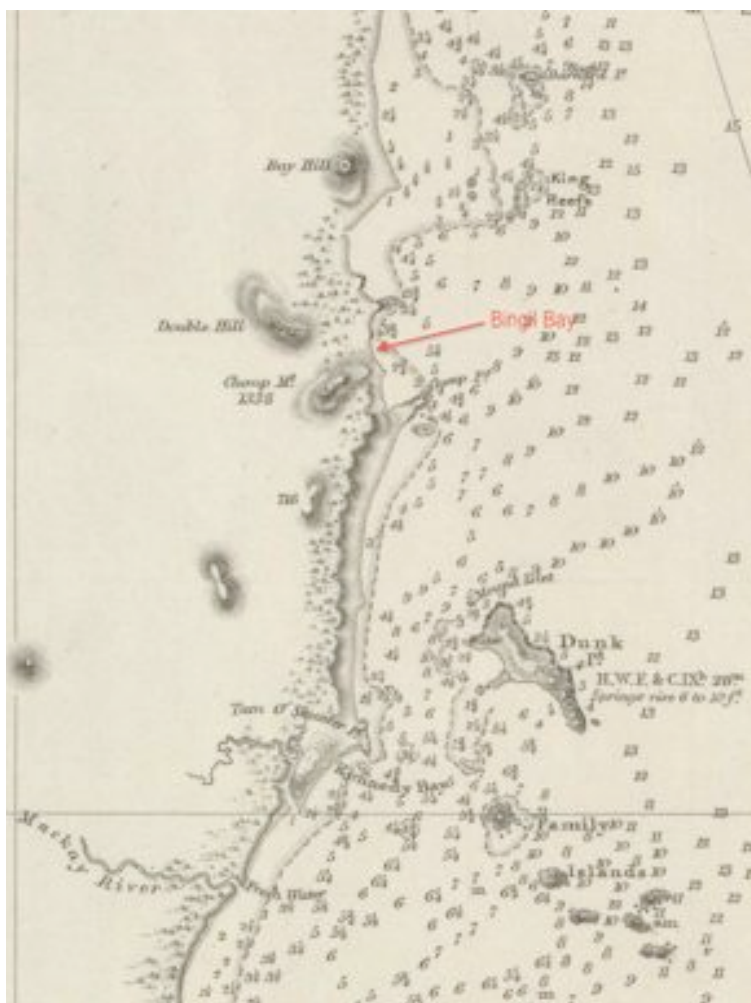


Fig 7. Aust East Coast. Sheet XVI, Halifax Bay to Double Pt and Barrier Islands, 1843-48  
Surveyed by Capt Blackwood and others, HMS Rattlesnake. GB Hydrographic Dept (NLA)

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<sup>14</sup> Mackness, C (1983)

<sup>15</sup> Ibid & NLA

### 2.3 Early settler period – Bingil Bay pre-Büsst

The first European settlers at Bingil Bay were the Cutten Brothers. In 1869, Frederick Cutten Snr immigrated to Australia with three sons, followed by his wife, four daughters and another son in 1870. Cardwell had been founded at the south end of Rockingham Bay a few years prior and provided the necessary port access for the opening up of selections around Clump Point and Bingil Bay. In 1873, Dalrymple and sub-inspector Johnston, explored rivers and inlets between Cardwell and the Endeavor River, Cooktown and record Porters (Wongaling) Ck. In the first historical record of Clump Pt, they noted a *clump of trees* and a *park-like appearance*. The mountain behind Clump Pt was described as a *clump of short ridges and peaks radiating from one centre like the arms of an octopus* with Clump Pt begin its chief *seaward arm*.<sup>16</sup>

In 1882 the Cutten brothers travelled overland from initial selections (near Toowoomba in SE Qld and Comet Downs, Central Qld) to look for new coastal selections. They came with the knowledge that Clump Pt and Bingil Bay were strategically placed for transport by shipping. Cardwell had been established to the south whilst Geraldton (Innisfail), Cairns and Port Douglas were established to the north.

In 1884 Sidney Cutten took up Homestead Selection no.158 (160 acres or 64.75ha) one of six adjacent selections nos 158, 159, 162, 166, 167 & 168.<sup>17</sup> By 1886, the whole Cutten family was living at Bicton House on selection no. 159 (160 acres) near the east end of current day Pioneer St and below Bicton Hill.<sup>18</sup>

The 1887 survey plan below (Fig 8) provides good detail of the early European occupation of the landscape. Portion 158 includes the current Ninney Rise lot (Lot 539 NR6887) at its north-east corner. It records the Bicton House footprint and extent of cleared and grassed land at both Ninney Rise and Bicton.<sup>19</sup>

Sidney Cutten also took up another selection to the north of Ninney Rise - Portion 19V (159 acres) taking in Ninney Point, then known Rocky Point.<sup>20</sup> The land is aptly described as *.....dense tropical jungle....with....chocolate soil.....*(see Fig 9 below). This would later be the rainforest lot owned by Alison Busst behind Ninney Rise.

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<sup>16</sup> Mackness, C (1983) p7 & p18, citing Dalrymple's Report

<sup>17</sup> Deed of Grant Vol 99, Folio 21 & Survey Plan N157,350

<sup>18</sup> Bicton Hill was named in memory of Lord Rowle's country house, Bicton Hills in England (Wigg I;1951)

<sup>19</sup> The extent of clearing in 1887 is indicative only as the original survey was amended to 1928 with subsequent subdivisions and road corridors. However, early 20<sup>th</sup> C photographic evidence confirms that Ninney Rise was 'largely grassland and clear of trees (see Fig 10 below).

<sup>20</sup> By the early 20<sup>th</sup> C, Rocky Point is shown as Ninney Point (eg Kennedy District Cadastral Map,1913)



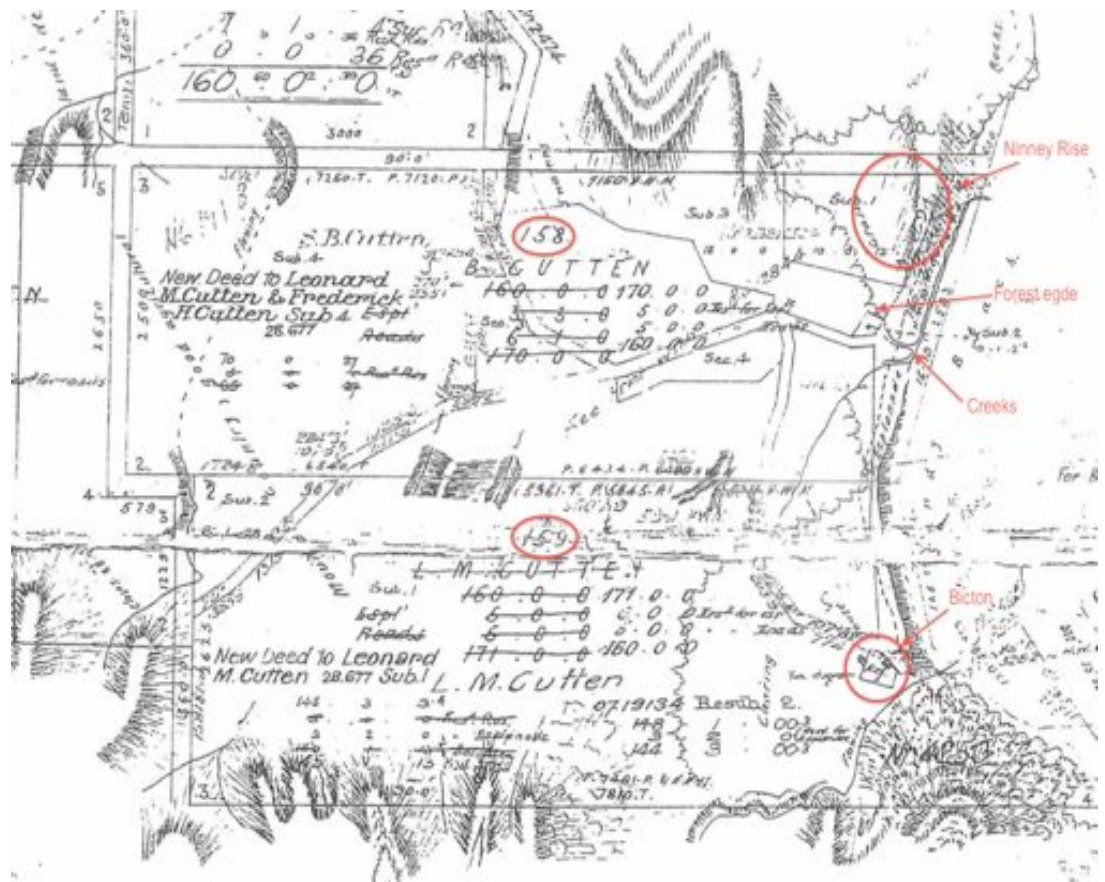


Fig 8. Portion 158 and 159 from Survey Plan N157350 c1887-1928 showing original 160 acre homestead selections; Bicton Homestead; extent of clearing at both Ninney Rise and Bicton.



Fig 9. Survey Nr 126 Parish Hull, County Nares for Por19v (Aug'03) showing the relative location of Ninney Rise (red oval) and transfer from Sidney Cutten to Leonard Dun & Herbert Alexander.



The Cuttens established extensive tropical plantations from India & Ceylon including tea, coffee, chicory, coconut, citrus fruits, pineapples, mangoes, tobacco, ginger, spices, pepper, cocoa & jackfruit. They built a substantial breakwater and secured regular shipping for produce. Aboriginal people formed their entire paid labour force of 60-70. Reportedly, they were on good relations, however, removal of bean trees – a food source for Djiru was not well received. The early settlement was sporadic - in 1890 a large cyclone destroyed many crops and substantially damaged Bicton House. By 1903 Sidney Cutten had transferred Portion 19V to Leonard Dun and Herbert Alexander. Extensive clearing of original homestead selections 158 & 159 (including Ninney Rise), was likely attributable to this early farming activity.

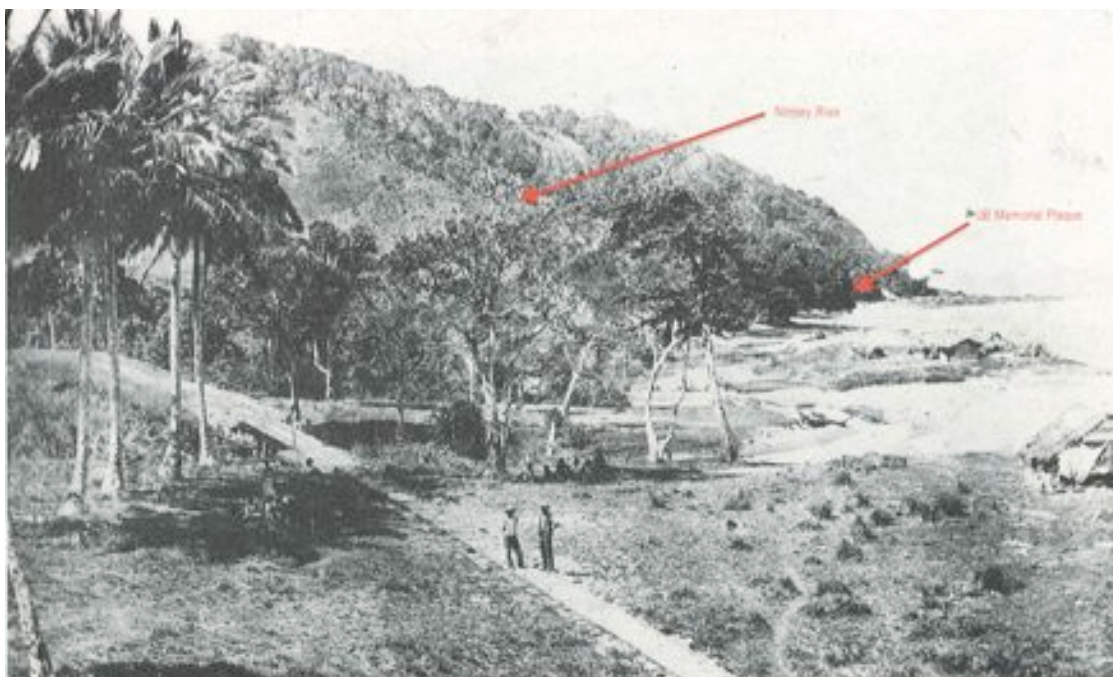


Fig 10. Bingil Bay c1902, The wooden 'railway' over Bingil Bay Creek and aboriginal Gunyahs on beach (RJ Taylor, 1983, p25) with location of Ninney Rise and JB Memorial Plaque annotated. The earliest photographic record of the place confirms extensive clearing of the Ninney Rise hillside occurred in early settlement – congruent with 1887 and 1903 surveys, Figs 8 & 9 above, showing *Clearing* and *Grassed* lands.

In 1911, the entire Bicton operation was threatened by another large cyclone; coastal fever and the lifting of import duty on imported coffee. Bicton lost most of their paid labour when Djiru people were forcibly relocated to Hull River Mission in 1914 and the Cuttens became increasingly isolated from trading markets by secondment of shipping lines for WW1. When another severe cyclone destroyed Bicton House & Hull River Mission in 1918, Djiru people were relocated south to the Palm Islands Aboriginal Settlement and the Cutten brothers enterprise was largely thwarted.

On his death in 1927, Portion 158 transferred to Sidney Cutten's brothers Leonard Cutten and Frederick (Herbert) Cutten with a new deed created <sup>21</sup>.

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<sup>21</sup> Certificate of Title, Vol 99 Folio 21

Shortly after, in 1928, Portion 158 was subdivided by L & F Cutten into 4 lots.<sup>22</sup> Sub1 was transferred to sister Gertrude Alexander (nee Cutten) wife of Charles Alexander – area 10 acres & 12.1 perches or 4.05 ha. <sup>23</sup>. (Alison Büsst would purchase this same lot 30 yrs later for their Bingil Bay house and garden). In the late 1920s Charles and Gertrude Alexander built a two-storey guesthouse known as Alexander's Guesthouse that likely also contained the Clump Pt district post office. (This building was extant, but derelict in the 1970s).

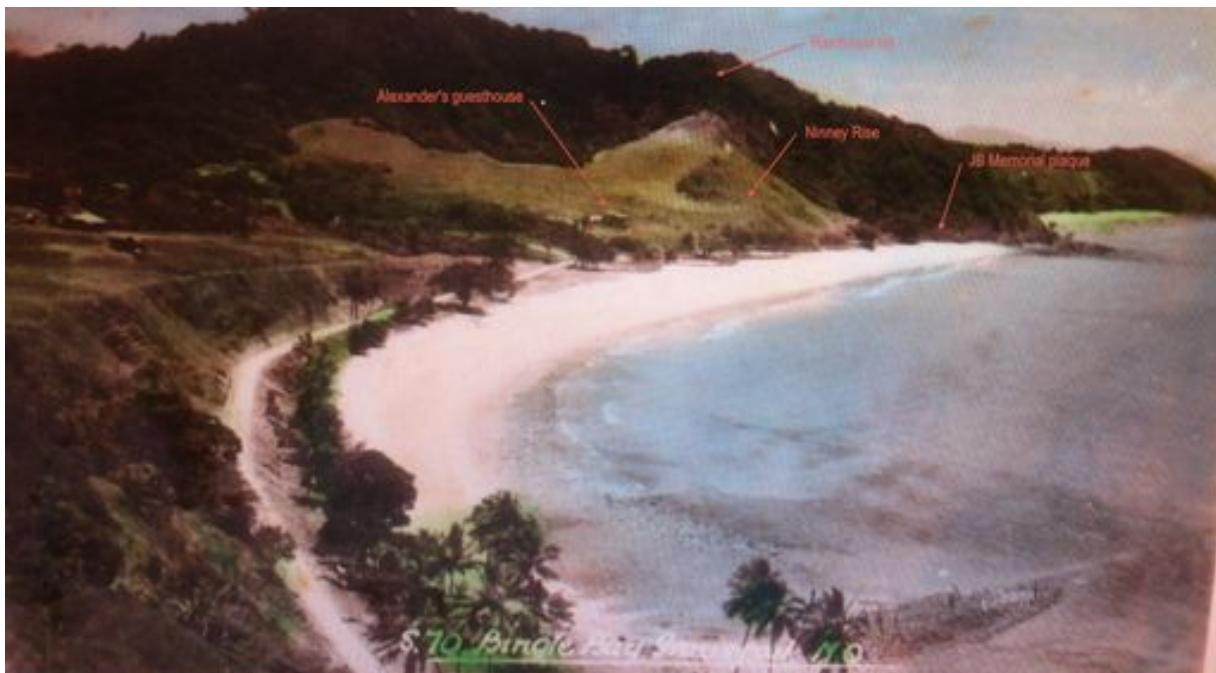
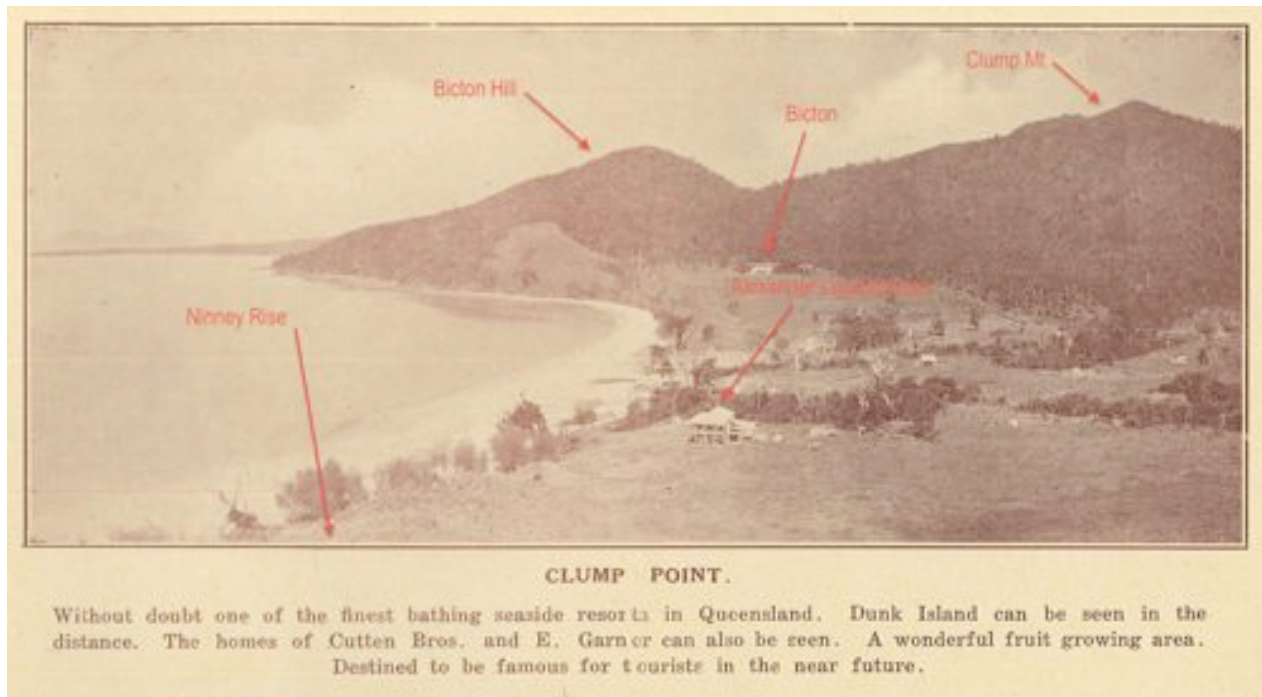


Fig 11 Top. View towards Clump Mt c1930 showing Alexander's guesthouse and extensive clearing (Souvenir Book, Cane Jubilee, SLQ)  
Fig 12 Bottom. View towards Ninney Rise c1930s showing all cleared land below the much steeper, upper part of the hill (Peter Kellett)

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<sup>22</sup> Survey Plan N157 350

<sup>23</sup> Certificate of Title, Vol 99 Folio 21

When Gertrude Alexander died in 1935, Sub1 (Por 158) transferred to her son Charles Alexander to run the guesthouse <sup>24</sup>. In 1936, the road from El Arish on the Pacific (now Bruce) Highway to Bingil Bay was opened up enabling better access for guests. Sub1 (Por 158) was re-surveyed in 1938 for a re-aligned Esplanade –reduced to 9 acres, 3 rods & 30.8 perches. <sup>25</sup> Charles Alexander surrendered Sub1, Por 158 to the Crown in 1939, thus marking the end of the Cutten era. <sup>26</sup>



Fig 13 Detail from Nr 2518 showing new deed to Charles F Alexander for Sub 1, June 1938

## 2.4 Büsst at Montsalvat, Victoria & Bedarra Island, Nth Qld

John Horatio Büsst was born in 1909 Bendigo Victoria, the son of a mining warden. In 1919 he attended Wesley College, Melbourne, graduating as prefect with Honors in French & English. Büsst studied journalism and law at Melbourne Uni with Harold Holt (future prime minister) and Reginald Turnbull (future labour leader of Tasmania) .



Fig 14. Wesley College Prefects (DEHP file records)

**Prefects, 1927.**  
STANDING.—B. W. HARTNELL, J. H. DUBST, A. J. CAMPBELL, H. H. HADLEY, S. E. WOOD, J. RUSE,  
A. O. JOHNS, J. D. CAMPBELL  
SITTING.—D. K. THOMSON, G. A. BUTON, R. J. D. TURNBULL (Senior Prefect), L. A. ADAMSON, Esq. (Headmaster)  
R. H. ERSKOTT, A. J. GIRDWOOD, E. H. FREDERICK.

<sup>24</sup> Certificate of Title, Vol 257 Folio 156

<sup>25</sup> Survey Plan Nr 2538

<sup>26</sup> Certificate of Title, Vol 257 Folio 156



Büsst worked as a journalist on the ARGUS c1930 and studied art with Justus Jorgensen (an architect turned painter). He shared a house in Tamsa Terrace, East Melbourne with Harold Holt (future prime minister & Arthur Munday (fellow artist). In 1934, Büsst relocated to Eltham, outer Melbourne (along with his sister Phyllis) to assist Jorgensen found an artists community later known as 'Montsalvat'. It was here that Büsst not only acquired skills in **earth building** (*pise de terre* ie rammed earth and mud brick) but also a **philosophical grounding** in conservation; economy and thrift.<sup>27</sup>

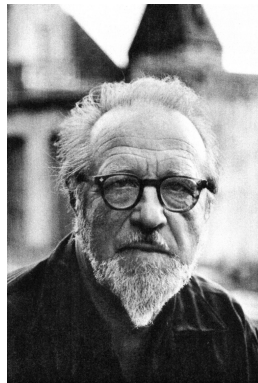


Fig 15 (left). Justus Jorgensen in the 1960s. Teichman (2005) image from Monsalvat Trust)

Fig 16 (right). First building at Montsalvat, Eltham Vic, built 1935-36 using *pise de terre* (rammed earth) Cuffley, P (1993), p128

Jorgensen relied on students' patronage for the community and Büsst is noted as funding the Swimming Pool and Cubicle building as well as contributing to the construction of the early community generally.<sup>28</sup>



Fig 17 Swmming pool and cubicles building at Montsalvat funded by Büsst (Roland B, 1984, p242)

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<sup>27</sup> More research, outside the scope of this study, may reveal how Büsst's intimate involvement with the founding years at Eltham translated to the tropics of Nth Qld. See Betty, R (1984).

<sup>28</sup> Roland, B (1984) p242

Büsst met Adelaide artist Noel Wood when he passed through Monsalvat in the mid-1930s enroute to Bedarra Island. Other artists followed Wood including sisters Valerie Albiston and Yvonne Cohen.

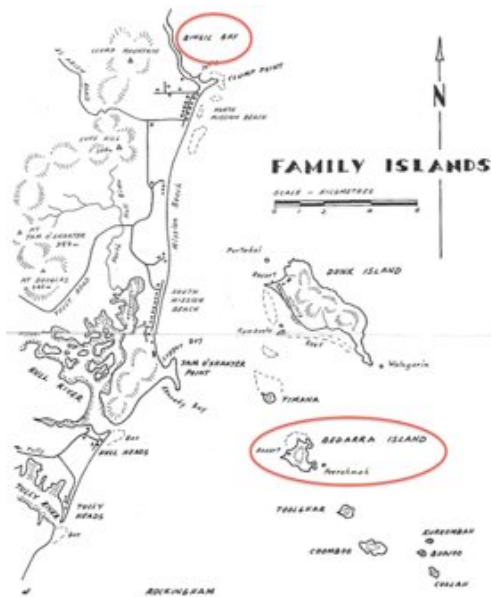


Fig18 – Left; map of Family Islands showing relationship between Bedarra Island and Bingil Bay (JG Porter, 2000)

Fig 19 – Above; map of Bedarra Island showing locations of Busst's mudbrick homestead and Noel Wood's house. (JG Porter, 2000)

In the late-1930s Büsst travelled to North Qld. He visited Noel Wood at Bedarra, returning to Eltham enthused with the tropics and with the idea of forming a tropical artists community.<sup>29</sup> In 1940, Büsst relocated to Nth Qld and leased the south-east corner of Bedarra Island together with his sister Phyllis Büsst. Using skills acquired at Montsalvat, they built a substantial U-shaped mudbrick homestead (no longer extant) with surrounding verandas. Furniture & fittings were built with bamboo.<sup>30</sup>



Fig 20. Büsst's original mudbrick homestead at Bedarra Island (JG Porter, 1983, p43)

<sup>29</sup> For background on Büsst's transition from Eltham to Bedarra Island see Ford, P (2011) – Chp 1 The Practical Artist

<sup>30</sup> Christine Vadaz Architect (Byron Bay) recalls preparing measured drawings of Büsst's Bedarra House for TAA resort development at Bedarra Island (1985). These measured drawings have yet to be located.



Fig 21. Oil painting by Noel Wood *Bingil Bay* c1943, looking towards the farm lot the Büsst's would later relocate to on the mainland. (Cooke G et al, 2013)



Fig 22. John Büsst self-portrait c1940s?  
(Margaret Thosborne)

Whilst John Büsst practised as an artist on Bedarra and exhibited with Noel Wood and others <sup>31</sup>; he and Alison became increasingly interested in reef and rainforest flora and fauna. <sup>32</sup> Pivotal to this was John Büsst's acquaintance with Len Webb (a rainforest ecologist) in the late 1940's after he had sent him a specimen of a poisonous, reputedly medicinal plant for analysis.<sup>33</sup>

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<sup>31</sup> Refer Cooke, G et al (2013) *To The Islands* exhibition catalogue

<sup>32</sup> Eg, refer Fraser, I (2003) and Hayes, HL (1965). Alison Büsst undertook surveys of bird populations in c1950 on Bedarra and engaged with environmental scientists.

<sup>33</sup> Webb, only 24, some 15 years younger than Büsst, was working in Innisfail on the Australian Phyto Chemical survey to search for plants with chemicals suitable for medicinal drugs or insecticides



## 2.5 Bingil Bay country house established

By the mid - 1950's island life had run its course. The Büsssts looked to the mainland for a more convenient lifestyle with ready access to supplies and services. The island had also been overrun with private pleasure craft on weekends – it was not the sanctuary it once was. In August 1957 they sold out and relocated to the mainland. The site of their new country house, a 4ha farm lot at Bingil Bay (Sub1 Por158), was bought from the Crown in Alison Büssst's name.<sup>34</sup> Shortly prior to this, the road had been extended from Mission and Narragon Beach making Bingil Bay a convenient but reasonably secluded choice.



Fig 23. Bingil Bay c1940s? (Personal Collection of Tony O'Malley). The closest photographic record of Ninney Rise about the time the Büssst's purchased the old 4ha farm lot with the Alexander's guesthouse.

The Büsssts stayed in the Alexander guesthouse ahead of building their house and along with rainforest ecologists, Len Webb & Geoff Tracey, they determined to fight for Clump Mountain to be a National Park.<sup>35</sup> Soon after they relocated to Bingil Bay, Alison Büssst also purchased the original Por 19v rainforest to the north, original area 63.10ha (about 16 times larger than the homestead block). Refer Appendix fold out drawing no – 01 for Alison Büssst's land holdings.

In the late - 1950's, Harold and Zara Holt followed suit and purchased 300 acres (121.4 ha) of rainforest nearby plus a 1 acre (0.4ha) house block at the south end of Garners Beach for a small two-level beach house. This would be their regular August escape from Melbourne's winter.

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<sup>34</sup> Certificate of Title, Vol 257 Folio 156

<sup>35</sup> Letter from Alison Büssst to Prof Dalton 3<sup>rd</sup> Sept 1979 (JBC/CORR/14 Personal Correspondence; JCU John Büssst Collection)

No building approval records have been located for the Büsst's house but it seems likely they took several years to plan and several more to build it. Photo evidence Fig 22 (dated as late 1959) shows earthworks underway for the house platform.

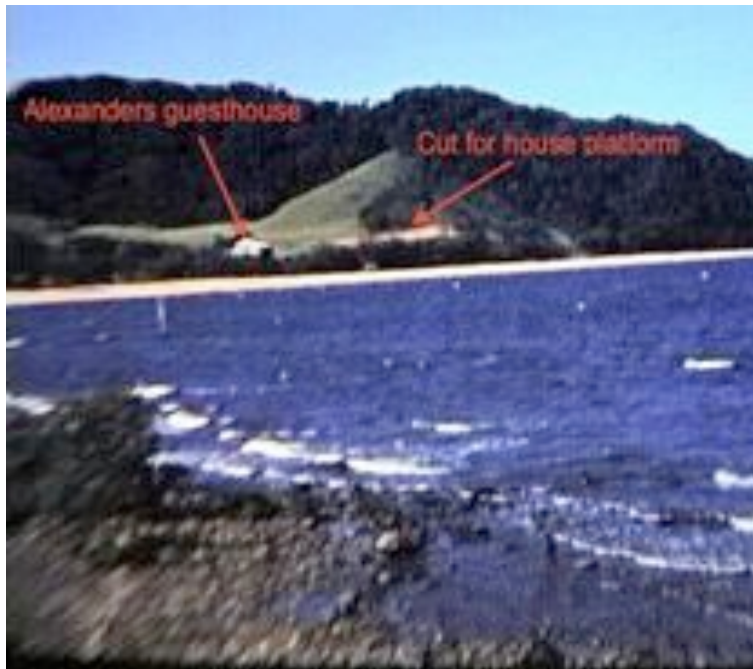


Fig 24. Ocean view late 1959 -2 (c/- Cameron Sharpe, QPWS). Dated by Brenda Harvey (long term local resident) as Dec 1959 at site survey Aug 2015



Fig 25. Aerial view c1960/61 (Peter Kellett). Note, to form a building platform, Busst has cut selective trees (as seen in Fig 21); excavated dirt has been pushed over the pre-existing embankment and a cut has been formed into the hillside to the north to form the track to the beach. Note also re-growth over the previously cleared hillside north of the house indicated by change in tone and texture.

Büsst formed a reasonably level plateau close to and above the beach by cutting and filling the natural topography. The house was laid out T-shaped in plan with encircling verandas and orientated out to the ocean, its long axis roughly north-south. A studio wing at the rear formed the short leg of the T-shape.

When completed, the house would have been conspicuous in the landscape. Descriptions of the time refer to the *white house on a cliff* (ie escarpment).





Fig 26 View from Pioneer St lookout, approx mid1960s (c/- Cameron Sharpe, QPWS)

In the late 1960s Patricia Clare visited the Büsssts at their house. She gave a thorough description of the place stating it contained 6 acres (2.4ha) of cultivated land with 25 species of eucalypt in a forestry trial plus acres of rainforest that he (Büssst) *...intended to leave to the nation...*and that the *..white house stood on its own cliff, the rainforest behind it and in front the satin shine of blue water stretching away to where the reef lay hidden. It was the traditional Australian country house, a core of rooms surrounded by wide verandahs, with a roof like a shady hat pulled down over the lot. Like the grounds it was the creation of its owner. Büssst had built it. The white walls, the dark blue posts, the long airy verandahs gave the house a pleasant light outlook...It was built of brick and reinforced concrete to outlast cyclones. We stepped off the verandah through the long window (ie the Living Rm picture window casements) into a room with ceilings lined in a sort of bamboo parquetry. There were three long bamboo couches with pink-red upholstery, and bamboo armchairs and bookcases. The furniture, like the ceiling parquetry, was made from bamboo and was Büssst's meticulous creation.*<sup>36</sup>

The Büssst's cultivated pineapples on the farm and established plantings, softening the landscape around the house but maintaining a clear lawn surround with views to the ocean and Bicton Hill / Clump Mountain. They planted trees along both sides of the driveway in the form of avenue planting, a tree west of the courtyard, a mango tree at the gully south-west of the house and other shrubs there as appears from the aerial photo below. It appears from this and other historical photos that they

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<sup>36</sup> Clare Patricia, 1971; p90

maintained much of the property from the drive entrance to the house and part of the steeper hillside to the north-west as mown lawns. They employed Don Perks to do all the gardening and mow the lawns.

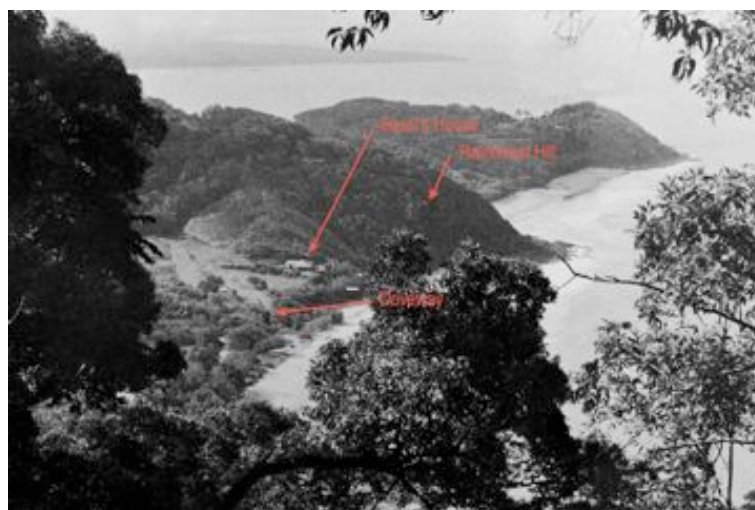


Fig 27 Top – Aerial photo early c1970s (DEHP files, source unknown)  
Fig 28 Bottom – View from Bicton Hill 1967 Courier Mail Annual, p24

## 2.6 Campaigns for the Reef & Rainforest

In the late 1950s/60s Queensland's coastal environment was increasingly under threat from rapid development. Büsst observed large areas of rainforest being felled for sugar and banana cultivation and cattle grazing with consequent topsoil erosion. Nutrients and phosphates washed into sea. The reef was also under pressure from crown of thorns starfish infestation and unsustainable fishing.

Büsst became founding member, chair and secretary of the *Committee for Preservation of Tropical Rainforest*.<sup>37</sup> By 1963/64 Büsst was concerned that Por 19v.....*the wild mountain...behind his Bingil Bay home, with virgin rainforest rising from the sea, would eventually have to "come under the hammer."*<sup>38</sup> Ross Shelmerdine (deputy chair of the Comm Serum Lab) and his wife Marigold (from Melbourne) agreed to buy half of Por 19v to help Büsst save it for future generations and subsequently bequeath it to JCU for conservation and scientific research.<sup>39</sup>

In 1965 Büsst convinced the Federal government to engage rainforest scientists Dr Len Webb & Geoff Tracey for the first systematic vegetation survey of North Queensland rainforest. This resulted in the first scientific reference to international significance of Queensland's lowland rainforest (ie below 1000 ft) and the first proposal for its protection. Dr Len Webb put forward a proposal designed to protect the full range of remaining habitats of the Wet Tropics for the first time in Australia...*The Identification and Conservation of Habitat Types in the Wet Tropical Lowlands of North Queensland*.<sup>40</sup> Late in the 1960s, Dr Len Webb and Geoff Tracey stayed with the Büsst at Ninney Rise to research medicinal drugs from rainforest.

Alison Büsst started to subdivide Por 19v by 1966 commencing at the north-east corner at Holt Rd with 5 small house lots (lots 1-5). She retained the balance undeveloped.<sup>41</sup>

In Mid 1967, Büsst lodged an objection to harvesting coral from Ellison Reef. He gathered evidence to prove Ellison Reef was still alive; co-ordinated influential environmental groups and mounted a campaign to save it. The campaign attracted wide media coverage and he enlisted help of his old friend, Harold Holt (PM). The mining application was rejected. This ruling set a precedent for not mining the Reef and became pivotal for the conservation movement in Queensland. In Sept 1967, the Queensland Government leased 21 million hectares for oil drilling on the Reef. Büsst mounted a campaign against drilling, garnering support from Harold Holt and Gough Whitlam. Pressure mounted for the Commonwealth to take control of the Reef from the state. Büsst issued a writ against Queensland Government on grounds of collusion with business. The *Save the Reef* campaign then went international.<sup>42</sup>

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<sup>37</sup> Later correspondence suggests Alison Büsst was also intimately involved (refer JBC/CORR 14)

<sup>38</sup> The Age obituary, He Fought for Nature, Messer John, 10 April 1971

<sup>39</sup> *ibid*

<sup>40</sup> Chronology of the Protection and Management of the Wet Tropics of Qld World Heritage Area (WTQWHA), Jan 2003  
[www.wettropics.gov.au](http://www.wettropics.gov.au)

<sup>41</sup> Survey Plan RP721955

<sup>42</sup> For the story of this protracted campaign, refer to Wright, J (2014) *The Coral Battleground*

During this time, the Büssst's house became a centre for key events in these campaigns. Influential national and international visitors included:- Harold Holt (PM); marine biologist Dr Don McMichael; ornithologist Dr Jiro Kikkawa; rainforest ecologists Dr Len Webb & Geoff Tracey; marine scientist Eddie Hegerl and author/poet/environmentalist Judith Wright.<sup>43</sup>

At the height of a protracted reef campaign, Büssst died whilst preparing evidence for the Royal Commission in April 1971 and was buried at Tully Cemetery. His burial plaque states....*Artist and Conservationist...His Memory Lives On in the Things he Loved*.<sup>44</sup> A beachside plaque was erected between the Büssst's house and Ninney Point just beyond the base of the beach track to the house with words composed by Judith Wright....*In Memory of John H Büssst... Artist & Lover of Beauty Who Fought That Man and Nature Might Survive*. Negotiations to gift 70 acres (28ha) of rainforest on Por 19v to James Cook University for conservation & scientific research were being finalized at this time, but subsequently stalled.<sup>45</sup>

In the year prior to Büssst's death, Dr Len Webb visited Ninney Rise. His photo record provides good evidence of the place at that time.



Fig 29. Len Webb Ecological Collection image no 5-21 Vegetation Types Clump Mt., near El Arish May 1970 (c/- Tony O'Malley, FoNR)

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<sup>43</sup> Along with this campaign activity, oral history suggests the Büssst's house became locally well known for the active social life and parties centred around it. Geoff Dove recalls the embankment east of the house deep with empty bottles. More research is required in this area.

<sup>44</sup> Photo provided by Tony O'Malley, FoNR Oct 2015

<sup>45</sup> The Age obituary, He Fought for Nature (Messer John, 10 April 1971) and oral history provided by Geoff Dove, Aug 2015



Fig 30. Dr Len Webb (rainforest ecologist) & John Büsst, late 1960s (WPSQ Monograph 2, May 2008). Webb would have been about 44 and Büsst about 60.

## 2.7 Sub-division and sale by Alison Büsst

In 1973/74 Alison Büsst further subdivided original Por 19v (forming Lot 1 @ 3.816ha behind Ninney Point which would subsequently be donated to QPWS by Kate Tode).<sup>46</sup> At the same time, the Australian Government launched an enquiry into the National Estate and recognition of the urgent need to conserve rainforests.<sup>47</sup>

The following year, in 1975 the Commonwealth established the Australian Heritage Commission and National Estate legislation.<sup>48</sup> Also at this time :

- the Qld National Parks and Wildlife Service became a separate government entity (previously administered under state Department of Forestry)<sup>49</sup>; and
- the Commonwealth took over management of Great Barrier Reef with GBR Marine Park Act and establishment of the world's largest protected marine area.

In the same year, Alison Büsst sought to sell the balance of original Por 19v for nature conservation purposes. She wrote directly to Don McMichael, Secretary, Federal Department of Environment, Canberra (bypassing the state agency) to gauge their interest in using the new National Estate legislation for land acquisition. Johnson Shire Council also approached the Federal Government supporting this proposal and offered to accept management responsibilities.

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<sup>46</sup> Survey Plan RP 728454

<sup>47</sup> Op cit, Chronology (WTQWHA)

<sup>48</sup> Ibid

<sup>49</sup> Ibid



Discussions followed between Don McMichael and the newly formed Queensland National Parks Wildlife Service for consideration of land acquisition under the newly formed National Estate Program.<sup>50</sup> For unknown reasons, this acquisition never eventuated.

Alison Busst further subdivided original Por19v forming Lot 3 NR6887 (3.313ha) with the balance retained in Lot 4 NP 42975 (48.767ha).<sup>51</sup> Lot 4 is most likely the 48 ha block described in RJ Taylor, 1982 *The Lost Plantation*.

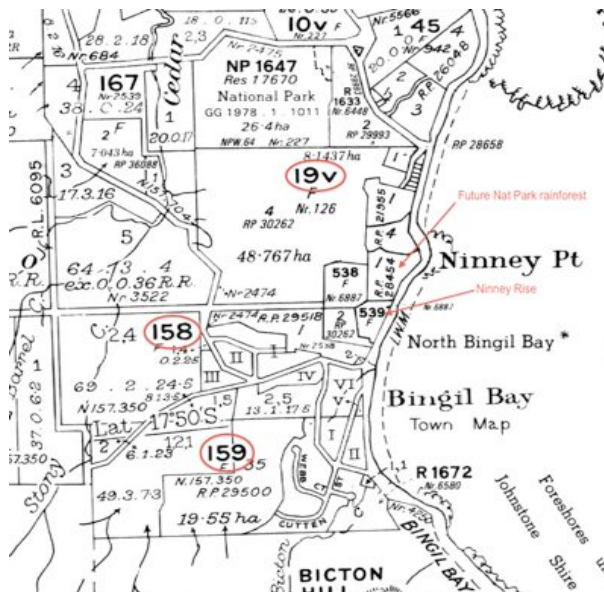


Fig 31. 1975 40 Chain Parish Series, Parish of Hull, Sheet 2 detail

In 1975 Alison Büsst split the original 4 ha farm lot (Sub1 Por 158) in two, excising the western half and forming Lot 1 (1.588ha) and Lot 2 (2.438ha) on RP30263 along with easements A & B to facilitate access off the Esplanade. Lot 2 to the west was sold to Ginter Schmidt and Alison retained Lot 1 (part of the current Ninney Rise lot).<sup>52</sup>

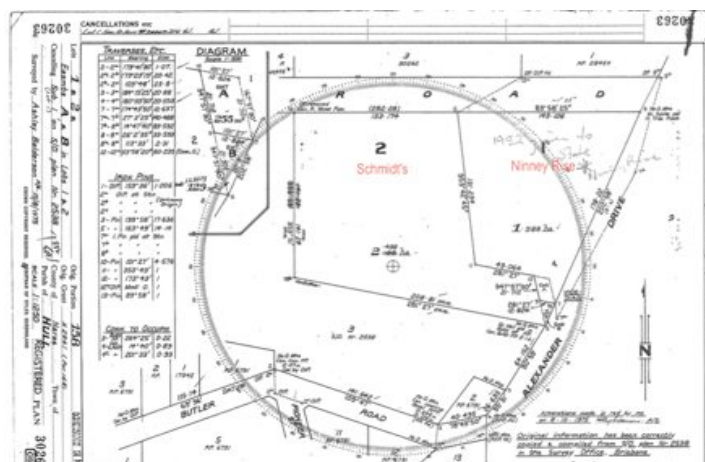


Fig 32. Alison Büsst's 1975 survey for excising off the western half of the homestead lot. RP 30263 for Lots 1 & 2 and Easmts A & B, Aug'75 (Büsst/Schmidt)

<sup>50</sup> Several letters May & July 1975 JBC/CORR/17 Correspondence re purchase of Park Land, (JCU John Busst Collection)

<sup>51</sup> Lot 4 is most likely the 48ha block described as the lost te plantation in RJ Taylor, 1982 *The Lost Plantation*

<sup>52</sup> Certificate of Title, Vol N1001 Folio 38

Alison became increasingly concerned about the future of the homestead and adjoining rainforest lot. About this time, Kate Tode, a wealthy American naturalist and philanthropist was looking to relocate from New York State to a warmer climate. She knew a tobacco buyer who stayed at the Blue Pacific Motel Bingil Bay enroute to Mareeba and learnt of Alison Busst's intentions to sell. Her secretary Jean Rentoul had also met Alison Busst's close friend Zara Holt on board a passenger ship by this time <sup>53</sup>



Fig 33. Kate and Arthur Tode c1930s (Penn Museum archives).

## 2.8 The post – Büssst, Kate Tode era

An initial purchase inspection of the Büssst's house and adjoining rainforest lot by Kate Tode and Jean Rentoul (Kate's secretary and companion) occurred in early 1979. Contact had been made at the same time with local builder, George West.

Limited but good photo records of the house survive from the time of sale. They show the general form and material treatment of house as built by the Büssst and the overdue repairs and maintenance.



Fig 34 (left) view to Studio from west lawn terrace c1979. Note same shade umbrella tree as Fig 29; the white bagged brickwork and charcoal blue trim colour scheme. Note garden plant beds and mown lawns around the house. The mown lawns extended to the top of the embankment to the east. In front of the walled courtyard is a trellis with vines over (assumed same trellis extant following cyclone Winifred 1986, see p58)  
Fig 35 (right) view along east veranda looking towards adjacent rainforest lot c1979 (QPWS/KTode file).

In April 1979, George West Builder wrote a letter of reply to Jean Rentoul re list of things to be done and Jean Rentoul telephoned Alison Busst (likely to discuss pending sale and proposed changes). <sup>54</sup>

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<sup>53</sup> Oral history provided by Geoff Dove (gardener for Kate Tode), Aug 2015

<sup>54</sup> Kate Tode personal correspondence files held at Ninney Rise

Jean Rentoul subsequently wrote to George West (on behalf of Kate Tode) in June 1979 advising she herself was arriving 1<sup>st</sup> Oct 1979 with Kate Tode to follow in Nov or Dec and that *Ninney Rise was Kate Tode's choice of name for the property.*<sup>55</sup> In Oct 1979, titles for both the rainforest lot to the north (Lot 1 RP 28454 3.816ha) and the Ninney Rise block Lot 1 RP 30263 (1.588ha) transferred from Alison Büsst to Kate Tode completing the sale.<sup>56</sup>

Almost immediately, Kate Tode set about to make the place her own, adapting the place for her requirements whilst retaining much of the house and gardens. In Nov 1979, Stage One alterations and additions (ensuite and bathroom) were lodged to Johnstone Shire Council – the Builder noted as JJ Hogan, El Arish; estimated cost \$3k, with the application signed by Jean Rentoul for Kate Tode<sup>57</sup>. Other repairs undertaken about this time included bamboo ceilings; casement windows; new door openings and doors.<sup>58</sup> A few months later, in Jan 1980, Stage Two – the pool addition was lodged to Johnstone Shire Council – the pool Builder noted as J & PK Stuart P/L, Yorkeys Knob; estimated cost \$8k.<sup>59</sup>

A few months later in March 1980, Stage Three extensions (upper level additions to house & tool shed) were lodged to Johnstone Shire Council - the Builder was again JJ Hogan, El Arish; estimated cost \$16k.<sup>60</sup>

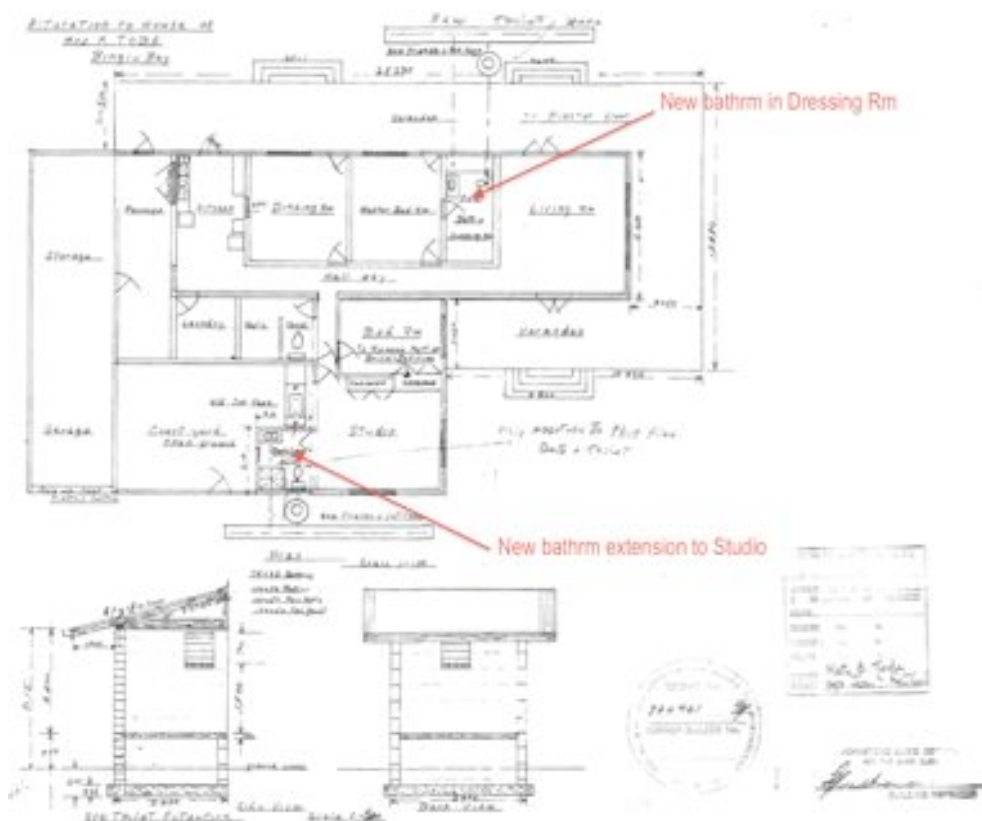


Fig 36. Stage One House additions/alterations, CCRC Bldg file 9179, permit issued Nov'79. Builder JJ Hogan.

<sup>55</sup> Ibid

<sup>56</sup> Certificate of Title, Vol 959 Folio 235

<sup>57</sup> Building permit no 9179, Johnstone Shire Council (CCRC)

<sup>58</sup> Oral history provided by Yvonne Cunningham, June 2013 (FoNR). Kate Tode's personal correspondence files, held at Ninney Rise, also detail these repairs.

<sup>59</sup> Building permit no 9227, Johnstone Shire Council (CCRC)

<sup>60</sup> Building permit no 9298, Johnstone Shire Council (CCRC)



In Aug 1980, Kate Tode executed her Australian will in Canberra with fellow American Alan R Dodge (Art Historian, National Gallery of Australia) as witness. She bequeathed Ninney Rise and the rest of her Australian estate to the Crown on the condition that the land and improvements be retained and maintained in a natural state (as far as possible) by the Queensland National Parks & Wildlife Service and for the enjoyment and benefit of the public.<sup>61</sup>

Stage Three extensions were completed by Jan 1981. About the same time, the north-east veranda was screened in and the concrete driveway built.<sup>62</sup>

The Great Barrier Reef was listed as a World Heritage Area in 1981. Around this time, Kate Tode commenced negotiations with Peter Stanton (QPWS) about gifting the rainforest lot to the north <sup>63</sup>. A few years later, in Nov 1983 title for the rainforest lot (Lot 1 RP28545) transferred to the Crown for National Park purposes. <sup>64</sup> In March 1984, this lot was finally gazetted as Bingil Bay National Park, estate ID 448<sup>65</sup>. An article in Cairns Post detailed Kate Tode's transfer of 3.816ha at Ninney Point, Bingil Bay, NE Tully to the Department of Environment and Heritage for one dollar and an indication of donating adjacent acres with buildings to follow (ie Ninney Rise).<sup>66</sup> Kate Tode received numerous personal letters of thanks for her generous gifting of the rainforest hill. <sup>67</sup>



Fig 37. Aerial view showing completed Kate Tode extensions c1982 with rainforest lot behind. (QPWS, Kate Tode collection). This shows the garden as established by the Büsssts including trees on both sides of the driveway, the mango tree at the head of the gully and mown lawns over an extensive area of the property. The pool has been added and the hedge along the toe of the steep hillside between the house and the new garage building. The location where the pond shows as a darker green - it may have been planting at this time, or a feature bed by the Büsssts. This is unknown as there is not yet a detailed history of the garden.

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<sup>61</sup> Last will & testament of Kate Eisig Tode, QPWS file records

<sup>62</sup> Building permit no 9298, Johnstone Shire Council (CCRC)

<sup>63</sup> Oral history provided by Geoff Dove

<sup>64</sup> Certificate of Title, Vol 959 Folio 235

<sup>65</sup> QPWS gazettal history records

<sup>66</sup> Cairns Post 16 March 1984

<sup>67</sup> Kate Tode personal correspondence files held at Ninney Rise

Shortly after gazettal of the National Park, Governor General Sir Ninian Stephen and Lady Stephen visited Ninney Rise for afternoon tea hosted by Kate Tode on behalf of the Mission Beach/Bingil Bay Progress Association.<sup>68</sup> That same year :

- Kate Tode made a significant monetary donation to Innisfail WPSQ branch for Peter Rowles to attend workshop at Brisbane Forest Park with ACF & WPSQ to discuss strategy to lobby for cessation of logging in FNQ/Wet Tropics.<sup>69</sup>; and
- The Australian Heritage Commission engaged the Rainforest Conservation Society of Qld to evaluate the international conservation significance of the Wet Tropics forests between Townsville and Cooktown.<sup>70</sup>

Kate Tode took interest in establishing a garden with her gardeners and enjoyed working with them. She added trees and shrub planting to the garden as formed by the Büsst whilst maintaining the framework and the majority of the mown lawns throughout. She installed a pond and windmill with generator annex extension built to rear of toolshed.<sup>71</sup>



Fig 38. Kate Tode at Bingil Bay (Newspaper article c March 1984, Kate Tode personel files)

Not long after, in 1986 Tropical cyclone Winifred caused significant damage to the garden and Kate Tode suffered a stroke and installed a chairlift.<sup>72</sup> With failing health, she lived to witness World Heritage listing of the Wet Tropics of Queensland in 1988. Sir Walter and Lady Campbell visited Ninney Rise for afternoon tea July 1989<sup>73</sup> and not long after, in Feb 1990 Kate Tode died at Tully and was cremated.<sup>74</sup> Jean Rentoul remained in occupation.

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<sup>68</sup> Tully Times 31<sup>st</sup> May 1984

<sup>69</sup> Oral history provided by Yvonne Cunningham (June 2013) and Peter Rowles (Nov 2015), transcribed by Tony O'Malley, FoNR

<sup>70</sup> Wet Tropics Management Authority website chronology

<sup>71</sup> Kate Tode personal correspondence files held at Ninney Rise

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> Tully Times obituary, 8<sup>th</sup> March 1990

In May 1990 Ken Kitson, ANZ Bank Innisfail (executor of Kate Tode's will along with Jean Rentoul), wrote to QPWS seeking assistance with property maintenance due to Jean Rentoul's limited resources.

<sup>75</sup> About this time, Jean Rentoul (and her brother Laurie) became founding members of C4 (Consultative Committee for Cassowary Conservation). <sup>76</sup>

In Feb 1991, QPWS wrote to the Queensland Government Cultural Heritage expressing concern that Jean Rentoul did not possess the health or resources to maintain the property. They suggested a) public use or otherwise of part of the residence to defray maintenance costs; and b) assessment of the cultural value of the property due to its significance for the conservation movement in Far North Queensland.<sup>77</sup> In Nov 1993 Ninney Rise transferred to Kate Tode's executors (Ken Kitson & Jean Rentoul)<sup>78</sup> and two years later in Dec 1995, Jean Rentoul vacated the property when it passed to QPWS.

## **2.9 Qld Parks & Wildlife Service ownership & management**

After receiving written advice from Jean Rentoul that she had vacated the property (and with written support of the executors of the will), the Queensland Parks and Wildlife (QPWS) commenced occupation of Ninney Rise in 1996. The house served as a Ranger Base for Rusty Smith, Senior Ranger for the Innisfail Sub District from 1996 until 2003. <sup>79</sup>

Meanwhile, a new survey plan was lodged by Karen Schmidt (west of Ninney Rise) in 1998 for removal of easements at driveways (possibly to facilitate transition of the Ninney Rise lot from freehold title to National Parks by NPWS). It is unclear why, but this was not endorsed by titles office. The adjoining rainforest lot was shown at this time as Lot 115 NPW502. <sup>80</sup> In 2001, a new survey plan was lodged for closing off portion of Alexander Drive below Ninney Rise to create Lot 543 (area 0.24ha), likely associated with camping reserve. <sup>81</sup>

QPWS started to consider future uses for the place and how to offset maintenance costs. In 2003 QPWS & GBR Research Foundation prepared a partnership proposal for Bingil Bay / Garners Beach Research Station but this did not proceed. Also in 2003, QPWS prepared an inventory of items to be relocated from Ninney Rise to Innisfail QPWS Shed.<sup>82</sup>

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<sup>75</sup> DEHP file records

<sup>76</sup> Presenting Mission Beach C4 Resources Guide

<sup>77</sup> Letter from Garry Werren QNP&WS to Nicky Horsfall Cultural Heritage (DEHP file )

<sup>78</sup> Deed of Grant, Vol N1175 Folio 006

<sup>79</sup> QPWS comments on Draft report, April 2016

<sup>80</sup> Survey Plan 111623

<sup>81</sup> Survey Plan 136930

<sup>82</sup> DEHP file records

The same year, QPWS considered necessary maintenance and repair work required for Geoff Dove (Kate Tode's former employee and gardener) to tenant the property<sup>83</sup>. Geoff Dove and his partner Rita West subsequently occupied Ninney Rise under a Residential Tenancy Agreement with QPWS from Sept 2003 to April 2005. The tenancy agreement carried obligations for tenants to maintain the property.<sup>84</sup>

In 2004, QPWS prepared an Expressions of Interest document for organisations wanting to develop a research station and assume caretaker responsibilities at Ninney Rise. They proposed a 20 year agreement with QPWS.<sup>85</sup> Also in 2004, Brenda Harvey for C4 nominated Ninney Rise for listing under the Qld Heritage Act 1992 on cultural heritage grounds. (Additional supporting information was provided by Tony O'Malley for C4). The area nominated included the adjacent national park Lot 115 NPW502 for its integral association with Ninney Rise.<sup>86</sup>

Ownership of the property was finally transferred by the surviving executor to QPWS in January 2005. When Geoff Dove and Rita West vacated the house in April 2005, it was maintained and regularly monitored by the QPWS Ranger in Charge Cameron Allanson from the QPWS Ranger Base nearby at Garners Beach.

In 2005 QPWS prepared a schedule of Kate Tode Memorabilia and engaged Maria Friend, Museum Resource Centre (Far Nth Qld) to advise on contents dispersal. She suggested most material be disposed of (sold or donated to relevant institutions) as being of no relevance to the heritage value of the building. She recommended personal files and correspondence be kept at QPWS Innisfail office.<sup>87</sup> In 2006 QPWS developed an action plan for dispersal of Ninney Rise items.<sup>88</sup> and about the same year, they prepared a detailed list of maintenance works and repairs including re-roofing; re-guttering; fascia repairs & concrete spalling repairs. Estimated cost was \$106.5k, earmarked for expenditure FY2006/2007.<sup>89</sup>



Fig 39. Heavily corroded steel veranda post and plate connection c2006 (QPWS)

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<sup>83</sup> Email correspondence Craig Dean & Andrew Millard QPWS (DEHP file records)

<sup>84</sup> Email from Craig Dean, op cit

<sup>85</sup> Ibid

<sup>86</sup> DEHP file records

<sup>87</sup> DEHP files

<sup>88</sup> Ibid

<sup>89</sup> DEHP files & email correspondence Audrey Reilly QPWS to author, Nov 2015

However, in March 2006, tropical cyclone Larry caused significant damage. QPWS subsequently extended the scope of repairs and tendered the work to contractor Spotless (approx value \$182k). QPWS also undertook additional work themselves (approx. value \$59.5k)<sup>90</sup>

QPWS Ranger in Charge Cameron Allanson relocated from the QPWS Ranger Base nearby at Garners Beach, taking up occupation of Ninney Rise from about April 2006 (following Cyclone Larry), until January 2007.<sup>91</sup> (From January 2007, and until commencement of the FoNR caretaker in 2016, the property was maintained, monitored and temporarily occupied by QPWS during national park work programs as part of the operational responsibility of the QPWS Mission Beach Management Unit).<sup>92</sup>

In 2008, a significance assessment was carried out by consultant historian Diane Mengitti (Townsville) as part of EPA statewide survey.<sup>93</sup>

Two years later, a site prospectus report was prepared by GHD for nature-base tourism opportunities at Ninney Rise, commissioned by Queensland Government.<sup>94</sup> Local environmental groups become increasingly concerned about lack of heritage protection in the face of development and threats to natural conservation values.<sup>95</sup>

In Aug 2010 the Place was entered in the Qld Heritage Register – Place ID 602499 with the heritage boundary excluding the adjacent National Park rainforest.<sup>96</sup> The listing was subsequently reported in regional newspaper.<sup>97</sup> Six months later, in Feb 2011, Cyclone Yasi caused widespread damage locally with wind gusts up to 310 km/hr. Ninney Rise survived with minimal damage.

In 2012, the 45<sup>th</sup> anniversary of saving Ellison Reef from mining was celebrated at Ellison Reef and Ninney Rise and covered by national TV and radio media. Significant guests attended including marine scientist Eddie Hegerl.<sup>98</sup>

In June 2013 the Turning the Tide project was launched with memorandum of understanding between Mission Beach Business & Tourism and C4. The project concept included a coastal walking trail linking Mission Beach with Ninney Rise.<sup>99</sup>

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<sup>90</sup> Email correspondence Audrey Reilly QPWS to author, Nov 2015

<sup>91</sup> QPWS comments on Draft report, April 2016

<sup>92</sup> *ibid*

<sup>93</sup> DEHP files

<sup>94</sup> DEHP files

<sup>95</sup> Bid to Heritage List Home, Cairns Post article, 10 May 2010

<sup>96</sup> DEHP files

<sup>97</sup> Honour for Green Pioneer, Cairns Post article, 19 Aug 2010

<sup>98</sup> Eddie Hegerl is a key figure in the Ninney Rise story as he was the young research scientist who proved Ellison Reef was not dead 45 years earlier. Refer Ninney Rise website.

<sup>99</sup> Cooking up a New Concept, Innisfail Advocate article, 22 June 2013

## **2.10 Friends of Ninney Rise custodianship**

In late 2013 the Friends of Ninney Rise formed from a coalition of interested community groups combining: Wildlife Preservation Society Qld (Tully branch); Mission Beach Tourism; Cassowary Coast Alliance; C4 & Terrain NRM. Its stated objectives were to:

- assist the conservation of cultural significance of NR
- use interpretation of Ninney Rise's leading role in saving the GBR & Wet Tropics rainforests to promote eco-tourism in Mission Beach and reef/rainforest conservation
- retain NR in public ownership with opportunities for appropriate public access for tourism and cultural uses
- assist economically viable uses for NR
- facilitate partnerships in tourism, conservation, community and government <sup>100</sup>

In Feb 2014, they held their first open house day at Ninney Rise with guest speaker Iain McCalman (historian and author). <sup>101</sup>

Shortly after, in July 2014, FoNR signed contract with Queensland Government to take over management role of Ninney Rise and entered a lease arrangement with QPWS. <sup>102</sup> More recently in Dec 2015, the FoNR extended custodianship to Banfield's Grave Site, also on the QHR on nearby Dunk Island.<sup>103</sup>

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<sup>100</sup> FoNR website

<sup>101</sup> Chance to View House - Innisfail Advocate article, 1 Feb 2014

<sup>102</sup> Ibid

<sup>103</sup> FoNR website

## 3. PHYSICAL EVIDENCE: THE SETTING & HOUSE

### 3.1 Introduction

This section outlines the physical nature of the Setting and the House. The Gardens and Grounds are dealt with separately, in Chapter 4. Fold out drawings in the Appendix C should be referred to as a supplement to this section.

### 3.2 The Setting

#### Topography & Bingil Bay

Bingil Bay is framed between two hills which bookend a crescent beach - Bicton Hill to the south and an unnamed double hill to the north. Ninney Rise lies at the base of the northern unnamed hill. The topography of the area is dramatic, lending a strong sense of enclosure to the Bay.

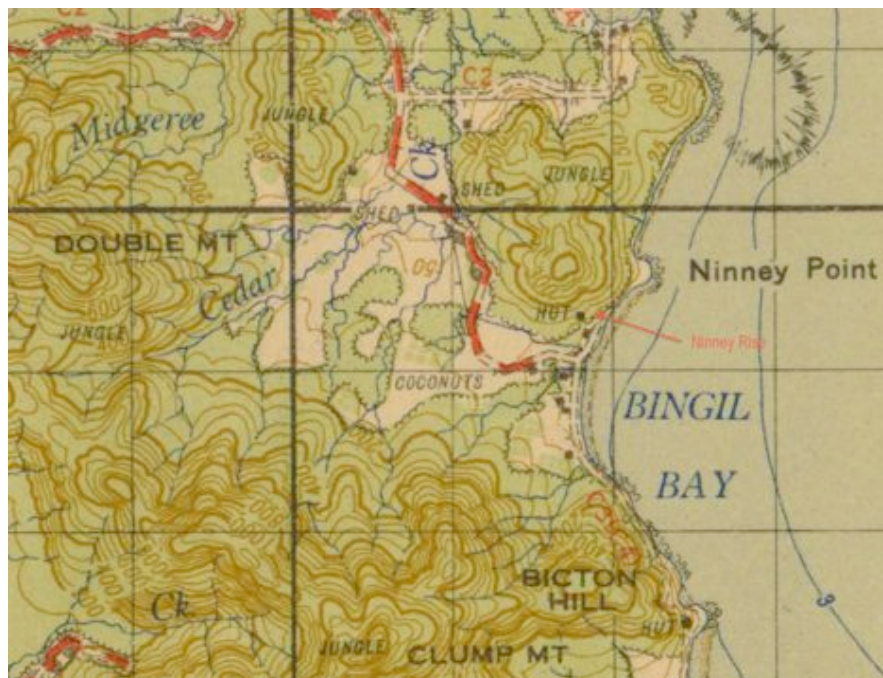


Fig 40. Detail from WWII topographic map highlights the dominant features of the setting (1943 Clump Pt 1 Mile). Note two hills bookend the crescent Bingil Bay beach. Ninney Rise sits below the unnamed hill to the north.



### Adjoining National Parks

Ninney Rise is bounded by part of Clump Mountain National Park to the north (the rainforest lot gifted by Kate Tode – then called Bingil Bay National Park). Clump Mountain National Park proper lies to the south taking in Clump Mountain. An additional National Park - portion 115, donated by the Jorrisens for cassowary conservation in 1977, lies a kilometre north of Ninney Rise at Garners Beach.

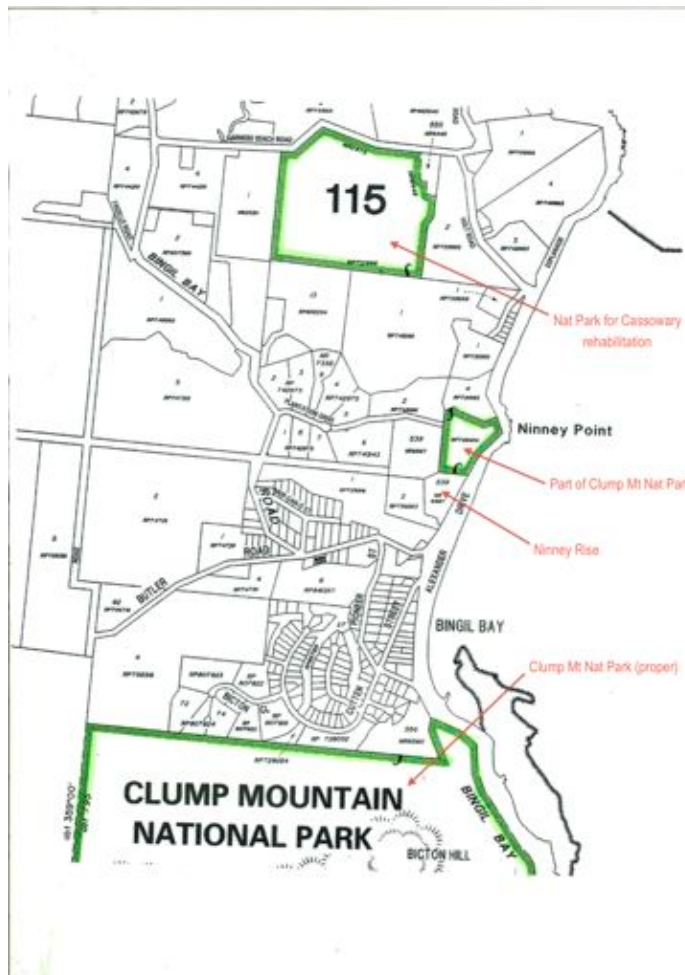


Fig 41 National Parks highlighted adjoining Ninney Rise (detail from QPWS cadastre map of Clump Mt Nat Park 1995)

### Adjoining National and World Heritage Areas

Ninney Rise is pocketed between two adjoining natural heritage areas of outstanding natural value – Wet Tropics of Queensland World Heritage Area - 1km to the south and the Great Barrier Reef World Heritage Area – 100m to the east. These are also National Heritage sites listed under the Federal Environmental Protection and Biological Diversity Act 1999 for their natural heritage values and outstanding value to the nation. The adjoining portion of Clump Mountain National Park, presumably has similar natural values to Clump Mountain National Park proper which is in the Wet Tropics of Queensland World Heritage Area.



## Views

Ninney Rise is now largely concealed from external view and the site quite inward looking. Views out are limited to glimpses of seascape and landscape rather than panoramas which previously characterised the Büsss' period. It is difficult to actually see the house until one is upon it. This inward focus reflects not only how Kate Tode developed and used the place but also the fact she had to live in closer proximity to her western neighbours since Alison Büsst's sale of that portion (which effectively bought those neighbours closer). Kate Tode wanted to creating her own sanctuary and sought privacy from neighbours.<sup>104</sup> The house is most apparent approaching from the Car Court to the west which affords the longest vista.



Fig 42 View from the west Car Court terrace.



Fig 43 View from the old track to the beach

## John Büsst Memorial Plaque

The JB Memorial Plaque is disconnected physically from the house site although reasonably close as the crow flies. When the beach track to the north was active it would have been a short stroll. Now it can only be accessed via Alexander Drive and the Esplanade.

## 3.3 The House

### Design & Layout

The house is laid out as a rectangle, its long axis aligned to Bicton Hill and short axis facing to Bingil Bay and the Coral Sea. The house is low-set and almost ground hugging, connecting easily to the surrounding garden via wide, short stairs. Roofs are hipped, low pitched and extended continuous over verandas, pulled low to screen the tropical sun and sky glare from the interior. A series of rooms opens onto the east veranda facing Bingil Bay, linked internally by an offset Hall with service areas to the west. The Living Room is three sided opening onto verandas all round and is the most generously proportioned space with a large picture window facing south and framing views towards Bicton Hill. The Studio, also spatially important with raked ceiling, is accessed via a short cross hall and forms a wing to the rear. Originally three sided with good natural light and ventilation, the Studio originally contained a south facing rooflight and looked north into a courtyard - design features which mirrored Büsst's first North Queensland house at Bedarra Island. Refer Fig 56 and Appendix C drawing – 04.

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<sup>104</sup> Geoff Dove, Kate Tode's gardener related she used to say "if you can see your neighbour's smoke you're too close".



Fig 44 left. The house is laid out with its long axis aligned to Bicton Hill.

Fig 45 top right. Rooms open out onto the east veranda facing towards Bingil Bay and the Coral Sea



Fig 46. Top left - south veranda with *the long window* referred to by Patricia Clare, facing towards Bicton Hill.

Fig 47. Top right – east veranda facing to Bingil Bay and the Coral Sea.



Fig 48. Left – west 'entry' veranda facing to the Car Court.

### Construction

The house is built with **suspended hardwood timber floors** internally and insitu **concrete veranda slabs**. Walls are **cavity brick** on edge, lightly bagged externally and wet-set plastered internally. Continuous **concrete ring beams** run top and bottom of external walls and cross walls. Roof framing is timber supported on recent galvanised CHS veranda posts. Roofing is corrugated colorbond zincalume. Ceilings are generally split bamboo throughout except in service areas where they are tongue & groove vertical joint lining boards.<sup>105</sup> Bamboo is also used for joinery trim; decorative ceiling roses and the Studio internal door.

<sup>105</sup> Oral history confirms bamboo was sourced locally from Bingil Bay & Liverpool Creek. Some stands still exist.

Windows are oversized timber casements on friction stays with low sills to assist ventilation. Doors are timber framed and glazed.

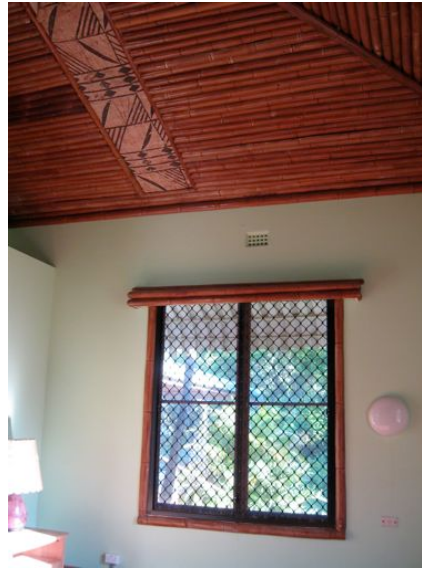


Fig 49. Top left. Studio interior with raking ceiling. Note infilled south facing rooflight.

Fig 50. Top right. Hall looking to Living Room.



Fig 51. Left. Living Room picture window with casements each side of large framed picture window. Views to Bicton Hill are now obscured by a combination of planting and natural rainforest regeneration.



Fig 52. Top – oversized rebated casements

Fig 53. Left – Bamboo architraves and trims to picture window in Living Room





Fig. 54 and 55. Decorative bamboo ceiling roses inset in split bamboo ceilings.

### Cabinetry; Furnishings; Artworks and Lighting

Built-in cabinetry is incorporated in Büsst's layout with some original cupboards featuring bow-fronted plywood and retaining c1960s black & chromed circular knobs. Oral history records confirm Büsst also built much free-standing furniture in bamboo – none survives at the house but has been inherited by Alison Büsst's relatives along with Büsst's paintings which hung at Ninney Rise. One painting, Büsst's self-portrait, c1940s, survives at the site (refer Fig 22). Lighting appears to have been minimal. Photo evidence may confirm if ceiling fans replaced pendants or were original features. Some rooms contain wall mounted lights but no c1960s fixtures are extant.



Fig 56. Main floor plan of Büsst's house annotated to show its primary orientation and layout (sketch plan from MGA site survey, Aug 2015)



### Changes

The house is reasonably intact albeit with design changes related mainly to the Kate Tode era. Whilst she conserved the house with repairs, she also modified aspects of Büsst's original simple layout.<sup>107</sup>

Design changes include :

- the bathroom extension to the Büsst's Studio which removes the northern window to the walled courtyard; compromises the balance of this room and intrudes into the courtyard
- the upper level extension added over the existing garage which creates a top-heavy awkward scale and compromises the symmetry of the original massing
- alterations to the original garage concurrent with the above including - removal of the original garage gabled roof; replacement of garage doors with a roller door; introduced of aluminium windows to the lower level and internal changes including WC; internal stairs; safe etc
- modification of original external & internal colour schemes
- internal wall removal between the Studio & Bedrm 2
- introduction of ensuite bathroom to the Dressing Rm
- introduction of aluminium mesh security screens generally which clutters the simplicity of original joinery; reduces natural light levels to the interior and obscures views out
- introduction of tiling to concrete slab verandas
- replacement of original AC guttering and downpipes in a modern colorbond square profile
- replacement of original galvanised roofing with colorbond and infilling the Studio rooflight
- screening in part of the east veranda (now mostly removed)



Fig 59 top left & Fig 60 top right. Kate Tode's second level extension above the original garage.

Fig 61 Left. Kate Tode's bathroom extension to the Studio into the walled garden court.

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<sup>107</sup> Correspondence files held at Ninney Rise suggest Kate Tode indirectly consulted Alison Büsst about changing the house in-principle through George West Builder during property sale negotiations. (Kate Tode personel correspondence files).



## 4. PHYSICAL EVIDENCE: THE GARDEN & GROUNDS AREAS & HERITAGE FABRIC

### 4.1 Introduction

#### The Garden

The history of the garden has not been fully researched and written. A preliminary understanding of the garden had been formed from study of historical photographs, some recollections of friends and gardeners of the Büsssts and Kate Tode, and observations of the fabric at the place.

The Büsssts built their home on an open terrace formed on the cleared hillside. They used the track benched into the hillside above the foreshore esplanade and a driveway that continued up the hillside from the Alexander's guesthouse driveway where they lived, whilst building the house. The current driveway appears to follow that route except at the fully concreted section at the road. There is evidence the Büsssts formed a garden surround for their home, engaging a gardener and planting trees as an avenue for the drive to the house with decorative garden shrubs at the house and also on the hillsides and down the gully area. The garden appears likely to have been a conventional or not uncommon surround for a home in the tropics at the time which was under the constraint of the distance from a town and source of garden plants.

Advices and recollections from their time include that Alison Büssst planted Hibiscus; Singapore daisy (*Sphagneticola trilobata*) and ferns, and John Büssst African Tulip trees (*Spathodea campanulata*) and pineapples.<sup>108</sup> There is no record of the Büsssts planting local forest species on the place now on the QHR, its hillsides, or the surrounds of the house and they did not clear additional forest primarily as the land around the house and drive had been cleared by the Cuttens and Alexanders. Clare noted in the late 1960s the place contained 6 acres (2.4ha) of cultivated land with 25 species of eucalypt in a forestry trial.<sup>109</sup> The location of these plantings is not known precisely however it is known that it is now outside the place on the QHR. From the sparse history of the Büsssts and the garden, there is no concrete evidence of the time or interest the Büsssts had in the garden around their home, whether they had their gardener do all the gardening and mowing, or whether they gave time to the garden also.

Kate Tode retained the landform, and the garden extent and general form as made by the Büsssts. She retained trees planted by the Büsssts, including the driveway avenue and car court edge trees, the mango tree, some of the African tulip trees, also the forested area over the hillside to the north and over the escarpment. It appears she also retained, or didn't remove all, the shrubs and carpeting plants planted by the Büsssts including the Hibiscus and the Singapore daisy. She maintained the mown lawns and added trees and shrubs to the garden while not diverging substantially from the apparent garden

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<sup>108</sup> Communication from Geoff Dove, gardener at Ninney Rise

<sup>109</sup> Clare Patricia, 1971: p90

structure and overall character she found. The garden became more heavily planted as these plantings were maintained. She added the water tanks for garden watering, a shade house, and shrubs along the car court edge and the steep banks to the gully area, the pool and pond, adding amenity to a garden which she enjoyed being in. She added additional trees alongside the driveway to add to the avenue and more shade over of the lawns. These garden modifications appear to have **built on the garden framework formed by the Büsss**. It appears from remnant shrubs and recollections of the plants by Geoff Dove, that Kate Tode may have gardened less on the hillside north of the house and to the west above the driveway than the Büsss. The additions to the place history from brief oral histories indicate that Kate Tode had an interest in enriching and forming the garden, in plants and to spend time in the garden.

#### **The Grounds - Peripheral Areas Beyond the Garden**

The hillside north of the house and the east escarpment were not substantially gardened by the Büsss or Tode. These areas are considerably steeper than the garden and had some remnant forest species and possibly regenerating cover over them when the Büsss purchased the land. These parts of the place have high ecological values, provide natural habitats and contribute to local wildlife corridors. The conservation and management of these areas requires a **different strategy** and procedures than for the heritage place garden. In addition, the edges and **interface** between these areas and the historical garden will likely require **tailored conservation management**.

There are some garden species within these areas, both planted by the Büsss and Tode. There appears no instance where this planting is a highly significant part of the garden design, unique, or relating to a distinct historical use or vital association and in these instances the **garden plants may have a lower importance** to the heritage of the place **than the ecological significance** of the lowland forest regenerating there.

In this chapter the garden and grounds fabric is briefly described including current uses and an outline of changes through the Ninney Rise and John Büssst Memorial history.

## **4.2 Garden Areas**

The Ninney Rise and John Busst Memorial (NR&JBM) garden component of the heritage fabric is here classified into separate though overlapping areas for the purposes of description of the parts of the place; similarly to the way the rooms of the house may be described.

Areas are indicated on the following aerial photo **Figure 62** *The Grounds Areas* and also in Appendix C fold out **Dwg no - 03** *Ninney Rise Grounds Areas & Features*.

The **Garden Areas** are:

|  |                        |
|--|------------------------|
| <b>North West Garden &amp; Lawns</b>           | <b>areas A &amp; C</b> |
| <b>West Boundary Gardens</b>                   | <b>area B</b>          |
| <b>Car Court and House Surrounds with Pool</b> | <b>areas F &amp; G</b> |
| <b>Hillside and Gully Garden</b>               | <b>areas H &amp; J</b> |
| <b>Driveway Lawns &amp; Trees</b>              | <b>area I</b>          |



figure

The Grounds Areas

Fig 62 – The Grounds Areas, CBLA (2015)

#### 4.2.1 North West Garden & Lawns - Areas A & C



Fig 63. The upper lawns with specimen trees



Fig 64. One of the water tanks in the forest on the hillside

##### Description

This northwest area is the upper portion of the hillside rising above the driveway where it curves towards the house. This garden area comprises lawns, specimen trees in the lawns, fringing gardens to the south and west and higher and to the east is the apparently regenerating forest. This extends from the west boundary across the upper periphery of the place. The specimen and western zone trees and fringing gardens are all planted by the Büsssts and Tode with fruit trees a focus of the central part as Kate Tode was developing this as a fruiting trees area of both exotic and native trees.<sup>110</sup>

##### Use

The upper eastern part of the hillside, which was part of the garden of the Büsssts, became a regenerating forest through the Tode and QPWS periods and this part is no longer used as a garden or visited by pedestrians or garden maintenance personnel. The lawns appear now rarely used (2015). The upper lawn offers views to the south to Clump Mountain.

##### This Area Through History

- This hillside was fully cleared at the time of initial hillside clearing, likely by the Cuttens and remained fully cleared at the time of purchase by the Büsssts.
- Historical photos indicate this area remained cleared during the time of the Büsssts while it included the edge of the area of their planted grove of tulip trees. These trees were cut down by the QPWS in the 1990s.
- John Busst grew pineapples approximately on the lowest west part of this area, below the line of the house, and likely on or extending onto the land which is now the adjacent lot.
- During Kate Tode's ownership two concrete water tanks were constructed on a levelled platform at the north boundary, to supply water for grounds irrigation and possibly other garden uses and to avoid use of, and reliance on, town water. The tanks are still present though no longer used.
- Part of the area below the water tanks has the remnants of timber sleeper style retaining edges which formed a stepped access way and planting benches.
- Kate Tode saw this as an opportunity for a tropical orchard and had Geoff Dove plant fruiting trees including a native plum and the black sapote and star apple.

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<sup>110</sup> Advice from Geoff Dove in meeting - 2015



#### 4.2.2 West Boundary Gardens - Area B



Fig 65. The lower end of this area



Fig 66. At the lower end a vine grows over the trees



Fig 67. The bamboo clump

##### Description

The west boundary currently has no fence. Along its 131 metre extent there is a densely planted tree grove and shrubbery comprising predominantly planted trees with some self-sown forest species, saplings of the garden trees, and shrubs. This forms a screen to the private gardens to the west.

The gravel driveway of the property to the west of Ninney Rise lies generally parallel to the boundary about two metres away and has an edge of massed *Agapanthus*.

At the lower end of this area the mass of trees and shrubs is wider and a vine (*Congea tomentosa*) has grown over many trees and shrubs forming a spectacular display of foliage and flowers (in season)<sup>111</sup>. At the upper extent the planting and foliage density thins, and the adjacent garden and parts of the house can be seen from the upper lawn hillside.

##### Use

This area forms a separation of the Ninney Rise garden from the adjacent residential property by screening the modern, manicured garden there. The tree belt forms a garden frame of the Ninney Rise garden as appreciated from the driveway and lawns of the grounds including the car court and west side of the house.

##### This Area Through History

- This area was fully cleared at the time of the initial hillside clearing, likely by the Cuttens.

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<sup>111</sup> The vine was planted by Geoff Dove in the Kate Tode period. Jean loved vines.



- On the adjacent property on the hillside the Büsssts planted lines of African Tulip trees (*Spathodea campanulata*) which were removed by the QPWS.
- There is an old timber fence post at the upper boundary which is a remnant of the post and wire fence which kept the cows out of the Büssst's garden.
- Much of the planting dates from the Kate Tode period. A grove of bamboo (*Bambusa sp*), planted by Kate Tode's caretaker and gardener Geoff Dove, lies within this perimeter belt.
- During the QPWS period of residency and as caretakers some planting and planted beds were added to the lawn side of this long garden area<sup>112</sup>.

#### 4.2.3 Car Court and House Surrounds with Pool - Area F & G



Fig 68. The approach to the levelled area at the upper end of the drive, the storage shed with side tracks, and the house in view.

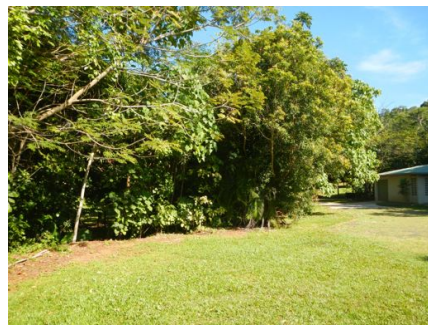


Fig 69. The south edge of the car court - area F



Fig 70. The east lawn



Fig 71. The north east corner garden

#### Description

The area levelled for the house and its surrounds extends 45 metres west of the house and 20 metres south from the steep hillside to the embankment above an original gully on the hillside.

The driveway turns towards the house at the top of the rise. The storage building / garage here was built for Kate Tode. Concrete tracks, edged by a substantial concrete open drain, extend from the driveway to the former second car space at the rear of the garage. (This space later housed the power generator) Beyond the end of the concrete apron at the garage /shed a concrete edged gravel parking and turning area was formed extending for 30 metres from here to 5 metres from the house. An area of concrete pavers was formed at the house garage entrance.

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<sup>112</sup> Geoff Dove has considerable knowledge of the planting as he worked on these gardens both for Kate Tode and later QPWS.

The north edge of this area is the heavily vegetated hillside.

Around the house a garden was formed first by the Büsssts, then modified and added to by Kate Tode, then modified slightly under the QPWS management period.

This garden of the house surrounds comprises: - stone edged narrow gardens along the veranda edges (Tode period built by Geoff Dove); a mown lawn extending along the full house frontage, and garden along the fence line to the outer edge. On the west side at the main steps to the veranda are gardens along the veranda and a lawn extending over the car court.

To the north of the house (as extended by Kate Tode), at the base of the hillside, is a metre wide level area with no garden planting. To the south, beyond the narrow garden at the veranda and 2 metres of lawn, is the kidney shaped pool Kate Tode had built in c1980.

The walled courtyard has the remnant stone edge of a Tode era garden and a scrambler vine on the outer wall, otherwise it is generally bare of plants. Outside the courtyard wall are a mix of plants in a garden and a specimen bottlebrush tree where a Busst era umbrella tree once grew – refer Figure 72.

### Use

The car court is used for parking and vehicle turning. It is also the visitor pedestrian entry to the house. The lawn space around the house serves very well now, as in the past, as an open environs for the verandas and a useful circulation space. The pool is not in use and emptied, with the pool pump disconnected.

### This Area Through History

The gardens around the house edge have had changes with ownership. The historical photos show some changes.

- This area was fully cleared prior to the Büsssts building the house, as seen in early photographs. The eastern part, nearer the house, was levelled by the Büsssts at the time of the house construction.



Fig 72. Areas F & G in the late end of the Büssst's ownership (c1979, QPWS / KTode)  
Their mown lawn and lower trees on the escarpment allowed views over Bingil Bay to Clump Point and part of the Family Islands group.





Fig 73. West stairs and garden with ginger, Büsst period c1979



Fig 74. Tree fern, Philodendron and ferns in 2015



Fig 75. The west garden with Bougainvillea, Büsst period c1979



Fig 76. The garden in 2015



Fig 77. The south house edge, Büsst period c1979



Fig 78. Stone edging, Tode period in 2015



Fig 79. The veranda and garden, Büsst period (c1979)



Fig 80. The outer lawn edge with QPWS hedge 2015



Fig 81. Two vine trellis on the west side. The trellis at the house was likely built by the Büsssts, the one in the lawns for Kate Tode

- Two vine trellis structures were west of the courtyard, one likely with a Bougainvillea. The trellis at the house was likely built by the Büsssts, the one in the lawns by Kate Tode.
- The Büssst's driveway led to the house in the same location as at present. There is apparently no photographic record of the area west of the car court prior to the Büsssts' departure.
- The storage building, water tank and associated side car tracks and timber retaining walling are of the Kate Tode period. Geoff Dove built a timber sleeper retaining wall for Kate all along the base of the embankment and planted above it. (The sleepers were from tram lines in the district)



Fig 82. The vine trellis, the shed or fernery, the timber retaining edge and the shrubbery along the tow of the hillside are all no longer present. Photos immediately after tropical cyclone Winifred 1986.

- There was a long bed of a hedged shrub extending west from the house garage as seen in the photo above.
- A bush house /fernery structure made by Geoff Dove for Kate was located near the embankment near the current shed.
- Jean Rentoul had the idea for stone edges to the gardens. Geoff Dove made them with stones Don Perkes (Kate Tode's gardener) found in a creek outside Babinda and collected with a trailer.
- Geoff Dove planted the palms along the south side of the pool - during Kate Tode period.
- Some of the plants were changed during Kate Tode's residence. Later changes by QPWS are present now.
- The courtyard north wall used to have a *Pyrostegia* vine on it, and the pegs to attach the wires are still present.
- The Büsssts had an un-surfaced driveway access along the north side of the house. This linked to the track to the beach.



#### 4.2.4 Hillside and Gully Garden - Areas H & J



Fig 83. The bank falls away from the car court.



Fig 84. The grassed slope amongst the trees and planted garden areas

##### Description

Along the south edge of the levelled car court and house surrounds is a steep bank apparently formed when the house and surrounds platform was shaped on the hillside. The bank has no garden path formed through the planting. Access to the gully garden is from the driveway. There is a track down the bank south of the pool, however, this is primarily a gardener's track. The bank is planted with trees, shrubs and vines which together form a fairly dense garden. There are trees which may have been planted by the Büsss, including a *Peltophorum* (the same as the trees along the drive) and a large mango tree. From Geoff Dove it is understood the other trees and palms were planted by Kate Tode and Geoff to form a garden edge to the upper lawn spaces and to add character and interest, including the palms at the upper curve of the drive, and to form a visual screen to the south to screen views of the houses there.<sup>113</sup> Through the planted beds of this garden area there has occurred opportunistic growth of rainforest species throughout the period since the end of Kate Tode ownership and the little maintenance since then.

##### Use

This is a part shaded, semi-enclosed and shaded part of the garden and apparently established as a place for garden enjoyment. The planted upper edges forms a part visual separation to the house surrounds and car court and help define the gully garden space. They act as a framework to the upper garden, and a shading edge to the lower enclosed gully garden area. This central part of the garden has a distinct character to the driveway approach, and the platform higher on the hillside with the shed, house and lawn surrounds. The area is a wide gully between the open driveway garden, the curving treed bank of its upper edge and the forest along the eastern escarpment. In the centre of the gully is a planted palm and tree grove within which is a circular pond and stone edged runnel extending from the pond down the slope. Mown lawns on the sides of the gully slope down to this grove and provide strolling areas (or sitting) to move around across the gully and enjoy views to the central grove and surrounding treed areas. On the east side are a citrus tree and frangipani in the lawn.

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<sup>113</sup> Advice from Geoff Dove in meeting, 2015



The base of the former windmill and the pump base and power point are still present in the upper part.

#### **This Area Through History**

- This area was fully cleared at the time of the initial hillside clearing, likely by the Cuttens.
- The mango tree was likely planted by the Büsss.
- There were views over this area to Clump Mountain from the lounge through the Busst period.
- Kate Tode established the pond and runnel, the windmill and pump (in association with the generator in the storage shed), and likely many of the planted trees and palms, as part of a considerable investment to establish a usable garden within a forest setting. These elements were built for Kate by Geoff Dove. The rocks in the pond are from the local area, not from a creek. The pond was kept filled through the year.
- The windmill was located after Geoff Dove's father came and divined for water. He said the best place for a well was near the 'barn' / the shed, but Kate didn't want a mess there so it was located over the bank. They got the windmill from Southern Cross. Water was piped to the two concrete tanks up the hill and back through piping for garden watering. Kate Tode liked to see the windmill.
- Kate Tode used to stroll through this part of the grounds. She also would sit in the gardens here for relaxation. She actively discussed and directed the garden works here with Geoff Dove.<sup>114</sup>
- The trees and shrubs particularly on the north and west parts are predominantly those planted by Geoff Dove.
- The *Tecomanthe* vine was purchased at Tully and planted by Kate Tode.
- Through the garden beds there are some large self sown native trees which have grown since the end of Kate Tode ownership and the minimal maintenance within the beds since then.
- The character appears altered both through storm damage and maintenance practices.

#### **4.2.5 Driveway Lawns & Trees - Area I**



Fig 85. The *Peltophorum* trees planted along the driveway sides to form an avenue.

#### **Description**

The concrete driveway extends from Alexander Drive to the shed building and car court. At the Alexander Drive end the property has generally a fully planted edge to this public frontage comprising part coastal forest and, alongside the driveway, planted shrubs. The lower section is a 2.6 metres wide, fully concreted driveway that rises steeply from the road. At about 23 metres from the boundary the

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<sup>114</sup> Anecdote from Geoff Dove, Aug 2015

drive changes to two concrete tracks and lies in a wide lawn surrounds with an avenue planting of trees extending for approximately 95 metres up the hillside. This spacious lawn and trees garden area is edged on the west by a series of long narrow garden beds with trees and clumping plants which are separated by a 2 metre wide lawn strip from the boundary tree belt (Area B). Along the east side of the drive, the hillside falls past a second line of trees to the long grassed gully within which is a mass planted grove (Area J). These trees, lawns and gardens provide an attractive tropical garden setting to the driveway and house approach.

### Use

The drive is both the vehicular and pedestrian way to and from the house.

### This Area Through History

- This area was cleared at the time of the initial hillside clearing, likely by the Cuttens.
- The driveway was likely the route used by the Büsst except at the lower end. A remnant part of their gravel drive tracks can be seen where it extended south from the current route and ran along the route of the adjacent property driveway.
- The avenue planting of *Peltophorum* appear to have been by the Büsst (from the historical photos).
- John Büsst grew pineapples approximately on the upper west part of this area or on the land further west now the adjacent lot.<sup>115</sup>
- The line of Indian laburnums to the east, and the low beds along the west, are additions by Kate Tode.<sup>116</sup>

## 4.3 Peripheral Grounds Areas

### 4.3.1 North Hillside Forest – Area D

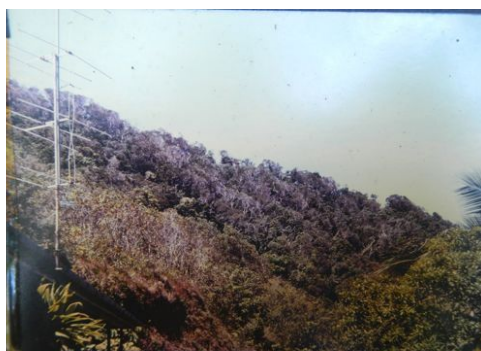


Fig 86. The hillside above the house c1979 (QPWS, KTode)

### Description

The hill north of house rises steeply immediately from the 2 metre wide levelled area at the house. The hillside above this bench has a dense woodland cover of coastal forest regrowth and on the furthest east part, likely parts of the original forest. It is a very steep hillside and is a difficult terrain to climb. A track was cut into the hillside angling down from the house platform north to the foreshore.

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<sup>115</sup> Recollection by Brenda Harvey

<sup>116</sup> Anecdote by Geoff Dove

## Use

The hillside is not used. It provides an attractive forested hillside backdrop to the house and gardens in views from the beach, Bicton Hill and the sea. The track to the foreshore is no longer used and difficult to walk due to fallen trees and forest species regrowth.

## This Area Through History

- A vehicular track was formed from the house area at an angle down the hillside to the foreshore, perhaps by the Cuttens but known to have been used by the Büsst for access in building their house and for access to the beach. (The Büsst used an “old Land Rover”<sup>117</sup>). This track to the beach can be discerned in some historical photos.
- Geoff Dove used the track on the Suzuki, and planted Bougainvillea which Jean Rentoul liked. In heavy rains in 1981 / 1982 the track got washed out in part. There was also a landslip in front of the house then.<sup>118</sup>
- As part of the Alexander Drive widening by Council, a low bank was formed at the base of the escarpment over the northern part. This bank cuts across the lower end of the former vehicular track to and from the foreshore.
- The hillside in the place is contiguous with Lot 115 essentially gifted to QPWS by Kate Tode.
- The hillside used to be able to be penetrated more easily than now (reportedly there was a track and John Büsst would occasionally climb the hill, but the location of that has not been authenticated)<sup>119</sup> The track may be in either Areas A or D. A track in D would have led to / passed the small header water tank that used to be there - see on early aerial photos.
- The QPWS formed an angled benching into the hillside rising from the car court to about 2 metres above the ground level at the house at the 19 metre AHD contour. This was to manage the erosion and encroachment of vegetation close to the house. Acacias and Lomandra were planted at the base of the bank.

### 4.3.2 East Escarpment – Area E

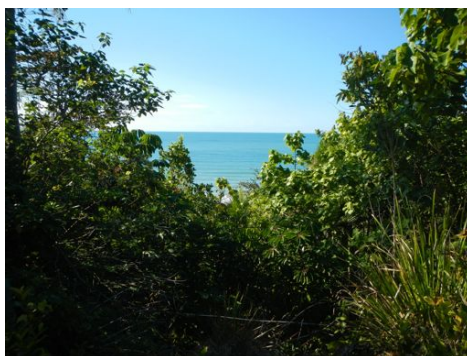


Fig 87. The view from the house lawns over and through escarpment vegetation.



Fig 88. Alexandra Dr seen below steep escarpment. Bananas and other introduced plants grow here amongst littoral rainforest vegetation.

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<sup>117</sup> Recollection by Geoff Dove, 2015

<sup>118</sup> Recollection by Geoff Dove, 2015

<sup>119</sup> Anecdote by Geoff Dove, 2015

### Description

The Ninney Rise house is located on a levelled area with its east edge about 12 metres from the top of the escarpment to the Alexander Drive road reserve and the foreshore. This escarpment is about 10 metres high at a 1 in 1 gradient. It has a mix of indigenous trees, some of which may predate the Büssst's period, coastal forest regrowth of trees and understorey, and exotic trees planted or self-sown including coconut palms and bananas.

At the southern extent of the property the upper bank has an extensive areas of Singapore daisy and *Nephrolepis* fern planted by the Büsssts.<sup>120</sup>

### Use

The escarpment is not used for any activity or access.

### This Area Through History

- Early photos and paintings show many parts of the escarpments or steep slopes to the Bingil Beach shore clear of tree cover. Later photos, including of the Büssst period, show a low regrowth forest cover.
- At the construction of the Büssst's house platform fill was spilled down a sections of the escarpment. This appears to have been at the location where a subsidence or slippage was noted in the mid 2000s.
- Alison Büssst planted the lower parts of the hillside with garden plants including Hibiscus, still seen near the track to the beach.
- The escarpment east of the house was often the repository of finished bottles in the Büssst period.<sup>121</sup>
- There were a couple of wells at the lower part of the grounds along the Alexander Drive escarpment. At least one was used for a water supply. One remains and has water within and this has been capped for safety reasons.<sup>122</sup>
- Kate Tode wanted the view to the sea, and Geoff Dove had cut trees for the view but this was not approved in the QPWS period.

### 4.3.3 Memorial at Beach – Area K

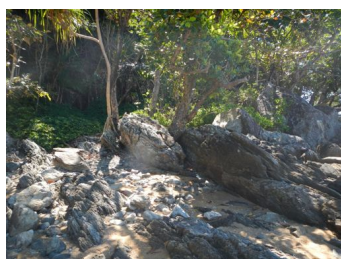


Fig 89. A track behind the memorial allows a walk around the Point at high tide.



Fig 90. The memorial plaque is on a large rock close to Ninney Point.



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<sup>120</sup> Geoff Dove advice, August 2015

<sup>121</sup> Geoff Dove recalled taking out "3 trailer loads of bottles, the empties, that had been thrown out over the bank.", August 2015

<sup>122</sup> Communciation with Geoff Dove



### Description

The memorial plaque is at Ninney Point. A metal plaque is fixed to the angled face of a large rock close to the Point. Ninney Point, at the north end of Bingil Beach, comprises a large extent of rugged rock protrusions rising two to three metres above the tumble of rocks extending across the Point.

The plaque is on a prominent single large rock which has a slightly sloping face that addresses the beach which sweeps away to the south and Clump Point. It is in the shade of a spreading tree.

From the foreshore of Alexander Drive and the campground under the wide shading canopies of beach almond trees, one can walk across the sand just above the high tide line to the rocky area of the Point. From the sand at the south of the beach the large rock cluster and the rock on which the plaque is fixed can be seen.

A track extends along the shore at the base of the steep rocky hillside and around behind the memorial plaque on its rock. This track provides access around the Point at high tides.

### Use

Interpretation and appreciation of the memorial plaque, the Bingil Beach and Bingil Bay setting.

### This Area Through History

- Reportedly John and Alison Büsst, and likely with the Holts and other friends, visited the beach down the track from the house and on to Ninney Point from where they would appreciate the beach, the sea and the forest of Bicton Hill and Clump Point.<sup>123</sup> This is why the Point was selected for the Memorial plaque.

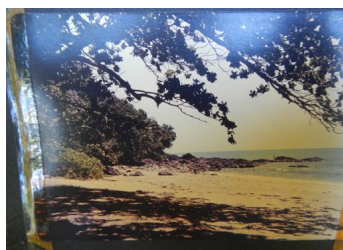


Fig 91 View to Ninney Pt c1979  
(c1979 photos QPWS/KTode)



Fig 92. Bingil Bay beach in c1979



and in 2015

## 4.4 Intactness

### 4.4.1 North West Garden & Lawns - Areas A & C

It was evident in 2015 that no clearing of undergrowth, repair of edges, removal of large branches and trunks likely blown down in storms had occurred in Area A for some years. The extent of the regrowth forest is substantially intact from when it was allowed to start forming. It also appears to have extended out onto an earlier lawn edge, as planted shrubs such as Hibiscus can be seen being overgrown by new growth and broad spread of forest plants.

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<sup>123</sup> Oral histories recorded by the Friends of Ninney Rise 2014 - 2015



- The lawns and garden form appear to retain the shapes and general character as established by Kate Tode prior to the QPWS period of residency at Ninney Rise.
- The gardens around the edges appear to have changed in detail with the growth of self-sown trees and shrubs, and with the reduced maintenance.

#### **4.4.2 West Boundary Gardens - Area B**

- The planted perimeter garden retains a density and healthy growth to fulfil the apparent intent that it frame and form the garden edge to the place.
- The mix of plant species and quality of the form of the individual trees and shrubs is apparently diminishing due to much reduced or minimal maintenance since it was maintained in the Kate Tode period.

#### **4.4.3 Car Court and House Surrounds with Pool - Area F & G**

##### **Area F**

The area, as established by Kate Tode over the levelled area formed by the Büsss, is substantially intact in extent, form and some built edges. The 2 vine trellises, timber retaining walls and fernery are no longer present.

The garden character of this visitors' entrance to Ninney Rise is no longer wholly intact though still holding the potential for some restoration.

##### **Area G**

The garden surrounds of the house are generally intact, constrained to their original extent by the terrain to the north and south and the lawn at the west being contiguous with the car court lawns.

The planted content is not intact from the Büsss period of residence, nor fully intact from the Kate Tode period.

#### **4.4.4 Hillside and Gully Garden - Areas H & J**

##### **Area H**

The garden area is substantially intact in form and in the major planted trees, some shrubs and the vines.

##### **Area J**

This gardens area is intact in its overall form of lawns and planted garden areas.

#### **4.4.5 Driveway Lawns & Trees - Area I**

The garden is substantially intact in its form as established by the 1980s.

#### **4.4.6 North Hillside Forest – Area D**

The hillside is assessed as generally intact in regard to terrain and revegetation cover at the end of the Büsst and Tode periods of ownership, and the forest regrowth is continuing. Regrowth of the lower slope has advanced since that time over the garden planting, nevertheless, the character and contribution to the house surrounds is generally similar.

- The lower batter below the bench is in stable condition, however the planted character is not historically appropriate.

#### **4.4.7 East Escarpment – Area E**

The escarpment is in a fair to good condition particularly in relation to its apparent historical condition.

#### **4.4.8 Memorial at Beach – Area K**

The rock with plaque, the rocky surrounds out to the tip of the Point, and the forested hillside behind are generally intact in overall appearance, as a natural undisturbed Point.

There is an extensive area of Singapore daisy over the ground nearby at the base of the hillside. Restoration of this area's vegetation to appropriate indigenous species would enhance the intactness of this place.

## 5. ASSESSMENT OF CULTURAL SIGNIFICANCE

### 5.1 Cultural Heritage Significance - Definitions

The Burra Charter, the Australia ICOMOS Charter for Places of Cultural Significance (2013), defines cultural significance :

*“Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.”* (Article 1.2)

*“Cultural significance is a concept which helps in estimating the value of places. The places that are likely to be of significance are those which help an understanding of the past or enrich the present, and which will be of value to future generations.”* Marquis-Kyle & Walker, 1992

The Queensland Heritage Act 1992 (amended 2014), defines “*cultural heritage significance*”, of a place or object, as “*its aesthetic, historic, scientific or social significance or other special value, to the present community and future generations.*” Under section 35 of the Act , these are the criteria for entry of places onto the Heritage Register.

These categories are necessarily broad. A more precise approach is required to identify the cultural heritage values of Ninney Rise & JB Memorial. The approach adopted in this report follows that outlined in *The Conservation Plan (2013)*. Cultural significance is assessed against the following criteria:

- Associations of the place
- Importance of the place as evidence; and
- Aesthetics qualities of the place

### 5.2 Associations

Ninney Rise & JB Memorial has deep associations with **the life and work of John and Alison Büsst** and the birth of Reef and Rainforest preservation campaigns in Queensland and Australia. Evolving from local issues in the late-1950s & mid-1960s, these campaigns became major environmental

movements that galvanised national attention throughout the 1970s and 1980s and led to a shift in society's appreciation of these globally significant natural assets.<sup>124</sup>

The seeds of these broad movements and changes in attitude can be traced to activities and events at this place. Early campaigns (eg local Rainforest protection & opposing the mining of Ellison Reef) were centred around the Bingil Bay homestead - it became a gathering point for scientists and researchers in Reef and Rainforest ecology – a place for intense gathering of data but also reflection; discussion; strategising and action. Later campaigns moved to major centres (Brisbane; Cairns & Canberra) but John Büsst was still deeply involved until his untimely death in 1971. He was regarded as a master tactician. Thus, Ninney Rise & JB Memorial is not only associated directly with activities and events surrounding local campaigns but indirectly with the broader environmental activism movements that followed. The place demonstrates what individuals with vision can achieve through partnerships with scientists and in the face of government inaction and serves to inspire the wider contemporary environmental conservation movement.

Other associations of note are:

- Montsalvat - Büsst was one of the founders of this artist's community
- Bedarra & other Family Islands mid-20<sup>th</sup> C group of artists (inc Noel Wood; etc)
- Harold and Zara Holt and federal politics - the Holts were close friends of the Büsssts and holidayed with them in North Queensland each year in August. Holt wrote his only budget on the veranda of Ninney Rise)

A secondary but nevertheless important association is the link between the place and the generous **actions of Kate Tode**. Her retention of the house, the garden and hillsides of the property (as reduced by Alison Büsst), and later philanthropic action saved the Büsst's homestead and a small but significant portion of the Büsst's original rainforest holding for the national interest. This secured the backdrop of Büsst's memorial as National Park. Büsst saved the Reef (and arguably the rainforest), whilst Kate Tode saved Ninney Rise and its rainforest hill backdrop for the nation. Oral history suggests she also assisted financially in the closing years of Wet Tropics rainforest protection in the mid-80s and worked behind the scenes with her political connections. Whilst more research is required to understand the full depth of Kate Tode's contribution, she is nevertheless a key person in understanding the story of this place - her environmental concerns compliment Büsst's pioneering activism and add to significance.

### 5.3 Importance as Evidence

Places can be significant for association with past lives; activities and events for which there is no residual evidence. But this is not the case at Ninney Rise & JB Memorial. The place provides tangible evidence of the life and work of the Büsssts – that is its primary importance as evidence. It is still **the house that Büsst built**, and understandable as such, despite the changes of successive ownership.

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<sup>124</sup> These were big picture activities, looking to protect whole systems of global significance; based on scientific evidence and relentless strategic action

The Memorial, with wording by Judith Wright, is also tangible evidence of the pivotal role Büsst played in the Rainforest and Reef protection campaigns. Its siting below National Park rainforest and facing the Reef is no accident. The memorial and setting neatly convey his story. These tangible links to past lives and events increase the significance of the place generally.

Other evidence of note related to the Büsst's house is:

- The considered design of a tropical house with artist's studio attached, sited to frame views to Clump Mountain Nat Park and the reef beyond
- The inventive and economical use of materials
- The unconventional and robust hybrid construction (brick-on-edge with concrete ring & ladder beams) which has survived many cyclones (the structural rationale is yet to be fully understood)

The place has secondary importance for the evidence it provides of a reasonably intact mid-late 20<sup>th</sup> C coastal tropical country house and garden, rare in Queensland. It provides important evidence of the life of Kate Tode who developed much of the extant garden and was active in later years of rainforest protection (early-mid'80s).

Evidence of note related to the Büsst's (and later Tode) garden is:

- The formation of a garden over the property from the road entry to around the house, and on steeper hillsides, including structured trees planting, extensive mown lawns, decorative, exotic flowering shrubs and scrambling plants by the Büsst's.
- The continuation of that garden's general form and style by Kate Tode over a lesser extent but with the addition of a pool, trees and shrubs to add shade and form semi-discrete garden spaces for her use and enjoyment.

#### **5.4 Aesthetic Qualities of the Place**

The setting of Ninney Rise & JB Memorial is one of outstanding natural beauty overlooking two World Heritage Areas – the GBR (only 100m east) and WT (only 1000m south). Proximity and visual connection to these two World Heritage Areas reinforces associational aspects of significance – here on display for future generations are the fruits of the Büsst's early campaign efforts. Reciprocal relationships like these add meaning to setting.

The experience of the setting is not only visual - proximity to the ocean and extensive birdlife creates an aural experience and trade winds from the Coral Sea evoke other senses (smell and touch). Thus, the aesthetic experience is immersive, adding depth to formal qualities.

The house forms a strong counterpoint with its land and seascape setting but is now largely concealed by subsequent garden development and regrowth. In the Büsst era it was a conspicuous presence in



its setting as demonstrated through descriptions; oral history and photo evidence, being referred to as the white house on the cliff.

The formal qualities of a layered, established tropical garden surrounding a coastal country house are themselves important. The garden has aesthetic significance for visual and other aesthetic qualities. It provides an attractive and evocative quality appropriate for a residence established by Büsst for himself and Alison to live in the tropics next to the ocean, a part of why he chose to come to north Queensland.

The garden form and planted character, as understood it was intended to appear by the Büsst and Kate Tode, is an accomplished design, if unconsciously so designed, and an attractive place with appeal both of its planted and its minimally formed naturalistic areas. The garden has a high degree of associational significance for formation by the Büsst with a later layer by Tode. Framed views from the garden to the natural rainforest and reef backdrop heighten its formal qualities.

## **5.5 Statement of Significance**

The place is primarily significant for the associations and evidence it provides of the life and work of John and Alison Büsst; the birth of Queensland tropical rainforest and Great Barrier Reef protection campaigns and the formative and pivotal years of environmental activism that followed.

The place has some significance for associations and evidence it provides of the life of naturalist and philanthropist Kate Tode. Also for the rare evidence it provides of a substantially intact coastal tropical country house and garden established in the mid-late 20<sup>th</sup> C.

The reciprocal relationship between the WHA setting and lives and activities of former owners is strong and underpins significance, adding rich layering.

The place has potential to yield more information and greater understanding of early Rainforest and Reef campaigns. The construction of the house itself has potential to reveal further technical information and greater understanding of mid-20<sup>th</sup> C cyclone resistant construction using limited materials to hand.

## **5.6 Qld Heritage Register Entry**

Ninney Rise and JB Memorial is included on the Queensland Heritage Register. The cultural significance set out in the Queensland Heritage Register citation is included here :-

### **(a) the place is important in demonstrating the evolution or pattern of Queensland's history**

Ninney Rise is significant as the base from which the artist and environmentalist John Büsst organized the 'Save the Reef' and other important environmental campaigns during the 1960s and early 1970s. Set within the landscape being fought for, it was a meeting place for the campaigners and scientists involved with him in these efforts and became a focal point for all their struggles. These deeply contentious campaigns were supported by local and international scientists and aimed to protect the Great Barrier

Reef and the area's tropical rainforests from development and mining pressures. As influential in the formation of the Great Barrier Reef Marine Park Authority and to the eventual declaration of the Wet Tropics World Heritage Area, these campaigns demonstrate the history of Queensland's environmental conservation movement with Büsst's home at Bingil Bay a key place associated with this activism.

**(e) the place is important in demonstrating particular aesthetic characteristics valued by the community or a particular cultural group**

Ninney Rise, its park-like grounds within a strikingly beautiful area of coastal lowland rainforest and the property's views to the Great Barrier Reef World Heritage Area have great aesthetic significance. The outlook from the place takes in this marine environment, which is now recognized for the outstanding natural universal values that John Büsst fought to protect during the 1960s before these values had been widely recognised and appreciated.

**(h) the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history**

A home and a focal point for the early environmental conservation movement in Queensland, Ninney Rise is closely associated with the artist and eco-campaigner John Büsst who designed and built it in c1960. He worked intimately with the Australian Conservation Foundation, the Queensland Littoral Society (Australian Marine Conservation Society) and the Queensland Wildlife Preservation Society in the campaign to save the Great Barrier Reef. Büsst's environmental activism illustrated his transition from being an artist interested in the aesthetics of nature to a conservationist promoting the ecological reasons to conserve the natural environment. The inscription on the memorial to John Büsst near Ninney Point reflects his appreciation for art, nature and conservation.

In addition to the citation in the QHR, this CMP finds the place has some significance for associations and evidence of naturalist and philanthropist Kate Tode (criteria a & h). Also for the rare evidence it provides of a substantially intact coastal tropical country house and garden established in the mid-late 20<sup>th</sup> C (criteria e).

This CMP finds the place has potential to yield more information and greater understanding of :-

- early Rainforest and Reef campaigns (historical & social significance); and
- inventive mid-20<sup>th</sup> C cyclone resistant construction using limited materials to hand (technical significance)
- the role of Kate Tode in supporting Wet Tropics rainforest protection

## **5.7 QHR Entry and Heritage Curtilage**

The QHR Entry should be revised to reflect the above findings.

Consideration should also be given to adjusting the boundary of the Ninney Rise & John Büsst Memorial to include more of the surrounds including:

- parts of the foreshore inland from the rock bearing the JB Memorial plaque, to conserve a setting of an appropriate scale for that component; alternatively
- the entire National Park lot gifted by Kate Tode behind Ninney Point and previously owned by Alison Büsst as an integral part of the Büsst and Ninney Rise story

## **5.8 National Significance**

The National significance of the place warrants future consideration given the important evidence it provides of the birthplace of World Heritage Great Barrier Reef and Tropical Rainforest protection.

The National Heritage List is administered by the Australian Government under the Environmental Protection and Biodiversity Conservation Act, 1999. National Heritage places are divided into natural, historic and indigenous domains to reflect administrative management structures.

Threshold for entry is *outstanding values to the nation* – eg recognition of outstanding events in Australia's history. The only historic place in Queensland on the National list is the QANTAS Hangar, Longreach.

## 6. GRADING SIGNIFICANCE

### 6.1 Relative Significance

The relative level of importance of areas and elements within Ninney Rise has been assessed using the following classification system based on best practice distinctions as defined in *The Burra Charter* 2013 and *The Conservation Plan*, JS Kerr 2013.

- A**      **Considerable significance** This fabric is crucial to understanding the place
- B**      **Some significance** This fabric is not original, rare or remarkable within the State heritage context and relates to fewer criteria for cultural significance. It can accept unobtrusive, minor changes.
- C**      **Little or no significance**, or due to substantial loss of integrity, this fabric does not contribute to the cultural significance of the place
- D**      **Intrusive** elements, this fabric detracts from or obscures the cultural significance of the place

### 6.2 Conservation Measures for Significance Levels

Conservation measures should be appropriate for each level of significance and take into consideration practical considerations examined in the next section. The following thresholds are recommended :-

- Fabric with **considerable significance A** should be preserved and maintained. Restoration and reconstruction are appropriate.
- Fabric with **some significance B** should also be preserved and maintained. It may be subject to minor development change if sensitively applied and to a limited extent.
- Fabric with **little or no significance C** is neither significant nor intrusive. Fabric with no significance can be removed as required.
- Elements that are **intrusive D** should be removed and where applicable to enable restoration and/or reconstruction of original or significant elements.

It is important to use relative significance in the context of the most pertinent assessment of significance – ie Ninney Rise as a whole is on the QHR and several areas as a whole have level A significance.

### 6.3 House & Setting – Levels of Significance

Components of the House and Setting are assessed below for their relative significance within the place on the QHR and with regard to the context of other Queensland heritage places. Refer to Appendix C, **Dwg Nos: 0501-04 & -05 Floor Plans** for identification of original and later fabric.

#### Considerable Significance (A)

All c1959/61 fabric related to the Büsst-era including:-

- spatial relationships between the house and the seascape / mountain landscape setting
- recovered views over the sea and towards Bicton Hill from the Veranda; Living Rm & Studio
- recovered path connection between the house and beach at Ninney Point
- recovered connection to walking track to rainforest hill from house (subject to track location)
- original external form of the house including recovered symmetry
- original interior spatial layout including spatial hierarchies and relationships
- original walls; flooring and ceilings
- original window and door treatments
- original internal linings and trims
- surviving original decoration including bamboo ceiling roses and trims
- recovered early colour treatments externally and internally

#### Some Significance (B)

- Kate Tode-era c1980s repair work (eg window joinery, bamboo ceilings) replacing like-for-like

#### Little or No Significance (C)

These include:-

- The adjacent property to the west, historically part of the Büsst's property but not intact
- Kate Tode's second level extension over the Garage and alterations to the Garage
- Kate Tode's introduction of tiling to verandas
- Kate Tode's storage shed and generator annex
- Introduced fabric related to QPWS structural repairs c2008

#### Intrusive (D)

These include:-

- changes to setting which obscure interpretation of the Büsst-era eg planting out of significant views to seascape and rainforest hills / mountains (balanced with retention of remnant / regenerative forest for ecological values and heritage significance of the garden and grounds)
- Kate Tode's bathroom extension to the Studio
- Kate Tode's bathroom introduced to the Büsst's dressing rm
- Recently introduced light fittings and electrical services
- Expanded aluminium mesh security screens generally
- Window surface bolts and door locks which damage original joinery and trims
- Colorbond roofing and squareline guttering



## 6.4 Garden & Grounds – Levels of Significance

Areas of the Garden and Grounds are assessed below for their relative significance within the place on the QHR and with regard to the context of other Queensland heritage places. Refer to Appendix C, *Dwg No: 0501-03 Grounds Areas & Features* for indicative locations of garden areas.

### 6.4.1 Garden Areas – Levels of Significance

#### Considerable Significance (A)

- **Area D - North Hillside Forest (area D on dwg no: 0501-03)**

The historically intact steep hillside north of the house with predominantly regrowth forest which provides a naturalistic backdrop and a tropical forest setting to the house, and includes the historical track to the beach formed by the Büsss and some shrub planting by the Büsss.

- **Driveway Lawns & Trees (area I on dwg no: 0501-03)**

The spacious, attractive garden area formed up the hillside by the Büsss for the house approach, including the driveway route, the lawns on both sides, the avenue of trees and generally the garden character in a typical style of the mid-late 20<sup>th</sup> century.

- **Car Court and House Surrounds with Pool (areas F & G on dwg no: 0501-03)**

The levelled area formed by the Büsss for house approach and visitor parking, the lawns, the gardens at the house edges and opportunities for Büssst era views east to the Coral Sea and obscured Büssst era view corridors from the house to Bicton Hill and Clump Mountain.

- **Memorial at Beach (area K on dwg no: 0501-03)**

The memorial location and its natural surrounds from the rocky cliff inland of the plaque on the rock out to the Point and extending to the sand beach which together form the setting of the memorial as appreciated by Alison Büssst and the Büssst's friends.

#### Some Significance (B)

- **North West Garden & Lawns (areas A & C on dwg no: 0501-03)**

The steeply sloped, historically cleared hillside with the open lawns with curvilinear edges has specimen and orchard trees in the lawns. The uppermost and eastern part of this hillside area is a planted garden zone, including Hibiscus shrubs planted by the Büsss, with forest regrowth. It includes the two water tanks on the hillside installed for water to water the gardens.

- **East Escarpment (area E on dwg no: 0501-03)**

The historical escarpment hillside, with some modifications and planting of garden plants by the Büsss, and now with some lowland coastal forest regrowth.

- **Hillside and Gully Garden (areas H & J on dwg no: 0501-03)**

The spacious strolling garden in the 20<sup>th</sup> century Modern style with curvilinear lawn spaces, the perimeter framing and enclosing planted zones, the pond and gully overflow, featured specimen and groves of trees and palms in the tropical garden style with predominantly Queensland species.

**Little or No Significance (C)**

- **West Boundary Gardens (area B on dwg no: 0501-03)**

The linear planted edge to the property, which forms a visual frame and edge for the driveway garden area.

**6.4.2 Grounds Built Elements – Levels of Significance**

Small structures and built elements within the Grounds have been assessed for their relative heritage significance in Appendix B, Schedule A.

**6.4.3 Grounds Vegetation - Levels of Significance**

A preliminary schedule of vegetation within the Grounds has been assessed for relative heritage significance in Appendix B, Schedule B. Vegetation has not been assessed in detail. There are thousands of trees, shrubs, vines, scrambling, ground covering and clumping plants and grasses over the gardens and grounds extent. This CMP recommends future focused assessment of planting and other vegetation according to the needs of management strategies and development proposals.

## **7. CONDITION**

### **7.1 The House**

In general, the house appears to be in **good condition**. It appears well founded for a masonry structure with only minor subsidence and very little evidence of movement cracking. Recent repairs undertaken by QPWS have safeguarded the house.

A major serviceability issue is proximity to salty, corrosive air and the **likelihood of ongoing spalling** in reinforced concrete veranda slabs. Extensive concrete patching repairs were undertaken by QPWS c2008 – these were probably the worst areas being on the weather exposed east veranda. Some patching has also been done on the underside of the south veranda. Veranda slabs should be carefully monitored for new outbreaks of spalling. Some early joinery has seized in the salty air and plywood cabinetry is swelling in areas due to humidity and moisture. Split bamboo ceiling linings on veranda areas have in places lost positive fixings and are missing or loose.

A comprehensive condition survey should be included as part of a future detailed fabric survey to establish inspection regimes and maintenance procedures.

### **7.2 The Gardens and Peripheral Grounds**

#### **7.2.1 Generally**

##### **General Statement**

The condition of heritage built elements varies from good to poor (with generally more in a fair to poor condition). The condition of heritage vegetation elements are similarly good to poor condition. The lawns are generally in a good condition. The poor condition of planting is likely due to the damaging effects of the cyclones and the degree of maintenance undertaken.

##### **Maintenance**

Maintenance has continued to varying degrees due to changing constraints and opportunities over time. Limits in maintenance time have led to practices that have effected planted fabric condition. These include: maintenance prunings; grass clippings and removed branches of noticeable volume being placed in garden beds and large leaf drop such as palms allowed to accumulate to a high volume which would otherwise be removed as part of usual garden maintenance. Major maintenance operations, such as tree management and replacement have been limited by financial constraints and/or expertise of the gardening staff.

### **Changes**

The gardens were more intensely gardened and maintained during periods of the Büsst's and Kate Tode's residence than now. Since those periods the gardens have acquired :-

- garden beds and plants added to garden beds or zones through QPWS residency and maintenance period;
- invasive weed plants spread over wider extents; and
- self sown trees and other plants have grown throughout the garden which have not been removed and thus the character has been altered

**Repairs and Maintenance** A comprehensive condition survey should be included as part of a future detailed fabric survey to establish inspection regimes and maintenance procedures.

## **7.2.2 Condition of Specific Garden and Peripheral Grounds Areas**

### **North West Garden & Lawns - Areas A & C**

Generally Fair to Good. The edge to lawns on the hillside is overgrown from garden edges of the Büsst and Kate Tode periods. The path to the tanks is blocked by regrowth and timber retaining edges are highly decayed and overgrown. The forest has more regrowth than likely present historically. The lawns are in good condition. The planted garden zones on the west are in a fair condition.

### **West Boundary Gardens - Area B**

Overall: Fair. Plants are overgrown and losing their form and character. Self-sown trees and suckers are present and detrimentally affecting shrubs and lower plants.

### **Car Court and House Surrounds with Pool - Area F & G**

The car court surface and edges have grass cover now generally over the whole extent. The edges are not trimmed clear of grass.

- The branch concrete drive, garage apron and associated drain are in good condition.
- The water tank appears in good condition.
- The timber walled loading platform is in poor condition.
- The Büsst and Tode periods planted gardens along both sides of the car court are in poor condition with some weeds, loss of garden plants, forest growth unchecked and the edges in a decaying state due to overgrowth.
- The pool appears in sound condition. The powder coated metal pool fence has a deteriorated surface.
- The lawns and garden edges around the house are in good condition.
- The garden beds at the house edges are in a deteriorated condition with some gaps where plants have died, other remnant plants overgrown in extent, and others in fair to poor condition.

#### **Hillside and Gully Garden - Areas H & J**

The upper edge gardens are assessed as generally in fair condition. Trees and shrubs require remedial pruning and removals of saplings. The bank is eroding in part due to focused run-off. Vegetative rubbish has been dumped in the area. The gully garden of lawns and planted zones is assessed as generally in fair condition. Specimen trees require some remedial pruning and removals of weeds and saplings from their bases. The pond and gully overflow structures are in good condition though the water system was not operational at the time of assessment.

#### **Driveway Lawns & Trees - Area I**

The garden of lawns, specimen trees and planted zones is generally in fair condition. Specimen trees require remedial pruning and removals of weeds and saplings from their bases. The driveway and associated structures are in good condition.

#### **North Hillside Forest – Area D**

- The terrain and vegetative condition are generally in good condition.

#### **East Escarpment – Area E**

The escarpment appears stable at present. It is likely in the storm surge zone and thus the lower extent at the road reserve is vulnerable to erosion.

- The forest cover is in fair condition: weed species are present and likely to continue in their growth and spread.

#### **Memorial at Beach – Area K**

The plaque is in good condition. The rock face has an unsightly white seepage from the filling / adhesive behind the plaque.



## 8. CONSTRAINTS & OPPORTUNITIES

### 8.1 Statutory Regulation

#### 8.1.1 State Heritage Place Listing

Ninney Rise and JB Memorial are entered on the Queensland Heritage Register and the *Queensland Heritage Act (1992)* is applicable in regard to any developments and management practices. Development at heritage places is also regulated through the relevant statutory planning Acts. Approval must be obtained before carrying out development, building or landscape work in the place, other than exempted development and landscape maintenance works.

Works which have minor impact on the heritage place may be carried out with the approval of an Exemption Certificate. Under recent changes to the QHA (Sept 2015), approvals for minor works are being increasingly administered through Regional Authorities. Works with no impact may be carried out under a General (upfront) Exemption Certificate. No impact work is described in DEHP's General Exemption Certificate available on their website. DEHP is also currently preparing General Exemptions tailored to certain Heritage Places to better facilitate routine maintenance. This CMP could be submitted to DEHP as the basis of a tailored General Exemption Certificate.

#### 8.1.2 Regional Planning Scheme and Zoning

The site is regulated by the *Cassowary Coast Regional Planning Scheme (2015)* administered by the Cassowary Coast Regional Council. The zoning for Ninney Rise is *Environmental Management and Conservation*. The zoning for JB Memorial is *Road Reserve*. Numerous overlays apply including: Local Heritage Place (NR & JBM); Area of High Environmental Significance; Coastal Management District; Coastal Zone; Erosion Prone Area; Landslide Hazard & Slope greater than 1:6.

#### 8.1.3 Southern Cassowary Essential Habitat

The Mission Beach area is considered an important population node with the Wet Tropics for this endangered species. A small section of the site, north of the house, contains remnant rainforest which is essential habitat for the southern cassowary. These birds may occasionally traverse the garden. This remnant rainforest is continuous with rainforest on adjacent portion of Clump Mountain National Park. This remnant rainforest is mapped under the *Queensland Vegetation Management Act (1999)* as a *least concern regional ecosystem* and essential habitat for the southern cassowary.<sup>125</sup>

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<sup>125</sup> Qld Vegetation Management Act 1999 – Supporting Mapping

#### 8.1.4 Contemporary Use - Statutory & Safety Requirements

Works on buildings and major structures are regulated by :-

- Queensland Heritage Act;
- Building Acts and Regulations (including the National Construction Code of Australia);
- Workplace Health and Safety Act and Regulation
- Disability Discrimination Act
- Health and Amenity Standards for food preparation

Contemporary standards and codes can demand different requirements than existed historically. Management decisions regarding changes to significant items that do not meet current standards must consider both cultural heritage value and the contemporary concern, and consider the best way cultural heritage values can be retained. (For example, uneven paths due to tree roots could be modified or surfacing materials changed, rather than cutting roots or removing a tree).

### 8.2 Ownership & Kate Tode gifting obligations

Kate Tode gifted Ninney Rise to QPWS on condition that land and improvements be retained and maintained in a natural state (as far as possible) and for the enjoyment and benefit of the public.<sup>126</sup> DEHP's legal advice is that *improvements* on land in a legal will *include alterations to land or property* (including houses) *that improve the value* of the property.<sup>127</sup> Her will implies she was more concerned about *preserving the garden and grounds as a totality* than built structures and that she perceived that the land would increasingly come under threat from subdivision. <sup>128</sup> Retention for *public* rather than private use has implications for property title which is currently freehold.

### 8.3 Land Tenure and Easements

The registered owner of Ninney Rise is the Queensland Government, represented by the Department of National Parks; Sports and Racing (QNPRSR). Unlike the adjoining rainforested hill, which is a gazetted National Park (Lot 115, NPW 502), land title for Ninney Rise is still freehold (Lot 539, Nr 6887) with easements A & B at the southern extremity corresponding to driveways. <sup>129</sup> As the property is freehold, there exists a future possibility, albeit remote, that the property could be sold or leased on the free market. An alternative title, reflecting Kate Tode's gifting obligations (eg National Park) would seem desirable to better reflect ownership and secure public interest.

Easements would need to be relinquished to enable transfer of title. Ninney Rise driveway occupies only a small portion of easement A. This easement would need to be removed by re-survey with corresponding adjustments in the southern boundary to take in the Ninney Rise driveway. <sup>130</sup>

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<sup>126</sup> Australian Will for Kate E Tode, Craig Dean, QPWS

<sup>127</sup> Comments from Heritage Branch DEHP on Draft CMP, May 2016

<sup>128</sup> FoNR draft CMP comments

<sup>129</sup> These easements were formed in 1976 for driveway access to the adjoining property to the west when Alison Büsst excised off the western half of the original house site.

<sup>130</sup> Removal of easements by re-survey was previously attempted in 1998 but not endorsed by the Titles Office. It is unclear why this was rejected.

## **8.4 Management; lease & operational constraints**

Friends of Ninney Rise have recently entered a lease arrangement with QPWS for the day-to-day management of Ninney Rise which expires in June 2019. As lessee, FoNR are responsible for day-to-day outgoings including basic property maintenance to the house, garden and grounds. QPWS are responsible for major maintenance items (eg structural repair) and recently supplied FoNR with a ride-on mower to assist with grounds maintenance.

FoNR resources are limited as they are reliant on voluntary labour. Occasionally their resources are stretched. As the conservation and re-use of Ninney Rise moves to a more detailed planning and implementation phase, the FoNR would benefit from additional resources. One avenue might be to seek seed funding for a Secretary or Planning Officer through state regional tourism development bodies or national environmental organisations.

## **8.5 Physical constraints**

### **8.5.1 Services**

Preliminary assessment of services only has been carried out for this report.

Water. The site is connected to reticulated water operated by Cassowary Coast Regional Council, comprising a 100mm main line in Alexander Drive and 20mm service line which enters the property via the escarpment eastern boundary near the northern end of the house. This water service is a basic residential connection and has limited capacity.

Sewer. There is no reticulated sewer connection. The house is connected to local septic transpiration trench systems with limited capacity for non-residential use. Temporary portable toilets will likely be required for large functions and food preparation largely carried out off site to limit water use.

Power. The site is connected to electricity by Ergon Energy Cairns. Overhead powerlines enter via the south boundary above the lower portion of the driveway.

Telecommunications. The site is connected by Telstra Qld Regional - location of cables has not been verified.

### **8.5.2 Access**

Vehicle Access. The road leading to Ninney Rise, Alexander Drive, is narrow and unsuitable for large vehicles such as buses. The driveway from Alexander Drive to the house is narrower again and reasonably steep at the crossover. Being scaled and built for domestic residential use, it has limitations for large vehicles or large numbers of car sized vehicles. The size and number of vehicles entering Ninney Rise therefore requires careful management for on-site parking. For large scale public events, off-site vehicle parking maybe required, with shuttle vehicles for those with limited mobility.

Limited Mobility Access. Public places or sites open to visitation by the public need to make provision for those with limited mobility. Many parts of the garden are accessible for visitors with limited mobility. Steeper sections would be difficult to negotiate – these distinctions need careful management in future conservation master planning. The house veranda is accessed via several steps with handrails

installed in the Büsst era to assist limited mobility access. These steps have a gentle geometry and may be readily negotiated by visitors with limited mobility without assistance. For visitors requiring assisted mobility, folding or permanent ramps may be required. Permanent ramps need to be carefully designed to minimise impact on significant fabric. Once the veranda is accessed, principal rooms of the house are readily accessible being all on one level and with no set down to the veranda.

### **8.5.3 Asbestos**

An Asbestos Management Plan / Register commissioned by QPWS is located at Ninney Rise. This should be consulted in the Detailed Fabric Survey phase of conservation planning. The register identifies the location of asbestos and handling procedures. Asbestos was not generally used in the construction of the original house (cavity brick with a timber frame, encircled by a concrete slab). But the original gutters and downpipes were asbestos cement. These were replaced by Kate Tode and QPWS. Kate Tode's c1980 garage alterations and extensions are constructed in cement sheet panels and likely contain non-friable asbestos fibre as this was phased out from cement sheets from the early 1980's and still in use in the mid-late 1980's. The Asbestos Industry Association (AIA) [www.asbestosindustry.asn.au/understanding-asbestos](http://www.asbestosindustry.asn.au/understanding-asbestos) provides advice on safe removal; treatment and disposal of asbestos products. The use of asbestos products (including re-use) is banned in Australia. This has implications for any future work on Kate Tode's garage alterations and extensions – eg if sheets are disturbed they will need disposal.

### **8.5.4 House adaptability**

The original house structure, consisting of continuous concrete ring beams at the top and bottom of external cavity brick external walls and internal partition walls, is an integral system where each part contributes to the whole. The cyclone resisting properties of the original house are not yet fully understood but based on past performance, it clearly has a very high capacity for cyclone resistance. It is important no changes are considered to the original construction system until a structural assessment is carried out by an engineer experienced in heritage structures as part of a Detailed Fabric Survey. Changes to the original construction system should be avoided until the structural system is properly understood and only undertaken then if impacts can be minimised and properly managed. Poorly considered changes have the potential to cause irreversible damage and diminution of heritage values.

### **8.5.5 Concrete spalling**

A condition issue which will be on-going and require a targeted monitoring and repair strategy is ongoing spalling in reinforced concrete elements, in particular veranda slabs. Reinforcing steel, hidden inside concrete is subject to moisture penetration through cracks and fissures in the weather exposed face allowing penetration of wind driven rain and salt laden air. Corroding steel starts to oxidise and expand considerably in volume leading to 'rust jacking' or spalling of covering concrete; usually on the underside of slabs. There are few tell-tail signs whilst this is latent – spalling is only apparent once reinforcing steel has rusted and expanded. The first signs are usually hairline cracks and loose or

'drummy' pockets of concrete. To ensure longevity of the house, this issue should be given priority and addressed in the short term as part of the structural assessment by an engineer experienced in heritage structures and concrete preservation. Shutting out moisture penetration through the slab should be the first preventative measure.

#### **8.5.6 Split bamboo ceilings**

Split bamboo ceilings were an integral feature of the original house fixed with galvanised clouts to silky oak ceiling joists internally and rafters externally on verandas. Split lengths are slightly gapped as the bamboo is not a consistent width. The gaps allow for air movement forming a 'breathable' ceiling. It is unclear whether Büsst used split bamboo for reasons of familiarity (Bedarra Is); economy (materials to hand); aesthetics (tropical character); ventilation stack effect (to displace hot air). It could be for some or all of these reasons. There was also local precedent for the use of bamboo (eg Campbell House, Naragon Beach – see Fig 58).

Whilst this ceiling treatment contributes much to the spatial character of the house it has some shortcomings. Kate Tode's personnel records held at Ninney Rise indicate substantial repair of bamboo ceilings was carried out in the early 1980's. It is unclear why or to what extent. QPWS subsequently carried out further repairs in the late 2000's. Some areas on the veranda now require re-fixing / further repair. The clout fixing may need upgrading as it is subject to corrosion and has limited holding power leading to sagging. A more substantial fixing system should be considered, subject to minimising visual impacts. Gaps between split lengths of bamboo also lead to dust and ceiling debris falling into the interior. Future conservation strategies should consider the introduction of hidden panels above the split bamboo to effectively seal the ceiling whilst preserving its appearance from below. This work should be co-ordinated with roof replacement for access.

### **8.6 FoNR Current Activities and Future Aspirations**

Currently, FoNR conduct regular community open days at Ninney Rise to raise awareness of the Büsst's pivotal role in reef and rainforest protection and for fundraising activities. They also make Ninney Rise available for seminars for researchers and scientists who work in these fields of enquiry.

FoNR future aspirations were workshoped in June 2015. The outcome is summarised below:

#### **What Ninney Rise is all about :**

- science and culture (science; ecology; art; music; aesthetics)
- a specific place (Great Barrier Reef and rainforest);
- specific activities (environmental history / activism; innovation; nature based tourism);
- specific processes (best practice, collaboration)
- above all, Ninney Rise is all about John Büsst, he is axiomatic to the place



### What FoNR want to see / achieve

Potential future uses which support FoNR aspirations:

- Place Museum (incorporating library; displays; limited merchandise; house & grounds interpretation of various histories; visitors book etc)
- Environmental tourism with trail context; wildlife experiences; birding; limited camping (power; lighting; fireplaces; ablutions; site manager/office)
- Function Centre (for schools & university groups; meaningful event days; public information sessions; conferences/seminars; delegations; workshops)
- Research Work Base (for visiting research agencies & academics)

These future uses are congruent with cultural heritage conservation objectives.

## 8.7 Other suggestions for potential activities

The following potential future activities have been suggested by DEHP to further support FoNR aspirations:

- An annual research series of talks or workshops accompanied by citizen science with voluntary tourism opportunities relevant to the conservation and maintenance of the site. This might include historic, cultural and natural heritage opportunities.
- Expand on existing activities and initiatives to conduct artists and writers in residence programs and boutique small group, high value, live-in workshops. *Continuity of residential uses of the site ensures cultural heritage values are retained.*
- Ecologically sustainable building intensives and workshops
- Yoga camps using the verandas and lawns for very low impact practice. These events are typically no alcohol, no smoking, low-waste and vegetarian and could feature gourmet local produce and provide economic opportunity for the extended Bingil Bay community
- Activist or third sector/NFP training and workforce planning intensives. These groups typically have great respect for natural and cultural heritage and the beachside location provides an alternative venue for some workshop activities

There will be many more ideas FoNR and others will think of in the future. Some suggestions by CBLA include:-

- Open House & Open Garden days (visitors pay)
- Guided Tours - by FoNR / volunteers
- Sculpture exhibition / displays through the garden / grounds
- Plant Fairs & sales
- Photography and weddings - paying users
- School group visits / educational resource
- Garden Workshops
- Local Habitats & Vegetation workshops / tours / training
- Reef & Rainforest Bookshop & Tea Rooms

- Book launches
- Art exhibitions
- Local groups meeting place
- Picnics through the garden and grounds - drinks and picnic 'hampers' could be sold at the house and visitors can sit in the garden and grounds

The above activities will be subject to physical limitations noted in Section 8.5 above – in particular services (septic abolitions) and access.

## **8.8 House & Setting Significance Constraints**

Obligations and constraints include:-

- Retention of all fabric of considerable significance (6.3)
- Recovery of lost aspects of considerable significance now obscured or removed (6.3)
- Ongoing maintenance of fabric of considerable significance (6.3)
- Future use scenarios which have little or minimal impact on considerable fabric (6.3)
- Removal or neutralising intrusive fabric (6.3)

## **8.9 Garden and Grounds Opportunities & Constraints**

### **8.9.1 Physical Condition & Particular Heritage Maintenance**

The cultural heritage significance of each garden element exists irrespective of physical condition. When an element has cultural heritage significance, there is an obligation to maintain that element in good condition to ensure its maximum life.

#### *Constraints*

There are situations in the grounds, where maintenance of significant elements (such as specimen and avenue tree planting by the Büsss, and areas planted in the Büsst and Kate Tode periods) may require initial disturbance and a staged rehabilitation over several years.

#### *Opportunities*

The historic fabric of the grounds is uncommon and demonstrates an historic garden style and materials. Long term conservation maintenance will ensure Ninney Rise an historical grounds befitting the heritage house story and that of the people who owned this unique place.

### **8.9.2 Heritage Place Garden Maintenance**

#### *Constraints:*

An historical house garden such as the Ninney Rise place, now approx 55 years old, requires maintenance by horticultural staff with expertise, training, and / or experience in maintenance of historical materials and methods of construction; uncommon varieties of plants; and of past practices of shrub and flower beds traditional form and displays which are now rarely encountered or out of fashion.

Heritage value and cultural significance necessitate that materials and planting, which are now rarely, if ever, encountered in contemporary gardens, are required to be maintained here.

Therefore, maintenance workers should have inductions and some training in tropical historical gardens and grounds maintenance, and have access to materials and plant stock as found in the garden parts of the grounds.

#### *Opportunities*

A continuity of garden maintenance personnel and other maintenance workers for the heritage components of the grounds can ensure the appropriate monitoring and practices take place. Training of new maintenance workers in the appropriate methods and the points of difference of these grounds is important. Thus, the garden from the entry to the house surrounds could become a unique and attractive asset and legacy for the north Queensland community.

A Tree Management Register for the planted trees along the drive and over the gully garden area to the house would be an important part of the appropriate maintenance of the Büsst and Tode periods heritage fabric of the place.

### **8.9.3 Value as a Conserved Tropical House & Garden**

To date, through the late 20<sup>th</sup> century and early 21<sup>st</sup> century, Queensland has very few, if any, conserved historic house and gardens. These tell the story of the owners' and residents' lifestyles and interests.

#### *Opportunities*

Ninney Rise could become a destination as an historic tropical house and garden. It would be suited for strolling, relaxation, artistic events, modest social gatherings, weddings and such, and similar small group, passive activities for the local community, and could be opened (in part) for a wider invited community. The story of the Büsst and their associations with the Great Barrier Reef and Wet Tropics forests is a primary aspect of significance and their story at this house on the hillside above the Bingil Bay beach can be readily interpreted through the house and grounds

### **8.9.4 Potential Educational Value of Grounds**

Ninney Rise holds the layering of (at least) two notable historic periods of distinct garden design and planting styles: Phase 1 - the Büsst period; and Phase 2 - the Kate Tode period. These periods retain substantial spatial qualities, constructed elements, and vegetation and their additions have contributed aesthetic value and horticultural interest. In addition, there is the revegetating lowland forest on the upper hillsides and the escarpment below the house.

With conservation and restoration (and with some cases of reconstruction), Ninney Rise would be a notable location for horticultural, historical gardens maintenance, social history studies as well as studies of the local indigenous forest.

The potential to develop an outstanding educational resource is considerable and achievable.

*Constraints*

- Limitations of mobility and safety regarding public access to the grounds.

*Opportunities*

- Able to be fully achieved within 1 - 2 years of decision.
- The scale, history, and the location of the house makes Ninney Rise suited for this opportunity.

**8.9.5 Contribution to Bingil Bay Foreshore Landscape Quality, Identity & Amenity**

Ninney Rise is entered on the Queensland Heritage Register for its aesthetic qualities. As noted in Section 5.4 (Aesthetic Qualities of the Place) - aesthetics is not just visual. It includes aural experiences and other senses including the:-

*.....sound and smell of ocean and forest, wildlife, sense of peace, prospect, presence, place, significant people and events, history, reverence. The uniqueness of the place hits you and you want to know the story.....<sup>131</sup>*

*Opportunities*

Consideration be given in any Grounds Master Plan and the Maintenance Strategy to establish and ensure retention of selected views to and from the house, in particular, the view east to the sea from the veranda, and the view south to Clump Mountain hillside.

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<sup>131</sup> FoNR draft CMP comments, Tony O'Malley

## 9. CONSERVATION POLICY

### 9.1 Burra Charter Conservation Process & Concept

This Conservation Management Plan recommends best professional practice in conservation be employed in using and caring for the heritage areas and components of Ninney Rise and the John Büsst Memorial.

**Burra Charter** Conservation is the process of caring for places to ensure that their cultural significance is retained. Future conservation and development should be undertaken in accordance with the policies of the Burra Charter, the Charter for the Conservation of Places of Cultural Heritage Significance (as revised in 2013). The Burra Charter, produced by the Australian chapter of the International Council on Monuments and Sites (ICOMOS), is the document recognized by local and state authorities and heritage professionals to be followed for works to places of cultural heritage significance.

The need for conservation is well summarised in the Burra Charter:

*Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious. These places of cultural significance must be conserved for present and future generations*

The main text of the Burra Charter encompasses the following **seven concepts**:

- The place itself is important;
- Understand the significance of the place and its setting;
- Understand the fabric and setting;
- Significance should guide decisions;
- Do as much as necessary, as little as possible;
- Keep records;
- Do everything in a logical order.



## 9.2 Burra Charter Definitions

The following terms used in this CMP are from the **Burra Charter**:

- **Adaptation** means modifying a place to suit the existing use or a proposed use
- **Associations** mean the special connections that exist between people and a place
- **Compatible use** means a use, which respects the cultural significance of a place. Such a use involves no (or minimal) impact on cultural significance
- **Conservation** means all the processes of looking after a place so as to retain its cultural significance
- **Cultural significance** means aesthetic, historic, scientific, social, or spiritual value for past, present, or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places, and related objects. Places may have a range of values for different individuals or groups
- **Fabric** means all the physical material of the place including components, fixtures, contents, and objects
- **Interpretation** means all the ways of presenting the cultural significance of a place
- **Maintenance** means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair
- **Meanings** denote what a place signifies, indicates, evokes, or expresses
- **Place** means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces, and views
- **Preservation** means maintaining the fabric of a place in its existing state & retarding deterioration
- **Repair** involves restoration or reconstruction
- **Restoration** means returning the existing fabric of a place to a known earlier state by removing accretions, or by reassembling existing components without the introduction of new material
- **Reconstruction** means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric
- **Setting** means the area around a place, which may include the visual catchment
- **Use** means the functions of a place as well as activities & practices that may occur at a place

The *Illustrated Burra Charter* (2004) is an excellent reference for owners and managers of heritage places to learn about the accepted conservation practices through examples.

## 10. CONSERVATION STRATEGY

### 10.1 Introduction

The following statements of **Conservation Policy** provide clear directions for the protection of the cultural heritage significance of Ninney Rise and the John Büsst Memorial. The term *conservation policy* is used in Australia as part of the standard Conservation Plan terminology and as part of the Burra Charter process of conservation of the heritage values of a place.

*Conservation policies* are guided by historical overview, site inspections, and the statements of heritage significance. *Conservation policies* are intended to guide future development and maintenance work at Ninney Rise so as to retain its cultural significance. They also provide specific directions on the preservation of elements of significance as ascribed to the place, whether they are representative of an evolution of history, have rarity, associations, distinct aesthetics and form, are a creative or technical achievement, have social and or cultural significance, or have the potential to yield further information.

The *conservation policies* are generally preceded by the information on which those *actions* are based.

### 10.2 Conservation Policies - General

The following Policies are the default provisions for the management of Ninney Rise and John Büsst Memorial. Departure from these Policies will require assessment of impacts of proposed changes against this CMP.

#### Conservation Practice

##### POLICY 1

*The future conservation of Ninney Rise & JB Memorial will be undertaken in accordance with the Principles and Articles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (Burra Charter) and the Guidelines, which have explanatory guidance in the Illustrated Burra Charter published by Australia ICOMOS.*

#### Adoption of this plan

Formal acceptance of this document by the QPWS and FoNR will assist in having it recognised as the appropriate guide to the care of the place. Acceptance is also recommended by CCRC for the JB Memorial within the road reserve. Wider distribution will assist in informing and involving the Ninney Rise community in the care of their important place.

## POLICY 2

*This Conservation Management Plan should be adopted by the Ninney Rise owners: managers and leasees and the Cassowary Coast Regional Council.*

- *Copies of this Conservation Management Plan should be kept in the office of the maintenance provider, and at Ninney Rise.*
- *A copy should be submitted to the Queensland Heritage Council.*

## Review of Conservation Plan

This Conservation Management Plan is a representation of known facts and history as at January 2016.

## POLICY 3

*This Conservation Plan should be reviewed, and revised if necessary, preferably within ten years of its implementation, or whenever significant additional information is gained and adopted for a further period.*

## Listing Boundary

The present listing boundary comprises all of the apparent Ninney Rise property and the environs of the John Busst Memorial.

## POLICY 4

*The extent of the Ninney Rise and John Busst Memorial place on the Heritage Register boundary should be retained to encompass the full extent of the grounds as the whole of the place holds considerable heritage significance. The extent of the Memorial area should be extended to encompass the area inland of the memorial for an additional 15 metres. Alternatively, the entire National Park lot gifted by Kate Tode behind Ninney Point (Lot 115 NPW 502) and previously owned by Alison Busst should be included in the listing boundary. This would require re-nomination to the Qld Heritage Register using this CMP as supporting information.*

## Public Ownership as one Physical Entity

Kate Tode gifted Ninney Rise to the people of Queensland for the enjoyment and benefit of the public as one entity in its entirety. The community derives significant value from the entire grounds in landscape amenity, visual appeal, identity, and as a record of their heritage.

## POLICY 5

*Ninney Rise should remain in public ownership to respect the generous gifting by Kate Tode and should preferably be retained in one ownership in its entirety, with no establishment of additional public leases which separate parts or involve substantial changes to the physical fabric.*

## Planning Jurisdiction

It is important that the full heritage significance of the Ninney Rise be conserved, maintained and enhanced, under any ownership or jurisdiction over the place.

#### POLICY 6

*Proposals for changes or modifications of ownership or planning jurisdiction should be assessed against cultural heritage significance. Conservation policies and actions should be consistent with the conservation of the cultural heritage values of the place.*

#### **Management**

Continuity of competent advice is important for the successful long-term implementation of a Conservation Management Plan. An ad-hoc approach to the heritage based management and use of the place would likely lead to inconsistent decision-making and damage to the place's heritage significance.

The Burra Charter identifies the importance of using all the knowledge, skills and disciplines that can contribute to the study and care of places like Ninney Rise. Relevant professional skills are available from these people:-

- conservation architects and landscape architects
- arborists and horticulturists
- museum; curatorial and interpretation consultants
- cultural heritage tourism consultants
- social historians and local historians
- regional museum officers
- QPWS cultural heritage officers

#### POLICY 7

*The people responsible for managing and maintaining Ninney Rise grounds, and the system of administration they use, should be informed of the significance of the place and the conservation policies adopted. Conservation of Ninney Rise should be an explicit objective of the managers.*

#### POLICY 8

*People skilled and experienced in conserving historic gardens, or appropriately inducted on the cultural heritage values of the place and appropriately skilled, should have a role in the planning and design of future grounds works, planting, repairs, and maintenance in the heritage areas of Ninney Rise grounds. Conservationists and ecologists may have a role in the planning of proposals for future uses of the Ninney Rise place.*

#### **Monitoring & Ongoing Appraisals**

Continuity of specifically heritage focused maintenance and an understanding of rates of decay and change in significant structures and gardens over a reasonably long term period is important for a heritage house and gardens. Thus it is important to have a maintenance program in place which includes monitoring, recording, and reporting of the state of the building and grounds and maintenance.

#### POLICY 9

*There is to be an ongoing, regular system of monitoring and recording of the condition of the buildings, built structures, landscape elements, and significant vegetation. A program of inspections and reports to identify any areas of structural or other concern should be established and undertaken by the owners or managers.*

#### **Future Use**

Ninney Rise has been a residence through most of its history and a place closely associated with environmental activism. Continuity of use over more than 40 years is of considerable importance in demonstrating the history and type of place and how it was used. Continuity of residential use (of some form) with focus on environmental conservation activities (in some form), provides the best possible opportunity for ensuring cultural heritage values are retained and must be regarded as the best conservation outcome. Most significant fabric has survived, albeit with minor changes. Any future change of use should be one that is compatible with significant fabric; spatial layout and significant components of setting.

#### POLICY 10

*The owners and managers will take all reasonable measures to ensure the residential scale of NR is retained and that auxiliary use of select parts of the gardens for small events, heritage landscape amenity appreciation, and casual passive recreation continues.*

#### POLICY 11

*Proposals for uses which obstruct current interpretation and passive recreation uses or substantially change the fabric and landscape character of the place should not be adopted. With the likelihood that there may be demands for changes of use over time, new uses must be sustainable within the heritage parameters. This does not preclude minimal impact commercial uses.*

#### POLICY 12

*New uses that require moderate or large paved surfaces or fenced areas (except for a pool fence) should not be provided in Ninney Rise.*

#### **Interpretation**

*Interpretation means all the ways of presenting the cultural significance of a place.*

The history of Ninney Rise is of interest to a wide cross-section of people within the community and further afield. Records of the history should be made available to the public through a range of avenues. This information or material can be placed on the Ninney Rise website, displayed at events, and some shown on minimal signage in the house. Interpretation of the historical relationship of Ninney Rise to Bingil Bay township and the rainforest hinterland is potentially of interest and considerable benefit to all Queenslanders and visitors.

It is vital to research and celebrate the mystery of heritage places to share their story. An interpretation plan for Ninney Rise should accurately reflect its many stories and legacies, including the pre-Büsst era of occupation. Research undertaken for this report along with oral histories collected by FoNR could

feed into that. FoNR should prioritise funding for a collections and interpretation plan. This would ideally include completion of the oral history project undertaken by FoNR on a voluntary basis to date. It is highly advisable to include an appropriately skilled curatorial and cultural heritage tourism consultants with knowledge of Queensland to undertake this work.

The following *genii loci* (*distinctive atmosphere or pervading spirit of a place*) are recommended by DEHP to make a visit to Ninney Rise an experience to remember and share:

- The Cutten and Alexanders family's initial settlement of Bingil Bay and the family's extended occupation of the area. Ninney Rise occupies a small portion of one of the original homestead selections taken up by the Cutten Brothers and substantially cleared for farming in the late 19<sup>th</sup> century. The Alexanders guesthouse was built immediately west of the current driveway.
- In the 1960s, the Busst's house became a centre of environmental activism as a meeting place for conservationists, scientists, campaigners, artists, cultural luminaries and politicians including Prime Minister Harold Holt, poet Judith Wright, and scientists Webb & Tracey. Busst, Webb and Tracey conducted the first systematic vegetation survey of the North Queensland rainforest which resulted in the first scientific reference to flora of international significance.
- The campaigns from which the Busst's house, including "Save the Reef" (1967), served as a catalyst for Commonwealth natural and cultural heritage protection legislation (1975), the declaration of the world's largest marine park and ultimately, the creation of representative National Parks in the globally significant wet tropical lowlands of North Queensland and the declaration of the Wet Tropics World Heritage Area.
- The construction techniques and approach to materials in the Busst's house, which have some legacy to Busst's involvement in establishing earth buildings in the artist community at Eltham (later known as Montsalvat) and some parallels with building practice in Melbourne in the 1960s-1970s.
- Judith Wright's close association with Busst and her role in the activism and campaigning in the 1960's and 1970's. She dedicated her book "The Coral Battleground" to Busst and composed the words for his beachside memorial plaque.
- Kate Tode's untold story and subsequent bequest to the people of Queensland.
- The setting for Ninney Rise is an iconic location where two World Heritage Areas meet, the Wet Tropics and the Great Barrier Reef, and contains critically endangered littoral rainforest and the world's largest concentration of endangered cassowaries

**Meanings** denote what a place signifies, indicates, evokes, or expresses.

**Associations** mean the special connections that exist between people and a place.

#### POLICY 13

*A combined collections / interpretation plan should be commissioned as soon as funds permit using consultants with appropriate curatorial and cultural tourism skills and experience. Completion of the oral history project undertaken to date on a voluntary basis, should be included in this plan.*



*Owners and managers should investigate opportunities for interpretation of historical spaces and elements of cultural significance, including the significant associations between historical figures and the region's conservation history on their website; and to consider, if it is appropriate, to incorporate interpretation material in the house and grounds.*

#### **Restoration**

*Restoration means returning the existing fabric of a place to a known earlier state by removing accretions and intrusive fabric (6.3) and reassembling existing components without the introduction of new material.*

Restoration of house and grounds spaces and elements should always be considered if costs allow.

#### **POLICY 14**

*Later accretions and intrusive fabric (6.3) which blur the cultural heritage significance of parts of the house or grounds could be removed, ideally for best heritage interpretation.*

#### **Preservation**

*Preservation means maintaining the fabric of a place in its existing state & retarding deterioration.*

Fabric in the house and gardens of highest significance has been assessed at significance levels **A** and **B** in this CMP. (Refer Section 6.1 for grading definitions).

#### **POLICY 15**

*The areas, elements and vegetation of higher levels of significance as recorded in this CMP are to be preserved and maintained regardless of the future uses of the house and grounds.*

#### **Adaptation**

*Adaptation means modifying a place to suit the existing use or a proposed use.*

The preferred future use is for original and / or acceptable current use of a heritage place to be maintained, including preservation of important elements of significance. However, some minor changes to characteristics of the acceptable uses may change over time as cultural changes occur.

#### **POLICY 16**

*Adaptation should only be undertaken where all reasonable options to conserve current fabric have been considered. Adaptation should not significantly compromise the cultural heritage significance of the place and its heritage fabric.*

#### **POLICY 17**

*Any adaptation is to conserve significant spaces and elements, historic landscape character, and nominated significant views. (Refer Appendix C fold-out drawing no : 0501-04 for significant views from the house).*

#### **POLICY 18**

*New uses are to retain the framework, spatial qualities, elements and vegetation of the different parts of the place with Considerable (A) and Some (B) heritage significance.*

### **Compliance Upgrades**

If it is necessary to upgrade any parts of Ninney Rise, including the buildings, structures, and gardens, or other features on the place so they comply with regulatory codes, including the National Construction of Australia, Australian Standards, or the Discrimination Act, every effort should be made to apply solutions that have the minimum impact on the cultural heritage significance of the structure or garden element. These upgrades may include access provisions for visitors with limited mobility.

Fire Codes or Australian Standards upgrades should be engineered solutions that take into account the cultural heritage value of any buildings, paths, garden structures, and garden form and character. Obligatory structural upgrades should be concealed, or designed in such a way that they do not substantially reduce the significance of original fabric.

#### **POLICY 19**

*In any work to Ninney Rise required to achieve statutory compliance with regulatory codes, every effort to be made to apply solutions which cause minimal alteration to significant fabric including to buildings, garden structures, built elements, garden edges, and vegetation.*

## **10.3 Conservation Policies – Setting**

### **Setting; Views and Access**

*Setting means the area around a place, which may include the visual catchment. (Burra Charter)*

The fabric and character of this place historically formed and appreciated today, has defined edges and limited access ways, and important visual relationships internally and to parts of its setting. The driveway entry into the place is an integral part of the historical design from the Büsst era as was the track to the beach at Ninney Point. Similarly, the limiting of access along extant original boundaries either by terrain or planting are integral parts of the design or landscape structure. New access entries would not only bring change to the edge, but also through the pedestrian routes from that entry, alter the spaces and character, and relationships to the exterior.

#### **POLICY 20**

*Existing visual links to be retained (and recovered) between parts of the house and the sea to the east, and the hills to the south. (Refer Appendix C fold-out drawing no: 0501-04 for significant views from the house).*

#### **POLICY 21**

*New entries or exits to and from the grounds to not be planned or implemented.*

### **Landform**

The house and car court retains essentially the original landform and hillside slope.

#### **POLICY 22**

*Future changes to the Ninney Rise landscape should not modify existing landforms and contours.*

## **10.4 Conservation Policies – House Exterior & Interior**

### **External Character and Form**

Significant aspects of the external character of the house include its symmetrical; simple original form and understated character based on repetition of a limited number of elements. The current house has lost that character in part and is compromised by intrusive changes. (Refer Appendix C fold-out drawing no: 0501-04 ).

#### **POLICY 23**

*If changes to the exterior are proposed, they should be carried out in such a manner that recovers and reinforces the understated and symmetrical character of the building. Where new work is required, visual impact should be minimised and limited to components of lesser significance.*

#### **POLICY 24**

*Subject to available photographic and physical evidence, the general exterior form of the building should be preserved and important lost details reinstated when existing materials are no longer serviceable.*

#### **POLICY 25**

*Where feasible, external services should be hidden from view except where this action impacts on significant fabric. Where it is not feasible to hide services, their external impact should be minimised. Obsolete fluorescent surface fittings should be removed. Any introduced building signage should be discrete, consistent in design, and positioned with due consideration of the relationship and impact to adjoining architectural elements*

#### **POLICY 26**

*The exterior of the building should be repainted, when needed, based on a proper investigation and understanding of the original Büsst colour schemes and finishes which have subsequently been changed. Evidence suggests the likely scheme is Off White walls (limewashed); dark blue veranda posts and window and door trims and unpainted galvanised roofing.*

### **Significant Interior Spaces and Layout**

The character of interior spaces is derived from consistency of layout; generously proportioned rooms; crafted decorative finishes; timber floors and joinery, purpose designed ceiling roses. Much of the interior survives substantially intact and as built. The interior layout and spatial hierarchies provide important evidence of Büsst's original design intentions for interpretation purposes. They are also an important social record of the layout of a purpose built c1960s tropical bungalow. As such, interiors have high contributory significance. Surviving original fabric, spaces and finishes provide important evidence of the early character of the place and deserve special care. Where sufficient evidence of important early decorative details; furniture and artworks is available these should be reinstated.

#### **POLICY 27**

*All original and early fabric and spaces should be retained intact. Intrusive introduced elements (D) may be removed to recover the intended original spatial qualities. Removed furnishings and artworks should be reinstated where subject to authentication of same.*

### **Changes to the Interior**

In the transition to a new use for Ninney Rise it is anticipated that some changes will be required for functional needs. Any changes should ensure an appropriate balance between use and the retention of heritage values.

The preferred approach is to retain early spaces and configurations. If adaptation of spatial arrangements is inevitable the objective should be the retention of the existing basic layout and the maximum retention of early fabric. Changes should be reversible. Any new work should be capable of introduction and removal with negligible impact on early fabric.

Wherever feasible, changes should be limited to spaces that are already partly modified and less intact (ie kitchens; bathrooms & verandas) than changes to spaces that are basically unmodified and essentially intact (ie living rm; hall and bedrooms). Changes that have negligible impact on significant fabric and are substantially reversible are preferred over changes that have substantial impact on significant fabric and are not reversible.

#### **POLICY 28**

*A flexible but co-ordinated approach should be adopted for adapting the interior layout to meet changing accommodation demands. When planning new adaptations the following objectives should be applied:*

- *early spatial arrangements (ie Büsst era) should dominate the layout and dictate accommodation arrangements;*
- *changes should be limited to less intact spaces and be reversible;*
- *early c1960s fabric should be retained and reinstated where sufficient evidence is available*
- *the most intact spaces should be conserved for interpretation purposes eg the living rm and studio*
- *later additions and fabric with lesser significance is more suited to being modified to suit new uses (ie fabric graded B & C)*

## **10.5 Conservation Policies – Grounds Peripheral Areas**

There are parts of the place have not been part of the maintained garden in any of the historical periods. These comprise lowland rainforest at varying states of regeneration following the clearing of the Cutten period.

The Australian Natural Heritage Charter (2002) provides the appropriate....*framework for making sound decisions for managing and restoring natural heritage places based on the ecological processes which occur in natural systems. It also provides a process that can be used to support and implement local, state and territory, national and international policies, agreements, strategies and plans. It does not replace statutory obligations.....*<sup>132</sup>

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<sup>132</sup> [www.environment.gov.au](http://www.environment.gov.au)

POLICY 29

*Best practice conservation principles should be used to conserve the Ninney Rise grounds areas which are outside the garden, generally areas D and E on Appendix C drawing no: 0501-03, excluding the formed track to the beach and the hillside alongside this. The Australian Natural Heritage Charter should be referred to.*

**Area D - North Hillside Forest**

POLICY D1

*The track to the beach should be restored to a track useable by pedestrians through careful management of the vegetation fallen or grown across the track, recognising that the vegetation is EPBC-listed littoral rainforest. A gate and notice may be required at the bottom of the track to control and discourage unauthorised access.*

POLICY D2

*The bank and bench formed on the lower hillside by QPWS as part of erosion and vegetation management should be retained for the same ongoing maintenance. The basalt stone rubble band at the toe of the bank should not be extended and can be replaced with a line of garden shrubs or ground cover plants.*

**Area E - East Escarpment**

This area is under ownership of both QPWS and CCRC. A co-ordinated management approach is required.

POLICY E1

*This bank to the lower foreshore should be retained as a forest covered bank.*

Temporary access is needed for restoration maintenance.

POLICY E2

*No tracks should be formed on the bank, except as temporary access that may be needed for restoration.*

Views to the sea from the veranda used to be more open.

POLICY E3

*Some canopy or branch spread of some trees and shrubs should be removed to open a wider extent of sea view from the veranda than at present (2015). The viewpoint is from the east section of veranda and stairs.*

POLICY E4

*The weed species on the escarpment, identified by reference to published lists of environmental weeds of the region, should be removed as part of a Conservation Vegetation Maintenance Plan.*

POLICY E5

*The well on the escarpment should be retained and interpreted subject to safety considerations and steep access routes. The well is important in demonstrating the lack of services available in the Büsst era and forms a link to Kate Tode's windmill.*

## **10.6 Conservation Policies – Gardens Generally**

### **Recording Garden Works**

All work other than regular landscape maintenance (such as weeding, fertilising, minor pruning, mowing and edge maintenance, cleaning, and rubbish removal) undertaken in the garden should be recorded. Timely inspections should be undertaken and recorded in an inspection log. Photographs should preferably accompany any written reports to enhance usefulness of such documents.

#### **POLICY 30**

*All substantial maintenance work on the heritage fabric, including on the vegetation, should be recorded regularly. Regular maintenance tasks need only be noted briefly with general notes.*

### **User Needs & Potential Use**

Ninney Rise grounds heritage significance may be currently under-appreciated, likely from ignorance of its aesthetic and historical attractions, and, due to the constraints on access and use.

#### **POLICY 31**

*The full extent of Ninney Rise to be conserved, managed and interpreted as an historical house and garden with highly significant indigenous lowland forest areas at two perimeters, of a distinct and particular type, as evidenced by the historic documents and considerable remnant fabric.*

#### **POLICY 32**

*The historically significant vegetation locations and characteristics should be conserved, and the missing vegetation restored where appropriate, to strengthen the place's historical identity. Detailed mapping is required to verify missing vegetation.*

#### **POLICY 33**

*When proposing the removal of vegetation to recover significant views, impacts on wildlife and their habitat and corridors needs proper consideration.*

### **Sculpture and Art Elements**

The gardens were never a sculpture park or display gardens – there is no evidence currently to suggest Büsst had art in the garden or grounds. Nevertheless future use of the grounds may include temporary community displays, exhibitions of sculptures, or art installations.

#### **POLICY 34**

*Any temporary sculptures and art installations should not be installed by means that involve concrete slabs constructed, excavations, or footings constructed into the ground, nor ties or guys to the trees, shrubs or existing structures.*

### **Temporary Events, Marquees & Shade Structures**

Temporary events for the community can be beneficial for the multiple use of the place, flexibility, and can bring educational and interpretive benefits. However, facilities for such events may cause damage to the heritage fabric; lawns, trees, planted areas. Compaction of the grounds can be unnoticed but cause long term loss of growth and quality of the fabric.



POLICY 35

*Marquees, shade structures, market tables and covers, and similar may be erected in the grounds for short periods so as to not cause degradation or death of the lawns. Conditions of erection of these and similar structures should include full restoration of the lawn sections that are directly impacted.*

POLICY 36

*Events in the grounds and the facilities needed should only be planned and implemented if there will be no damage of a highly noticeable and long term nature (any period longer than two months) of the lawns, vegetation and the place.*

POLICY 37

*For events with considerable pedestrian traffic on the lawn areas, the use of permeable / 'breathable' matting, geofabric covers, and rubber track pads for vehicular routes, should be included as part of the event planning, budgeting and conditions of use.*

**Planting Refurbishments & Reconstruction**

POLICY 38

*A Landscape Conservation Master Plan (or Action Plan) with Planting Plan of Ninney Rise, should be prepared, for the necessary approvals, before any new works, and include only those refurbishments which can be accommodated in accordance with the cultural heritage significance and Policies of this Conservation Management Plan.*

POLICY 39

*The Landscape Conservation Master Plan with Planting Plan should present the strategies and plans for:-*

- conservation of fabric of cultural heritage significance; - any restoration and reconstruction proposals;*
- interpretation material if any; and, - incorporate strategies for the trees, gardens and lawns management.*

*The Plan should identify:-*

*Location of any new structures proposed ;*

- The services (utilities) routes (overhead and underground) required for these and any repairs and maintenance*
- The closest feasible place (while preserving all the heritage fabric) proposed for service and emergency vehicle access*
- The construction area required to be fenced for all the works, and the materials delivery, removals, and storage areas for any construction works*

**The Garden Significant Trees and Palms Conservation**

Ninney Rise retains some significant tree and palm plantings, some of which are ageing. Valuable trees within the grounds include the driveway trees, the palms, and perimeter tree plantings.

POLICY 40

*Tree (and palm) Management Plan* - An assessment of the trees and palms should be undertaken by an arborist and a Tree Management Plan prepared on their status and recommendations for rehabilitation or replacement, including a succession plan for replacements in the long term, and for maintenance. The Tree Management Plan also needs to consider viewscape policy nos 17 & 20 and maintenance works strategy policy no 48.

**Lawns and Gardens**

The Büsss paid to have a gardener and he gardened and mowed the lawns over many years until Alison Büsst vacated the house.

POLICY 41

*The lawn areas should be maintained, and restored or reconstructed when possible.*

POLICY 42

*The lawns should have no building or other roofed structures, pavements or planting over their current extent, except where reconstruction is proposed.*

POLICY 43

*The garden planted zones (not lawns) of the Büsst and Tode periods of Considerable (A) and Some (B) significance should be retained.*

POLICY 44

*Roofed or pergola over tables and seats, shelters, bins, paved areas should not be planned or installed on the lawns or in the planted areas over Area C, G, I, J.*

**New Minor Works**

New minor works may be acceptable where they do not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

POLICY 45

*A consistent philosophy of style, including structure, form and materials to be developed for all new garden structures. New fabric should generally be clearly recognisable as a product of its time and should also aim not to detract from, or visually dominate, but enhance the significance of the place.*

POLICY 46

*The scale and form of new planting works should not detract from the cultural heritage significance of the place. New planting should be a reconstruction or similar character to earlier planting as seen on photos or plans, subject to new tree canopies not dominating the adjacent landscape spaces.*

**Lawn Edges**

POLICY 47

*A raised concrete, metal or plastic edge should not be installed at the lawn edges. Concealed mowing or grass edge-defining edges may be installed if desired for easier maintenance. These should be maximum 100mm wide concrete with top flush with grass level, or an angled concrete profile with the*

*top no higher than the grass edge, or a timber edge set into the ground extending no more than 25mm above the mown grass height.*

### **Maintenance and Repair**

*Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.*

Maintenance is fundamental to conservation and should be undertaken where fabric is of cultural significance and its maintenance is necessary to retain that cultural significance.

It is important for heritage elements to receive timely repair in order to protect their integrity.

Items that should be addressed include the following:

- Maintenance of historical plantings of trees and shrubs
- Maintenance of walls, paths, and path and garden edges, generally in the historical manner.

### **POLICY 48**

*A Conservation Maintenance Works Strategy to be prepared that sets down the priorities, strategies for implementation, and budgetary requirements.*

*Recommended priorities for maintenance are:*

- Driveway trees; and
- Car Court edges and Upper Gully area.

### **POLICY 49**

*Planted trees, shrubs and other garden plants should be retained in place and conserved through regular maintenance practices, except declared and noxious weeds. Potentially invasive planted garden plants should be contained through regular maintenance practices.*

### **Minor Service Elements** eg bins, hose taps, power points, directional signs

Service and maintenance built elements are necessary to the proper functioning of a residence and garden.

### **POLICY 50**

*The addition of new support and maintenance facilities, such as taps, bins, signs, lights, and interpretive material should be kept to a minimum, as their addition would be a visual distraction, altering the historical or appropriate appearance.*

### **POLICY 51**

*The cultural heritage significance of the place to be conserved through careful planning, design, and siting of minor service elements, such as bins, taps, power points, and signs away from historical structures, trees, and significant views. Elements should be as unobtrusive as possible and located away from heritage structures where not associated with structures.*

### **Services Installation**

#### **POLICY 52**

*Reference to be made to the location of significant vegetation when planning any in-ground or overhead services installation or alteration, and the subject trees or other vegetation protected from root or canopy damage by locating the service line or fixture away from the roots and canopies, and /or using technology to avoid root and canopy impacts (directional boring, bundling etc.).*

### **Water Storage**

#### **POLICY 53**

*If there is a proposal to re-use one or more of the water tanks, it may be considered appropriate as this retains one of the historical uses.*

### **Lighting & Power**

#### **POLICY 54**

*Additional light fixtures to be limited, and possibly just for safe access to the house :- 1. the minimal use of pole top area lighting within the grounds such as for the car court approaches to the house; and, 2. the use of unobtrusive light fixtures with light shields attached to the shed.*

### **Signage**

A planned and minimal use of signage may facilitate interpretation and use, however, consideration to be given to:- the minimal number and size of signs; and, - the locations, to ensure minimal impact on the cultural significance and to not detract from visual appreciation and conservation of the values of the buildings, elements, or vegetation and their surrounds.

#### **POLICY 55**

*Identification and interpretation signs of heritage structures and elements are to respect the heritage character of the element and its setting by careful siting (not being too close to the subject), and kept at a minimal size and height so as to not be visually distracting in views.*

#### **POLICY 56**

*Where a sign could intrude on the historical character and / or the visual appreciation of a place or element, then that sign is not to be installed and identification or interpretation may be by other means, such as a brochure.*

## **10.7 Conservation Policies – Garden Areas**

### **Area A - North West Forest**

#### **POLICY A1**

*The former garden planted area which is now a regenerating forest may be retained as regenerating forest area and maintained as a forest cover.*

#### **POLICY A2**

*Planted trees and shrubs to be retained. If a tree is blown down or severely damaged by a storm or cyclone it is not necessary to replace it with the same species.*

#### **POLICY A3**

*The lower edges should be restored through maintenance works to a garden edge style as may be interpreted as being there through the Büsst and Tode periods. Shrubs planted by the Büsst including the Hibiscus (as understood to date) to be retained and pruned to maintain a bushy shrub form under 2-3 metres. Some parts should have views deeper into the forest to be restored through removal of seedling, sapling and regrowth trees along parts of the edge, in particular the upper section where there was access to the water tanks.*

### **Area B - West Tree Belt & Garden**

This area forms the visual framework of the grounds and edge to the west of the significant driveway garden (Area I).

#### **POLICY B1**

*This garden edge may be maintained as a part of the Ninney Rise garden for screening to assist interpretation, or it may be removed.*

*Restoration maintenance works in this area should include: a) Weeds, tree saplings and seedlings grown in the past 10 years should be removed as part of a restoration of this area as a maintained part of the garden.*

*b) Shrubs which have overgrown beyond the usual garden form should be restored as close as feasible to the form likely envisaged in the 1960s -1980s. The bamboo clump should be tidied by removal of fallen and broken stems and thinned of some of the oldest trunks in the clump.*

*c) The regrowth at the base and under the canopy of the large Ficus tree should be removed.*

The lawn alongside the planted belt is now more shaded by trees than in the Kate Tode period and the grass is growing less dense and the garden area is possibly extended into former lawn area. Removal of much of the regrowth and some branch pruning has the potential to open the lawns to more sun.

#### **POLICY B2**

*The lawn edges should be maintained closer to the original line.*

#### **POLICY B3**

*The Congea vine should be removed from much of the trees and shrubs, in particular, to the north and east lawn edge and as is feasible.*

**Area C - North West Garden & Lawns**

This area has been used in part as a plantation and / or productive area by both the Büsst and Kate Tode. In both these periods there has been mown lawns with planted specimen trees.

**POLICY C1**

*The lawns and trees should be conserved.*

**Area D - North Hillside Forest** (see Section 10.5 – Grounds Peripheral Areas above)

**Area E - East Escarpment** (see Section 10.5 – Grounds Peripheral Areas above)

**Area F - Car Court**

**POLICY F1**

*The open space of the car court should be conserved.*

**POLICY F2**

*The areas with gravel and grass should not be paved including not with concrete, bitumen or cut pavers or tiles.*

**POLICY F3**

*The driveway, drive tracks and drains should be conserved and maintained.*

**POLICY F4**

*The former location of the fernery or bush house may have a similar sized garden structure, or open sided pavilion, which does not extend higher or over a larger built footprint.*

**POLICY F5**

*The vine trellis structure west of the courtyard wall may be reconstructed or interpreted by a similar sized structure and plants – ie similar in size to the original vine trellis.*

**Area G - House Surrounds & Pool**

**POLICY G1**

*The fence at top of escarpment can be replaced with a new fence located preferably lower than the lawn edge to reduce visibility. No gate should be installed along the top of the escarpment directly in front of the house. The fenceline should be subject to a surveyor's identification survey.*

The swimming pool was built for Kate Tode as part of the works she arranged to make her Australian home in the tropics comfortable and to her lifestyle and could conceivably considered an improvement under her will. It indicates part of the Kate Tode period of ownership and residence.

**POLICY G2**

*The pool may be retained and restored to a functioning pool (with the pool fence reconstructed to the original more unobtrusive location - Policy G3). Alternatively, the pool structure could be retained and a proposal be developed with the pool filled; decked or grassed or similar option, for safety without a fence, with the coping revealed for interpretation.*

POLICY G3

*If the pool is retained, a new pool fence to be planned to lie part within the planted area down the bank to the south in order to be screened from view. A passageway should be provided between the verandah and pool fence to retain pedestrian circulation around the house.*

**Area H - Upper Gully Garden**

POLICY H1

*No grass areas are to be made through the planted area on the bank.*

Access down the bank may facilitate maintenance circulation in this part of the grounds.

POLICY H2

*A narrow access way, likely requiring steps, may be formed. This would not provide universal access.*

**Area I - Driveway Lawns & Trees**

POLICY I1

*The avenue of trees along the drive tracks section, and the line of trees planted to the east should be restored and conserved - the Peltophorum and the Cassia (Indian Laburnum). This restoration comprises no additional tree saplings around the tree base. A mulched area about 2 metres diameter or less at the tree bases is acceptable for the appropriate historical planted character.*

POLICY I2

*The driveway should be retained and conserved in the current location and comprising the current sections of continuous concrete in the lower section, tracks in the central section with grass between, and a full concrete section at the upper curve. Alternatively, the concrete surface may be removed (subject to local availability of concrete recycling to avoid the concrete going to landfill) and the gravel driveway of the Büsst period reinstated (the steep section will however, be subject to run off erosion).*

POLICY I3

*The driveway from Alexander Drive, its curve up the hillside, and the turn into the car court should be conserved.*

POLICY I4

*The culvert with pipes under the drive and concrete outfall to be retained.*

POLICY I5

*The grass swale alongside the west side of the drive to be conserved and maintained with no pavement surfaces.*

When the QPWS managed the place after Kate Tode left there were reportedly additional garden areas added. Geoff Dove should be consulted to verify the extent of additional garden areas.

POLICY I6

*The long narrow beds along the west of the area may be removed if it is established they were formed and planted after the Kate Tode period and there is a need to remove them. Retention for screening should be considered prior to removing.*



POLICY I7

*The gravel drive remnant from the Büsst period should be conserved with no planting over it.*

POLICY I8

*The conduit from the former use for a tide gauge may be removed after it is recorded in photos and the record retained by the owners and at Ninney Rise. (Refer Appendix C - Grounds Areas & Features dwg no 0503-03, NE corner of Easement A for location of tide gauge).*

POLICY I9

*The Peltophorum trees along the driveway should be maintained as part of a Tree Management Strategy and managed as part of a Landscape Conservation Master Plan (or Action Plan).*

Policy I10

*The entrance to the driveway could be better defined as suggested by QPWS – requires negotiation with neighbours and considered with Landscape Conservation Master Plan.*

**Area J - Gully Garden**

Palm Grove. The pond and associated runnel are a significant structure and garden feature. Repair and restoration of the pond and water system will enhance the garden significance, interpretation and appreciation.

POLICY J1

*The stone lined pond and stone edges runnel (ie open drain) and other associated stonework should be retained and conserved. The pond should be restored to allow filling to be appreciated as a pond. Consideration should be given to have facilities re-established for a circulating-aerating pump which would allow the pond and the runnel to have water circulated. Conservation of the pond does not require that it be filled all year. Through the summer period or when visitor numbers are very low it may be held empty.*

POLICY J2

*The palm grove and planted area around the pond should be conserved and maintained as a grove which can be walked through in places to experience the grove and pond. Maintenance should include removal of self-sown trees and palms, and the large fallen leaves which limit access and views to the pond.*

POLICY J3

*A mulched only track may be formed into and through the palm grove to view the pond and facilitate visitor circulation and interpretation and appreciation opportunities.*

POLICY J4

*No additional pathways or tracks, or lawn pathways, should be made through the planted areas of Areas H and J.*

*The passage into planted areas / tree and palm groves, by gardeners or maintenance workers is permissible with regard to conservation of the fabric.*

Form of Lawns & Garden Areas

POLICY J5

*The lawns should be retained and conserved as lawns for strolling, sitting, and enjoying the grounds.*

POLICY J6

*The edge between the lawns and the mulched / planted areas should be maintained to the locations present now, or as may be established following further investigation to reveal the edge location in the Tode period.*

Windmill Base and Pump Fixtures

POLICY J7

*The windmill base and fixtures from the pump and nearby power point should be conserved in place.*

POLICY J8

*A windmill could be reinstated in the location if this is proposed by the place managers or lessees.*

**Area K - Memorial at Beach**

POLICY K1

*The plaque fixing leaching should be removed. If removal of the plaque is feasible without damage then this should be undertaken to allow removal of the fixative and replacement with a suitable product. A specialist materials conservator should be consulted for advice in the Detailed Fabric Survey phase (eg International Conservation Services – Peter Maxwell).*

## **11. ACTION PLAN**

### **11.1 Introduction**

Conservation priorities should entail the following :

- Identifying any threats to fabric and temporary removal or neutralising of those threats (where practical).
- Undertaking additional detailed investigations to properly identify the nature of fabric problems and to consider intervention options
- Planning and negotiating approvals for the work concurrent with funding
- Carrying out the work

### **11.2 Management Structure**

The management structure for making future decisions about the place should reflect stakeholder groups with representation from environmental conservation movement; artists and ecologists. It should include regional museum officers based in Cairns and representatives of other agencies as appropriate. Key stakeholders are :- FoNR; QPWS; Qld Museum Network (Cairns); DEHP and CCRC.

### **11.3 Future Investigations & Surveys**

The following additional investigations are recommended when funds permit :

- An Identification & Detail Survey by cadastral surveyor to accurately record site features and boundaries including all substantial trees
- Detailed Fabric Survey of the house to accurately record existing fabric and condition
- Structural Assessment by a specialist structural engineer with experience in heritage structures and deterioration of concrete in coastal locations
- Vegetation Audit by arborist

### **11.4 Oral History; Collections & Interpretation Plan**

The place has a rich social history with considerable oral histories recorded through the voluntary efforts of FoNR . Also, artifacts and documents relating to occupation by the Büsst and Kate Tode exist but need to be properly identified and catalogued. This material has excellent potential to form the basis of a combined oral history project and collections / interpretation plan. The interpretation plan

should be integral to this process and scoped and commissioned as soon as funds permit. Planning for this project can be carried out by regional museum officers in consultation with stakeholders.

### **11.5 Conservation Master Planning**

A conservation Master Plan can incorporate the CMP, the Interpretation Plan and Business Plan as these are crucial in facilitating sustainable future uses for Ninney Rise. It should be prepared following the above investigations and in consultation with stakeholders to synthesise these issues. This plan should take on board Conservation Policies outlined in this report and integrate the conservation of ecological values of the place and setting.

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## **13. APPENDICES**



## APPENDIX A PLACE CHRONOLOGY

|                                   |   |
|-----------------------------------|---|
| 20-30,000 yrs                     | Djiru peoples inhabit Mission Beach area, including Bingil Bay  |
| June 1770                         | Cook and Banks's "Voyage of Discovery" on HMS Endeavour maps Nth Qld coastline passing within 15km of Clump Pt on 10 <sup>th</sup> June 1770. Little early contact is recorded.       |
| 1802-1815                         | Numerous explorer; survey and transport expeditions carried out including Mathew Flinders' (1802) circumnavigation of Australia via outer reef.                                       |
| 1818-20                           | Captain Phillip King charts inner reef with naturalist/explorer Alan Cunningham. Contact with traditional owners recorded at Family Islands.  |
| 1843                              | Captain Blackwood on HMS Fly surveys Rockingham Bay with tender vessels Bramble & Midge. First recorded conflict with traditional owners over large fish catch.                       |
| 1848                              | Captain Owen Stanley in HMS Rattlesnake and Bramble charts inner passage between Great Barrier Reef & mainland. First expedition to land on mainland.                                 |
| 1864                              | Cardwell founded at south end of Rockingham Bay   |
| 1869                              | Frederick Cutten immigrates to Australia with three sons  |
| 1870's & 80's                     | Qld Government pushes for settlement of Far Nth Qld   |
| 1873                              | Dalrymple and sub-inspector Johnston, explore rivers and inlets between Cardwell and the Endeavor River, Cooktown. They note Porters (Wongaling) Ck.                                  |
| 1882                              | Cutten brothers travel overland to look for new coastal selections in Nth Qld   |
| 1884                              | Sidney B Cutten takes up Homestead Selection no.158 (160 acres or 64.75ha).<br><sup>133</sup> Por 158 includes the current Ninney Rise lot (Lot 539 NR6887) at its north-east corner. |
| 1886                              | Whole Cutten family is living at Bicton House on Selection no.159 (160 acres)   |
| 1887                              | Bicton House footprint and cleared / grassed land recorded in survey plan N157350. Cleared and grassed land also recorded on site of current Ninney Rise.                             |
| late 1880s?                       | Sidney Cutten also takes up Portion 19v (159 acres) to the north of Ninney Rise taking in Ninney Point (described as Rocky Point).  |
| by 1889                           | Fredrick Cutten (snr) buried at Bicton  |
| 1890                              | Large cyclone destroys many crops and substantially damages Bicton House  |
| 1897                              | Edmund Banfield author and journalist moves to Dunk Island from Townsville.   |
| 1903                              | Sidney Cutten transfers Portion 19v to Leonard Dun and Herbert Alexander. <sup>134</sup>  |
| <b>26<sup>th</sup> April 1909</b> | <b>John Horatio Busst born in Bendigo Victoria</b>  |
| 1911                              | Bicton operation threatened by another large cyclone; coastal fever; lifting of import duty on imported coffee.   |

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<sup>133</sup> Deed of Grant Vol 99, Folio 21 & Survey Plan N157,350

<sup>134</sup> Survey Plan Nr126

|              |   |
|--------------|---|
| 1914         | Bicton loses most paid labour when Djiru people are relocated to Hull River Mission. The property becomes increasingly isolated by secondment of shipping lines for WW1.  |
| 1918         | Severe cyclone destroys Bicton House & Hull River Mission. Djiru people relocated to Palm Island.   |
| <b>1919</b>  | <b>John Busst attends Wesley College, Melbourne</b>   |
| Early 1920s  | The 'last' Aboriginal people, an old couple living at Ninney Point were taken by police to the Palm Islands Aboriginal Settlement. <sup>135</sup>   |
| 1923         | Sidney Cutten accidentally killed (buried at Bicton along with father).   |
| 1927         | Portion 158 transfers to Sidney Cutten's brothers Leonard and Frederick (Herbert) Cutten. New deed created. <sup>136</sup>  |
| <b>1927</b>  | <b>John Busst graduates from Wesley College, Melbourne</b>  |
| 1927         | Kate Tode graduates in economics from Barnard College NY City   |
| 1928         | Portion 158 subdivided by Leonard and Frederick Cutten to 4 lots. <sup>137</sup> Sub1 transferred to their sister Gertrude Alexander (nee Cutten) wife of Charles Alexander – area 10 acres & 12.1 perches or 4.05 ha. <sup>138</sup> |
| Late 1920s   | Charles and Gertrude Alexander build a two-storey guest house (building extant, but derelict in the 1970s).   |
| 1930         | Leonard and Frederick (Herbert) Cutten die and are buried at Bicton   |
| <b>c1930</b> | <b>John Busst works as journalist on the ARGUS and studies art with Justus Jorgensen</b>  |
| c1934        | John Busst relocates to Eltham (outer Melbourne) along with sister Phyllis to assist founding an artists community with Jorgensen (later known as 'Montsalvat')   |
| 1935         | Gertrude Alexander dies and Sub1, Por 158 is transferred to her son Charles Alexander. <sup>139</sup>   |
| c1935        | Adelaide artist Noel Wood relocates to Bedarra Island   |
| 1936         | Road from El Arish on Pacific Highway to Bingil Bay opened up   |
| c1938-39     | Busst travels to North Qld and visits Noel Wood at Bedarra <sup>140</sup>   |
| 1938         | Sub1, Por 158 re-surveyed for a re-aligned Esplanade. <sup>141</sup>  |
| 1939         | Charles Alexander surrenders title for Sub1, Por 158 to the Crown <sup>142</sup>  |

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<sup>135</sup> Mackness, C (1983) , p53

<sup>136</sup> Certificate of Title, Vol 99 Folio 21

<sup>137</sup> Survey Plan N157 350

<sup>138</sup> Certificate of Title, Vol 99 Folio 21

<sup>139</sup> Certificate of Title, Vol 257 Folio 156

<sup>140</sup> Betty, R (1984)

<sup>141</sup> Survey Plan Nr 2538

<sup>142</sup> Certificate of Title, Vol 257 Folio 156

|                |   |
|----------------|---|
| 1940           | Busst relocates to Nth Qld - leases south-east corner of Bedarra Island together with sister Phyllis. They build a substantial 4 bedrm mudbrick house.  |
| 1947           | John and Phyllis Busst purchase remainder of Bedarra apart from Noel Wood's 15 acres (6 ha).  |
| Later '47      | They subdivide Bedarra and sell 86 acres (34.9 ha). Phyllis returns to Melbourne. <sup>143</sup>  |
| 1948-49        | Alistair Knox designs and builds innovative mudbrick house for Phyllis Busst in Eltham  |
| 1950           | John Busst marries Alison Shaw Fitchett in Melbourne. She joins him at Bedarra in early 1950s.  |
| 1952           | Florence Alexander (nee Cutten) is buried at Bicton   |
| Mid 1950s      | Road extended from Narragon Beach connecting Mission Beach town facilities to Bingil Bay  |
| Aug 1957       | John and Alison sell Bedarra and relocate to the mainland, purchasing the Alexander's old farm from the Crown (Sub1, Por15) in Alison Busst's name - area 9 acres, 3 rods & 30.8 perches or 4ha <sup>144</sup> .<br><br>John and Alison stay in a house originally built as Alexander's guesthouse ahead of building their homestead. From day one, along with Len Webb & Geoff Tracey, they determine to fight for Clump Point mountain to be declared a National Park. <sup>145</sup> |
| late1950s?     | Alison Busst acquires original Por 19v rainforest to the north - original area 155 acres; 3 roods & 27 perches (63.10ha)  |
| late 1950s     | Harold and Zara Holt purchase 300 acres (121.4 ha) of rainforest nearby and purchase a 1 acre (0.4ha) block around Ninney Point at the south end of Garners Beach with a small two-level house  |
| by late 1959   | Earthworks underway to form platform of the Busst's homestead <sup>146</sup>  |
| late 1960s     | Patricia Clare visits the Busst's at their homestead  |
| late 1950s/60s | Qld coastal environment increasingly under threat from rapid development. Busst becomes founding member, chair and sec of the <i>Committee for Preservation of Tropical Rainforest</i> .  |
| 1963/64        | Busst concerned Por 19v rainforest <i>would eventually "come under the hammer."</i> Ross Shelmerdine and wife Marigold agree to buy half to help Busst save it. Subsequently they bequeath it to JCU for conservation and scientific research. <sup>147</sup>   |
| 1965           | Busst convinces Fed government to engage rainforest scientists Len Webb & Geoff Tracey for first systematic vegetation survey of Nth Qld rainforest. Results in first scientific reference to international significance. <sup>148</sup>  |

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<sup>143</sup> Porter James, 1983, p43

<sup>144</sup> Certificate of Title, Vol 257 Folio 156

<sup>145</sup> Letter from Alison Busst to Prof Dalton 3<sup>rd</sup> Sept 1979 (JBC/CORR/14 Personal Correspondence; JCU John Busst Collection)

<sup>146</sup> Photographic evidence dated by Brenda Harvey on authors site survey Aug 2015

<sup>147</sup> The Age obituary, He Fought for Nature, Messer John, 10 April 1971

<sup>148</sup> Chronology of the Protection and Management of the Wet Tropics of Qld World Heritage Area (WTQWHA), Jan 2003  
www.wettropics.gov.au

|                                  |   |
|----------------------------------|---|
| 1966/67                          | Alison Busst starts to subdivide Por 19v. <sup>149</sup>  |
| Late 1960s                       | Len Webb and Geoff Tracey stay with the Busst's at Ninney Rise to research medicinal drugs from rainforest.   |
| Mid 1967                         | Alison Busst reads public notice in local paper re application to mine Ellison Reef for limestone. <sup>150</sup> Busst lodges objection. Mounts campaign to save it. Mining application is rejected - sets precedent for not mining the Reef. Pivotal for conservation movement. <sup>151</sup>  |
| Sept 1967                        | Qld Gov leases 21 million hectares for oil drilling on the Reef. Busst mounts campaign against it, issues writ against Qld Gov on grounds of collusion with business. <i>Save the Reef</i> campaign becomes international.  |
| Late 1960's                      | The Busst's house becomes centre for campaign with influential national and international visitors  |
| <b>5<sup>th</sup> April 1971</b> | <b>Busst dies preparing evidence for Royal Commission. Buried at Tully Cemetery.</b> <sup>152</sup> Beachside plaque erected between Busst's house and Ninney Point. Negotiations to gift 70 acres (28ha) of rainforest on Por 19v to JCU stall. <sup>153</sup>   |
| 1973/74                          | Alison Busst further subdivides original Por 19v forming Lot1 on RP28454 area 3.816ha and Lot 2 on RP 28658 area 53.12ha. (Lot 1 @ 3.816ha will subsequently be donated to QPNW by Kate Tode). <sup>154</sup>   |
| 1974                             | Australian Gov enquiry into the National Estate and recognition of the urgent need to conserve rainforests. <sup>155</sup>  |
| 1975                             | Commonwealth establishes Australian Heritage Commission and National Estate legislation. <sup>156</sup><br><br>Qld National Parks and Wildlife Service becomes separate government department (previously administered under state Department of Forestry). <sup>157</sup><br><br>Commonwealth takes over management of Great Barrier Reef with GBR Marine Park Act and worlds largest protected marine area. |
| May & July 1975                  | Alison Busst seeks to sell the balance of original Por 19v for nature conservation purposes - initially 128 acres (51.8ha), subsequently reduced to approx 111 acres (45ha). She writes directly to Federal Dept of Environment. <sup>158</sup> Acquisition never eventuates.   |
| 1975                             | Alison Busst further subdivides original Por19v.<br>Alison splits the original 4 ha homestead lot (Sub1 Por 158) in two, excising the western half and forming Lot 1 (1.588ha) and Lot 2 (2.438ha) on RP30263 along with easements A & B to facilitate access off the Esplanade. Lot 2 sold to Ginter Schmidt. Alison retains Lot 1 (part of the current Ninney Rise lot). <sup>159</sup>                     |

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<sup>149</sup> Survey Plan RP721955

<sup>150</sup> Oral history provide by Billie Gill, recorded by Yvonne Cunningham, FoNR

<sup>151</sup> Wright, J (2014)

<sup>152</sup> Photo provided by Tony O'Malley, FoNR Oct 2015

<sup>153</sup> The Age obituary, He Fought for Nature (Messer John, 10 April 1971) and oral history provided by Geoff Dove, Aug 2015

<sup>154</sup> Survey Plan RP 728454

<sup>155</sup> Op cit, Chronology (WTQWHA)

<sup>156</sup> Ibid

<sup>157</sup> Ibid

<sup>158</sup> Several letters May & July 1975 JBC/CORR/17 Correspondence re purchase of Park Land, (JCU John Busst Collection

<sup>159</sup> Certificate of Title, Vol N1001 Folio 38

|               |   |
|---------------|---|
| 1977          | Freda Jorrison bequeathes 67 acres (27 ha) of freehold land at Garners Beach to QPWS for Cassowary conservation.  |
| c early 1979? | Initial purchase inspection of the Busst's homestead and adjoining rainforest lot by Kate Tode and Jean Rentoul.  |
| April 1979    | George West Builder writes letter of reply to Jean Rentoul re list of things to be done. Jean Rentoul telephones Alison Busst <sup>160</sup>  |
| June 1979     | Jean Rentoul writes letter of reply to George West Builder (on behalf of Kate Tode) advising she arrives 1 <sup>st</sup> Oct 1979 with Kate Tode following in Nov or Dec 1979 and that <i>Ninney Rise is my choice of name for the property.</i> <sup>161</sup>                     |
| Oct 1979      | Title for the rainforest lot to the north Lot 1 RP 28454 (3.816ha) transfers from Alison Busst to Kate Tode. <sup>162</sup> Title for the Ninney Rise block Lot 1 RP 30263 (1.588ha) transfers from Alison Busst to Kate Tode. <sup>163</sup>                                       |
| Nov 1979      | Stage One alterations and additions (ensuite and bathroom) lodged to Johnstone Shire Council. Builder JJ Hogan, El Arish; estimated cost \$3k <sup>164</sup> . Other repair works undertaken include bamboo ceilings; casement windows; new door openings and doors. <sup>165</sup> |
| Jan 1980      | Stage Two pool addition lodged to Johnstone Shire Council. Pool Builder J & PK Stuart P/L, Yorkeys Knob, estimated cost \$8k. <sup>166</sup>  |
| March 1980    | Stage Three extension (upper level additions to house & tool shed) lodged to Johnstone Shire Council. Builder JJ Hogan, El Arish; estimated cost \$16k. <sup>167</sup>  |
| Aug 1980      | Kate Tode executes her Australian will in Canberra, bequeathing Ninney Rise and the rest of her Australian estate conditionally to the Crown. <sup>168</sup>  |
| Jan 1981      | Stage three extensions complete <sup>169</sup> . Concrete driveway also built about this time.  |
| 1981          | Great Barrier Reef Marine Park listed as a World Heritage Area  |
| c1982         | Kate Tode in negotiations with Peter Stanton QNP&WS re selling rainforest lot to north <sup>170</sup>   |
| May-June 1982 | Ninney Rise lot re-surveyed to include the notional road reserve to north which bounded the original homestead selection. Lot 1 RP30263 becomes Lot 539 NR6887 and increases in area from 1.588ha to 1.9811ha to take in road reserve.  |
| Nov 1983      | Title for rainforest lot to north (Lot 1 RP28545) transfers to Crown for National Park purposes. <sup>171</sup>   |

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<sup>160</sup> Kate Tode personal correspondence files held at Ninney Rise

<sup>161</sup> Ibid

<sup>162</sup> Certificate of Title, Vol 959 Folio 235

<sup>163</sup> Certificate of Title, Vol N001 Folio 038

<sup>164</sup> Building permit no 9179, Johnstone Shire Council (CCRC)

<sup>165</sup> Oral history provided by Yvonne Cunningham, June 2013 (FoNR)

<sup>166</sup> Building permit no 9227, Johnstone Shire Council (CCRC)

<sup>167</sup> Building permit no 9298, Johnstone Shire Council (CCRC)

<sup>168</sup> Last will & testament of Kate Eisig Tode, QPWS file records

<sup>169</sup> Building permit no 9298, Johnstone Shire Council (CCRC)

<sup>170</sup> Oral history provided by Geoff Dove, Aug 2015

<sup>171</sup> Certificate of Title, Vol 959 Folio 235

|                           |   |
|---------------------------|---|
| March 1984                | Rainforest lot to north gazetted as Bingil Bay National Park, estate Id 448 <sup>172</sup><br><br>Newspaper article in Cairns Post details Kate Tode's transfer of 3.816ha at Ninney Point, Bingil Bay, to DEH for one dollar with indication of adjacent acres with buildings to follow (ie Ninney Rise). <sup>173</sup> She receives and replies to numerous personal letters of thanks. <sup>174</sup> |
| May 1984                  | Governor General Sir Ninian Stephen and Lady Stephen visit Ninney Rise for afternoon tea hosted by Kate Tode on behalf of the Mission Beach/Bingil Bay Progress Association. <sup>175</sup>   |
| c1984?                    | Kate Tode makes significant monetary donation to Innisfail WPSQ branch for Peter Rowles to attend workshop at Brisbane Forest Park with ACF & WPSQ to discuss strategy to lobby for cessation of logging in FNQ/Wet Tropics. Innisfail branch pushing for greater awareness of logging in rainforest south of Cairns. <sup>176</sup>  |
| 1984                      | Australian Heritage Commission engages Rainforest Conservation Society of Qld to evaluate international conservation significance of Wet Tropics between Townsville and Cooktown. <sup>177</sup>  |
| c1985                     | Generator annex extension built to rear of toolshed. <sup>178</sup>   |
| 1986                      | Tropical cyclone Winifred causes significant damage to the grounds  |
| c1986?                    | Kate Tode suffers a stroke and installs a chairlift <sup>179</sup>  |
| 1988                      | World Heritage listing approved for Wet Tropics of Queensland World Heritage Area   |
| July 1989                 | Sir Walter Campbell and Lady Campbell visit Ninney Rise for afternoon tea. <sup>180</sup>   |
| 22 <sup>nd</sup> Feb 1990 | Kate Tode dies at Tully and is cremated. <sup>181</sup> Jean Rentoul remains in occupation.   |
| May 1990                  | Ken Kitson, ANZ Bank Innisfail (executor of Kate Tode's will along with Jean Rentoul), writes to QNP&WS seeking assistance with property maintenance. <sup>182</sup>  |
| c1990                     | Jean Rentoul (and her brother Laurie) become founding members of C4 (Consultative Committee for Cassowary Conservation) following Tully branch WPSQ conference. <sup>183</sup>  |
| Feb 1991                  | QNP&WS write to Cultural Heritage expressing concern that Jean Rentoul does not possess health or resources to maintain property. <sup>184</sup>  |
| c1992                     | QNP&WS receive advise from Crown Solicitor on interpretation of Kate Tode will  |

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<sup>172</sup> QPWS gazettal history records

<sup>173</sup> Cairns Post 16 March 1984

<sup>174</sup> Kate Tode personal correspondence files held at Ninney Rise

<sup>175</sup> Tully Times 31<sup>st</sup> May 1984

<sup>176</sup> Oral history provided by Yvonne Cunningham (June 2013) and Peter Rowles (Nov 2015), transcribed by Tony O'Malley, FoNR

<sup>177</sup> Wet Tropics Management Authority website chronology

<sup>178</sup> Kate Tode personal correspondence files held at Ninney Rise

<sup>179</sup> Ibid

<sup>180</sup> Ibid

<sup>181</sup> Tully Times obituary, 8<sup>th</sup> March 1990

<sup>182</sup> DEHP file records

<sup>183</sup> Presenting Mission Beach C4 Resources Guide

<sup>184</sup> Letter from Garry Werren QNP&WS to Nicky Horsfall Cultural Heritage (DEHP file )

|               |   |
|---------------|---|
| Nov 1993      | Ninney Rise Lot 539 NR6887 (area 1.981ha) transfers to Kate Tode's executors (Ken Kitson & Jean Rentoul). <sup>185</sup>  |
| 1995          | Ninney Rise passes to QPWS and Jean Rentoul vacates.  |
| c late 1990s? | Senior Ranger Rusty Smith takes up residence. <sup>186</sup>  |
| March 1998    | New survey plan lodged by Karen Schmidt for removal of easements and minor adjustments in lot sizes. Not endorsed by titles office. <sup>187</sup>  |
| 2001          | New survey plan lodged for closing off portion of Alexander Drive below Ninney Rise to create Lot 543 (area 0.24ha) for camping reserve. <sup>188</sup>   |
| April 2003    | QPWS & GBR Research Foundation prepare partnership proposal for Bingil Bay/Garners Beach Research Station at Ninney Rise  |
| Sept 2003     | QPWS consider maintenance & repairs required for Geoff Dove (Kate Tode's gardener) to tenant property. <sup>189</sup>   |
|               | Geoff Dove and Rita West occupy Ninney Rise under Residential Tenancy Agreement. <sup>190</sup>   |
| Oct 2003      | QPWS prepare inventory of items to be relocated from Ninney Rise to Innisfail QPWS Shed. <sup>191</sup>   |
| 2004          | QPWS prepare expressions of interest document for organisations wanting to develop a research station and assume caretaker responsibilities. <sup>192</sup>   |
| April 2004    | Brenda Harvey for C4 nominates Ninney Rise for listing under the Qld Heritage Act 1992. Further supporting information provided June 2004 by Tony O'Malley for C4 (and again in 2007 & 2008). Area nominated includes adjacent national park Lot 115 NPW502. <sup>193</sup> |
| 2004          | EPA commence research on Ninney Rise to assess nomination <sup>194</sup>  |
| 2005          | QPWS prepare schedule of Kate Tode Memorabilia. Maria Friend for Museum Resource Centre (Far Nth Qld) advises QPWS on Ninney Rise property contents dispersal. <sup>195</sup>   |
| 2006          | QPWS develops action plan for dispersal of Ninney Rise items. <sup>196</sup>  |
| early 2006?   | QPWS prepare a detailed list of maintenance works and repairs including re-roofing; re-guttering; fascia repairs & concrete spalling. Estimated cost \$106.5k earmarked for expenditure FY2006/2007. <sup>197</sup>   |

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<sup>185</sup> Deed of Grant, Vol N1175 Folio 006

<sup>186</sup> Email from Craig Dean QPWS to authors, Aug 2015

<sup>187</sup> Survey Plan 111623

<sup>188</sup> Survey Plan 136930

<sup>189</sup> Email correspondence Craig Dean & Andrew Millard QPWS (DEHP file records)

<sup>190</sup> Email from Craig Dean, op cit

<sup>191</sup> DEHP file records

<sup>192</sup> Ibid

<sup>193</sup> DEHP file records

<sup>194</sup> DEHP file records

<sup>195</sup> DEHP files

<sup>196</sup> Ibid

<sup>197</sup> DEHP files & email correspondence Audrey Reilly QPWS to author, Nov 2015



|            |  |
|------------|--|
| March 2006 | Tropical cyclone Larry causes significant damage. QPWS extend scope of repairs. Tender work to Spotless (approx value \$182k). QPWS also undertake additional work (approx. value \$59.5k) <sup>198</sup>                  |
| April 2006 | Cameron Allanson (Ranger in Charge) occupies Ninney Rise for about 9 months <sup>199</sup>   |
| 2007       | EPA inspect Ninney Rise with QPWS on request of QPWS Asset manager. EPA recommends CMP as basis of any lease arrangement. <sup>200</sup>   |
| June 2008  | Scheduled maintenance and repair works completed <sup>201</sup>  |
| 2008       | Significance assessment carried out by consultant historian Diane Mengitti (Townsville) for EPA as part of statewide survey. <sup>202</sup>  |
| April 2010 | Site prospectus report prepared by GHD for nature-base tourism opportunities, commissioned by Qld Gov. <sup>203</sup>  |
| May 2010   | Local environmental groups increasingly concerned about lack of heritage protection <sup>204</sup>   |
| Aug 2010   | Ninney Rise and John Busst Memorial entered in the Qld Heritage Register – Place ID 602499. Heritage boundary excludes adjacent Nat Park. <sup>205</sup> Listing reported in regional newspaper. <sup>206</sup>            |
| Feb 2011   | Cyclone Yasi causes widespread damage with wind gusts up to 310 km/hr  |
| June 2013  | Turning the Tide project launched by Mission Beach Business Tourism & C4. Concept includes walking trail linking Mission Beach with Ninney Rise. <sup>207</sup>  |
| Late 2013  | Friends of Ninney Rise forms from a coalition of interested community groups including: Wildlife Preservation Society Qld (Tully branch); Mission Beach Tourism; Cassowary Coast Alliance; C4 & Terrain NRM <sup>208</sup> |
| Feb 2014   | FoNR first open house day - guest speaker Iain McCalman (historian and author). <sup>209</sup>   |
| July 2014  | FoNR sign contract with Qld Gov to take over management role of Ninney Rise and enter lease arrangement with QPWS. <sup>210</sup>  |
| Oct 2014   | FoNR second open house day with talk by Peter Kellet (local historian) on Cutten Brothers. <sup>211</sup>  |
| Dec 2015   | FoNR extend custodianship to Banfield's Grave Site on nearby Dunk Island. <sup>212</sup>   |

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<sup>198</sup> Email correspondence Audrey Reilly QPWS to author, Nov 2015

<sup>199</sup> Email from Craig Dean QPWS to authors, Aug 2015

<sup>200</sup> DEHP files

<sup>201</sup> Email correspondence Audrey Reilly QPWS to author, Nov 2015

<sup>202</sup> DEHP files

<sup>203</sup> DEHP files

<sup>204</sup> Bid to Heritage List Home, Cairns Post article, 10 May 2010

<sup>205</sup> DEHP files

<sup>206</sup> Honour for Green Pioneer, Cairns Post article, 19 Aug 2010

<sup>207</sup> Cooking up a New Concept, Innisfail Advocate article, 22 June 2013

<sup>208</sup> FoNR website

<sup>209</sup> Chance to View House - Innisfail Advocate article, 1 Feb 2014

<sup>210</sup> Ibid

<sup>211</sup> Old World Charm Served with Tea and Sea Views - Innisfail Advocate article, 8 Oct 2014

<sup>212</sup> FoNR website

## **APPENDIX B**

### **GROUND ITEMS: Description; Condition & Significance**

## Schedule A

### Built Elements


#### Grounds Areas





- A North West Forest
- B West Tree Belt & Garden
- C North West Garden & Lawns
- D North Hillside Forest
- E East Escarpment
- F Car Court
- G House Surrounds & Pool
- H Upper Gully Garden
- I Driveway Lawns & Trees
- J Gully Garden
- K Memorial at Beach


**Condition / Comment:** The condition assessment is only an indicative qualitative assessment based on the author's visual inspection only, and not based on expert structural or materials assessments. It is a general and preliminary guide only. Ratings: Good, Fair, Poor.  
Refer to Chapter 7 - Condition

**Heritage Significance:** This is an assessment of the relative cultural heritage significance of the built element. Refer to Chapter 6 – Grading Significance



- A Areas and Elements of **considerable significance**
- B Areas and Elements of **some significance**,
- C Elements of **little (minor) or no significance**,
- D **Intrusive** elements

| <b>A North West Forest</b>  |  |
|---|--|
|  | <p><i>Element - Description</i><br/>Water tanks - K Tode period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>B</b></p>                                       |
|   | <p><i>Element - Description</i><br/>Timber sleeper retaining edges / steps near tanks - K Tode period</p> <p><i>Condition / Comments</i><br/>Poor</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |






| <b>B West Tree Belt &amp; Garden</b>  |  |
|---|--|
|    | <p><i>Element - Description</i><br/>Fence post - star picket</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
| <b>C North West Garden &amp; Lawns</b>  |  |
| No built elements observed in this area at the time of the grounds inspections.     |  |
| <b>D North Hillside Forest</b>  |  |
|   | <p><i>Element - Description</i><br/>Fence with gate - metal mesh powder coated.<br/>At upper end of the track to the beach<br/>- QPWS period</p> <p><i>Condition / Comments</i><br/>Poor - gate closure not working</p> <p><i>Heritage Significance</i><br/><b>D</b></p>                     |
|  | <p><i>Element - Description</i><br/>Track to beach - vehicle width - cut into hillside<br/>- Busst period</p> <p><i>Condition / Comments</i><br/>Poor - trees grown in track, trees fallen across track, regrowth.</p> <p><i>Heritage Significance</i><br/><b>A</b></p>                      |
|  | <p><i>Element - Description</i><br/>Track at lower end - connects now to campground drive, - revegetation works undertaken in locality (sign)</p> <p><i>Condition / Comments</i><br/>Poor - bank at road end formed with road widening.</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |


|   |   |
|---|---|
|  | <p><i>Element - Description</i><br/>Compost bin - plastic - located beyond fence on track benched area<br/>- QPWS period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>D</b></p> |
|---|---|

| <b>E East Escarpment</b>    |   |
|-----------------------------|---|
| <p>No picture available</p> | <p><i>Element - Description</i><br/>Well - capped 30 June 2015 by QPWS<br/>NOTE: Geoff Dove advised there were two additional wells, though not sighted. - Busst period</p> <p><i>Condition / Comments</i><br/>Good, water still present</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |


| <b>F Car Court</b>  |   |
|---|---|
|  | <p><i>Element - Description</i><br/>Car court - levelled area, all grassed, some blue metal surface with grass overgrown - space at house formed Busst period, with overlay gravel and edges work Tode period</p> <p><i>Condition / Comments</i></p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Element - Description</i><br/>Car court edges - concrete – likely K Tode period.</p> <p><i>Condition / Comments</i><br/>Good Grass growing over edge. Part edge fully concealed by grass.</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |







|   |  |
|---|--|
|    | <p><i>Element - Description</i><br/>Basalt rubble drain - at toe of bank<br/>- extends up slope on bench formed into hillside.<br/>- QPWS period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>D</b></p>                            |
|    | <p><i>Element - Description</i><br/>Timber sleeper retaining edges - at base &amp; up slope<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Poor - Timber decay - tree regrowth and planted shrubs overgrown</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |
|  | <p>timber edges</p>  |
|  | <p><i>Element - Description</i><br/>Water tank at shed - concrete - K Tode period</p> <p><i>Condition / Comments</i><br/>Good - vines growing over</p> <p><i>Heritage Significance</i><br/><b>B</b></p>  |
|  | <p><i>Element - Description</i><br/>1. Concrete pit 2. Grasscrete pavement<br/>3. Two galv. posts (for screen ?)</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |

|   |   |
|---|---|
|    | <p><i>Element - Description</i><br/>Driveway at west car court, including apron to shed - concrete - K Tode period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|   | <p><i>Element - Description</i><br/>1. Concrete crib retaining wall<br/>2. Timber sleeper retaining wall -behind shed<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>1. Good 2. Poor - timber rotten</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |
|  | <p><i>Element - Description</i><br/>Timber loading platform<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Fair - poor</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|  | <p><i>Element - Description</i><br/>Side drive tracks &amp; wide, open, side drain<br/>- concrete - K Tode period</p> <p><i>Condition / Comments</i><br/>Good - drain requires maintenance /clean out</p> <p><i>Heritage Significance</i><br/><b>B</b></p>            |



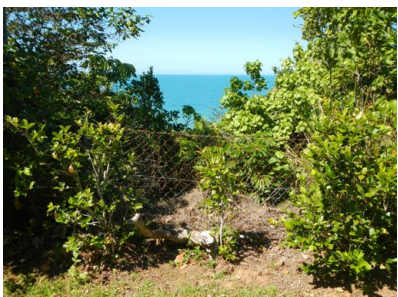








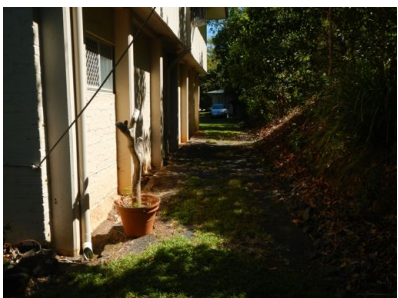
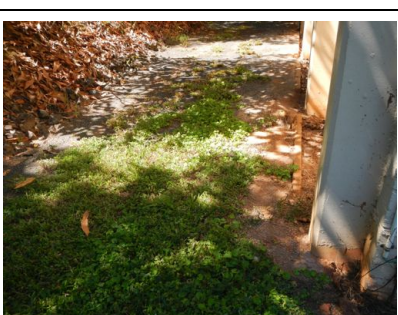
|   |   |
|---|---|
|  | <p><i>Element - Description</i><br/>Driveway reversing section with drain across lower part and curved join to driveway.<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |
|---|---|





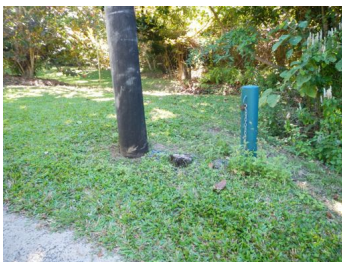
## **G House Surrounds & Pool**

|   |  |
|---|--|
|    | <p><i>Element - Description</i><br/>Concrete pit - 1350 dia.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
|  | <p><i>Element - Description</i><br/>Courtyard stone edge - part overgrown with grass<br/>- K Tode period</p> <p><i>Condition / Comments</i></p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|  | <p><i>Element - Description</i><br/>Stone edges - set in concrete flush with grass. Edges are around gardens along the east, south and west of the house.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |
|  | <p><i>Element - Description</i><br/>Gas bottles - in northeast garden next to veranda.</p> <p><i>Condition / Comments</i></p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |













|   |  |
|---|--|
|    | <p><i>Element - Description</i><br/>1. Concrete pit - 1350 dia. and 2. Concrete inspection outlet</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                         |
|    | <p><i>Element - Description</i><br/>Hose tap - SE veranda corner</p> <p><i>Condition / Comments</i></p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |
|   | <p><i>Element - Description</i><br/>Fence - along top of escarpment (E) - star picket posts and metal mesh. - QPWS period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>D</b></p> |
|  | <p><i>Element - Description</i><br/>1. Grasscrete on drive to former garage at house<br/>2. Metal grate - K Tode period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |
|  | <p><i>Element - Description</i><br/>Concrete paver on track<br/>- K Tode or QPWS periods</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                                  |

|   |   |
|---|---|
|    | <p><i>Element - Description</i><br/>Pool Fence - metal posts and mesh - powder coated - one gate. - original fence moved in QPWS period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
|    | <p><i>Element - Description</i><br/>Pool - Pebblecrete coping, - built-in steps with railing, - drain in pool base, - no longer filled. - K Tode period</p> <p><i>Condition / Comments</i><br/>Fair - maintenance required</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |
|   | <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>steps</p> <p>base</p> </div> </div>   |
|  | <p><i>Element - Description</i><br/>Passage levelled along north edge of house - blue metal surface &amp; basalt stone edge at toe of bank. - QPWS period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                      |
|  | <p><i>Element - Description</i><br/>Concrete retaining edge at base of house - QPWS period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |


| <b>H Upper Gully Garden</b>   |   |
|---|---|
|    | <p><i>Element - Description</i><br/>Track from pool down slope</p> <p><i>Condition / Comments</i></p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
| <b>I Driveway Lawns &amp; Trees</b>   |   |
|    | <p><i>Elements - Description</i><br/>1. Concrete drain inlet and 2. White post.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/>1. <b>B</b> 2. <b>C</b></p>                                     |
|  | <p><i>Element - Description</i><br/>Concrete drain outlet</p> <p><i>Condition / Comments</i><br/>Good - Pipes exposed in part.</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|  | <p><i>Element - Description</i><br/>White conduit – for former tide gauge. - QPWS period.</p> <p><i>Condition / Comments</i><br/>Good Exposed / vulnerable to damage /removal.</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |
|  | <p><i>Element - Description</i><br/>Posts for chain (2) - QPWS period.</p> <p><i>Condition / Comments</i><br/>Good Disused / chain on ground.</p> <p><i>Heritage Significance</i><br/><b>D</b></p>                                  |





|   |   |
|---|---|
|    | <p><i>Element - Description</i><br/>Former drive track section - Busst period.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>A</b></p>   |
|    | <p><i>Element - Description</i><br/>Tap in lawn - stones at base.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
|   | <p><i>Element - Description</i><br/>Driveway - concrete tracks 750 width ea with 700 wide grass middle, - tracks extend approx. 90 metres from lower drive entry to upper bend.<br/>- Busst period &amp; concrete later K Tode period.</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Element - Description</i><br/>Lower drive (solid conc.)<br/>Drain 700 wide - Drain at lower end - Culvert along road edge. - K Tode period</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|  | <p><i>Element - Description</i><br/>1. Power pole (timber with guy cable to ground)<br/>2. Power pole (metal)</p> <p><i>Condition / Comments</i><br/>Good</p> <p><i>Heritage Significance</i><br/>1. <b>C</b> 2. <b>C</b></p>   |

| <b>J Gully Garden</b>   |  |
|---|--|
|    | <p><i>Element - Description</i><br/>Windmill location -concrete base triangular form<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Fair - tree grown I centre</p> <p><i>Heritage Significance</i><br/><b>B</b></p>  |
|    | <p><i>Element - Description</i><br/>Windmill pump location Elec connection,<br/>- support on base, fixtures - K Tode period</p> <p><i>Condition / Comments</i><br/>Poor</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|   | <p><i>Element - Description</i><br/>Pond - formed pond with concrete base and rock<br/>faced concrete stabilised batters.<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Fair - Trees and palms growing in pond structure<br/>&amp; surrounds</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Element - Description</i><br/>Pond outflow area - rocks<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Fair</p> <p><i>Heritage Significance</i><br/><b>A</b></p>   |
|  | <p><i>Element - Description</i><br/>Water pipes &amp; valve<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Poor - not in use / no maintenance</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |



|   |   |
|---|---|
|  | <p><i>Element - Description</i><br/>Stone edge route / overflow runnel below pond<br/>- K Tode period</p> <p><i>Condition / Comments</i><br/>Fair - Poor</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|---|---|

## **K Memorial at Beach**

|  |   |
|--|---|
|     | <p><i>Element - Description</i><br/>Plaque - 290 x 340 x 6mm. 1550 ht. from rock foreshore. Four hex head bolts. A white adhesive layer (tapered) Rock</p> <p><i>Condition / Comments</i><br/>Plaque - Good, fixing layer - Poor efflorescence weeping below plaque.</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Name / Description</i><br/>Track behind monument</p> <p><i>Condition / Comment</i><br/>Good - Fair: Singapore daisy widespread</p> <p><i>Time Period</i><br/>Busst - Tode</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |

## Schedule B

### The Grounds Vegetation

An assessment of some of the trees, palms, & shrubs in the grounds. This is not a comprehensive list and assessment. At the one visit to Ninney Rise we were advised on some of the planted trees and shrubs, however, there was insufficient time to review the grounds vegetation with Geoff Dove who was Kate Tode's gardener, and later undertook maintenance for the QPWS, and who has considerable knowledge of the grounds and vegetation there..

#### Grounds Areas


- A North West Forest
- B West Tree Belt & Garden
- C North West Garden & Lawns
- D North Hillside Forest
- E East Escarpment
- F Car Court
- G House Surrounds & Pool
- H Upper Gully Garden
- I Driveway Lawns & Trees
- J Gully Garden
- K Memorial at Beach

**Condition / Comment:** The condition assessment is only an indicative qualitative assessment based on the author's visual views only, and not based on expert arboricultural or horticultural assessments. It is a general guide. Rating levels are: **Good**, **Fair**, and **Poor**. Refer to Chapter 7 - Condition





**Heritage Significance:** This is an assessment of the relative cultural heritage significance of the vegetation. Refer to Chapter 6 – Grading Significance



- A Areas and Elements of **considerable significance**
- B Areas and Elements of **some significance**,
- C Elements of **little (minor)** or **no significance**,
- D **Intrusive** elements

**Area A - North West Forest** - No vegetation recorded at time of assessment visit by author.



| Area B - West Tree Belt & Garden  |   |
|---|---|
|  | <i>Name / Description</i><br>Bambusa sp bamboo  |
|   | <i>Condition / Comment</i><br>Vigorous growth, overgrown, plus dead and fallen stalks |
|   | <i>Time Period</i><br>K Tode  |
|   | <i>Heritage Significance</i><br><b>B</b>  |





| Area C - North West Garden & Lawns  |  |
|---|--|
|    | <p><i>Name / Description</i><br/><i>Hibiscus rosa sinensis</i></p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Busst</p> <p><i>Heritage Significance</i><br/><b>A</b></p>           |
|   | <p><i>Name / Description</i><br/><i>Elaeocarpus sp</i></p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>                  |
|  | <p><i>Name / Description</i><br/>?</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>                                      |
|  | <p><i>Name / Description</i><br/><i>Brachychiton acerifolius</i></p> <p><i>Condition / Comment</i><br/>Fair - good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |

|   |   |
|---|---|
|  | <p><i>Name / Description</i><br/><i>Xanthostemon</i> sp</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>  |
|  | <p><i>Name / Description</i><br/>Tree belt behind shed includes<br/><i>Brachychiton</i>, <i>Xanthostemon</i>,</p> <p><i>Condition / Comment</i><br/>Good - fair</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |





**Area D - North Hillside Forest** - No vegetation recorded at time of assessment visit by author.


| Area E - East Escarpment  |   |
|---|---|
|  | <p><i>Name / Description</i><br/><i>Musa</i> sp bBananas<br/>Bananas</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Significance</i><br/><b>D</b></p>   |
|  | <p><i>Name / Description</i><br/><i>Wedelia</i> sp (Singapore daisy)</p> <p><i>Condition / Comment</i><br/>Good -spreading</p> <p><i>Time Period</i><br/>Busst -planted but original planting<br/>has spread</p> <p><i>Heritage Significance</i><br/><b>D</b></p> |





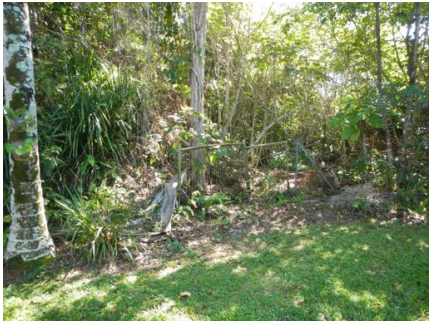
|   |  |
|---|--|
|  | <p><i>Name / Description</i><br/><i>Nephrolepis</i> sp fern -- clump</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Busst – Tode planted but original planting has spread</p> <p><i>Heritage Significance</i><br/><b>D</b></p> |
|  | <p><i>Name / Description</i><br/><i>Tecomanthe hillii</i></p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>   |

**Area F - Car Court**




|   |   |
|---|---|
|  | <p><i>Name / Description</i><br/>Cordylines and Brazilian cherry at shed gardens</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |
|  |   |
|  | <p><i>Name / Description</i><br/><i>Peltophorum pterocarpum</i></p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>Busst ?</p> <p><i>Heritage Significance</i><br/><b>A</b></p>                 |

|   |   |
|---|---|
|  | <p><i>Name / Description</i><br/><i>Callistemon sp</i></p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>? QPWS</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |
|---|---|



**Area G - House Surrounds & Pool**

|   |   |
|---|---|
|    | <p><i>Name / Description</i><br/><i>Eugenia sp</i></p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Significance</i><br/><b>D</b></p>   |
|  | <p><i>Name / Description</i><br/><i>Phaleria</i></p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |
|  | <p><i>Name / Description</i><br/><i>Archontophoenix (Alexander palm)</i><br/>(left of picture)</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Considerations</i><br/><b>C</b></p> |



|  |  |
|--|--|
|   | <p><i>Name / Description</i><br/>Alpinea sp (ginger clump)</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Tode - QPWS</p> <p><i>Heritage Significance</i><br/><b>B</b></p>                   |
|   | <p><i>Name / Description</i><br/>Palms at pool south</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>K Tode - Geoff Dove</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                 |
|  | <p><i>Name / Description</i><br/>Garden: tree and shrub edge</p> <p><i>Condition / Comment</i><br/>Fair - Good</p> <p><i>Time Period</i><br/>K Tode predominantly</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |

**Area H - Upper Gully Garden**

|   |   |
|---|---|
|  | <p><i>Name / Description</i><br/>Garden: tree and shrub edge</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p> |
|  | <p><i>Name / Description</i><br/>Garden belt west</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>            |



*Name / Description*

Garden belt at curve of drive

*Condition / Comment*





Good

*Time Period*

K Tode





*Heritage Significance*





**B**

| Area I - Driveway Lawns & Trees   |   |
|---|---|
|    | <p><i>Name / Description</i><br/>Averhoea carambola (5 corner fruit)</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>                 |
|    | <p><i>Name / Description</i><br/>Trees on drive west Peltophorum sp</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>Busst - Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>          |
|  | <p><i>Name / Description</i><br/>Trees on drive lower Peltophorum</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>Busst - Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>            |
|  | <p><i>Name / Description</i><br/>Congea tomentose (vine over trees)</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode - Geoff Dove</p> <p><i>Heritage Considerations</i><br/><b>C</b></p> |





|   |  |
|---|--|
|    | <p><i>Name / Description</i><br/><i>Bambusa sp</i> – bamboo</p> <p><i>Condition / Comment</i><br/>Fair – not unmaintained</p> <p><i>Time Period</i><br/>K Tode - Geoff Dove</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                     |
|    | <p><i>Name / Description</i><br/><i>Catalpa sp</i> (Beach almond)</p> <p><i>Condition / Comment</i><br/>Fair - Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>C</b></p>  |
|   | <p><i>Name / Description</i><br/><i>Lomandra</i> and <i>Wedelia</i> (right)</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Significance</i><br/><b>D</b></p>                                       |
|  | <p><i>Name / Description</i><br/><i>Araucaria cunninghamiana</i><br/>- Hoop pine adjacent beech almond &amp; PP</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |
|  | <p><i>Name / Description</i><br/><i>Cassia sp</i> (Indian laburnum)</p> <p><i>Condition / Comment</i><br/>Fair - good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>                                      |



|   |   |
|---|---|
|    | <p><i>Name / Description</i><br/>Swamp box - 2 No.</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>B</b></p>   |
|    | <p><i>Name / Description</i><br/>Trees east of drive tracks - possibly part of Peltophorum line</p> <p><i>Condition / Comment</i></p> <p><i>Time Period</i><br/>Busst &amp; Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|   | <p><i>Name / Description</i><br/>Trees along drive west</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>Busst</p> <p><i>Heritage Significance</i><br/><b>A</b></p>   |
|  | <p><i>Name / Description</i><br/>Peltophorum</p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>Busst</p> <p><i>Heritage Significance</i><br/><b>A</b></p>  |

| Area J - Gully Garden   |   |
|---|---|
|    | <p><i>Name / Description</i><br/><i>Mangifera indica</i></p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Busst</p> <p><i>Heritage Significance</i><br/><b>A</b></p>          |
|    | <p><i>Name / Description</i><br/>Citrus with elkhorn</p> <p><i>Condition / Comment</i><br/>Poor</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>             |
|  | <p><i>Name / Description</i><br/><i>Plumeria sp (frangipani)</i></p> <p><i>Condition / Comment</i><br/>Poor</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Name / Description</i><br/>Palm grove</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p>                      |



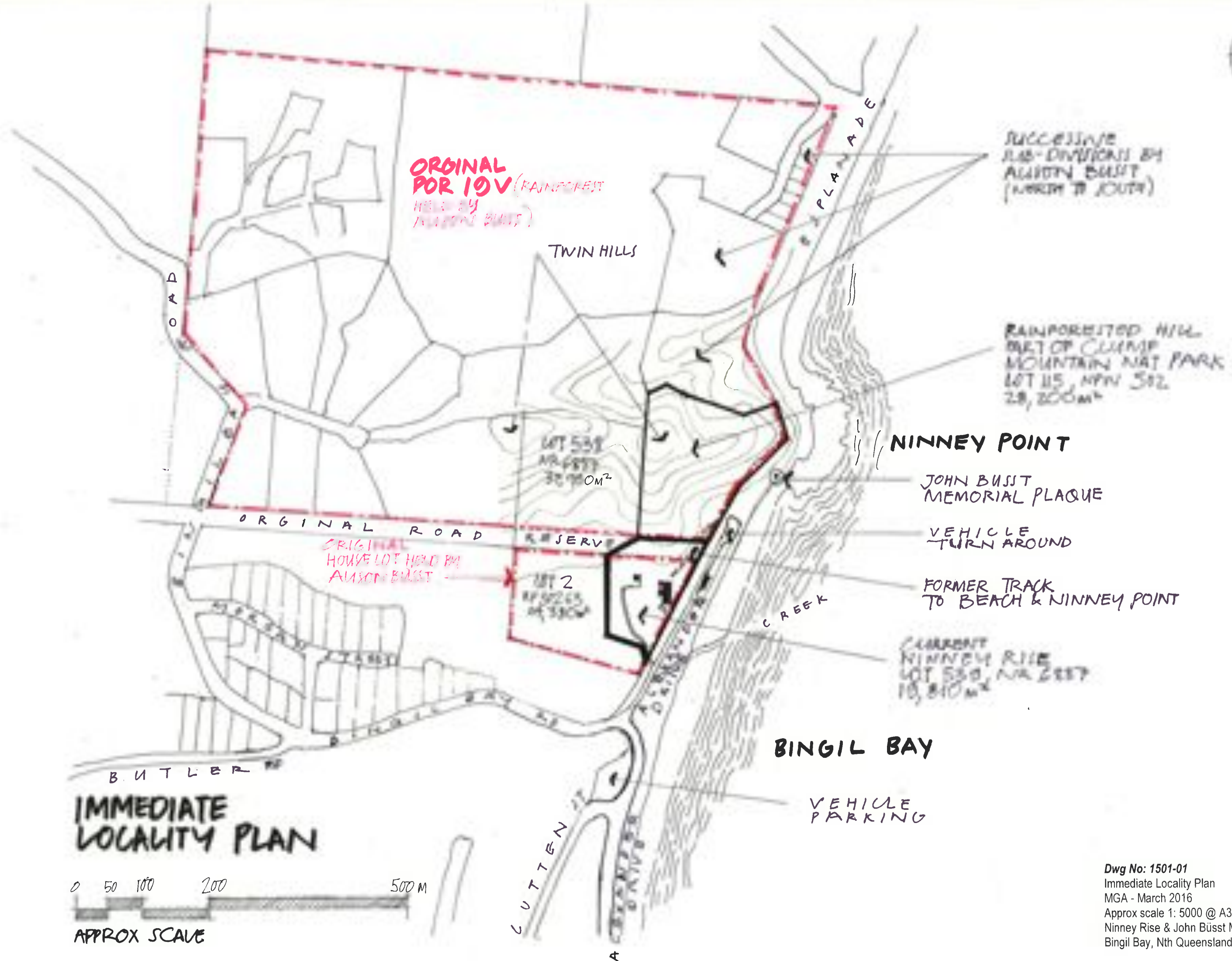
|   |   |
|---|---|
|  | <p><i>Name / Description</i><br/>palms at pond includes <i>Licuala</i></p> <p><i>Condition / Comment</i><br/>Fair</p> <p><i>Time Period</i><br/>K Tode</p> <p><i>Heritage Significance</i><br/><b>A</b></p> |
|  | <p><i>Name / Description</i><br/>Palm and Lomandra</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>QPWS</p> <p><i>Heritage Significance</i><br/><b>C</b></p>                       |

**Area K - Memorial at Beach**

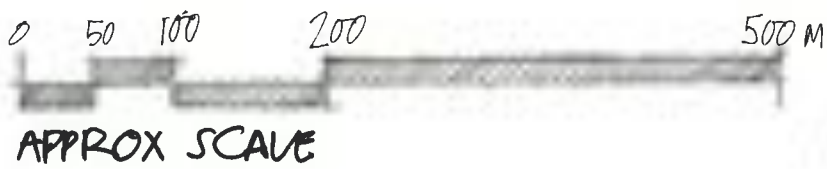
|   |  |
|---|--|
|  | <p><i>Name / Description</i><br/>Tree overhanging monument</p> <p><i>Condition / Comment</i><br/>Good</p> <p><i>Time Period</i><br/>Busst</p> <p><i>Heritage Significance</i><br/><b>C</b></p>   |
|  | <p><i>Name / Description</i><br/>Trees alongside track behind monument</p> <p><i>Condition / Comment</i><br/>Good - Fair: Singapore daisy widespread</p> <p><i>Time Period</i><br/>Busst - Tode</p> <p><i>Heritage Significance</i><br/><b>C</b></p> |

## **APPENDIX C**

### **FOLD OUT DRAWINGS: Locality; Grounds & House**

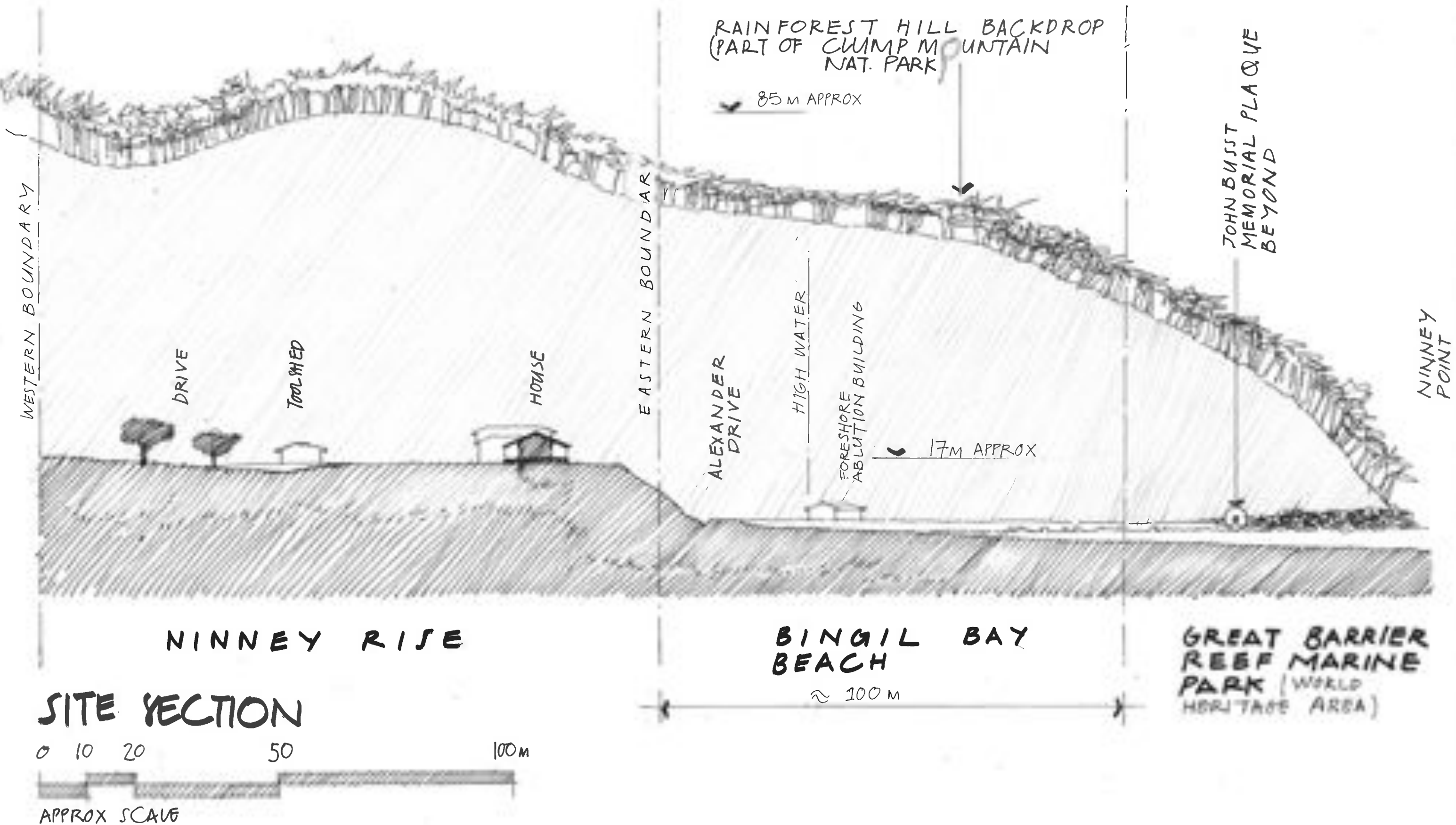


# IMMEDIATE LOCALITY PLAN



Dwg No: 1501-01  
Immediate Locality Plan  
MGA - March 2016  
Approx scale 1: 5000 @ A3  
Ninney Rise & John Büss Memorial CMP  
Bingil Bay, Nth Queensland





Dwg No: 0501-02  
 Site Section  
 MGA - March 2016 (based on site survey Aug'15)  
 Scale as shown  
 Ninney Rise & John Büsst Memorial CMP  
 Bingil Bay, Nth Queensland

| LANDSCAPE ARCHITECTURE |            |
|------------------------|------------|
| 1" = 10'               | 1" = 20'   |
| 1" = 30'               | 1" = 40'   |
| 1" = 50'               | 1" = 60'   |
| 1" = 70'               | 1" = 80'   |
| 1" = 90'               | 1" = 100'  |
| 1" = 110'              | 1" = 120'  |
| 1" = 130'              | 1" = 140'  |
| 1" = 150'              | 1" = 160'  |
| 1" = 170'              | 1" = 180'  |
| 1" = 190'              | 1" = 200'  |
| 1" = 210'              | 1" = 220'  |
| 1" = 230'              | 1" = 240'  |
| 1" = 250'              | 1" = 260'  |
| 1" = 270'              | 1" = 280'  |
| 1" = 290'              | 1" = 300'  |
| 1" = 310'              | 1" = 320'  |
| 1" = 330'              | 1" = 340'  |
| 1" = 350'              | 1" = 360'  |
| 1" = 370'              | 1" = 380'  |
| 1" = 390'              | 1" = 400'  |
| 1" = 410'              | 1" = 420'  |
| 1" = 430'              | 1" = 440'  |
| 1" = 450'              | 1" = 460'  |
| 1" = 470'              | 1" = 480'  |
| 1" = 490'              | 1" = 500'  |
| 1" = 510'              | 1" = 520'  |
| 1" = 530'              | 1" = 540'  |
| 1" = 550'              | 1" = 560'  |
| 1" = 570'              | 1" = 580'  |
| 1" = 590'              | 1" = 600'  |
| 1" = 610'              | 1" = 620'  |
| 1" = 630'              | 1" = 640'  |
| 1" = 650'              | 1" = 660'  |
| 1" = 670'              | 1" = 680'  |
| 1" = 690'              | 1" = 700'  |
| 1" = 710'              | 1" = 720'  |
| 1" = 730'              | 1" = 740'  |
| 1" = 750'              | 1" = 760'  |
| 1" = 770'              | 1" = 780'  |
| 1" = 790'              | 1" = 800'  |
| 1" = 810'              | 1" = 820'  |
| 1" = 830'              | 1" = 840'  |
| 1" = 850'              | 1" = 860'  |
| 1" = 870'              | 1" = 880'  |
| 1" = 890'              | 1" = 900'  |
| 1" = 910'              | 1" = 920'  |
| 1" = 930'              | 1" = 940'  |
| 1" = 950'              | 1" = 960'  |
| 1" = 970'              | 1" = 980'  |
| 1" = 990'              | 1" = 1000' |

Design by: **BRITCO**  
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 Seattle, WA 98101  
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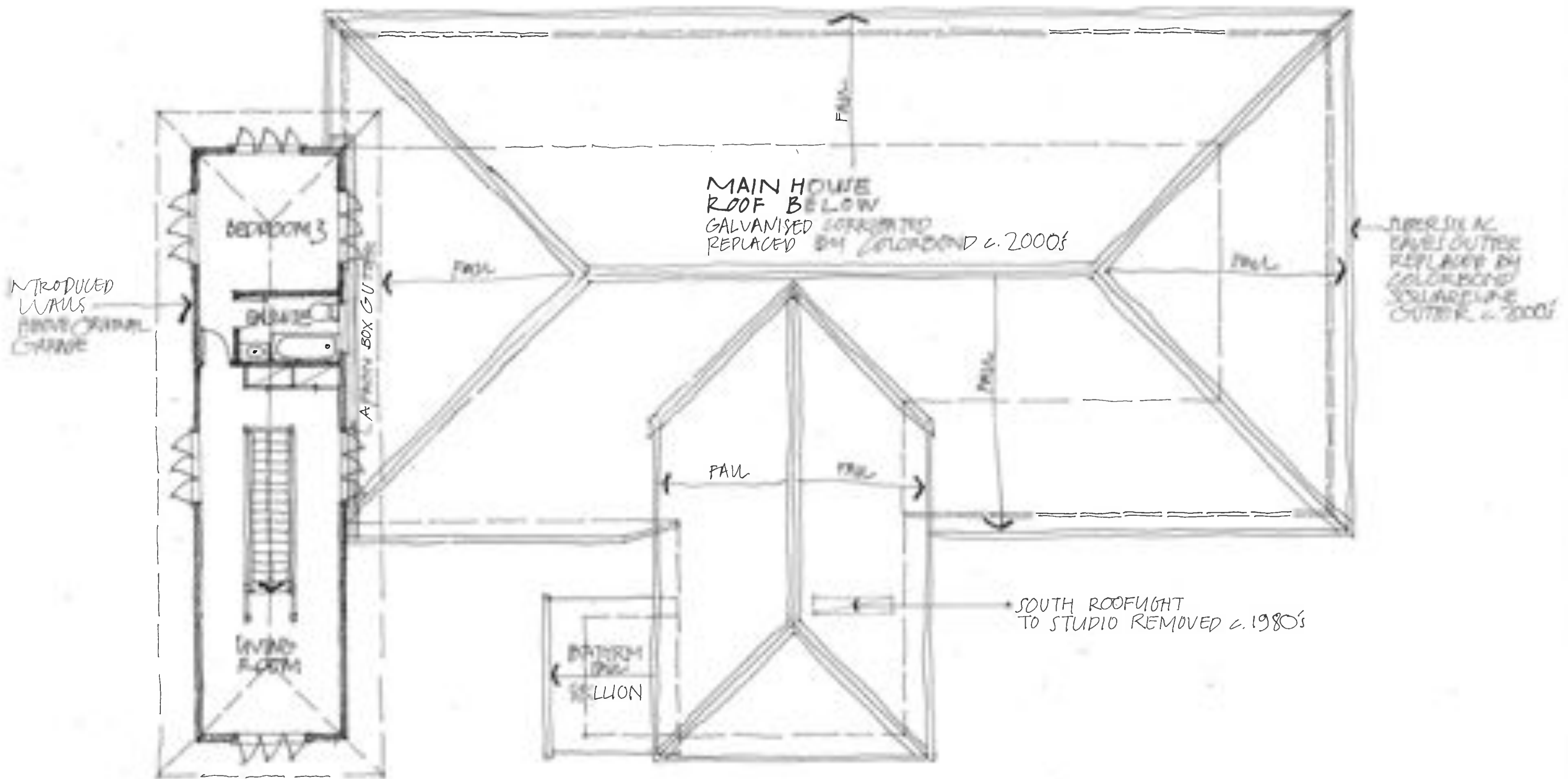


GENERATOR ROOM  
 STORE / SHED









BEDROOM/  
LIVING  
EXTENSION  
ADDED BY  
KATE TODD  
c. 1981

BATHROOM  
EXTENSION  
ADDED BY  
KATE TODD  
c. 1980

SECOND/UPPER FLOOR & ROOF PLAN  
1:50 @ A3



Dwg No: 0501-05  
Second/Upper Floor & Roof Plan of House  
MGA - March 2016 (based on site survey Aug'15)  
Approx scale 1: 100 @ A3  
Ninney Rise & John Büsser Memorial CMP  
Bingil Bay, Nth Queensland



