



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL  
AND EXTERNAL TERRITORIES

**Reference: Immigration Bridge Australia proposal**

WEDNESDAY, 1 APRIL 2009

CANBERRA

BY AUTHORITY OF THE PARLIAMENT



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**JOINT STANDING**  
**COMMITTEE ON NATIONAL CAPITAL AND EXTERNAL TERRITORIES**

**Wednesday, 1 April 2009**

**Members:** Senator Lundy (*Chair*), Mr Secker (*Deputy Chair*), Senators Crossin, Ferguson, Humphries and Joyce and Mr Adams, Ms Burke, Ms Annette Ellis, Mr Neville and Mr Turnour

**Members in attendance:** Senator Gary Humphries, Senator Kate Lundy, Ms Annette Eillis

**Terms of reference for the inquiry:**

To inquire into and report on:

1. The process adopted by Immigration Bridge Australia (IBA) to settle the design for the Immigration Bridge (the Bridge) taking into account:
  - a. the heritage values of Lake Burley Griffin and its foreshore, and
  - b. the interests of users of the Lake.
2. The process that has been adopted by IBA to raise funds for the construction and ongoing maintenance of the Bridge.
3. The approval process required under the *Australian Capital Territory (Planning and Land Management) Act 1988* if an application for approval of the Bridge were received by the National Capital Authority.

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**Committee met at 9.20 am**

**CHAIR (Senator Lundy)**—I declare open this public hearing of the Joint Standing Committee on the National Capital and External Territories. The committee is inquiring into the Immigration Bridge Australia proposal. The inquiry was referred on 26 February 2009 by the Minister for Home Affairs, Mr Bob Debus MP, who has asked the committee to report by the end of May. Today we will again hear from representatives from Immigration Bridge Australia and the National Capital Authority. The committee is also scheduled to hear from Friends of the Albert Hall Inc. and Dr David Headon. The evidence given today will be recorded in *Hansard* and attracts parliamentary privilege. Before introducing the witnesses, I refer members of the media who may be present or observing this hearing to the need to fairly and accurately report proceedings of the committee.

[9.21 am]

**RAKE, Mr Gary, Acting Chief Executive, National Capital Authority**

**SMITH, Mr Andrew, Managing Director, Planning, Urban Design and Projects, National Capital Authority**

**WALES, Mr Phil, Managing Director, Corporate Services, National Capital Authority**

**CHAIR**—Welcome. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. We have received a written submission to this inquiry from you, we have heard from you already and we know you have had the opportunity to hear other evidence. Do you have any additional submissions or do you wish to make another opening statement?

**Mr Rake**—I would like to make a short opening statement. I would like to provide further information on three topics that were relevant in Monday's hearings. The first one relates to the draft heritage management plan for Lake Burley Griffin and adjacent lands. In our submission we provided some text from the unapproved draft heritage management plan. That draft plan was due to be considered by the authority at its meeting this Friday. We provided an extract from it because we thought it would be of use to the inquiry. Given the interest expressed by a number of other witnesses on Monday, yesterday the chairman and I convened a special meeting of the authority members to agree to release the full document late yesterday afternoon so that interested parties, including the committee, could read the full document. We had previously indicated that that document would be available in mid-April and would be on public consultation for a period of six weeks. Given that we are releasing it a couple of weeks early, we propose to extend the consultation period to eight weeks so that the closing date is effectively the same as other parties would have expected it to be.

The second item that I would like to talk about is the relationship to Walter Burley Griffin's early plans. Mr Odgers gave some evidence on Monday that indicated that the 1918 plan showed a bridge or causeway location that was to the south and to the west of the proposed location for the Immigration Bridge. We certainly agree that that is the correct interpretation of those plans. In looking at how those plans have been interpreted and applied in both the Griffin Legacy and amendment 61 to the National Capital Plan, the Griffin Legacy research project went through and looked at those elements of Griffin's work that were realised already and those that were not realised. Among those for this area, it noted the bridge crossing at West Basin and Westlake were not yet realised and that continuous boulevards and promenades around the central basins had not yet been realised. In identifying 21st century opportunities, it noted the opportunity for, in place of the bridge originally envisaged for Westlake or West Basin, a pedestrian bridge connecting Acton Peninsula to the Parliamentary Zone and how that would enable a continuous pedestrian promenade around that basin.

Within amendment 61 we were asked whether we had conducted any research on pedestrian use or the likely use of that area. The only formal research undertaken in the preparation of

amendment 61 were economic, engineering and motorised transport studies. DA 61, however, does refer to realisation of those two items: the pedestrian link and the continuous promenades from the Griffin Legacy within the amendment proposal. Given that a lot of the interest has been local in this proposal and looking at the number of people who use the existing Central Basin loop at lunchtime, I find it a bit difficult to believe that a similar and shorter loop would not be equally used.

**CHAIR**—Thank you very much for following up that. My first follow-up question was about the pedestrian studies. We are in a position to confirm that no formal studies about pedestrian use of a proposed footbridge have been conducted?

**Mr Rake**—That is correct.

**CHAIR**—I certainly appreciate the effort of the NCA to make the draft report of the heritage assessment plan available during the public hearings. I know several parties made reference to it and indeed expressed frustration that they had not been able to see it up to this point. I am sure the process of reviewing that by those parties will begin. Now that that draft report on the Lake Burley Griffin heritage assessment is available, after it is available for public comment for a period of eight weeks, as you described, what happens then?

**Mr Rake**—The consultants who prepared the draft heritage management plan will review the comments that are received during that consultation. Where they are relevant and appropriate they will amend action items within the plan. The general areas where we receive feedback are first and foremost whether the policies spelt out in the plan are appropriate for the heritage values of each area and then whether the action items that are drafted are appropriate for realising those policies and protecting the heritage. We have been through a similar process very recently for the draft parliamentary vista heritage management plan. Consultation has closed on that. We have certainly made modifications to the heritage plan on that basis and again the authority will be considering that one later this week.

**CHAIR**—When did the parliamentary vista heritage plan close for comment?

**Mr Smith**—It closed for comment I think at the end of February. I will take that formally on notice and provide the committee with an actual date.

**CHAIR**—Thank you for that. Just coming back to this plan, once comments are received I presume that any possible modifications or potential modifications are made to the heritage management plan?

**Mr Rake**—Modifications would be made. The report would be resubmitted to the authority for release as our proposed heritage management plan and it would be submitted to the Department of the Environment, Water, Heritage and the Arts. If appropriate for the heritage status, it would be referred to the Minister for the Environment, Water, Heritage and the Arts, not our minister, for approval.

**CHAIR**—So essentially this document is being prepared under the auspices of the EPBC Act and the heritage protection requirements for this lake.

**Mr Rake**—Correct. Whilst the lake and adjoining lands are only nominated at the moment and have not been listed per se, our assessment indicates that seven out of nine potential heritage values are met in various parts of the area we are focusing on.

**CHAIR**—So in essence the draft report supports greater heritage protection than is currently the case?

**Mr Rake**—I am not sure that it is greater protection than is currently the case, but it certainly formalises the rigour that we would otherwise apply.

**Mr Smith**—Information collected during the heritage assessment indicates, as Mr Rake said, that seven of the nine listed values for a place to have Commonwealth heritage status are met by Lake Burley Griffin. It is ultimately the decision for the minister for the environment, but research undertaken by the authority suggests that Commonwealth heritage listing is warranted.

**CHAIR**—Just to step back a little into history, what prompted the preparation of this draft report?

**Mr Smith**—All Commonwealth agencies who have assets are required under the EPBC Act to assess possible heritage values of places for which they are responsible. So it was the EPBC Act that was the trigger for this assessment, as was the Parliament House vista and a number of other heritage assessments that have been undertaken by the authority.

**CHAIR**—What was the time frame for that requirement? When was that instituted, and how does that relate to your work program for conducting these draft heritage assessments?

**Mr Smith**—The commencement of this project was some three years ago. It started with the draft heritage assessment and the draft heritage management plan, both of which have been released. Those documents have been reviewed periodically by the Department of the Environment, Water, Heritage and the Arts and have guided our work in that regard. Ultimately it will depend a little bit on how many comments we get and the extent of change. If the comments are generally supportive, we would anticipate that the document would be reviewed by our authority in the third quarter of this year and then referred on to DEWHA for their comment and consideration.

**Mr Rake**—In a general context, the obligation to prepare these plans began with the implementation of that act, but there is no fixed time limit for us to conduct the work, and as a large asset manager we have an ongoing works program to undertake these investments. Certainly the comments made on Monday that we have been working on this for a long time are true, and we have had this draft report on hand for a while now, but we have also had a number of other key items on our plate, and we are moving through them as quickly as we can.

**Mr Smith**—It was a deliberate decision of the authority not to have two heritage management plans out at one time given the size of the documents and commonality of interests. We felt that it was appropriate for people to see one at a time.

**CHAIR**—So you did the parliamentary vista one first followed by this one—that was the idea?

**Mr Smith**—That is right. As we have indicated, it was this Friday that the board was to see the final vista one and agree to the release of the Lake Burley Griffin one.

**Mr Rake**—Ultimately we are hoping that the feedback we receive on each of these informs the preparation of future plans so that the work of our stakeholders, when they come to review these, will hopefully get a bit lighter as time progresses because we will start to second-guess some of the views—we will already have assessed them and, where they have merit, we will bring them in of our own volition.

**CHAIR**—Going back a little, draft amendment 61 foreshadows a possible footbridge in the area we are discussing. Could you tell the committee how the timing of the consideration and preparation of draft amendment 61 coincides with the preparation of the draft heritage management plan for Lake Burley Griffin.

**Mr Rake**—There would not have been a great overlap. For draft amendment 61 the work was completed by early to mid 2006. It came into force in late 2006. We have been working on this heritage management plan for close to three years now. So at very best there was an overlap in the end of amendment 61 and the beginning of this work. Certainly all of the research undertaken as part of the Griffin legacy and for the preparation of the related amendments was provided to the consultants, as was any other relevant record that we had.

**CHAIR**—I guess what I am trying to ascertain is whether any of the work for the required heritage assessment process under the EPBC Act had been done prior to the preparation of draft amendment 61 that foreshadows the footbridge. Based on what you have described, it does not sound to me like that had occurred. In fact, it was the other way around.

**Mr Rake**—I think it was the other way around. Indeed, the draft heritage management plan does refer to the proposed footbridge, as it was put into the National Capital Plan through amendment 61, and place some fairly strong action items on the potential development of that bridge.

**CHAIR**—The draft heritage plan?

**Mr Rake**—Yes.

**CHAIR**—What does it say about the bridge?

**Mr Rake**—The essential references are on page 43 of volume 1. I will read the full action items into *Hansard*. The first one, addressing the policy, is:

Conserve and manage the integrity of the formal design elements of the West Basin deriving from the Griffin plan as well as the later design and construction of the lake and its surrounds.

To address that policy there are two relevant action items. The first one is:

The design process for the proposed pedestrian bridge should be rigorously managed to ensure that it is sympathetic to the existing heritage values of the place. It should not obscure significant views or have a negative impact on the design

qualities of Commonwealth Bridge and the surrounding foreshore areas. Guidelines for its materials, colour, scale, bulk and massing should be developed to ensure that it is sympathetic to the existing heritage values of the place.

The second item is:

The proposed pedestrian bridge should not have an adverse impact on the use of West Basin and Westlake for sailing and other recreational, non-motorised water based activities.

Those items are allocated a high priority, and the timing is for immediate implementation once the heritage management plan takes full force.

**CHAIR**—So when is the heritage plan scheduled to take full force? We have eight weeks of public comment and further consideration. You mentioned the third quarter of this year. Is that when it will take effect?

**Mr Smith**—Once the authority signs off on it, it will take effect as a management tool for our organisation. We will be referring it to DEWHA and they may have some comments or amendments but, at the moment, it is a draft document. Once the authority signs off on it as a management tool it becomes effective.

**Mr Rake**—If the timing worked similarly to that for the vista management plan, our consultation here would close towards the end of May. It has taken us not quite two months to review it internally and resubmit it to the authority for formal adoption as a working tool for us. So we could be looking at July or August.

**CHAIR**—So, based on the evidence we have heard to date about the indicative time frames for public consultation and consideration of the Immigration Bridge proposal, it is reasonable to assume that that proposal will be considered once this heritage management plan is in place formally and, therefore, is an active consideration in the approving or not approving or assessing or whatever of the other bridge.

**Mr Smith**—This is without seeing what is going to happen in the next three months, but, yes, I think that is reasonable to assume. In fact, realistically, now that this is out in the public domain, I think we would be obliged to address each of those items in any kind of formal assessment of a bridge proposal.

**CHAIR**—I am very conscious that this is hypothetical, because this is a draft document and it may be subject to change, but, if it were to be adopted in this current form, given the two elements relating to heritage and lake user values, what is the NCA's view about their ongoing in-principle support for this bridge if the lake users' requirements and the heritage values prove irreconcilable? Would you still give in-principle support to the project in that context?

**Mr Rake**—At the moment, our in-principle support remains unchanged, and that relates to the fact that it was a formal decision of the authority and the authority has not considered the matter again since then. But these heritage management plans are there to help guide and act as a framework for potential development, and I do not think the authority would have good reason to withdraw support for the proposal. We have a heritage management plan. It is now for the proponents to innovate and to try and find a solution that addresses both of these concerns.

Certainly, this lays out a new set of criteria that they will have to consider and meet, but we would not want to stifle that innovation at the moment.

**CHAIR**—I might be oversimplifying it but it seems to me that the needs of the lake users make the bridge much, much higher and achieving the goals of being useful access and egress for cyclists make the bridge much wider, and yet the heritage imperatives are for a lower, unobtrusive, less impact style of footbridge. My interpretation of where it is at to date is that those things will be difficult to reconcile.

**Mr Rake**—I think it is fair to agree that this now makes for a very challenging design brief. I do not think we should declare them unreconcilable but, yes, there is definitely a challenge to be met there.

**CHAIR**—Thank you again for bringing forward the release of this document to allow us to ask at least some questions about the role and place of the draft heritage management plan for Lake Burley Griffin in the context of our inquiry.

**Mr Rake**—The only thing I might add in relation to the release, given that it was a topic particularly relevant to the submissions of the Walter Burley Griffin Society, is that I have tried to contact them by telephone to let them know that we have released it in case they wanted to put in a supplementary submission, but I have not been able to make contact.

**CHAIR**—We are very conscious of our reporting date but I think it is fair to say, on behalf of committee members, that if witnesses or submitters felt compelled to further write to the committee in the context of this draft heritage management plan they would of course be free to do so and we would treat that as correspondence.

I have another practical question. There was some discussion about the height or clearance of bridges needed by lake users. I think the rowers came back with a very humble 1.5 metres; the sailors, 12 metres. What is the actual clearance for the police boats? Is there a regulation which says that bridges must be of a specific height to allow access and egress by emergency vessels such as police boats and rescue boats?

**Mr Rake**—I am sorry, I do not have an answer to that on hand, but the Water Police are a member of the Lake Users Group. The design brief indicated 12 metres and I think it took the highest of the possible needs of any user.

**CHAIR**—So it is covered off in that context.

**Mr Rake**—It will be fine. The Water Police currently get under the six-metre bridges so they should be fine with 12, but I think 1.5 would be too low for them.

**CHAIR**—Yes. We had quite an interesting discussion about that. Senator Humphries has some questions.

**Senator HUMPHRIES**—I am sorry I was not available for the evidence on Monday—I had to be interstate for another committee—so if I cover ground that has already been covered you

can draw my attention to that. You attach a media release from the then planning minister, Simon Corbell, to your submission. What is the date of that release?

**Mr Rake**—I am sorry, I do not have that date.

**Senator HUMPHRIES**—Can you take that on notice and let us know.

**Mr Rake**—Certainly.

**Senator HUMPHRIES**—I assume that it is actually a draft because, presumably, it would not have been put out without a date on it, but that it is the same text as the one that was ultimately released. Would it have been in 2006? Actually, no, I assume it would have been some time in 2008.

**Mr Rake**—I will take that on notice, Senator. I was looking through the email from Neil Savery that we also included to see whether it gave us a clue, but it does not, I am sorry.

**Senator HUMPHRIES**—Okay. I understand the idea is that when the bridge is constructed it will be handed over to the Australian government as a gift.

**Mr Rake**—Correct.

**Senator HUMPHRIES**—What is involved legally in making such a transfer? Would it need to be gifted by some kind of legal instrument? And is there a need for the Australian government to set conditions for the receipt of such a gift—for example, conditions relating to the cost of maintenance of the asset once it was transferred? How does that work?

**Mr Rake**—We did cover that on Monday but I will go over it again very briefly. The land at either end of the bridge would first need to be national land, and that relates to the ACT's commitment to hand over the Lennox Gardens end to the Commonwealth. We would then enter a deed, a licence or some other form of legal agreement to allow the proponents to undertake work on national land, and that agreement would need to cover those matters that protected the Commonwealth's risk—terms, work standards, work hours, site management and insurances. There would be some sort of financial guarantee that we were not going to be left with a half-built project. The Commonwealth would separately have to have considered and made a decision on whether it was willing to accept a gift. There would need to be a proposed gifting first, and there may be some conditions from the party making the gift. If the Commonwealth agreed to accept it, there would need to be an agreement on the handover, the standards, the documentation and the ongoing cost of maintenance. They would all be dealt with there. In the case of other commemorative works in the national capital where they have been gifted to the Commonwealth in the past, the Commonwealth typically assumes the maintenance responsibility if it agrees to accept the gift.

**Senator HUMPHRIES**—Those are worked out before any work begins on such a facility?

**Mr Rake**—Absolutely. Part of the works approval process would be examining whether the permission of the landowner had been granted. That would be the deed or licence agreement to

commence the works, and a precursor to that would be some understanding of the ownership of the asset at the end.

**Senator HUMPHRIES**—Can I clarify what has already been touched on by Senator Lundy: the question of the standard of impact on other stakeholders in the scenario of this proceeding, particularly, in this case, of recreational water activities. In your submission you say:

The proposed pedestrian bridge should not have an adverse impact on the use of West Basin and Westlake for sailing and other recreational ... activities.

Inevitably, the building of pylons—I assume pylons would have to be built under the bridge—will affect the way in which people, sailboats and otherwise use the area. It would have to have some impact, and probably some adverse impact, in that you would have to modify sailing courses and so forth and winds would be affected and so on. Is the test that there has to be no adverse impact of any kind or that the adverse impact must be slight and not significant?

**Mr Rake**—All heritage assessments have a fairly subjective element to them and, yes, it would be a subjective, rather than a no-strict-liability type, interpretation. But, yes, the aim would be for minimal impact. The obligation would be on the proponent at the time of the works approval application to demonstrate that they had an appropriately qualified professional person look at the heritage aspects for them and demonstrate how their proposal is consistent with the heritage values of the area, including, if this document has effect by then, the action items under the heritage management plan.

**Senator HUMPHRIES**—You may have covered this as well, but will there be a requirement for parking to be made available at the southern end of the bridge?

**Mr Rake**—That is not a matter that we have considered to date—and it is primarily a pedestrian bridge. There is parking at Lennox Gardens already and there is parking at the northern end of the National Museum. Thinking about it in these last five seconds, I think that parking is similar to the small, staggered parking arrangements that exist around Central Basin at the moment for people who are walking that circuit.

**Senator HUMPHRIES**—So, although there is no development application as yet, you do not envisage that it is likely that the designers would need to design in parking as part of the process of getting this approved?

**Mr Rake**—We would have to consider that as part of the works approval but, to date, we have not considered it nor are we aware of that being part of the proposal.

**Senator HUMPHRIES**—You would be aware of the criticisms made in the submission by Friends of the Albert Hall, and I just want to go through some of those for your response. They say in point 3 of their submission:

As Amendment 61 covers the northern lake shore, it appears from the testimony—

this is testimony in relation to DA53—

the NCA expected the passing of DA53 to cover IBA-related development in the southern onshore area.

But they make the point that there was no provision for what would happen at the end of the bridge on the southern shore of the lake. What is your response to that comment?

**Mr Rake**—In our evidence on Monday and in our submission we identified that there are a number of other heritage areas in the vicinity of each end of this development, and we identified Albert Hall as one of those. We would need to take account of heritage impacts there in assessing the works approval for this.

**Senator HUMPHRIES**—That is not the criticism that they are making. They are talking about the fact that DA61 deals with the need for work at the northern end of the bridge but not at the southern end of the bridge. Wouldn't it be strange to have a development application for a bridge that looked at the development requirements for one end of the bridge and not the other? It has to have two ends.

**Mr Rake**—I am not clear on the relevance of DA53 here. DA61 already makes provision for a pedestrian bridge and deals with both ends of the bridge.

**CHAIR**—The point made about DA53 was that it advocated the placing of traffic lights and the extension of King Edward Terrace along the same axis as proposed for the bridge. The point Friends of the Albert Hall make is that that starts to diminish the aesthetic associated with a pedestrian bridge, given that extension of King Edward Terrace through lights and the realignment of the roads are not going to happen.

**Mr Rake**—Certainly it alters the nature of the possible final outcomes. But to our mind they are still two separate items, were proposed as two separate amendments and could therefore be separable or concurrent.

**Senator HUMPHRIES**—But the Friends seem to be saying that DA61 provided for the necessary conceptual approvals for the bridge at the northern end but not at the southern end. Is that your understanding of what DA61 does?

**Mr Smith**—DA61 indicates that the pedestrian bridge will extend across the lake and land in the area on the lake side of the Albert Hall. DA61 does not provide the detailed design treatment about how the proposed pedestrian bridge will land. That would be considered as part of the works approval process. As part of that, as Mr Rake said, any impact on adjacent heritage areas would also be considered. If we step back a bit, what we are saying is that the physical and heritage context of the southern side of the lake would also be considered as part of any assessment undertaken by the authority, which would, I think, address the concerns of Friends of the Albert Hall.

**Senator HUMPHRIES**—So you reject what they say in their submission, which is:

... there has not yet been an open and transparent consultation process by the NCA about southern onshore elements of this significant planning proposal including onshore land and facilities for the Bridge ...

**Mr Rake**—I hark back to our earlier statements that we do not yet have a detailed proposal for the bridge. We have given a commitment to undertake a full public consultation process for any works approval application. That would include detailed design elements of the southern end of the bridge at that time. As for the elements of design that were included in draft amendment 53, that document is still exactly that—a draft. It does not have effect under the National Capital Plan.

**Senator HUMPHRIES**—They refer to the alienation of 2,000 square metres for the bridge at the southern end. They say:

... the NCA has not made information public about specific onshore Bridge requirements .. or about land to be ceded by the ACT government for this purpose.

Is that a fair criticism?

**Mr Smith**—We do not have that information. What we have provided the committee in our evidence is our understanding of the ACT government's commitment. To my knowledge, and I believe to Mr Rake's knowledge, there has been no detailed discussions with the ACT government about which 2000 square metres will be provided to the Commonwealth should this project proceed.

**Senator HUMPHRIES**—It is not within your knowledge as to how that would work; it is a matter for the ACT government?

**Mr Rake**—Even prior to it being for the ACT government, it would actually be for the proponents, we would need to understand the nature of the design—for example, a long run-off ramp versus a spiral ramp would have two vastly different footprints on the land.

**Senator HUMPHRIES**—Just to make this point absolutely clear, they say:

... it would appear to us that there has been a deliberate policy by the NCA to conceal from the Canberra community discussions and agreements reached over the alienation of a significant area of land in the DA53 Precinct.

Is that a fair criticism or not?

**Mr Rake**—If that is a perception that is currently held, we are certainly doing everything we can to breakdown that perception at the moment. Within our submission in the attachments, we have provided every relevant document that we can find, including some file records and email exchanges with the ACT government.

**Senator HUMPHRIES**—Their point is that it is not about communications with the ACT government; it is with the ACT community. Was there a responsibility on you to be more forthcoming about these things? That is the question that they are posing.

**Mr Rake**—I do not think so. We have previously said that the authority's support is in principle and we have set out the basis for that. We still do not have any detailed design documents, so we do not have any information to take out to the community. Anything that we

took out at the moment would be our speculation and would potentially be inconsistent with the work of the proponents, and we may worsen the community's perception of the project.

**Senator HUMPHRIES**—So you deny the allegation?

**Mr Rake**—I deny the allegation, but it is not through any intent to withhold information; it is that we do not have any information to provide.

**Senator HUMPHRIES**—Thank you.

**CHAIR**—In terms of the necessary transfer of territory land to the Commonwealth for the north side of the bridge, what is your understanding of the actual process that needs to occur to facilitate that and at what point, as part of a consideration of a formal development application, would that need to be resolved?

**Mr Rake**—I assume you mean for the southern side?

**CHAIR**—Yes.

**Mr Rake**—It is dealt with under the PALM Act and it is a gazettal process similar to that which occurs for any other transfer of land from the territory to the Commonwealth. A legal instrument would be prepared by the authority and submitted to the Minister for Home Affairs. The National Land Ordinance is also relevant there. Generally for these the territory would be entitled to compensation for the value of the land. I understand on this proposal, they have indicated that they would not seek more than peppercorn compensation. I have some recent and current examples of similar processes. The Commonwealth recently acquired land from the territory for use as a future diplomatic site and, on that one, compensation was paid at a market rate, and the land was ultimately licensed to a diplomatic mission at a market rate. We are currently working on a gazettal which will change Commonwealth and territory land boundaries related to the Kingston foreshore and that one is under a longstanding agreement between the Commonwealth and the territory.

**CHAIR**—Would you envisage that such a transfer would occur after, hypothetically speaking, the successful consideration of the development application for a bridge? Would you wait until that had been finalised before any of this land transfer occurred?

**Mr Rake**—They would have to be very closely related. On the one hand, it would be preemptive to do the gazettal and change the land boundaries prior to a works approval, but, on the other hand, it is a critical element of the works approval that the consent of the landowner be granted. I think we would aim to have all of the third parties having exchanged correspondence and agreed as to the correct way forward, so a commitment between the Commonwealth and the territory about how they would manage land if the proposal were approved would be sufficient for us to undertake works approval.

**CHAIR**—You would aim to do it concurrently, effectively?

**Mr Rake**—I think, if we were able to reach an agreement between the jurisdictions, works approval assessment could proceed, but work could not start until the gazettal and any subsequent licence agreements had occurred.

**CHAIR**—Just a final question. The Katie Bender memorial is located on the south side, in proximity to where the bridge is supposed to arrive. What, if anything, does the NCA have to do with the protection and integrity of that memorial?

**Mr Rake**—The memorial is not particularly identified within the heritage management plan, but, as we would with any site that required sympathetic attention, we would look for appropriate treatment of that in the works approval. And, in our experience in dealing with proponents, they generally do not try and steamroll over such important matters.

**CHAIR**—But because it is designated land is the protection and integrity of that memorial your responsibility?

**Mr Rake**—No. It is a land management issue. We have planning control—so, to the extent that it is relevant in the planning process or the works approval. But, for example, in agreeing a curtilage for a land transfer from the territory, I think the territory would also have strong views if the proposed transfer were going to impact in any improper manner on that memorial.

**CHAIR**—Yes, I would expect so as well. Are there any final comments you would like to make?

**Mr Rake**—No, thank you.

**CHAIR**—Thank you very much for your time this morning. I am pretty sure we have not given you more homework, but, if we have, we do need it by Wednesday of next week. You will be sent a copy of the transcript of your evidence today so you can make any corrections to that; just please do it quickly. Thank you very much.

[10.03 am]

**COLTHEART, Dr Lenore Marcella, Vice-President, Friends of the Albert Hall Inc.**

**JOHNSTONE, Ms Diane Katrina, Secretary, Friends of the Albert Hall Inc.**

**CHAIR**—I would now like to welcome representatives of Friends of the Albert Hall Inc. to today's hearing. Although the committee does not require you to give evidence under oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. We have received your written submission to this inquiry. Do you wish to present any additional submissions or make an opening statement?

**Dr Coltheart**—Yes, we have a short opening statement.

**CHAIR**—Thank you.

**Dr Coltheart**—We thank you for the opportunity to appear before you. Friends of the Albert Hall represents the interests of the 3,364 people who signed a community petition in 2007 calling for the immediate withdrawal of controversial draft amendment 53 to the National Capital Plan, affecting the Albert Hall area.

DA53 defines the area west of Commonwealth Avenue to Lennox Gardens and north from the croquet club to the lakeside at the Commonwealth Avenue Bridge as the Albert Hall precinct. DA53 remains the NCA's planning document for this area, and its boundaries apparently include 2,000 square metres the ACT government agreed to make available to the Commonwealth for the base of the bridge on the lake's southern shore. Although no actual location of the southern base for the proposed bridge has been determined, the Immigration Bridge Australia proposal was, and remains, part of the NCA's plans for its DA53 precinct.

Just on the matter of definitions, we want to point out that we refer to the area covered by DA53 as the DA53 precinct, with a small 'p'. The reason for this is that the Albert Hall Conservation Management Plan 2007 defines an Albert Hall Heritage Precinct and we use this term specifically to refer to the precinct as listed on the ACT Heritage Register and covered by the ACT Heritage Act 2004.

Our concerns are primarily about the heritage impact of the proposal. The Friends do not have a formed view on an immigration memorial in Canberra, nor on whether this could be a bridge. However, we have serious concerns about the impact of the proposed bridge, as identified in DA53, on both the public amenity and the heritage values of the DA53 precinct, particularly the heritage values identified within the Albert Hall Heritage Precinct. The allocation of 2,000 square metres of lakeside land for the onshore access and facilities area for the bridge would lead to the loss of a well-used public amenity. We are concerned about the impact of parking and other facilities for cars and tourist buses on the amenity and the heritage values of the DA53 precinct. The bulk and intrusion of bridge pylons high enough to give the bridge clearance and safety for vessels would compromise the lake and landscape vistas identified as significant

elements of the Albert Hall Heritage Precinct. We ask the joint committee to consider these amenity and heritage impacts on the Albert Hall Heritage Precinct when making a recommendation about the Immigration Bridge Australia proposal.

We also have concerns about the National Capital Authority process, renewing the concerns that we have expressed to the committee before. The actions of the National Capital Authority in relation to the Immigration Bridge proposal appear to us less than transparent. It appears from evidence given on 6 May 2008 to the committee's inquiry into the NCA that the NCA was the initiator of the bridge proposal on this site. According to this evidence, when a delegation came to Canberra to discuss the possible forms an immigration memorial might take, the suggestion for a bridge at this site came from the NCA. We believe it is a matter of public interest to know now—let alone to have known then—all options and sites under consideration.

It would seem that, from the outset, the NCA has played a less than acceptably transparent part in planning for this beautiful and heritage-rich area of the city. As the NCA had plans for both commercial and tourist development in the DA53 precinct, the role of the bridge was to increase tourist and other traffic to and through the precinct, boosting the appearance of viability of its proposed commercial development. At the time, NCA staff included many very able professionals who were well placed to advise on the potential of various elements of this development seriously to compromise the identified values of the Albert Hall Heritage Precinct. Given the public response to the first release of DA53, no-one could have been unaware that this bridge would be no less controversial than the proposed eight-storey building subsequently removed from DA53.

We think the NCA's role in this process and their intentions should be scrutinised so as to make clear at which point and in what context the idea of an immigration memorial took shape as a bridge with a footing in the DA53 precinct. The NCA's public documentation on DA53 provides only the most basic information about this major proposal and none at all about a bridge's impact on the southern shore. As Friends of the Albert Hall advised the committee in its 2008 inquiry, we had made an FOI request on 17 April 2008 to the NCA for information about stakeholders consulted in the preparation of the DA53. One year later, we are still awaiting any of this information.

In our submission to the 2008 inquiry, we also asked the committee to ascertain what undertakings the NCA had given the bridge proponents, and we ask now if this information could be sought with a view to clarifying the reasons the NCA has not complied with the very strong public view that DA53 be withdrawn. In short, the NCA's process in relation to the bridge proposal and its part in DA53 continues to fall short of adequate public consultation.

Finally, the NCA's plans for the DA53 precinct were overwhelmingly rejected by thousands of people. This rejection includes all elements of DA53. In its report on the inquiry into the role of the NCA, the committee urged that DA53 not proceed. We call on the committee to recommend that the NCA withdraw all elements of DA53, including any proposals for any onshore portion of a bridge.

We also appeal to the committee to recommend that, once DA53 is withdrawn, planning for the precinct be undertaken in an integrated fashion. The planning process, including determination of the final use of the precinct, must begin with the community as key

stakeholders from the outset. We therefore ask the committee to recommend that any proposal for a bridge or other facility with onshore or offshore impacts on either the DA53 precinct or the Albert Hall heritage precinct within it involve wide consultation at the planning concept stage. At the insistence of the Friends of the Albert Hall, the NCA invited the people who signed the petition to the workshops they proposed to hold on the future of the precinct. Those workshops have not been held. We appeal to the joint committee to recommend that the NCA hold these workshops to listen to community views on future use and planning for the DA53 precinct. We thank you for your time.

**CHAIR**—Thank you very much.

**Senator HUMPHRIES**—You said just now, and you say in your submission, that you do not have a settled view at this stage on the bridge. But you have made what sound like a number of criticisms of the concept of the bridge, to do with vista, height, impact on the area and so on. Do I detect that, while you do not have a formed view, you are leaning very heavily against the bridge?

**Dr Coltheart**—We do not have a formed view about the idea of a bridge, nor about the idea of an immigration memorial. We have a strong view about a bridge that has a southern footing that impacts on the Albert Hall Heritage Precinct. So we have a very strong view about this proposal, wherever the southern base of the bridge is—and it appears to move between Lennox Gardens and the vicinity of the Katie Bender memorial, depending on what you are looking at. Either of those locations—anywhere at all that destroys the heritage values of the precinct—we object to.

**Senator HUMPHRIES**—Just to be clear: is Lennox Gardens part of the DA53 precinct?

**Dr Coltheart**—No. The boundary of the DA53 precinct excludes Lennox Gardens, but the heritage values of the vistas to and from Albert Hall identified in the Albert Hall conservation management plan of 2007 include vistas across Lennox Gardens.

**Senator HUMPHRIES**—So you say that the bridge, wherever it were to land, whether that were in the gardens or further north towards the Katie Bender Memorial, would, in your view, destroy—you use the word ‘destroy’—the heritage vistas from the precinct?

**Dr Coltheart**—Yes. There are points at which I would say it would compromise the values, and there are points at which I would say it would destroy the values.

**Senator HUMPHRIES**—But it ranges between compromising the values and destroying them—is that what you are saying?

**Dr Coltheart**—Depending where the bridge lands.

**Senator HUMPHRIES**—It does sound as if you are saying that the bridge cannot proceed—that, in your view, the bridge is not compatible with what you see as the heritage values of that area?

**Dr Coltheart**—Yes. We would object to the locations in all of the diagrams that have been made public so far.

**Senator HUMPHRIES**—Even though Burley Griffin himself envisaged a bridge somewhere around that point?

**Dr Coltheart**—The connection with Walter Burley Griffin and Marion Mahony Griffin's ideas for Canberra is tenuous, to say the least.

**Senator HUMPHRIES**—Can you explain what you mean by that? I mean, I have seen the diagrams that indicate the bridge and understand that it was indicated in their plan. Can you clarify that? My understanding is that there was supposed to be a bridge there.

**Dr Coltheart**—The submission of the Walter Burley Griffin Society is probably a much better place to find the answers to this. I would just say that the proposals, drawings, maps and pictures that are available from the workings of the Griffins in relation to the planning of Canberra yield quite a lot of elements that we would not consider part of the final design for the planning of Canberra, and this would be one of them.

**Senator HUMPHRIES**—Can you clarify that? You are saying that the drawings of the Griffins reveal elements that are not part of the design of Canberra?

**Dr Coltheart**—Not part of their final design for Canberra. There are plenty of historic drawings that show, for instance, a building that is not Parliament House where we are now when this was called Capitol Hill. Those things were not part of the final design.

**Senator HUMPHRIES**—I understand that. I put to you that the bridge was part of Griffin's vision for the city and I thought you were denying that. I agree that Griffin's plan has been modified, that is true. The bridge has not become part of the final version of the Griffin Legacy, but it was part of Griffin's plan, wasn't it?

**Dr Coltheart**—I appreciate the line of questioning and the suggestion that this bridge proposal is somehow connected to the Griffins. It would take me far longer than we have here to explain to you my objections to the idea of the Griffin Legacy as it has come to be used by the NCA in its planning. It often draws a very long bow between what could sensibly be called the intentions of either of the Griffins and planning proposals. I prefer not to pursue it.

**Senator HUMPHRIES**—What you have said though raises an interesting point because your submission deals almost exclusively with the process that the NCA have used. It does not deal with the in-principle objections to the bridge itself, and that is what this inquiry is about. With respect, I think you need to supplement your submission—unless you have done so on an earlier occasion—and explain what your objections are to the bridge. You say you do not want to go into it now, but that is what this inquiry is about. It is about whether the bridge should proceed. If you have a number of objections to it, we need to hear what they are.

**Dr Coltheart**—The first of the three terms of reference is the one we predominantly are addressing, involving the heritage values of the lake and its foreshore. It is specifically the heritage values of the Albert Hall heritage precinct that we are addressing. Albert Hall itself was

not part of the Griffins' plan for Canberra. Our projections are based on the heritage values of that 82-year-old building and its precinct.

I should point out too that we are very clear of the definitions of boundaries because part of the problem with DA 53 was the failure of the NCA to appreciate that there are unidentified heritage values of that area bounded by DA 53 of which only three studies so far have been done—one for the croquet club, one for Hotel Canberra and one for Albert Hall. Any planning proposal, especially in such a heritage rich area, which involves the rural history of Canberra and the Indigenous history of the region, really does need an adequate heritage study done of the whole area. Of course, Griffin's intention is important, but there are many other layers of heritage value. We specifically address the Albert Hall heritage values in connection with the lake.

**Senator HUMPHRIES**—I beg to differ with you on that. In your submission you do not really do that. You talk exclusively about the process that the NCA use. In the last three or four paragraphs you make a point about the historical context of Albert Hall, you say you are concerned about transparency plans for development and you talk about the 2,000 square metres bequest. You do not actually discuss your concerns about the heritage impact of the bridge. You make passing reference to the vista, but you do not explain how that might work. You said in your testimony just now that some versions of the bridge would compromise and others would destroy the heritage vista values.

With respect, I suggest you make a supplementary submission to flesh those issues out because they are the issues that we are concerned about here. I will come to the NCA process in a moment. While the process the NCA uses is significant and needs to be reckoned in this exercise, what is important at the end of the day is whether the bridge itself is a good concept or not, and that is what we are looking at in this inquiry.

**Dr Coltheart**—Our submission to this inquiry consists of a letter of 19 March 2009 and a letter to the committee dated 21 May 2008, after evidence was yielded in the inquiry into the NCA. But we take the point and are very willing, of course, to provide some amplified information.

**Senator HUMPHRIES**—Thank you very much. With respect to the process itself, I think you were here when I asked the NCA about the impact of DA61. I put to them the point you made in your submission that DA61 covers the northern lake shore but not the southern lake shore of the development. They have said that is not the case. They seemed to be saying to the committee that DA61 covered all of the conceptual ideas with respect to the bridge that would be required and that, to take that further, you would need a development application to clarify, for example, exactly where the bridge would land, the nature of the access to it and so forth. They suggested that DA61 was adequate to cover the issues of the concept of the bridge, but you have said in your submission that the DA covers only the northern lake shore, not the southern lake shore. Can you explain what you mean by that?

**Dr Coltheart**—The artist's impression of West Basin in DA61 has a very slender little pedestrian bridge from peninsula to peninsula but does not actually show where the southern footing is in relation to the Katie Bender Memorial. Our point in relation to process is that the NCA should actually anticipate and engage with public views about these very important areas

of public amenity and of identified and potential heritage value. To proceed, especially to a development application stage, without involving the public is to court trouble. The NCA process in relation to DA53 went down this path. DA53 was slightly amended after significant public concerns were expressed and still remains on the books. In relation to the process, a procedure needs to be adopted where the public are engaged much earlier and where the significance of areas that might look like they are perfect to be used—for instance, for a bridge from the National Museum leading towards the Parliamentary Triangle—is first identified in detail so that we can see what the problems might be. On page 29 of DA53, there is a similar siting of the bridge to the diagram I have for DA61, but very little information was provided in DA 53 about this—and I mean minimal. There are no heritage, environmental or social impacts even suggested for the southern footing of the bridge in DA61.

**Senator HUMPHRIES**—Isn't it appropriate, given that DA61 was dealing simply with the concept of a bridge on that site? The idea is to allow the plan to be varied to allow a bridge to pass over the lake at that point. You would not expect—and it would not be necessary for—anybody to crystallise how it would do that beyond saying obviously that a bridge has to have a footing on one shore and on another shore and a location set, which is the object of DA61. What more could be expected that you would not expect to find in a development application for the actual construction of the bridge?

**Dr Coltheart**—I would expect that, at the concept stage, there would be at least a conceptual awareness of the actual impact. It is one thing to have a concept about it—in fact, this is an attractive design in DA61. It is quite another to suggest it in relation to the actual impact that the realised design would have. It seems to me, especially when we are talking about one of the city's most important heritage precincts, to be quite extraordinary to deal with a concept without considering impact at the same time. In fact, I would go so far as to say that, as with DA53, it is a considerable waste of public money to go down that avenue.

**Senator HUMPHRIES**—Did you raise these issues on DA61 with the NCA in your submission?

**Dr Coltheart**—Yes.

**Senator HUMPHRIES**—Do you have a copy of that, which you could table? You can take that on notice if you want.

**Dr Coltheart**—Did you mean DA53?

**Senator HUMPHRIES**—No, 61.

**Dr Coltheart**—We had not been formed when DA61 was before—

**Ms Johnstone**—DA53 came after the consultation on Amendment 61, and the formation of the Friends was as a result of the public outrage over DA53. Essentially, what the NCA placed on the table was a proposal for public consultation which clearly included a number of elements. One of those elements, which appears to us now to have been largely concealed, was a fairly developed proposal on which they had already had extensive consultations with IBA about bridge footings in the DA53 precinct. The material that was produced by the NCA at the time of

the public consultations on DA53 and statements that were made by senior staff and members of the authority at the time did not draw attention in the public domain to the fact that the IBA were major stakeholders in the development of DA53, which clearly they were because this footing would be in the precinct. They did not draw attention to any of the negotiations and they did not draw attention to the fact that there had been an agreement on the part of the ACT government to provide 2,000 square metres of land for the footing. Any of that information would have alerted members of the community and the public to the fact that there was a fairly advanced proposal abroad which would potentially have an impact on the heritage and the amenity of the precinct, but that information was not made available.

**Senator HUMPHRIES**—The NCA said in their evidence that, although there had been discussions about those issues, there had not been any firm decisions or any crystallisation of those issues—I am paraphrasing what they had to say—to allow them to outline to anybody exactly, for example, where the southern end would go or what the shape of the access to the bridge would look like or anything like that. They pointed out that what they were doing in DA61 was to approve the concept. You might argue that in DA53 the concept was, at that stage, no more than a concept. Even if the IBA people had said that they envisaged a 400-metre ramp and whatever, that is still only a concept which had to be crystallised in a development application which was not yet within sight. I am reluctant to build in criticism in this report of the NCA if it is hard to criticise exactly what they have done wrong. They have said in testimony to the committee that they have sought and obtained approval to amend the National Capital Plan to allow a concept for a bridge to go there. Beyond that, there is no detail yet provided by the proponents as to how that will work—that they would be able to put flesh on for the purposes of the kind of consultation you are talking about.

**Ms Johnstone**—What the NCA were asking the community to do in the public consultation process was to consider—and ultimately they had hoped to agree—to their proposal for the DA53 Albert Hall precinct. One part of the precinct would have been the footing of the bridge.

**Senator HUMPHRIES**—My understanding of DA53 was that it was to allow a number of changes to take place in terms of the planning framework for the DA53 area, the precinct around the Albert Hall, but would not have included any detail of the footings for the bridge. The concept of a landing for the bridge was provided for in DA53, but 53 was not meant to be the vehicle for the bridge to be designed or to be facilitated in anything other than a conceptual sense in that area of the southern edge of the lake.

**Ms Johnstone**—From our perspective, given that there was an onshore element of the bridge and that the area covered by DA53 included that onshore element of the bridge, the community might have assumed that an approval for DA53 would have effectively included a approval for all elements in that DA53 area. One of those elements was indeed an onshore element of the bridge, although, having said, that there appears to be some measure of confusion about exactly where the bridge was going to come down. We note, for example, that the ACT government approved the 2,000 square metres for Lennox Gardens, not where the bridge appears in DA53. Lennox Gardens is in fact outside the DA53 Albert Hall precinct. But, from the point of view of the community, that is where it appeared in DA53 and, if DA53 were to have been approved, the reasonable assumption would be that any elements in that precinct would have been approved as part of the approval process of DA 53, which of course did not proceed and is still on hold.

**Senator HUMPHRIES**—I appreciate that some people might have a misconception of how the process works but, with respect, some belief that somehow 53 would answer questions about the location of a bridge was a misapprehension; it would not have done that and should not have done that. Can I crystallise my question by saying: what should the NCA have done with respect to this matter in order to clarify the nature of the bridge impact on the Albert Hall precinct?

**Ms Johnstone**—I will begin and then leave it to Dr Lenore Coltheart to take it further. In the first instance, when providing information in the DA53 documentation, the NCA should have outlined the consultations that had taken place in relation to the bridge and the prospective outcome of those, including the need for footings in the precinct and the potential for some form of parking and other forms of access which would in one way or another affect that precinct and have a potential impact on the heritage values and amenity of the precinct. Also, they should have mentioned the 2,000 square metres which they already knew about.

**Senator HUMPHRIES**—They point out that they did not know and still do not know whether the development will require any parking at all. In fact, they seemed to suggest in their evidence this morning that there might not be a need for parking, given that there is already parking in the area. Secondly, they did not know—and still do not know—whether the bridge would land within the Albert Hall precinct or the Lennox Gardens precinct. Indicating the nature of discussions in that context surely would be unhelpful and misleading in that they are no more than ideas and discussions that are being put forward, and it would set hairs on end. Frankly, it would not be reasonable in that context. They could not answer these questions. If they said, ‘We’ve had a proposal that it land 300 metres to the west of the Katie Bender memorial,’ people would say, ‘We want more details’, and they would say, ‘We haven’t got any more details; it is only an idea and we don’t know anymore than that.’

With great respect, isn’t it unreasonable to expect that they should put flesh on the bones of something which is so vague at that point that it is no more than a concept? They had made clear that what they were accepting was simply the idea to have a bridge land on the southern shore of the lake, somewhere in the vicinity of the Albert Hall. Isn’t it reasonable for them to say that that is the concept that was there, which is very much part of DA53, and to take it no further than that?

**Ms Johnstone**—What we are looking for with the DA53 precinct is an integrated approach to the planning of the precinct so that all elements that will go into that precinct and have an impact on the precinct are part of the planning process and are exposed to public consultation and it is done as an integrated whole. What we were concerned about was that there was a piecemeal approach being taken, where some element of design or a facility would go into the precinct which would have a major impact elsewhere but be conducted as a separate enterprise, perhaps even after agreement had been got on other parts of development in the precinct. It is our very strong view that development in this precinct and consultation with the community about development in this precinct must be conducted in an integrated fashion so that all impacts are known when the proposals are put on the table.

**Senator HUMPHRIES**—Given that DA61 has been approved already, isn’t it fair to say that the horse has bolted on this? You seem to be saying that no matter what form the bridge takes it is going to compromise unacceptably the values of the area. Wouldn’t it have been better to have made that point then? I realise you did not exist as an organisation at that stage; you were

individuals in the Canberra community. We have a process to deal with here. The process was to have an approval go out for public consultation; that consultation occurred. I do not know the details of who objected and who supported the idea, but at that time the NCA went through a process and approved the concept of a bridge crossing the lake at approximately that point. With respect, it is a bit hard to come back now and say that any bridge on that location is an unacceptable compromising of the vision for the planning of the city.

**Dr Coltheart**—We certainly appreciate the point you are making, Senator Humphries. This goes to the question that you asked earlier: what should the NCA have done? I guess our answer to that has been very clear in our comments in relation to DA53 in terms of the idea of public service, the idea of transparency, the idea of planning in a place like the national capital of Australia, the inadequacy of the information that was made available in relation to DA53, and we have already tabled that.

I would also add that there is a difference between how the process works—and you are quite right: we need to know how the process works—and how the process should work. And, as an organisation outside government, we are claiming there is a better process. So our point is about how the process should work. I quite see that the committee will hardly want to have such vague concepts in their report, but this is the reason why so much community unrest crystallised over DA53. In terms of how the process should work, it seems to me that, even at the concept stage, an awareness of heritage values in any planning concept is important and that as much information as can be made available should be made available to the public at an early stage. Specifically, in relation to the first term of reference of this inquiry, why didn't the NCA come clean if it was the NCA who suggested that an immigration memorial should take the form of a bridge that would land within the DA53 precinct? Why couldn't they just say it was their idea? Why couldn't they say, 'This is the way we hope we will bring traffic into this area that we are proposing commercial development in'? So the difference is: yes, we need to know more about the detail of how the process works—and I think all the people who signed the petition did learn quite a lot about that process—but we also would like this committee and the NCA to work towards a better process.

**Senator HUMPHRIES**—Perhaps when you provide that supplementary information about the heritage values you could address what process the NCA should have used and what extra information the NCA should have put on the table.

**Ms ANNETTE ELLIS**—I listened very carefully to that. Sadly, I was also not here on Monday. I was not able to attend the hearing, so I am not privy to the discussions of Monday. It seems to me that, in relation to this whole question of in-principle support, nobody has really got an objection to a bridge as a bridge somewhere. It is really hard for the community and organisations like yours and others to say that they do not have any objection, because the process is still proceeding. We have heard the NCA say this morning—and I am not after the NCA either; the whole thing is a problem I think—'We do not quite know where it will land. We do not know whether it will need a long ramp or a spiral ramp. We do not believe it will need parking'—and I have to say that I find that laughable.

There are very legitimate questions to be answered at this point because otherwise we could proceed and get some designs then say, 'Actually it is not going to work here because it needs a ramp, it makes the traffic impossible, the spiral is too steep for a wheelchair or it is going to

impact on the Albert Hall precinct more than we thought.’ There are all these other things that still have to be decided. It really is about the horse and cart. I do not disagree with the points that Senator Humphries was making, but I really believe there are very legitimate questions to be answered now at the very least in some indicative form so people have more of an idea than the in-principle concept. There are big decisions to be made now.

The other difficulty of course is that 53 is still hanging around. We do not know what is going to happen with 53. We do not know whether that is going to have an impact. I am not sure whether you can advise where we are up to with any more detailed planning of the Albert Hall precinct itself in terms of its future. Are you aware of where that has got to so far? I think that has something to do with this as well. It seems to me that not all the pieces are on the board yet for us to see all of this. I agree with the piecemeal comment that Ms Johnstone made a moment ago.

I am sorry that I have gone all over the place, but I am finding it very frustrating. The bridge is a nice idea but I want to know as early as I can where it is going to land, whether it is going to have a very long ramp or a spiral one, who is going to physically be able to access it, where the buses are going to park, where the cars are going to park and how it is going to work. How is it going to impact on Albert Hall?

**CHAIR**—A lot of those issues are generally unresolved.

**Ms ANNETTE ELLIS**—I was just making the point that that is the point.

**CHAIR**—Thank you for appearing before the committee. The *Hansard* will be available. If you have been asked to provide any additional information, could you provide it by Wednesday, 8 April.

[10.44 am]

**Headon, Dr David John, Private capacity**

**CHAIR**—Welcome. I declare that Dr Headon is currently a member of my staff on a part-time basis. He has written this submission from his personal perspective. I know he can speak for himself, but it is important that everyone understands that relationship. When I approached Dr Headon about the prospect of him making a submission as an individual and as a historian on matters relating to Canberra, I encouraged him to proceed provided he made that clear on his submission, which he did.

Dr Headon, although the committee does not require you to give evidence on oath, I advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. We have received a written submission to this inquiry from you. I note that you were unavailable on Monday; hence you are appearing today, as opposed to with the group of other individuals on Monday. Do you have any additional submissions or wish to make opening statement?

**Dr Headon**—I wish to make opening statement.

**CHAIR**—Please proceed.

**Dr Headon**—It is with a little trepidation that I sit here with some close friends behind me who have a different opinion. But I was very conscious, on reading a number of the submissions that were published on the website, that they were running very strongly against the idea of the Immigration Bridge. Ms Ellis said at the end of her most recent comments that it is a nice idea. I would like to say at the outset that I come in as an engaged citizen and resident of Canberra who also thinks it is a nice idea, with qualifications.

I am certain that over the duration of Monday and for most of today—and I have not been able to be present for certain reasons—people have been working this through. Indeed, in the session that I have just heard, both Diane and Lenore were working their way through the technical aspects of this broad, contested subject. I am not going to comment on the technical aspects, but I would like to make some comments reinforcing my submission on the cultural and philosophical aspects of the argument. I made it quite simple in my submission: I recognise that the process thus far, which seems to have more or less evolved without any particular guidelines, has been flawed, yet I think it is unrepresentative to have so many submissions running against the concept of the bridge. I think it should be built if we manage to get a brilliant design, either through a competition or some advance on where we are at the moment; if that design is properly funded; if it is able to resolve some of the key issues, such as the height issue, the two sides, parking, sailing—and the sailors that use the lake will be curtailed but not, hopefully, so curtailed that it makes it an unpleasant experience; if we are able to establish genuine community involvement in this process, which I am conscious of the need for; and if there is a sense of ownership not only of significant numbers of Canberrans but significant numbers of Australians.

Tuesday's *Canberra Times*, in covering Monday's hearing, had the headline 'Clamour to scuttle bridge proposal'. What I would like to do in the few minutes that I have available to embellish my submission is to pick up on a few of those arguments and, I would like to think, to provide a little bit of balance. There was a full-page article in the *Canberra Times* last year on, I think, 31 May which worked through the proposal. Three people were quoted in that article who objected to aspects of the concept. One was Professor James Weirick, the second was Dr Tom Ruut, a medico, and the third was the distinguished architect Enrico Taglietti.

I was interested in their points because a number of them have been raised in the submissions that have been presented to this inquiry. Let me take them one at a time, briskly. Professor Weirick had a number of objections, but I will concentrate on the three principal ones. He talked about the bridge being 'an inappropriate expression of this very important theme'. My background, as distinct from Professor Weirick's, is in literature, and I am here to say that choosing a bridge to represent the theme of unity and bringing people together is the exact opposite of what Professor Weirick said; I believe it is an utterly appropriate expression of, as he puts it, a 'very important theme'. The notion of going from shore to shore, the notion of bridging, seems to me to be singularly appropriate.

The second objection that he makes is that Griffin's plan did not include a bridge from Acton to the south side—and I am certain this has been covered in the inquiry so far—but rather a road bridge further west. Professor Weirick is absolutely correct, but we know, and I am sure it has come out in this inquiry, that Griffin had no fewer than five connections over the lake. We know that we now do not have Griffin's city as outlined in the plans of 1911-12 and working through to 1918. He had all his cultural institutions on the north side of the lake. The only major institution in the same spot as that original plan is the High Court. It is a different city. Many people, including Professor Weirick, have actually said that. To the extent that Griffin was contemplating several connections over the water in that original plan, I do not think that objection by Professor Weirick is a reasonable one at the moment. Of course, one has to get the design right, but I do not think that is a reasonable objection.

The third objection is that the bridge, according to Professor Weirick, would be an 'interruption to the great vistas across the West Basin'. That is, literally, in the eye of the beholder. Yes, a bridge will obscure some views from some places. On the other hand, it can be an adornment. There are so many bridges around the world and in this country which are adornments to their cities and which in fact create views. To the extent that we do have, I believe, overwhelmingly, the city and the landscape, I think that a bridge which is a brilliant design somewhere near this spot would only adorn the area and possibly even create views of the city that we are not used to at all—and, certainly, involve more people seeing the city from different perspectives.

Finally, Professor Weirick said this element is 'fighting everything': Griffin's idea, the National Museum's idea and sailing. I will pick up Griffin's idea in my final comments in a moment. In the case of the National Museum, I believe it is the case that Ashton Raggatt McDougall included a pedestrian bridge in their original concept plan, so it does not run against that. In terms of sailing, yes, the sailors will be a little curtailed—hopefully not to the extent of making the experience unpleasant but rather just curtailing them slightly.

The second lot of comments came from Dr Tom Ruut, quoted as saying:

Our objection is mainly we don't want the bridge impinging on our quiet enjoyment of yachting and sailing ...

Well, I am here to say that they are not mutually exclusive propositions, that there is absolutely no doubt that the sailors can enjoy yachting and sailing under a bridge going across in approximately the spot that has been talked about. As well, of course, so many other individuals will be encouraged to see the lake and enjoy it from different perspectives. It seems to me Dr Ruut's comments really do smack of a kind of nimby preciousness that I reject and that I think a number of Canberrans suffer from. He in fact said that building a bridge there would be 'like cutting off the last quarter of Bruce Stadium'. I would say that, rather, one would want to encourage people to be more involved in the lake and the surrounds of the lake' and that it would be a bit like leading people onto that last quarter of the Bruce Stadium and letting them kick the football around.

Finally, there is Enrico Taglietti, one of the eminent architects of this city. His objections were twofold. Firstly, he thinks the \$110 that is being charged—and I do want to get into that detail—was creating what he called an exclusive 'club'. To me that beggars belief. If we were talking about \$1,000 or \$5,000 then you might be talking about an exclusive club—but when you are talking about \$110? That is a cheap shop at Woolworths; that is two slabs of Crown beer; that is half-a-dozen packets of cigarettes. I fail to see how you could possibly say that that is creating an exclusive club. In fact, I think it is an invitation for more and more Australians to be involved.

Secondly, Mr Taglietti said that the concept of the bridge was dividing the lake. Again, I take the opposite view. I think that with a beautiful bridge we have the opportunity of actually connecting and integrating people more effectively with the lake.

In terms of opposition and all the submissions that have come in, yes, indeed, they seem to be running overwhelmingly against the concept of the bridge. But it is worth noting, as has been covered in some of newspapers in the last 12 months, that people like Sir Gustav Nossal, Marcia Hines, Nick Greiner, Sir Arvi Parbo, Dame Elisabeth Murdoch, Carla Zampatti, General Peter Cosgrove, Deputy Prime Minister Julia Gillard, Minister for Home Affairs Bob Debus, Chief Minister John Stanhope—and one could keep going—might not have made submissions to this inquiry as far as I can see, unless they came in late, but are in favour of the concept of the bridge. When one looks at the submissions, most of the arguments—

**CHAIR**—Dr Headon, I need you to wrap up because of the time.

**Dr Headon**—Okay. Most of the arguments follow basically the course of the three people in that article 12 months ago. They picked up on the sailors being curtailed. And there were a couple, I read with interest, that suggested it might lead to a greater prospect of suicide or crime—you build a bridge, ergo you are going to increase the suicide statistics. It seemed to me that most of the arguments failed. There was only one argument, which came to the fore in a number of submissions, which I found valid in terms of the discussion, and that was that Sydney has its Welcome Wall. That picks up on my point about what a national capital should do. If we are able to encourage a great sense of ownership around the country and through Canberra in this idea for a bridge, and if we build that bridge and engage people, perhaps even have them feeling that it is their little piece of Canberra—whether they are from Broome, Port Hedland or wherever—then I think the idea has great merit and should be supported. Thanks, Senator Lundy.

**CHAIR**—Thank you very much, Dr Headon. One of the main themes in your submission seems to be the celebration of commemorative structures compared to this particular proposal per se. Can you tell me a little bit more about your view of the value of commemorative structures or participatory commemorative structures in the national capital and what they contribute to the sense of collective ownership of the national capital?

**Dr Headon**—I can. The high point of the negative publicity against Canberra was in the 1930s, 1940s and 1950s, with all the jokes about Canberra being the cemetery with lights, the seven suburbs in search of a city, the ruin of a good sheep station et cetera. But there is no doubt that in 2009 there are still a number of Australians who feel there is a certain sterility about Canberra compared to other cities around the country. I believe that projects which encourage a hands-on approach are the kinds of projects that really deserve serious discussion in the national capital. An excellent small example of such a project was the Old Parliament House Rose Gardens project, where people, on the basis of the original precedent in the 1930s, were encouraged to buy their rose—I cannot remember the amount; I think it was \$100—in recognition of a loved one or someone who had passed; in my case, it was my late father. That project is not only continuing to be a great success, but people do make the pilgrimage to the capital to see the particular rose and the plot.

Projects that do that are ones that, as far as I can see, appeal greatly to Australians. Another excellent example, going back a few years, was the Peoplescape project. You will remember that people generated their person, the person from their community, and ultimately all of those six-foot-high, two-dimensional figures were placed in the Federation Mall area, between Old Parliament House and new Parliament House. There was extraordinary interest in that. Another example was the torch relay.

When people get actively involved and the community gets involved, you start to break down prejudices. I believe that projects of the kind that encourage direct participation—be it for a token sum, for \$110; certainly that is the kind of thing you want so everyone can be involved—are the sorts of projects that should be encouraged. And if they have a great infrastructure result—in this case, an immigration bridge which will improve connectivity and give people an alternative for getting around the lake—then potentially you have got a great result as a result.

I believe the symbolic role of the national capital, which I wrote about it in a book only a few years ago—or, if you like, the symbolic role of national capitals around the world—is going to be the most significant one in the 21st century. Projects which encourage direct participation, with a fine design result, are the kinds of projects I would like to see supported.

**Senator HUMPHRIES**—Thank you for the forceful case you have put for this concept to occur; I think you have made some reasonable arguments. There are two things, though, in your submission which trouble me, and these are commensurate with the vision you have put forward of this development. One is that the bridge should be subject to an international design competition and be funded appropriately. A competition like that would be expensive. You cannot do these sorts of things on the cheap. If you want to invite international architects, you have to have the appropriate prize money, advertising and recognition and things like that. The second thing is that the bridge have a high-profile public campaign which includes funding by the Australian government. While both these ideas are worthwhile, if you suggest that they are necessary conditions for this to proceed it seems to me, with respect, that you are setting the

proposal up for failure, because I would imagine that the representatives of the IBA will tell us that it is not going to be possible to raise, on top of the cost of the bridge itself, the kind of money required for those sorts of developments. Also, the federal government, which is fairly constrained at the moment—it has a great many other demands on its budget—is unlikely to agree to promote what has been up until now, essentially, as you point out, a community driven process, one that has involved, been led by and been funded by the community, essentially, rather than the Australian government. Can I suggest to you that, although these are great ideals and would be worthwhile, to make them necessary preconditions for the bridge to proceed is to effectively court the failure of the whole process?

**Dr Headon**—I certainly think it raises the possibility of the project not going ahead. I will take the second point that you made first. I would like to see some Australian government buy-in to this concept once it is more developed than we have it at the moment. I believe that, if it gained greater publicity than it has thus far—albeit it has had considerable publicity—I think there would be a much higher level of buy-in from the people of Australia. I think the prospect of garnering higher profile and more affluent sponsors would come into play more than it has to this point. Finally, I believe that if there were genuine and serious publicity right across the country and a certain momentum were gained, I do not think money would be a consideration. I think that that would be found, especially given the philosophy behind this project to recognise immigrants from 1788—and, of course, other than the Indigenous inhabitants, that directly relates to all of us one way or the other. I do not think there would be a problem there.

In the case of the first point, we have had great results. One only has to look at the original design for the city through international design competitions. Yes, you do have to find prize money, certainly for the winning design. But, other than that, the publicity is not very expensive. I do not think that that should be a constraint to having an international design competition. I will just go one further and say that this is in such a sensitive, important area of the national capital and potentially is dealing with a project of such obvious symbolic resonance that, for me, an international design competition is the way to go.

If that creates shorter-term difficulties—and I take your point about the economic meltdown and the great economic problems that most every country around the world is experiencing—it might be that there is a pause to draw a bit of breath before slightly improved economic conditions return, but that might be the moment to start driving this hard. I think we should have an international design competition. I think that, with greater publicity, more Australians would get involved in this project, and I think that both of your potential issues would be overcome.

**Senator HUMPHRIES**—I will put my question another way, then. Let us suppose that the Australian government declines to partly fund a campaign—and you describe this as a condition for it to proceed. Would you say that the process should not proceed?

**Dr Headon**—Yes—and perhaps I should not have used the word ‘condition’, because I think that, if we continue to experience straitened times in the next few years, then it is virtually certain that the Australian government would make the decision—and we would all agree with it—not to support such a project as this. If it is the case that such conditions do persist for some years, then I would say that it just places a greater pressure on Immigration Bridge Australia to try to be even more creative, even more imaginative, in the ways in which they publicise this idea. If they are able to almost get over the hump, which I do not believe has been achieved thus

far—and I have no idea of the money that has come in thus far—I think you would find that they would suddenly be in a position to potentially take it upon themselves because they could not get government support. So it really is contingent on improved economic conditions to get government support and, if we do not get those improved conditions, then it places pressure back on the IBA to be more imaginative in their pitch. I hope that would not derail it.

**CHAIR**—Thank you very much, Dr Headon, for appearing today. The transcript of your evidence will be available to make any corrections of fact or grammar.

**Proceedings suspended from 11.07 am to 11.21 am**

**BAULCH, Mr Andrew, Campaign Director, Immigration Bridge Australia**

**FRENCH, Mr Graham James, Director, Immigration Bridge Australia**

**LAWSON, Mr Richard Keith Leatham, Director, Treasurer and Company Secretary, Immigration Bridge Australia**

**NOTARAS, Mr Emmanuel Henry, Director, Immigration Bridge Australia**

**O'DONNELL, Lieutenant General Lawrence George (Retired), Chairman, Immigration Bridge Australia**

**ACTING CHAIR (Senator Humphries)**—Welcome. The chair, Senator Lundy, has had to leave, but Ms Ellis and I are very happy to take the evidence of our last witnesses. I think some of you have appeared before parliamentary committees before and you understand the rules about parliamentary privilege. We have the submission that you have provided to the committee, and we thank you for that. Would you like to start by making any additional submission to the committee or by making an opening statement to the committee?

**Lt Gen. O'Donnell**—With your permission, Acting Chair, I would like to make a few comments about the processes et cetera and also table a number of documents which I have handed to the secretariat, which will be spoken about as we go through.

**ACTING CHAIR**—Please proceed.

**Lt Gen. O'Donnell**—Once again, thank you for the opportunity to offer some further comments about the IBA proposal. It has been interesting to hear the views of both the opponents and the proponents for the proposal to construct a high-span pedestrian bridge across the lake as a monument to commemorate the contribution made by immigrants to Australia since 1788. It appears the idea of a pedestrian bridge has been around for a long time, even well before the original steering committee was established in 2001. The national monument to immigration steering committee's statement of purpose is amongst those documents which have been given to the committee. For example, in 1996-97 the design competition for the National Museum of Australia showed a pedestrian bridge linking the Acton Peninsula to Lennox Gardens, in line with the National Capital Plan, which had been approved on 21 December 1990. Other documents we have tabled for your interest are an email from the NCA offering the options for a monument to immigration in the national capital in 2002; the ACT government media release, which you questioned this morning, dated 17 August 2006; a message from the Governor-General and the Prime Minister of the day to the national launch in Australian Parliament House on 4 December 2006; a further letter from the NCA in April 2007; a letter of support from the Deputy PM of the federal government, Julia Gillard, in August 2007; another letter from the NCA in September 2008; and also an IBA financial report for the year ended 30 June 2008, which will be spoken to as we go through.

The idea was resurrected in 2001-02 in discussions with the NMA and the NCA and it is outlined in the email which I referred to from the NCA. It set out the form of the proposed

monument. Subsequently, the steering committee in July 2002 opted for the bridge solution. At this stage we would like to clarify the current misunderstanding that exists about monuments and memorials. The IBA proposal is about a commemorative work as a national monument to immigration, not a memorial.

As indicated in our opening statement on Monday last, IBA was formed in October 2005 to carry the steering committee proposal forward. It has and continues to be a transparent and open process. The project was launched nationally in Parliament House on 4 December 2006. That was attended by some 350 interested people, including federal ministers, members of parliament and senators. The Governor-General and the Prime Minister of the day provided letters of support for the project, which are included in your documents. It was also launched successfully regionally in 2006-07 in Griffith and Cooma and interstate in Melbourne and Hobart.

The NCA has agreed in principle the concept of a high-quality, long-span pedestrian bridge commemorating immigration linking Acton Peninsula with Lennox Gardens. The pedestrian bridge was included in amendment 61 West Basin of the National Capital Plan approved on 30 November 2006. Following discussions with the Lake Users Group and the Canberra Yacht Club in 2007-08 the initial IBA concept design was modified to increase the height of the bridge and reduce the number of pylons to facilitate yachting and police and security boat access to West Basin. The concept design is to be subjected to a rigorous NCA design process before any development approval consideration.

I want to react to a couple of comments. There was the ‘tawdry’ comment attributed to the National Trust. To say the least I think that was a disappointing and unfortunate choice of word. ‘Tawdry’ is defined in the *Concise Oxford Dictionary* as ‘showy but worthless, gaudy, cheap or tasteless’. How do you explain that to our immigrant population? Also a poor choice of words was the Walter Burley Griffin Society comment, which was unhelpful, of branding the IBA statements as ‘astonishing, arrogant and irresponsible’.

Complaints about lack of consultation with some, but not all, are noted and somewhat premature as a detailed design brief is still in the process of being prepared and finalised with the NCA for their approval. It was planned that the detailed design brief be submitted to the NCA in June-July this year, but this may now be subject to delay as a result of this inquiry. I will ask the treasurer to comment on the processes adopted by IBA to raise funds for the construction of the bridge. Do you want to do that now?

**Mr Lawson**—Yes or I can at the end wrap up a whole lot of things that came out of last Monday’s comments, particularly from Senator Crossin.

**Lt Gen. O’Donnell**—I will leave him to talk about the questions that were raised with us about our annual report and how we operate in the sense of payment, remuneration and so on.

Whilst the IBA has received tax exemption status, it has not yet received deductible gift recipient status, which would help some sponsors to make substantial financial contributions to the project. Regrettably, the IBA initial request of the previous federal government was not agreed to on the grounds, inter alia:

... while acknowledging the symbolism of the bridge to commemorate migration and its relationship to the Griffin Legacy, it does represent a capital work project, which is more appropriately the responsibility of local government authorities.

Despite this, DGR status is being pursued with the present federal government. As indicated previously, IBA is looking to make the bridge disabled people and cyclist friendly.

In summary, the IBA board believe they have been open with people, the process adopted has been and is transparent and, for want of a better expression, they have been ticking all the boxes as required. The IBA board is committed to making the proposal happen and follow the required due processes. We again invite you to visit the IBA website at [www.immigrationbridge.com.au](http://www.immigrationbridge.com.au) for further and continuing information about the project. I now invite the directors to make comments and for the treasurer to talk about those financial matters.

**Mr Lawson**—My purpose is to clarify and to make some minor corrections to the answers to questions that were asked on Monday, particularly by Senator Crossin. Firstly, I would like to say that the board of IBA has wide experience. Briefly, Lieutenant General O'Donnell in his army life became Chief of the General Staff, Chief of Army in today's parlance. Mr Graham French, who has been in the construction and project management business for most of his professional life, is both an architect and an engineer. Our deputy chairman, Mr Vin Good, was the last commissioner of the Snowy Mountains Hydro-electric Authority and is currently the mayor of Cooma. I instance those three because of the depth of experience they have had over their professional lives and what they bring to the board. The board is wider than that, of course, and it has the ability to seek professional advice when it is required.

When Senator Crossin came to the IBA presentation last Monday, she asked if we meet monthly. We do, and we meet at the offices of WalterTurnbull, which are the registered office of the company and are located at 44 Sydney Avenue, a short walk down the hill from here. To clarify our relationship with Mr Baulch, he is known as the campaign director, which is really campaign manager. He does this through his own firm, Andrew Baulch Consulting. For the record, he is not a director of the company. It is rather the title that is given him to allow him to operate as he does as our fundraiser, so it would be inappropriate to regard him as an employee of the company. Rather, it is the relationship of a consultant and one who is actively involved in bringing in the money that we so desperately need. WalterTurnbull are chartered accountants and business advisers. They provide us with a number of services. I think it would be helpful if I read those services into the record, particularly for when Senator Crossin reads the transcript of today's evidence.

**ACTING CHAIR**—Alternatively, you could table that. Is it long?

**Mr Lawson**—No, it is not

**ACTING CHAIR**—Please proceed.

**Mr Lawson**—They prepare the monthly financial statements for the presentation of monthly board meetings. They prepare other monthly finance reports for the board, including outstanding creditors, financial graphs and monthly bank reconciliation. They prepare and lodge the quarterly business activity statement, commonly known as the BAS. They prepare the year-end

financial statements for auditing by the company's external auditors. They act as a banker for the company. They act as the company's postbox, including collection of mail and sending of relevant mail to external parties. They provide secretarial support, including providing the use of the WalterTurnbull boardroom at 44 Sydney Avenue, Barton for the monthly meetings. This also includes a minutes secretary. They provide the registered office for the company. I think it is necessary to have that on the record. For that, they are paid \$32,200 exclusive of GST. Their operation is very different to and quite separate from that of Andrew Baulch Consulting.

We are a not-for-profit company incorporated under the provisions of the Corporations Law of the Commonwealth. It is not, as was suggested at one stage, an association incorporated under a territory or state associations incorporation act. We provide to ASIC all of the necessary annual returns, and those returns include a copy of the audited accounts to the end of the financial year. Those accounts are audited by the WalterTurnbull audit division, and there is a chinese wall between their audit division and their accounting division, as is normal in large accounting firms. Those audited accounts are available publicly—presumably for the payment of a fee to ASIC, but they are public documents. So this is quite a transparent process. I am not sure that there are any other matters which I need to address in answer to Senator Crossin's questions.

**ACTING CHAIR**—Okay. Thank you.

**Mr Lawson**—For the information of the committee, the amount we have raised so far in cash and in sponsorship is just over \$1 million. The bulk of that has been in cash, for which we have been very grateful, and that leaves aside the in-kind contribution given by the architects, Bligh Voller Nield, and the engineers, Arup Australia. Are there any other matters on which you want clarification?

**ACTING CHAIR**—I think we will cover those in questions as we proceed, thanks, Mr Lawson.

**Lt Gen. O'Donnell**—Mr Notaras may have to leave early, so he would like to make a comment if he can.

**Mr Notaras**—My comment relates to some of the evidence given on Monday by, particularly, the Griffin Society. Although I admire their passion and dedication to their cause, I respectfully suggest to the committee that some of the assertions made not only by them but also by Friends of the Albert Hall as they relate to what was in fact the Griffin plan should be tested and not simply taken at face value. I think some confusion has prevailed during some of the evidence about what Griffin had or had not planned. For example, the Walter Burley Griffin Society spoke of Scrivener being responsible for the vistas that have been adopted. From my brief research in the time between Monday and this morning, that does not seem to be true. Scrivener retired in 1915, and there was a royal commission in 1916 which in fact adopted the essential elements of the Griffin plan. Whether they have changed subsequently is not the issue. The Royal Commission on Federal Capital Administration found in Griffin's favour.

The point of saying this is that, while I am sure it has not gone unnoticed by the committee, they should not consider as fact any of the evidence given without testing it. Certainly, I do not think Friends of the Albert Hall or the Walter Burley Griffin Society are the font of all wisdom in respect of this proposed bridge. Some considerable heat was brought to the debate by the

emotive language, and less light. As a director, and on behalf of the board, I would like to put that into the record. I am sure a reading of history will demonstrate that I am correct about that. That is all I wish to say.

**ACTING CHAIR**—Okay. Thank you, Mr Notaras. You will appreciate that neither Ms Ellis nor I were present on Monday because of other parliamentary duties and so we do not have that knowledge as yet. We are going to read the transcript, of course, and see what was said, but we are not clear on what was said by other witnesses, so we will take the comments made today into account when we are looking at the transcript of Monday's proceedings. I might just start with a couple of questions and then invite Ms Ellis to ask some questions. Can I just clarify something, Mr Lawson. You said that approximately \$1 million has been raised to date. Your target is \$30 million; is that correct?

**Mr Lawson**—Yes.

**ACTING CHAIR**—Do you expect that the bulk of the fundraising effort—and by that I mean advertising of the concept and pushing it out with an active effort to elicit donations to the project—will occur after the bridge design process has begun or has concluded, or are you expecting to continuously have a process of active fundraising between now and then?

**Mr Lawson**—I would expect that the bulk of funds will come after approval because people, if they are going to make large donations, want to know that those donations are being made for a project which has all the ticks in the boxes, as our chairman mentioned, and has, in this particular case, the approval of the federal government. In the meanwhile, of course, there will be minor donations coming in, but the bulk of the money will not come until such time that the design has been signed off by all the necessary parties. That is my view.

**ACTING CHAIR**—What is your expectation or ambition for that date to get the approval of a design? I realise this is outside your control to a large part. When would you like to see the design of the bridge approved in order to be able to proceed with the next stage of fundraising?

**Mr Lawson**—I ask Mr French to answer that question. He is the expert in this field.

**Mr French**—There are several aspects to that question. The board are of the opinion that we will not make a commitment to the next part of the design process until the funds are there to cover the consultants necessary. The estimate of putting in a proposal for approval right to the end of running IBA plus the employment of consultants is in excess of a million dollars. The other aspect of the end funding is going to largely depend on whether we can get DGR status, because a lot of the corporations, the businesspeople, are looking for the offset of big donations.

Looking at the time, we have estimated that it will take something in the order of three months to get a design brief. The idea of the design brief is that it will be an encompassing design brief for a final design which will look at all of the aspects that have been spoken about this morning: car parking, how the bridge lands, where it lands, height restrictions, height clearances et cetera. It has to be a very detailed brief—and I think I mentioned this the other day—to cover the significance of this site and the significance of this project within the total ACT environment and especially within the triangle and the lake.

After getting the design brief we have to make a decision as to how we proceed with design. We have talked about whether a competition is feasible. I believe it is. The time taken after a design brief to possibly get approval—and we are not assuming that we would get approval but to possibly get approval—I believe will be in the vicinity of 18 months. So we are looking at perhaps a two-year time. Obviously during that time we will be receiving monies—

**ACTING CHAIR**—Two years from now until the point where you would have approval for the bridge to proceed?

**Mr French**—To have approval, yes. There is a lot of estimating in that. We certainly have been aware of the heritage management plan. This virtually means a two-stage approval because Environment will need to approve the heritage assessment and impact before NCA will look at any final planning. So it will be a long process. The consultation on this is not just a matter of meetings. There will be major presentations required. These will be put together by people skilled in this area. This takes time. My estimate is that it will take approximately two years before we get to an approval stage.

**ACTING CHAIR**—I have seen a letter which is part of submission 66 to the inquiry from the Department of the Environment, Water, Heritage and the Arts in which they say:

Pursuant to section 26 of the EPBC Act, proponents of a proposal to construct a bridge in this location should therefore consider whether the design is likely to have a significant impact on the environment of Commonwealth land.

This is referred to as part of the process of conducting an assessment of the heritage values of this proposal on the lake and surrounds. Does that requirement under the EPBC Act change in any way that timeframe you have just spoken about?

**Mr French**—I believe that we can still do it within that two-year period. In the estimate forward, I had certainly allowed for such actions to take place. We will need to employ a heritage consultant and it will go through the normal process of preparing a heritage management plan for the bridge.

**ACTING CHAIR**—I assume you will need to see the finalisation of the NCA's heritage assessment process that was discussed earlier today, which will presumably set the context for the heritage values of the lake, before you proceed.

**Mr French**—I have read the draft management plan from front to back. I have seen it prior to this inquiry, in terms of what was in it. Given that there may be changes, I think inherent in the document is most probably the way it will finally turn out—plus or minus.

**ACTING CHAIR**—Sure. But your timeframe builds in the need to have the NCA's process completed and then for yours to build on that, presumably.

**Mr French**—Yes.

**Ms ANNETTE ELLIS**—It is good to have you here. My apologies that I was not here on Monday, so if I ask something you have already covered, please excuse me for that. First of all,

on corporate donations and taxation recognition for them: how will corporate donations be recognised on the bridge? In fact, will they be recognised on the bridge?

**Mr Lawson**—Yes, they will.

**Ms ANNETTE ELLIS**—In what form?

**Mr Lawson**—They will be recognised in plaques set on the bridge.

**Ms ANNETTE ELLIS**—Along with the \$120 ones or separate to them?

**Mr Lawson**—The \$120 ones will be engraved on the handrail that goes from one end to the other on both sides. The corporate donations will be recognised on plaques so that they can be seen precisely as what they are—corporate donations to a national project.

**Mr French**—I think it is fair to say that the design of plaques and how all that has to happen is going to be an integral part of the ultimate design of the bridge.

**Ms ANNETTE ELLIS**—I understand that; I just wanted to get your perspective on them, as you currently see it.

**Mr Baulch**—Can I just point out, for the record, it is \$110 not \$120.

**Ms ANNETTE ELLIS**—My apologies. Questions were raised this morning about whether or not parking is going to be required. You may have answered this: will cyclists have access to the bridge?

**Mr French**—Yes, that is the intention.

**Ms ANNETTE ELLIS**—On the questions about parking and general movement around both ends of the bridge, let alone on the bridge, I know the difficulty is that those plans and designs are not done. But I am sure you also understand that part of the community or community organisations' decisions about whether or not they accept the project is about getting in their heads how they feel about it now, not knowing that detail either. I can see that you are nodding, so I think you are agreeing that that is a difficult situation for them.

**Mr French**—It is.

**Ms ANNETTE ELLIS**—To what degree do you see a role between IBA and those people through the consultation process? The NCA have their consultation process, which some people admire and some people do not. I am wondering how IBA sees itself as attempting in some way to deal with this vacuum. I have a feeling that a lot of these organisations would like to be involved with you in that process so that you understand their position.

**Mr French**—There will be consultation. I have already mentioned preparation of the design brief. This will be done in consultation with the NCA. But in getting to that design brief we will be having consultation with lake users et cetera—let us call them the stakeholders in the area—so we will be getting their inputs to, in effect, the design brief. From the design brief, we start on

the design. That will be staged process. There will be preliminary designs and discussions with NCA. Through that total process there must be public consultations as well—that is part of the NCA requirement for us putting in a DA—and these will involve impact statements that the public will be aware of, heritage statements et cetera.

**Ms ANNETTE ELLIS**—The other question that you might be able to answer is where the line is drawn between what IBA is responsible for planning and presenting, and the NCA's area of responsibility—where they come in; how their responsibility differs from yours. In other words, let us say hypothetically that the bridge comes in and it lands on a particular spot. You might have heard me say this morning, a bit flippantly, that I found it a bit laughable when the NCA said, 'We do not know whether parking will be required yet,' when I cannot imagine that this could happen without some parking arrangements. This will become a tourist spot. Buses will be pulling up, and people driving from Sydney and Melbourne with Grandma in the car are going to want to park so that Grandma can walk across the bridge. I cannot imagine that that is not going to have some impact. So is that part of your brief as well, or is that where the line is drawn and the NCA come in?

**Mr French**—Normally, you would not prepare a design brief for a particular secular area without it having effects on what is known in planning terms as the curtilage, and that is the area that is affected outside of that perimeter. Certainly, none of this is being discussed at the moment; it is purely the concept of a bridge joining two parts of land.

**Ms ANNETTE ELLIS**—I know.

**Mr French**—I expect a lot of this discussion will take place through the design brief, and a lot of further development will take place after the design brief, because until you start getting the ideas you cannot really get into the details. But, certainly, it must happen, and I believe that, whether it falls on the IBA side of the line or on the other side, the two must occur.

**Ms ANNETTE ELLIS**—This is all hypothetical. The other thing, again, is that, when you look at an aerial photo of the region and you imagine roughly where the bridge will land, at the museum end there are facilities and at the other end there are no facilities immediately available in terms of public toilets, in terms of 'where can I now have a coffee and talk about it'. I am bringing these things up because I am sure these are the reasons why people like Friends of the Albert Hall and others—but I have in mind particularly—are concerned about the impact on their precinct. I suppose I am saying that it is reasonable, it is understandable, why they would have those concerns. It is because this is all a bit esoteric at this stage: will it happen, won't it happen, where will it be? Would you agree that that is a reasonable assumption that they could be drawing at the moment—that they really want to know how it is going to work as well?

**Mr French**—The assumption also is I would like to know as well!

**Ms ANNETTE ELLIS**—Fair enough. But it is really important for them to know. They can speak for themselves, but I think that is why a lot of these questions are being raised. I think they are saying, 'Please, can we be part of this, because you really need to hear our view of how this may or may not impact on the precinct.'

**Mr French**—The management of the design brief process is falling to me within the IBA. We had already decided to start this process—and, as our chairman said, it will be delayed slightly as a result of this inquiry. But I basically have written something like four or five pages of dot-point questions for our first meeting with the NCA, and they cover all of these things—from emergency access and windbreaks for people walking on the bridge right down to the smallest detail—which we must cover to some degree within any design brief.

**Ms ANNETTE ELLIS**—The other thing that the NCA said this morning was, ‘We don’t know whether it will be a gradient ramp or a spiral ramp, for example.’ Obviously—and you would know to do this; I am not trying to teach you to suck eggs—the disability sector simply must be part of this process as well.

**Mr French**—It is.

**Ms ANNETTE ELLIS**—Who will you be consulting in that line? Is there any authority that you go to? There are a number of them, I think.

**Mr French**—There are special consultants in disability access to buildings, and there is an Australian recognised consultant in Canberra.

**ACTING CHAIR**—In those documents you have tabled today there is an email from Mr Smith at the NCA on 4 June 2002. I think you were meaning to put this in evidence in order to clarify issues as to the origin of the concept of the immigration bridge. If that is not the case can you just explain what the relevance of that email is to the committee.

**Lt Gen. O’Donnell**—The relevance is that when the initial steering committee had discussions with the NMA, the NCA and people of that nature, they came up with ideas—the ideas had been floated, because the bridge was in the concept of the NMA design competition—and there was going to be a brochure produced by the NCA about how the idea could go forward. They put these options to the steering committee of the day—the ones that are mentioned there: that it could be a bridge connecting the National Museum of Australia to the Parliamentary Triangle, an individual sculpture or monument siting within the parliamentary zone or King’s Park, or a parkland with interpretive material. That came forward from the NCA to the steering committee. The steering committee considered that. As they had already had discussions with the NMA about a possible bridge and seen the plans for that they took a decision that the option they would prefer would be the bridge. So it developed from there. That was just to illustrate that as far back as 2002 the idea of the three options had been aired and the committee had selected their preference.

**ACTING CHAIR**—Just to be clear, are we saying that the origin of the contemporary idea—let us put aside whether Griffin was the originator of the idea—to build a bridge was the successful design for the National Museum of Australia, which included a bridge, and that that stimulated the most recent round of discussions about whether a bridge could be built across the lake?

**Lt Gen. O’Donnell**—I believe so. In 1996-97, when the competition for the national museum was conducted, a pedestrian bridge between the Acton Peninsula and Lennox Gardens was included. It was from there that the idea grew, and when the steering committee in the Cooma

district decided they wanted to have a monument, they thought it should be in Canberra not in the Cooma district because it was a national monument not just a state oriented monument. And it developed from there.

**ACTING CHAIR**—I go back to the point you were making, Mr French, about a design competition. You said that you would like to see a design competition. Are you envisaging an international design competition as part of your vision?

**Mr French**—I suppose I am looking at the word ‘like’. It would be ideal to have an international design competition. There are lots of considerations that have to be made, not the least being the in-kind work that has been done by the two consulting firms to date—BVN and Arup, who are two well-known and respected Australian consultants. But there are ways of including them in such a possible competition. I agree with the doctor. I believe it would lift the whole presence of the bridge and help in its fundraising and in drawing the Australian people to support such an iconic structure. So, yes, I would have preferred, right from the beginning, for this to be the case. But funds have not allowed it. I think we are in a position, with different arrangements now, that such a competition could be held, without as much expense as we might have thought.

**ACTING CHAIR**—What kind of expense do you think would be necessary to properly conduct an international design competition?

**Mr French**—I believe the way to do it would be in two stages, so that there is an initial selection of three, four or five and then from that you would go down to a more finite definition of a design. Doing it this way, I believe it would be in the order of \$50,000 to \$75,000. It would attract international competition.

**ACTING CHAIR**—How much of that would be prize money for the successful design?

**Mr French**—The way some of these competitions have been done around the world, the getting of the job becomes the prize money. The initial money is to cover costs, if you like, up to that period.

**ACTING CHAIR**—The cost of promoting it overseas and so on?

**Mr French**—Yes. There are many ways to skin the cat in putting such a competition together. It is possible, and this has been done before, that a contractor could be bought in to some stage of the design so that you then wrapped up a total design-and-construct competition. The legalities of that, of course, are quite large.

**ACTING CHAIR**—Sure. But it is within your contemplation to have an international design competition.

**Mr French**—I think it is something we should seriously consider.

**ACTING CHAIR**—You heard Dr Headon suggest Australian government funding for promotion of the idea so as to stimulate more interest within Australia. Would you see that as a necessary part of the process going ahead?

**Mr French**—It certainly would be of great assistance. Let us face it, I think all of us are new to the original group who started this off, and the big issue at the moment is the financial situation, the corporate situation, in not having DGR status for tax rebates et cetera. I think it would give an indication to people that it was supported by the Commonwealth. I think it is fairly important.

**Mr Notaras**—Might I add that, if the Commonwealth supported it, it would bring the project to fruition much earlier than it ordinarily might happen by expediting all the early-stage costs that are involved and then, of course, the commencement of construction.

**ACTING CHAIR**—Can I clarify what you were saying before about the unanswered questions on the design of the landfall on the southern side and how this might impact on the heritage values there and so on. You are saying to us that you cannot provide answers to these questions at this stage because the process of design that needs to go on is still some way in the distance and that it is not reasonable to try to answer these questions until you have got to the stage where you can in fact commission a design.

**Mr French**—That is correct. It has to be appreciated that the design concept, the picture, that is out there at the moment is purely a concept to be used for promotion and marketing purposes. There was never a brief as such written for that. The brief has to be written before you can come up with a design that is going to be a reality. And that is a very long process.

**ACTING CHAIR**—So the legitimate questions that people have about what this will look like and how it will impact the surrounds and what other users will make of that and so on are questions that will have to be answered, but they cannot be answered now; they have to be answered later in the process.

**Mr French**—That is correct.

**ACTING CHAIR**—All right. Are there any further questions?

**Ms ANNETTE ELLIS**—I have a quick one, and it may have been touched on on Monday. Given that there are spaces for 200,000 engravings—

**Mr French**—Yes.

**Ms ANNETTE ELLIS**—what happens to any migrants who want to get into this project after it is finished?

**Mr Baulch**—All of the information and records are part of a public display on our website. It is envisaged that we will continue to collect names after the 200,000 have been registered. We will continue to collect the same amount of information about those names and publish those names. It is envisaged that they will probably be published in a book, which will be on the bridge as well and will be added to as time goes on.

**Ms ANNETTE ELLIS**—But migrants of the future won't be part of this?

**Mr Baulch**—Yes, they will—well, they can be if they want to be.

**Mr Notaras**—They will not need to pay a subscription.

**Mr Baulch**—Obviously we will be charging \$110 up until the 200,000 have been done. We will assess the value of the registration after that time but it will not be that amount.

**ACTING CHAIR**—Thank you very much, gentlemen, for your attendance today. I do not know whether you have been asked to provide any additional information to the committee but if you have we would appreciate having it by Wednesday, 8 April so that we can meet our deadlines. We will send you a copy of the transcript of the evidence and you can make any corrections of grammar or fact to that if you wish. I thank those who have been involved in the two days of hearings—the witnesses particularly but also the staff of the committee and Hansard.

Resolved (on motion by **Mrs Ellis**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 12.06 pm**