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Committee Secretary
Joint Standing Committee on the National Capital and External Territories
Department of House of Representatives
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AUSTRALIA

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

INQUIRY INTO THE IMMIGRATION BRIDGE AUSTRALIA PROPOSAL

CANBERRA YACHT CLUB (CYC) SUBMISSION

The enclosed submission from the Canberra Yacht Club is forwarded for the Joint Standing Committee's consideration. The Canberra Yacht Club welcomes the Committee's inquiry and the opportunity to make this submission. The opportunity to amplify the comments in the submission at the Committee's hearing is also welcomed.



Graham Giles
Commodore

Enclosure: CYC Submission to the Joint Standing Committee on the National Capital and External Territories Inquiry into the Immigration Bridge Australia Proposal

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Summary

The Canberra Yacht Club (CYC) supports the proposition that there is a strong case for the construction in Canberra of a very significant national memorial to celebrate all that immigration has added to Australia's national life.

However, as a major user of the lake the CYC's position regarding the Immigration Bridge proposal is that:

- a. the proposal that a bridge be constructed at this location is derived from unvalidated Griffin Legacy Strategic Initiatives, and has not been subject to the proper scrutiny, including public consultation, that is warranted for such a significant infrastructure item. The proposition by Immigration Bridge Australia (IBA) to build such a bridge on the basis that it was going to be built by the Government anyway is therefore flawed.
- b. a bridge constructed as proposed will have significant detrimental effects on users of the lake, both of its water and its foreshore, and particularly on sailing.
- c. the process undertaken by IBA in relation to settling the design for the proposed Immigration Bridge has been fundamentally inadequate and that it has failed to properly take into account either the heritage values of the lake or its foreshore, or the interests of users of the lake (or of the wider community).
- d. IBA fund raising for the bridge is premature, based on an unfounded premise that the bridge's construction is a foregone conclusion, and therefore it is potentially misdirected; nor does it address funding for through life maintenance of the bridge.
- e. in view of actions and positions attributed to the National Capital Authority, there is a likely need for additional transparency and independence in the processes for considering any application for approval for the proposed bridge.

In outlining its interests as they are affected by the IBA's bridge proposal, the CYC submission's argument is not simply that these interests have not been taken into account, but that they are of such substance and significance that they constitute an imperative for some form of memorial other than the proposed bridge.

In order to provide context for the CYC's interests, this submission will, at the outset, provide an overview of the CYC, its history and activities, and details of those of its interests which are most directly impacted by the proposed bridge. This broad discussion will be followed by specific commentary in respect of each of the terms of reference.

The CYC welcomes the opportunity to contribute to this inquiry. We will also welcome an opportunity to amplify this submission in direct testimony before the Committee.

The Canberra Yacht Club

The CYC has been in existence for nearly 50 years, and has operated on Lake Burley Griffin since the Lake was opened in 1964. It is the largest provider and supporter of sailing events operating on Lake Burley Griffin. It conducts one of the largest club-based sailing schools in Australia. The Club is experiencing strong growth in membership and participation, with both at levels not experienced for many years. Its conduct of major events helps bring large numbers of participants and visitors into the ACT.

The CYC is a prominent and integral part of bringing life, activity, responsible usage and wider community engagement to the Lake. It works constructively with and often assists other lake users, including other sailing clubs, dragon boating, kayaking, rowing and triathlon to ensure the success and enjoyment of these other lake activities. The CYC enjoys an excellent relationship with the National Capital Authority and other authorities, and works cooperatively with these to maintain and improve management and use of the lake.

A comprehensive summary of the Club's history and operations is at Attachment 1.

Lake Burley Griffin – CYC Interests

The CYC is making a growing and valuable contribution to both the life and use of Lake Burley Griffin and to the lake's value to the ACT community, as well as to the local and national sailing community. To sustain this contribution, the CYC, along with other lake users has a very substantial general interest in the amenity and availability of the lake for boating, and of its foreshore. There are also some very specific interests. For the CYC, both its general interests and the specific interests discussed in the following paragraphs are very significantly and adversely impacted by the bridge proposed by IBA.

Area and Access

Even for lower levels of usage, the area of Lake Burley Griffin which is practically available for competitive and recreational sailing is relatively restricted, and over the years has been shrinking due to silt, weed, and to wind shadows caused by significant tree growth on West Lake islands. A feature of any landlocked water is the impact of the surrounding topography and structures on wind patterns, which can add to constraints imposed by area and depth. For its own events and for the major state and national level events it hosts, the CYC experiences difficulties in always being able to provide acceptable courses in the prevailing wind and weather conditions, under the constraints of the limited useable area and the geography of the lake.

Because of the existing constraints on the area available for fair and safe sailing, the imposition of any further obstacles or constraints would have a disproportionate impact on the CYC's ability to use the lake, and particularly to support higher levels of competition associated with state and national championships.

While larger vessels, such asailable yachts are confined to those parts of Lake Burley Griffin west of Commonwealth Bridge, the smaller dinghy classes involved in both racing and sailing school activities also can access to Central Basin in safe wind conditions. This allows sailing school classes and some small dinghy racing to be conducted on West and Central Basins which contributes to the lake's capacity for sailing participation, and to the associated public spectacle of major events and activities such as those held on Australia Day. However, Central Basin is not accessible by larger boats, and in itself West Basin is not suitable for events involving these.

As will be addressed in more detail below, it is not always a simple matter for sailing vessels to negotiate hazards such as bridge pylons, and adding a hazard of this nature would further constrain sailing use of the eastern end of West Lake, and access to and use of West Basin.

Manoeuvring Boats - Hazards

Manoeuvring a boat under the combined and often conflicting influences of wind and water is not like controlling a vehicle on a firm dry surface. In many situations the course sailed is not fully predictable, being achieved through balancing often highly variable influences of wind, with shifts, eddies and gusts, current (albeit minimal in the lake) and wave motion. These factors are all significant in varying degrees for both powered and sailing vessels. Yachts sailing to windward can only sail at about 45 degrees to the wind, and often need to tack frequently depending on wind shifts, further complicating passages past obstructions. As already noted, surrounding topography and structures have a very significant impact on wind patterns and behaviour.

It is during the most challenging conditions that the need of boats, both sailing and rescue vessels, for unencumbered manoeuvre is most critical. At such times, the conditions impose significant limitations on the level of control over the movement of a vessel and significant limitations on the range of safe choices that will be available. To add a set of fixed obstacles associated with the proposed bridge into the mix in an area of the Lake which is a focal point for wind and wave conditions, as well as for manoeuvre, is to significantly compound existing hazards as well as adding major additional hazards.

Aside from the hazard generated by the bridge pylons as obstacles for safe manoeuvring of individual boats, the risk of collision between boats also arises from the prospect of them jockeying for position in a waterway confined and obstructed by bridge pylons. The presence of these obstacles within the space between Acton Peninsula and Lennox gardens will inevitably be a hazard, particularly under adverse conditions and with trainees, with safety becoming a real issue.

From a safety perspective, it would not be responsible for sailing courses to be set to pass in the vicinity of or under the proposed bridge. Water available for racing in both West Basin and the eastern end of West Lake, and for training in other than benign conditions, would therefore be constrained by this.

Safety in High Winds – Access to Sheltered Water

As noted earlier in this submission, surrounding topography and structures have a significant impact on wind flows on Lake Burley Griffin. For much of the year, the prevailing winds on the lake are north-westerlies, and these can be highly variable in terms of both direction and intensity.

It is not uncommon for wind conditions on Lake Burley Griffin to change very suddenly and very substantially, in many cases leaving no option for boats but to dash for shelter. When the typical and frequent strong north-westerly changes occur the area to the immediate south-east of Acton Peninsular and the National Museum of Australia affords a valuable sheltered safe haven for all classes of boats. This allows larger sailing boats to change or remove sails and smaller ones to await a suitable time to return to the Club at Lotus Bay, which is particularly hazardous under these conditions, or to continue their journey.

The proposed bridge would significantly increase the risks arising from these high winds or sudden change in conditions in two ways. Firstly, its obstruction and hazard to vessels manoeuvring under extreme conditions will be exponentially exacerbated and

much needed access to safe water significantly challenged. Secondly, like any substantial structure, the proposed bridge would add a considerable disruption to air flow and generate additional disturbance, eddies and wind shifts in its vicinity, adding to the difficulties.

A normal part of the environmental assessment of any major new structure includes expert study and assessment of the likely resultant wind patterns and effects. For example, we understood that such studies were undertaken in relation to the construction of the National Museum. There does not appear to be evidence of any specialist consideration of the impact on wind patterns resulting from a bridge as proposed by IBA. The CYC believes that such a study is a critical component of an essential wider review of all aspects of the proposal for a bridge at this site. Such a study might also inform on the likely wind effects on persons using the elevated bridge.

The proposed bridge would impose an adverse impact on lake users by both adding a major hazard and constraining access to a needed means of mitigating risk of damage or accident. The CYC has seen no evidence that IBA has adequately taken this impact into account.

Sailing Conditions

For good racing competition, fair wind is a prime requirement. For this reason, for significant events courses cannot be laid close to upwind obstructions that cause severe disruption and turbulence to wind flow, as the unpredictable nature of this can seriously detract from the fairness of the competition. For example, with the frequent north westerly winds the effects of Black Mountain and its peninsular preclude full use of the western end of West Lake. A bridge such as proposed would create a similar effect with the easterly winds common early in the year, further constraining the area available for such events.

Thus, the effect of inserting a structure such as the proposed bridge, combining both fixed hazards and wind pattern disruption, into a focal part of the available sailing area would be seriously detrimental. It would effectively preclude yacht racing near the bridge, reducing the overall area available. This impact would not only be felt by the regular users of the lake. It would also significantly detract from Lake Burley Griffin's suitability as a venue for major interstate, national or international competition.

Impacts – Lake Users' Interests

The IBA's proposals purport to address the impacts discussed in the preceding paragraphs solely through the design of the proposed bridge. This, however, is most unlikely to adequately ameliorate the adverse impact of putting such a bridge in the proposed location. For this reason, the IBA has failed to adequately take into account the impact of its proposal on the interests of sailors as lake users.

The Inquiry's Terms of Reference

The preceding part of this submission has canvassed the interests of the CYC and, more generally the sailing and boating community as significant users of Lake Burley Griffin. The adverse impacts the proposed bridge would generate have also been canvassed. The reason for taking this approach is that upon these interests and impacts turn a central element of the Inquiry's terms of reference – namely:

“The process adopted by Immigration Bridge Australia (IBA) to settle the design for the Immigration Bridge (the Bridge) taking into account the interests of users of the Lake”

Without providing an understanding of the interests of lake users, and the impact of the proposed bridge, any consideration of this element of the terms of reference would have been incomplete.

There is, however, more to the CYC's position in relation to this inquiry than this single element, and the following paragraphs will address each of the terms of reference in turn.

IBA's Process – Heritage Values

The CYC does not purport to offer expert assessment of either the lake's heritage values or the impact of the proposed bridge on them. Rather, this submission's commentary is from the perspective of vitally interested lay people, whose lives are heavily involved in all aspects of the lake and what it offers.

Significant characteristics of Lake Burley Griffin and its surrounds include a general sense of open space. West Basin and West Lake are not unduly enclosed or bounded by structures and offer a relatively unencumbered vista from both the southern and northern shores. To insert such a dominating structure as the proposed bridge would seem to create a most jarring inconsistency with the existing ambience and vistas. The CYC believes that, as proposed, the bridge would be a most discordant and ugly presence on the lake, and seems quite contrary to our perception of its heritage values.

There is much more to the heritage value of the lake than its appearance, its physical ambience, its surroundings and associated structures. The interaction of the lake environment with human activity is just as much a part of the heritage value of the lake as any other aspect. In that regard, for as long as Lake Burley Griffin has existed, boating activity, including the sailing activity described in this submission has been an integral part of the lake and its heritage. These activities are as deserving of being taken into account as any of the structural or aesthetic issues which should be part of the consideration of the proposed bridge, and we believe that the IBA has failed to adequately do so.

Justification for the proposed bridge seems to rely completely on the Griffin Legacy proposals. It is difficult to accept that Griffin would have envisaged a bridge such as is proposed. Furthermore, as indicated earlier, the CYC believes that the very basis for such a bridge, and all of its implications, should be tested against the present and prospective environment before any plan is made to proceed with its construction.

The Committee may wish to conclude that the processes adopted by IBA fail to adequately take into account the heritage values of Lake Burley Griffin.

IBA's Process – Lake Users

The CYC has seen no evidence of any consideration by IBA of options other than its proposed bridge. Noting the interests and impacts outlined earlier in this submission, it seems impossible to conclude that the IBA process has adequately taken into account the interests of lake users.

There has been a form of consultation undertaken by IBA, but it has been a limited and closed process. Albeit predicated on the unqualified premise that the bridge is to be built, IBA has been prepared to discuss design aspects with stakeholders such as the CYC. Notwithstanding the CYC's unqualified opposition to the proposed bridge, it has promoted the development of a set of specifications any bridge's essential features must meet should such a structure proceed. This 'Design Brief' was developed by the Lake User's Group after CYC consultation with the NCA, with the intent of minimising the adverse impacts and safety implications should any bridge eventually be constructed.

This Design Brief was 'generally supported' by the NCA, which passed it to IBA for guidance. A copy is at Attachment 2.

IBA has, however, then at least acquiesced in the creation of an incorrect impression that its taking account of design issues also entailed agreement by the CYC to the proposal for a bridge. The CYC does understand that IBA has indicated that it proposes wide consultation in developing a formal design brief for the proposed bridge. However, this will again be predicated on an assumption that such a bridge is appropriate, which we believe must be tested.

The CYC's interests will have been taken into account if some other, less disadvantageous memorial to immigration is constructed. Simple accommodating the CYC's and the Lake User Groups concerns and specifications in the design of the proposed bridge would only be a partial and the bare minimum amelioration of an otherwise entirely adverse set of impacts. In that regard, the CYC wishes also to register its concern at the risk that should the IBA proposal proceed, subsequent budget, technical or schedule constraints might result in unacceptable design concessions or shortcomings in any bridge which might eventuate.

The CYC believes that proper evaluation of the impact of the proposed bridge on both lake users and heritage values must be an essential element of any approval process, and that this properly should have been a precursor to any announcement that a bridge would be built.

The Committee may wish to conclude that the processes adopted by IBA fail to adequately take into account the interests of users of the lake.

IBA – Fundraising for Construction and Maintenance

IBA's public communication and its communication with people affected by the proposed bridge has consistently been predicated on the premise that it is a foregone conclusion that the proposed bridge will be built. Noting that there has as yet been no formal proposal submitted for approval of the bridge, this position would appear to be relatively unfounded, yet it is the basis upon which financial contributions and public support have been solicited and obtained. In this context the CYC is concerned for the interests of those people who have, in good faith contributed financial and personal support.

IBA has indicated preliminary cost estimates of the order of \$30M for construction of the proposed bridge, but there appears to be no consideration of the likely cost or proposed funding arrangements for its ongoing maintenance and upkeep. Aside from the normal effects of exposure to the elements and fair wear and tear, it is difficult to imagine that such a structure would remain immune to vandalism and abuse from time to time, and ancillary systems obsolescence. IBA should be required to make its plans and provision for ongoing maintenance clear and this should be assessed as part of any approval process.

IBA should be required to make its communication in relation to the approval status of its proposal much clearer to the public at large, and particularly to existing and potential contributors. IBA should also be encouraged to consider valid alternatives to the construction of a bridge across Lake Burley Griffin, which likely could be achieved at much lower cost.

Approval Process

The CYC has benefited from a longstanding and productive engagement with the NCA in the management and betterment of Lake Burley Griffin, its use and its associated facilities. In almost all cases this engagement has been characterised by a very

constructive working relationship, substantial assistance and responsiveness provided by the NCA, and overall alignment of objectives.

The CYC is confident that, to the extent its position might differ from the NCA's in respect of the proposed bridge, this will not detract from continued engagement at the same high standard. Indeed, in all its dealings with the CYC in relation to this proposal, the NCA has been responsive, and it has facilitated action by the Lake Users Group on issues and questions raised by the CYC.

The CYC believes that the NCA would bring rigour, comprehensive consultation and complete objectivity to its consideration of any approval process for the proposed bridge. Notwithstanding that confidence, the CYC notes that IBA attributes the idea for a bridge as an appropriate form of memorial to the NCA. Moreover, IBA has indicated that it is only seeking to build something that would have been built anyway by Government and, as noted above, its communication infers that approval is a foregone conclusion.

These factors complicate the NCA's position as the agency which would normally consider an application for approval for the proposed bridge. For this reason, there would appear to be a case to add mechanisms which ensure both the appearance and substance of objectivity in the approval process.

The Committee may wish to consider options to ensure both the appearance and substance of objectivity in any approval processes for the proposed bridge.

IBA has failed to adequately take the proposed bridge's impact on heritage values and on the interests of lake users into account. It is therefore imperative that the interests and impacts outlined in the preceding parts of this submission are properly and thoroughly assessed and evaluated as part of any approval process. There is a clear need for a robust and demonstrably objective weighing of those values, interests and impacts in relation to the benefits that might be delivered by the proposed bridge, as well, perhaps, as by any less disadvantageous options for a memorial. Also, as noted already, the approval process should include consideration of arrangements and financial provision for the ongoing maintenance of the proposed bridge.

The Committee may wish to conclude that:

- ***the processes for approval of any proposed memorial bridge must include a thorough and robust assessment of all its impacts on heritage values and the interests of lake users and other affected stakeholders;***
- ***the process should also consider the relative merits of alternative forms of memorial; and***
- ***arrangements and financial provision for ongoing maintenance of the bridge should be considered as an essential element of the approval process.***

Although outside the specific terms of reference of the Committee, it may wish to conclude that the assumption that a high level pedestrian bridge should be constructed at this location, as proposed by The Griffin Legacy, should be tested by thorough examination of and consultation on the justification for such a bridge, in terms of its need, benefit, practicability, useability, public safety, heritage values, impact on the community and the like, and that this should be completed before any consideration be given to Government accepting or processing for approval any formal proposal for construction of such a bridge.

Conclusion

Celebrating and commemorating what immigration has added to our national life should not be divisive, and it should not detract from important and valuable community usage and heritage values.

In its single minded pursuit of the proposed bridge, to the exclusion of any alternatives, IBA has failed to identify, understand, objectively assess or adequately take into account the very adverse impacts of its proposal on the full gamut of the heritage values of the lake, or the interests of its users both on the water and its foreshore. Moreover, in its public communication and its solicitation of support, IBA has relied on an ill founded premise that the construction of a bridge, and only a bridge, is a foregone conclusion. In doing so, IBA has neglected the interests of those who have provided financial contributions and compromised the independence of the NCA.

The CYC believes strongly that:

- a. an appropriate alternative memorial to immigration should be supported,
- b. the proposed Immigration Bridge should not proceed,
- c. IBA's processes have failed to adequately take into account heritage values, impacts on lake user interests or the interests of those whose support it has solicited, and.
- d. there is a need for a comprehensive and robust validation of the proposal for a bridge at this location, including of its benefits and impacts, as well as consideration of alternatives to achieve its purported objectives. This should be carried out as a precursor to acceptance of any formal proposal to construct the bridge, or at the least as an integral part of any approval process.

Canberra Yacht Club
26 March 2009

Attachments

- 1 The Canberra Yacht Club
- 2 Immigration Bridge Design Brief Prepared By the Lake Burley Griffin Lake Users' Group - March 2007

THE CANBERRA YACHT CLUB

This year the CYC celebrates the 50th anniversary of its founding. After its early years operating on Lake George, the CYC quickly became an integral part of the life of Lake Burley Griffin from the Lake's very beginnings. The Opening of Lake Burley Griffin Inaugural Regatta, conducted by the LBG Co-ordination Committee, was held on the weekend of 17 – 18 October 1964, at the start of the first full season of racing on the new Lake.

Today, along with all the other users of Lake Burley Griffin, covering activities such as sailing, rowing, dragon boating, triathlon, tourism operations, kayaking and simply enjoying the lake and its environs, the CYC is a prominent and integral part of bringing life, activity, responsible usage and wider community engagement to the lake. The CYC works constructively and very successfully with all other lake users and with relevant authorities, most particularly the NCA, to improve management and use of the lake.

With its current membership at around 600, the CYC has grown steadily over the years, weathering change and challenges, but sustained and growing on the foundation of strong interests in, and engagement with, the life, usage and development of the Lake and its surrounds. Over recent years, an increasingly revitalized CYC has achieved quite exceptional growth and development, reaching its current state from a membership of around 200 in 2002. Participation in sailing in the ACT and, particularly in CYC activities has grown commensurately with this increase in membership, and with strong Club programs and improved facilities we believe that this growth will continue.

The CYC's own activities include regular racing in both winter and summer, with the summer season racing routinely attracting around 80 boats, involving more than 200 sailors. Similarly, major events such as the Chief Minister's Regatta, held annually on Australia Day always attract very strong participation by the CYC and the wider sailing community, including other clubs, Sea Scouts and Sailability ACT. CYC members also make regular use of the Lake and its facilities for cruising, picnics and participation in the range of community activities associated with the Lake

In addition to its racing and sailing activities, the CYC reaches out to the community through its operation of one of the largest, most active and most successful club based sailing schools in Australia. In 2008 the CYC was one of four finalists in the Yachting Australia awards for excellence, in the category of Sports Promotion.

Each season the Canberra Yacht Club Sailing School, a Yachting Australia Registered Training Centre, trains over 800 adult and junior sailors. These training courses have made a major contribution to the development of the CYC, as well as to the significant growth in interest and participation in sailing in the ACT.

The CYC Sailing School's programs also includes highly active Youth Sailing Academy and Youth Race Squad programs involving 75 young athletes in regular weekend coaching and training programs, and successful participation in local, interstate, national and international competition. Young CYC sailors involved in these programs include several Australian Junior Champions.

The CYC also operates a boat hire service, which has proved to be a popular addition to the range of activities available to both visitors to the ACT and ACT residents. The CYC's powered rescue boats, most often crewed on a volunteer basis by CYC members, also provide invaluable support services to a wide range of boating and community activities on the lake, such as Dragon Boat regattas and other events. They are also frequently deployed to assist members of the general community experiencing boating difficulties on the lake.

As well as sending competitors interstate, the CYC regularly hosts state and national championship regattas. In 2006 the CYC very successfully conducted the sailing competition for the Australian Masters Games held in the ACT, with about 100 participating boats, and in 2008 conducted the Australian Access Dinghy Championships, involving mostly disabled competitors, with several of the Canberra participants being medal winners at the 2007 Special Olympics World Summer Games. These major events, and the CYC's role in conducting them, contribute greatly to the life of Lake Burley Griffin, and help bring large numbers of participants and visitors into the ACT. Similar events are also conducted by the YMCA Sailing Club.

The CYC also makes a significant contribution to the operation of the ACT's peak yachting body, Yachting ACT, and through this to Yachting Australia.

IMMIGRATION BRIDGE DESIGN BRIEF

PREPARED BY THE LAKE BURLEY GRIFFIN LAKE USERS' GROUP

Following discussion by the Lake Users Group on the proposed Immigration Bridge it was agreed that the Group should develop a 'design brief' detailing features and constraints that the NCA would use to inform the bridge design to minimize adverse impacts of the bridge on all lake users.

The bridge is proposed to span Lake Burley Griffin between the area of Lennox Gardens adjacent to Flynn Place, and Acton Peninsular, aligned with King Edward Terrace. It is to be designed to take pedestrian and cycle traffic. Concern has been expressed by Group members at the lack of consultation on the proposal. The Canberra yacht Club has specifically expressed concern at the:

- physical risk to lake users presented by the many pylons shown in indicative illustrations of the bridge,
- reduction of the area of the lake that can safely be used for sailing in all weather,
- impact the bridge will have on the quality of wind at the Eastern end of West Lake, by disturbing the airflow and further reducing the area of the lake useable for fair competitive sailing,
- constriction on safe manoeuvrability in a primary area of safe shelter for yachts when the typical NW frontal winds become dangerous, and
- difficulty created for sailors and particularly sailing school classes to sail safely to and from West Basin and Central Basin for sailing events and training.

Taking all Lake Users concerns into account, the Group proposes that should such a bridge be built, that its design should meet the following criteria:

- 12 metres minimum clearance height of the bridge over the lake, from the normal water level,
- as few as practicable pylons in the lake, with
- 70 metres minimum span between pylons,
- minimal vertical profile and design features to minimize the effect of the bridge on the wind, and
- a soft collar to be installed on all pylons from 1 metre below to 1 metre above the normal water level.

THE LAKE BURLEY GRIFFIN LAKE USERS' GROUP