



INQUIRY INTO THE IMMIGRATION BRIDGE AUSTRALIA PROPOSAL.

**Submission to the
Parliamentary Joint Standing Committee on the National Capital
& External Territories**

27 March 2009

Professor James Weirick, President
Walter Burley Griffin Society Inc.
140 Edinburgh Road
Castlecrag, NSW 2068

TABLE OF CONTENTS

1.0 The Context of the Inquiry		5
2.0 The Immigration Bridge Proposal: Decision Process to date		8
October 1997	Pedestrian bridge part of Winning Scheme in 1997 NMA design competition	8
June 1998	Pedestrian bridge dropped from NMA project	9
2001	Immigration Monument proposed by Mr Gianni De Bortoli	11
September 2001	National Monument to Immigration Steering Committee formed	11
June 2002	Parliamentary debate on National Monument to Immigration	11
June 2002	National Memorials Committee endorses NCA's 2001 Commemorative Works Policy	13
July 2002	Immigration Bridge proposal announced	14
May 2003	NMA supports the Immigration Bridge proposal	15
November 2003	NCA gives 'in-principle support' to the Immigration Bridge proposal	16
March 2004	Immigration Bridge proposal queried during 2004 NCET Inquiry into the NCA	19
December 2004	NCA releases 'Griffin Legacy' Report	20
May 2005	NCA and Heritage Management of Lake Burley Griffin	22
October 2005	Immigration Bridge Australia registered as a not-for-profit company	24

June 2006	IBA release Immigration Bridge Concept Design	25
June 2006	NCA Consultation with Lake Users Group	26
August 2006	ACT Government commitment to transfer Territory Land	27
August 2006	'Griffin Legacy' Draft Amendments to the National Capital Plan – public consultation	29
November 2006	'Griffin Legacy' Draft Amendment 61 - West Basin, Ministerial approved	30
December 2006	Immigration Bridge proposal formally launched in the Great Hall, Parliament House	30
February 2007	NCA releases Draft Amendment 53 -Albert Hall Precinct for public comment	31
March 2007	IBA & NCA hold 'design concept process meeting'	31
May 2007	NCA questioned on Immigration Bridge proposal at Senate Estimates hearing	31
March 2008	IBA & NCA hold second 'design concept process meeting'	32
May 2008	IBA representatives appear before 2008 NCET Inquiry into the Role of the NCA	33
May 2008	IBA launches television advertising campaign	34
February 2009	IBA announces Development Application timetable	34
3.0 Immigration Bridge & the NCA Works Approval Process		36
4.0 Immigration Bridge – 'The Way Forward'		39

TABLE OF CONTENTS

Appendix 1: WBSG Canberra Chapter Recommendations	44
Appendix 2: The Walter Burley Griffin Society Inc	45
Appendix 3: Biographical profile – Professor James Weirick	46

This Submission was prepared by Professor James Weirick on behalf of the Management Committee of the Walter Burley Griffin Society Inc. and complements the separate submission by the Canberra Chapter of the Society, dated 24 March 2009.

1.0 The Context of the Inquiry

- 1.1 The Walter Burley Griffin Society (WBGs) thanks the Parliamentary Joint Standing Committee on the National Capital & External Territories (NCET) for the opportunity to comment on the Immigration Bridge Australia proposal.
- 1.2 This submission, prepared on behalf of the Sydney-based Management Committee of the WBGs, is separate from but complements the submission by the Canberra Chapter of the Society, dated 24 March 2009.
- 1.3 The Management Committee of the WBGs supports the content, conclusions and recommendations of the Canberra Chapter submission. For reference, the recommendations of the Canberra Chapter are attached as Appendix 1 to this submission.
- 1.4 The Immigration Bridge inquiry is being held at a vital period in the history of the planning and design of the National Capital.
- 1.5 On 11 December 2008, the Minister for Home Affairs, the Hon. Bob Debus, tabled the Response of the Australian Government to the recommendations of the NCET Inquiry into the Role of the National Capital Authority, issued in *The Way Forward* report of July 2008.¹
- 1.6 In his accompanying Media Release, Minister Debus declared that the National Capital Authority 'will be retained as the independent planning body for the national capital but its governance will be strengthened' and announced the establishment of two bodies:
 - a 3 month Taskforce to examine the functions of the NCA; and
 - a 12 month committee involving the Commonwealth and ACT to look at ways of improving the planning system.²

¹ The Hon. Bob Debus, Minister for Home Affairs, *Australian Government Response: Inquiry into the Role of the National Capital Authority*, Canberra, 11 December 2008, [http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(3A6790B96C927794AF1031D9395C5C20\)~Government+Response+to+the+JSC+Report+on+the+role+of+the+National+Capital+Authority+-+PDF++11+December+2008.pdf/\\$file/Government+Response+to+the+JSC+Report+on+the+role+of+the+National+Capital+Authority+-+PDF++11+December+2008.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(3A6790B96C927794AF1031D9395C5C20)~Government+Response+to+the+JSC+Report+on+the+role+of+the+National+Capital+Authority+-+PDF++11+December+2008.pdf/$file/Government+Response+to+the+JSC+Report+on+the+role+of+the+National+Capital+Authority+-+PDF++11+December+2008.pdf) – accessed 26 March 2009.

² The Hon. Bob Debus, Minister for Home Affairs, 'Response to Report into National Capital Authority,' Media Release, 12 December 2008, http://www.ag.gov.au/www/ministers/ministerdebus.nsf/Page/MediaReleases_2008_FourthQuarter_12December2008-ResponsetoReportintoNationalCapitalAuthority - accessed 26 March 2009.

1.7 The NCET Immigration Bridge inquiry provides the opportunity to guide the Minister's review process with respect to the following functions of the National Capital Authority, as set out in Section 6 of the *Australian Capital Territory (Planning & Land Management) Act 1988*:

- (d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital; and
- (e) to foster an awareness of Canberra as the National Capital.³

1.8 The process followed to date with the Immigration Bridge proposal calls into question the capacity of the National Capital Authority (NCA) to deliver on its core responsibility to commemorate significant aspects of the nation's history in the symbolic centre of Canberra.

1.9 The NCA needs to be strengthened in both its governance and its capacity to overcome the errors of judgement, which have led to the current situation with respect to the Immigration Bridge proposal and its backers, Immigration Bridge Australia.

1.10 The proposal is so clearly wrong on some many counts that it is difficult to understand how the scheme has advanced so far.

1.11 As further discussed in this submission, the proposal is wrong in terms of environmental impact, heritage impact, lake user needs, feasibility and risk.

1.12 However, above all, the proposal is wrong as a National Memorial or National Monument in relation to the commemoration of Australian achievement in the landscape of the National Capital.

1.13 The proposal is outlined in the NCET Inquiry Media Release as follows:

Immigration Bridge Australia (IBA) . . . is proposing to build a 400m pedestrian bridge across Lake Burley Griffin to commemorate the migrant contribution to Australia for completion before Canberra's centenary celebrations in 2013.

The proposed Immigration Bridge will stretch over the lake from Lennox Gardens near the Hyatt Hotel to the National Museum of Australia on Acton Peninsula. IBA is raising funds for the bridge by offering more than 200,000

³ The Hon. Bob Debus, Minister for Home Affairs, 'Response to Report into National Capital Authority,' Media Release, 12 December 2008, http://www.ag.gov.au/www/ministers/ministerdebus.nsf/Page/MediaReleases_2008_FourthQuarter_12December2008-ResponsetoReportintoNationalCapitalAuthority - accessed 26 March 2009.

immigrant families and their ancestors the opportunity to pay to have their names engraved on the handrails of this bridge.⁴

- 1.14 Stated simply, an Australian must earn the right to have his or her name recorded on a monument in the National Capital, not buy the right.**
- 1.15 The failure of the National Capital Authority to recognise the profound importance of this principle is an indictment of the Authority members, its Chief Executive and its staff over the past nine years.
- 1.16 The placement of one (1) bought name plaque in the symbolic centre of the National Capital would be sufficient to devalue the achievement, the commitment – and indeed, the supreme sacrifice – of the Australians whose names are recorded so movingly, so sincerely on the great Canberra monuments from the Roll of Honour at the Australian War Memorial to the artworks of Reconciliation Place.
- 1.17 Two hundred thousand (200,000) bought name plaques would totally devalue the other commemorative sites of Canberra.
- 1.18 The role of Immigration in Australian life is worthy of commemoration – but not in the form of a 400m long, \$30 million footbridge built on the basis of individuals buying the right to have their names inscribed in the pantheon of Australian achievement that is the commemorative landscape of central Canberra.
- 1.19 This submission to the NCET Immigration Bridge Inquiry will focus on the decision process undertaken to date with respect to the proposal; the next steps in the process; and the implications of the venture for the review process announced by Minister Debus into the functions and responsibilities of the National Capital Authority.
- 1.20 The submission will address Terms of Reference 1 & 3 of the Inquiry.

⁴ NCET, 'Review of building an immigration bridge over Canberra lake,' Media Release, 26 February 2009, <http://www.aph.gov.au/house/committee/ncet/IBA%20proposal/Media/Media01.pdf> - accessed 26 March 2009.

2.0 The Immigration Bridge Proposal: Decision Process to date

2.1 The first Term of Reference of the Inquiry addresses the decision process, which has led to the current situation with the Immigration Bridge proposal:

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.**

2.2 A review of the public record reveals that the group promoting the Immigration Bridge concept has been closely involved with the National Capital Authority since 2001.

2.3 Indeed, the process adopted by this group has been developed in response to advice and guidance from the National Capital Authority throughout the life of the project.

2.4 To gain insight into the decision process, the WBSGS has prepared a chronology of the project and its antecedents, together with a commentary on the respective roles of the NCA and IBA.

Pedestrian bridge part of Winning Scheme in 1997 NMA design competition

2.5 **29 October 1997** – The result of the two-stage international competition for the design of the National Museum of Australia on the Acton Peninsula is announced. The winning scheme by Melbourne architects Ashton Raggatt McDougall, in association with Robert Peck von Hartel Trethowan, is generated from a ‘wandering line’ that conceptually and physically tangles the axial lines of the Griffin Plan into a complex free form, anchored in the Canberra landscape by a series of plan extensions, including a pedestrian bridge over Lake Burley Griffin from Acton Peninsula to Lennox Gardens.⁵

2.6 Comment: The pedestrian bridge in the Ashton Raggatt McDougall scheme for the National Museum of Australia was a conceptual design move, proposed at an abstract and philosophical level in relation to the axial lines of the Griffin Plan and the complex cultural program of the Museum. It was not a practical or pragmatic suggestion, related to pedestrian movement in the Central National Area of Canberra or boating activities on Lake Burley Griffin.

⁵ Michael Keniger, ‘Intended to provoke curiosity,’ in: Dimity Reed (ed.) *Tangled Destinies: the National Museum of Australia*, Images Publishing, Mulgrave, 2002, pp.50-53; Derek Walker & Keith Hampson, *Procurement Strategies: a relationship-based approach*, Blackwell Science, Malden, 2003, p.86.

Pedestrian bridge dropped from NMA project

- 2.7 **23 June 1998** – The Report of the Parliamentary Standing Committee on Public Works relating to new facilities for the National Museum of Australia and the Australian Institute of Aboriginal and Torres Strait Islander Studies is tabled in Parliament.
- 2.8 The Public Works Committee examined the pedestrian bridge proposal and found that ‘all environment-related submissions opposed the footbridge from Acton Peninsula to Lennox Gardens, due to the potential environmental impact on lake usage and the visual appeal of the lake, and because this impact had not been assessed.’ The Australian Heritage Commission (AHC) expressed concern that the bridge ‘may have an adverse effect on the national estate values of Hotel Canberra (Hyatt) due to increased demand for carparking in Lennox Gardens and in the vicinity of the hotel.’ The AHC recommended that the impact of such parking demands on the national estate value of the hotel be assessed, and if found to be unduly adverse, construction of the pedestrian bridge should be reconsidered. Submissions were also received from the Canberra Cruising Yacht Association and the Canberra Yacht Club ‘raising concerns about the interference of the bridge with sailing activities on the lake A submission from Mr John White also stated that the bridge traverses some of the deepest and roughest parts of the lake, and suggested that these conditions made a pedestrian bridge unsuitable.’
- 2.9 The Public Works Committee was advised by the Department of Communications & the Arts and the National Capital Authority, represented by Senior Architect Mr Andrew Smith, that:
- the bridge is, at this stage, conceptual only and will be subject to further investigation and consultation. Further development of the concept will entail consideration of environmental and heritage considerations, which if found to be significant, will be referred to Environment Australia under the *Environment Protection (Impact of Proposals) Act 1974*. In addition, an amendment to the National Capital Plan would also be required.⁶
- 2.10 Comment: The issues raised by the NCET Inquiry into the Immigration Bridge proposal were identified as matters of major concern by the Public Works Committee twelve (12) years ago – i.e. environmental issues, heritage issues and the interests of lake users.

⁶ Australia. Standing Committee on Public Works, *Report Relating to New Facilities for the National Museum of Australia and the Australian Institute of Aboriginal and Torres Strait Islander Studies*, Tabled 23 June 1998, p.83.

- 2.11 For the past twelve (12) years, the NCA has been aware of community opposition to the Acton Peninsula-Lennox Gardens pedestrian bridge; and its obligations to undertake environmental and heritage assessment of the proposal.
- 2.12 To date, the NCA has undertaken only limited community consultation – with a single entity, the Lake Users Group, convened by the NCA⁷ – and has undertaken no environmental and heritage assessment of the proposal, or at least, no publicly-released environmental and heritage assessment.
- 2.13 The proposed Acton Peninsula-Lennox Gardens pedestrian bridge has not been referred to the Department of the Environment, Water, Heritage & the Arts under the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act).⁸
- 2.14 The pedestrian bridge was included in an amendment to the National Capital Plan, as foreshadowed in the NCA's evidence before the Public Works Committee in 1998. A 'high-span pedestrian bridge connecting the National Museum and the Parliamentary Zone' was included as a single-line proposition in the multitude of broad-ranging changes to the symbolic centre of Canberra contained in the four 'Griffin Legacy' amendments – DA56, DA59, DA60 & DA61. These amendments were approved by the Minister for Local Government, Territories & Roads, the Hon. Jim Lloyd, on 27 November 2007 without referral to the Joint Standing Committee on the National Capital Territory & External Territories.⁹
- 2.15 In general, the commitment of the NCA to advance a controversial project regardless of public opinion, with little or no regard for environmental and heritage assessment – or at least, no regard for publicly-released environmental and heritage assessment – is consistent with the findings of three inquiries into the role of the Authority undertaken by the Joint Standing Committee on the National Capital & External Territories since 2004.¹⁰

⁷ NCA, Submission 55.13 to the NCET Inquiry into the Role of the NCA,

⁸ The WBSGS notes that Commonwealth Government entities have referred other proposals for assessment under the EPBC Act during the initial planning stage, see Capital Planners, *Master Plan Report: Block 13 Section 9 Barton – Proposed Mixed Use Development*, Prepared for the Department of Finance & Administration, The Consultants, Canberra, February 2006, p.67 & Attachment I.

⁹ National Capital Plan Amendment 61, West Basin, pp.8, 13; for the approval process, see The Hon. Jim Lloyd, Minister for Local Government, Territories & Roads, 'Minister Lloyd approves the Griffin Legacy Amendments.' Media Release, 7 December 2006, http://www.minister.infrastructure.gov.au/jl/releases/2006/December/L168_2006.htm - accessed 1 June 2008; procedures followed with previous Draft Amendments to the National Capital Plan, are detailed in NCA, *Annual Report, 2004-2005*, pp.57-70.

¹⁰ NCET, *A National Capital, A Place to Live: Inquiry into the Role of the National Capital Authority*, Canberra, July 2004; NCET, *Review of the Griffin Legacy Amendments*, Canberra, March 2007; NCET, *The Way Forward: Inquiry into the Role of the National Capital Authority*, Canberra, July 2008.

Immigration Monument proposed by Mr Gianni De Bortoli

2.16 **2001** – a resident of the Monaro district, Mr Gianni De Bortoli proposes the creation of a monument to recognise the role that migrants have played in the development of the Snowy Mountains Hydro-Electric Scheme.¹¹ The initial idea is expanded to honour the contributions migrants have made to Australia. Mr De Bortoli writes to the National Capital Authority about the prospect of building a memorial in the National Capital. The NCA replies ‘in very supportive terms’, stating that the Authority considers ‘the creation of . . . a steering committee essential for the successful completion of any memorial project’; recommends the appointment of ‘an eminent Australian with an interest in the contribution of migrants’ to be the patron of the project; and further states, ‘the Authority would work with your committee to identify a suitable site for such a monument.’¹²

National Monument to Immigration Steering Committee formed

2.17 **10 September 2001** – a public meeting is held in Cooma, NSW to progress the idea. A steering committee is formed to establish a ‘National Monument to Immigration Fund’ and the following statement of purpose is adopted:

To utilise the fund to build a national monument in Canberra which aims to recognise the contribution to Australia of the many migrants from around the world who have made Australia their home and who have enriched our country through their presence.

It is important to enhance the understanding of the Australian people of the benefits which migration has brought to our national community.¹³

Parliamentary debate on National Monument to Immigration

2.18 **24 June 2002** – The Member for Eden-Monaro, Mr Gary Nairn MP moves a motion in support of the National Monument to Immigration in the House of Representatives. The motion is seconded by the Hon. Peter Lindsay, Member for Herbert, and reads as follows:

That this House:

¹¹ Lieutenant General Lawrence George O’Donnell AC (Rtd), Chairman, Immigration Bridge Authority, evidence before the Joint Standing Committee of the National Capital & External Territories Inquiry into the role of the NCA, NCET Hansard, 6 May 2008, p.14.

¹² Mr Gary Nairn MP, Member for Eden-Monaro, Hansard (House of Representatives), 24 June 2002, pp.4172-4173.

¹³ Mr Gary Nairn, Hansard (Representatives), 24 June 2002, p.4172.

- (1) recognises the invaluable contribution that immigrants have made to Australia's development;
- (2) believes it is appropriate to recognise this through the construction of a monument in the National Capital;
- (3) supports the efforts of those who have established the National Monument to Immigration Fund which seeks to achieve this goal; and
- (4) remains informed of the progress of this project.¹⁴

2.19 Speaking to the motion, Mr Nairn details the relationship of the initial steering committee, formed by his constituents, with the NCA:

By partnering with the National Capital Authority in Canberra, they hope to secure a site of lasting prestige in our national capital. As I said, the steering committee for the fund has been established . . . It is intended that the committee will work closely with the National Capital Authority to capitalise on the expertise of the authority in managing projects of this type. It is intended that the successful design of the monument be decided by a group of eminent persons after the conduct of a national design competition. Construction of the monument will be managed by the National Capital Authority. Fundraising is now something which is a major issue that we have to address.¹⁵

2.20 Comment – the Immigration Bridge proposal was not mentioned in Mr Nairn's speech, nor in the speeches from other Members from both sides of the House, who supported him in the ensuing debate. The possibility of creating a 'National Monument to Immigration' along the lines of the Ellis Island Migration Museum in New York City was the idea which fired the imagination of several Members.¹⁶

2.21 The only note of concern was raised by one of the advocates of the Ellis Island idea, the Member for Calwell, Ms Maria Vamvakinou, who stated, 'I must say that I have some reservations about referring to it as a 'monument' because the connotation is that we are honouring something that has ceased to be. The reality is that immigration has not ceased, and as more and more new immigrants join our Australian family, the more this country will benefit from their contribution now and in future years.'

2.22 Ms Vamvakinou added, 'we should not only support Mr De Bortoli's efforts but embrace his idea and make it a Commonwealth government project, funded and

¹⁴ Mr Gary Nairn, Hansard (Representatives), 24 June 2002, p.4171.

¹⁵ Mr Gary Nairn, Hansard (Representatives), 24 June 2002, pp.4172-4173.

¹⁶ Hansard (Representatives), 24 June 2002, pp.4174, 4176; speeches in support of the motion, canvassing a wide range of issues, were given by Mr Laurie Ferguson (Reid), the Hon Peter Lindsay (Herbert); Ms Maria Vamvakinou (Calwell); Mr Petro Georgiou (Kooyong); Mr Christian Zahra (McMillan); the Hon. Alexander Somlyay (Fairfax); and Mr Michael Hatton (Blaxland).

coordinated by the Commonwealth government. I am certain that taxpayers would like to see the fruits of their labour go into building a national symbol, but not too grandiose a symbol.¹⁷

National Memorials Committee endorses NCA's 2001 Commemorative Works Policy

2.23 **June 2002** – The Canberra National Memorials Committee formally endorses the NCA's 2001 policy document, *Guidelines for Commemorative Works in the National Capital*.

2.24 The NCA describes the purpose of the guidelines as follows:

The guidelines establish a cultural, spatial and design framework to inform the siting, quality, and character of commemorative projects, including memorials and public art works, in the central national area. Mindful of the responsibilities associated with its role as custodian of this nation's capital city, the National Capital Authority recognises the need for a set of guidelines to encourage the nomination of subjects, and to determine placement of anticipated commemorative works, especially memorials.¹⁸

2.25 Comment – by 2001-2002, the NCA had worked with a number of community groups to establish national memorials with budgets in the \$1 million to \$2 million range.

2.26 Some of these projects had been problematic, such as the Australian Services Nurses Memorial on Anzac Parade initiated and sponsored by the Royal College of Nursing Australia, which experienced considerable difficulties raising the \$2 million cost of the project;¹⁹ and the \$1 million Magna Carta Monument near Old Parliament House, sponsored by the Australia-Britain Society, which took six years to bring to realisation, and only proceeded on the basis of a \$528,000 donation from the British Government.²⁰

2.27 The Cultural Advisor to the NCA, Dr David Headon, prepared a background paper on Commemorative Works in the National Capital as part of the Parliamentary Zone Review in 2000.²¹ This study formed the basis of the *Guidelines for Commemorative Works in the National Capital* adopted by the Authority in 2001²²

¹⁷ Hansard (Representatives), 24 June 2002, pp.4174-4175.

¹⁸ NCA, *Annual Report, 2001-2002*, pp.26-27.

¹⁹ 'Memorial will honour nurses,' *Navy News*, 8 March 1999.

²⁰ NCA, *Annual Report, 2001-2002*, pp.26-27.

²¹ David Headon, *Culture and Commemoration: Parliamentary Zone Commemorative Policy – Background Paper*, Prepared for the National Capital Authority, Centre for Australian Cultural Studies, Canberra, January 2000. The report built upon a previous, unpublished study prepared

2.28 The guidelines established 'Assessment Criteria for Commemorative Subjects' in two categories:

- Mandatory Criteria that determine if the subject can be considered for commemoration in the National Capital; and
- Evaluation Criteria that determine if the subject has 'national significance' and should be commemorated in the National Capital.²³

2.29 The guidelines were endorsed by the Canberra National Memorials Committee in June 2002.²⁴ The Committee – formed in 1928 – is chaired by the Prime Minister.²⁵

Immigration Bridge proposal announced

2.30 **14 July 2002** – an article in the *Canberra Times* announces that 'a pedestrian bridge stretching across Canberra's Lake Burley Griffin from the National Museum of Australia to the southern end of Commonwealth Avenue Bridge is being proposed as a monument to the nation's migrants. The bridge is expected to cost \$10-14 million and as many Australians as possible will be asked to help pay for it.'²⁶

2.31 Comment – this appears to be the first announcement of the Immigration Bridge proposal.

2.32 The Immigration Bridge Australia proponents have made clear that the bridge proposal was suggested by the NCA. As IBA Chairman, Lt General O'Donnell explained to the 2008 NCET Inquiry into the Role of the NCA, 'the NCA were the ones who suggested it.' Campaign Director, Andrew Baulch stated that the proposal, 'was taken to the NCA with a view to being a monument to commemorate migration, and the NCA asked, "What sort of form would you like it to take?" We have been very happy . . . with the opportunity for this particular project to take the form of a bridge.'²⁷

2.33 The *Canberra Times* story of 14 July 2002 further states:

by Dr Headon, 'The Way Ahead – National Capital Commemoration (Philosophy, Themes, Guidelines),' 1997.

²² NCA, *Annual Report, 2001-2002*, p.30.

²³ NCA, *Guidelines for Commemorative Works in the National Capital*, The Authority, Canberra, August 2002, p.7.

²⁴ NCA, *Annual Report, 2001-2002*, p.30.

²⁵ David Headon, *The Symbolic Role of the National Capital*, NCA, Canberra, 2003, pp.59-61.

²⁶ Megan Doherty, 'Plan for third bridge over lake,' *Canberra Times*, 14 July 2002.

²⁷ Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, pp.20-21.

A pedestrian bridge was included in the original concept plans for the National Museum of Australia, but did not get off the drawing board and was never costed. The National Capital Authority's principal architect, Andrew Smith, said it was early days but it was likely any design for a bridge would be determined by a national competition calling for entries. Mr Smith said the bridge would have to be approved by Parliament only after consultation with the public and stakeholders, such as boat users on the lake.

2.34 At this stage in the process, three points are worthy of emphasis:

- The NCA proposed a pedestrian bridge from the Acton Peninsula to Lennox Gardens as a suitable National Monument to Immigration in June or July 2002, i.e. at the time the National Memorials Committee endorsed the *Guidelines for Commemorative Works in the National Capital* – as discussed in Paragraphs 2.42-2.49, below, the proposal does not comply with these guidelines;
- The cost of Immigration Bridge – estimated at \$10-14 million in July 2002 – was already far in excess of the \$1 – 2 million cost of community-initiated memorials previously overseen by the NCA – the cost estimate has since reached \$30 million, more than 30 times the cost of a project such as Magna Carta Place, which took six years to fund and build; the idea has never been realistic in funding terms;
- The Immigration Bridge was proposed by the NCA *before* the launch of the 'Griffin Legacy' project, which took place in November 2002²⁸ - from the outset, the proposal has had nothing to do with the Griffin Plan of Canberra.

NMA supports the Immigration Bridge proposal

2.35 **6 May 2003** – in a letter to the Chief Executive Officer of the NCA, the Director of the National Museum of Australia confirms the Museum's 'in-principle support for the proposed National Monument to Immigration' stating that 'the current proposal for a foot bridge which will link the museum to the other side of the lake is highly attractive to the NMA.'²⁹

2.36 **Comment** – the footbridge proposal clearly has its origins in the controversial decision to site the National Museum of Australia on the Acton Peninsula - isolated from all other national institutions, in a part of Canberra that was never intended for this purpose in the Griffin Plan.

²⁸ NCA, *Annual Report, 2002-2003*, p.24.

²⁹ Letter, Dawn Casey to Annabelle Pegrum, 6 May 2003, see 2008 NCET Inquiry into the Role of the NCA, Submission 55.13. Attachment B.

2.37 It is not surprising that the then-Director of the NMA, Ms Dawn Casey endorsed the concept in 2003 (during the Carroll Review into NMA exhibitions and public programs³⁰) and that the current Director, Mr Craddock Morton added his support at the time of the NCET inquiry into the role of the NCA last year, stating that 'the proposed Immigration Bridge will provide easier pedestrian access between the National Museum and the other major cultural institutions in the Parliamentary precinct, which should enhance visitor numbers to the Museum on Acton Peninsula.'³¹

2.38 To date, there does not seem to have been any planning or transport study to support the proposition that significant pedestrian flows could be expected from the Parliamentary Zone to the NMA across a high-level, 400m long footbridge.

NCA gives 'in-principle support' to the Immigration Bridge proposal

2.39 **14 November 2003** – The National Capital Authority agrees 'to support in principle the concept of a high quality, long span pedestrian bridge commemorating immigration connecting Acton Peninsula and Lennox Gardens.' The Authority notes that funding for the bridge is 'a matter for the proponents, Immigration Bridge Australia and their stakeholders and not for the Authority.'³²

2.40 Comment – this decision must be seriously questioned.

2.41 The provision of 'in-principle support' by the Authority which had initiated the idea and had the power to approve the final development has been seen as the 'green light' by the proponents, Immigration Bridge Australia, whose website states in its 'Q & A' section, in response to 'Q. Does it have Government approval?' provides the following answer: 'The project has the broad support of the National Capital Authority, representing the immediate past and current Commonwealth governments.'³³

2.42 The basis for the NCA November 2003 decision appears to be invalid with respect to the *Guidelines for Commemorative Works in the National Capital*; unacceptable with respect to the reliance of the scheme on the sale of name plaques; unwise with

³⁰ John Carroll, Richard Longes, Philip Jones & Patricia Vickers-Rich, *Review of the National Museum of Australia, its exhibitions and public programs*, NMA, Canberra, July 2003.

³¹ Letter, Craddock Morton to Andrew Baulch, Campaign Director, Immigration Bridge Australia, 11 April 2008, see 2008 NCET Inquiry into the Role of the NCA, Submission 56.

³² 2008 NCET Inquiry into the Role of the NCA, Submission 55.13, Attachment D.

³³ Immigration Bridge Australia website,

<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/q-a--1011988.html> - accessed 26 March 2009.

respect to the NCA's experience with community-funded memorials; unexamined in terms of options and alternatives; unsupported by any technical, environmental or heritage studies; and despite a public commitment to public consultation in July 2002, completely devoid of public input.

2.43 The *Guidelines for Commemorative Works in the National Capital* require a two-stage assessment process involving Mandatory Criteria and Evaluation Criteria, both of which must be satisfied.

2.44 Stage 1 includes the following Mandatory Criterion:

- iv. A commemorative proposal must not duplicate the themes or subject matter of an existing commemorative site.³⁴

2.45 The Immigration Bridge proposal duplicates the themes and subject matter of the 'Welcome Wall' at the National Maritime Museum, Darling Harbour, Sydney established in 1999 as a 'lasting tribute to the six million people who have migrated from across the seas to make their homes in Australia.'³⁵

2.46 The Immigration Bridge proposal also duplicates the themes and subject matter of immigration memorials, which were installed in at least three State Museums at the time of the NCA 'in-principle support' decision of November 2003: the Tribute Garden in the Immigration Museum, Melbourne, established in 1998 to 'record for posterity the names of . . . families who have made the journey to Australia';³⁶ the Memorial Wall at the Migration Museum, Adelaide established in 1992;³⁷ and the Welcome Walls at the new complex for the Western Australia Maritime Museum at Victoria Quay, Fremantle, which opened in 2002.³⁸

2.47 Stage 2 includes the following Evaluation Criterion:

- ii. Closely reflect the evolving values, ideas and aspirations of the Australian

³⁴ NCA, *Guidelines for Commemorative Works*, p.7.

³⁵ National Maritime Museum, *Annual Report, 2002-2003*, p.24; 'Welcome Wall unveils new names,' *Sydney Morning Herald*, 27 May 2007.

³⁶ Museums Board of Victoria, *Annual Report, 2002-2003*, p.28

³⁷ Christine Finnimore, 'Grief, protest and public history: the Memorial Wall in the Migration Museum, Adelaide,' Paper presented at the Museums Australia National Conference, *Exploring Dynamics: Cities, Cultural Spaces, Communities*, Brisbane, 14 - 17 May 2006.

³⁸ Michael Sturma, 'Review of the Western Australia Maritime Museum,' *History Australia*, vol.2 no.2, 2005, p.51-2 - the Welcome Walls were unveiled in 2004. The WA Museum is currently planning Welcome Walls for the museum at Albany in the form 'a striking outdoor gallery, a meeting place of memories and an evocative social history' – see: http://www.museum.wa.gov.au/welcomewalls/albany_index.asp - accessed 26 March 2009.

community.

- 2.48 As discussed in Paragraphs 1.13 – 1.16, above, design and construction of a memorial in the symbolic centre of Canberra on the basis of the sale of name plaques – and featuring these name plaques – would devalue and demean the whole memorial landscape of the National Capital.
- 2.49 Such a memorial would not reflect the ‘values, ideals and aspirations of the Australian community.’
- 2.50 The NCA was fully aware of the commercial imperative of the Immigration Bridge proposal when ‘in-principle support’ was given to a memorial scheme of unprecedented size, scale, technical complexity and cost, on the condition that funding was ‘not a matter for the Authority.’
- 2.51 To indicate the scale of the proposal, a 400m crossing of Lake Burley Griffin between the Acton Peninsula and Lennox Gardens would require a structure considerably larger than the 320m long Millennium Bridge, London, completed in 2000, which spans the River Thames from St Paul’s Cathedral to the Tate Modern gallery (total cost, after excessive swaying at its opening necessitated closure and strengthening - £23.2 million).³⁹
- 2.52 The NCA and IBA proposed a structure similar in dimensions to the 460m long Goodwill Bridge, Brisbane, completed in 2001, which spans the Brisbane River between the Queensland Museum and the Gardens Point Campus of Queensland University of Technology (total cost - \$23.5 million).⁴⁰
- 2.53 The proposition that a community group could raise the money for a project along the lines of Millennium Bridge and Goodwill Bridge - projects plagued by technical and cost problems that caused considerable grief to the British Government in 2000 and the Queensland Government in 2001 – should not have been accepted by the National Capital Authority in November 2003.
- 2.54 The WBGs notes that the Authority at that date did not contain an outside member with expertise in architecture or engineering. The outside members were a company

³⁹ ‘Swaying bridge to close after two days,’ *The Guardian*, 12 June 2000; ‘Thames footbridge reopens minus wobbles,’ *The Guardian*, 22 February 2002.

⁴⁰ I.D. Ainsworth & P.A. Burnton, ‘More than just a pedestrian link – the Goodwill Bridge, Brisbane,’ Paper presented at the Austroads 5th Bridge Conference, *Bridges Another Dimension – design, construction, procurement, maintenance*, Hobart, 19 – 21 May 2004; ‘Final cost for Goodwill Bridge \$23 million,’ AAP, 21 December 2001.

director and investor, an advertising executive, a chartered accountant and a grazier.⁴¹

- 2.55 Alternatives to the bridge proposal should have been examined by the Authority, and carefully weighed against cost, feasibility, environmental impact, heritage impact and risk.

Immigration Bridge proposal queried during 2004 NCET Inquiry into the NCA

- 2.56 **4 March 2004** – During the 2004 NCET Inquiry into the Role of the NCA, writing in response to a question on notice from NCET Chair, Senator Ross Lightfoot, Ms Pegrum advises the Joint Standing Committee that:

National Capital Authority officers have held a number of discussions with proponents of the Immigration Bridge proposal. At these meetings, the role of the National Capital Authority, steps that the committee would need to follow and options for the delivery of the project were discussed. In November 2003 the Authority agreed to support 'in principle' the concept of a high-quality, long-span pedestrian bridge commemorating immigration and linking Acton Peninsula with Lennox Gardens. The funding for the bridge is a matter for Immigration Bridge Australia and their stakeholders and not for the Authority.⁴²

- 2.57 Comment – Neither at this stage of the NCA/IBA decision process, nor at any other stage, has mention been made of the Canberra National Memorials Committee.

- 2.58 The Canberra Nationals Memorial Committee was established in 1928 under the *National Memorials Ordinance 1928 of the Seat of Government (Administration) Act 1910*, with the Prime Minister as Chairman.

- 2.59 In accordance with Sections 2, 6 & 7(1) of the Ordinance, the role of the Committee is to consider and approve (or reject) submissions from the Minister relating to the location and character of National Memorials on National Land in the Australian Capital Territory. The Committee is served by the National Capital Authority.⁴³

- 2.60 As demonstrated in the case of the Magna Carta Monument in the 1990s, the practice of the NCA in the various stages of a National Memorial project – prior to the Immigration Bridge imbroglio - was to (1) submit a formal proposal and site to the Canberra National Memorials Committee for approval; (2) if approval was granted, the decision was gazetted; (3) conduct a design competition under this

⁴¹ NCA, *Annual Report, 2003-2004*, pp.9-11.

⁴² Letter, Ms Annabelle Pegrum, CEO NCA to Senator Ross Lightfoot, Chair, NCET, 4 March 2004, Attachment - 2004 NCET Inquiry into the Role of the NCA, Submission 54.

⁴³ NCA, *Guidelines for Commemorative Works in the National Capital*, p.18.

imprimatur; (4) submit the final design outcome from the competition to the National Memorials Committee for approval.⁴⁴

2.61 In the case of the Magna Carta Monument, initiated in 1995, steps (1) and (2) took place in the first two years of the project – the site for the monument in the Parliamentary Zone was gazetted on 1 October 1997.⁴⁵

2.62 The decision to approve or reject the multimillion dollar Immigration Bridge proposal should have been determined by the National Memorials Committee with similar dispatch, i.e. by 2004.

NCA releases 'Griffin Legacy' Report

2.63 **8 December 2004** – The NCA releases its 'Griffin Legacy' report, which includes a 'strategic initiative' to link the National Museum and Lennox Gardens.⁴⁶

2.64 Comment - the NCA's 'Griffin Legacy' Project had two components:

- an uncontroversial historical analysis of Walter Burley Griffin's plans for Canberra, overseen by a distinguished Advisory Panel;
- a highly controversial set of development proposals for the symbolic centre of Canberra, which was not overseen or approved by the Advisory Panel,⁴⁷ and has not been supported by the project's principal historical consultants.⁴⁸

2.65 The 'Griffin Legacy' project was launched in November 2002. The Advisory Panel was appointed in February 2003.⁴⁹

2.66 The December 2004 report contains schematic representation of the Acton Peninsula-Lennox Gardens footbridge in plan and perspective, but no indication of the scale and structural complexity of a 400m long, high level bridge in this location, indeed the only informative sketch indicates an unsupported clear span the full

⁴⁴ NCA, *Annual Report, 2001-2002*, p.26.

⁴⁵ NCA, *Annual Report, 2001-2002*, p.26.

⁴⁶ NCA, *The Griffin Legacy: Canberra, the National Capital in the 21st Century*, The Authority, Canberra, p.189.

⁴⁷ Elizabeth Colman, 'Capital facelift to pay for itself,' *The Australian*, 9 December 2004; information on the role of the Advisory Panel from its academic members.

⁴⁸ Christopher Vernon, 'Building the Griffin[s] Legacy?' *Landscape Architecture Australia*, no.113, February 2007, pp.38-40; Dr David Headon, Evidence before the NCET Inquiry into the Role of the NCA, Public Hearing, 14 May 2008, NCET *Hansard*, pp.7-8.

⁴⁹ NCA, *Annual Report, 2002-2003*, p.24.

width of the water body,⁵⁰ a feat not achieved with London's Millennium Bridge or Brisbane's Goodwill Bridge.

2.67 The report describes the proposed 'strategic initiative' as follows:

Link the National Museum to Lennox Gardens with a high-quality, long span pedestrian bridge that provides a symbolic and functional connection (such as commemoration of the contribution of immigrants to Australian life and culture). The bridge would allow sufficient clearance for sailing craft, would provide direct access to King Edward Terrace cultural attractions, establish a pedestrian/cycle circuit of West Basin and afford excellent views of the Central National Area.⁵¹

2.68 In the historical analysis section of the 'Griffin Legacy' report, Griffin's design for a low-level causeway and bridge, west of the Acton Peninsula and completing the circular geometry of West Basin is listed in the 'Not Realised' category, with a '21st Century Opportunity' identified as 'a pedestrian bridge connecting Acton Peninsula to the Parliamentary Zone.'⁵²

2.69 This proposal bears no relationship to the Griffin Plan, as the WBGs has stated on several occasions: in the Society's submission to the NCET Round Table on the Griffin Legacy Amendments in February 2007; in a *Canberra Times* interview in May 2008; and in the comprehensive submission of the Canberra Chapter to the current NCET inquiry.⁵³

2.70 The Acton Peninsula-Lennox Gardens footbridge is another instance of the NCA invoking the name of Walter Burley Griffin to justify urban development that is inimical to the planning principles and design qualities of the Griffin Plan.

2.71 To avoid unnecessary confusion between the original Griffin Plan for Canberra and the redevelopment plans promoted by the NCA, the term 'Griffin Legacy' should not be used, and a more accurate descriptor, 'Central National Area redevelopment' be adopted for the NCA's planning initiatives of recent years.

⁵⁰ NCA, *The Griffin Legacy*, p.196; for plan views, all of which omit access ramps to the high level crossing, see pp.150, 152, 161,169,173, 185, 188; there is also a misleading perspective of the proposal on the report cover, where it is shown as a mere incident in the Molonglo Valley.

⁵¹ NCA, *The Griffin Legacy*, p.189.

⁵² NCA, *The Griffin Legacy*, p115.

⁵³ NCET Review of the Griffin Legacy Amendments, Submission 1 – Walter Burley Griffin Society, dated 22 February 2007, Paragraphs 5.52-5.55; 'A bridge too close to home,' *Canberra Times*, 31 May 2008; NCET Inquiry into the Immigration Bridge Australia Proposal – Submission by Canberra Chapter, Walter Burley Griffin Society, dated 24 March 2009, Paragraphs 8 – 13.

- 2.72 Indeed, the Acton Peninsula-Lennox Gardens footbridge scheme makes sense as a Central National Area redevelopment proposal, anchored at both ends by major attractors – the National Museum of Australia on the north side of the lake, and large-scale mixed use property development on the south side of the lake.
- 2.73 This aspect of the NCA's plans was not included in the December 2004 'Griffin Legacy' report, or the subsequent 'Griffin Legacy' amendments to the National Capital Plan.
- 2.74 The logic of the Acton Peninsula-Lennox Gardens footbridge proposal was only revealed in February 2007, with release of Draft Amendment 53 to the National Capital Plan – Albert Hall Precinct. This 'came out of the blue' as far as the citizens of Canberra were concerned to propose intense development around the Albert Hall, including an 8 storey landmark tower at Flynn Place – at the southern end of the footbridge extension of King Edward Terrace across Lake Burley Griffin to the National Museum of Australia.⁵⁴
- 2.75 The NCA has known since the 1998 Public Works Committee inquiry into the National Museum of Australia the extent of public opposition to the Acton Peninsula-Lennox Gardens footbridge proposal, and its obligations with respect to public consultation, environmental assessment and heritage assessment. The record suggests that the Authority has gone out of its way to avoid meeting these obligations, along the way involving the Immigration Monument advocates in its plans.

NCA and Heritage Management of Lake Burley Griffin

- 2.76 **27 May 2005** – The NCA issues a Consultancy Brief for the preparation of a 'Lake Burley Griffin & Adjacent Lands Heritage Assessment & Management Plan.'⁵⁵
- 2.77 Comment – the Lake Burley Griffin Conservation Area was entered as an Indicative Place on the Register of the National Estate (RNE) on 1 January 1999.⁵⁶
- 2.78 Under 2004 amendments to the *Environment Protection & Biodiversity Conservation Act 1999* and the *Australian Heritage Council Act 2003*, the RNE is being phased out and listed places are being transferred to Commonwealth, State and Local Heritage Registers.

⁵⁴ NCA, *National Capital Plan Draft Amendment 53 – Albert Hall Precinct*, The Authority, February 2007, pp.20-35.

⁵⁵ NCA, *Annual Report, 2004-2005*, pp.38-39.

⁵⁶ Lake Burley Griffin Conservation Area, Lady Denman Drive, Yarralumla, ACT - Indicative Place, Register of the National Estate, Australian Heritage Database, Place ID:101595; Place File no. 8/01/000/0520.

- 2.79 The Lake Burley Griffin Conservation Area was transferred as an Indicative Place to the Commonwealth Heritage List on 22 June 2004.⁵⁷ The NCA Consultancy Brief was issued to resolve the statutory listing of the place, and foreshadowing its formal inclusion on the Commonwealth Heritage List, to prepare a Heritage Management Plan, as required under Section 341S of the EPBC Act 1999.
- 2.80 On 1 February 2006, the contract for the Lake Burley Griffin & Adjacent Lands Heritage Assessment & Management Plan was awarded to Heritage Consultants Godden Mackay Logan, with a contract price of \$288,019.⁵⁸ There is evidence that a draft was completed by June 2007.⁵⁹
- 2.81 To date, this study has not been released for public comment.
- 2.82 The Immigration Bridge proposal has been under active consideration in the NCA since 2002. The heritage values of Lake Burley Griffin have been outlined in the RNE nomination since 1999. These values have been the subject of a comprehensive heritage assessment since 2006.
- 2.83 There can be no greater change to the landscape of Lake Burley Griffin than building a 400m long, high-level bridge across West Basin. The heritage impact of this proposal would have to be an issue addressed in the Lake Burley Griffin Heritage Management Plan.
- 2.84 The failure of the NCA to release the Exposure Draft of the \$300,000 Lake Burley Griffin Heritage Management Plan, more than 3 years after the study commenced is unacceptable by any standards – all the more so, given the sensitivity and public profile of the Immigration Bridge proposal.
- 2.85 As a consequence of the NCA's inaction on the Lake Burley Griffin & Adjacent Lands Heritage Assessment & Management Plan, the centrepiece of Canberra – Lake Burley Griffin – has no statutory heritage protection. Its status on the Commonwealth Heritage List is that of an 'Indicative Place' – defined by the Department of the Environment, Water, Heritage & the Arts as follows:

⁵⁷ Lake Burley Griffin Conservation Area, Lady Denman Drive, Yarralumla, ACT - Indicative Place, Commonwealth Heritage List, Australian Heritage Database, Place ID:105230; Place File no. 8/01/000/0520.

⁵⁸ NCA, 'Consultancy services let during 2005-2006 of \$10,000 or more,' <http://www.nationalcapital.gov.au/downloads/publications/2005-06ConsultancyforInternet.pdf> - accessed 17 January 2009.

⁵⁹ Andrew Metcalf, *Feasibility Study Yarramundi Reach Rowing Course*, Report to the National Capital Authority, Tecknos Architecture, Canberra, June 2007, pp.

Data provided to or obtained by the Heritage Division has been entered into the database. However, a formal nomination has not been made and the (Australian Heritage) Council has not received the data for assessment.⁶⁰

- 2.86 The heritage values of the vistas and waterscape of West Basin and West Lake, the parts of central Canberra most affected by the proposed Acton Peninsula-Lennox Gardens footbridge, have no protection under the heritage provisions of the EPBC Act 1999.
- 2.87 The Acton Conservation Area is the only place entered on the Commonwealth Heritage List in the vicinity of the proposed bridge; Albert Hall and the Hotel Canberra are entered on the Register of the National Estate. The curtilage boundaries of these places are some distance from the lake shore placement of the bridge indicated in the 'Griffin Legacy' Report.⁶¹

Immigration Bridge Australia registered as a not-for-profit company

- 2.88 **October 2005** - The National Monument to Immigration steering committee is reformed as a registered not-for-profit company limited by guarantee, Immigration Bridge Australia (IBA).⁶² The company, based in Canberra, gains sponsorships from Bendigo Bank, ActewAGL and SBS and launches a public website: <http://www.immigrationbridge.com.au>.
- 2.89 A major promotional, marketing and lobbying campaign gets underway. The Chairman is received by the Governor-General, Major General Michael Jeffery at Government House, Canberra on 28 October 2005.⁶³
- 2.90 In late 2005, Architect James Grose, Principal of Bligh Voller Nield, and Tristram Carfrae, Principal and Senior Structural Engineer, Arup are engaged as design consultants. Preliminary design concepts are developed 'with the help and advice of the NCA.'⁶⁴
- 2.91 Comment: The NCA has been closely involved with the venture at all stages. The decision to engage design consultants, rather than conduct a design competition, or engage the winners of the 1997 National Museum of Australia competition, who had

⁶⁰ Australian Heritage Database – Legal status and heritage place lists, <http://www.environment.gov.au/heritage/ahdb/legalstatus.html> - accessed 26 March 2009.

⁶¹ Australian Heritage Database, Place ID's: 105340, 13260 & 13256.

⁶² Lt Gen O'Donnell, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, p.14.

⁶³ Office of the Governor-General, Governor-General's Program, 28 October 2005.

⁶⁴ Andrew Baulch, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, p.15.

the idea for a Lake Burley Griffin crossing at this location in the first place, is an unusual move and contrary to previous announcements by the NCA.⁶⁵ All major memorials in Canberra, from the Australian War Memorial to date, have been designed as a result of national competitions.

IBA release Immigration Bridge Concept Design

2.92 **17 June 2006** – The concept design for the Immigration Bridge is released on the IBA website. The material includes ‘an artist’s impression of how the pedestrian bridge could look if it was constructed between the National Museum and Lennox Gardens.’⁶⁶ IBA Campaign Director Andrew Baulch is reported as saying, ‘the design was not supposed to be launched until August, but there had been no holding back the flood of interest once the website was created.’⁶⁷

2.93 The bridge, 400m long and 6m wide has an undulating deck, supported 12m above the water by eight sets of pylons rising from the lake; a continuous, undulating roof 10m wide formed from solar panels; and end abutments with stairs and lifts. The scheme proposes no access ramps.⁶⁸

NCA Consultation with Lake Users Group

2.94 **21 June 2006** – Mr Andrew Smith of the NCA briefs the Lake Users Group on the Immigration Bridge proposal. It is quite clear from the minutes of this meeting that this is the first time the matter has been brought before the group – and has only been done so because ‘a preliminary design has been published.’⁶⁹

2.95 **Comment:** The Lake Users Group, a body established by the NCA, comprises representatives from community organisations, school groups, commercial operators, and ACT government agencies.

2.96 The IBA proponents, who appeared before the 2008 NCET Inquiry into the Role of the NCA, stated that ‘the NCA had discussed the bridge as part of at least two

⁶⁵ Megan Doherty, ‘Plan for third bridge over lake,’ *Canberra Times*, 14 July 2002.

⁶⁶ ‘Proposed “immigration” bridge plans released,’ ABC Australian Capital Territory, 17 June 2006.

⁶⁷ Ingrid Jonach, ‘\$30m footbridge to honour migrants’ *Canberra Times* 18 June 2006.

⁶⁸ Immigration Bridge Australia website, home page: <http://www.immigrationbridge.com.au> – accessed 26 March 2009; see also Bligh Voller Nield website:

http://www.bvn.com.au/projects/immigration_bridge_australia.htm - accessed 26 March 2009.

⁶⁹ Lake Users Group, Meeting 21 June 2006, Minutes, Agenda Item 5.1 – see NCA, Submission 55.13, Attachment C, NCET Inquiry into the Role of the NCA.

meetings of the lake users forum' before the development of the 'initial concept design'.⁷⁰ This appears to be incorrect.

- 2.97 Briefings to the Lake Users Group over the period June 2006 to March 2007 also appear to be the full extent of public consultation on the design of the Immigration Bridge to date.⁷¹

ACT Government commitment to transfer Territory Land

- 2.98 **17 August 2006** – ACT Planning Minister, Simon Corbell announces that the ACT Government will give 2000 square metres of Territory land to the Commonwealth for the proposed Immigration Bridge. In a Media Release, the Minister states:

This land is unleased Territory land, forming part of Lennox Gardens next to the shores of Lake Burley Griffin. Its transfer will facilitate the construction of the pedestrian bridge, linking Acton Peninsula with the Parliamentary zone A bridge in this location has the potential to be an attraction in its own right, as well as improve local pedestrian connectivity, increase the significance of the National Museum to the City's economy, help achieve the objectives of both Canberra Central and the National Capital Authority's Griffin Legacy, including the future development potential in the West Basin. The land the ACT Government will contribute would in part be used for the southern footing of the bridge, which is necessary to provide access to the bridge, as well as maintain continuous pedestrian access along the Lake's foreshore and a possible café/tourist shop integrated into the 'toe' of the bridge. If the proposal proceeds, it is intended that any land contributed by the Territory Government would become National Land to allow for the entire structure to be managed by one government administration.⁷²

- 2.99 Comment – The promised land transfer from the ACT Government has been described by the IBA proponents as a 'gift in kind' to the project, negotiated on the advice of the NCA. As the Campaign Director, Mr Andrew Baulch explained to the Joint Standing Committee on the National Capital & External Territories 2008 Inquiry into the Role of the NCA:

In meetings with the NCA in early 2005, it was pointed out that Acton Peninsula and Lake Burley Griffin come under Commonwealth jurisdiction but the land at the southern end of the proposed bridge was ACT land. There was therefore a

⁷⁰ Andrew Baulch, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, p.15.

⁷¹ Graham Giles, Commodore, Canberra Yacht Club, 'Immigration Bridge Update, 29 May 2008.

⁷² Simon Corbell, ACT Planning Minister, 'ACT Government contributes land for Immigration Bridge,' Media Release, 17 August 2006.

potential problem regarding the granting of planning permission. Meetings were sought and held with senior management of ACTPLA and the Office of the Chief Minister. It was ascertained that the ACT government were very supportive of the project, and the Chief Minister voiced that support on television and radio at the time. As a result of these meetings the ACT government passed a resolution that subject to the bridge being built an area of 2,000 square metres at the proposed southern landing site of the bridge would be ceded to the Commonwealth and this would be regarded as an ACT government contribution to the project.⁷³

2.100 The issue presents in microcosm the unresolved situation that cuts across the possibility of orderly planning in the Australian Capital Territory as a result of the division of the Commonwealth estate into National Land and Territory Land at the time of ACT self-government. The ACT Government ended up with a valuable in-holding of Territory Land west of the Parliamentary Zone, bounded by Coronation Drive, Commonwealth Avenue and the lake shore, containing the Hotel Canberra, Albert Hall and Lennox Gardens.⁷⁴

2.101 The steps undertaken by Immigration Bridge Australia to undo this mess in relation to their project must be considered heroic. At the same time, securing 2000 square metres of 'unleased' Lennox Gardens for free – public open space, and prime waterfront land on Lake Burley Griffin – raises serious questions of public policy.

2.102 The role of the ACT Government in this matter has undoubtedly contributed to the conviction, held by Immigration Bridge Australia, that final approval of their scheme is a mere formality, a 'fait accompli'.⁷⁵

'Griffin Legacy' Draft Amendments to the National Capital Plan – public consultation

2.103 **19 August 2006** – The NCA releases Draft Amendments 56, 59, 60 & 61 to the National Capital Plan for public comment, with submissions due on 29 September. Draft Amendment 61 West Basin contains a brief reference to the Acton Peninsula-Lennox Gardens footbridge proposal under 'Detailed Conditions of Planning, Design and Development – Waterfront Promenade':

Link national attractions with a continuous pedestrian network, including a high-span pedestrian bridge connecting the National Museum and the Parliamentary Zone.⁷⁶

⁷³ Andrew Baulch, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, p.15.

⁷⁴ For the map of National Land, see NCA. *Annual Report, 2003-2004*, p.71.

⁷⁵ NCET Inquiry into the Role of the NCA, Public Hearing, 6 May 2008, NCET Hansard, pp.22-23.

- 2.104 An illustration of the high-span bridge is published – an aerial perspective of West Basin and Civic, which shows the proposal in the foreground as a clear-span, cable-stayed suspension bridge. Plan views are shown on some diagrams,⁷⁷ but not others.
- 2.105 The DA61 Consultation Report, subsequently released by the NCA in November 2006, provides the following summary of public comments and the NCA response:

Pedestrian Bridge – Issues

A number of submissions (approximately 8) supported the high-span pedestrian bridge, seeing it as an opportunity to provide a better link between national attractions and contributing to the cycle network. One was concerned that it would limit access to West Basin for water craft, especially sailing boats. Two were concerned that the proposed footbridge would detract from the wonderful view to the mountains and one doubted many tourists would actually use it given the need to walk back to their car.

NCA Consideration

The proposals actively encourage access to the lake for all Canberra residents. The pedestrian/cycle bridge aims to provide a better link between national attractions, particularly the National Museum and the Parliamentary Zone and Civic. The yet-to-be designed bridge is to be ‘high span’ to allow clearance for masts. The footbridge, as a work of design, has potential to be an ornament to the city, offering a unique and dramatic vantage point to view mountains, national attractions and landmarks, and to look back to the city. It will be relatively lightweight structure for pedestrian and bicycle use. It offers an attractive new link in the tourist network and a shorter recreation circuit around the lake for walkers and cyclists than that currently available at Central Basin.

NCA Recommended changes to Legislation

No change.⁷⁸

- 2.106 Comment – the NCA response demonstrated that the Authority was committed to its pre-conceived idea and had no answer to the valid concerns and criticisms raised by the public. The wording of the ‘NCA Consideration’ was a piece of

⁷⁶ NCA, *National Capital Plan Draft Amendment 61 – West Basin*, The Authority, Canberra, August 2006, p.19.

⁷⁷ NCA, *DA61 – West Basin*, August 2006, pp.19, 20, 24 & 25.

⁷⁸ NCA, *National Capital Plan Draft Amendment 61 – West Basin, Report on Consultation*, The Authority, Canberra, November 2006, pp.12-13.

publicity text, subsequently incorporated in the description of the 'High-span Pedestrian Bridge' included in DA53 – Albert Hall Precinct.⁷⁹

2.107 The NCA also maintained the fiction that the bridge was 'yet-to-be-designed', despite the public release of the Immigration Bridge Australia concept design in June 2006, extensive public reaction to this design in Canberra, and IBA promotion of the proposal nationwide.

'Griffin Legacy' Draft Amendment 61 - West Basin, Ministerial approved

2.108 **27 November 2006** – The Minister for Local Government, Territories & Roads, the Hon. Jim Lloyd, approves the four 'Griffin Legacy' Amendments, DA56, DA59, DA60 & DA61. The DA61 West Basin approval amends the National Capital Plan to permit construction of the Acton Peninsula-Lennox Gardens footbridge.

2.109 The approvals are tabled in both Houses of Parliament on 6 December 2006, subject to a disallowance period, which is scheduled to expire at the end of March 2007.⁸⁰

2.110 The Joint Standing Committee on the National Capital Territories & External Territories holds a roundtable review of the 'Griffin Legacy' amendments on 22 February 2007 and recommends disallowance, 'so that the National Capital Authority has the opportunity to further refine the amendments.'⁸¹ Minister Lloyd declines to disallow the amendments; the issue is not supported in Parliament; and the approvals stand.

2.111 **Comment:** The process by which DA61 West Basin was approved – along with the other 'Griffin Legacy' amendments – did not provide the opportunity for a thorough review of the Immigration Bridge proposal. Legitimate concerns were raised during the public consultation period in August-September 2006 but these were brushed aside by the NCA, without even a modicum of an informed response.

Immigration Bridge proposal formally launched in the Great Hall, Parliament House

⁷⁹ NCA, *DA53 – Albert Hall Precinct*, February 2007, p.7.

⁸⁰ The Hon. Jim Lloyd, Minister for Local Government, Territories & Roads, 'Minister Lloyd approves the Griffin Legacy Amendments.' Media Release, 7 December 2006, http://www.minister.infrastructure.gov.au/jl/releases/2006/December/L168_2006.htm - accessed 1 June 2008; for procedures followed with previous Draft Amendments to the National Capital Plan, see NCA, *Annual Report, 2004-2005*, pp.57-70.

⁸¹ Parliament of Australia, Joint Standing Committee on the National Capital & External Territories, *Review of the Griffin Legacy Amendments*, March 2007, p.1; Commonwealth Parliamentary Debates – House of Representatives, 26 March 2007, pp.6-9.

2.112 **4 December 2006** – The Immigration Bridge proposal is publicly launched in the Great Hall of Parliament House at a gala event, with 450 guests. The funding campaign is based upon the sale of 200,000 name plaques at \$110 each, to be installed in a ‘History Handrail’ on both sides of the 400m long bridge.⁸²

NCA releases Draft Amendment 53 -Albert Hall Precinct for public comment

2.113 **22 February 2007** – On the same day as the NCET Roundtable Review of the ‘Griffin Legacy’ Amendments, the NCA releases DA53 – Albert Hall Precinct for public comment. The proposal to permit intense, mixed-use development around the much-loved Albert Hall mobilises community opposition to the NCA and its plans.

2.114 Comment - in the introduction to DA53, the NCA declares that ‘the Albert Hall precinct has an intrinsic link with *The Griffin Legacy*’⁸³ – however, this was a surprise to the Canberra community. Redevelopment around the Albert Hall and the Hotel Canberra had not been on the agenda in the Authority’s extensive promotion of the ‘Griffin Legacy’ project from 2002 to 2007.

2.115 DA53 states that ‘a high-span pedestrian bridge is proposed to be built across the lake connecting the National Museum of Australia to other national attractions, including the National Library of Australia, the National Gallery of Australia, the High Court of Australia and Questacon.’⁸⁴

2.116 Setting aside the walking distances involved in this proposition – the NGA is 1700 metres from the NMA on the King Edward Terrace alignment – the bridge proposal does not make much sense as a venture based on the sale of 200,000 name plaques around Australia. However, in relation to the real estate redevelopment agenda of the NCA (and the ACT Government), it does make some sense as an adjunct to a mixed-use development on a landmark, north facing site with 300 degree water views.

2.117 The digital images of ‘indicative development’ in DA53 show the Acton Peninsula-Lennox Gardens footbridge as a single clear span structure extending from shore to shore – unsupported – this time with spiral approach ramps at both ends, not taking valuable land, but built over the water as encroachments on Lake Burley Griffin.⁸⁵

⁸² Andrew Baulch, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, pp.16-17.

⁸³ NCA, DA53 - *Albert Hall*, February 2007, p.3.

⁸⁴ NCA, DA53 - *Albert Hall*, February 2007, p.7.

⁸⁵ NCA, DA53 - *Albert Hall*, February 2007, pp.34-35.

IBA & NCA hold 'design concept process meeting'

2.118 **20 March 2007** – Immigration Bridge Australia and the NCA hold a 'very interesting design concept process meeting', described by IBA Chairman, Lt General O'Donnell before the 2008 NCET Inquiry into the Role of the NCA in the following terms:

We went through with their people and our people what was required of us in relation to the process, and it was a very good meeting . . . In our discussions with them on the process, going back to March last year, it was made plain to us that it would go through the steps of keeping their board informed of what was going on. Eventually, when they have given it a tick, it will come to your people - the joint standing committee - for your approval before it is given the final tick. That is the process.⁸⁶

2.119 **Comment** – The close involvement of the NCA with IBA has been a feature of the Immigration memorial venture since its inception in 2001. It is quite clear from the statements by IBA Chairman, Lt General O'Donnell and other IBA executives, that the IBA team considers the internal process of project review to be comprehensive and unproblematic. For this impression to have formed, the NCA must have raised no fundamental concerns about the project, in concept or detail. As far as IBA is concerned, the project in 2007-2008 is moving seamlessly and purposefully towards a 'final tick'.

NCA questioned on Immigration Bridge proposal at Senate Estimates hearing

2.120 **22 May 2007** – NCA Chief Executive Officer, Ms Annabelle Pegrum appears before the Senate Standing Committee on Rural and Regional Affairs and Transport, Budget Estimates session.

2.121 In response to a question from Senator Kate Lundy regarding Immigration Bridge, Ms Pegrum responds:

There is the Immigration Bridge group, and they have got their website up and running and are raising funds. At this stage nothing has changed from our position. We have supported the location of a bridge in that area and we have supported the commemorative intent for it to be Immigration Bridge, and that is really the status of the proposal.⁸⁷

⁸⁶ Lt Gen O'Donnell, evidence, NCET Inquiry into the Role of the NCA, NCET Hansard, 6 May 2008, pp.19-20.

⁸⁷ Australia. Parliament. Senate. RRA& T Hansard, 22 May 2007, p.105.

2.122 Comment – by May 2007, the Immigration Bridge proposal had been under consideration for five (5) years. IBA and the NCA were well aware of their responsibilities, in terms of the statutory approvals process, including referral under the *Environment Protection & Biodiversity Conservation Act 1999*, and Parliamentary oversight.

2.123 With respect to the latter, despite strong interest in the Immigration Monument project expressed by Parliamentarians in the June 2002 House of Representatives debate – and the clear rider to Gary Nairn’s motion, to keep the House ‘informed of the progress of the project’ – information from the NCA was only forthcoming in response to questions, and then only on two occasions in the five year period 2002-2007: at the 2004 NCET Inquiry into the Role of the NCA and at the Budget Estimates hearing on 22 May 2007.

2.124 The NCA held regular discussions with IBA, but as far as can be determined, the Authority did not submit the Immigration Bridge project to the searching analysis that a prudent and fully capable regime of planning, design review, project management and facilities management should have demanded.

IBA & NCA hold second ‘design concept process meeting’

2.125 **March 2008** – IBA and the NCA hold a second ‘design concept process meeting’. As IBA Chairman, Lt General O’Donnell subsequently explained, the purpose of the meeting was ‘updating them and us on what was required. The word at the end was that consultation is the key.’

2.126 Comment - In evidence before the Public Works Committee in June 1998, the NCA acknowledged that the Acton Peninsula-Lennox Gardens footbridge proposal would be subject to ‘further investigation and consultation.’⁸⁸ In May 2008, the NCA relays the same story – but ten years have passed, with no public consultation, apart from some interaction with the Lake Users Group in 2006 and 2007.⁸⁹

2.127 In the meantime, the Joint Standing Committee on the National Capital Territory & External Territories had brought down two comprehensive reports severely criticising the NCA’s record on public consultation,⁹⁰ and the Chair of the

⁸⁸ Public Work Committees, *National Museum of Australia and the Australian Institute of Aboriginal and Torres Strait Islander Studies Report*, June 1998, p.83.

⁸⁹ NCET, 2008 Inquiry into the Role of the NCA, Submission 55.13, Attachment C.

⁹⁰ NCET, *A National Capital, A Place to Live*, pp.99-105; NCET, *Review of the Griffin Legacy Amendments*, pp.2-4.

Committee in the 42nd Parliament, Senator Kate Lundy had announced the third inquiry into the Authority in three years.⁹¹

IBA representatives appear before 2008 NCET Inquiry into the Role of the NCA

2.128 **6 May 2008** - Immigration Bridge Australia makes a submission to the 2008 NCET Inquiry into the Role of the NCA; IBA representatives give evidence at the Public Hearing on 6 May 2008; and NCA Chief Executive, Ms Annabelle Pegrum submits material from NCA files to the Inquiry.⁹²

2.129 The Bridge proposal is described in the IBA submission as follows:

The Bridge will be a major national infrastructure community project designed to commemorate the valuable contributions of all the migrants who have settled in Australia since 1788. Upon completion, in time for the centenary of Canberra in 2013, it is proposed that ownership of the Bridge be transferred to the NCA as a 'Gift to the Nation'. The Immigration Bridge will be both a monument to immigration and a valuable piece of infrastructure for the Nation's Capital. The NCA has assisted IBA to understand the detailed planning, design and construction process. Very constructive consultation is ongoing between IBA, NCA, the ACT Government (ACTPLA), NMA, the Australian National University (ANU) and the Lake Users Group (LUG) which is convened by the NCA. In particular the NCA has requested that IBA undertake detailed consultation with representatives of the Canberra yachting community and has asked that the IBA modify the Bridge design to address their concerns.⁹³

2.130 Comment – The 2008 NCET Inquiry revealed that the \$30 million Immigration Bridge will be built as a private venture, then transferred to the NCA as a 'Gift to the Nation'.

2.131 The proponents acknowledged that changes to the 2006 concept design were planned in response to lake users concerns. However, it does not appear to have occurred to either IBA or the NCA that concerns of the general public should influence the project in the development phase.

2.132 NCA Chief Executive, Annabelle Pegrum announced that 'given the scope of the proposal, if and when a development application is received, the NCA will consult

⁹¹ Senator Kate Lundy, Chair, NCET, 'Inquiry into the role of the National Capital Authority,' Media Release, 12 March 2008.

⁹² NCET, *2008 Inquiry into the Role of the NCA*, Submission 56 and Submission 55.13; Public Hearing, 6 May 2008, NCET Hansard, pp.14-23.

⁹³ NCET, *2008 Inquiry into the Role of the NCA*, Submission 56.

with the ACT Government, key stakeholders and the broader Australian Community.’⁹⁴

IBA launches television advertising campaign

- 2.133 **May 2008** – IBA launches a television advertising campaign for Immigration Bridge and the sale of ‘History Handrail’ name plaques, having declared on its website that ‘a magnificent pedestrian bridge *is* to be built across Lake Burley Griffin’ (emphasis added).⁹⁵
- 2.134 **Comment** - At the 2008 NCET Inquiry, Campaign Director, Mr Andrew Baulch stated that, ‘100,000 people have registered’ however, it is unclear whether this refers to definite name plaque sales, or general interest in the ‘Migrant Memories’ promotion.⁹⁶
- 2.135 A comparable venture, the ‘Welcome Wall’ at the National Maritime Museum, Darling Harbour, which has been extensively promoted and celebrated since its establishment in 1999, has sold less than 20,000 name plaques in 10 years.⁹⁷

IBA announces Development Application timetable

- 2.136 **February 2009** – IBA announces, ‘we hope to have the design brief finalised in July to take our current concept design on the path towards works approval. That process could take another two years, with construction taking another two years from then.’⁹⁸
- 2.137 **Comment** – the implications of the Works Approval process are discussed in Section 3, below. ‘Between the lines’ it is clear that the Immigration Bridge project is so big, so complex, so costly that its promoters have not been able to progress it in any meaningful way. The initial timeline envisaged completion in 2009, this is now pushed out to 2013. It is time to call a halt.

⁹⁴ NCET, *2008 Inquiry in to the Role of the NCA*, Submission 55.13.

⁹⁵ IBA, ‘Latest News,’ Issue no.22, May 2008; Issue no.20, January 1988, <http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/1003396.html> - accessed 26 March 2009.

⁹⁶ NCET 2008 NCA Inquiry, Public Hearing, 6 May 2008, NCET Hansard, p.17.

⁹⁷ The figure was 17,885 as at 31 July 2008; see National Maritime Museum, *Annual Report, 2007-2008*, p.63.

⁹⁸ IBA, ‘Latest News,’ Issue no.25, February 2009, <http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/1003396.html> - accessed 26 March 2009.

- 2.138 Overall, the decision process reveals profound problems with the culture and capabilities of the National Capital Authority over the past decade.
- 2.139 The chronology outlined above contains many issues of concern, however, in terms of the Immigration Bridge project (as distinct from 'worst practice' throughout), three circumstances stand out:
- the decision by the NCA to push the 400m long Acton Bridge-Lennox Gardens pedestrian bridge onto the immigration memorial community group, as an appropriate project – there is no way a community group can handle a multimillion dollar project on a scale that has challenged national governments (Millennium Bridge, London).
 - the decision by the NCA to endorse a funding model based on the sale of name plaques, thereby devaluing and diminishing all other commemorative sites in the symbolic centre of Canberra – sites of profound cultural and spiritual significance to the nation;
 - the decision to provide 'in principle' support to the Immigration Bridge proposal, with no publicly-released rationale, no list of obligations that the community group had to fulfill, and no timeline for the feasibility of the project to be established.
- 2.140 The Immigration Bridge project is a Case Study of institutional ineptitude – over the life of the project, the NCA has lost the capacity to fulfill core functions in an honourable and effective way:
- to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital; and
 - to foster an awareness of Canberra as the National Capital.⁹⁹

⁹⁹ The Hon. Bob Debus, Minister for Home Affairs, 'Response to Report into National Capital Authority,' Media Release, 12 December 2008, http://www.ag.gov.au/www/ministers/ministerdebus.nsf/Page/MediaReleases_2008_FourthQuarter_12December2008-ResponsetoReportintoNationalCapitalAuthority - accessed 26 March 2009.

3.0 Immigration Bridge & the NCA Works Approval Process

3.1 The third Term of Reference of the Inquiry addresses the Works Approval process, if and when Immigration Bridge Australia submits a development application for the Acton Peninsula-Lennox Gardens footbridge:

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.**

3.2 The process of Works Approval on Designated Land under the *Australian Capital Territory (Planning and Land Management) Act 1988* was the subject of detailed investigation during the 2004 & 2008 NCET Inquiries into the Role of the NCA.

3.3 The current procedure, as diagrammed in *The Way Forward* report, involves (1) pre-lodgement discussions; (2) lodgement of Application for Works Approval, including evidence of compliance with other legislation such as the *Copyright Amendment (Moral Rights) Act 2000* and the *EPBC Act 1999*; (3) public consultation as required by the National Capital Plan; (4) Assessment of Application for Works Approval; and (5) Decision.¹⁰⁰

3.4 In conducting pre-lodgement discussions over a period of eight or nine years, on a project which it suggested in the first place, and on which it has given 'in principle' approval, the NCA has lost all capacity for objective assessment of the Immigration Bridge proposal.

3.5 Evidence given by IBA before the 2008 NCET Inquiry suggests that approval is considered a 'fait accompli'.¹⁰¹

3.6 Yet the NCA and IBA are aware that consultation is important – the NCA has acknowledged this since the NMA bridge proposal in 1998; IBA has acknowledged this since the first public announcement of the Immigration Bridge proposal in 2002.

3.7 To date, neither organisation has conducted public consultation, in accordance with the definition in the NCA's *Consultation Protocol*:

Consultation is a commitment by the NCA to:

- (a) inform the community and stakeholders;
- (b) listen to the community and stakeholders;

¹⁰⁰ NCET, *The Way Forward*, July 2008, p.27

¹⁰¹ NCET, 2008 Inquiry into the Role of the NCA, Public Hearing, 6 May 2008, NCET Hansard, pp.22-23.

- (c) acknowledge submissions;
- (d) consider submissions; and
- (e) provide feedback on how submissions were addressed.¹⁰²

3.8 However, as discussed before the 2008 NCET Inquiry, both organisations have developed the notion of a 'special' process – for which there is no statutory obligation – that will allow public consultation once the Works Application has been lodged.

3.9 NCA Chief Executive, Ms Annabelle Pegrum stated, 'given the scope of the proposal', the Authority will consult 'with the ACT Government, key stakeholders and the broader Australian Community' – however, she pointed out that 'there is no statutory requirement for the NCA to undertake consultation for development applications.'¹⁰³

3.10 IBA Director, Mr Graham French stated, 'There will be variations to what is a normal process for (development application) through NCA with other projects because of its significance and because of the lake. One of the most important things will be the public meetings that will need to be held, because it affects so many different aspects of lake usage . . . consultation will be a major part of the process through to (development application). Outside of that, it should follow the normal process of NCA approvals, which go through to final approval by the parliament.'¹⁰⁴

3.11 In fact, development applications do not go to Parliament. Major public works outside the Parliamentary Zone can be referred to the Public Works Committee – however, the Immigration Bridge is being promoted as a private venture. If it proceeds without the allocation of public funds, it will not be a 'public work' and therefore not be subject to Parliamentary investigation and oversight.

3.12 As far as the heritage provisions of the EPBC Act are concerned, the failure of the NCA to nominate the Lake Burley Griffin Conservation Area for inclusion on the Commonwealth Heritage List casts doubt on whether the Immigration Bridge project would be designated a 'controlled action' under the Act, and therefore subject to more than cursory heritage assessment.

¹⁰² NCA, *Consultation Protocol*, The Authority, Canberra, July 2007, p.5.

¹⁰³ NCET, 2008 Inquiry in to the Role of the NCA, Submission 55.13.

¹⁰⁴ NCET Inquiry into the Role of the NCA, Public Hearing, 6 May 2008, NCET Hansard, pp.19-20.

3.0 IMMIGRATION BRIDGE & THE NCA WORKS APPROVAL PROCESS

3.13 At the moment, the only effective 'check and balance' in the IBA approvals process is the requirement for endorsement by the Canberra National Memorials Committee, under the *National Memorials Ordinance 1928* of the *Seat of Government (Administration) Act 1910*.

4.0 Immigration Bridge – ‘The Way Forward’

- 4.1 The Immigration Bridge proposal can be seen as a Case Study that reveals the structural problems with the National Capital Authority at every level – statutory, organisational and cultural – that three formal inquiries by the Joint Standing Committee on the National Capital & External Territories since 2004 have documented and attempted to address.
- 4.2 These problems are manifest in values, attitudes, capabilities and practices that are unacceptable.
- 4.3 It is quite clear that it is time to ‘draw a line’ under the NCA of the recent past and re-build the organisation.
- 4.4 This was the message of the 2008 Inquiry into the role of the NCA, signalled in the title of the Joint Standing Committee’s report, *The Way Forward*.
- 4.5 ‘The Way Forward’ with the Immigration Bridge proposal must be on two levels – the proposal itself, and the institutional strengthening that must be undertaken at the NCA.
- 4.6 The Immigration Bridge proposal can be dealt with quite simply – the proposal must be submitted to the Canberra National Memorials Committee, together with a position paper on whether Australians can buy the right to have their names inscribed on National Memorials.
- 4.7 The decision on this issue has to be ‘no’. Therefore the Immigration Bridge proposal has to be rejected, under Section 7(1) of the *National Memorials Ordinance 1928*.
- 4.8 The enthusiasm, good faith and generosity of all those who have supported Immigration Bridge Australia to date have to be re-directed to a more appropriate ‘National Monument to Immigration’ – for example, an extension to the National Museum of Australia, which would address the nation-building achievement of immigration in a multi-layered, living way.
- 4.9 Strict guidelines, protocols and design standards must be applied to the provision of donor name plaques at all National Institutions and National Memorials in the symbolic centre of Canberra to acknowledge benefactors in a way which does not compete with, diminish or demean the names honoured on National Memorials.
- 4.10 The NCA’s *Guidelines for Commemorative Works in the National Capital* must be revised in the light of the Immigration Bridge Case Study.

4.11 In particular, the procedure and basis for providing ‘in principle’ support to a community organisation in the initial stages of a memorial project must be given a statutory basis under the *Australian Capital Territory (Planning and Land Management) Act*. “In principle’ support must be publicly proclaimed with respect to (1) evaluation criteria; (2) the obligations placed upon the community organisation, and (3) the time limit before formal submission to the Canberra National Memorials Committee must occur.

4.12 With respect to the Canberra National Memorials Committee, Recommendation (6) of the Walter Burley Griffin Society, Canberra Chapter must be adopted:

The National Memorials Committee should be made more accessible, transparent and accountable by:

- a. appointing two Canberra residents to the Committee as the statute provides;
- b. introduce a NMC website to include periodic notices of its agenda;
- c. consider statutory requirements for Policy Plans and Guidelines for Commemorative Works.

4.13 With respect to institutional strengthening at the National Capital Authority, the Immigration Bridge Case Study demonstrates the value of key recommendations of the 2008 NCET Inquiry into the Role of the NCA, contained in *The Way Forward* report.

4.14 *The Way Forward* - Recommendation 2

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to include the following provisions:

- That the National Capital Authority board consists of a Chairperson and seven members.
- That a minimum of two National Capital Authority board members be from the ACT region.
- That a person appointed as a National Capital Authority board member by the Commonwealth Government must have qualifications or expertise relevant to a field related to the Authority’s functions as set out in Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.
- That the Chief Executive no longer have ex-officio status on the National Capital Authority board.
- That the appointment of Chief Executive should be made on recommendation of the National Capital Authority board and the Chief Executive be fully accountable to the board.

4.15 *The Way Forward* - Recommendation 3

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require the Chairperson of the National Capital Authority to appear twice a year before the Joint Standing Committee for the National Capital and External Territories.

4.16 *The Way Forward* - Recommendation 4

That a National Capital Consultative Council be established. This Council would have representatives from the Commonwealth Government and the ACT Government, the community and business. The Council would be co-chaired by the responsible Minister and the ACT Chief Minister.

4.17 Comment – Recommendations 2, 3 & 4 of *The Way Forward* report are aimed at strengthening the governance of the NCA. There can be no question that a larger Board, with expertise relevant to the operations of the Authority, and to which the Chief Executive reports would have the capacity to submit proposals such as the Immigration Bridge idea to searching analysis at the outset. Similarly, the requirement for the Chief Executive to appear before the Joint Standing Committee on the National Capital & External Territories twice a year would provide the opportunity for timely and regular updates on high-profile initiatives, which have been the subject of Parliamentary debate, such as the Immigration Bridge proposal. A Consultative Council, with appropriate membership, would undoubtedly signal from the outset community concern over obvious and important issues such as environmental impact, heritage impact and lake user needs that in the case of the Immigration Bridge proposal, should have generated timely, informed and publicly-released reports.

4.18 *The Way Forward* - Recommendation 5

That the Commonwealth Government establish the position of Commonwealth Architect within the Department of Prime Minister and Cabinet.

4.19 Comment – This Recommendation was noted, but not supported in the Australian Government Response to *The Way Forward* report, tabled by Minister Debus on 11 December 2008. However, the response includes the following proviso: ‘If the Government is provided with further evidence that the position of Commonwealth Architect is desirable, and will not duplicate the functions of the Authority, then it may be considered further.’¹⁰⁵

4.20 There can be no greater evidence in support of the establishment of the Office of the Commonwealth Architect than the Immigration Bridge Case Study. The whole saga

¹⁰⁵ The Hon. Bob Debus, *Australian Government Response to the Inquiry into the Role of the NCA*, 11 December 2008, pp.7-8.

demonstrates the danger of what can happen when an organisation initiates the projects it approves. All balance, all critical thinking, all principles disappear.

4.21 The ‘National Monument to Immigration’ project started well with a community idea of obvious merit. It went ‘off the rails’ when the NCA pushed its pet project of the moment – the Acton Peninsula-Lennox Gardens pedestrian bridge – onto the unsuspecting immigration enthusiasts, inexperienced in design projects of this scale and complexity. The needs, capacity and ideals of the community group needed to be brought into line with project realities; the conceptual brief given shape; a site selected; a project brief developed; and a design competition conducted – all these steps should have been carried out by the Commonwealth Architect, with submissions along the way to the NCA for independent evaluation at the ‘in principle’ support stage, and independent assessment at the Works Approval stage.

4.22 These tasks remain to be done. The NCA is totally compromised on the Immigration Bridge proposal. An independent design office needs to be funded to work with Immigration Bridge Australia to go back to square one and undertake the steps to produce an appropriate National Monument to Immigration, as envisaged in 2001 by Mr Gianni De Bortoli.

4.23 *The Way Forward - Recommendation 6*

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require all draft amendments to the National Capital Plan and all proposed works (with the exception of de-minimus works) in the Parliamentary Zone to be referred to the Joint Standing Committee on the National Capital and External Territories for its consideration and report, if necessary, within three months.

4.24 Comment – the Immigration Bridge Case Study demonstrates that this recommendation is necessary but not sufficient. Joint Standing Committee on the National Capital and External Territories is the appropriate Parliamentary body to provide continuing oversight of the symbolic centre of Canberra. The Acton Peninsula-Lennox Gardens pedestrian bridge would not come before the Committee at Works Approval stage under the existing statutory framework, or the proposed framework, as it is located outside the Parliamentary Zone. The Committee’s area of responsibility needs to be expanded to include the whole of the Central National Area – and indeed the surrounding hills (Mount Ainslie, Mount Pleasant, Black Hill and Red Hill).

4.25 *The Way Forward - Recommendation 8*

That existing relevant Commonwealth and Territory legislation be amended to protect the heritage of all Designated Areas in Canberra.

4.26 This recommendation is necessary but not sufficient – the whole basis of heritage planning and management in the NCA needs to be reorganised, strengthened and fully funded. The delay in releasing the Exposure Draft of the Lake Burley Griffin Heritage Management Plan is unacceptable, but symptomatic of similar delays over a dozen or more heritage reports – beginning with the NCA’s Heritage Strategy (and Heritage Manual), which the Authority is obligated to produce under the EPBC Act but has never done so, or at least, never completed and publicly released.

4.27 *The Way Forward* - Recommendation 18

That the National Capital Authority and ACT Planning and Land Authority form a joint working group to achieve a single integrated document which:

- comprises the two statutory plans, and agrees on clear geographic boundaries between the two plans based on the committee’s objective that, where possible, land administration be aligned with planning jurisdiction;
- includes a harmonised language, definitions and structure;
- provides guidelines for interpretation of the two plans;
- provides advice to the Commonwealth Government on enshrining the policies and principles relating to national significance across the Australian Capital Territory in the form of the National Capital Land Use Plan in the *Australian Capital Territory (Planning and Land Management) Act 1988*; and
- provides advice to the Commonwealth and ACT Governments on the key elements of the Implementation Strategy.

4.28 Comment – the key to orderly, purposeful planning of the National Capital in the national interest resides in the ownership of land, or more specifically, in undoing the disorderly, willful division of the Commonwealth estate into National Land and Territory Land at the time of ACT self-government. The Immigration Bridge Case Study reveals this in microcosm, with the ‘2000 square metre’ gift of Territory Land at Lennox Gardens to enable the construction of a combined bridge abutment and coffee shop. More profoundly, the national significance of Lake Burley Griffin as the centrepiece of the National Capital has been found to have little or no protection from a totally inappropriate megastructure. The Parliamentary Zone, the Central National Area, the Parliament House Vista Conservation Area, the Lake Burley Griffin Conservation, the surrounding hills that give Canberra its ‘Bush Capital’ identity all need care and protection at the national level. It is time to re-integrate these various land units, with their arbitrary and unfortunate boundaries, into the unified vision of a democratic, sustainable city that is the essence of the Griffin Plan – a vision of national significance and world significance.

APPENDIX 1 – WBGs CANBERRA CHAPTER RECOMMENDATIONS.

The submission by the Canberra Chapter of the Walter Burley Griffin Society, Inc to the Joint Standing Committee on the National Capital & External Territories Inquiry into the Immigration Bridge Australia proposal, dated 24 March 2009, contains the following Recommendations, which are fully supported by the Management Committee of the Society:

- (1) WBGs considers that both the process and the bridge proposal by IBA are wrong and should now be stopped.
- (2) IBA should be counselled to seek alternatives to the bridge over Lake Burley Griffin as a monument to Australian immigration. There is a rich field of possibilities. There are far better and much less costly ways to honour and commemorate Australian immigration. IBA should wind back the specific bridge project with due respect and consideration for donors, sponsors and subscribers.
- (3) A proper process to be then followed would entail description of purpose, concept discourse (i.e., early public examination), comparison with similar national memorials, alternative designs and locations, impact assessment (economic, social, and environmental) and formal development application to trigger statutory processes, including public consultation and independent assessment of the preferred proposal.
- (4) In order to revive National Capital planning and the National Capital Authority, it is recommended that the Joint Standing Committee should ask the Minister for a progress report on the Government's response to the report and recommendations of *The Way Forward*.
- (5) The WBGs urges the Joint Standing Committee, as a matter of urgency and great importance, to recommend to the Minister that the yet to be-appointed Chair and Chief Executive of the National Capital Authority should place high on their respective and joint agendas the review of the Griffin Legacy Amendments that was recommended by the Committee's *Review of the Griffin Legacy Amendments* in March 2007.
- (6) The National Memorials Committee should be made more accessible, transparent and accountable by:
 - a. appointing two Canberra residents to the Committee as the statute provides;
 - b. introduce a NMC website to include periodic notices of its agenda;
 - c. consider statutory requirements for Policy Plans and Guidelines for Commemorative Works.

Appendix 2: The Walter Burley Griffin Society Incorporated

Established in 1988 in Sydney, the Society – now in its twenty first year - commemorates the lives and works of Walter Burley Griffin and Marion Mahony Griffin and promotes the ideals, vision and community life they fostered in Australia. The Society aims to promote a better understanding of the lives and works of the Griffins, promoting especially the preservation and conservation of landscape designs, urban plans, buildings and other works designed by or having an association with the Griffins.

The Society has several hundred members from various parts of Australia and USA. The Canberra Chapter of the Society was established in 2004. The Society is affiliated with the Walter Burley Griffin Society of America (established in 1998).

Committee Members 2008-2009

Patron: Professor Carrick Chambers AM

President: Professor James Weirick

Vice president: Akky Von Ogtrop

Treasurer: John Kabos

Secretary: Kerry McKillop

Management Committee: Colleen Fry, Adrienne Kabos, Martin O'Donoghue, James Smallhorn, Professor Geoffrey Sherington, Michael Thomson, David Turner, Anne Watson.

Canberra Chapter Committee

Chair: Brett Odgers

Vice Chair: Rosemarie Willett

Secretary: Dr Bruce Kent

Treasurer: Luke Wensing

Committee members: John Stokes, Dr Ann Kent, Beverley Thomas Larson, Kerri Taranto

Website

<http://www.griffinsociety.org/> (Archived by the National Library of Australia since 2006, <http://protocat.nla.gov.au/Record/3821935>)

This submission has been prepared by the Society as a contribution to the public good. Neither the Society nor any individual committee member of the Society, directly or indirectly, stands to make any personal financial gain from this submission. The submission was prepared by unpaid volunteers and was funded by the Society from its own resources and was not influenced by any person or organisation external to the committees of the Society.

Appendix 3: Biographical Profile – Professor James Weirick

Professor James Weirick, President of the Society is the principal author of this submission, advised by Brett Odgers, Chair of the Canberra Chapter and members of the Management Committee.

James Weirick is Professor of Landscape Architecture and Director, Urban Development & Design Program, Faculty of the Built Environment, University of New South Wales.

A graduate of Harvard University, Professor Weirick taught at the Boston Architectural Center, University of Massachusetts/Boston, University of Canberra and Royal Melbourne Institute of Technology, prior to his appointment to UNSW in 1991. In recent years, he has conducted international urban design studios in Beijing, Hangzhou and Tokyo with the Graduate School of Landscape Architecture, Peking University; the Department of Architecture, Zhejiang University; and the Graduate School of Frontier Sciences, The University of Tokyo. His research interests include the history of architecture, landscape architecture and urbanism, with an emphasis on the 'politics of design', particularly the work of Walter Burley Griffin, the history of Canberra, and the urban landscape of Sydney. He is actively engaged in issues of contemporary urbanism throughout Australia as an educator, critic, and commentator.

Professor Weirick has served on the Environment Board of the Royal Australian Institute of Architects (NSW); the Parliamentary Zone Advisory Panel, National Capital Authority, Canberra; the Urban Design Advisory Committee, NSW Department of Urban Affairs & Planning; the Gateways Design Review Panel, City of Sydney; the Campus 2010 Design Review Panel, University of Sydney; and the Design Review Panel of the Sydney Olympic Park Authority. He currently serves on the Design Advisory Panel of the City of Sydney.

Professor Weirick has been a member of many design competition juries, most recently as a City of Sydney representative on the Design Excellence Competitions for redevelopment of the Carlton United Brewery site, Broadway; the Westfield Sydney Centrepoint Project; and the Goodsell Building Redevelopment, Chifley Square. He received the President's Award of the Australian Institute of Landscape Architects (NSW Group) in 1999; and was named a 'Built Environment Exemplar' in the Year of the Built Environment 2004.

Professor Weirick has been President of the Walter Burley Griffin Society, Inc. since 2004, and previously served as Vice President, 1993-2004.