
The Parliament of the Commonwealth of Australia

Inquiry into the Immigration Bridge Proposal

Joint Standing Committee on the National Capital and External Territories

May 2009
Canberra

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ISBN 978-0-642-79063-7 (Printed version)

ISBN 978-0-642-79064-4 (HTML version)

Cover front image: Artist's impression of the concept design for the Immigration Bridge. Courtesy of Immigration Bridge Australia, www.immigrationbridge.com.au

Cover back image: Aerial depiction of the Immigration Bridge concept design highlighting solar roof. Courtesy of Immigration Bridge Australia, www.immigrationbridge.com.au



Chair's Foreword

Since its inception Canberra has been designed with the highest ideals in mind. Its design elements are unique and it is home to some of the most distinctive landscape design and architecture in the country. Canberra as our national capital is the chosen location to commemorate aspects of our democracy and history.

The Immigration Bridge Australia proposal seeks to commemorate the contribution that migrants have made to Australia. The proposed 400m bridge will cross Lake Burley Griffin in the area of West Basin linking the National Museum of Australia with the parliamentary zone at Lennox Gardens.

While the objective of recognising the contribution that migrants have made to Australia's development is worthy, the proposal to build a bridge in this location has provoked concerns by parts of the community.

In view of this, the committee was pleased to receive the reference from Minister Debus to inquire into the Immigration Bridge proposal. The committee had been made aware of the proposal through evidence at previous inquiries and it was clear that there was some confusion within the community about the status of the proposal, the works approval process and the method adopted by the IBA to raise funds for the construction of the bridge.

The confusion in the community has been exacerbated by the television advertising and sale of family plaques on the 'history handrail' of the proposed bridge, despite the actual design of the bridge not being available and a development application not yet having been submitted to the National Capital Authority.

This report traverses the history of the proposal from its roots in the vision by migrant workers from the Snowy Mountains to commemorate the contribution of migrants to Australia's development, including the role the NCA has played over the years in supporting this proposal and the Amendment that inserted the footbridge into the National Capital Plan.

The report also details the final development approval process and required statutory consultation measures, including heritage assessment, that will ultimately determine whether or not the bridge proposal proceeds in its current form, a different form, in a different location or not at all.

Not surprisingly, the bridge proposal raised passionate views both for and against, but a uniting sentiment was that the national capital was the appropriate location for commemorating the contribution of migrants.

The committee's objective was never to adjudicate on whether the Immigration Bridge should proceed or not. The report provides clarity into how the proposal got to this point and what checks and balances are in place as the IBA moves toward making a development application to the NCA. The committee received over 80 submissions and there is now increased awareness of the consultation processes as the IBA advances its proposal.

The committee made three recommendations which if implemented will improve aspects of the process. First, the IBA in improving its transparency and accountability should clarify its refund policy and make its financial documents available on its website.

The committee also recommends that if the proposal proceeds and the bridge is ceded to the Commonwealth, the government should ensure that agreement to receive the bridge is met by increased government funding to the NCA to manage its ongoing maintenance.

The final recommendation encourages the IBA to reconcile competing issues relating to Lake users and the vista and heritage values of the Lake and its foreshores. If the IBA finds that this challenge cannot be met or its development application for the proposed bridge is unsuccessful then the IBA should consider changing the location of the bridge or propose an alternative memorial to migration.

I take this opportunity on behalf of the committee to thank all groups, organisations and individuals who contributed to the inquiry.

Senator Kate Lundy
Chair



Contents

Chair's Foreword	iii
Membership of the Committee	ix
Terms of reference	x
List of abbreviations	xi
List of recommendations	xiii

THE REPORT

1 Introduction	1
Committee objectives and scope	3
Conduct of the inquiry	4
Reader guide and structure of the report.....	4
2 The Immigration Bridge Australia Proposal	7
Background	7
Germination of the IBA proposal	7
<i>The Griffin Legacy</i>	8
Amendment 61 to the NCP	9
Advice provided by the ACT Government	13
Advice provided by the NCA	14
Elements of the proposal	17
The concept design.....	17
The design brief	22
The proposal timeline.....	23
The Immigration Bridge Australia organisation	24

Governance structure.....	24
Accountability and transparency mechanisms	25
Fundraising and corporate sponsorship	27
Conclusions.....	31
Recommendation 1	32
3 The works approval process.....	33
Introduction	33
Background	33
The role of the NCA	34
Works in Designated Areas.....	35
The approval process	36
Requirements.....	36
Consultation requirements of the works approval process	38
Works approval and the IBA proposal	41
Requirements.....	41
Consultation undertaken to date by IBA.....	43
Heritage and environmental considerations.....	46
Commonwealth Heritage Listing of Lake Burley Griffin Conservation Area.....	46
The Lake Burley Griffin Management Plan.....	46
Assessment of the IBA proposal under the EPBC Act	48
Timeline for assessment of the IBA proposal	50
Maintenance of the proposed bridge.....	51
Cost and funding	52
Conclusions.....	53
Recommendation 2	54
4 The arguments for and against the Immigration Bridge	55
Introduction	55
The potential impact on Lake users	55
Pedestrians and cyclists.....	58
Access for mobility impaired persons.....	60
Safety and security considerations.....	60

The potential impact on heritage issues	61
The potential environmental impact	63
The potential impact on the vista and Lake foreshores.....	64
Is there a need for a pedestrian bridge?	66
Conclusion	69
Alternative positions for a bridge	69
Alternative ways to recognise the contribution of migrants.....	70
Conclusions.....	72
Recommendation 3	73

APPENDICES

Appendix A - Submissions.....	75
Appendix B – Exhibits	79
Appendix C – Hearings and witnesses	83
Appendix D – Designated Areas prescribed under the National Capital Plan	87
Appendix E – Information required as part of the works application	89
Appendix F – The referral process under the EPBC Act.....	91
Appendix G – The assessment process under the EPBC Act	93

LIST OF FIGURES

Figure 2.1	Amendment 61: Indicative Waterfront Promenade with Pedestrian Bridge	10
Figure 2.2	1912 Plan, Walter Burley Griffin's competition winning design	12
Figure 2.3	Artist's impression of the concept design for the Immigration Bridge	18
Figure 2.4	Aerial depiction of the Immigration Bridge concept design	19
Figure 2.5	Amendment 61 – Artist's impression of West Basin	19
Figure 3.1	Works Approval: Process Flow Chart	40



Membership of the Committee

Chair Senator Kate Lundy

Deputy Chair Mr Patrick Secker MP

Members Hon Dick Adams MP

Ms Anna Burke MP

Ms Annette Ellis MP

Mr Paul Neville MP

Mr Jim Turnour MP

Senator Trish Crossin

Senator the Hon Alan Ferguson

Senator Gary Humphries

Senator Barnaby Joyce

Committee Secretariat

Secretary Mr Stephen Boyd

Inquiry Secretary Ms Stephanie Mikac

Research Officers Mr Paul Zinkel

Dr Cathryn Ollif

Administrative Officer Ms Renee van der Hoek



Terms of reference

On 25 February 2009, the Minister for Home Affairs, the Hon Bob Debus MP, requested the committee to inquire into and report on:

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

The Minister requested the committee to report by the end of May 2009.



List of abbreviations

ACT	Australian Capital Territory
ACTPLA	Australian Capital Territory Planning and Land Authority
ANU	Australian National University
Board	Immigration Bridge Australia Board
CDBA	Canberra Dragon Boat Association
CHL	Commonwealth Heritage List
CNMC	Canberra National Memorials Committee
CSIRO	Commonwealth Scientific and Industrial Research Organisation
Cwth	Commonwealth
CYC	Canberra Yacht Club
DA	Draft Amendment
DCP	Development Control Plan
DEWHA	Department of the Environment, Water, Heritage and the Arts
EPBC Act	<i>The Environment Protection Biodiversity and Conservation Act 1999</i>
FECCA	Federation of Ethnic Communities' Councils of Australia
HMP	Heritage Management Plan
IBA	Immigration Bridge Australia
LUG	Lake Users Group

NCA	National Capital Authority
NCDC	National Capital Development Commission
NCP	National Capital Plan
NMA	National Museum of Australia
PALM Act	<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>
RNE	Register of the National Estate
Lake	Lake Burley Griffin
T1	Transcript of evidence - 30 March 2009
T2	Transcript of evidence - 1 April 2009
Trust	The National Trust of Australia (ACT)



List of recommendations

Recommendation 1 (paragraph 2.104)

The committee recommends that in the interest of improving its transparency and accountability Immigration Bridge Australia:

- clarify its refund policy in relation to the History Handrail program; and
- make its financial documents publicly available on its website.

Recommendation 2 (paragraph 3.85)

The committee recommends that if the proposed IBA bridge is ceded to the Commonwealth, then the government should ensure that agreement to receive the bridge is met by increased funding to the NCA to manage its ongoing maintenance.

Recommendation 3 (paragraph 4.74)

The committee recommends that Immigration Bridge Australia seeks to reconcile competing issues relating to Lake users, vista and heritage value of the Lake and its foreshores.

If IBA finds that this challenge cannot be met or its development application for the proposed bridge is unsuccessful then IBA should consider:

- changing the location of the proposed bridge; or
- proposing an alternative memorial to migration.

Introduction

- 1.1 The Immigration Bridge Australia Proposal (the IBA proposal) is a community initiated project intended to commemorate Australia's migration history since 1788 through the construction of a pedestrian bridge in Canberra. Once completed, the bridge is intended to be gifted to the nation for Canberra's centenary in 2013.¹
- 1.2 The bridge has taken the name 'Immigration Bridge' and if approved will span the West Basin of Lake Burley Griffin (the Lake) linking the National Museum of Australia (NMA) to the Parliamentary zone.²
- 1.3 The project was proposed in 2001 by Mr Gianni De Bortoli who was part of a community group, the Snowy Mountains Hydro Electric Scheme Steering Committee (the Steering Committee) from the Cooma district of New South Wales.³
- 1.4 Immigration Bridge Australia (IBA) was formed in 2005 and is the proponent of the Immigration Bridge. IBA is a 'registered, not-for-profit company limited by guarantee' that evolved from and absorbed the original Steering Committee.⁴
- 1.5 The IBA proposal is at this point primarily being funded through community donations with the majority of revenue for the project being collected from the anticipated selling of 200 000 name places on the 'History Handrail' of the bridge. IBA also has the support of corporate sponsorship. The History Handrail would provide for the memorial aspect of immigration while also funding \$22 million of the estimated \$30 million

1 Immigration Bridge Australia, *Submission 29*, p. 3.

2 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

3 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

4 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

cost of construction of the bridge.⁵ In addition, individual stories of migration will be recorded in the 'Migration Book' and on the IBA website.⁶

- 1.6 To date approximately 6000 places have been sold on the History Handrail raising about \$600 000.⁷
- 1.7 The IBA proposal will be subject to the works approval process, managed by the National Capital Authority (NCA), as provided for under section 12 of the *Australian Capital Territory (Planning and Land Management Act 1988* (Cwlth) (the PALM Act) which is initiated by receipt of a works approval application.
- 1.8 The proposal may also be subject to the heritage assessment process as provided for under the *Environment Protection Biodiversity and Conservation Act 1999* (Cwlth) (the EPBC Act).
- 1.9 In addition, land will have to be ceded by the Australian Capital Territory Government (the ACT Government) to provide for the southern anchor of the bridge.
- 1.10 While the IBA proposal was officially launched in 2006, it is still in concept form and a development application has not yet been prepared for its formal consideration by the NCA. IBA has indicated that it expects the process from concept design to design brief and passage through the works approval process to take approximately between 18 months to two years.⁸
- 1.11 In 1997, a bridge in the same area where it is suggested the Immigration Bridge be located was included in the winning entry for the NMA design competition.⁹ A bridge in that area was also included in the NCA's *The Griffin Legacy* which sought to incorporate early, unrealised elements of Walter Burley Griffin's plan for Canberra.
- 1.12 As the suggested location of the proposed bridge (as included in the NMA winning design) was within a Designated Area, that is, an area of national

5 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

6 The Migration Book is intended to allow the continuing collecting of migration stories beyond those that reserve a place on the History Handrail. The Migration Book will contain 'stories but it will also be the full collection of names, countries of origin, years of arrival' and mode of transport that people came by to Australia. Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 16.

7 Doherty, M 2009, 'Bridge seen as adornment to capital', *The Canberra Times*, 2 April 2009, p. 2

8 Immigration Bridge Australia, Mr Graham French, *Transcript T1*, p. 4.

9 National Capital Authority, Mr Gary Rake, *Transcript T1*, pp 17-18.

significance as recognised under the National Capital Plan (the NCP)¹⁰, an amendment to the NCP would have to be undertaken if a bridge were to be built in that area.

- 1.13 Taking this into account, the NCA decided ‘an amendment to the NCP be undertaken if a bridge were further contemplated’¹¹ in this area. Amendment 61 to the NCP resulted and came into effect on 30 November 2006.¹²
- 1.14 Amendment 61 provided for a high-span pedestrian bridge connecting the National Museum and the Parliamentary zone. The proposal for the Immigration Bridge over the West Basin area conforms to the NCP as a result of Amendment 61 coming into effect.
- 1.15 In its March 2007 report titled *Review of the Griffin Legacy Amendments*, the committee reviewed Amendments 56, 59, 60 and 61 and recommended that they ‘be disallowed and reworked.’ This recommendation was made in view of the evidence received at the time and the committee’s findings. Community comment identified concerns about the impact of Amendment 61 on vista and heritage values in and around the West Basin of the Lake.¹³

Committee objectives and scope

- 1.16 On 25 February 2009, the Minister for Home Affairs, the Hon Bob Debus MP referred the inquiry to the committee and requested it to report by the end of May 2009.
- 1.17 The committee thanks the Minister for the referral and believes the inquiry is timely in regard to the IBA proposal’s current status.
- 1.18 The terms of reference of the inquiry provided that the committee examine the IBA proposal by taking into consideration the process adopted by IBA to settle the design for the bridge taking into account the:
- heritage values of the Lake and its foreshores; and

10 The *Australian Capital Territory (Planning and Land Management) Act 1988* provides for the National Capital Plan (NCP). The NCP is the overarching planning document for Canberra and the Territory.

11 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 18.

12 National Capital Authority, *Submission 60*, p. 7.

13 Joint Standing Committee on the National Capital and External Territories, March 2007, *Review of the Griffin Legacy Amendments*, Parliament of Australia, Canberra, pp 62-63.

- the interests of Lake users.
- 1.19 The committee also examined the process adopted by IBA to raise funds for the construction and ongoing maintenance of the bridge.
- 1.20 In addition, the committee examined the approval process required under the PALM Act as it would relate to the IBA proposal.
- 1.21 This inquiry has given the broader community the opportunity to share its views on the IBA proposal prior to the consultation that IBA is required to undertake as part of the works approval process. In addition, the NCA has stated it would undertake consultation in regard to the IBA proposal although it is not required to.¹⁴

Conduct of the inquiry

- 1.22 The committee initially advertised the inquiry and called for submissions by issuing a media release on 26 February 2009. Submissions were further sought through advertisement of the inquiry in *The Canberra Times* on 28 February 2009 and in *The Australian* on 4 March 2009. The closing date for receipt of submissions was 27 March 2009. The committee received 84 submissions which are listed at Appendix A.
- 1.23 Public hearings were subsequently held in Canberra on 30 March and 1 April 2009. Transcripts of evidence received during those hearings can be found on the committee's website at: www.aph.gov.au/ncet. Witnesses that appeared before the committee at public hearings are listed at Appendix C.

Reader guide and structure of the report

- 1.24 This report outlines the committee's findings and recommendations in relation to the IBA proposal. Recommendations have been listed separately at the front of the report for reader ease. The report outline follows.
- 1.25 Chapter 2 provides a background to and outlines the main elements of the IBA proposal; the structure of the IBA organisation; and the fundraising methods and mix used.

14 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 29.

- 1.26 Chapter 3 details the works approval process under the PALM Act in regard to the IBA proposal. This chapter also addresses the environmental and heritage assessment process that may apply to the proposal under the EPBC Act. The issue of maintenance of the asset if gifted to the nation is also discussed.
- 1.27 Chapter 4 encapsulates community comment about the bridge proposal in regard to the potential impact on: the use of the Lake in the West Basin area; pedestrians and cyclists who may choose to use the bridge; and access for mobility impaired persons. In addition, community comment about the possible impact on vista, heritage value and the natural environment of the Lake and its foreshores is addressed.

The Immigration Bridge Australia Proposal

Background

Germination of the IBA proposal

- 2.1 In 2001, a community group, the Snowy Mountains Hydro Electric Scheme Steering Committee (the Steering Committee) from the Cooma District of New South Wales resolved to commemorate Australia's history of migration since 1788. It was decided that commemoration would be through the establishment of a significant community funded 'national monument' that would be located in the nation's capital - Canberra.¹
- 2.2 In 2002, the Steering Committee approached the National Capital Authority (NCA) for its support and to request it to investigate possible sites for the memorial within Canberra and seek advice on what shape it might take.²
- 2.3 Upon deliberation of the choices presented to it by the NCA, the Steering Committee decided the memorial would take the form of a 'bridge to immigration across Lake Burley Griffin between the National Museum of Australia (NMA) and Lennox Park'. The bridge is intended to be gifted to the nation to mark Canberra's centenary in 2013. In addition, the bridge would 'showcase leading edge technology in its design'; allow access for mobility impaired persons and be 'cyclist friendly'.³

1 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

2 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

3 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3; Immigration Bridge Australia, *Submission 29*, pp 1-3.

- 2.4 In 2005, the Steering Committee was replaced by a not-for-profit company limited by guarantee, based in Canberra bearing the name Immigration Bridge Australia (IBA).⁴
- 2.5 IBA stated that the purpose of the Immigration Bridge would be to:
- ... recognise the immense contribution made to Australia by migrants from all over the world since 1788; complete a significant element of the recreational plans of the Griffin Legacy identified by the NCA; link the major tourist and study attractions of the Parliamentary Triangle with the National Museum of Australia and the ANU; contribute to the awareness in the Australian community of the need to record their personal and family history; and provide a unique opportunity for the community to have that shown in perpetuity on a national monument in Australia's capital.⁵
- 2.6 The IBA proposal was officially launched at Parliament House on 4 December 2006 and has since that time received sponsorship from SBS Television which has included the filming and regular showing of a commercial to promote the IBA campaign.⁶
- 2.7 For Immigration Bridge to be formally considered, IBA will need to lodge a works application with the NCA for assessment. The works approval process is outlined and discussed in Chapter 3.

The Griffin Legacy

- 2.8 In 2004, the NCA released *The Griffin Legacy: Canberra the Nation's Capital in the 21st Century*. This document discussed the future planning for Canberra by seeking to draw out the original unrealised design elements of the nation's capital (as envisaged by the Griffin Plan⁷) that were of

4 Immigration Bridge Australia, *Submission 29*, p. 1.

5 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3.

6 Immigration Bridge Australia, Mr Andrew Baulch *Transcript T1*, p. 12.

7 In 1912, Walter Burley Griffin's design won the international competition for Australia's new Federal capital. The design elements of the original plan for the nation's capital included drawings by Walter Burley Griffin's wife, Marion Mahoney Griffin, of their shared vision for Canberra. The plan became known and is referred to as 'The Griffin Plan'. The National Capital Authority, 2004, *The Griffin Legacy: Canberra the Nation's Capital in the 21st Century*, Craftsman Press, Foreword; National Archives of Australia, *A Vision Splendid: How the Griffins imagined Australia's capital*, Goanna Print, p. 7.

continuing value, while accommodating the modern metropolitan needs of the populace.⁸

- 2.9 The *Griffin Legacy* sought to make changes within the realm of Canberra's planning through amendment to the NCP, a strategic document which underpins the planning requirements for Canberra and the Territory. The main principles of the NCP are enshrined in the PALM Act.

Amendment 61 to the NCP

- 2.10 *The Griffin Legacy* as noted includes original elements of Walter Burley Griffin's designs for Canberra. Notably, 'a bridge over Lake Burley Griffin connecting Acton Peninsula to the southern side of the lake' was included in Griffin's 1912, 1913 and 1918 plans, but not in his gazetted 1925 plan.⁹
- 2.11 In 1997, the winning entry for the design of the NMA also included a bridge across the West Basin linking the NMA to the Parliamentary zone.¹⁰
- 2.12 In 2006, through *The Griffin Legacy* a number of amendments to the NCP were proposed, one of which related to the West Basin Area of Lake Burley Griffin (the Lake) – Amendment 61.¹¹
- 2.13 Amendment 61¹² incorporated a number of planning principles and policies into the NCP one of which included changes to the waterfront promenade of the Lake with the aim to 'link national attractions with a continuous pedestrian network, including a high-span pedestrian bridge connecting the National Museum and the Parliamentary zone.'¹³
- 2.14 The suggested location of the Immigration Bridge is in the same place where a high span pedestrian bridge was approved under Amendment 61 to the NCP.¹⁴ The indicative waterfront promenade provided through Amendment 61 is shown in Figure 2.1.

8 National Capital Authority, viewed 14 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=396&Itemid=268>.

9 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 18.

10 National Capital Authority, *Submission 60*, p. 4.

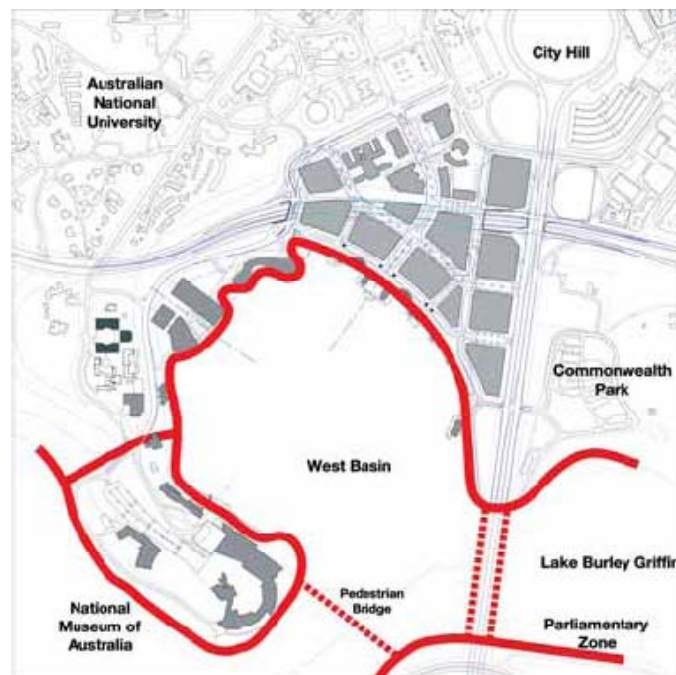
11 National Capital Authority, *Submission 60*, p. 6.

12 The changes incorporated into the NCP through Amendment 61 are outlined in Chapter 5 of the committee's report titled *Review of the Griffin Legacy Amendments*, March 2007, p. 49.

13 Joint Standing Committee on the National Capital and External Territories, March 2007, *Review of the Griffin Legacy Amendments*, Parliament of Australia, p. 53.

14 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 21.

Figure 2.1 Amendment 61: Indicative Waterfront Promenade with Pedestrian Bridge



Source National Capital Authority

2.15 Amendment 61 to the NCP provides that a high span pedestrian bridge linking the NMA and the Parliamentary zone is permissible.¹⁵

2.16 In its *Review of the Griffin Legacy Amendments*, the committee found that Draft Amendments 56, 59, 60 and 61 needed further consideration and could be improved upon.

2.17 In addition, the committee commented that:

In considering this matter further, the committee examined the NCA's 2004 report, *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*. In that report, the NCA set out a plan for West Basin which is moderate in tone, less dominated by development and much more inclusive through the use of extensive green area. Evidence to the committee suggested that the scale of development for West Basin should configure more closely to the NCA's 2004 proposal.¹⁶

2.18 As a result, the committee recommended that the 'Minister for Local Government, Territories and Roads move to disallow Amendments 56, 59,

15 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 21.

16 Joint Standing Committee on the National Capital and External Territories, March 2007, *Review of the Griffin Legacy Amendments*, Parliament of Australia, Canberra, p. iv.

60 and 61 so that the National Capital Authority has the opportunity to further refine the amendments taking into account issues raised in the committee's report.¹⁷

A pedestrian bridge across the Lake and the Griffin Plan

2.19 Walter Burley Griffin's early plans which include a bridge in the same area as provided for under Amendment 61 to the NCP is a matter of contention. There is an issue of whether a pedestrian bridge linking the NMA and Parliamentary zone is reflective of elements contained in Walter Burley Griffin's early designs for Canberra. Figure 2.2 shows Walter Burley Griffin's competition winning design.

2.20 As noted earlier, Griffin's final gazetted plan of 1925 as approved by the Federal Parliament, did not include the pedestrian bridge that appeared in his previous plans.¹⁸

2.21 A number of opponents to a bridge in the area as suggested by the IBA proposal put the argument that a pedestrian bridge does not conform to Griffin's original plan for West Basin.

2.22 In line with this opposition, Dr John Gray stated:

It would be difficult to argue that the proposed bridge reflects Walter Burley Griffin's original intentions for the lake. A pedestrian bridge at this site was never envisaged by Griffin nor by the National Capital Development Commission (NCDC). The latter followed closely Griffin's original intentions in the 1960s.¹⁹

2.23 On the point that early plans for Canberra show a low bridge in the area of the proposed bridge, but that this bridge did not appear in Griffin's gazetted 1925 plan, Mr Townsend noted:

In this area of the lake, Griffin indicated a small road bridge helping to define West Basin as a nearly complete circle, part of Griffin's intended geometrical and symmetrical plan for the central part of the lake.

However, the lake turned out differently. East and West Basin are no longer part of a symmetrical design and shorelines are softer and more natural. What was originally to be a small bridge joining the southern shore to a finger of land jutting from the Acton shore

17 Joint Standing Committee on the National Capital and External Territories, March 2007, *Review of the Griffin Legacy Amendments*, Parliament of Australia, Canberra, Recommendations.

18 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 22.

19 Dr John Gray, *Submission 24*, p. 4.

would now have to cross a large expanse of water in a different location. Griffin's concept was for a low, elegant structure. A bridge built in its place today would have to be high, massive and inelegant as well as blocking views up, down and across the lake.²⁰

Figure 2.2 1912 Plan, Walter Burley Griffin's competition winning design



Source *Image courtesy of the National Archives of Australia*

20 Mr David Townsend, *Submission 15*, p. 2.

2.24 The National Trust of Australia (ACT) (the Trust) stated that in Griffin's 1911 winning entry plan, the two main bridges which now exist, that is Commonwealth Avenue Bridge and Kings Avenue Bridge, were intended to be the dominant crossings of the Lake. The third crossing was intended to be a more subdued lower level crossing, giving landscape dominance to the two main bridges. The Trust added that the existing landscape would be compromised by the proposed bridge and found that:²¹

... anything that intrudes on the simplicity and elegance of the original scheme is to be avoided absolutely, unless there is no feasible alternative. In this case, the imposition of a structure that has no logical connection to the lake system, traffic planning or the central landscape plan is without justification.²²

2.25 Dr David Headon provided a solution to the concerns raised in relation to Griffin's original intent and the possible impact on Lake vista. Dr Headon noted:

The arguments against an 'Immigration Bridge' will probably revolve around the visual and someone's interpretation of Griffin's 'intent'. The first can be overcome simply by hiring the best architect with the best design, and a credible budget. Yes we can. The second is more complex, but it is worth noting that Griffin had no less than five connections across the lake. The bridge would make four, and that includes Scrivener Dam. I believe such a bridge would be consistent with the philosophy of a democratic capital held by both Marion Mahony and Walter Burley Griffin.²³

Advice provided by the ACT Government

2.26 In regard to the IBA proposal the Australian Capital Territory Planning and Land Authority (ACTPLA) advised that 'the ACT Government determined in 2006 to agree in-principle to cede Territory land to the Commonwealth Government, subject to confirmation of the intention to construct the bridge.'²⁴

2.27 The ACT Government agreed to cede Territory land to assist the process associated with the consideration of the proposal by allowing the NCA to have complete land administration. ACTPLA stated:

21 National Trust of Australia (ACT), *Submission 42*, pp 5-7.

22 National Trust of Australia (ACT), *Submission 42*, p. 7.

23 Dr David Headon, *Submission 43*, p. 2.

24 ACT Government, *Submission 63*, p. 1.

The decision acknowledged the advantage of land at both ends of the bridge being in one ownership would remove any difficulties associated with duplicate administrative arrangements, including maintenance.²⁵

2.28 The ACT Government's land grant is subject to a number of conditions which include:

- the ACT Government would 'review its in-principle support if the decision on whether or not to build the bridge has not been made or acted upon before 2009
- that in the event that the Territory proceeds to cede the land there will be a need for the Commonwealth Government to provide some form of peppercorn compensation if the land is to be declared National Land
- that appropriate recognition will be requested of the Immigration Bridge Group for the Territory Government's contribution if the bridge proceeds.'²⁶

2.29 In addition, ACTPLA stated that in the case that the land has not been transferred to the Commonwealth Government before an application from IBA is received that 'it would be pleased to participate with the National Capital Authority in the design analysis process for the bridge and any development approval process.'²⁷

Advice provided by the NCA

2.30 In 2002, the Steering Committee approached the NCA for support and advice on the possible location and form that a memorial to immigration may take.²⁸ The NCA provided the Steering Committee with three possible options for location and form. The Steering Committee communicated to the NCA that it had decided on the bridge option for the form of memorial to immigration, but had not opted for a particular location for the bridge.²⁹

2.31 In early June 2002, the NCA prepared a brochure detailing the three options for a form of memorial. These were:

- 'a bridge connecting the NMA to the Parliamentary Zone

25 ACT Government, *Submission 63*, p. 2.

26 ACT Government, *Submission 63*, p. 1.

27 ACT Government, *Submission 63*, p. 2.

28 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

29 National Capital Authority, *Submission 60*, p. 5.

- an individual sculpture or monument
 - a parkland with interpretive material.³⁰
- 2.32 The brochure also noted three options for location. These were:
- 'Lake Burley Griffin (between Acton Peninsula and Lennox Park)
 - Kings Park
 - Section 27 Parkes – adjacent to Peace Park.³¹
- 2.33 In July 2002, the Steering Committee wrote to the NCA to advise that it had been decided that the memorial would take the form of a bridge that would span the Lake 'between Lennox Gardens and Acton Peninsula.'³²
- 2.34 The 'commemorative bridge proposal' was considered by the NCA in its meeting of July 2002. The NCA Board noted that 'any such proposal would require detailed consideration of issues such as sailing on the lake; scale, form and quality [of the bridge structure].'³³
- 2.35 In November 2003, the NCA Board '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 NCA took into consideration Griffin's original plans and the winning design entry for the NMA when making its decision to provide its in-principle support for the proposal.³⁴
- 2.36 In June 2006, the NCA informed its Lake Users Group (LUG)³⁵ of the IBA proposal. The LUG responded in March 2007 with a one page document outlining its concerns and conclusions about the proposal. These concerns centred on how a proposed bridge could impede use of the Lake and that if a bridge did go ahead in the suggested location, that it conform with the suggested design requirements.³⁶
- 2.37 Of the concerns outlined to the NCA in regard to the IBA proposal the LUG stated:

30 National Capital Authority, *Submission 60*, p. 5.

31 National Capital Authority, *Submission 60*, p. 5.

32 National Capital Authority, *Submission 60*, p. 5 and Attachment C.

33 National Capital Authority, *Submission 60*, p. 5.

34 National Capital Authority, *Submission 60*, p. 5.

35 The LUG is an informal body established by the NCA to keep users of the Lake and its general surrounds, informed of issues that impact on the Lake and to receive feedback on the management of the Lake and any issues which may arise in relation to its usage. The Lake Users Group, *Submission 38*, p. 1.

36 National Capital Authority, *Submission 60*, p. 23.

Whilst the proper concerns of the Group are focused on the possible impact of any such development on the use of the lake it would be fair to say that there are more general individual concerns among members about the proposal and its promotion but as a Group we are agreed those matters are outside our charter.³⁷

2.38 In August 2006, following a private meeting the NCA held in regard to the IBA proposal with the Canberra Yacht Club (CYC), feedback was received about the possible negative impact the bridge may have on sailing activities on the Lake.³⁸

2.39 In September 2006, the NCA then advised IBA that it needed to take into consideration and consult with various groups on Lake user issues.³⁹ The NCA noted that it 'would be upon the proponents to demonstrate that they were able to address each of those concerns before they could receive a works approval.'⁴⁰ Further, the NCA stated:

We do provide advice and we have made it very clear to the proponents of the bridge that they are going to have to undertake extensive consultation. They have sought to facilitate that, particularly with key stakeholders. They are well aware of the issues they will need to address. Once we say, 'These are the concerns, these are the people you need to speak to,' it is up to the proponents to do that. If they have not done that, when they come back to us that is a risk they have taken.⁴¹

2.40 In early 2009, the NCA convened another meeting of the LUG and invited IBA to meet with Lake users. This included new members to the LUG who previously had not had the opportunity to comment on the IBA proposal. Through this meeting and further to its comments in March 2007, the LUG was able to provide direct feedback to IBA in regard to its design brief for the bridge.⁴²

2.41 The NCA also advised IBA that it needed to undertake discussion with the winner of the NMA design, so that any moral rights might be addressed before a formal application was submitted for approval.⁴³

37 The Lake Users Group, *Submission 38*, p. 1.

38 National Capital Authority, *Submission 60*, Attachment H.

39 National Capital Authority, *Submission 60*, p. 19.

40 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 24.

41 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 28.

42 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 30.

43 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 18.

2.42 In its overall advice provided to IBA concerning consultation the NCA stated:

...the authority has encouraged Immigration Bridge Australia to undertake extensive consultation with the ACT government; the National Museum of Australia; moral rights holders, including designers of the museum; and the Lake Users Group, which is a representative body convened by the NCA. The NCA specifically requested that IBA undertake detailed consultation with representatives of the Canberra yachting and rowing communities.⁴⁴

2.43 The NCA noted that it has a dual role in relation to commemorative works: to provide advice to the proponents of the proposed works as to the appropriateness and suitability; and to give the works approval as the regulator.⁴⁵ In this capacity, the NCA has also been assisting IBA in drafting its design brief for the proposal.⁴⁶

Elements of the proposal

The concept design

2.44 The IBA proposal is currently in its concept design form. The concept design is the early design phase of the bridge project.

2.45 IBA advised that the concept design phase is not the intended final design for the bridge and is using the images prepared for the concept design to fundraise. IBA stated:

The process that has been undertaken to date has been to produce a concept for a bridge, and it is nowhere contended by IBA that this is a final design. This design was put together as a concept and as a basis for giving people ideas for the raising of funds. There [have] been...several discussions with the NCA and the Lake Users Group. The most recent meetings with the NCA have been to set up and discuss a process that would be followed.⁴⁷

44 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 18.

45 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 27.

46 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 4.

47 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, pp 3-4.

- 2.46 The known specifications of the Immigration Bridge to date are that it will be a 400 metre long bridge crossing the Lake in the area of the West Basin linking the NMA with the Parliamentary zone⁴⁸ at Lennox Gardens.⁴⁹
- 2.47 Amendment 61 to the NCP provided for a 'high span' pedestrian bridge linking the NMA and the Parliamentary Zone.⁵⁰ However, the NCA has given its in-principle support to the 'concept of a high quality, long span pedestrian bridge' in the same location.⁵¹
- 2.48 The concept drawings prepared for Amendment 61 and for the Immigration Bridge vary in their design. Figures 2.3 and 2.4 show an Artist's impression of the concept designs for the Immigration Bridge and Figure 2.5 shows an artist's impression of the area relevant to Amendment 61.

Figure 2.3 Artist's impression of the concept design for the Immigration Bridge



Source *Immigration Bridge Australia*, viewed 23 April 2009, <www.immigrationbridge.com.au>

48 *Immigration Bridge Australia*, viewed 21 April 2009, <<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/learn-more-about-immigration-bridge--1003985.html>>.

49 National Capital Authority, *Submission 60*, p. 5.

50 National Capital Authority, Amendment 61 – West Basin, p. 8, viewed 21 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=388&Itemid=261>.

51 National Capital Authority, *Submission 60*, p. 5.

Figure 2.4 Aerial depiction of the Immigration Bridge concept design



Source *Immigration Bridge Australia*, viewed 23 April 2009, <www.immigrationbridge.com.au>

Figure 2.5 Amendment 61 – Artist's impression of West Basin



Source *National Capital Plan Amendment 61-West Basin*, p. 14.

- 2.49 The Walter Burley Griffin Society noted that a high span pedestrian bridge would 'allow clearance for masts'.⁵²
- 2.50 Mr John Holland noted that to allow for adequate clearance of all watercraft on the Lake, there would need to be '3 times the average clearance of Commonwealth [Avenue] Bridge at its centre', which would 'have implications for lake views and aesthetics.' Mr Holland added that 'the minimum clearance must apply at each end of the bridge, as well as its centre, as sailboats cannot aim for dead centre in normal winds, let alone high winds.'⁵³
- 2.51 To accommodate sailing craft, Mr Holland advocated that 'an arch span foot bridge would be higher at the centre than the sides if the arch was to be the footpath. If the arch were to support a 20 metre high path below it, the suspension members would need to be rigid'. It was also noted that 'suspension bridges supported by cables will sway in high winds'⁵⁴ and could alarm pedestrians.
- 2.52 The Immigration Bridge design is also planned to include a 'History Handrail' made of stainless steel which would have engraved 'the names of the migrants, the year of their arrival and the country of their origin.'⁵⁵
- 2.53 The roof of the bridge could be made of solar panels. IBA has stated that a solar panel roof would:
- ...leave the History Handrail and the stories of migration on the surfaces of the Bridge bathed in light, protect visitors from the worst of the elements and at the same time generate green electricity for the grid and be responsible for nearly 800 tonnes of CO₂ abatement per year.⁵⁶
- 2.54 The ACT Government noted that 'there was a prospect that the southern anchor for the bridge, [at the Lennox Gardens end] where the land would be ceded, may comprise some form of café or small tourist shop.'⁵⁷
- 2.55 In its March 2007 response to the IBA proposal, in addition to outlining the negative impact on sailing on the Lake, the LUG suggested particular

52 Walter Burley Griffin Society Inc., *Submission 32.1*, p. 28.

53 Mr John Holland, *Submission 22*, pp 4-5.

54 Mr John Holland, *Submission 22*, pp 4-5.

55 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3.

56 Immigration Bridge Australia, viewed 17 April 2009, <<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/solar-roof--1006593.html>>.

57 ACT Government, *Submission 63*, p. 2.

design specifications if the proposal were to proceed. In particular, the LUG suggested:

- '12 metres minimum clearance height of the bridge over the lake, from the normal water level
- as few as practicable pylons in the lake with 70 metres minimum span between pylons
- minimal vertical profile and design features to minimize the effect of the bridge on the wind
- a soft collar to be installed on all pylons from 1 metre below to 1 metre above the normal water level
- designed to Austroads Part 14, Guide to Traffic Engineering Practice, Bicycles and also the local Roads Act Standard "DS13".⁵⁸

2.56 The LUG also noted that it was difficult to comment on the proposal as there are no specifications available to comment on. In response to its concerns about specifications in regard to the IBA proposal, the LUG commented that 'In general terms they [IBA] indicated that they believed those concerns could be accommodated.'⁵⁹

2.57 To arrive at a design brief, the NCA has stated that IBA will need to reconcile heritage value considerations and Lake user concerns. The NCA stated:

At the moment, our in-principle support remains unchanged, and that relates to the fact that it was a formal decision of the authority and the authority has not considered the matter again since then. But these heritage management plans are there to help guide and act as a framework for potential development, and I do not think the authority would have good reason to withdraw support for the proposal. ...It is now for the proponents to innovate and to try and find a solution that addresses both of these concerns [heritage values and Lake user concerns]. Certainly, this lays out a new set of criteria that they will have to consider and meet. ...I think it is fair to agree that this now makes for a very challenging design brief. I do not think we should declare them irreconcilable but, yes, there is definitely a challenge to be met there.⁶⁰

58 National Capital Authority, *Submission 60*, p. 23.

59 The Lake Users Group, *Submission 38*, p. 1.

60 National Capital Authority, Mr Gary Rake, *Transcript T2*, pp 6-7.

The design brief

2.58 The IBA stated that the NCA is assisting it in preparing a design brief for the proposal. The IBA noted that the final design brief would include information about site, planning, lake and bridge usage requirements, environmental and heritage aspects and impact on the vista. The IBA stated:

The most recent meetings with the NCA have been to set up and discuss a process that would be followed. In conjunction with the NCA we will be producing a design brief. The criteria within the brief more than likely will include siting, planning, lake and bridge usage requirements, environmental and heritage aspects, visual impact studies et cetera. This will be written into a design brief, which IBA will then use as the basis for producing a final design. The final design will then need to be submitted to the NCA for works approval, which in effect is also the development approval.⁶¹

2.59 IBA added that 'the design finally given to the NCA will need to include an understanding of the design brief and the way in which IBA is going to meet the obligations that it has.'⁶²

2.60 IBA envisaged that a design brief would take three months to complete and would include:

...car parking, how the bridge lands, where it lands, height restrictions, height clearances et cetera. It has to be a very detailed brief ...to cover the significance of this site and the significance of this project within the total ACT environment and especially within the triangle and the lake.⁶³

2.61 Dr David Headon suggested that an appropriately funded, design competition for the bridge would yield the desired design result. Dr Headon stated:

Far too often key buildings, plaza areas and design features in Canberra have been under-funded to the point of embarrassment. This design feature must have no expense spared in order to be an ornament to the nation's capital city, not an eyesore. European cities seem to experience little trouble creating elegant, visually

61 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 4.

62 Immigration Bridge Australia, Mr Graham French, *Transcript T1*, p. 4.

63 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, p. 34.

compelling pedestrian bridges in some of their most sensitive, central real estate.⁶⁴

- 2.62 IBA mentioned that it had discussed the possibility of engaging a design competition. IBA stated:

After getting the design brief we have to make a decision as to how we proceed with design. We have talked about whether a competition is feasible. I believe it is.⁶⁵

The proposal timeline

- 2.63 The NCA has not at this stage 'undertaken any design review nor received any application for Works Approval related to Immigration Bridge.'⁶⁶

- 2.64 IBA has stated that it expects that it will take between 18 months to two years for the proposal to be developed into its design phase and reach the end of the works approval stage.⁶⁷

- 2.65 This timeframe takes into account: that the IBA Board has decided to wait until it has sufficient funds to cover the design consultant's fees for the next design phase; that IBA has applied for and is awaiting Deductible Gift Recipient (DGR) status; and the time that it will take to put together a final design brief.⁶⁸

- 2.66 Over the 18 months to two year timeframe to reach and complete the works approval process, IBA conveyed that it will be involved in seeing the proposal through a set of stages. IBA stated:

The achievement of the final design solution will require a staged process of preliminary meetings and discussions with the NCA and further detailed meetings with lake users and the public to hopefully set on a design suitable for public presentation and feedback. The application documentation will then be prepared and it will contain the things that we will be setting out in the design brief. It is also important to mention that the design proof is to be approved by the NCA; it is not a thing that we do in isolation. The final application for the development approval will include environmental impact statements, heritage impact statements, visual impact statements, construction methodology,

64 Dr David Headon, *Submission 43*, p. 1.

65 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, p. 35.

66 National Capital Authority, *Submission 60*, p. 6.

67 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, pp 34-35.

68 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, p. 34.

construction period and continuous lake usage while the bridge is being built. That is the process to date that we have discussed with the NCA and that we understand we will be following.⁶⁹

2.67 On the process outlined by IBA in relation to moving the proposal from its concept design stage to its design brief stage the NCA commented:

...it sounds as though they [IBA] were proposing to run a preliminary design process which drew out, through a public consultation process, concerns and tried to develop design solutions which addressed those concerns. On the face of it, that sounds like a good thing because that would mean that the public was well aware of the issues surrounding the proposal well before we did a formal consultation.⁷⁰

The Immigration Bridge Australia organisation

Governance structure

2.68 The IBA organisation consists of a Board responsible for the ongoing management of the IBA proposal and its associated business activities. The Board includes: a Chairman, Deputy Chairman, Company Secretary, Treasurer, six Board Members and a Special Adviser.⁷¹ IBA noted that its Board has wide experience including: a former Chief of Army, an architect and engineer and the former Commissioner for the Snowy Hydro-Electric Authority who is also the current Mayor of Cooma. In addition, IBA stated that members of the Board have previous experience with the NCA's works approval process.⁷² IBA added:

The Board is wider than that, of course, and it has the ability to seek professional advice when it is required.⁷³

2.69 The Board contracts the services of a Campaign Director who is responsible for 'the ongoing work of the campaign ...the operations of the website, the operations of the History Handrail program, [and] approaches to government'.⁷⁴

69 Immigration Bridge Australia, Mr Graham French, *Transcript T1*, p. 4.

70 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 30.

71 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 32.

72 Immigration Bridge Australia, *Submission 29*, p. 5.

73 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 32.

74 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 9.

- 2.70 Administrative support and financial advice and auditing of the IBA's financial statements is provided by a private sector company that is contracted to do so.⁷⁵
- 2.71 In addition, IBA has associations with a number of community and corporate sponsors⁷⁶ and honorary ambassadors⁷⁷ on a voluntary and goodwill basis.

Accountability and transparency mechanisms

- 2.72 IBA is an incorporated,⁷⁸ not-for-profit company, limited by guarantee with tax exempt status and has formally been in existence since 2005.⁷⁹
- 2.73 As such, IBA is a legally recognised business entity which may operate Australia-wide and is required to adhere to provisions contained in the *Corporations Act 2001 (Cwlth)*⁸⁰ (the Corporations Act) with regard to its governance structure, operations, financial management and disclosure.
- 2.74 As IBA is limited by guarantee, if the company is wound up (or ceases to exist), the company's members are only liable for the amount they undertook to contribute to the company.⁸¹ IBA's constitution provides that each member must contribute a maximum of \$10 each towards meeting any outstanding obligation to the company. As at 30 June 2008, the number of members of IBA was nine.⁸²
- 2.75 IBA's structure is prescribed under the Corporations Act which provides the minimum requirements for a not-for-profit company. Therefore IBA must:
- 'have at least 3 directors and 1 secretary
 - have at least 1 member

75 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 33.

76 Immigration Bridge Australia, viewed 17 April 2009, <<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/who-we-are--1009105.html>>.

77 Immigration Bridge Australia, viewed 17 April 2009, <<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/our-honorary-ambassadors--1003984.html>>.

78 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 33.

79 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 2.

80 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 33.

81 Australian Securities and Investments Commission, viewed 17 April 2009, <<http://www.asic.gov.au/asic/asic.nsf/byheadline/Registering+not-for-profit+or+charitable+organisations?openDocument>>.

82 Immigration Bridge Australia, *Financial Report for the year ended 30 June 2008*, p. 16.

- have a registered office address and principal place of business located in Australia
- have its registered office open and accessible to the public
- be internally managed by a Constitution or Replaceable rules
- maintain a register of its members
- keep a record of all directors' and members' meeting minutes and resolutions
- appoint a registered company auditor within 1 month of its registration
- keep proper financial records
- prepare, have audited and lodge financial statements and reports at the end of every financial year
- send to its members a copy of its financial statements and reports, unless the member has a standing arrangement with the company not to receive them
- hold an Annual General Meeting once every calendar year within 5 months of the end of its financial year
- receive and review an annual company statement and pay an annual review fee. A charitable or not-for-profit company may be eligible for a reduced annual review fee if it meets the criteria under the definition of 'special purpose company' in regulation 3(a), (b), (c) or (d) of the Corporations (Review Fees) Regulations 2003
- lodge notices whenever changes to its officeholders, office addresses, constitution and its name occur within specified timeframes as determined by the Corporations Act 2001.⁸³

2.76 In regard to its operations and disclosure activities, IBA stated:

We are a not-for-profit company incorporated under the provisions of the Corporations Law of the Commonwealth. It is not, as was suggested at one stage, an association incorporated under a territory or state associations corporation act. We provide to ASIC all of the necessary annual returns, and those returns include a copy of the audited accounts to the end of the financial year. Those accounts are audited by the WalterTurnbull audit

83 Australian Securities and Investments Commission, viewed 17 April 2009, <<http://www.asic.gov.au/asic/asic.nsf/byheadline/Registering+not-for-profit+or+charitable+organisations?openDocument>>.

division. ...Those audited accounts are available publicly ...they are public documents. So this is quite a transparent process.⁸⁴

Fundraising and corporate sponsorship

Estimated cost of the IBA proposal

2.77 IBA estimated that the total cost of building the Immigration Bridge will be \$30 million. IBA arrived at this amount through discussion with the NCA and the inclusion of a \$4 million buffer. IBA explained:

Fundraising campaigns for community projects have to involve a target. IBA sought assistance from the NCA in estimating the cost of building the bridge, which led to a range of \$22 million to \$26 million being recommended. Prudently, IBA therefore decided that the target should reasonably [be] set at \$30 million.⁸⁵

Fundraising mix and methods

2.78 In regard to the fundraising and advertising components of its campaign IBA stated that it sought a mix of private and public sector funding consisting of direct investment or cash donation through to corporate sponsorship. IBA stated:

Most successful community projects involve funding contributions from three sectors: corporations, the public and governments. In this project, substantial contributions from Bendigo Bank, ActewAGL, SBS and others were sought, and gained, to provide initial capital. A campaign to attract public participation in the project through the History Handrail program was initiated and also the migration book, collecting stories of migration, was attached to that.⁸⁶

2.79 IBA has sought and received tax exemption and is now 'pursuing DGR status (for the purpose of attracting larger tax deductible donations)⁸⁷ from the Commonwealth Government in addition to 'seed capital to get the development approval process underway'.⁸⁸

84 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 33.

85 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

86 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

87 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, p. 34.

88 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3.

2.80 Further, IBA has sought funding from the Commonwealth Government, but has not been successful. Of its efforts, IBA stated:

Regrettably, the IBA's initial request of the previous federal government was not agreed to on the grounds, *inter alia*:

...while acknowledging the symbolism of the bridge to commemorate migration and its relationship to the Griffin Legacy, it does represent a capital work project, which is more appropriately the responsibility of local government authorities.⁸⁹

2.81 IBA has stated that it would help its campaign if it received funding from the Commonwealth Government. IBA explained:

...if the Commonwealth supported it, it would bring the project to fruition much earlier than it ordinarily might happen by expediting all the early-stage costs that are involved and then, of course, the commencement of construction.⁹⁰

2.82 IBA further commented that it may receive funding from the Commonwealth Government once the IBA proposal has received 'strong' support from the community. IBA stated:

It would be prudent under normal circumstances, especially given the fact that this is in the national capital, is part of the National Capital Plan and is a piece of infrastructure for Canberra for which project the government under normal circumstances would be expected to put in [a] considerable sum – somewhere between \$10 million and \$15 million. But we cannot expect the federal government to put that in, knowing what we do of politics in general, unless we can demonstrate that the project is likely to be a success to begin with. Once we have demonstrated, through public support – and the public support for it has been extremely strong; we also have strong support from corporates, as we said – that we have a viable and supportable project, we expect that the government will then be in a position to assist the project.⁹¹

2.83 Dr David Headon commented that Commonwealth Government assistance would boost the profile of IBA's campaign and stated:

Such a campaign should be funded in part, or wholly, by the Australian Government. The campaign thus far has been something of a micro success in eliciting impressive rank-and-file

89 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T2*, pp 31-32.

90 Immigration Bridge Australia, Mr Emmanuel Notaras, *Transcript T2*, p. 40.

91 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 12.

support, but this can and must be expanded. The campaign needs re-invigoration and clever, carefully targeted marketing of the bigger end of town.⁹²

The History Handrail Project

- 2.84 The History Handrail project and associated Migration Book are the main drawcards for collecting donations from private citizens, to fund the construction of the Immigration Bridge. The History Handrail is intended to consist of the names of migrants, their year of arrival and country of origin. Each migrant's arrival history will also be separately recorded in the Migration Book.⁹³
- 2.85 For those individuals who are not able to reserve a place on the History Handrail after the Immigration Bridge is built (if the proposal proceeds), they will be able to record their history in the Migration Book at no charge.⁹⁴
- 2.86 IBA is selling each name place on the History Handrail of the Immigration Bridge for \$110. For this amount, the purchaser of the name place receives a 'commemorative certificate and receipt' and 'the name and the information given is displayed on the IBA website from that time and is searchable by any name or date contained therein.'⁹⁵
- 2.87 IBA has made available 200 000 places on the History Handrail which is expected to raise \$22 million⁹⁶ of the \$30 million estimated to be needed to build the Immigration Bridge.
- 2.88 If the IBA proposal does not eventuate, IBA has stated that it will offer a refund for the name places already purchased. Of its refund policy, IBA advised:
- It is stated in the IBA terms and conditions and in other information that IBA has given out that, in the event of the project not being built, a refund will be available for History Handrail purchases.⁹⁷
- 2.89 In regard to where the funds for the refund will come from, IBA explained:

92 Dr David Headon, *Submission 43*, p. 1.

93 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, pp 15-16.

94 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

95 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

96 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

97 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 4.

As far as the funds raised are concerned, the History Handrail project, we said in the chance that the bridge project did not go ahead that we would be offering a refund. That means basically we have had to not access those funds and therefore those funds have been quarantined and have not been able to be put towards marketing or have not been able to be put towards furthering the design process as we put it at the moment. We can only use unencumbered funds for that.⁹⁸

- 2.90 On its website, IBA notes that if the proposal does not proceed that the refund of \$110 will incur a \$15 administration fee.⁹⁹ This will mean that people who have tentatively purchased a place on the as yet intangible History Handrail will only be eligible to receive \$95 of the \$110 that they paid to IBA.
- 2.91 Further to this, in the IBA's audited financial statements, the qualification appears that IBA's History Handrail liability requires it to refund 85 percent of handrail sales in addition to the amount for the Goods and Services Tax.¹⁰⁰
- 2.92 Taking into account the information available through the IBA's financial statements and its website, it is difficult to ascertain what the exact refund would be to consumers if the IBA proposal did not reach completion.
- 2.93 IBA have to date collected just over \$1 million in cash and sponsorship, the bulk of which is the cash component.¹⁰¹ In regard to the amount collected from the History Handrail program, IBA has to date sold about 6000 places or three percent of the 200 000 places available and collected around \$600 000. About 3000 of those places have been purchased by Canberra residents.¹⁰²

Advertising and promotion

- 2.94 For advertising and promotion, IBA indicated that it has relied on in-kind support from various corporate sponsors as it does not have a specific marketing budget.¹⁰³ In-kind advertising sponsorship includes SBS

98 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 13.

99 Immigration Bridge Australia, Newsletter Issue No. 25, February 2009, viewed 17 April 2009, <<http://www.immigrationbridge.com.au/www/248/1001127/displayarticle/latest-news--1003396.html>>.

100 Immigration Bridge Australia, *Financial Report for the year ended 30 June 2008*, p. 16.

101 Immigration Bridge Australia, Mr Richard Lawson, *Transcript T2*, p. 33.

102 Doherty, M 2009, 'Bridge seen as adornment to capital', *The Canberra Times*, 2 April 2009, p. 2

103 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 14.

Television which has filmed a commercial and airs it regularly. The principal sponsor of the IBA proposal is Bendigo Bank with ActewAGL the sponsor in the capital.¹⁰⁴

- 2.95 IBA has also invited ‘eminent Australians ...to become honorary ambassadors for the bridge, and the project’ in order to promote the proposal throughout the wider community.¹⁰⁵
- 2.96 In addition to the advertising and promotion that the Immigration Bridge has received, IBA has promoted its proposal to a variety of multicultural groups and institutions throughout Australia. IBA stated:

We asked every single migrant group that we could access to our launch in Canberra, also our launch in Melbourne. We had a regional launch in Griffith which involved migrant groups and a regional launch in Cooma as well. We are in the process of contacting as many as we possibly can and we have been doing that and we do have a large amount of support from migrant groups all over Australia.¹⁰⁶

Conclusions

- 2.97 The committee understands that the Immigration Bridge is currently in its early phase or concept phase and as such no structural specifications are available.
- 2.98 However, the committee believes that different bridge structures could impact Lake users, vista and heritage values of the Lake and its surrounds in different ways.
- 2.99 The committee reiterates its findings from its 2007 *Review of the Griffin Legacy Amendments* report which highlighted community concern about Lake-use, vista and heritage in regard to Amendment 61 which included a bridge in the suggested location.
- 2.100 The committee notes that IBA appreciates its responsibility to take the proposal from the concept design stage to the final design phase stage and that it needs to consult in regard to Lake-user issues, vista and associated heritage values.

104 Immigration Bridge Australia, Lt. Gen. Lawrence O’Donnell (R’td), *Transcript T1*, p. 2.

105 Immigration Bridge Australia, Lt. Gen. Lawrence O’Donnell (R’td), *Transcript T1*, p. 2.

106 Immigration Bridge Australia, Mr Andrew Baulch, *Transcript T1*, p. 14.

- 2.101 The committee finds that the IBA refund policy for its History Handrail project is unclear. The committee suggests that the IBA clarify its policy in the obligations it has outlined in its financial statements and have this information available on its website on the same page as information for purchasing a name place is located.
- 2.102 The committee also understands that IBA's financial statements are available for a fee from either ASIC or through a financial broker.
- 2.103 The committee suggests that in the interest of improving its transparency and accountability IBA makes its financial statements available on its website.

Recommendation 1

- 2.104 **The committee recommends that in the interest of improving its transparency and accountability Immigration Bridge Australia:**
- **clarify its refund policy in relation to the History Handrail program; and**
 - **make its financial documents publicly available on its website.**

The works approval process

Introduction

3.1 This chapter outlines the steps that Immigration Bridge Australia (IBA) would be required to follow in seeking consideration under the National Capital Authority (NCA) administered works approval process. Further discussion on whether the assessment of the bridge proposal may be required under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (the EPBC Act) is included. Indicative timelines for these assessments are also discussed. Particular focus is given to the consultation that would be required to accompany the proposal under each process. Lastly, the maintenance of gifting assets is discussed.

Background

3.2 Designated Areas categorised under the National Capital Plan (NCP) embody the special characteristics of the national capital and so are preserved and enhanced in accordance with their character.

3.3 Further, under the requirements of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) (the PALM Act), any works in a Designated Area are subject to approval by the NCA.

3.4 As the suggested location for the proposed bridge lies within a Designated Area, it is subject to the NCA administered works approval process.

3.5 In addition, as the proposed bridge may have a significant impact on Commonwealth land, it may also be subject to an additional assessment

by the Department of the Environment, Water, Heritage and the Arts (DEWHA) under the EPBC Act.

- 3.6 Assessment of the IBA proposal through the works approval process involves passage through a number of steps in accordance with the NCP.¹
- 3.7 Additional requirements include assessment of: the design quality of the bridge proposal, the environmental, heritage and visual impact of the bridge proposal and the Lake Burley Griffin (Lake) management issues including Lake user issues.²

The role of the NCA

- 3.8 The NCA is a statutory authority³ of the Commonwealth Government and is responsible for ensuring that 'Canberra and the Territory are planned and developed in accordance with their national significance.'⁴
- 3.9 In carrying out its responsibilities, the NCA aims to preserve the symbolic national character of Canberra by undertaking projects that enhance and maintain public places within 'nationally significant areas'. These include: 'public commemorative sites, objects [such as] sculptures, memorials, parks, gardens, tree plantings, fountains, paths, car parks, jetties, signage and lighting.'⁵
- 3.10 The NCA stipulated that its responsibilities in regard to commemorative works are to:
- provide advice to the Minister responsible for the National Memorials Ordinance 1928
 - provide guidance on the opportunities for commemorative works proposals. (In the past this has included project management services, management of design competitions, design development and management of construction.)
 - consider applications for Works Approval in Designated Areas as specified in the NCP in accordance with the PALM Act

1 National Capital Authority, *Submission 60*, p. 8.

2 National Capital Authority, *Submission 60*, p. 8.

3 The NCA is established pursuant to section 5 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

4 National Capital Authority, *Submission 60*, p. 3.

5 National Capital Authority, *Submission 60*, p. 3.

- provide asset management services for commemorative works (on land declared to be for the special purposes of Canberra as the national capital)
- liaise with other Commonwealth and Territory agencies, authorities and relevant stakeholders on matters of mutual concern.⁶

Works in Designated Areas

3.11 The NCP defines a Designated Area 'as those areas of land that have the special characteristics of the National Capital'.⁷ Further the NCP sets 'out the detailed conditions of planning, design and development in Designated Areas and the priorities in carrying out such planning, design and development.'⁸

3.12 In addition to having the special characteristics of the national capital, Designated Areas are those areas of land which tend to:

- 'cater for a wide range of National Capital functions – activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia (eg. Diplomatic estate)
- reflect Griffin's strong symbolic design for Canberra Central that has given the National Capital a unique and memorable character (the Central National Area)
- relate to the landscape setting and character of the Capital (eg. national capital open space system).⁹

3.13 The NCP provides that Designated Areas comprise:

- Lake Burley Griffin and its Foreshores
- the Parliamentary zone
- the balance of a Central National Area adjoining the Lake and the Zone, and extending from the foot of Black Mountain to the airport
- the Inner Hills which form the setting of the Central National Area
- the Main Avenues and Approach Routes between the ACT border and the Central National Area.¹⁰

6 National Capital Authority, *Submission 60*, p. 3.

7 National Capital Authority, *Submission 60*, p. 8.

8 National Capital Authority, February 2008, *Consolidated National Capital Plan*, NCA, Canberra, p. 14.

9 National Capital Authority, *Submission 60*, p. 8.

3.14 A map showing the Designated Areas can be found at Appendix D.

The approval process

Requirements

3.15 Pursuant to section 12 of the PALM Act, where works are proposed in a Designated Area, they are subject to approval by the NCA. Approval may be granted when a proposed work is in accordance with the NCP. However, this does not constitute building approval.¹¹ The flow chart at Figure 3.1 illustrates the works approval process.

3.16 The NCA's *Service Charter for Planning and Development Approvals* provides that most works applications are processed within 15 working days. This timeframe may be extended for, 'major projects and those which require consultation or clearance from external agencies.'¹²

3.17 In regard to appeals to planning and development proposals the NCA provided:

With respect to the NCA's powers to approve or disallow certain planning and development proposals (the usual area where appeals against the decisions of planning authorities apply), there is no provision for any special appeals process relating to the merits or otherwise of those planning and development proposals. There is the opportunity for recourse under the *Administrative Decisions (Judicial Review) Act 1977* to determine if a decision of the Authority is correctly made, or to normal common law processes.¹³

3.18 The NCA's works approval process consists of:

- **Step 1 - pre-lodgement discussions** between the applicant and the NCA. Discussions are based on how the 'requirements of the NCP might affect a proposal'.

10 National Capital Authority, February 2008, *Consolidated National Capital Plan*, NCA, Canberra, pp 15-16.

11 National Capital Authority, *Submission 60*, p. 8.

12 National Capital Authority, *Service Charter for Planning and Development Approvals*, viewed 8 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=712&Itemid=386>

13 National Capital Authority, *Submission 60*, Attachment J.

- **Step 2** – the applicant submits for the NCA’s consideration and comment a **sketch design** which shows the development intention of an application. The applicant may then proceed with design development. In addition, ‘detailed design drawings, when developed, may also be submitted to the NCA for assessment and support in principle before construction documentation is prepared.’ This stage is intended to ‘help identify any major issues that require resolution prior to approval.’
- **Step 3** – the applicant to **lodge an application for works approval** to be assessed by the NCA. Formal approval of the application will be based on construction documentation. In addition, ‘three copies of the drawings and other supporting information¹⁴ is required, together with a completed application form and schedule of fees paid.’ When the NCA ‘is satisfied that all relevant matters have been resolved and the proposal is in accordance with the NCP it will issue a formal works approval.’
- **Step 4 – assessment of the application for works approval** by the NCA. At this stage, the NCA considers the ‘formal application and final documentation as submitted. Once satisfied that all relevant matters are resolved’, the NCA ‘issues approval.’
- **Step 5** – the applicant to undertake **consultation** in accordance with the NCA’s *Consultation Protocol July 2007*. The NCP provides for public consultation of ‘dual occupancy residential development on detached house blocks and for telecommunications facilities which are likely to have a high visual impact on Designated Areas. Adjoining neighbours are also consulted on single dwelling residential development in Designated Areas.’ For development proposals on: Commonwealth land; Designated Areas; sites that may have endangered and protected flora and fauna, or some other environmental value (including heritage); or development that has a significant impact on the heritage values of a ‘place’ entered into the Commonwealth or National Heritage list, the applicant may be required to provide evidence of environmental clearance or approval from the Department of the Environment and Heritage before the Authority will give its approval to the proposal.’ ‘Where projects involve established buildings,

14 Basic information such as a ‘locality plan and scaled drawings is always required’, however more ‘detailed information may be required depending on the complexity of the proposal. For larger or complex projects, there may be a need for detailed visual studies or models to be submitted in support of the application.’ A list of the required information can be found at Appendix E. National Capital Authority, *Works Approval Process*, viewed 7 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=712&Itemid=386>.

artworks, or designed landscape areas, obligations under the *Copyright Amendment (Moral Rights) Act 2002* must be met by the owner of the property.’ In addition, a range of ACT Government agencies may need to be consulted.

- **Step 6 – parliamentary approval** (by both houses of Parliament) where a proposal is located within the Parliamentary Zone. Minor or temporary works or maintenance within the Parliamentary Zone do not ‘require parliamentary approval.’ The NCA coordinates the parliamentary approval process, but it ‘is separate from, and in addition to the NCA’s approval.’
- **Step 7 – the NCA grants Final assessment and approval** of an application once it is satisfied that all relevant matters have been resolved.¹⁵

Consultation requirements of the works approval process

- 3.19 Step 5 of the works approval process is the consultation component. The consultation component of the works approval process is required to be conducted by the proponent of any proposed work with adherence to the NCA’s *2007 Consultation Protocol*. Consultation requires a number of steps, the outline of which follows.
- 3.20 The *2007 Consultation Protocol* requires the proponent to ‘notify its development application for consultation for 15 business days’ ... ‘starting the day after the notice (of intended work) is published in *The Canberra Times*.’
- 3.21 Once a notice has been published in *The Canberra Times*, signage is erected notifying of the intended work. Where applicable, lessees of adjoining land are notified.
- 3.22 All notices must state:
- ‘the address, and block and section details (including a map)
 - the name of the applicant
 - what is proposed
 - the places, time and period the application may be inspected and where information may be obtained

15 National Capital Authority, *Works Approval Process*, viewed 7 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=712&Itemid=386>.

- invite properly made submissions
- the period to make properly made submissions
- where properly made submissions may be forwarded to within the consultation period specified in the notice
- all submissions, including names and addresses, in relation to this development application will be made publicly available at the NCA office and on the NCA website, subject to full approval by the submitter.¹⁶

3.23 When consultation is complete, the proponent provides a report to the NCA which includes:

- a summary of the consultation process that was carried out, including dates
- a copy of the notice published in *The Canberra Times*
- a photograph of the notice placed on the site
- a copy of the notices that went to the lessees of all adjoining land including each address.¹⁷

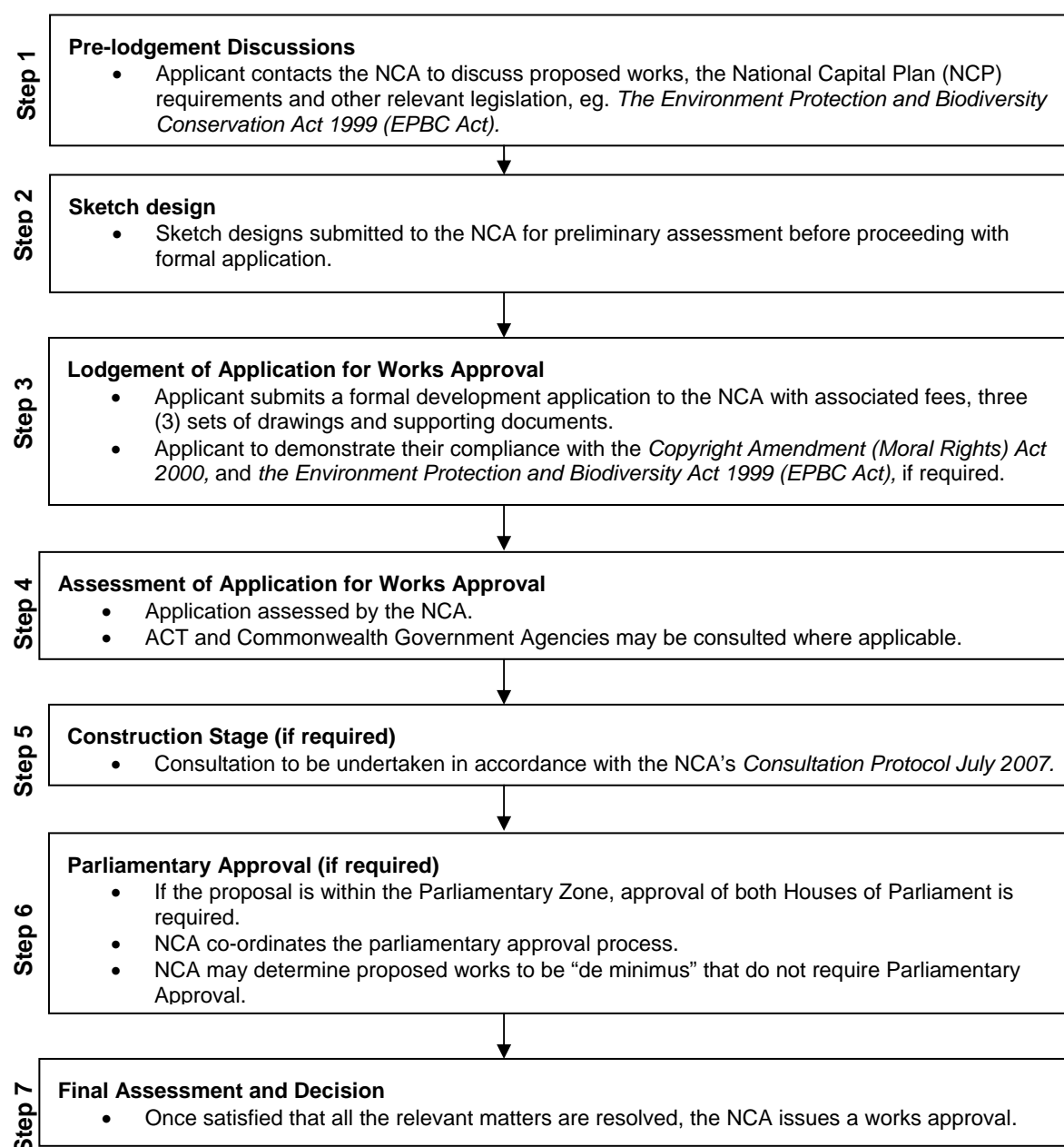
16 National Capital Authority, 2007, *Consultation Protocol*, Figure 4.1.1 Protocol for development applications which require consultation under the National Capital Plan (excluding applications for a telecommunications facility).

17 National Capital Authority, 2007, *Consultation Protocol*, Figure 4.1.1 Protocol for development applications which require consultation under the National Capital Plan (excluding applications for a telecommunications facility).

Figure 3.1 Works Approval: Process Flow Chart

Australian Capital Territory (Planning and Land Management) Act 1988:

Section 12 of the Act requires that no work shall be performed in a Designated Area unless the proposal to perform the works has been submitted to the National Capital Authority (NCA) together with such plans and specifications as are required by the NCA

**Planning Appeals**

The Act makes no provision for appeals against the decisions of the NCA. Parliament has instead provided that, in terms of the plan-making responsibilities of the NCA, the final say should rest with Parliament itself.

With respect to the NCA's powers to approve or disallow certain planning and development proposals (the usual area where appeals against the decisions of planning authorities apply), there is no provision for any special opportunity for recourse under the *Administrative Decisions (Judicial Review) Act 1977* to determine if a decision of the Authority is correctly made, or to normal common law processes.

Source: National Capital Authority, *Submission 60*, Attachment J.

Works approval and the IBA proposal

Requirements

- 3.24 The NCA indicated that if the IBA proposal proceeds and the Commonwealth Government agrees to accept the proposed bridge as an asset gifted to the nation, IBA will be required to:
- 'enter a written agreement covering such matters as the terms on which work may occur on National Land, various rights and responsibilities of the parties, handover preconditions and arrangements, insurance and risk management
 - lodge a formal application for Works Approval including such plans and specifications required by the Authority
 - obtain third party certification that the design and structure complies with all relevant standards and codes (including the Building Code of Australia).¹⁸
- 3.25 When seeking approval of the bridge proposal, IBA would have to satisfy steps 1 to 5 and step 7 as outlined in regard to the works approval process. As the proposed bridge is not intended to be located within the Parliamentary Zone, it will not be subject to approval by the Federal Parliament and so will not be required to satisfy step 6.
- 3.26 IBA has already had prelodgement discussion with the NCA in regard to its bridge proposal. In regard to discussion held, the NCA stated:
- It is in the area of providing guidance on the opportunities for commemorative works that the authority has to date been involved in the Immigration Bridge proposal. In that regard, the nature of our involvement is very similar to that which we have had in relation to other commemorative works. In the majority of instances, the proponent of the works is an external party, not the authority. The authority is normally consulted by proponents very early in the project concept to discuss the opportunities for commemorative works. It is not unusual for the authority to consider the concept, to grant in-principle support for the concept and for the project to be publicly launched and fundraising efforts commenced all prior to formal works approval being requested or granted. It is also not unusual for there to be a community debate

18 National Capital Authority, *Submission 60*, p. 8.

about the merits of the proposal, with common concerns including the need for the commemorative work and whether it might already be appropriately recognised elsewhere, the impact on heritage vistas, the physical scale and the financial cost of the proposed works.¹⁹

- 3.27 IBA advised that it is continuing discussions with the NCA in regard to the production of its design brief.²⁰
- 3.28 As part of its works application IBA would have to demonstrate how its bridge proposal complies with obligations under other relevant legislation including the EPBC Act and the *Copyright Amendment (Moral Rights) Act 2000* (Cwlth).²¹
- 3.29 Pursuant to section 26 of the EPBC Act, where the proposal 'is likely to have a significant impact on the environment of Commonwealth land', the bridge proposal would have to be referred to the Minister for the Environment, Heritage and the Arts (the Environment Minister) for consideration under the Act.²² The definition of 'environment' under the EPBC Act includes 'heritage values of places'.²³
- 3.30 On behalf of its Minister, DEWHA would then undertake a consultation process in regard to the proposal to decide whether the proposal required assessment under the EPBC Act.
- 3.31 Where heritage value considerations are concerned, in addition to the possible assessment by DEWHA under the EPBC Act, the NCA would also (once finalised) assess the proposal in regard to the provisions of the Lake Burley Griffin and Adjacent Lands Heritage Management Plan. The impact on heritage values on neighbouring sites already identified as heritage places would also be examined. These sites include Parliament House vista, Albert Hall and several buildings on the Acton Peninsula.²⁴
- 3.32 In regard to the Copyright Amendment Act, the NCA would require evidence that IBA had identified and appropriately addressed any moral rights issues that may be held by the winner of the Stage 2 design competition for the National Museum of Australia.²⁵

19 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 17.

20 Immigration Bridge Australia, Mr Graham French, *Transcript T1*, p. 4.

21 National Capital Authority, *Submission 60*, Attachment J.

22 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

23 National Capital Authority, *Submission 60.2*, p. 1.

24 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 19.

25 Immigration Bridge Australia, *Exhibit 16*, p. 1.

- 3.33 IBA is also required to undertake consultation under the works approval process, in accordance with the NCA's *July 2007 Consultation Protocol*.
- 3.34 Once the NCA is 'satisfied that all relevant matters [are] resolved and the proposal [is] in accordance with the National Capital Plan'²⁶ then a formal approval for works can be issued.

Consultation undertaken to date by IBA

- 3.35 The NCA has stated that it encouraged IBA to undertake extensive consultation with 'the ACT Government; the National Museum of Australia; moral rights holders' (eg. the designers of the NMA); 'representatives of the Canberra yachting and rowing communities; and the Lake Users Group'.²⁷
- 3.36 IBA advised that it had held meetings with a number of stakeholders including: the federal and ACT governments and their opposition counterparts; the NCA; the National Museum of Australia; ACT Planning and Land Authority; the Australian National University; LUG; Canberra Yacht Club (CYC); ActewAGL and Bendigo Bank.²⁸ IBA added:
- Others, including the architects Bligh Voller Nield, the engineers Arup Australia, Engineers Australia Canberra Division and numerous multicultural, ethnic and genealogical societies have been consulted and will continue to be consulted as we go forward.²⁹
- 3.37 However, a number of organisations have indicated that they have either not had formal meetings or been consulted by IBA, or that IBA provided only an information session.
- 3.38 The YMCA Sailing Club of Canberra advised of its contact with IBA and stated that 'they have not approached us and we have not tried to approach them.'³⁰
- 3.39 The ACT Rowing Association made the point that IBA offered an information session on its proposal rather than undertaking consultation. ACT Rowing stated:

26 National Capital Authority, *Works Approval Process*, viewed 7 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=712&Itemid=386>.

27 National Capital Authority, *Submission 60*, p. 6.

28 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3.

29 Immigration Bridge Australia, Lt. Gen. Lawrence O'Donnell (R'td), *Transcript T1*, p. 3.

30 YMCA Sailing Club of Canberra, Mr Iain Balfour, *Transcript T1*, p. 37.

The IBA people came to, I think, the last meeting of the lake user group and gave a presentation on what was intended and aspects of the design, but it was approached, I think, fairly confidently by the IBA ... that the construction would go ahead. It was not a consultation process; it was more an information group process.³¹

3.40 The CYC indicated that 'we as a club are not aware of any consultation with us as primary lake users on the proposition for the bridge.'³²

3.41 The Friends of the Albert Hall also stated that they were not consulted about the proposal as it related to the area surrounding Albert Hall and the possible impact on the area contained in Draft Amendment 53 to the NCP. The Friends of the Albert Hall stated:

DA53 came after the consultation on amendment 61, and the formation of the Friends was as a result of the public outrage over DA53. Essentially, what the NCA placed on the table was a proposal for public consultation which clearly included a number of elements. One of those elements, which appears to us now to have been largely concealed, was a fairly developed proposal on which they had already had extensive consultations with IBA about bridge footings in the DA53 precinct. The material that was produced by the NCA at the time of the public consultations on DA53 and statements that were made by senior staff and members of the authority at the time did not draw attention in the public domain to the fact that the IBA were major stakeholders in the development of DA53, which clearly they were because this footing would be in the precinct. They did not draw attention to any of the negotiations and they did not draw attention to the fact that there had been an agreement on the part of the ACT government to provide 2,000 square metres of land for the footing. Any of that information would have alerted members of the community and the public to the fact that there was a fairly advanced proposal abroad which would potentially have an impact on the heritage and the amenity of the precinct, but that information was not made available.³³

3.42 In addition to the consultation undertaken by the proponent, the NCA has indicated that it will undertake its own community consultation in regard to the bridge proposal.

31 ACT Rowing Association, Mr Simon Tulloh, *Transcript T1*, pp 39-40.

32 Canberra Yacht Club, Mr Graham Giles, *Transcript T1*, p. 45.

33 Friends of the Albert Hall Inc., Ms Diane Johnstone, *Transcript T2*, pp 19-20.

NCA consultation

While there is no statutory obligation to do so, the NCA indicated that it would initiate an additional public consultation process for the immigration bridge proposal if an assessment were lodged by IBA, stating:

At the moment, under a statutory consultation, as described in the act and in the plan, we do not have an obligation to consult, but in the consultation protocol for major capital works – I think it is over \$6 million – we do have an obligation to consult. That extends mainly to the parliamentary zone but in this instance I think we would extend that to include this.³⁴

Consultation would be undertaken in accordance with the NCA's *Consultation Protocol July 2007*.³⁵ The consultation protocol aims to:

...formalise, clarify and provide greater guidance for the community and stakeholders in the application of consultation requirements under the Australian Capital Territory (Planning and Land Management) Act and the National Capital Plan.³⁶

The protocol sets out the minimum requirements which must be carried out: 'when the NCP is being made or amended, when a Development Control Plan (DCP) is being made or amended, on a development application; and, when the NCA informs community and stakeholders on an annual basis'.³⁷

The NCA noted that its consultation process in regard to the IBA proposal would be expected to take between four to six weeks. The NCA explained its aim in undertaking consultation and stated:

... we would have the proposal on public display and would seek comments from members of the public as to the merits of the particular proposal. Upon receiving those comments, we would incorporate comments made in the assessment of the work...which include heritage impact, lake user impact and overall design quality.³⁸

3.43 While provision for a bridge across West Basin is provided for through Amendment 61 to the NCP, the NCA is not the proponent. The role of the NCA is to assess the works application on its merits.

34 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 29.

35 National Capital Authority, *Submission 60*, Attachment J.

36 National Capital Authority, *Public consultation*, viewed 8 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=category&id=78&Itemid=359>.

37 National Capital Authority, 2007, *Consultation Protocol*, NCA, Canberra, p. 6.

38 National Capital Authority, Mr Andrew Smith, *Transcript T1*, p. 29.

Heritage and environmental considerations

Commonwealth Heritage Listing of Lake Burley Griffin Conservation Area

- 3.44 DEWHA advised that it had identified the 'Lake Burley Griffin (the Lake) Conservation Area as a place that may contain heritage values'.³⁹ As such DEWHA nominated the Lake Conservation Area for inclusion on the Commonwealth Heritage List (CHL).⁴⁰
- 3.45 DEWHA added that the Lake Conservation Area 'is yet to be formally assessed against the Commonwealth Heritage criteria.'⁴¹
- 3.46 Separate from DEWHA's nomination of the Lake Conservation Area on the CHL, the NCA, as part of its obligations under the EPBC Act, undertook an assessment of the Lake and Adjacent Lands 'to identify places that may have heritage values'.⁴²
- 3.47 The NCA advised that its assessment identified that the Lake and Adjacent Lands 'had potential Commonwealth and National heritage values as defined by the EPBC Act.' The result of this finding was the commissioning and release for comment of the draft Heritage Management Plan (HMP) of Lake Burley Griffin and Adjacent Lands.⁴³

The Lake Burley Griffin Management Plan

- 3.48 The draft HMP of the Lake was released for public comment on 31 March 2009. The NCA held two public information sessions on the draft HMP on 21 and 28 April and has asked for comments by 29 May 2009. As the draft

39 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

40 The Commonwealth Heritage List is established under the EPBC Act and 'comprises natural, Indigenous and historic heritage places which are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority; and which the Minister is satisfied have one or more Commonwealth Heritage values. The list can include places connected to defence, communications, customs and other government activities.' Department of the Environment, Water, Heritage and the Arts, viewed 1 May 2009, <<http://www.environment.gov.au/heritage/about/commonwealth/index.html>>.

41 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

42 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

43 National Capital Authority, *Submission 60*, p. 7.

HMP was released early to inform the committee's inquiry, an additional two weeks was allowed for consultation.⁴⁴

3.49 The NCA noted that 'the draft HMP includes heritage policies and actions to consider in relation to any proposal.'⁴⁵

3.50 In relation to a high span pedestrian bridge across the West Basin of the Lake, the draft HMP provides:

- The design process for the proposed pedestrian bridge should be rigorously managed to ensure that it is sympathetic to the existing heritage values of the place. It should not obscure significant views or have a negative impact on the design qualities of Commonwealth Bridge and the surrounding foreshore areas. Guidelines for its materials, colour, scale, bulk and massing should be developed to ensure that it is sympathetic to the existing heritage values of the place.
- The proposed pedestrian bridge should not have an adverse impact on the use of West Basin and Westlake for sailing and other recreational, non-motorised water based activities.⁴⁶

3.51 There are other heritage places close to the suggested site of the proposed bridge which are either on the Commonwealth Heritage List (CHL); ACT Heritage Register; or the Register of the National Estate. These include: the Parliament House Vista, Albert Hall, Acton Peninsula Limestone Outcrops, Isolation Ward (Building 1), H Block (Building 2), former Medical Superintendents Residence (Building 5) and the Acton Peninsula Trees Group.⁴⁷

3.52 The NCA noted that 'an assessment of the impact on the heritage values of these places would [also] be sought as part of any future works approval assessment.'⁴⁸

3.53 The NCA added that IBA would have to formally demonstrate how its proposal is consistent with the heritage values of the Lake area including action items under the HMP if at the time of submitting its works application, the HMP is finalised and has taken effect. The NCA stated:

44 National Capital Authority, *Lake Burley Griffin and Adjacent Lands Draft Heritage Management Plan*, viewed 7 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=720&Itemid=389>. National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 2.

45 National Capital Authority, *Submission 60*, p. 7.

46 National Capital Authority, *Submission 60*, p. 7.

47 National Capital Authority, *Submission 60*, p. 7.

48 National Capital Authority, *Submission 60*, p. 7; National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 19.

The obligation would be on the proponent at the time of the works approval application to demonstrate that they had an appropriately qualified professional person look at the heritage aspects for them and demonstrate how their proposal is consistent with the heritage values of the area, including, if this document has effect by then, the action items under the heritage management plan.⁴⁹

Assessment of the IBA proposal under the EPBC Act

- 3.54 Under the EPBC Act, where a proposed work 'is likely to have a significant impact on the environment of Commonwealth land' then it should be referred to the Environment Minister for a decision about whether it requires assessment under the EPBC Act.⁵⁰ The definition of 'the environment in the EPBC Act includes heritage places of value.'⁵¹ The initial consideration of the proposal under the EPBC Act is the referral process. Further consideration under the EPBC Act is the assessment process. A decision about whether a proposed work should undergo assessment under the EPBC Act must be made within 20 business days.
- 3.55 This process is outlined in the flow chart at Attachment F.
- 3.56 The first ten days of the referral process requires DEWHA to place the proposed work on its website and invite public comment. Within the 20 day timeframe, the Environment Minister or delegate must make a decision about whether a proposed work is a 'controlled action' as defined by the EPBC Act. Where it is decided that a proposed work is a controlled action, then it would be subject to the assessment and approval process under the Act.
- 3.57 Where a decision is made to refer a proposed work for assessment, then it must be decided what type of assessment is required. Different types of assessment have different timeframes for decision attached to them. Each process includes some type of consultation.
- 3.58 Following assessment, the Environment Minister makes a decision to approve, approve with conditions or not approve the proposed work. If a decision to not approve a works proposal were made, the works could not be undertaken.
- 3.59 This process is outlined in the flow chart at Attachment G.
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49 National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 9.

50 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

51 National Capital Authority, *Submission 60.2*, p. 1.

- 3.60 DEWHA commented that the proposed bridge could potentially have an impact on the heritage values of the Lake and so be subject to assessment under the EPBC Act. DEWHA stated:

The design and construction of a pedestrian bridge in the location proposed by Immigration Bridge Australia would appear to have the potential to impact on possible heritage values of Lake Burley Griffin. Pursuant to section 26 of the EPBC Act, proponents of a proposal to construct a bridge in this location should therefore consider whether the design is likely to have a significant impact on the environment of Commonwealth land. A proposal that is likely to have a significant impact should be referred to the Minister for the Environment, Heritage and the Arts for consideration under the EPBC Act.⁵²

- 3.61 In advice received from DEWHA, the NCA noted that in considering whether to refer a matter for assessment under the EPBC Act that the Environment Minister or delegate would take into account known heritage values at the time of referral. This would include heritage information contained in the draft Lake HMP. The NCA provided:

In considering such referrals the Minister (or delegate) may take into account all known heritage values available at the time of the referral. For example, NCA's draft management plan for Lake Burley Griffin and Adjacent Lands has been placed on public exhibition. Where it is relevant, information from a draft management plan that has followed a credible assessment process may be considered in any referral.⁵³

- 3.62 As a result, there may be an initial consultation process undertaken which would inform the Minister's decision on whether the proposed bridge works would require assessment under the EPBC Act.

- 3.63 Regardless of whether the IBA proposal would require consideration under the EPBC Act, it may be referred to the Minister by either the proponent or the NCA. In advice received from DEWHA, the NCA stated:

The Minister may, under section 70 of the Act, if he believes that an action may be an action prohibited by any of the provisions of Part 3 of the Act, request that the action be referred under the Act. Non-compliance with a request is a criminal offence. Alternatively, it would be possible for a Commonwealth agency to refer the

52 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

53 National Capital Authority, *Submission 60.2*, p. 2.

action under section 71 of the Act. Under that section, a Commonwealth agency (eg the NCA) that is aware of a proposal by a person to take an action may refer the action if the agency has administrative responsibilities in relation to the action.⁵⁴

- 3.64 Further, where a proposed work had been referred to the Environment Minister for consideration and was found to require assessment, it would be illegal for the proposed work to proceed until the assessment had been completed and the work had either been approved⁵⁵ or approved with conditions.

Timeline for assessment of the IBA proposal

- 3.65 IBA estimated that to prepare a works application and see it through the NCA's works approval process would take approximately two years.⁵⁶
- 3.66 Once a works application has been lodged, the NCA's *Service Charter for Planning and Development Approvals* provides that most works applications be processed within 15 working days. This is with the exception of major projects or those that require consultation or additional clearance from external agencies. In such cases, the timeframe for approval could be extended.⁵⁷
- 3.67 The NCA indicated that the draft Lake HMP would need to be formally adopted,⁵⁸ the transfer of Territory land to the Commonwealth would need to be resolved,⁵⁹ and DEWHA may be required to undertake an environmental assessment if the proposal were seen to have a significant environmental impact.⁶⁰
- 3.68 Further, as the bridge proposal may have a 'significant impact on the environment of Commonwealth land', then IBA may be required to refer the proposal to the Minister under section 26 of the EPBC Act for

54 National Capital Authority, *Submission 60.2*, p. 2.

55 National Capital Authority, *Submission 60.2*, p. 2.

56 Immigration Bridge Australia, Mr Graham French, *Transcript T2*, p. 35.

57 National Capital Authority, *Service Charter for Planning and Development Approvals*, viewed 8 April 2009, <http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=712&Itemid=386>

58 National Capital Authority, Mr Andrew Smith, *Transcript T2*, p. 6.

59 National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 12.

60 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

consideration. This could trigger a separate assessment process of the proposed bridge under the EPBC Act.⁶¹

Maintenance of the proposed bridge

3.69 IBA advised that the completed bridge is planned to coincide with the centenary of Canberra in 2013 and is intended to become a 'gift to the nation'.⁶²

3.70 While the Commonwealth Government has not yet agreed to accept the proposed bridge as a gift, the NCA advised that 'if the Commonwealth accepted ownership it would have the ongoing maintenance responsibility.'⁶³ The NCA added:

If the Commonwealth agreed to accept it, there would need to be an agreement on the handover, the standards, the documentation and the ongoing cost of maintenance. In the case of other commemorative works in the national capital where they have been gifted to the Commonwealth in the past, the Commonwealth typically assumes the maintenance responsibility if it agrees to accept the gift.⁶⁴

3.71 No analysis of potential maintenance costs has been conducted, however, IBA has indicated that it is in the process of preparing a detailed design brief which includes maintenance requirements.⁶⁵

3.72 As part of the 2008 Inquiry into the role of the NCA, concerns were raised about the increasing cost of asset maintenance and the NCA's ability to adequately manage its assets. The Auditor-General, for example, in Performance Audit Report 33 2007-08, *The National Capital Authority's Management of National Assets* brought attention to previous concerns with the maintenance of Scrivener Dam. The committee noted that:

While the [Auditor-General's] report found that the NCA has generally appropriate asset management policies and a documented asset management framework, it did identify a number of shortcomings, particularly in relation to the NCA's

61 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

62 Immigration Bridge Australia, *Submission 29*, p. 3.

63 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 25.

64 National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 8.

65 Immigration Bridge Australia, *Submission 29*, pp 3-4.

management of Scrivener Dam. Specifically, the report found that the NCA has not funded a number of major, non-routine maintenance tasks that the NCA's expert consultants had recommended be carried out.⁶⁶

3.73 In addition, the committee noted that 'the recent Auditor-General's report on the NCA's management of assets showed that these are long standing issues that have no connection with the recent reduction in the NCA's funding.'⁶⁷

3.74 At that time, the committee concluded that:

The NCA has not undertaken essential maintenance work on the assets for which it has responsibility. The NCA must ensure that maintenance of national assets is brought to the attention of the responsible Minister in a timely fashion. The committee notes that there has been inadequate effort by the NCA to resolve these issues in the past.⁶⁸

Cost and funding

3.75 In regard to assuming responsibility for and associated cost and funding of maintenance of the proposed bridge, the NCA stated that it would first be required to provide advice to the Government about whether it should accept the proposed bridge as a gift. The NCA stated:

In giving advice to government about whether or not we should accept the gifting of the asset, we would offer advice about the maintenance cost and seek to have that dealt with at the same time.⁶⁹

3.76 In addition, the NCA provided that 'in theory' there is potential for a gifting organisation, to provide ongoing maintenance funding. The NCA stated:

In theory, there might be potential for the gifting organisation to provide an endowment or an ongoing set of funding for the

66 Joint Standing Committee on the National Capital and External Territories, July 2008, *The Way Forward: Inquiry into the National Capital Authority*, Parliament of Australia, Canberra, p. 52.

67 Joint Standing Committee on the National Capital and External Territories, July 2008, *The Way Forward: Inquiry into the National Capital Authority*, Parliament of Australia, Canberra, p. 53.

68 Joint Standing Committee on National Capital and External Territories, *The Way Forward: Inquiry into the role of the National Capital Authority*, 2008, pp 53-54.

69 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 26.

maintenance, but in this situation I doubt that that is going to be the case.⁷⁰

- 3.77 If the Government accepted ownership of the proposed bridge, the NCA: ...would need to make a submission to the usual budget process. If [the NCA] were not able to manage the cost of maintenance within [its] resources, [it] would make a submission for additional funding for the maintenance of that asset.⁷¹

Conclusions

- 3.78 The committee appreciates that the NCA will undertake a consultation process if it receives a formal application for works approval from IBA, even though it has no statutory obligation to do so.
- 3.79 The committee also understands that the Lake Heritage Management Plan will provide for vista and heritage values as they relate to the Lake and its foreshores to be assessed as part of the works approval process. In addition, the IBA proposal may be assessed under the EPBC Act in a separate process administered by DEWHA.
- 3.80 The committee notes that IBA has estimated that to arrive at a final design brief and passage through the works approval process could take up to two years.
- 3.81 The committee notes that IBA intends to gift Immigration Bridge to the nation and, if accepted, maintenance of the asset would come under the responsibility of the NCA.
- 3.82 The committee understands that the NCA would require an assessment of the ongoing costs of maintenance as part of the handover agreement.
- 3.83 As part of the committee's inquiry into the role of the NCA, it became clear that the NCA is under increasing cost pressures regarding the maintenance of its assets. The NCA receives funding for the maintenance of the assets it manages as revenue from government.
- 3.84 In the case of the proposed IBA bridge being ceded to the Commonwealth, the government should ensure that agreement to receive the bridge is met by increased funding to the NCA to manage its ongoing maintenance. This approach should apply more generally to any significant additions to

70 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 26.

71 National Capital Authority, Mr Gary Rake, *Transcript T1*, pp 25-26.

the NCA's asset base which it is required to maintain on behalf of the Commonwealth.

Recommendation 2

- 3.85 **The committee recommends that if the proposed IBA bridge is ceded to the Commonwealth, then the government should ensure that agreement to receive the bridge is met by increased funding to the NCA to manage its ongoing maintenance.**

The arguments for and against the Immigration Bridge

Introduction

- 4.1 There are a number of arguments both for and against the construction of the proposed Immigration Bridge. This includes the possible impact the bridge could have on: various users of Lake Burley Griffin (the Lake); vista and heritage values of the surrounding Lake foreshores; and how the bridge is expected to accommodate mobility impaired persons and cyclists.

The potential impact on Lake users

- 4.2 Notwithstanding the NCA's attempts to address Lake user concerns through the Lake Users Group, the sailing, dragon boat and rowing communities continue to have concerns about the impact that the proposed bridge would have on their activities.
- 4.3 Yacht Clubs are concerned about safety issues which would arise if the proposed bridge is built. One of the largest clubs which uses the Lake for water sports, the Canberra Yacht Club (CYC), stated that it is currently:
- ...going through a very significant growth program both of membership and participation. In the last five years our membership has increased from less than 300 to more than 600.
- And our racing fleet numbers have gone up from somewhere around 40 to approaching 90. ...With large numbers of boats, we

need as much space as possible to sail in. When we have major regattas each one typically has well over 100 boats.¹

Because of the existing constraints on the area available for fair and safe sailing, the imposition of any further obstacles or constraints would have a disproportionate impact on the CYC's ability to use the lake, and particularly to support higher levels of competition associated with state and national championships.²

An often raised objection from interstate sailing clubs to Canberra's ability to hold major boating events on Lake Burley Griffin is the already relatively limited area of the lake.³

4.4 Further, CYC stated that, if the proposed bridge is built, aside from the hazard generated by the bridge pylons as obstacles for safe manoeuvring of individual boats, there is also a risk of collision between boats in a waterway confined and obstructed by bridge pylons. The presence of pylons in the space between Acton Peninsula and Lennox gardens 'will inevitably be a hazard, particularly under adverse conditions and with trainees, with safety becoming a real issue.'⁴

4.5 Mr David Townsend made the point that even if the bridge is built 12 metres above water level, with pylons at least 70 metres apart and soft collars where boats might collide with the pylons, and design features to reduce wind turbulence:

...there would still be substantial reduction in the ability of sailing clubs to lay racing and training courses that would not be adversely affected by the structure, whatever the distance between pylons. In some weather conditions, the wide vicinity of the bridge would have to be avoided altogether. This would mean less flexibility in laying courses that would be safe and large enough for a good standard of competition. In turn, this would have a deleterious effect on the ability to continue to grow the sport in Canberra and to attract sailors from elsewhere for major events.⁵

4.6 CYC concluded that from a safety perspective, sailing courses could not be set to pass in the vicinity of, or under the proposed bridge. Water available

1 Canberra Yacht Club, Mr Graham Giles, *Transcript T1*, p. 47.

2 Canberra Yacht Club, *Submission 46*, p. 2.

3 Mr Ken Cartwright, *Submission 59*, p. 4.

4 Canberra Yacht Club, *Submission 46*, p. 3.

5 Mr David Townsend, *Submission 15*, p. 3.

for racing in both West Basin and the eastern end of West Lake, and for training in other than benign conditions, would be constrained.⁶

- 4.7 A member of the CYC who has extensive experience driving rescue boats on the Lake believes that the pylons for the proposed bridge would greatly increase the risk to those sailing on the Lake. Mr Paddy Hodgman stated:

...the complexity of retrieving upturned boats and wet sailors is exponentially compounded when in close proximity to any fixed obstacle, and the highest demand for rescue inevitably arises in weather conditions which exponentially increase the difficulty of manoeuvre, even for a powered vessel.⁷

- 4.8 Yachting ACT stated that the proposed bridge would 'create a significant hazard to yachts seeking to transit the area immediately West of the Commonwealth [Avenue] Bridge.'⁸

- 4.9 Another member of the CYC explained that 'children love sailing up to the fountain' and asserted that this pleasure would be taken away if the proposed bridge is built.⁹

- 4.10 According to CYC, design alone is 'unlikely to adequately ameliorate the adverse impact' of putting the sort of bridge which has been proposed in the suggested location.¹⁰

- 4.11 The Canberra Dragon Boat Association (CDBA) said it would no longer be able to hold Australian Championships and sanctioned international events under the International Dragon Boat Federation if the proposed bridge is built. The reason given is that its 1000 metre course which runs from Commonwealth Avenue Bridge to the CYC tower at Lotus Bay would lose its lanes of clear water to the pylons of the proposed bridge. With no other comparable course existing, the proposed bridge would immediately eliminate the CDBA 1000 metre course and Canberra would no longer be considered as a national or international race venue.¹¹ This would seriously impact the club's future as:

A significant part of our development plans, future income, as well as more abstract concepts such as recruitment and retention

6 Canberra Yacht Club, *Submission 46*, p. 3.

7 Mr Paddy Hodgman, *Submission 19*, p. 2.

8 Yachting ACT, *Submission 49*, p. 4.

9 Name withheld, *Submission 47*, p. 1.

10 Canberra Yacht Club, *Submission 46*, p. 4.

11 Canberra Dragon Boat Association, *Submission 64*, p. 1.

of participants relies on holding this standard of events, and being able to race them.¹²

- 4.12 The CDBA also expressed significant safety concerns for members during training times if the proposed bridge was built. The CDBA stated:

The proposed alignment of the Bridge will provide difficult and dangerous navigation during night time and early morning hours, and in rough waters, when the regular strong winds and waves are already proving difficult to our membership.¹³

- 4.13 The ACT Rowing Association put the view that for rowers using the Lake, 'any additional structure on the lake is a hazard to rowing.'¹⁴ However, rowers could benefit from a different sort of bridge from the one proposed. The ACT Rowing Association advocated that:

If it were a low-level single-span bridge in the vicinity of Weston Park over to Black Mountain Peninsula or from Weston Park over to Lady Denman Drive, and if it were sufficiently high for rowing boats to get under but not other traffic, there would be attractions in it because it would restrict power boats from going into the rowing area.¹⁵

- 4.14 The ACT Rowing Association noted that:

The tidal range on the lake is very small, so [a bridge height of] a metre and a half would be adequate clearance to get under safely.¹⁶

Pedestrians and cyclists

- 4.15 The IBA described its proposed bridge as 'a pedestrian bridge across Lake Burley Griffin'.¹⁷ IBA also stated that the bridge will be 'disabled people and cyclist friendly'.¹⁸

- 4.16 The issue of whether or not cyclists will also be able to use the bridge, and if it will be safe for cyclists and pedestrians to share the bridge, was raised by many people. Pedal Power ACT noted that:

12 Canberra Dragon Boat Association, *Submission 64*, p. 1.

13 Canberra Dragon Boat Association, *Submission 64*, p. 2.

14 ACT Rowing Association, *Submission 31*, p. 1.

15 ACT Rowing Association, Mr Simon Tulloh, *Transcript T1*, p. 40.

16 ACT Rowing Association, Mr Simon Tulloh, *Transcript T1*, p. 40.

17 Immigration Bridge Australia, *Submission 29*, p. 1.

18 Immigration Bridge Australia, *Submission 29*, p. 3.

All publicity to date has described the Immigration Bridge as a 'pedestrian bridge'. It took considerable effort by Pedal Power to obtain assurances from Immigration Bridge Australia (IBA) that bicycles would even be permitted to use the bridge. To date there is little evidence that bicycle riders will be welcomed users. For example, IBA chairman Andrew Baulch suggested as recently as May 2008 that bicycle riders would preferably have to dismount.¹⁹

- 4.17 Pedal Power ACT added, following several communications with IBA since late 2006, that:

...we understand that bicycles will be permitted on the bridge, but not necessarily that the bridge will be built as a bicycle-friendly facility.²⁰

- 4.18 Pedal Power ACT noted that cycling in Canberra is becoming increasingly popular and, therefore, any new infrastructure like the proposed bridge should accommodate cyclists. Pedal Power ACT explained:

This is primarily because it is relatively cheap and easy to install cycling-friendly infrastructure when something is first built but prohibitively expensive to do it at a later date.²¹

- 4.19 IBA confirmed that the bridge is intended to be constructed with access ramps suitable for bicycles at either end. Pedal Power ACT noted that the specifications for ramps would need to be:

...the shallowest possible inclinations - for ease of climbing and safety when descending. If space at the bridge ends is limited, then spiral ramps would be acceptable. We acknowledge that catering for bridge users (such as wheelchair users, bicycle riders and walkers) and sailors creates design conflicts, but we believe these can be managed with careful ramp design that keeps gradients to a minimum while allowing sufficient clearance beneath the bridge for boat masts.²²

- 4.20 Pedal Power ACT anticipates that a large number of the 400 cyclists who ride across Commonwealth Avenue Bridge each hour at peak times would use the Immigration Bridge because their main destination is the Australian National University. Additionally, Canberra's large recreational cycling community would also use the proposed bridge and

19 Pedal Power ACT Inc., *Submission 30*, p. 2.

20 Pedal Power ACT Inc., Mr Terry George, *Transcript T1*, p. 64.

21 Pedal Power ACT Inc., Mr Terry George, *Transcript T1*, p. 64.

22 Pedal Power ACT Inc., *Submission 30*, p. 3.

Pedal Power ACT is 'confident that the numbers of people needing to ride bicycles on Immigration Bridge will more than justify making it a bicycle-friendly facility'.²³

Access for mobility impaired persons

4.21 As mentioned, the IBA has stated that the proposed bridge will be 'disabled people ...friendly'.²⁴

4.22 Concerns that the proposed bridge would provide suitable access for mobility impaired persons and the elderly were raised in several submissions and most noted that proper access would mean that lifts may need to be installed at each end of the bridge.²⁵

Safety and security considerations

4.23 There are two distinct safety issues concerning the proposed bridge:

- the safety of people using the Lake and foreshore area in the vicinity of the proposed bridge and
- the safety of everyone who is on the bridge, including while they are using the access ramps or lifts.

4.24 The question of the safety of people on the Lake in the vicinity of the proposed bridge has been addressed in the preceding discussion on the potential impact on Lake users. The following paragraphs will examine the issue of the safety of people using the proposed bridge.

4.25 Concern was raised that the westerly winds which are common on the Lake can be quite strong and will make crossing the bridge uncomfortable, if not frightening.²⁶ Mr Clever Elliott noted that in the area of the proposed bridge the westerly wind 'is significant in both speed and frequency'.²⁷

4.26 Mr John Holland put the view that a pedestrian bridge in the proposed area would be a forbidding place both during the months when Canberra is subject to cold westerly winds and also in the warmer months when

23 Pedal Power ACT Inc., Mr Terry George, *Transcript T1*, p. 64.

24 Immigration Bridge Australia, *Submission 29*, p. 3.

25 Emeritus Professor D.J. Mulvaney AO, CMG, *Submission 14*, p. 2; Mr David Townsend, *Submission 15*, p. 2; Mr Penleigh Boyd, *Submission 17*, p. 1; Dr John Gray, *Submission 24*, p. 4; and, Mr Simon Johnstone, *Submission 53*, p. 6;

26 Mr Cleaver Elliott, *Submission 12*, p. 3.

27 Mr Cleaver Elliott, *Submission 12*, p. 3.

people on the bridge would experience the strong north-westerlies and westerlies.²⁸

- 4.27 The possibility of crime on the bridge was also raised. It was noted that if the bridge does not carry continuous pedestrian traffic it may become a lonely and even dangerous experience if only a few people are on the bridge at a time.²⁹ Mr David Merz stated that if a crime did occur:

...one could expect a reduction in pedestrians prepared to use the bridge and the crime risk would increase, unless the bridge had a permanent security patrol.³⁰

- 4.28 Further, concern was raised regarding the possibility of collisions between cyclists and pedestrians sharing a narrow bridge. Mr Tim Glover stated:

The potential for accidents would be high, unless cyclists are to walk their bikes across the bridge.³¹

- 4.29 Pedal Power ACT noted that it will be important that a bridge 'be of sufficient width to cope with the expected cycling and pedestrian traffic volumes with minimum user conflict.'³²

- 4.30 Mr Simon Johnstone noted that it might be difficult to insure bridge users because of the mix of potential users on a relatively narrow structure. Mr Johnstone stated:

Introduce prams, disabled and pets, then cyclists and the super fit joggers or optimistic on roller-blades; and I for one would not want to be the Immigration Bridge's insurance company.³³

The potential impact on heritage issues

- 4.31 The ACT Heritage Council stated that it was not convinced that heritage matters associated with the proposed bridge would be identified and pursued in the way they would be in other jurisdictions. The ACT Heritage Council stated:

28 Mr John Holland, *Submission 22*, p. 5.

29 Mr Cleaver Elliott, *Submission 12*, p. 3.

30 Mr David Merz, *Submission 34*, p. 2.

31 Mr Tim Glover, *Submission 56*, p. 3.

32 Pedal Power ACT Inc., *Submission 30*, p. 4.

33 Mr Simon Johnstone, *Submission 53*, p. 6.

We would urge that the Immigration Bridge proposal be robustly assessed in relation to the current heritage assessment of Lake Burley Griffin being undertaken by NCA, the Albert Hall Heritage Precinct National Heritage List nomination and ACT Heritage Register and RNE [Register of the National Estate] registrations, and the current assessment of the adjacent Parliament House Vista.³⁴

- 4.32 As highlighted in Chapter 3, the Department of the Environment, Water, Heritage and the Arts confirmed that the design and construction of a pedestrian bridge has the potential to impact on possible heritage values of the Lake.³⁵
- 4.33 The National Trust of Australia (ACT) (the Trust) listed the Lake and surrounding foreshores as a Classified Place in 1986. In 2008 the Trust included the Lake and foreshores in the national 'Heritage at Risk' programme because of what it considered to be a range of inappropriate development and development plans which would impact on the Lake's heritage values, including 'construction of the open car parking areas by Commonwealth Avenue Bridge', Draft Amendment 53 (DA53) for the Albert Hall precinct and 'draft Weston Park Management Plan'.³⁶
- 4.34 The CYC believes that so far IBA has:
- ...failed to properly take into account either the heritage values of the lake or its foreshore, or the interests of users of the lake (or of the wider community).³⁷
- 4.35 Friends of the Albert Hall expressed a 'deep concern' that the proposed bridge would impact adversely on the heritage values of the Albert Hall and the Albert Hall Heritage Precinct, including impact on water and landscape vistas; intrusion on landscape by bridge pylons and ramps; and loss of public amenity of surrounding land.³⁸
- 4.36 DA53 defines the area west of Commonwealth Avenue to Lennox Gardens and north from the croquet club to the lakeside at the Commonwealth Avenue Bridge as the Albert Hall precinct.³⁹

34 ACT Heritage Council, *Submission 55*, p. 2.

35 Department of the Environment, Water, Heritage and the Arts, *Submission 66*, p. 1.

36 National Trust of Australia (ACT), *Submission 42*, pp 3-4.

37 Canberra Yacht Club, *Submission 46*, p. 1.

38 Friends of the Albert Hall Inc., *Submission 21*, p. 1.

39 Friends of the Albert Hall Inc., Dr Lenore Coltheart, *Transcript T2*, p. 14.

4.37 Friends of the Albert Hall's concerns are primarily about the heritage impact of the bridge proposal. Friends of the Albert Hall stated:

The Friends do not have a formed view on an immigration memorial in Canberra, nor on whether this could be a bridge. However, we have serious concerns about the impact of the proposed bridge, as identified in DA53, on both the public amenity and the heritage values of the DA53 precinct, particularly the heritage values identified within the Albert Hall Heritage Precinct. The allocation of 2,000 square metres of lakeside land for the onshore access and facilities area for the bridge would lead to the loss of a well-used public amenity. We are concerned about the impact of parking and other facilities for cars and tourist buses on the amenity and the heritage values of the DA53 precinct. The bulk and intrusion of bridge pylons high enough to give the bridge clearance and safety for vessels would compromise the lake and landscape vistas identified as significant elements of the Albert Hall Heritage Precinct.⁴⁰

4.38 The Walter Burley Griffin Society and Yarralumla Residents Association noted that other heritage issues deserve consideration under the bridge proposal. These included:

- The interests of local indigenous people: both Lennox Crossing and the bend in the Molonglo are sites of special significance to local indigenous people.⁴¹
- The history of sailing on the lake over the past 45 years.⁴²

The potential environmental impact

4.39 Concern was expressed about the visual and physical intrusion of the land-based entry and exit towers and ramps of the proposed bridge on the land at either end of the proposed bridge's anchors. CYC stated:

The towers are likely to need to be large enough to include lifts, stairs and ancillary systems (e.g. security). The ramps, from an elevation of 12m above the water, have been estimated by IBA to

40 Friends of the Albert Hall Inc., Dr Lenore Coltheart, *Transcript T2*, pp 14-15.

41 Walter Burley Griffin Society, *Submission 32*, p. 5.

42 Yarralumla Residents Association, *Submission 45*, p. 2.

each need to be 280m long, a very significant structure whether linear or spiral.⁴³

- 4.40 The environmental impact of creating carparking spaces in the existing area was another issue raised, especially on the Lennox Gardens side of the proposed bridge. Dr John Gray expressed concern that IBA has not included any reference to parking because it sees parking 'as an Australian Government responsibility'. Dr Gray stated:

...parking should be an integral part of the design of any major infrastructure project that attracts public use, not as an after-thought.⁴⁴

- 4.41 The Trust advocated that to access the proposed bridge from Flynn Place would require people to walk from the nearest car parks either east of the National Library (670m approximately) or from the carpark on the West Basin side of Commonwealth Avenue (760m approximately). Alternatively, it would be necessary to construct pay parking in Flynn Place.⁴⁵ The Trust is of the opinion:

...that a carpark in such a prominent position on the lake edge, adjacent to Lennox Gardens would be a visual disaster under any circumstances. On the edge of Lake Burley Griffin it would encroach on and intrude into the landscape in a way totally unacceptable to the parkland theme and integrity of the Lake.⁴⁶

The potential impact on the vista and Lake foreshores

- 4.42 The Trust put forward the view that, in the context of loss of visual amenity, the proposed Immigration Bridge:

...will present a highly visual intrusion across the lake, particularly in the Central and West Basin areas. After about 45 years without a bridge across Acton Peninsula, the primary heritage issue is whether any bridge at all is a good idea if it adversely impacts upon the anticipated Commonwealth heritage significance assessment of Lake Burley Griffin. ...Views across West Basin and from Stirling Ridge to the Brindabella Range and the mountain backdrop would be impacted if any structure, such

43 Canberra Yacht Club, *Submission 46.1*, p. 1.

44 Dr John Gray, *Submission 24*, p. 4.

45 National Trust of Australia (ACT), *Submission 42*, p. 8.

46 National Trust of Australia (ACT), *Submission 42*, p. 8.

as this proposed bridge, is put in the way. ...These views are extremely important to Canberrans, as the National Trust has recently shown.⁴⁷

- 4.43 The claim by the Trust that views across the Lake are important to Canberrans was reiterated by Ms Beth Slatyer who called the view to the Brindabella mountains from Regatta Point a 'national treasure' and advocated its protection.⁴⁸ Ms Gina Pinkas noted that the view across the Lake was 'one of the joys of living in Canberra.'⁴⁹ Ms Pinkas further stated:

The proposed bridge will totally mar this beautiful vista. ...The eye is unimpeded by any structures as it looks up the Lake. The lake and the landscape flow to the blue background. What a wonder in the middle of our National Capital. Any structure crossing the lake at the proposed point would really spoil that view.⁵⁰

- 4.44 Others in opposition to the proposal commented on the adverse impact that the proposed 12-metre high bridge would have on the existing views across the Lake.⁵¹

- 4.45 In contrast, Dr David Headon expressed the view that the proposed bridge might be 'an adornment'. Dr Headon stated:

There are so many bridges around the world and in this country which are adornments to their cities and which in fact create views. ...I think that a bridge which is a brilliant design somewhere near this spot would only adorn the area.⁵²

- 4.46 Mr Ken Eynon noted the adverse impact that the proposed bridge could have on the Lake foreshores. Mr Eynon stated:

...large areas of land on both sides of the lake would be required to get pedestrians up and onto and off the proposed bridge. I don't think there is this much land available at each end for this without creating problems for lakeside users.⁵³

47 National Trust of Australia (ACT), Dr Peter Dowling, *Transcript T1*, p. 56.

48 Ms Beth Slatyer, *Submission 68*, p. 1.

49 Ms Gina Pinkas, *Submission 35*, p. 4.

50 Ms Gina Pinkas, *Submission 35*, p. 4.

51 Walter Burley Griffin Society, *Submission 32*, p. 3; Mr David Townsend, *Submission 15*, p. 1; Mr John Holland, *Submission 22*, p. 3; Emeritus Professor D.J. Mulvaney AO, CMG, *Submission 14*, p. 2; and, Mr Hamish Lindsay, *Submission 27*, p. 1.

52 Dr David Headon, *Transcript T2*, p. 25.

53 Mr Ken Eynon, *Submission 4*, p. 1.

- 4.47 The Katie Bender memorial⁵⁴ situated on the southern side of the foreshore, near where the bridge would be anchored, could be affected if the bridge were to be constructed. In regard to the memorial the NCA noted that:

The memorial is not particularly identified within the heritage management plan, but, as we would with any site that required sympathetic attention, we would look for appropriate treatment of that in the works approval. And, in our experience in dealing with proponents, they generally do not try and steamroll over such important matters.⁵⁵

Is there a need for a pedestrian bridge?

- 4.48 A number of opponents to the bridge proposal noted that it served no real purpose.⁵⁶ Mr Simon Johnstone called the proposed bridge:

...a bridge from nowhere to nowhere for no demonstrated community need.⁵⁷

- 4.49 The NCA stated that the symbolism of the bridge appealed to the IBA in its choice of a memorial to immigration.⁵⁸
- 4.50 The NCA noted that some form of pedestrian bridge was included in the Griffin Plan, then later in *The Griffin Legacy* and was also part of the winning NMA design.⁵⁹ However, it also confirmed that despite its in-principle support for the Immigration Bridge that no formal studies about pedestrian use of a proposed footbridge have been conducted.⁶⁰
- 4.51 A number of supporters of the bridge are more specifically in favour of commemorating the contribution of migrants and see the bridge proposal as a way to do that.⁶¹ One supporter of the proposed bridge put the view:

54 The Katie Bender Memorial, located along the Lake front, was completed in July 2007 by the NCA. Katie Bender was fatally injured during the demolition by implosion of the Royal Canberra Hospital in July 1997.

55 National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 13.

56 Mr Cleaver Elliott, *Submission 12*, p. 2; Ms Gina Pinkas, *Submission 35*, p. 1; Mr Simon Johnstone, *Submission 53*, p. 3.

57 Mr Simon Johnstone, *Submission 53*, p. 3.

58 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 20.

59 National Capital Authority, *Submission 60*, p. 4.

60 National Capital Authority, Mr Gary Rake, *Transcript T2*, p. 3.

61 Mrs Phoebe Bischoff, *Submission 5*, p. 1; Mr Joe Bailey, *Submission 51*, p. 1.

My family are in favour of the proposed bridge for the following reasons:

- it is a means of commemorating our predecessors' entry to Australia
- the design is appealing both architecturally and aesthetically
- while we were aware of the memorial to Australia's early migrants in Sydney, the proposed bridge in Canberra has infinitely more appeal to our family
- a pedestrian bridge over Lake Burley Griffin has appeal not only to Canberra residents but would be a wonderful walkway for our many visitors/tourists
- recognition of the Immigration Bridge proposal is shown by the many thousands who have registered their ancestors' names, and paid for the privilege
- in my family's application we had to explore our archives and other avenues to obtain correct details - a useful family exercise.⁶²

4.52 Mr Joe Bailey advocated that the bridge could be both a memorial and a tourist attraction. Mr Bailey stated:

The Immigration Bridge should go ahead to be a permanent monument in the Nation's Capital to commemorate the contributions of migrants to Australia and the opportunities that Australia has gained from the millions of migrants that have enhanced Australia's development as a modern multicultural society. ...[The bridge] will prove to be a huge tourist attraction for Canberra.⁶³

4.53 Another supporter of the bridge sees the proposed bridge as a more pleasant alternative for people who would otherwise cross the Commonwealth Avenue Bridge, stating the new bridge would be:

...a real enhancement for those joggers/walkers who like to walk the Lake Burley Griffin circuit. It is certainly not very pleasant to cross Commonwealth bridge as a walker with the noise & petrol fumes from cars. Having a footbridge that people can use to cross the lake will encourage more people to get out and use the lake facilities.⁶⁴

4.54 The Federation of Ethnic Communities' Councils of Australia (FECCA) support the IBA proposal because it puts the view that:

62 Mrs Phoebe Bischoff, *Submission 5*, p. 1.

63 Mr Joe Bailey, *Submission 51*, p. 1.

64 Ms Meredith Batten, *Submission 72*, p. 1.

...the Australian immigration and immigrant experience is respectfully honoured in our national capital as proposed by the Immigration Bridge Australia. This is a superb concept which deserves the full support of the ACT and Federal Government and parliamentarians.⁶⁵

4.55 However, FECCA noted that the importance of any proposal should 'be respectful of the views and aspirations of Canberra residents including existing Lake Burley Griffin users and recreational users.'⁶⁶ FECCA states that its support of the bridge is contingent upon:

...finding a suitable place on Lake Burley Griffin which ensures maximum local community support for the bridge.⁶⁷

4.56 The possible impact of the proposed bridge on development in the West Basin drew opposing views. Mr David Headon stated that such a bridge would surely stimulate development in the West Basin area,⁶⁸ while Mr Peter Dalton offered the view that the NCA's plan to develop tourist facilities and a restaurant precinct in the vicinity of West Basin would be 'severely compromised'.⁶⁹

4.57 The strongest support for a bridge in the suggested location came from Pedal Power ACT, under the proviso that the bridge has suitable access for bicycles. Pedal Power ACT noted:

Given that the ANU is Canberra's biggest individual cycling destination, and that the Immigration Bridge would become the shortest route option for many journeys ...we estimate that ...around 90-130 riders per hour are likely to change to the Immigration Bridge if it is constructed and if it facilitates cycling.⁷⁰

4.58 Pedal Power ACT believes that the construction of the proposed bridge in the suggested location would provide a shorter route than currently available for:

- people riding from Belconnen and some parts of North Canberra to the Parliamentary Triangle and most of South Canberra

65 Federation of Ethnic Communities' Councils of Australia, *Submission 61*, p. 1.

66 Federation of Ethnic Communities' Councils of Australia, *Submission 61*, p. 1.

67 Federation of Ethnic Communities' Councils of Australia, *Submission 61*, p. 2.

68 Dr David Headon, *Submission 43*, p. 1.

69 Mr Peter Dalton, *Submission 44*, p. 3.

70 Pedal Power ACT Inc., *Submission 30*, p. 2.

- south Canberra residents riding to the Australian National University Campus, CSIRO and related precincts, and Belconnen.⁷¹

Conclusion

4.59 The committee noted that no study has been undertaken to assess if there is an existing need for a bridge to be built at the proposed location. The committee also noted that the proponents of the bridge have never claimed that there is an existing need for a bridge to be built at the proposed location but rather that the proposed bridge is to be a commemorative structure.

Alternative positions for a bridge

4.60 Various alternative locations for a bridge were suggested, including some locations where a new bridge would serve a practical purpose as well as a commemorative one. These locations included:

- Across Bowen Drive and up on to Kings Avenue.⁷²
- From the Museum to the north side of Commonwealth Bridge and then people could park on the lakeside car park used for Floriade. ...A North side Immigration Bridge would not interfere with the sailing course and the recreational activities of Canberrans.⁷³
- A bridge across the entrance to the Nerang Pool in Commonwealth Park could provide the over water symbol ...[and] would provide a logical flow from an Immigration Celebration area across the Nerang Pool Bridge into Citizenship Place.⁷⁴
- Central Basin, which is east of the Commonwealth Avenue Bridge, and East Basin, which is east of Kings Avenue Bridge.⁷⁵
- From Black Mountain Peninsula across to Weston Park, towards the top end of Tarcoola Reach.⁷⁶

71 Pedal Power ACT Inc., *Submission 30*, p. 2.

72 Mr Ken Eynon, *Submission 4*, p. 1.

73 Mr David Roberts, *Submission 3*, p. 1.

74 Mr Peter Cooke-Russell, *Submission 50*, p. 6.

75 YMCA Sailing Club of Canberra, Mr Iain Balfour, *Transcript T1*, p. 36.

76 YMCA Sailing Club of Canberra, Mr Iain Balfour, *Transcript T1*, pp 36-37.

4.61 The NCA confirmed that it is within its scope in assessing a project such as the IBA proposal to look at other prospective sites for a pedestrian bridge across the Lake. The NCA stated:

If a proponent came to us and said, 'We would like to build a bridge from X to Y,' we would assess whether that were consistent with the National Capital Plan. If at that point it was not, we would then talk to the proponent about what we would need to go through if we were to propose an amendment to the plan, whether that were appropriate and would fit within the context of planning in Canberra.⁷⁷

4.62 The NCA confirmed that a change in location for the proposed bridge could be considered if the IBA proposal fails or if the IBA changes its proposal.⁷⁸

Alternative ways to recognise the contribution of migrants

4.63 The IBA stated that the bridge is designed to:

Recognise the immense contribution made to Australia by migrants from all over the world since 1788.⁷⁹

4.64 Various opponents to the proposed bridge made the point that while they support the idea of recognising the migrant contribution to Australia, the proposed bridge in the suggested location is inappropriate.⁸⁰ One such comment being: 'nice theme, wrong idea and wrong place'.⁸¹

4.65 There were many suggestions for alternative ways that the contribution of migrants could be recognised. Many of the people who suggested alternative structures stated that they were either migrants themselves or descendants of migrants and that their opposition to the proposed bridge should not be seen in any way to be an anti-migrant stance. Mr Michael Burgess stated:

I am a descendant of two First Fleeters and I am certainly in favour of commemorating the arrival of migrants in Australia, but not with a bridge across Lake Burley Griffin.⁸²

77 National Capital Authority, Mr Gary Rake, *Transcript T1*, pp 28-29.

78 National Capital Authority, Mr Gary Rake, *Transcript T1*, p. 29.

79 Immigration Bridge Australia, *Submission 29*, p. 2.

80 Mr Michael Burgess, *Submission 13*, p. 1; Mr Gordon Shannon, *Submission 16*, p. 2; Mr Simon Johnstone, *Submission 53*, p. 3.

81 Mr Simon Johnstone, *Submission 53*, p. 3.

82 Mr Michael Burgess, *Submission 13*, p. 1.

4.66 Further, Mr Simon Johnstone stated:

I support the idea to honour the role of immigration and the people involved in this significant part of Australia's history. I am a migrant and proud to be, and delighted that the country let me come and share this wonderful place.

However, this bridge is not an appropriate way to reflect the spirit of the many millions of migrants.⁸³

4.67 Mr Paddy Hodgman suggested that the bridge would engender resentment for the cause:

By detracting very significantly from the heritage values, life and usage of Lake Burley Griffin, the proposed bridge would be a self defeating, jarring and most inappropriate form of memorial.⁸⁴

4.68 A number of alternative memorials to immigration were suggested, including:

- The recent development of the RG Menzies Walk and the display celebrating Australia's Citizens of the Year Awards are 'excellent, sensitive, readily accessible examples of what can be achieved without the enormous costs involved in the IBA proposals'.⁸⁵
- Expansion of the National Museum of Australia, within the NMA buildings.⁸⁶
- An over-the-water boardwalk, with short protruding jetties, from the Hospital Point wharf at the National Museum around the shoreline.⁸⁷
- A memorial tower on the lakeshore, preferably in stone.⁸⁸
- A world class boat marina with cafes, shops and restaurants along the shores of the West Basin allowing immigrants to purchase plaques and mount them on the marina.⁸⁹
- A walkway around the lake shore.⁹⁰
- An elaboration of the Sydney Immigration Wall model, or the erection within the National Triangle in Canberra of a monument to *all* migrants to Australia.⁹¹

83 Mr Simon Johnstone, *Submission 53*, p. 1.

84 Mr Paddy Hodgman, *Submission 19*, p. 5.

85 Mr Gordon Shannon, *Submission 16*, p. 2.

86 Walter Burley Griffin Society Inc. Canberra Chapter, *Submission 32.3*, p. 4.

87 Mr Tim Glover, *Submission 56*, p. 7.

88 Dr Nicholas Reid, *Submission 2*, p. 1.

89 Mr Simon Wallis, *Submission 6*, p. 1.

90 Mr Cleaver Elliott, *Submission 12*, p. 6.

- A handrail or other minimal structure along the lakeshore ... between Lennox Gardens and Commonwealth Avenue Bridge, merging into the Australians of the Year plaques and other national symbols around Central Basin.⁹²
- Nerang Pool at Commonwealth Park is longer than 400m along its East to West axis. A sensitively designed footbridge could perhaps be built over it. This would be inexpensive to construct and the location is a well used, protected public place which receives many interstate visitors during Floriade.⁹³
- An additional footbridge from Aspen Island in Central Basin to Kings Park.⁹⁴
- A memorial garden similar to the memorials on Anzac Parade would be more appropriate and a better tourist attraction.⁹⁵
- A garden setting similar in format to Nara Gardens.⁹⁶
- A good architect given a decent site somewhere else could design a fabulous year round complex, that commemorates all the diversity of immigration and where it can stand on its own merits and have space for the required expansion and infrastructure.⁹⁷
- The edge of the lake where the Australians of the Year are remembered is terrific ... maybe consider something similar in lieu of an unnecessarily grand bridge.⁹⁸

Conclusions

4.69 Various Lake users presented strong opposition to the construction of the proposed bridge. The committee is aware of the view presented by Lake users that activities on the Lake could be impeded and could become dangerous if the proposed bridge is built across West Basin.

4.70 The committee acknowledges the consultation that has been undertaken to date by IBA and notes that the issues outlined by Lake-users and the concerns about how vista and heritage value of the Lake and its surrounds may be affected by the construction of the Immigration Bridge will be key

91 Emeritus Professor D.J. Mulvaney AO, CMG, *Submission 14*, p. 2.

92 Mr David Townsend, *Submission 15*, p. 4.

93 Mr John Holland, *Submission 22*, p. 6.

94 Mr John Holland, *Submission 22*, p. 6.

95 Ms Gina Pinkas, *Submission 35*, p. 2.

96 National Trust of Australia (ACT), *Submission 42*, p. 9.

97 Mr Simon Johnstone, *Submission 53*, p. 6.

98 Mr Rod and Mrs Susan Page, *Submission 62*, p. 1.

considerations in the assessment of IBA's proposals in the remaining stages of the process.

- 4.71 The committee understands that Lake-users would prefer a single span bridge with a minimum height of 12 metres. Cyclists have indicated that they would require ramps at both ends of the bridge with the shallowest possible inclines or a spiral ramp where space is at a premium. In addition, lifts may be needed to provide adequate access for mobility impaired persons.
- 4.72 The committee commends IBA's expressed intentions to consult extensively to ensure that all issues are addressed in the design brief of the bridge proposal.
- 4.73 The committee believes that there is community-wide support for the construction of a memorial which celebrates migration, but at the same time there is notable opposition to the proposed bridge to be built at the suggested location.

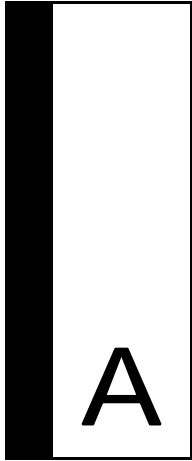
Recommendation 3

- 4.74 **The committee recommends that Immigration Bridge Australia seeks to reconcile competing issues relating to Lake users, vista and heritage value of the Lake and its foreshores.**

If IBA finds that this challenge cannot be met or its development application for the proposed bridge is unsuccessful then IBA should consider:

- **changing the location of the proposed bridge; or**
- **proposing an alternative memorial to migration.**

**Senator Kate Lundy
Chair
22 May 2009**



Appendix A - Submissions

No.	Individual/Organisation
1	Mr Conor Annesley
2	Dr Nicholas Reid
3	Mr David Roberts
4	Mr Ken Eynon
5	Mrs Phoebe Bischoff OAM
6	Mr Simon Wallis
7	Dr David Pfanner
8	Mr Daniel Gleeson
9	Mr Stephen Brown
10	Mr David Hobson
11	Mr Laurence Ammon
12	Mr Cleaver Elliott
13	Mr Michael Burgess
14	Emeritus Professor DJ Mulvaney AO, CMG
15	Mr David Townsend
16	Mr Gordon Shannon
17	Mr Penleigh Boyd
18	Name withheld
19	Mr JPD (Paddy) Hodgman

- 20 Mr Peter Forster
- 21 Friends of the Albert Hall Inc.
- 21.1 Friends of the Albert Hall Inc.
- 22 Mr John Holland
- 23 Mr Alexander Paine
- 24 Dr John Gray
- 25 Ms Pam Crombie
- 26 Mr Peter Barter
- 27 Mr Hamish Lindsay
- 28 Dr Enrico Taglietti
- 29 Immigration Bridge Australia
- 29.1 Immigration Bridge Australia
- 30 Pedal Power ACT Inc.
- 31 ACT Rowing Association
- 32 Walter Burley Griffin Society Inc.
- 32.1 Walter Burley Griffin Society Inc.
- 32.2 Walter Burley Griffin Society Inc.
- 32.3 Walter Burley Griffin Society Inc.
- 33 Mr Terence Dwyer
- 34 Mr David Merz
- 35 Ms Gina Pinkas
- 36 Mr Peter Warren
- 37 Mr and Mrs Ben and Lina Sheils
- 38 The Lake Users Group
- 39 Mr Hugh Taylor
- 40 Mr Guy Anderson
- 41 Ms Julia Trainor
- 42 National Trust of Australia (ACT)

-
- 42.1 National Trust of Australia (ACT)
- 43 Dr David Headon
- 44 Mr Peter Dalton
- 45 Yarralumla Residents Association
- 46 Canberra Yacht Club
- 46.1 Canberra Yacht Club
- 47 Name withheld
- 48 Hon Dr Bob Such MP
- 49 Yachting ACT
- 50 Mr Peter Cooke-Russell
- 51 Mr Joe Bailey
- 52 YMCA of Canberra Sailing Club
- 53 Mr Simon Johnstone
- 54 Mr Rupert Summerson
- 55 ACT Heritage Council
- 56 Mr Tim Glover
- 57 Mr Ian Morison
- 58 Mr Paul Pfluger
- 59 Mr Ken Cartwright OAM
- 60 National Capital Authority
- 60.1 National Capital Authority
- 60.2 National Capital Authority
- 61 Federation of Ethnic Communities' Councils of Australia
- 62 CONFIDENTIAL
- 63 ACT Planning and Land Authority
- 64 Canberra Dragon Boats Association
- 65 Mr Ian Brokenshire
- 66 Department of Environment, Water, Heritage and the Arts

- 67 Mr Cameron Tannock
- 68 Ms Beth Slatyer
- 69 Ms Milena Trkulja
- 70 Mr Victor Rebikoff OAM
- 71 Ms Lynne Bentley
- 72 Ms Meredith Batten
- 73 CONFIDENTIAL
- 74 ALJ and P Kaye Beckwith
- 75 Mr Gregory O'Regan



Appendix B – Exhibits

- 1 *Canberra Yacht Club, Adult sailing courses 2008/09 and Children's School Holiday Sailing Courses 2007/2008*

- 2 *Canberra Yacht Club, pamphlet titled Canberra Yacht Club: Sailing Calendar 2008-09.*

- 3 *Canberra Yacht Club, letter from Mr Phil Jones, CEO, Yachting Australia to Immigration Bridge Australia, outlining sailing concerns about the proposed bridge.*

- 4 *Canberra Yacht Club, From Lake George to Lake Burley Griffin: Canberra's Pioneer Sailors – The history surrounding the formation of the Canberra Yacht Club and the events and personalities of its first decade 1959-1969, 2008, Canberra Yacht Club, Canberra.*

- 5 *Canberra Yacht Club, image of proposed Immigration Bridge.*

- 6 *Canberra Yacht Club, submission from ACT Sailing Inc. to the Joint Standing Committee on Public Works, dated November 1997.*

- 7 *Canberra Yacht Club, letter from Canberra Yacht Club to Immigration Bridge Australia dated 13 April 2006 outlining Lake-use concerns and the impact of a bridge across West Basin.*

- 8 Canberra Yacht Club, letter from Canberra Yacht Club to National Capital Authority, dated 22 August 2006, outlining Lake-user concerns about the Immigration Bridge proposal.
- 9 Canberra Yacht Club, letter from National Capital Authority to Canberra Yacht Club dated 18 September 2006 advising of the NCA's in principle support for the Immigration Bridge and inclusion of sailing community concerns in a design brief for the project.
- 10 Canberra Yacht Club, letter from the National Capital Authority to the Canberra Yacht Club dated 30 March 2007 thanking Lake Users for their input and informing that the NCA agrees with and has advised Immigration Bridge Australia to include Lake-user group concerns in the design brief for the Immigration Bridge Australia proposal.
- 11 Immigration Bridge Australia, statement of purpose for the National Monument to Immigration Steering Committee.
- 12 Immigration Bridge Australia, email from Mr Andrew Smith, National Capital Authority, to Mr Simon Flynn and Mr Rob Burns, Manager Corporate Relations, Snowy Mountains Hydro-Electric Authority, dated 4 June 2002, suggesting options for a monument to immigration.
- 13 Immigration Bridge Australia, Media release from Mr Simon Corbell MLA, ACT Minister for Planning titled 'Act Government contributes land for Immigration Bridge' dated 17 August 2006.
- 14 Immigration Bridge Australia, media release from His Excellency Michael Jeffrey AC CVO MC (Rtd) titled 'National Launch of Immigration Bridge Australia' dated 4 December 2006.

- 15 Immigration Bridge Australia, Message from the Prime Minister the Hon John Howard MP titled 'Message: National launch of the Immigration Bridge Australia Project'.
- 16 Immigration Bridge Australia, letter from Ms Anabelle Pegrum, Chief Executive, National Capital Authority to Mr Stephen Asthton dated 30 April 2007, informing of the NCA's in-principle support to the bridge proposal and advising that the bridge design will attract 'moral rights issues'.
- 17 Immigration Bridge Australia, letter from Mr Graham Scott-Bohana, Managing Director, National Capital Authority to Mr Andrew Baulch, Immigration Bridge Australia dated 2 May 2007, informing that a letter to Mr Stephen Asthton, ARM Architecture is enclosed and advising the IBA to discuss the proposal with them.
- 18 Immigration Bridge Australia, letter from Ms Julia Gillard MP, Deputy Labor Leader to Immigration Bridge Australia, dated 21 August 2007, supporting the Immigration Bridge proposal.
- 19 Immigration Bridge Australia, letter from Andrew Smith, Acting Managing Director Projects, National Capital Authority to Lieutenant General (Retired) Lawrence O'Donnell, Chairman, Immigration Bridge Australia, dated 3 September 2008, regarding the content on the Immigration Bridge Australia website.
- 20 Immigration Bridge Australia, *Immigration Bridge Australia Financial Report for the year ended 30 June 2008*.
- 21 Kershaw, Jack, *Concerns about new bridges over Lake Burley Griffin*, 18 February 2009.



Appendix C – Hearings and witnesses

Monday, 30 March 2009 – Canberra [T1]

Individuals

Mr Joe Bailey

Mrs Phoebe Bischoff OAM

Mr Peter Forster

Mr Paddy Hodgman

Mr Ian Morison

Mr Matthew Owen

Mr Victor Rebikoff OAM

Mr Gordon Shannon

Mr David Townsend

ACT Rowing Association

Mr Simon Tulloh, Executive Officer

Canberra Yacht Club

Mr Graham Giles, Commodore

Immigration Bridge Australia

Mr Andrew Baulch, Campaign Director

Mr Graham French, Director

Mr Emmanuel Notaras, Director

Lieutenant General (Retired) Lawrence O'Donnell, Chairman

National Capital Authority

Mr Gary Rake, Managing Director, Finance and Estate

Mr Andrew Smith, Managing Director, Planning, Urban Design and Projects

Mr Phil Wales, Managing Director, Corporate Services

National Trust of Australia (ACT)

Mr Paul Cohen, Councillor

Dr Peter Dowling, Heritage Officer

Pedal Power ACT Inc

Mr Ben Battison, Member of Advocacy Team

Mr Terry George, Member of Advocacy Team

Walter Burley Griffin Society Inc.

Dr Bruce Kent, Secretary, Canberra Chapter

Mr Brett Odgers, Chair, Chair, Canberra Chapter

YMCA of Canberra Sailing Club

Mr Iain (Hamish) Balfour, Chief Instructor and Centre Manager

Mr Alan Perry, Rear Commodore

Wednesday, 1 April 2009 - Canberra [T2]**Individual**

Dr David Headon

Friends of the Albert Hall Inc

Dr Lenore Coltheart, Vice-President

Ms Diane Johnstone, Secretary

Immigration Bridge Australia

Mr Andrew Baulch, Campaign Director

Mr Graham French, Director

Mr Richard Lawson, Director, Treasurer and Company Secretary

Mr Emmanuel Notaras, Director

Lieutenant General (Retired) Lawrence O'Donnell, Chairman

National Capital Authority

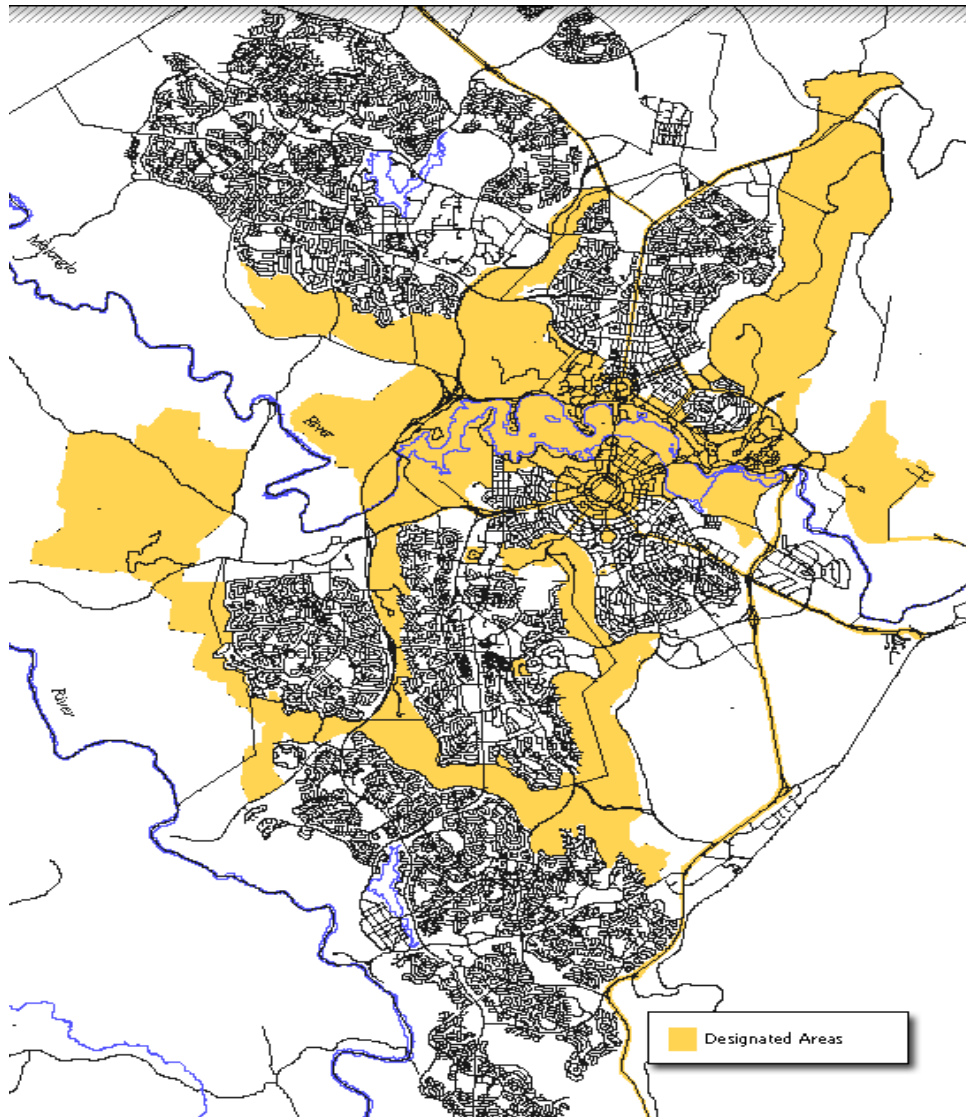
Mr Gary Rake, Managing Director, Finance and Estate

Mr Andrew Smith, Managing Director, Planning, Urban Design and
Projects

Mr Phil Wales, Managing Director, Corporate Services

D

Appendix D – Designated Areas prescribed under the National Capital Plan¹



¹ National Capital Authority, 2008, *Consolidated National Capital Plan*, p. 20.



Appendix E – Information required as part of the works application

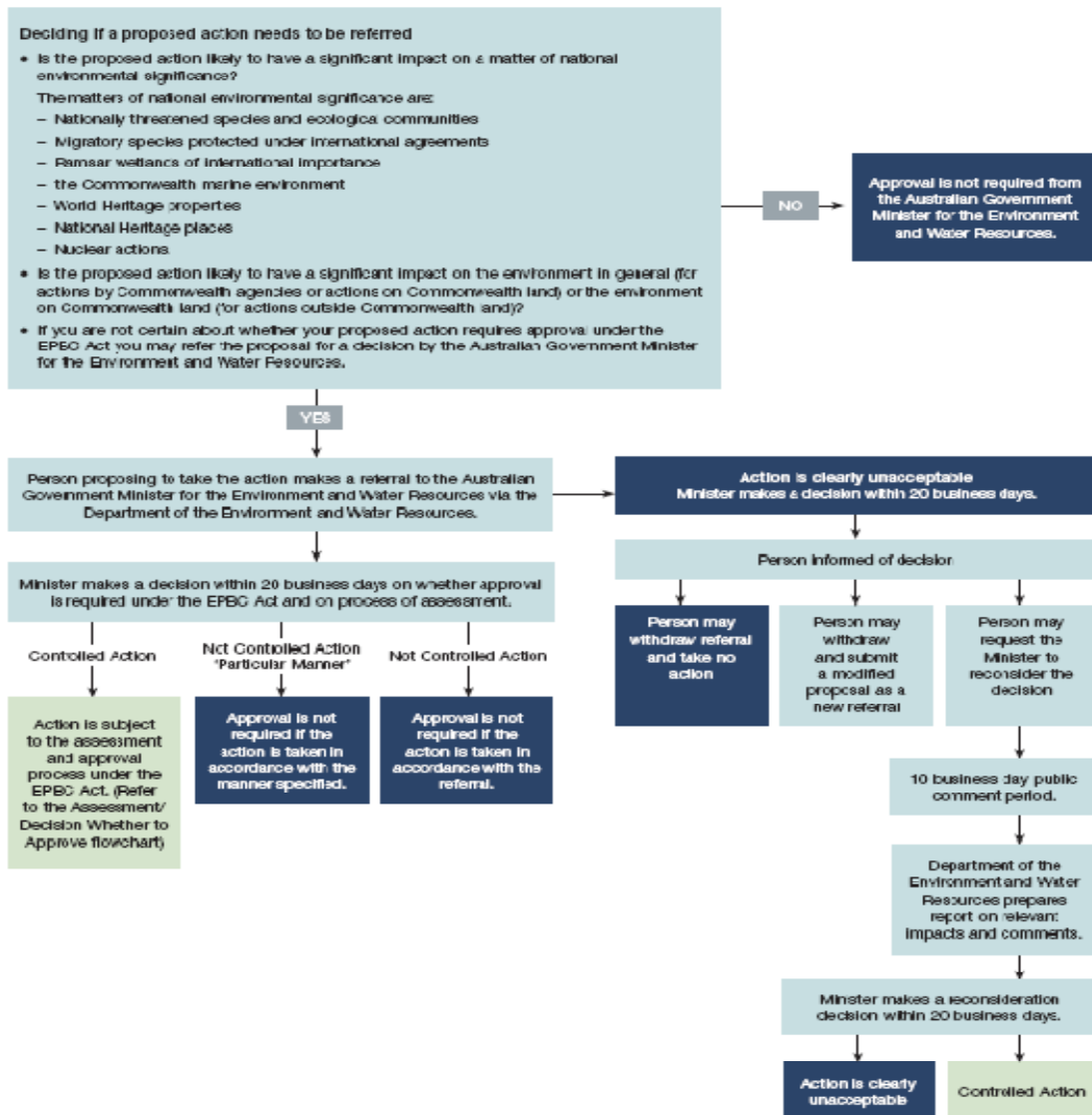
Information Checklist

The following information should be provided as part of your application for Works Approval.

- [] **A Locality Plan** which identifies the site and its context.
- [] **A Site Analysis Plan**
- [] **Design Concept Drawings/Statements** explaining the concept behind the design and siting of buildings and landscaping as proposed.
- [] **A Detailed Site Plan** (1:200 or 1:500) which identifies site boundaries and the key characteristics of the site including -
 - site contours;
 - underground services (water, sewer, gas & electricity);
 - surface drainage pattern;
 - existing vegetation (particularly the established trees) - their size, species, condition and exact location;
 - vehicular and pedestrian access;
 - existing development and other features which may contribute to a full understanding of the site and its context.
- [] **Schedule of Proposed Works** which give details of the works proposed including extent of earthworks, off-site work requirements and works associated with service connections. It should also describe the quantitative characteristics of the proposed development such as -
 - gross floor area;
 - site coverage;
 - building height;
 - building setbacks from property line;
 - external materials and colour (a sample board should be provided for major works);
 - on-site and off-site carparking provisions.
- [] **Architectural Drawings** (1:100 or 1:200) sufficient to fully explain the scheme and should include –
 - floor plans;
 - elevations;
 - sections (indicating finished floor levels and roof heights);
 - perspective drawings;
 - coloured elevation showing external finishes;
 - external lighting plan;
 - external signage plan.
- [] **Landscape Plans** (1:200 or 1:500) which include -
 - proposed planting design;
 - existing trees proposed to be retained and the ones to be removed or pruned;
 - location, size and species details of proposed planting
 - final site levels (including verge levels) and drainage;
 - location and finishes of pedestrian & vehicular access paths and carpark areas;
 - location and details of signage and external lighting.
- [] **A Design Model** is required for any development that is significant and proposed in a prominent location.
- [] **A Site Establishment and Construction (or Demolition) Management Plan** which identifies:
 - the location of temporary work sheds & material storage areas;
 - temporary site fencing & signs;
 - the method of demolition and waste management;
 - construction/demolition vehicle access & circulation areas;
 - methods to be used for protecting street trees and trees to be retained on site;
 - methods of protection of verge landscaping from possible damage during construction/demolition);
 - measures to contain run-offs from the site with due consideration given to erosion management during construction/demolition;
 - steps to be taken to restore the site and site access after construction/demolition.



Appendix F – The referral process under the EPBC Act





Appendix G – The assessment process under the EPBC Act

