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Ref: B12/69

NATIONAL CAPITAL AUTHORITY

To: Minister (for decision/signature)**PARLIAMENTARY APPROVAL FOR THE BOWEN PLACE CROSSING WORKS****Timing:** 6 February 2012, to allow sufficient time to table the works at the next available sitting period.**Recommendations** - that you:

- agree to seek approval of the proposed works by both Houses of Parliament, under Section 5(1) of the *Parliament Act 1974*, in the next available sitting period
- approve the Tabling Statement
- sign the attached letter to the Chair of the Joint Standing Committee on the National Capital and External Territories (JSCNCET) regarding the proposed works
- sign the attached letter to the Chair of the Parliamentary Business Committee requesting Government business time be made available for the motion.

Simon Crean MP

Date:

Purpose: To seek your agreement to table in Parliament the proposed removal and replacement of the at-grade pedestrian and cycle crossing located in Bowen Drive, Parkes, between Kings Avenue and the National Gallery of Australia precinct with a new pedestrian and cycle underpass and associated path network (the Crossing).

Key Points:

1. The National Capital Authority (NCA) is prepared to grant internal approval for the Crossing, under Section 12(1)(b) of the *Australian Capital Territory (Planning and Land Management) Act 1988*. Further background is at [Attachment A](#).
2. Approval of both Houses of Parliament is required under Section 5(1) of the *Parliament Act 1974* before the NCA may grant internal approval to the proposal.
3. The works are being commissioned, funded and maintained by the NCA. Plans of the works are at [Attachment B](#).
4. The budget for the Crossing, exclusive of contingency, is estimated at \$10 million (GST inclusive). As a result of the unforeseen funding needs of the remediation work required at Scrivener Dam, the NCA has decided to delay construction at Bowen Place crossing until the beginning of 2014.
5. Obtaining Parliamentary approval will demonstrate the NCA's commitment to this project and maintain community confidence.
6. Tabling documentation and a letter to the JSCNCET advising of the works is available at [Attachments C to E](#).

Gary Rake
 Chief Executive
 02 6271 2814
 27 January 2012

Policy Officer: Peter Nelson
 Phone no: 02 6271 2821

ATTACHMENTS

Attachment A	Background
Attachment B	Architectural and Landscape Drawings and Design Report
Attachment C	Tabling Statement
Attachment D	Letter to the Chair of the Joint Standing Committee on the National Capital and External Territories
Attachment E	Letter to the Chair of the Parliamentary Business Committee

ATTACHMENT A

Background

2010 Consultation - external

The National Capital Authority (NCA) has consulted extensively on the development of the at-grade pedestrian and cycle crossing located in Bowen Drive, Parkes, between Kings Avenue and the National Gallery of Australia precinct (the Crossing). In June 2010, following a briefing and feedback from key stakeholders and user groups the NCA agreed to three design options undergoing public consultation. Crossing options included:

- a footbridge over Bowen Place;
- a ramp and stairs with traffic signals (immediately adjacent the existing Kings Avenue pedestrian 'off ramp'); and
- traffic signals at the existing crossing.

Subsequent public consultation regarding the three options occurred between December 2010 and February 2011. Of the consultation respondents, 97 per cent favoured the footbridge option presented. In addition, the NCA also received feedback from the public that the NCA should consider an underpass option.

NCA Overpass/Underpass Investigation

In August 2011, the NCA undertook a detailed technical and site investigation of the overpass and underpass options. The NCA also consulted with the ACT National Trust and the Heart Foundation ACT regarding the investigation findings. Following this process the NCA concluded that the underpass option would be the most appropriate and more risk averse conceptual design approach to pursue for the Crossing. In reaching its conclusion, the NCA carefully weighed the advantages and disadvantages of both the underpass and overpass solutions including issues such as:

- cost;
- visual prominence (height) and bulk;
- impact on the heritage values of the site and surrounds; and
- required path lengths and gradients (accessibility).

Select Design Competition

In September 2011, the NCA invited five interdisciplinary design teams to participate in a five week select design competition for the Crossing. The NCA prepared a detailed design brief for the Crossing.

A specialist panel convened by the NCA met on 31 October 2011 to select a preferred design for the Crossing. Independent cost, heritage and buildability advice was considered by the panel. The panel unanimously agreed that the design, submitted by Lahz Nimmo architects with Spackman Mossop Michaels landscape architects (Team 3), was the preferred design for the Crossing.

The panel's key observations about Team 3's design included its:

- strong, honest, simple, elegant, logical and direct concept;
- ability to work well in its landscape setting;
- generous underpass width which helps improve amenity, safety and sightlines;
- flexibility of open space in Bowen Place for a variety of uses and user groups including potential display of artworks or integration of an autumn garden by the National Gallery of Australia in the longer term;
- sound choice of materials, appropriate to the Parliamentary Zone;

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- robust concept which is well suited to the envisaged public consultation and statutory approvals process; and
- strong visual focus on the National Carillon.

The panel agreed that the following issues required further consideration by the preferred design team:

- development of opportunities for the public to linger throughout the site;
- consideration of further measures to minimise opportunity for public short cuts or 'goat tracks' through Bowen Place;
- development of the lighting concept including potential lighting of the precast retaining wall;
- development of a more direct connection from the Kings Avenue west verge path network into the proposed Bowen Place Crossing path network;
- ensuring that the public, especially children, are impeded from inadvertently entering the proposed bio-swale; and
- further modulating the corten wall cladding and exploring the potential for this element to extend as a sculptural element further into the surrounding landscape.

NCA Community Consultation

On 8 November 2011, the NCA publically announced the preferred scheme. The NCA commenced a six week public consultation process, ending at 5pm on Monday 19 December 2011. The consultative process included:

- public advisory signage at Bowen Place; and
- a dedicated project page on the NCA's 'Have Your Say' website, refer: (www.nationalcapital.gov.au/haveyoursay/index.php/current-discussions/bowen-place-underpass).

The NCA received 63 comments on the 'Have Your Say' website and 14 emails from a total of 53 respondents. Approximately 95 per cent of respondents advised support for the preferred design.

EPBC referral

Bowen Place is located within the Parliament House Vista and is close to other sites on the Commonwealth and National Heritage Lists. On 23 November 2011, the NCA submitted a referral to the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 19 December 2011, the NCA received a letter from SEWPaC advising that, under the EPBC Act, the proposed action to undertake works associated with the construction of a path and underpass at Bowen Place, Parkes, ACT is not a controlled action.

A summary of the amendments to the design following the NCA and EPBC consultative process are included in the Design Report at [Attachment B](#).

JSC Briefing

On 23 November 2011, the NCA briefed the JSCNCET on the Bowen Place Crossing project.

Original Program Overview

On 11 November 2011, the NCA engaged Lahz Nimmo architects to provide head consultancy services to design develop, document and superintend construction of the Crossing subject to the relevant consultative and approval processes necessary to progress the project being successfully concluded.

Original key indicative milestones included:

Key Milestone Activity	Indicative date
Completion of NCA and EPBC Heritage Impact Statement and Referral process	December 2011
Head Consultant Expression of Interest (EOI)	December 2011
Completion of final sketch plans	December 2011
Parliamentary Works Approval	early February 2012
Construction Tender	March 2012
Construction	April to December 2012

Revised Project Program Overview

Following the NCA announcement on 1 December 2011, concerning urgent remediation work at Scrivener Dam, the NCA has decided to delay construction at the Crossing until the beginning of 2014. As a result of these unforeseen funding needs, the key indicative milestones for the Crossing were amended as follows:

Key Milestone Activity	Indicative date
Completion of NCA and EPBC Heritage Impact Statement and Referral process	December 2011
Head Consultant Expression of Interest (EOI)	December 2013
Completion of final sketch plans	January 2012
Parliamentary Works Approval	early February 2012
Construction Tender	January 2014
Construction	February to October 2014

Despite the delay in the tendering and construction phases it is considered appropriate to seek the approval of Parliament in early 2012 to ensure that the project maintains momentum and the NCA is able to deliver the project to meet the revised schedule.

There may be scope for the work to begin at the Crossing earlier than 2014 in the event that the funding requirements of the remediation work at Scrivener Dam are less than currently expected.

Budget

The budget for the Crossing, exclusive of contingency, is estimated at \$10 million (GST inclusive). The project budget includes all crossing works, associated path networks within the defined project area, and consultancy fees. The project budget does not include a provision for inflation of construction costs between 2012 and 2014.

As the Crossing is a matter of public safety, its timely delivery is a high priority for the NCA. The NCA is committed to continuing with tender documentation of the preferred design so the project is 'shovel ready', subject to the following parameters:

- Availability of administered capital appropriations to the NCA in 2013/14 and 2014/15;
- the associated cost of the Scrivener Dam works; and
- receiving Parliamentary Works Approval.

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