



Australian Government

Department of Defence

Estate and Infrastructure Group

Brigadier Noel Beutel
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DGCFI/OUT/2017/AF29105796

Mr Scott Buchholz MP

Chair

Parliamentary Standing Committee on Public Works

Parliament House

CANBERRA ACT 2600

Dear Mr Buchholz,

**RESPONSE TO PUBLIC SUBMISSIONS FOR THE HMAS *MORETON* UNIT
RELOCATION PROJECT, HMAS *MORETON*, BULIMBA, QUEENSLAND**

This letter is to inform the Parliamentary Standing Committee on Public Works (PWC) of Defence's responses to the public submissions received in relation to the HMAS *Moreton* Unit Relocation Project (the Project).

Two public submissions were made prior to the 5 May 2017 Hearing by the Bulimba District Historical Society Incorporated (annex A refers) and the Easy and Sustainable Transport Bicycle Users Group Incorporated (annex B refers).

On 17 May 2017, the Bulimba District Historical Society Incorporated provided a further supplementary submission to the PWC (annex C refers).

Defence's responses to the items raised in all three public submissions are provided at annex D.

In addition and in support of these responses, relevant extracts from Defence's heritage mitigation measures as outlined in the Project's Initial Environmental Review are included at annex E.

Yours sincerely,

N.F. BEUTEL

Brigadier

Director General Capital Facilities and Infrastructure

9 June 2017

Annexes:

- A. Bulimba District Historical Society Incorporated (BDHSI) Submission, dated 26 April 2017.
- B. Easy and Sustainable Transport Bicycle Users Group Incorporated Submission, dated 27 April 2017.
- C. Bulimba District Historical Society Incorporated (BDHSI) – Supplementary Submission, dated 17 May 2017.
- D. Defence's Response to Public Submissions.
- E. Heritage Mitigation Measures (extracts) from the Project's Initial Environmental Review (IER).

**ANNEX A TO
DGCFI/OUT/2017/AF29105796
JUNE 2017**

Bulimba District Historical Society inc

**SUBMISSION TO THE
PARLIAMENTARY STANDING
COMMITTEE ON PUBLIC WORKS**

**HMAS MORETON UNIT
RELOCATION PROJECT**

HMAS *Moreton*, Bulimba, Queensland

26 April 2017

Bulimba District Historical Society inc
PO Box 634
BULIMBA QLD 4171

Bulimba District Historical Society inc
Submission on HMAS Moreton Relocation Project – April 2017

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Bulimba District Historical Society inc
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1. Introduction

1. The Bulimba District Historical Society Inc (the Society) welcomes the opportunity to make this submission to the Parliamentary Standing Committee on Public Works in its inquiry into the HMAS Moreton Unit Relocation Project (the Project), HMAS Moreton (*Moreton*), Bulimba, Queensland.
2. The Society is named as a key stakeholder in a submission (Statement of Evidence), dated March 2017¹, which was made by the Department of Defence (Defence) in relation to the Project.
3. The Society is a voluntary community group with just over 40 members and was formed in 2012 to research the history of the Bulimba district. Members of the Society have amongst other projects, taken an interest in the military history of the Bulimba area including the site of the Bulimba Barracks Precinct². This precinct includes the Royal Australian Navy sub-precinct which is the Project area. The Society believes any work is not suitable for its purpose unless heritage investigations take into account indigenous and non-indigenous cultural and heritage significance and the community relationship with that heritage.
4. The primary focus of this submission is to address the “stated purpose of the proposed work and its suitability for that purpose”³ to ensure the Project undertakes Environment and Heritage Assessment relevant to key legislation and Defence systems and protocols.

2. Summary

5. The Society believes the Project is a positive maintenance of a long association over 70 years between the Bulimba district and Defence located in the Bulimba Barracks Precinct. This precinct is defined by its relationship with the Brisbane River and the river was the main factor in its development over time, including its Defence uses.
6. The history of the site predates European settlement and this prior history should be considered in any cultural and heritage assessment. The river at Bulimba on the Hamilton Reach was one of the significant crossing points for the original owners and custodians of the region of present-day Brisbane, Queensland.
7. Heritage, cultural and natural elements of the Bulimba Barracks Precinct (which includes both the project site, *Moreton*, at 100 Taylor Street, Bulimba and the property disposal site, Bulimba Barracks at 167 Apollo Road, Bulimba) meet criteria demonstrating cultural and heritage significance of not only local heritage significance but also Commonwealth and Queensland heritage significance. The site is an historic heritage place currently owned and controlled by the Australian Government which is connected to defence government activities. The Society

¹http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Public_Works/HMASMoreton/Submissions

² <http://www.defence.gov.au/id/PropertyDisposals/Bulimba.asp>

³ http://www.aph.gov.au/Parliamentary_Business/Committees/House/Making_a_submission

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believes the cultural and heritage significance of the site contributed to Australia's development as a nation.

8. The Commonwealth through the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires heritage assessment to be undertaken and Defence has documented these requirements through its Defence Estate Quality Management System (DEQMS).
9. The Society understands some work has been undertaken in relation to the site's heritage values but the Society does not believe this work has been of sufficient detail to satisfy the cultural and heritage significance of the site and requirements of Commonwealth legislation and documented Defence requirements.

3. Recommendations

10. The Bulimba District Historical Society recommends, in its assessment of the HMAS Moreton Unit Relocation Project, HMAS Moreton, Bulimba, Queensland, the Parliamentary Standing Committee on Public Works:
 1. *Request Defence prepare a Heritage Management Plan for the Defence land that forms part of the Bulimba Barracks Precinct including the area included in the Project that complies with Legislation and Defence requirements including:*
 - *the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);*
 - *Native Title Act 1993 (Cth); and*
 - *Defence Estate Quality Management System.*
 2. *Ensure Heritage investigations and consultation should be undertaken in such a manner and detail to satisfy statutory responsibilities and duties of care, under relevant legislation and consider the community relationship with the heritage.*
 3. *Ensure engagement with the original owners and custodians of the region of present-day Brisbane, Queensland, in any cultural and heritage assessment and development work plans including the boat ramp.*
 4. *Ensure engagement with the Chinese community to ensure special consideration is given to the cultural and heritage connection of this site to the Chinese involvement in assisting the defence of Australia during World War Two.*
 5. *Examine if any complete cultural and heritage assessment will result in the Precinct meeting one or more of the nine Commonwealth Heritage List criteria and need to be considered if advice should be referred to the Federal Minister for the Environment and the Australian Heritage Council.*

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6. *Request this project consider its cultural and heritage responsibilities are not limited to the specific area of the Project but need to recognise its linkage and consider an Easement area for a pedestrian and bicycle corridor link to the broader Bulimba Barracks Precinct and neighbouring properties along the river including to the east, Taylor Street Park and 153 Taylor Street, Bulimba (this site originally formed part of the Bulimba Barracks at the time of the Second World War site) and to the west, Byron Street Precinct and Apollo Road ferry.*

4. Site Importance to Bulimba Community and Australia

11. The Brisbane River is the dominant geographical feature that strongly influences the character of the Bulimba area to this day. From the time of its original inhabitants and continuing through European settlement the association with the river through fishing, transport, a sailing culture and development of a number of ship yards has reinforced this association. The previous industry associated with the river has now receded and the changing demographic of the area has embraced the river as a unique and highly desirable feature.
12. Over many decades and especially during World War Two (WW2) the area has also been closely associated with military operations and facilities. While this association is reducing through the same changes that have brought about the closure of the ship yards, it is positive that this connection will be continuing with the strengthening of the Naval facilities and this will ensure an ongoing military presence in the local area.
13. It would be disappointing if a 'new' military facility did not take account of the culture and heritage of the site including its military history, linkage between the community and the river.

5. Commonwealth and Department of Defence Requirements

14. The Commonwealth Government and Department of Defence have put in place legislation and protocols to ensure cultural and heritage values of sites and input from local communities are respected and recognised in existing facilities, any redevelopment and/or disposal process. Other Commonwealth owned Defence development sites, like Leeuwin Barracks in Western Australia, show there are exempla's in the implementation of these processes and Defence working in consultation with the community.
15. To initiate public community consultation on the Bulimba Barracks Precinct between the Commonwealth Government, Defence and the local community a member of the Society first contacted representatives of Defence in December 2016. The Society was not aware of Defence being involved in other direct public consultation in Bulimba. The Society only became aware of the *Moreton* project on 31 March 2017.
16. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places and the Defence

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Estate Quality Management System (DEQMS) identifies Defence requirements in relation to this and other Acts and states in relation to Heritage Management:

“Defence seeks to manage heritage values on its estate consistent with the principles and requirements of Commonwealth heritage legislation. This includes the identification and management of risks to heritage during the planning, development and operation of Defence facilities (including bases and training areas).”⁴

17. While the Society understands the Project is addressing ongoing operational requirement for the Navy, it feels the following points should be considered by the committee when undertaking any assessment:
 1. The area of the Project is part of a Bulimba Barracks Precinct (the Precinct) and is important in the cultural and heritage values of the Bulimba area and a broader Australian context.
 2. Maintaining an active link between the Military and the Bulimba area is a positive move and the Project will maintain such a link.
 3. Military forces, both Australian and International have had a long association with the Precinct in peace time and during multiple conflicts.
 4. Support for this and other Defence projects will be enhanced by transparency in the planning process, specifically in relation to the cultural and heritage values and support for ongoing community engagement with that heritage.
 5. Although the Project under consideration is specific to an area contained within the Precinct it cannot be considered without reference to the overall Precinct, the surrounding area and its culture and heritage, current and future development.
 6. The Project should be undertaken in a manner that makes a positive contribution to the community and recognition of the Precinct’s culture and heritage and connection links.
 7. To date, it appears Defence has not:
 - a. undertaken appropriate research to determine the cultural and heritage significance of the Precinct and Defence facilities contained within this Precinct;
 - b. conformed to the requirements identified by Defence;
 - c. given enough consideration to recognition of culture and heritage and how this can be preserved within the Bulimba community; and
 - d. appropriately addressed community concerns raised about links between the Precinct, neighbouring properties, emerging communities and development sites along the river.

6. Site Importance and Defence Actions related to Culture and Heritage

18. Under the EPBC Act Commonwealth agencies have a responsibility to undertake an assessment process to identify which of the places they own or control have

⁴ www.defence.gov.au/estatemangement/Governance/Policy/Environment/Heritage/default.asp

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Commonwealth Heritage values. Defence has developed a toolkit⁵ to assist officers comply with the requirements of the EPBC Act and it states that:

“for Defence to comply with requirements under Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) legislation (for sites on the Commonwealth Heritage List (CHL); and/or to protect and manage the heritage values of sites (both heritage listed and even some not listed) during strategic and master planning, development, redevelopment, maintenance and refurbishment.”

19. The Defence toolkit also recognises some sites are not on the Commonwealth Heritage List, but still require a Heritage Management Plan to appropriately protect any identified heritage values. Under the EPBC Act, these sites may be picked up under section 28 which states that a Commonwealth agency cannot take an action that has, will have or is likely to have, a significant impact on the environment, which now formally includes heritage.
20. When meeting with the Project representatives the Society were advised they had not and did not believe it is appropriate to make details of their heritage assessment public. The Society has also been informed by representatives of Defence a Heritage Management Plan has not been developed for the Bulimba Barracks Precinct which includes the Project site. The Defence “Statement of Evidence” to the Committee states: *“The IER concluded that heritage risks associated with the project are minor and manageable through the development of a site specific Construction Environmental Management Plan.”*
21. In the “Guidance on Preparing Construction Environmental Management Plans”⁶ it states Defence has identified a list of commonly overlooked issues in CEMPs relating to the environmental aspects and Environmental Heritage is identified as one of these issues.
22. While we have not seen the Initial Environmental Review (IER), the Society has concerns because no Heritage Management Plan has been developed as required by the DEQMS and therefore any Construction Environmental Management Plan (CEMP) may not address heritage concerns.
23. The Society has reviewed a report prepared by Jacobs in November 2014. This report refers to a Department of Defence Site Precinct contained within the Bulimba District Neighbourhood Plan. The Society notes the site for the Project is contained within this precinct. In its section in Heritage significance this report also identifies the site as being:

“An important remnant of the United States Military presence in Brisbane during the Second World War” and that it “plays a very important role in Brisbane’s military history”.

⁵ <http://www.defence.gov.au/estatemangement/governance/Policy/Environment/Heritage/Docs/HeritageToolkit.pdf>

⁶ <http://www.defence.gov.au/estatemangement/governance/Policy/Environment/EIA/Guidance/CEMPGuidance.doc>

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24. It highlights this importance in areas such as it being:

- *“A surviving Second World War industrial base established by the United States Military in 1943 and reflecting the unrepresented military activity along the Brisbane River”;*
- *“A rare example of a Second World War barge building facility built for the United States Military built at a time of intensive military activity in Brisbane by the United States Military”: and*
- *“Important in demonstrating a high degree of creative or technological achievement at a particular period as an important surviving United States Military industrial facility for the intensive manufacture of barges.”*

25. In the Site inspection of the report it identifies that “more research and investigation would be required” in relation to the Chinese labour camp and subsurface historical archaeological remains on land and in the river bed. The Society research found “Approximately 800 Chinese lived in barracks at the Chinese Camp, Camp "A", near Apollo Road at Bulimba and were involved in building landing barges for the Americans.”⁷ **The Society believes the Bulimba Barracks Precinct was home to the largest group of Chinese workers in Australia.**

26. The report goes on to detail some of the specific aspects of the barge building activities including the significance involvement of Chinese labourers involved in this activity. These labourers were housed in an onsite camp at the western end of the precinct and worked across the Precinct including at the dry dock at the eastern end of the precinct. This link between Australia and China during WW2 is an important cultural and heritage aspect of the Precinct.

27. In the “Statement of Evidence” to the Committee it was identified in relation to “Native Title/Indigenous Land Use Agreements that “. The proposed works at Moreton have no known Native Title or Indigenous Land Use Agreement issues.” The Society believes the Project needs to be assessed in relation to the Native Title Act 1993 (Cth) and the Society notes that “Project Element 8 – Boat Ramp” appears to be tidal works and the proposed work is to be carried out on land in which native title rights and interests may exist.

28. While the WW2 history of the site is significant from a Commonwealth prospective, the history of the site preceding this period should also be understood as a location where the first interaction between indigenous people occurred prior to John Oxley where Phampllett, Finnigan and Parsons had begun living with local tribes. The site was used for farming, housing and industrial activities including a candle works.

29. While some history is identified much has been omitted from the Jacobs report and the Society believes that if this report has provided the basis of the Project “Construction Environmental Management Plan” than Defence has not effectively completed activities in accordance with the EPBC Act and its own requirements.

⁷ <http://www.ozatwar.com/ozatwar/chinesebulimba.htm>

7. Comments for Consideration by the Committee

30. The Society supports an active military presence will be maintained in the Bulimba Barracks Precinct and would like Defence to consider how that active presence can be integrated with a recognition of past activities on the site that played an important part in the defence of Australia and World War Two.
31. The Society recognises the work undertaken by Defence to date in relation to heritage at the Precinct but believes additional works including the preparation of a Heritage Management Plan are required to identify specific cultural and heritage aspects and determine how cultural and heritage values should be protected. The Society notes the Jacobs report identifies additional works are required.
32. While Defence is in the process of preparing plans in relation Construction Environmental Management, the Society believes these plans are passive and should not only identify how to protect the sites cultural and heritage values insitu but should also promote the integrity of the Precinct through recognition and connectivity.
33. While understanding *Moreton* is a Commonwealth site it is noted some work is planned on public land (Taylor Street Park road reserve) and the Brisbane River (boat ramp). Community concerns have been raised through a Brisbane City Council local master planning process in regard to public land and connection links. Neither the Commonwealth Government nor Defence were involved in any public community consultation relevant to the process.
34. Historically the local community values links to public land and the Brisbane River. Local planning requirements and conditions in relation to connectivity have been required on current and future development sites, as evidenced by planning requirement imposed on adjacent developments. The Society acknowledges Defence plans show a future walkway along the southern boundary of the *Moreton* site however community concerns about public ownership and usage have not been publicly addressed by Defence.
35. Although the Precinct is recognised for its local heritage significance the Society believes it is an oversight that its importance is not recognised by the Commonwealth and, to date, Defence has not completed a Heritage Management Assessment. The Society requests the significant cultural and heritage values of the Bulimba Barracks Precinct, which includes the project site, are assessed against all relevant criteria demonstrating cultural and heritage significance to the Commonwealth and Queensland. In December 2016 Society members made submissions to Defence in relation to these matters.

**ANNEX B TO
DGCFI/OUT/2017/AF28398671
JUNE 2017**

**EAST
BUG**



Easy and Sustainable Transport Bicycle User Group Inc.
PO Box 794, Morningside QLD 4170

eastbug.org.au

27 April 2017

HMAS Moreton Unit Relocation Project – Submission

Thank you for this opportunity to provide input on the HMAS Moreton Unit Relocation Project, HMAS Moreton, Bulimba Queensland.

EaST BUG Inc. is the bicycle user group representing the interests of people who ride in the eastern suburbs of Brisbane, including the site currently occupied by HMAS Moreton, and the surrounding suburbs.

We note the importance of the Brisbane River to the people of Brisbane and of Queensland. We request that any sale or donation of the land in Bulimba should include the following covenant: Any future use of the land should provide public access to the bank of the Brisbane River, in the form of a riverside park at least 10m in width. This park should include a pedestrian and bicycle thoroughfare along the river through the current site.

This is consistent with the South East Queensland Principal Cycle Network Plan, which identifies the southern bank of the Brisbane River as a principal cycle route on Map 10 (see figure 1). It is also consistent with the intention to make this a primary cycle route according to the Bicycle Network Overlay in Brisbane City Plan 2014 (see Figure 2).

Regards,

Belinda Ward

President

Easy and Sustainable Transport Bicycle Users Group Incorporated

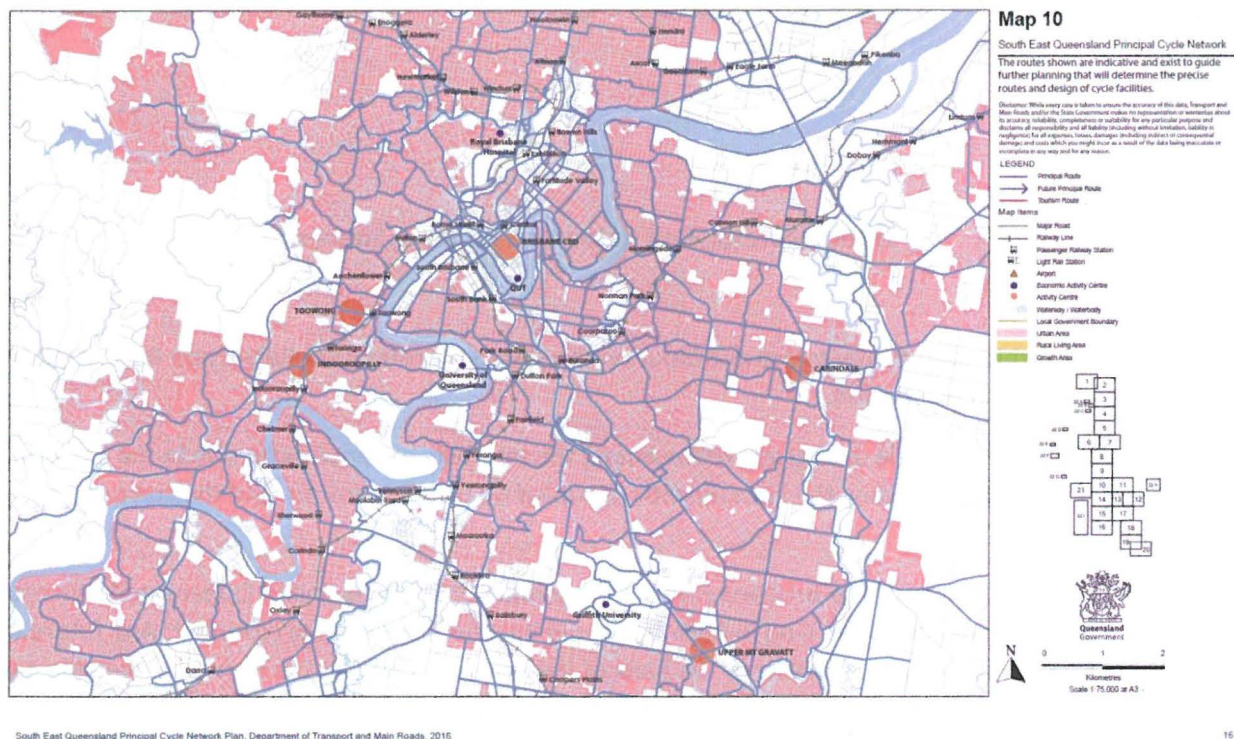


Figure 1 - South East Queensland Principal Cycle Network Map 10

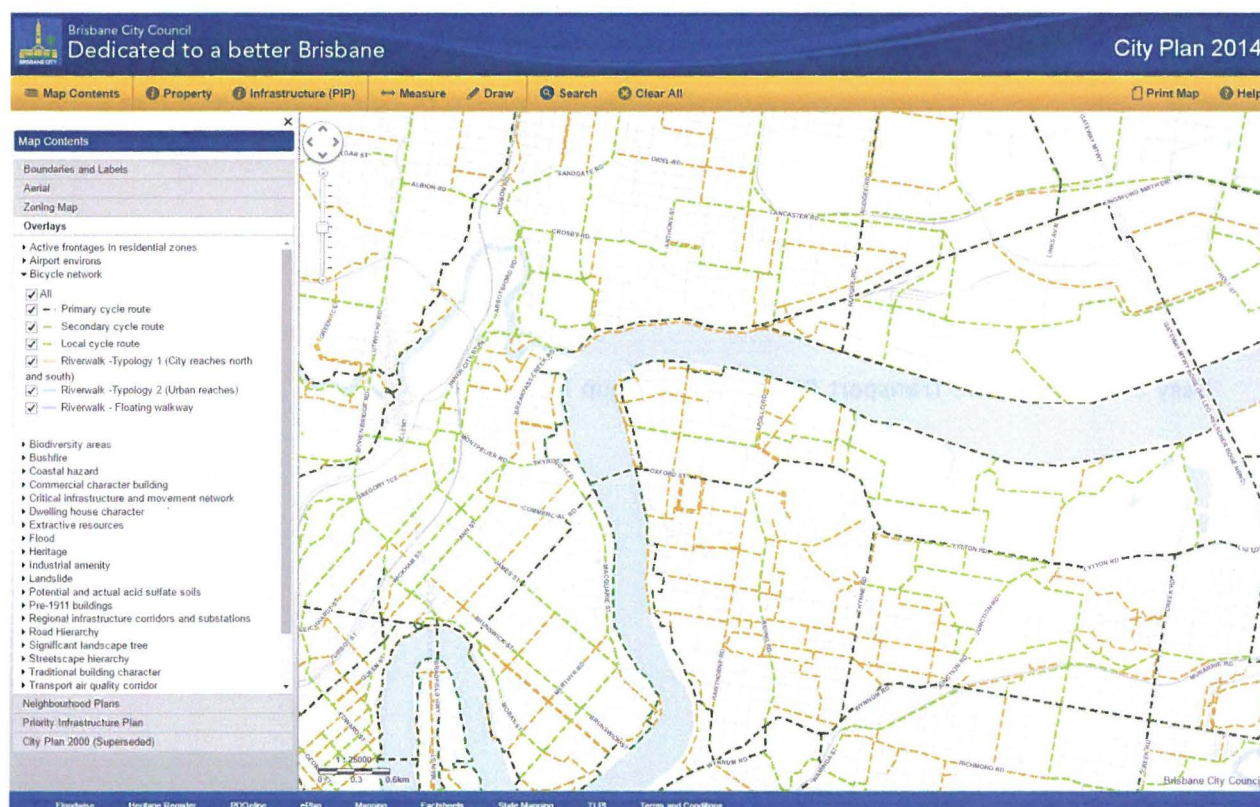


Figure 2 - Brisbane City Plan 2014 showing Bicycle Network Overlay

**ANNEX C TO
DGCPI/OUT/2017/AF29105796
JUNE 2017**

Bulimba District Historical Society inc

1.1 SUPPLEMENTARY SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS

HMAS MORETON UNIT RELOCATION PROJECT

HMAS Moreton, Bulimba, Queensland

17 May 2017

Bulimba District Historical Society inc
PO Box 634
BULIMBA QLD 4171

1.1 Supplementary Submission on HMAS Moreton Relocation Project – May 2017

1. The Bulimba District Historical Society inc (the Society) has made a previous submission dated 26 April 2017 to the Parliamentary Standing Committee on Public Works (PWC) in relation to the HMAS Moreton Unit Relocation Project, Bulimba, Queensland (the Project) stating:

“To date, it appears Defence has not:

- a) undertaken appropriate research to determine the cultural and heritage significance of the Precinct and Defence facilities contained within this Precinct;
 - b) conformed to the requirements identified by Defence;
 - c) given enough consideration to recognition of culture and heritage and how this can be preserved within the Bulimba community; and
 - d) appropriately addressed community concerns raised about links between the Precinct, neighbouring properties, emerging communities and development sites along the river.”
2. The concerns expressed in the April 2017 submission have been reinforced by consultation that the Society has participated in and reading submissions to the PWC.
 3. The government owned HMAS *Moreton* site, Bulimba, Queensland (formerly Bulimba Barracks), comprising both the Project site and Disposal site, is part of an overall precinct that is important to the heritage of Bulimba and was a vital cog in the Australian-American forces during World War II. This heritage must be protected as part of any redevelopment within both the Project site and Disposal site.
 4. In evidence given before the PWC at a public hearing on Friday, 5 May 2017:

Ms Keay stated:

“There is nothing about heritage in the risk register”

Brig. Beutel stated:

“there is no referral required at all under the EPBC Act, the heritage risks are minor and the mitigation measures will be stipulated within a construction environmental management plan”

and

“in relation to heritage—Indigenous and non-Indigenous or European heritage—are very true, but for 80 per cent of the Bulimba barracks it is more focused on the area to be disposed of as opposed to the retained site for that.”

and Lt Col. Pollard stated that:

“At the point in time when we did the initial environmental review, there was uncertainty around a couple of items on the site and whether there was significance associated with them.” and this uncertainty included “the stone wall which separates the site from the river” and “an existing warehouse”.

and

“There is no master plan. No master planning activity has been conducted on our site in terms of zoning for specific uses”

1.1 Supplementary Submission on HMAS Moreton Relocation Project – May 2017

5. The Society's April 2017 submission provided details of the EPBC Act requirements related to the Project site and under this Act and Defence protocols a Heritage Assessment needs to be undertaken and any reasonable assessment will lead to a decision needing to be made about Commonwealth Heritage listing for the Precinct and this cannot be ignored and completed as part of any future disposal of an adjacent site.
6. The Society is not sure of the basis or justification for Brig. Beutel's statement that *"there is no referral required at all under the EPBC Act"* and we believe that as a decision-maker Defence should outline its reasons for such a decision.
7. If Brig. Beutel's statement about 80% of the heritage issues relate to the Disposal site than logically 20% of the Indigenous and non-Indigenous or European heritage issues relate to the Project site.
8. At a meeting on Saturday 8 April, 2017 between representatives of the Society and representatives of the Project team we specifically asked if aspects of heritage significance have been identified on the Project site and the Society was advised that only minor issues have been identified and any issues will be managed as part of the Construction and Environmental Management Plan.
9. A report commissioned by Defence from Jacobs dated 27 November 2014 identifies *"Stone wall along the entire riverbank of Bulimba Barracks"* (including the Project site) as *"requiring more research and investigation"* and based on a statement from Lt Col. Pollard *"an existing warehouse"* also falls into this category.
10. The Society notes Defence has not identified heritage on the risk register associated with this Project but given the uncertainty raised in the statement by Lt Col. Pollard and *"minimal risk"* raised by Brig. Beutel it appears there potential risk.
11. It is clear from Defence evidence that there is uncertainty about heritage issues related to the Project site and therefore an assessment that these are *"minor and the mitigation measures will be stipulated within a construction environmental management plan"* is a subjective statement not supported by evidence.
12. Lt Col. Pollard stated *"There is no master plan"* while in Department of Defence, Supplementary Submission to the PWC dated 21 April on Page F-6 it details *"The site is Commonwealth land that sits within a Neighbourhood District Plan and the Bulimba Barracks Masterplan area"*, a planning instrument that recognises the heritage on the site.
13. The Society believes in relation to the Project site:
 - Defence are required to undertake a heritage assessment and heritage management plan and to date this has not been done.
 - The Project team have not been transparent about heritage issues on the Project site even though the Society has been fully supportive of the Project and shown a willingness to engage about heritage issues.
 - Representatives of Project are uncertain about the heritage values of the Project site and this uncertainty will not be resolved unless a full heritage assessment is undertaken.
 - A valid Construction and Environmental Management Plan cannot be documented without understanding the heritage aspects of the site.

1.1 Supplementary Submission on HMAS Moreton Relocation Project – May 2017

14. We therefore request that in line with our previous submission related to the HMAS Moreton Unit Relocation Project, HMAS Moreton, Bulimba, Queensland, the Parliamentary Standing Committee on Public Works:

1. *Request Defence prepare a Heritage Management Plan for the Defence land that forms part of the Bulimba Barracks Precinct including the area included in the Project that complies with Legislation and Defence requirements including:*
 - *the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);*
 - *Native Title Act 1993 (Cth); and*
 - *Defence Estate Quality Management System.*
2. *Ensure Heritage investigations and consultation should be undertaken in such a manner and detail to satisfy statutory responsibilities and duties of care, under relevant legislation and consider the community relationship with the heritage.*
3. *Ensure engagement with the original owners and custodians of the region of present-day Brisbane, Queensland, in any cultural and heritage assessment and development work plans including the boat ramp.*
4. *Ensure engagement with the Chinese community to ensure special consideration is given to the cultural and heritage connection of this site to the Chinese involvement in assisting the defence of Australia during World War Two.*
5. *Examine if any complete cultural and heritage assessment will result in the Precinct meeting one or more of the nine Commonwealth Heritage List criteria and need to be considered if advice should be referred to the Federal Minister for the Environment and the Australian Heritage Council.*
6. *Request this project consider its cultural and heritage responsibilities are not limited to the specific area of the Project but need to recognise its linkage and consider an Easement area for a pedestrian and bicycle corridor link to the broader Bulimba Barracks Precinct and neighbouring properties along the river including to the east, Taylor Street Park and 153 Taylor Street, Bulimba (this site originally formed part of the Bulimba Barracks at the time of the Second World War site) and to the west, Byron Street Precinct and Apollo Road ferry.*

**ANNEX D TO
DGCFI/OUT/2017/AF29105796
JUNE 2017**

**ANNEX D TO
DGCFI/OUT/2017/AF29105796
JUNE 2017**

KEY QUESTIONS AND ISSUES RAISED BY PUBLIC SUBMISSIONS

A summary of the key items raised by all three Public Submissions, including Defence's responses are provided in the table below:

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
We request that any sale or donation of the land in Bulimba should include the following covenant: Any future use of the land should provide public access to the bank of the Brisbane River, in the form of a riverside park at least 10m in width. This park should include a pedestrian and bicycle thoroughfare along the river through the current site.	Any future use of the Bulimba Barracks disposal site is a matter for the future owner and subject to the Brisbane City Council's Proposed Masterplan, which currently indicates the provision of green spaces for pedestrian and bicycles along the Brisbane River frontage. Any matters concerning the sale of Bulimba are separate to this Project.	Easy and Sustainable Transport Bicycle Users Group Incorporated Submission, dated 27 April 2017
Request Defence prepare a Heritage Management Plan for the Defence land that forms part of the Bulimba Barracks Precinct including the area included in the Project that complies with Legislation and Defence requirements including: <ul style="list-style-type: none"> the Environment Protection and Biodiversity Conservation Act 1999; Native Title Act 1993 (Cth); and Defence Estate Quality Management System. 	In accordance with the Brisbane City Council's proposed Masterplan, a Heritage Management Plan for the portion of the site to be disposed will be the obligation of the purchaser, subject to the proposed development of the land.	Bulimba District Historical Society Incorporated Submission, dated 26 April 2017.

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
Ensure Heritage investigations and consultation should be undertaken in such a manner and detail to satisfy statutory responsibilities and duties of care, under relevant legislation and consider the community relationship with the heritage.	Any future use of the Bulimba Barracks disposal site is a matter for the future owner and subject to the Brisbane City Council's Proposed Masterplan.	
Ensure engagement with the original owners and custodians of the region of present-day Brisbane, Queensland, in any cultural and heritage assessment and development work plans including the boat ramp.	In accordance with the Brisbane City Council's proposed Masterplan, a Heritage Management Plan (which should include heritage investigations and consultations) for the portion of the site to be disposed will be the obligation of the purchaser, subject to the proposed development of the land.	
Ensure engagement with the Chinese community to ensure special consideration is given to the cultural and heritage connection of this site to the Chinese involvement in assisting the Defence of Australia during World War Two.	A detailed Heritage Assessment of HMAS <i>Moreton</i> , will be prepared in accordance with the Commonwealth, Queensland State and Local Government heritage criteria. Engagement with the Chinese community should occur as part of the purchaser's Heritage Management plan, noting that the Chinese workers camp is located off Hood Street in Bulimba Barracks near Apollo Road, which is not located in the vicinity of the proposed HMAS <i>Moreton</i> site.	
Examine if any complete cultural and heritage assessment will result in the Precinct meeting one or more of the nine Commonwealth Heritage List criteria and need to be considered if advice should be referred to the Federal Minister for the Environment and the Australian Heritage Council.	In accordance with the Brisbane City Council's proposed Masterplan, a Heritage Management Plan (which would include cultural and heritage assessments) for the portion of the site to be disposed will be the obligation of the purchaser, subject to the proposed development of the land.	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
Request this project consider its cultural and heritage responsibilities are not limited to the specific area of the Project but need to recognise its linkage and consider an Easement area for a pedestrian and bicycle corridor link to the broader Bulimba Barracks Precinct and neighbouring properties along the river including to the east, Taylor Street Park and 153 Taylor Street, Bulimba (this site originally formed part of the Bulimba Barracks at the time of the Second World War site) and to the west, Byron Street Precinct and Apollo Road ferry.	<p>A key requirement for Navy's continued presence at HMAS <i>Moreton</i> is to maintain secure river front access which includes access to the existing pontoon and boat ramp. Subsequently pedestrian and bicycle access through the retained HMAS <i>Moreton</i> site will not be possible.</p> <p>The provision of an easement would result in a change to the current security risks posed to Defence, the immediate neighbouring properties and any member of the public using the easement. Additionally, the provision of an easement would require both initial and ongoing maintenance costs. Defence considers alternative linkages between the Bulimba Barracks Precinct and 163 Taylor Street could be made to achieve the same intent whilst mitigating the risks.</p> <p>Any cultural and heritage considerations of the Bulimba Precinct and neighbouring properties along the river including to the east, Taylor Street Park and 153 Taylor Street, Bulimba and to the west, Byron Street Precinct and Apollo Road ferry are subject to the Brisbane City Council's proposed Master Plan and matters for the current/future owners.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
<p>To date, it appears Defence has not:</p> <ul style="list-style-type: none"> a. undertaken appropriate research to determine the cultural and heritage significance of the Precinct and Defence facilities contained within this Precinct; b. conformed to the requirements identified by Defence; c. given enough consideration to recognition of culture and heritage and how this can be preserved within the Bulimba community; and d. appropriately addressed community concerns raised about links between the Precinct, neighbouring properties, emerging communities and development sites along the river. 	<p>Defence considers that it has undertaken appropriate research for the site to determine the cultural and heritage significance of HMAS <i>Moreton</i>. Defence commissioned an Initial Environmental Review that assessed the cultural and heritage aspect of the Project works. This review determined that the only cultural and heritage feature present on HMAS <i>Moreton</i> was the warehouse, which is likely to have been built before or during World War II. No alteration of the existing warehouse is proposed as part of the Project works.</p> <p>In addition, the Initial Environmental Review also determined that the Project was unlikely to have significant impacts on matters protected by the EPBC Act.</p> <p>Defence will engage an appropriately qualified heritage consultant to complete a detailed Heritage Assessment of HMAS <i>Moreton</i>, against the Commonwealth, Queensland State and Local Government heritage criteria.</p> <p>Links between the precinct neighbouring properties, emerging communities and development sites along the river are subject to Brisbane City Council's proposed Masterplan and matters for the current/future owners.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
<p>In the “Statement of Evidence” to the Committee it was identified in relation to Native Title/Indigenous Land Use Agreements that “The proposed works at Moreton have no known Native Title or Indigenous Land Use Agreement issues.” The Society believes the Project needs to be assessed in relation to the Native Title Act 1993 (Cth) and the Society notes that “Project Element 8 – Boat Ramp” appears to be tidal works and the proposed work is to be carried out on land in which native title rights and interests may exist.</p>	<p>In relation to the Native Title Act 1993 (Cth) HMAS <i>Moreton</i> is Freehold land and therefore Native Title is extinguished. Native Title may exist over State owned property, as is the case with the boat ramp area.</p> <p>National Native Title Tribunal (NNTT) file No: QCD2015/001 - Applicants Yugara/Yugarapul People and Turrbal People placed a claim over greater area of Brisbane (which includes the Project site).</p> <p>Application NNTT QCD2015/001 determined in March 2015 that Native Title over the boat ramp did not exist. There is no current Application covering/encompassing the Project site.</p> <p>Using the Australian Heritage Commissions' "Ask First" Guide, steps have been made to identify the traditional owners and Applicant group through the Queensland South Native Title Services (QSNTS). As part of the State Assessment Referral Agency process for the development associated with the boat ramp site, QSNTS will be consulted and a request will be made to meet with relevant Applicant group. As part of the mitigation measures identified by the Initial Environmental Review (attached at annex F), the Construction Environmental Management Plan will identify how to treat cultural heritage sites if discovered during excavation works.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
While some history is identified much has been omitted from the Jacobs report and the Society believes that if this report has provided the basis of the Project “Construction Environmental Management Plan” than Defence has not effectively completed activities in accordance with the EPBC Act and its own requirements.	The ‘Jacobs report’ referred to by the Bulimba District Historical Society Incorporated was commissioned for the disposal of the site and not the HMAS <i>Moreton</i> Project. However, the report was considered as part of developing the HMAS <i>Moreton</i> Project’s Initial Environmental Review. The proposed HMAS <i>Moreton</i> ’s site history was assessed in the HMAS <i>Moreton</i> Project’s Initial Environmental Review and will be further investigated as part of the proposed detailed Heritage Assessment. Mitigation measures will be included in the Construction Environmental Management Plan in order to ensure compliance with appropriate Commonwealth, Queensland State and Local Government heritage acts and policies.	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
<p>Although the Precinct is recognised for its local heritage significance the Society believes it is an oversight that its importance is not recognised by the Commonwealth and, to date, Defence has not completed a Heritage Management Assessment. The Society requests the significant cultural and heritage values of the Bulimba Barracks Precinct, which includes the project site, are assessed against all relevant criteria demonstrating cultural and heritage significance to the Commonwealth and Queensland. In December 2016 Society members made submissions to Defence in relation to these matters.</p>	<p>A review of the heritage aspects of the HMAS <i>Moreton</i> Project site was conducted during the Initial Environmental Review, whereby it was determined that the Project site did not contain significant cultural heritage values. The only building within HMAS <i>Moreton</i> with potential heritage value is the existing warehouse, which may have been built before or during World War II. This warehouse will not be impacted by the Project works.</p> <p>Defence will engage an appropriately qualified heritage consultant to complete a detailed Heritage Assessment of HMAS <i>Moreton</i>, against the Commonwealth, Queensland State and Local Government heritage criteria.</p> <p>In accordance with the Brisbane City Council's proposed Masterplan, a Heritage Management Plan for the portion of the site to be disposed will be the obligation of the purchaser, subject to the proposed development of the land.</p>	
<p>The Society's April 2017 submission provided details of the EPBC Act requirements related to the Project site and under this Act and Defence protocols a Heritage Assessment needs to be undertaken and any reasonable assessment will lead to a decision needing to be made about Commonwealth Heritage listing for the Precinct and this cannot be ignored and completed as part of any future disposal of an adjacent site.</p>	<p>A detailed Heritage Assessment of HMAS <i>Moreton</i> will be prepared in accordance with the Commonwealth, Queensland State and Local Government heritage criteria. The detailed Heritage assessment will identify any mitigation measures to be implemented by the project.</p>	<p>Bulimba District Historical Society Incorporated Submission, dated 17 May 2017.</p>

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
The Society is not sure of the basis or justification for BRIG. Beutel's statement that "there is no referral required at all under the EPBC Act" and we believe that as a decision-maker Defence should outline its reasons for such a decision.	<p>An Initial Environmental Review was prepared for the Project which involved a review of environmental and heritage conditions on site, based on a risk assessment, and a site inspection to ground truth conditions.</p> <p>As a part of this review, the stone wall along the entire riverbank was identified as being of potential heritage significance by Brisbane City Council. However, further investigation determined the stone wall is not included in the Brisbane City Council heritage listing.</p> <p>The Environmental Assessment Report prepared for the Project by Defence's Environmental Assessment and Protection Branch states that "the redevelopment of the Navy Headquarters – South Queensland is unlikely to have significant impacts on matters protected by the EPBC Act. Therefore, there is no requirement to refer the activity to the Environment Minister for assessment and approval."</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
<p>If BRIG Beutel's statement about 80% of the heritage issues relate to the Disposal site than logically 20% of the Indigenous and non-Indigenous or European heritage issues relate to the Project site.</p>	<p>BRIG Beutel's statement highlighted that the disposal site makes up 80% of the land currently owned by the Commonwealth and that it is known that there are items of Indigenous, non-Indigenous and European heritage on the disposal site.</p> <p>In accordance with the Brisbane City Council's proposed Masterplan, a Heritage Management Plan (including traditional owners) for the portion of the site to be disposed will be the obligation of the purchaser, subject to the proposed development of the land.</p> <p>The Initial Environmental Review prepared for the project states that the warehouse is the only item considered to be of potential heritage value as it was likely constructed during WWII. However no alteration to the existing warehouse is proposed as a part of this Project.</p> <p>A detailed Heritage Assessment of HMAS <i>Moreton</i>, will be prepared in accordance with the Commonwealth, Queensland State and Local Government heritage criteria.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
At a meeting on Saturday 8 April 2017 between representatives of the Society and representatives of the Project team we specifically asked if aspects of heritage significance have been identified on the Project site and the Society was advised that only minor issues have been identified and any issues will be managed as part of the Construction and Environmental Management Plan.	<p>The Initial Environmental Review prepared for the project states that the warehouse is considered to be of potential heritage value as it was likely constructed during WWII. However no alteration to the existing warehouse is proposed as a part of this Project.</p> <p>The detailed Heritage Assessment of HMAS <i>Moreton</i>, will be prepared in accordance with the Commonwealth, Queensland State and Local Government heritage criteria.</p> <p>As part of the mitigation measures identified by the Initial Environmental Review (attached at annex F), the Construction Environmental Management Plan will identify how to treat unknown cultural heritage sites if discovered during excavation works.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
A report commissioned by Defence from Jacobs dated 27 November 2014 identifies “Stone wall along the entire riverbank of Bulimba Barracks” (including the Project site) as “requiring more research and investigation” and based on a statement from Lt Col. Pollard “an existing warehouse” also falls into this category.	<p>An Initial Environmental Review was prepared for the Project which involved a review of environmental and heritage conditions on site, based on a risk assessment, and a site inspection to ground truth conditions.</p> <p>As a part of this review it was identified that part of Bulimba Barracks has been heritage listed by the Brisbane City Council for its WWII heritage values. A stone wall along the entire riverbank was identified as being of potential heritage significance. However, further investigation determined the stone wall is not included in the Brisbane City Council heritage listing.</p> <p>The report also states that the warehouse is considered to be of potential heritage value as it was likely constructed during WWII. However no alteration to the existing warehouse is proposed as a part of the HMAS <i>Moreton</i> Project.</p>	

SUMMARY OF KEY ISSUES		
ISSUE/RECOMMENDATION	DEFENCE RESPONSE	RAISED BY
The Society notes Defence has not identified heritage on the risk register associated with this Project but given the uncertainty raised in the statement by Lt Col. Pollard and “minimal risk” raised by BRIG Beutel it appears there potential risk.	<p>An Initial Environmental Review was prepared for the Project which involved a review of environmental and heritage conditions on site, based on a risk assessment, and a site inspection to ground truth conditions.</p> <p>Based on the findings of this review, Heritage has not been identified as a risk as no works are proposed to any heritage items, and subsequently heritage was not identified in Defence’s risk register due to conclusions drawn from the Initial Environmental Review and the Environmental Assessment Reports.</p>	
It is clear from Defence evidence that there is uncertainty about heritage issues related to the Project site and therefore an assessment that these are “minor and the mitigation measures will be stipulated within a construction environmental management plan” is a subjective statement not supported by evidence.	A detailed Heritage Assessment of HMAS <i>Moreton</i> will be prepared in accordance with the Commonwealth, Queensland State and Local Government heritage criteria.	
Lt Col. Pollard stated “There is no master plan” while in Department of Defence, Supplementary Submission to the PWC dated 21 April on Page F-6 it details “The site is Commonwealth land that sits within a Neighbourhood District Plan and the Bulimba Barracks Masterplan area”, a planning instrument that recognises the heritage on the site.	The statement made by Lt Col. Pollard is in relation to internal Defence master plans which are usually developed for each Defence establishment. The referenced master plan is a strategic land management document that is developed to identify and illustrate the optimal spatial allocation of land for the orderly development or re-development of the Defence Estate.	

**ANNEX E TO
DGCFI/OUT/2017/AF29105796
JUNE 2017**

Performance objective	Legislative reference	Mitigation strategies	Actions required	Timing	Responsibility	Performance monitoring
Heritage						
No damage to any cultural heritage artefact and cultural heritage values are maintained	ACH Act <i>Queensland Heritage Act 1992</i>	Comply with duty of care requirement under the applicable legislation No damage to existing property of cultural heritage significance	Advice is being sought from BCC to confirm the heritage value of the stone wall along the river Design the boat ramp to avoid or minimise any disturbance, alteration or demolition to the stone wall	Prior to works commencing	Project Services	Site audit and visual inspection
			During construction, Contractors are to be aware of the possibility of unearthing cultural heritage artefacts In the event that any cultural material is discovered during construction, Defence is to be notified, work suspended within 50 m of the item or place of cultural significance and the area cordoned off until arrangements can be made in accordance with the Act to prevent any impacts in relation to the items and enable collection or excavation of the materials Ensure all obligations for reporting and notification under the Act are carried out	Early works and construction	Contractor	Audit of contractor inspection diary
Cultural heritage material is recognised	ACH Act <i>Queensland Heritage Act 1992</i>	All personnel to respect local cultural heritage values	All personnel to be made aware of the significance of the heritage listed buildings and walls within and adjacent to the site, and the potential for artefacts to be located within the site	Early works prior to works commencing	Contractor	Audit of training records