

Decision-Making Processes Regarding the Fitters' Workshop

*The material below is a revised and extended version of section 5 in Submission 36 to the Standing Committee on Education, Training and Youth Affairs **Inquiry into the Future Use of the Fitters' Workshop in the Kingston Arts Precinct**. The revision derives from further work on documents obtained through FOI requests, three relevant Conservation Management Plans and from evidence presented to the Inquiry.*

This supplementary submission deals with two issues regarding the decision-making process for the future occupation of the Fitters' Workshop:

1. Consultations with stakeholders regarding the Fitter's Workshop
2. Advice to government regarding the adaptive re-use of the Fitters' Workshop.

The material is derived from documents obtained mainly through FOI requests, press releases, Conservation Management Plans, and two submissions to the Inquiry itself (Colin Stewart and Megalo Print Studio). The FOI request (24 June) was made by Ms Vicki Dunne to the Community Services Directorate and the Economic Development Directorate. It covered:

but is not limited to, records of correspondence, meetings, and telephone conversations including, but not limited to, letters, file notes, emails, media releases, minutes, briefings, submissions, invitations, reports of relevant experts, notes of meetings, and social, economic and environmental analysis reports.

In particular, and again without limiting the scope of this request, I request documents relating to internal and public consultation, the taking of advice from relevant experts, and public feedback that has occurred after the date on which the government made the decision to relocate Megalo to the Fitters' Workshop, particularly in relation to, but not limited to, consideration given to the claims made as to the acoustic quality of the Fitters' Workshop; the heritage status of the Fitters' Workshop and the implications that has for the proposed adaption works; and whether the government has a master plan for the Kingston arts precinct.

Ms Dunne has kindly made the documents she received available to me.

1. Consultations with Stakeholders

Some serious issues and questions arise from the accounts in various documents of stakeholder consultations. These will be noted as they arise and, for easy reference, listed again at the end of this sub-section.

Megalo's submission to the Inquiry traces their interest in the Fitters' Workshop to advocacy that began in 1998. which was initially directed to co-locating four visual arts organisations, one of which was Megalo, in one place (p. 13). The submission states that in June 2007 Megalo was informed that they were 'one of three organisations being considered for tenancy of the Fitters' Workshop' (p. 15). This letter was not made available in the documentation from the FOI request, nor any background to this letter. **The grounds for this determination cannot, therefore, be ascertained.**

A briefing paper to the Minister for Land & Property Services (28 January, 2010; document EDD 2011/11178, folio 316-283) states that:

*In 2007 the Land Development Agency (LDA) completed essential restoration of the basic structure of the Fitters' Workshop and considered its use as office space. As an important component of the Kingston Foreshore cultural precinct the building's end use was reviewed, and **expressions of interest were invited for community/cultural use.***

Several possibilities including performance space, gallery, sculpture workshop and Megalo relocation were considered. The preferred option was to further investigate the relocation of Megalo from the former Weston CIT site to Kingston. (my emphasis)

In the FOI documents to hand, there is no record of any review in 2007, invitation of expressions of interest or consideration of the options just listed. **The question arises as to what else, besides the June 7 letter described in the Megalo submission above, may have constituted the consultation process described in the above ministerial briefing.**

A briefing paper to the Minister for Economic Development (23 May 2011; document EDD 2011/11178, folio 350-342) appears to place the consideration of options one year later in 2008:

In May 2008 the ACT Minister for the Arts announced a scoping study to identify cultural uses for the Fitters' Workshop. Investigations considered options to retain the building as a venue for multiple uses such as exhibitions and concerts, and to adapt it to the specific requirements of Megalo. (my emphasis)

The Megalo submission also records this announcement, viz. that in May 2008, the ACT government informed Megalo that '\$30,000 had been made available for a scoping study into the best use of the Fitters' Workshop' (p. 15). This information is complemented by a letter dated 22 July 2008 (document EDD 09/21/21934, folio 51) from the then-Chair of Megalo Arts (Eleanor Gates-Stuart) to the then-Chief Minister (Jon Stanhope). Referring to a press release, the letter states that the Megalo Board had '*noted with much interest your 6 May 2008 media release announcing funding for a scoping study to identify an appropriate cultural use for the Fitters' Workshop*'. The letter went on to say that '*Megalo looks forward to contributing to the scoping study that will establish the criterion for selecting a future resident for this magnificent heritage building*'.

The FOI documents to hand do not include the Minister's 6 May 2008 press release or the notice to Megalo regarding the scoping study. There is, therefore, no means of considering what may have been said at that point.

Most recently (28 Nov, 2011), **the description in the 23 May 2011 briefing paper above was used almost word-for-word in the ACTPla Notice of Decision on the Development Application (DA) to install offices, a print workshop and a mezzanine floor in the Fitters' Workshop, viz.:**

In May 2008, the ACT Minister for the Arts announced a scoping study to identify an appropriate cultural use for the Fitters' Workshop. Investigations considered options to retain the building a venue for multiple uses such as exhibitions and concerts, and to adapt it to the specific requirements of Megalo Print Studio and Gallery Inc. (Megalo).

The documents to hand contain **no record of any 2008 study that investigated the options described here and in the ministerial briefing.** It is difficult to understand how these investigations might have included using the building for concerts, since its acoustic properties were only discovered in late 2008. **Given that this information is used to justify ACTPla's crucial Decision on the DA, it would be important to verify when these investigations occurred, who was consulted and what was reported.**

The 22 July 2008 letter from Megalo's Chair was followed a month later by another letter from their newly appointed Artistic Director/CEO (Alison Alder) to Chief Minister Stanhope. This letter '*applauds*' the Chief Minister's '*leadership*' in the visual arts in the ACT and stated that '*the reason for this letter is to request tenancy for Megalo of the Fitters' Workshop from you **by executive decision***' (22 August, 2008; EDD 09/21/21934, folio 50-49; my emphasis). In one and a half pages,

the letter gave three reasons for this request¹ and concluded by stating, first, that *'while others may advance claims to the Fitters' Workshop, we believe the case for Megalo's occupancy is compelling'* and, second, that *'It is not often that leaders are in a position to make a decision that would mark an inflection point in the developments of a city's life. We believe this is one such decision'*.

The letter is important both in regard to the request for *'an executive decision'* and in its reference to other claims being made on the Fitters' Workshop. Across the top of this letter is the handwritten note that appears to be Mr Stanhope's: *'This is a persuasive and very tempting proposition. Advice and response please. 28/8'*. **This advice and Mr Stanhope's reply to Megalo are not included in the FOI documents to hand.** However, in evidence to the Inquiry, Ms Alder replied in response to a question that Megalo did not receive a written response to their letter but rather that *'we spoke to public servants who said the government was considering whether we would be appropriate for the scoping study that the government had funds for'* (Hansard Education – 08-02-12, p. 70). In response to further questions, she said there had been no formal response *'from the Chief Minister himself'* but replied affirmatively to the question *'But the response was in the form of discussions and negotiations?'* (p. 70).

It would appear that Megalo's 22 August 2008 letter marks a turning point in the decision-making process. We note that ACT elections occurred in October of that year. During the campaign, the government promised to commit \$1 million to upgrading the Fitters' Workshop (information from the 2011 Conservation Management Plan – see below).

No documents from the FOI request are to hand until 5 months after the Megalo letter and a *'Summary consultant statement of requirement for preparation of a Feasibility Study to determine an appropriate arts use for the historic Fitters' Workshop at the Kingston Foreshore'* (27/1/09, document EDD 09/21/21934, folio 000039). The ambit of this 'appropriate arts use' is foregrounded as follows:

It is envisaged that the Fitters' Workshop, like the Glassworks, would provide opportunities to see 'making' in progress as well as to view completed works. (p. 1)

The Statement gives *'contemporary design and woodworking and visual arts practices such as print making'* as examples of these opportunities (p. 1). Nevertheless, despite this foregrounding, the Statement also specifies that the Feasibility Study is to include consultation with:

- *Key Arts Organisations and/or other artist groups in the Territory with an interest in occupying the Fitters' Workshop*
- *Non-government organisations/individuals commercial operations [sic] with an interest in occupying the Fitters' Workshop, and*
- *Colin Stewart Architects, responsible for the Kingston Foreshore Masterplan. (p. 2)*

The Consultant should:

consider a range of options for locating a mix of not-for-profit arts activities and commercial operations in the Fitters' Workshop considering consultation input, spatial/physical requirements of interested groups, relevant heritage, planning and building approval requirements and policy for arts development. (p. 2)

A hand written amendment adds that the Consultant should *'manage an Expressions of Interest process seeking out interests from arts organisations for use of the facility'* (p. 2).

Significantly, it is noted that *'the building has been used by several groups in recent times'* and that *'an application has also been lodged with the LDA to use the building for the Canberra International*

¹ These were (1) synergies between Megalo's activities and the Glassworks (2) print-making as 'one of the pre-eminent visual mediums in the national capital', and (3) Megalo's success as 'a longstanding, well-managed cultural organisation' and its recent 'process of renewal,' including the appointment of Ms Alder 'to lead the organisation'.

Music Festival' (p. 2). This application was included as Attachment B to the Statement (p. 7). **From at least this point onwards (January 2009), one might suppose that this application would have qualified the Festival organisers as 'an interested group' to be included in consultations.**

However, no documentation from the FOI request is to hand regarding this Feasibility Study, viz: the request for Expressions of Interest, the consultations, the options considered, and how the Expressions of Interest process was managed. Mr Stewart stated in his evidence that he could not recall being '*consulted by Megalo or anyone associated with what is proposed now*' (Education 09-02-12, p 56).

In fact, it seems that this Feasibility Study did not occur. A briefing note to Chief Minister Stanhope on 29 October 2010 (attached to email 20/12/2010; Community Services file number 10-22065, folio 45-48) describes how funding for a feasibility study was rolled over to support scoping work by May & Russell in 2008-09:

*In the 2007-08 ACT budget, \$30,000 was allocated for a feasibility study into the future re-use of the Fitters' Workshop. **This funding was carried over to 2008-09 when architects May & Russell were engaged by artsACT to under some scoping work.** Discussions were held with local arts organisation Megalo Print Studio, which you have identified as your preferred future tenant of the Fitters' Workshop. The Creative Director of the Centenary of Canberra and the Canberra Glassworks also provided input into the discussion on the future use of the Fitters' Workshop. (my emphasis)*

In the documents from the FOI request, **there is no material on input from the Creative Director of the Centenary of Canberra or the Canberra Glassworks.** The briefing above could be read to imply that Creative Director of the Centenary of Canberra and the Canberra Glassworks were consulted as part of the 'scoping work' during the 2008-2009 financial year. However, Robyn Archer's appointment as Creative Director of the Centenary of Canberra was not announced until 8 July 2009. The May & Russell study occurred in the second half of 2009, and in any case was not directed to these kinds of discussions (see below). Ms Alder's evidence to the Inquiry places Ms Archer at a 'stakeholder consultation' much later in January 2011, in which Ms Archer is said to have described Megalo '*as the elephant in the room*' (Education-08-02-12, p. 10). An email released in response to the FOI request, appears to describe both the same meeting and also Mr Sayers' views. Having commented briefly on the final draft of the *Kingston Arts Precinct Strategy* by Susan Conroy and others, the email continues:

The Strategy does offer commentary on the Fitters Workshop and whilst acknowledging the CM's view that Megalo is his preferred fit, there is another serious option which allows wider use of the Fitters and how it relates to the rest of the Precinct. As we all know this was recently canvassed at a workshop with many involved in the arts and Kingston and in the last two weeks by Andrew Sayers, in his capacity as Chair of Canberra Glassworks, when he met with the CM. (18 March 2011; Community Services 11206-1545, folio 286)

From these descriptions, it would seem that **'input' from Ms Archer and Mr Sayers, whenever it occurred, should not be assumed to have favoured the proposal to move Megalo into the Fitters' Workshop.**

In May 2009, an article in the *Northside Chronicle* quoted the newly appointed Executive Director of 'arts, communications, events and protocol within the Chief Minister's Department' as saying '*a study to scope potential uses for the ... [Fitters' Workshop] was underway*' and that '*she was looking forward to seeing the building reach its potential as a visual arts centre or workshop*' (p. 5; 19 May, 2009; document EDD 09/21934; folio 354). In June 2009, a press release from Chief Minister Stanhope (xx June, 2009; reference lost, folio 99) announced the commencement of '*scoping work on the re-use of the Fitters' Workshop for a visual arts organisation*' and that Megalo Print Studio '*is being considered as a potential tenant for the new arts facility*'. In July, emails (name erased 5 July 2009; Alison Alder 20 July 2009; document dated 12/8/09; EDD 09/21934, folio 48-46)

congratulated Mr Stanhope on *'the decision to give the Megalo Public Access Print Workshop a permanent home in the refurbished Fitters' Workshop in Kingston'*. Later, in 2011, the Minister for Economic Development stated in a letter to a person (name suppressed) that *'the Government decided in July 2009 that the Fitters' Workshop would be occupied by Megalo Print Studio'* (20 June 2011; document EDD 2011/11178, folio 38). **No documentation of where, why or how this decision was made has been made available in response to the FOI request.**

The two announcements above occurred during and immediately after the Canberra International Music Festival (7-17 May 2009), which generated extensive press coverage of the now publicly acclaimed acoustic properties of the Fitters' Workshop (e.g. *'Festival prepares to seduce our ears'* CT 5 May 2009; *'A celebration of Sculthorpe'*, CT 12 May 2009; *'Audience charged for final concert of music festival'* CT 23 May 2009; CT Arts section 23 May 2009 *'Promising venue'*, p. 21). However, as was clear from these announcements, Megalo Arts was considered the only legitimate stakeholder in the future of Fitters' Workshop. According to the Festival Chairman, Professor Don Aitkin, AO:

I wrote to the Minister [Barr] after the 2009 Festival acquainting him not only with the success of the Festival but also with what I called 'the amazing musical space' that we had unearthed in the Fitters Workshop. I discovered soon afterwards that the Government was not as pleased as the Festival patrons, because it was already committed to its future as a print shop. (Aitkin, 'Remarks about the Fitters Workshop' made on Sunday 8 May 2011 at the opening of the 2011 Canberra International Music Festival)

Professor Aitkin's advocacy for an alternative proposal was also reported in the *Canberra Times* (*'Fight looms over future of Kingston workshop'* 4 July 2009; reference lost, folio 98). He was quoted as saying that the FW:

should be a multi-purpose cultural facility which could be used for all sorts of things. The one thing that shouldn't happen is for the structure to be fiddled with. It would be a good place for doing almost anything where you needed to come in, do it, and go away again.

The same article quotes Minister Stanhope as saying in response:

Megalo provided an unsolicited proposal to artsACT for the use of the building for visual arts purposes. This is not dissimilar to the initial proposal received from glass artists for the use of the Kingston Powerhouse as a glass art facility.

No documentation of Megalo's submission to artsACT is to hand from the FOI request. Nor is it mentioned in Megalo's submission to the Inquiry.

On 14 July, the *Riot ACT* website reported (with some scorn) that Liberal MLA Vicki Dunne was calling for *'a process of public consultation'* on the future of the FW (14/7/2009; document EDD 09/21934; folio 358-356).

The study announced in May 2009 was undertaken by May & Russell Architects Pty Ltd. According to the Megalo submission to the Inquiry, Megalo began discussions with these consultants on 21 August 2009 (p. 15). The study's completion date is shown as October 2009 (document EDD 111206-1545, folio 351-279 A & B). Unless the consultants were paid in advance of their work, it would appear that the expenditure that is described in the ministerial briefing above as carried over to the 2008-2009 financial year actually occurred in the 2009-2010 financial year.

The October 2009 May & Russell study contains no reference to (or brief for) the consultations described in the ministerial briefing papers above. The study (in two parts) is directed solely to Megalo's requirements. (See next section for its recommendations).

On 28 September 2011 and again on 8 December 2011, in the Legislative Assembly Ms Caroline Le Couteur (ACT Greens Spokesperson for Planning, Territory and Municipal Services, Business and Economic Development, Land and Property Services, Arts and Heritage) asked the Minister for the

Arts a series of questions regarding the consultations and investigations described above in the 28 January 2010 briefing paper (Attachment A, Legislative Assembly Question No. 1985). The Minister responded with reference to meetings in 2010 regarding the designs to convert the Fitters' Workshop into a print studio for Megalo, stated that these meetings *'followed 22 months of public discussion about the building as a venue for musical performances' 2010*, and that the relevant government department was directed to *'undertake the design documentation and, as such, did not undertake consultation on any use of the Fitters' Workshop other than the relocation of Megalo Print Studio'*. Regarding other consultations, she referred Ms Le Couteur to the documents obtained through Ms Dunne's FOI request. As already described, these documents contain no evidence of community consultations or consideration of any option for the Fitters' Workshop other than its occupancy by Megalo Arts.

In the absence of documents regarding consultations and the investigation of options described in the above ministerial briefings, the Feasibility Study of January 2009, and the ACTPla Decision on Development Application for the Fitters' Workshop – and in the light of the different post hoc accounts in the above ministerial briefings – it would seem that, at least from mid-2008 onwards, *no consultations or investigation of options for occupancy of the FW occurred*. Rather, the 22 August 2008 letter to Chief Minister Stanhope appears to have positioned Megalo as the only recognised stakeholder in the future of the Fitters' Workshop.

KEY ISSUES

1. The May & Russell scoping study that reported in October 2009 was directed solely to reporting on relocating Megalo to the Fitters' Workshop. Its brief did not include considering any of the other options listed above.
2. If the consultations and consideration of options described above did not take place, it would appear that the Minister for Land & Property Services (28 January, 2010; document EDD 2011/11178, folio 316-283) and the Minister for Economic Development (23 May 2011; document EDD 2011/11178, folio 350-342) were misinformed, at least in those particular briefing papers.
3. Claims of extensive community consultations have also been made repeatedly by various parties, including the current Minister for the Arts (e.g. Hansard 27 October 2011).
4. This same information has been used in shaping the highly consequential Decision on the Development Application for the Fitters' Workshop in November 2011.

If the October 2009 May & Russell Scoping Study is, in fact, the only scoping study that took place, it follows that government Ministers, those objecting to the DA, and the general public have been repeatedly misinformed regarding:

(i) the opportunities since 2007 for interested arts organisations and community groups to express an interest in using the Fitters' Workshop

(ii) investigation since 2007 of a range of options for the adaptive re-use of the Fitters' Workshop.

It would appear that, at least since August 2008, community consultations have been confined to Megalo Arts as the only recognised stakeholder in this building and further that this privileging of their interests was based on Chief Minister Stanhope's executive decision.

It would also appear that, at least since mid-2008, the media has been the only forum in which alternative stakeholder claims to the Fitters' Workshop have been aired.

In regard to the point made in Megalo Print Studio's supplementary submission to the Inquiry that no business case has been made for alternative proposals regarding occupancy of the Fitters' Workshop, the above account makes clear that no proper opportunity has been available for any serious case to be made or considered. Further, government has rebuffed all community advocacy in favour of allowing any such a case to be made.

It might also be noted that Megalo's business case is not in the public domain or open to public scrutiny. In fact, it would be inappropriate for *any such business plan by anyone* to be presented to a Legislative Assembly Inquiry.

QUESTIONS

1. When was the scoping study announced on 6 May 2008 undertaken?
2. To whom was the 6 May 2008 announcement made? Can the documentation of the announcement be made available?
3. Did any scoping study consider the options for the Fitters' Workshop that are listed in the ministerial briefing papers above, viz. performance space, gallery, sculpture workshop, exhibitions and concerts and Megalo relocation?
4. If the scoping study that considered these options for the Fitters' Workshop took place, can it be made available?
5. If this study did not take place, why not? Can the documentation leading to the abandonment of this process be made available?
6. What advice did Chief Minister Stanhope receive in response to his handwritten request at the top of the 22 August 2008 letter from Megalo?
7. What direction, verbally or in writing, did Chief Minister Stanhope give to the 'public servants' described in Ms Alder's evidence to the Inquiry?
8. Was the '*unsolicited proposal to artsACT for the use of the building for visual arts purposes*' described by Chief Minister Stanhope (as reported in the *Canberra Times* on 4 July 2009), in fact, the 22 August 2008 letter to himself requesting '*tenancy for Megalo of the Fitters' Workshop from you by executive decision*'? If not, can the submission to artsACT be made available?
9. Did the Feasibility Study described in the January 2009 Statement proceed? If so, can the documents relating to this study be provided (notably, the request for Expressions of Interest, how the Expressions of Interest process was managed, the consultations and their results, the options considered, and the conclusions drawn)? If it did not occur as described in the January 2009 Statement, why not?
10. What input regarding options for the FW was provided by the Creative Director of the Centenary of Canberra and by the Canberra Glassworks (see briefing paper 20 Dec 2010; 45-48)? Can documentation of this input be provided?

2. Recommendations regarding the adaptive re-use of the Fitters' Workshop

2.1 Heritage Listing

The sections in the ACT Heritage Register that are relevant to the planned adaptive re-use of the Fitters' Workshop by Megalo Print Studio are:

Internal alterations or additions to the ... Fitters' Workshop will respect the proportions of space and may only be permitted where it can be demonstrated that they will not adversely affect the heritage significance of the place. Any alterations or additions shall be undertaken in accordance with a Conservation Management Plan approved by the ACT Heritage Council and any subsequent amendment of that plan. ...

Any new buildings or elements shall be consistent with the architectural character of the place, and where possible, shall positively enhance the public's ability to understand its former industrial use and historic role in the development of the National Capital. New construction shall only be permitted where it can be demonstrated that it will not adversely affect the heritage significance of the place and will not affect the landmark qualities of the Power House and Fitters' Workshop.
(p. 2 Entry to the ACT Heritage Register, Heritage Act 2004, 200048 Kingston Powerhouse Historic Precinct).

2.2 Conservation Management Plans

Over the years, three Conservation Management Plans have related to the Fitters' Workshop (as far as I can ascertain):

1. The *Kingston Power House Precinct Conservation Management Plan* by Freeman Collett & Partners Pty Ltd, which reported in September 1993 (**the 1993 CMP**).
2. The *Kingston Power House Precinct Conservation Management Plan Review* undertaken by Peter Freeman Pty Ltd, which reported in August 2001 (**the 2001 CMP**).
3. The *Fitters' Workshop Conservation Management Plan* undertaken by Marshall, Baker, Hayes and O'Keefe, dated 2011 (**the 2011 CMP**).

Various other documents also relate to heritage issues and the Fitters' Workshop but within the time available I have not been able to review them.

The 1993 CMP

Mr Stewart's evidence to the Inquiry drew attention to the following statement in the 1993 CMP regarding the adaptive re-use of both the Powerhouse and the Bulk Store (note: the FW was referred to as 'the Bulk Store' in the 1993 and 2001 CMPs):

Partitioning or division of the major spaces however is not seen as appropriate in a building in which the proportions of those spaces are themselves significant (1993 CMP, section 2.5.3, p. 36).

The 1993 CMP has little else to say about the Bulk Store, its main focus being the overall Kingston Precinct.

The 2001 CMP

Like the 1993 CMP, the main focus of the 2001 CMP (2 volumes) is the whole Kingston Precinct, although considerable attention is paid to the Powerhouse. As far as I can ascertain, the Bulk Store is considered in half a page in Volume 1 (pp. 68-69) and three annotated sketches in Volume 2 (pp. 10-13). Nevertheless, these few pages have had a crucial bearing on what has followed.

The half page in Volume 1 includes the recommendation that, over a two to five year period, 'compatible adaptive re-use works' should be undertaken in line with the 'Development Control and

Adaptive Re-use Guidelines in Volume 2, Appendix D. The first step occurred in 2006, when Colin Stewart Architects brought the building to its current state. However, it is Note B to the first sketch that is now crucial: *'Existing Bulk Store to be retained and conserved. Potential for mezzanine floor within Bulk Store interior'* (Appendix D, p. 10). This and a second sketch show a mezzanine running the length of the Bulk Store and covering half its width (pp. 10, 13).

No rationale or justification is evident in either Volume for these sketches and the accompanying note, despite the fact that they are completely counter to the 1993 CMP recommendation.

The note and sketches played a significant role in the 2010 review of the draft plans for the adapted Fitters' Workshop. In assessing the plans, Duncan Marshall in his *Heritage Comments on the Proposed Adaptive Re-use of the Fitters' Workshop* (24 June 2010; document 000329) used ranking scales of **'no/slight/slight to moderate/high impact' on heritage values and consistent/partly consistent/mostly inconsistent with heritage requirements in the ACT Heritage Register citation and the 2001 CMP**(see 2.1 above). In regard to the sub-division of the building into offices and a print workshop, and the insertion of the mezzanine floor, Mr Marshall stated:

*The insertion of the rooms and mezzanine will have a **high impact** on the interior space. To some extent the space will still be able to be appreciated, especially at each end of the building. The design of the insertion as a free-standing element which can be removed at a future time moderates the impact. It is noted that the CMP supports the concept of a mezzanine.* (p. 3; emphasis in the original)

Mr Marshall concluded that, in three respects, the proposed works are 'consistent' or 'partly consistent' with 'conservation policy recommendations'. However, they will:

- be **partly inconsistent** with some specific requirements included in the ACT Heritage Register citation, regarding ... heritage values ...
- be **mostly inconsistent** with other specific requirements given the erection of the new mezzanine, noting that the CMP supports such a mezzanine. (p. 6)

The accompanying briefing for the Minister for Land and Property Services (18 August 2010; document EDD 2011/11178, folio 335) summarises Mr Marshall's report (which was attached to this briefing) as follows:

The main issue of heritage concern is the installation of a mezzanine level through part of the building that impacts on appreciation of the space and volume of the existing building. The adverse impacts are ameliorated by the fact that the mezzanine is free standing and set away from side and end walls. This avoids non-reversible impacts on the existing fabric and also maintains an appreciation of the original building volume from many viewing points within the modified structure.

The mezzanine is necessary in order to:

- Contain noise from washing and coating operations; and
- Create zones for more energy efficient and effective temperature control within the large volume space.

In this summary we see the focus of attention slide away from the *'appreciation of the space and volume of the existing building'* and towards the *'free-standing'* and reversible partitioning, and a claim that the building's volume will still be appreciated *'from many viewing points'*.

The effect of this rhetorical slide was evident within a month. The Minutes of a meeting to discuss the draft plans for the FW record that the meeting:

*Agreed that the proposed mezzanine, that [sic] preserves from a number of view points the internal volumes², and being a free standing and removable intervention, had **no significant heritage impact**.* (15 Sept 2010; document EDD 09/21934, folio 000384; my emphasis)

This agreement was in contradiction to Mr Marshall's assessment that the mezzanine would have 'high impact' and be 'mostly inconsistent' with heritage requirements.

These documents mark a process by which a six word note and small rough sketch in the 2001 CMP were used to warrant the removal from consideration of the *only* interior feature that the previous 1993 CMP described as significant and its consequent recommendation that the space should not be partitioned. *Not only that:* the proposed use of the building had turned its 'proportions of space' – which its Heritage listing requires be respected – into a problem that had to be overcome.

The claim that extensive partitioning will not affect the appreciation of a building's space and volume defies meaning, logic, common sense and practical experience. By definition, dividing a horizontal space approximately in half, sub-dividing one half into further segments, and further sub-dividing the whole space vertically *must* significantly change any space and how it can be appreciated.³ To deny this is to deal entirely in abstractions.

The 2011 CMP

(1) Research

The 2011 CMP followed from a recommendation at the 15 Sept 2010 meeting described above that '*the various projects impacting on the heritage precinct should be brought together under an updated and integrated Conservation Management Plan*'. In the event, this CMP focussed entirely on the Fitters' Workshop. It was commissioned by Alastair Swayn Architects, who had produced the draft plans, on behalf of the ACT Department of Land and Property Services. Mr Marshall, the author of the earlier *Heritage Comments*, was team leader, architectural heritage consultant, and conservation management planner. It appears that the CMP was completed in approximately six weeks (October - mid-November 2010) (7/10/10; document EDD 09/21934, folio 562-554).⁴

This document is a comprehensive and valuable resource, especially its history of the early days of the Fitters' Workshop. In negotiations between Mr Swayn and the person responsible for the historical research (Brendan O'Keefe), it was proposed that that research would take seven days (21 Sept 2010; document EDD 09/21934, folio 562-554). In regard to community interests (and in addition to document searches in a number of places, including the *Canberra Times*), Mr O'Keefe proposed to contact anyone with particular memories of working in the building '*preferably by telephone*' and to ask for '*whatever relevant information they had*'. He described his understanding of building's recent use as being '*for storage and other low grade uses*'. Although this description ignored the earlier May 2009 reports on the Canberra International Music Festival, Mr O'Keefe's brief also included noting '*any important events that occurred in or with the building, and any important people or organisations that were associated with it*'.

² Significantly, the single 'volume' was now described as plural 'volumes', unwittingly (no doubt) reflecting the effect of partitioning the space.

³ Proportion is defined in my dictionary as 'comparative relationship in size, number, quality etc; ration; relative size or arrangement of parts in a whole; harmonious or just relation of parts; symmetry, balance; relative share (math) an equality between two ratios.

⁴ The date of publication shown on the cover is 2011. According to meeting notes from 26 May 2011, it was ready to be signed off at that time, (document dated 8/06/2011, Community Services file 2011-3197, folio 76-79).

(2) History of FW

The 2011 CMP gave the following account of the building's recent history:

In its 2008 campaign for re-election, the ACT Labor Party promised to upgrade the Fitters' Workshop and to commit \$1 million to the project. Following the election, the new government provided a sum of \$30,000 in the 2008-9 budget for a study to assess potential uses for the building. In the budget for the next financial year, a further amount of \$200,000 was allocated for preliminary design work to make the building suitable for a visual arts workshop. Foremost among the issues to be considered was the provision of water, electricity and bathroom services, as the building lacked all three. (The Chronicle, 19 May 2009, p. 5)

In the meantime, Megalo Print Studio approached the ACT government with a request to be granted use of the building for visual arts purposes. As the proposal accorded with the government's general plans for the Fitters' Workshop, Megalo appeared to have the inside running on securing the building. However, a complicating factor emerged in May 2009 when the building was used as a concert venue for the Canberra International Music Festival. No less a luminary than the eminent Australian composer Peter Sculthorpe stated that the Fitters' Workshop had the best acoustic properties of any building in Australia.

Relying on the authority of Sculthorpe, the Pro Musica organisation put forward a counterproposal for the building to be used as a multi-purpose cultural facility, hosting such events as music and theatre performances, temporary exhibitions and book fairs. Pro Musica's president, Don Aitkin, was adamant that 'the structure should not be compromised' from the viewpoint of retaining its acoustic properties. He specifically did not want interior walls erected, the ceiling changed, or cloth and fabric put up. Notwithstanding this alternative proposal, the ACT government remains committed to adapting the Fitters' Workshop for use by the Megalo Print Studio. (Canberra Times, 4 July 2009) (p. 35)

Noting that this account is derived from newspaper reports, we can now refine it as follows:

1. **The 2008-9 study to 'assess potential uses of the building' does not appear to have occurred.** Instead, the funding was used for the 2009 October May & Russell scoping study, which was entirely devoted to describing how Megalo could be accommodated in the Fitters' Workshop.
2. **Megalo's request was to the Chief Minister (not the government), and occurred in August 2008, prior to the 2008 election.**
3. **Pro Musica did *not* put forward a proposal to government.** Rather, Don Aitkin, the then-Chairman of the International Music Festival (*not* Pro Musica or its President), wrote a personal letter regarding the FW to Chief Minister Stanhope, which, according to Professor Aitkin, was rebuffed (see above). The documents obtained through the FOI request do not include Professor Aitkin's letter or any response to it.
4. **The claims for the Fitters' Workshop extended well beyond Peter Sculthorpe's (albeit influential) endorsement.** Several 2009 concerts gained standing ovations and rave reviews from performers, reviewers and audience, including in regard to the building's extraordinary qualities as a performance space.⁵ (See earlier list of 2009 news reports.) **From May 2009-May 2011, over 8000 tickets were sold to CIMF concerts in the Fitters' Workshop, an extraordinary outcome for 29 concerts in a total period of only six weeks.**

⁵ Most notably, Sculthorpe's *Rites of Passage*, *Rajaton Unplugged*, and the Australian premiere of Arvo Pärt's *Symphony No. 4* (commissioned by the CIMF).

(3) Significance of the FW

The consequential sections of a CMP are its 'Statement of Significance' and subsequent recommendations. The significance of the FW that are relevant to the proposed alterations to its interior are described in the 2011 CMP as its *'being a good and relatively rare early example of the Inter-War Stripped Classical style'*, *'its impressive size both externally and internally'*, its *'division into vertical bays indicating classical origins'*, and its industrial history and associations (p. 52). The building's *'simple surfaces'* and *'large simple areas of glass'* are also noted (p. 51).

To arrive at this Statement, the 2011 CMP analysed evidence relating to the building against criteria set down in the ACT Heritage Register (p. 44). The table below summarises this analysis in relation to heritage criteria relevant to this Inquiry. Defects in these assessments are also listed.

<u>Criteria relevant to this Inquiry</u> (as specified in the ACT Heritage Register and ACT Heritage Criteria 2004)	<u>2011 CMP Analysis</u>	<u>Defects in CMP Analysis</u>
<u>Criterion (b):</u> It exhibits outstanding design or aesthetic qualities valued by the community or a cultural group	'While the Fitters' Workshop displays significant design and aesthetic qualities, as noted under other criteria, there is currently no evidence these are valued by a community or cultural group. More detailed research may substantiate such value.' (p. 45) Earlier (p. 43), in relation to 'Social Value' the CMP states: 'There is currently little evidence of social value being attached to the Fitters' Workshop as an individual place. However, such values have not been subject to detailed research. It is a prominent building in a precinct which includes the Canberra Glassworks and Old Bus Depot Markets. While these other buildings have or appear to have social value through strong and special associations with the Canberra community (see for example ACT Heritage Council 2010), the Fitters' Workshop as an individual element does not. In part this may be explained by the use of the building through the latter part of the twentieth century for storage, rather than functions which involved many people or the wider community. The Workshop is also a much less prominent building than the Canberra Glassworks. In recent years this situation has not changed greatly and the Workshop is largely unused. However, the more recent occasional use for public functions or displays has raised public awareness of the building and with more time, such uses would be likely to result in social value.'	This assessment that the building's design and aesthetic qualities are not valued by a community or cultural group is contradicted by the following evidence: • music lovers purchased over 8000 tickets to concerts in the FW in six weeks during the period 2009-2011 • approx. 400 musicians have performed there between 2009-2011 • numerous letters to the <i>Canberra Times</i> have criticised its conversion to a print workshop & offices • distinguished composers and performers have testified to its outstanding acoustics and other properties as a performance space • 1,653 signatures on a petition requested retention of the building's acoustic properties • approx. 60 choristers staged 'protest sings' outside the building on 2 separate occasions (in the middle of winter) • at least 46 letters to government ministers, including one signed by leaders of 17 choral groups representing approx. 700 choristers, requested that the building's acoustics be retained. It would seem that, as the CMP notes, <i>'more detailed research'</i> is required in regard to this criterion.

Criterion (c): It is important as evidence of a distinctive way of life, taste, tradition, religion, land use, custom, process, design or function that is no longer practised, is in danger of being lost or is of exceptional interest	‘The Workshop is also evidence of a distinctive function which is no longer practiced and is of exceptional interest – the centralised government provision of workshop/ industrial/ engineering services for the city of Canberra, as part of an overall planned approach to city development.’ (p. 45)	No reference is made to the building’s values in relation to the distinctive ‘tastes’ of Canberra music lovers or the discovery of its function as a music venue. Given the attention paid to the building since 2009, and the acoustic reports submitted to the Inquiry, it could be claimed that the building is ‘<i>of exceptional interest</i>’ in regard to these ‘tastes’.
Criterion (d): It is highly valued by the community or a cultural group for reasons of strong or special religious, spiritual, cultural, educational or social associations	‘there is currently little evidence of social value being attached to the Fitters’ Workshop as an individual place although this is an aspect that has not been subject to detailed research. The Workshop may also share social value attached to the Canberra Glassworks and the broader historic precinct, including the Old Bus Depot Markets, but again this has not been researched.’ (p. 45)	The building’s social value is noted only in relation to other buildings in the Kingston Precinct. But see above: the FW is clearly highly valued by at least two ‘cultural groups’ (music lovers and Megalo members) for strong and special cultural, social and educational reasons. If nothing else, evidence for its high social value lies in the bitter debate over its future since 2009.
Criterion (f): It is a rare or unique example of its kind, or is rare or unique in its comparative intactness	‘The Fitters’ Workshop might be considered an example of: • an early twentieth century industrial/engineering building; and • Inter-War Stripped Classical architecture. ... the Workshop does not appear significant because it displays rarity in its comparative intactness.’ (p. 46)	The CMP was prepared before the two acoustic reports commissioned by the current Inquiry. These reports are unanimous in stating that the building’s acoustics are unique, although they differ in their assessments of its utility. The reports and the statements by eminent musicians and performers in submissions and exhibits in the Inquiry are evidence that this unique feature is totally dependent on retaining the current space intact.
Criterion (h): It has strong or special associations with a person, group, event, development or cultural phase in local or national history	‘The Fitters’ Workshop has the following associations of potential significance: • with it’s [sic] designer, John Smith Murdoch; • with the first phase of the development of Canberra as the national capital; • with the provision of industrial/engineering services for the capital; and • with industrial/engineering workers in Canberra’ (p. 46).	Although the associations with music groups and Megalo began only in 2008-2009, the controversy since then demonstrates that the associations with at least these two groups are both intense and special.

(4) Stakeholders

In laying out its policy guidelines, the 2011 CMP describes relevant stakeholders, including three giving evidence at this Inquiry: Megalo, the National Trust and Pro Musica.

The description of Pro Musica’s interest in the FW differs from that in the historical section quoted above: ‘*In 2010 Pro Musica used the Fitters’ Workshop as a venue for a series of live music performances*’ (p. 59). This description misleadingly implies that 2010 was a one-off use of the building for music.

From the submissions and evidence given to this Inquiry, **the stakeholders in the future of the FW from a music perspective are now documented to extend well beyond Pro Musica**. Although not belonging to any one organisation, they can be found exist among the audiences, musicians, music experts and composers who have declared their interest in the building’s future. There are also those who signed the FW petition (see the Table above).

Mr Stewart's submission to the Inquiry broadens the scope of stakeholders even further:

Taking account of claimed acoustic qualities, heritage values, central location, cost and community demand it seems absolutely imperative that the Committee insures that these newly discovered qualities of this "public" asset remain available to the entire community of Kingston, the ACT, the Region and the Nation, and indeed the world. (p. 3)

Confining recognition of stakeholders to specific organisations fails to account for the general public interest or the many individuals who have come together to advocate for alternatives to the current plans for the FW.

(5) Policy Recommendations for Adaptive Re-use

The 2011 CMP states clearly that it was undertaken in the context of 'a project to relocate the Megalo Print Studio in the Fitters' Workshop building at Kingston' (p.1). **The CMP assumes this project as a given.** Reference to the proposed alterations is as follows (pp. 59-60):

The ACT Government has decided the Workshop should be adapted to house the Megalo Print Studio. The ACT Department of Land and Property Services, which has portfolio responsibility for the LDA, is providing project facilitation to achieve this outcome. ...

Planning for the project is part way through a process and is not yet complete. Possible options to accommodate Megalo include:

- *a mezzanine structure inside the Workshop;*
- *some compartmentalisation of the Workshop interior; and*
- *construction of an addition/extension to the southeast of the Workshop to house functions related to Megalo's operations.*

One of the issues with the building is the highly reverberative acoustic of the interior, making it a very noisy space in which to try and work.

No substantive policy recommendations are made regarding the proposed major alterations to the building's interior, except to state that 'the Workshop's impressive size both externally and internally' must be conserved (p. 69). As already noted, the building's proportions of space are now regarded as creating problems. Regarding the proposed upgrading and adaption, the CMP says:

Adaptation in this plan involves no, or minimal impact on significance, in accordance with The Burra Charter.

... there is a current proposal to adapt the Workshop for use as the Megalo Print Studio. This may include installing a mezzanine structure within the building. It is noted the acoustic problems of the interior may require treatment as part of adaptation. (pp. 70-71).

In regard to the building's proposed use, the CMP states:

The primary use of the Fitters' Workshop will be sympathetic to the industrial/engineering character of the building.

Commentary

Ancillary or secondary uses which support the primary use may not be sympathetic, but should be relatively limited in extent (e.g. office space or toilets).

The current proposal to use the building as a working print studio would seem would seem to be a sympathetic use, subject to a detailed understanding of what such a use would mean for the building. (p. 74)

In regard to 'unforeseen discoveries', the CMP comments:

Unforeseen discoveries may be related to location of new documentary or physical evidence about the place or specific heritage values that are not known at the time of this plan, and that might impact on the management and conservation of the place. (p. 77)

The acoustic reports and submissions to the Inquiry, as noted above, arguably constitute just such evidence.

Nevertheless, the agreement reached at the meeting on 15 September 2010 has become the content of subsequent information, including in ministerial briefings. Thus the Minister for Economic Development was told:

The design process has included the preparation of a Conservation Management Plan for the building. The heritage review of the design concludes that the proposal has general benefits in providing for the adaptive reuse of the workshop for a use that is sympathetic with the industrial character of the building.

Any additions and modifications to the building avoid non reversible impacts on the existing fabric and also maintain an appreciation of the original building volume from many viewing from within the proposed internal design. (p. 2, 23 May 2011; document EDD 2011/11178, folio 350)

Conclusion: Conservation Management Plans

Examination of the 1993, 2001 and 2011 CMPs governing the Fitters' Workshop reveals:

- 1. the unargued overturning of the 1993 statement that the building's interior should not be partitioned** by what appears to be a simple six word note on a small rough sketch
- 2. a downgrading of respect for the building's interior proportions of space** to considerations of whether partitions to that space touch the interior walls and, at some unspecified future point, can be removed
- 3. a shift from describing the proposed partitioning as 'mostly inconsistent' with heritage requirements** to an agreement that this partitioning has '*no heritage impact*'
- 4. an incomplete account of the building's recent history**
- 5. the total discounting of the building's recent use as a highly acclaimed venue for music**
- 6. significant grounds for revising the findings of the 2011 CMP** in the light of (i) its failure to acknowledge clearly evident and strong social and cultural values attaching to the building (ii) documentary evidence presented to the current Inquiry of the building's acoustic uniqueness (iii) documentary evidence presented to the Inquiry of its outstanding qualities as a performance space.

Other Advice to Government

(1) Advice Prior to 2008

The 1993 and 2011 CMPs document a long history of advice to government on the Kingston Precinct. Within that context, we note the 1997 Kingston Foreshore Development *Competition of Ideas* and Colin Stewart's prize-winning entry, which according to the 2001 CMP '*became the basis for subsequent Kingston foreshore planning*' (p. 47). In his evidence to the Inquiry, Mr Stewart presented evidence and drawings that showed conclusively that there was no need to partition the Fitters' Workshop and stated that '*over 10 years ago*' land was '*specifically set aside*' for '*a new annex built adjacent to the workshop*' that would allow for 1000m² gross floor area (p. 3).

Mr Stewart's evidence raises questions of why, when and how these well-developed prize-winning plans were abandoned. As he says in his submission, '*When ... opportunities exist for high quality new space either attached to the Fitters' Workshop or located elsewhere within the Cultural Precinct*

it is puzzling why the Government would support a design for the Megalo that apparently ignores such practical, economical and functional options' (p. 5).

As noted earlier, Mr Stewart stated in his evidence that he could not recall being 'consulted by Megalo or anyone associated with what is proposed now' (Education 09-02-12, p 56).

(2) The May & Russell Scoping Study

As already noted, the October 2009 May & Russell Scoping Study was tasked to describe how Megalo might be accommodated in the FW (document EDD 111206-1545, folio 351-279 A & B). Part 1 detailed Megalo's current operations and needs. In regard to space, the Study calculated that Megalo occupied 735 sqm in its current premises.⁶

Part 2, the 'Accommodation Study', explored two options. Option 1 considered the possibility of locating Megalo entirely within the FW. The conclusion was that, even with the mezzanine floor, the floor space would fall 'about 100sqm short of providing Megalo with a comfortable fit' (section 9).

Within Option 2, a range of possibilities was considered. The conclusion was:

The full area needs of Megalo, totalling approximately 700sqm+, could easily be accommodated in the building if it were to be extended, or if a new linked building is constructed alongside. Since any new construction would not have area limitation by its site, a wide range of alternative accommodation configurations would therefore be possible. The new construction could range from a small annexe of around 100 sqm, to a new building of approximately 700 sqm that would accommodate Megalo in its entirety.

This option is therefore a more flexible option; it could potentially, depending on the size of the new building, better preserve the existing character and internal space of the historic building, and could result in less potentially disruptive work to the existing structure. It also has the potential to provide a venue for a wide range of arts and community groups that could make use of the space within this arts precinct. It is however, a more costly option. (section 9)

In relation to costs, the Study stated:

The estimated project budget for a new building of 700 sqm is approximately \$4.1m compared to fitout of the existing building of approximately \$2.5m. ... Note that the recommended project budget does not include any allowance for fitout of the existing building because at this stage the extent of works is undefined. (section 3.03)

A briefing paper to the Chief Minister a year later (29 October 2010) reports these conclusions as follows:

*The scoping study by May & Russell indicated that **the space requirements of Megalo were too great for the Fitters' Workshop unless a mezzanine was built. The proposed budget for re-use of the building was in the vicinity of \$3.5 million.** (attached to 20/12/2010, EDD 09/21934, folio 48-46; my emphasis)*

This briefing seems quite misleading in regard to the May & Russell's conclusions on the mezzanine, how Megalo's space requirements could be met, and their costings.

At the end of this briefing, the Chief Minister requests 'Please prepare a budget bid for 2011/12 to allow Megalo to occupy the Fitters Workshop 20/12/10'. It would seem that the sole focus was on Megalo's occupancy of the Fitters' Workshop, as distinct from any recommendations as to how that might be achieved.

⁶ Subsequent briefing papers to the Minister for Land and Property Services and the Minister for Economic Development state that Megalo occupies '770 sqm at the former CIT campus in Watson' (28 January 2010; document EDD 2011/11178 folio 316; 23 May 2011; document EDD 2011/11178, folio 350).

In May 2011, a briefing to the Minister for Economic Development updated the costings to \$3.9. It also stated that the monies allocated for the *'building extension represents less than 15% of the total construction cost'* (p. 3; 23 May 2011; document 00350-000348). **In other words, the costings now approached May & Russell's previous cost estimate for a building that *'would accommodate Megalo in its entirety'* and would obviate the need for partitioning the FW.** However, this option had disappeared from sight.

Misleading reporting on the May & Russell study was also contained in the highly consequential ACTPLA 28 November 2011 Decision on the Development Application for the Fitters' Workshop, as follows:

In October 2009 May & Russell Architects prepared a document – 'Megalo Print Studio and Gallery Accommodation Study'. This report consists of Part 1: Scoping Brief and Part 2: Fitters' Workshop Accommodation Study. The May & Russell report concluded there are no major impediments to accommodating Megalo in the Fitters' Workshop.⁷ (p. 7)

3. Other Advice from within Government on Alternatives to Partitioning the FW

The documents obtained in response to the FOI requests reveal other attempts to provide ministers with similar advice to that from May & Russell. No evidence has been provided in documents received through the FOI request of any careful consideration of these recommendations.

On 27 November 2009, the Chief Minister received a paper that suggested the possibility of *'some thinking around more flexible use of this space'* (document EDD 09/21934, folio 31-25). Arguments included the following:

While Print might appear to be an excellent fit with glass, ... there's a danger that the space will become audience passive ... While the glass workshop itself is an exciting making-place, it is still a spectator activity and a print-making workshop is even less dynamic. ...

It would not disadvantage the Print Workshop if a purpose built Workshop were constructed nearby and they used the Fitters' Workshop as a rotating exhibition space. ... Leaving the Fitters' Workshop open and flexible would be more in keeping with its original shape and continue to offer more insights into its heritage.

In regard to the need for performance spaces, the paper states:

As it happens, the Fitters' Workshop, as it stands, is the only building of its kind which can accommodate certain performances in the region.

The briefing describes the scope and limitations of the Albert Hall for music, proposes the need for *'flexible spaces'* for the 2013 Canberra centenary celebrations, notes that the FW is *'one of the very few which makes sense in terms of size of audience,'* and concludes:

It should be possible to effect a rotation schedule which allows for a few obvious dense spots of performance activity in rotation with exhibitions of glass and prints. This programming flexibility ensures a much higher local public usage of this beautiful building, since with one single art form focus it will drop off the visiting list of those who are not interested in prints and print making.

⁷ A further completely inaccurate statement in this Decision is: *'In December 2009 the ACT Government determined that designs to accommodate Megalo into the Fitters' Workshop should be advanced, and it was awarded to Megalo through an open-tender process'.* (p. 7)

The email regarding the draft Kingston Arts Precinct Strategy, noted above, refers to ‘another serious option which allows wider use of the Fitters and how it relates to the rest of the Precinct’ (18 March 2011; Community Services 11206-1545, folio 286)

‘Dot points’ to assist a ministerial response to the Greens press release ‘A Fit for All at the Fitters’ (21 June, 2011) concluded with the following:

The Fitters’ Workshop could be retained as a curated arts and cultural space within the Kingston Cultural precinct. The unique nature of the space, both from an external and internal perspective, along with heritage importance would provide a building and program to complement the ambience of the semi industrial nature of early Kingston. The venue would need to have a curator, creative director to engage with varied use throughout the year.

Given that there are 12 months in a year, the venue could have a program of say 8 events each approx. a month long. These could include music, gallery display for Canberra Glassworks, Craft ACT, Megalo, Canberra Contemporary Arts Space either as solo activities, or shared exhibition space. Contemporary dance could be programmed. Screen events and museum displays or even public arts workers could hire for making large works. ‘Festival Events’ could see the Fitters’ as a unique venue. Operational funding could be directed from the ACT Arts Fund however a hire charge regime will need to be determined.

Such a space would have limited fixed services, probably only power (with limited lighting rig suspended from the ceiling) and users/hirers would be required to supply their specific needs. There would need to be minor work to address emergency exits etc. Public amenities would need to be provided within the precinct, probably within the Former Transport Building. (document Community Services, File 2011-3197, folio 28-30)

On the same day (21 June 2011), a separate email referred to a previous estimate of the cost of nearly \$4 million to convert the FW to a music venue and commented:

If there was an appetite to retain the Fitters as a shell for creative use ... there would no requirement to undertake all that indicated ... above. With the exception of installation of a permanent power source, and possible review of emergency operable doors, the rawness of the space is what makes it attractive for creative use which is beyond that of the music community only.

This could include gallery exhibition, dance, music, film, museum display, working arts studio etc etc. Within the greater Cultural precinct, work could should/be done in the Former Transport Depot for the precinct amenities block to service existing customer/patron usage and project precinct patron usage. There could also be created within the Former Transport Building a “Green Room” for performers etc.

We are undertaking work at the Street Theatre with a budget of \$3.2m. For this we are looking at a new building of approx. 875 sq. metres (gross floor area), (with second floor provision not yet fitted out), acoustic upgrades to Street 2, new seating in Street 1 (250 new theatrical seats) and work in the foyer for a new kitchen and additional toilets. (p. 1; document Community Services, File 2011-3197, folio 33-34)

Finally, we note recommendations in the 2011 *Kingston Arts Precinct Strategy* that would appear to entail a commitment by government to resourcing a new building and managing diverse arts activities in the Precinct. These recommendations would support the alternative proposals made for use of the FW. Included among them are that artsACT:

- *commission a study for the proposed new building to ensure such a building meets the demands of likely (and future) tenants as well as the requirement for it to be a showcase venue for a broad range of complementary arts and cultural activity ...*
- *develops a brief for the precinct management entity that defines roles and responsibilities, tenant input, selection criteria for board members, budget, staffing, reporting mechanisms*

- *develops a brief and commissions a dynamic, entrepreneurial curator to commence programming of the showcase venue in the new building. The curator is to develop a program for engagement with Kingston arts organisations and complementary arts/cultural sector to maintain momentum and confidence in the precinct and to help inform the design of the proposed new building*
- *seeks expert advice and agrees to a model for a precinct management entity with roles and responsibilities (to be confirmed) including: on-site coordination, management of tenancies, coordination of hire of common /shared facilities, facilitation of an arts and cultural public program, precinct marketing and maintenance. ... (p. 35)*

In response to FOI requests, no evidence has been produced of careful consideration of the advice from May & Russell or sources within government. Likewise, aside from countering the problems created by the building's volume and acoustics for its use as a print workshop and offices, there is no documentation of any careful and properly argued rationale for partitioning the Fitters' Workshop into offices, a print workshop and a mezzanine floor.

4. Advice on Megalo's Use of the FW

(i) Animating the FW

Advocates for Megalo's future occupancy of the FW have consistently described this as enabling constant animation of the building.

The Project Initiation Brief to relocate Megalo to the Fitters' Workshop (21 December 2009), under the heading 'Why is this project important?' gave 4 reasons, including that '*Megalo operates seven days a week, and its long established community interface will add a robust new activity to the cultural precinct*' (document EDD 2011/11178, folio 209-208).

On 18 August 2010, a briefing to the Minister for Land and Property Services stated that '*Megalo's occupation of the Fitters' Workshop*' would include '*five day a week operation, including evening activities*' (EDD 2011/11178, folio 335-318).

In October 2011, the Arts Minister stated that Megalo's occupancy of the FW will '*provide constant exhibitions and accessibility to the whole community*' and be '*a strong foundation for what we expect to be a thriving, dynamic arts hub*' (Hansard, 27 October, 2011).

Megalo's submission to the Inquiry states that their tenancy of the FW will '*ensure that the Workshop is actively used by a broad demographic with a daily occupancy*' (p. 4). The supplementary submission states:

Megalo, in the Fitters Workshop, will be open to the public 5 days per week, and will have print clubs, exhibition openings and evening classes 3 nights per week. Evening classes will be held in the Fitters Workshop in both the screen-printing studio & etching/lithography annexe. Artists will be able to work in the studios 7 days per week, 24 hours per day if they choose to do so. (p. 4)

We note that the following information was submitted to ACTPla in the July 2011 Development Application:

- the FW will close at 5pm (as distinct from the other building)
- the number of people in both buildings on a regular basis each day is stated as 4 staff and 10 members
- evening classes will not be held in the FW but in the annex
- the activity generated by Megalo's activities, despite being mainly during the day and on weekends, is not expected to generate significant additional traffic
- the FW will contain only one unisex single stall toilet (with a second one in the proposed annex).

It would appear from Ms Alder's evidence to the Inquiry that both toilets are now to be located in the second building (Education 08-02-12, p. 13). Nevertheless, the facilities and activities described in the Development Application do not accord with claims that the building will be actively used by large numbers of people and visited by many others. Rather, the DA indicates regular use by a small number of Megalo members. Classes with an unspecified number of students will be in the other building (whose acoustics will probably be more suitable). Although print-making may attract short visits by interested members of the public, it is hard to imagine longer, repeat visits that could compete with the already noted 8000 tickets to 29 concerts in the FW in just six weeks between 2009-2011.

5. Other Reports to Government

Both the Conroy report on the Kingston Arts Precinct Strategy and the yet-to-be-released Purdon report on the Master Plan for the Precinct were explicitly barred from making recommendations in regard to the Fitters' Workshop, despite its absolute centrality to the future of the Precinct and recommendations that a variety of arts activities and performances are essential to the Precinct's success.

Conclusion

Much of the advice given to ministers, many of the arguments and public statements relating to the adaptive re-use of the FW, and many of the submissions to this Inquiry conflate the question of ***Megalo's location within the Kingston Arts Precinct*** with:

- Megalo's standing in and contribution to the arts community
- Megalo's use of the FW
- Megalo's tenancy of the FW
- the partitioning of the FW to create a print studio, offices and a mezzanine floor.

These confusions have infected the advice given to government ministers and clouded the debate in private and public forums. The lack of transparency, the absence of due process, and the timidity and inaccuracies in at least some briefings for relevant ministers have allowed confusion and misinformation to persist and proliferate.

Since at least 2007, Megalo's leaders have expended huge amounts of time, energy and, no doubt, material resources in pursuing the hopes raised by government. One tragic and inevitable consequence of the lack of due process has been the feelings of betrayal and outrage expressed by Megalo and others in the face of challenges to the decisions made to date.

Another consequence has been the government's loss of credibility on this matter with those advocating alternatives. They have been hugely frustrated at the arbitrary dismissal of and scorn for their advocacy.

If the decision-making process from 2007 onwards had acknowledged all potential stakeholders in the future of the Fitters' Workshop, solicited a diversity of ideas, assisted at least in the initial stages of developing different proposals, and included opportunities for collaboration and problem-solving, an outcome that satisfied many of us might have been devised. Even those left un/dis-satisfied would not have experienced the current unhappiness.

This Inquiry is a commendable attempt to reverse some of these previous failures. I hope the description and analysis in this submission will assist its deliberations.

Helen Moore, 27 February 2012