

Portfolio Committee No. 5 – Industry and Transport

Windsor Bridge replacement project

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Terms of reference

1. That Portfolio Committee No. 5 - Industry and Transport inquire into and report on the expenditure, performance and effectiveness of the Roads & Maritime Services' Windsor Bridge replacement project, and in particular:
 - a) the current Windsor Bridge, including its maintenance regime, renovation methods and justification for demolition,
 - b) the replacement bridge project, including:
 - i. options presented to the community
 - ii. post construction strategic outcomes, including traffic benefits, transport and network service capacity
 - iii. economic, social and heritage impacts
 - iv. flood immunity benefits
 - v. project assessment process
 - vi. planning and procurement strategies and associated project costs
 - vii. cost benefit analysis process, and
 - c) any other related matters
2. That the committee report by 22 August 2018.

The terms of reference were self-referred by the committee on 15 November 2017.¹

¹ The original reporting date was 29 June 2018 (*Minutes, Legislative Council, 16 November 2017, p 2114*). The reporting date was later extended to 22 August 2018 (*Minutes, Legislative Council, 19 June 2018, p 2731*).

Committee details

Committee members

The Hon Robert Brown MLC	Shooters, Fishers and Famers Party <i>Chair</i>
The Hon Rick Colless MLC	The Nationals
The Hon Wes Fang MLC	The Nationals
Dr Mehreen Faruqi MLC	The Greens
Mr Scot MacDonald MLC	Liberal Party
The Hon Daniel Mookhey MLC	Australian Labor Party
The Hon Peter Primrose MLC*	Australian Labor Party

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* The Hon Peter Primrose MLC is substituting for the Hon Mick Veitch MLC for the duration of the inquiry.

Chair's foreword

This inquiry, instituted by me, was too late in the process to be able to be of much use in the proper planning of the Windsor Bridge replacement project.

The inquiry did, however, enable a broad range of community views to be expressed.

The findings and recommendations of this report all point to the need for future projects to be more transparently planned and communicated to affected communities.

It behoves the NSW Government now, as a matter of urgency to ensure that as much of the natural, the built, and the cultural heritage of the Windsor Bridge site is preserved and communicated in a permanent fashion.

This inquiry also served to illustrate the belligerent attitude of this government and its ever increasing resistance to the rightful oversight and scrutiny functions of the Legislative Council.

The timeframe of events that led to the award of the construction contract for the replacement of the Windsor Bridge, days after the summoning of the Secretary of Transport for NSW, reveal a government that is prepared to truncate process, rather than be held to account.

On behalf of the committee, I would like to thank all who participated in this inquiry, particularly the many community members who gave up their time to come to Parliament House to share their views or prepare detailed submissions.

Thank you also to the secretariat staff and Hansard reporters for their professional support during this inquiry.

I look forward to receiving the government response to this report.



The Hon Robert Brown MLC
Committee Chair

Findings

- Finding 1** **21**
That the failure to subject the Windsor Bridge replacement project to a comprehensive independent assurance process has undermined the justification for the project and the credibility of the chosen design, thereby exacerbating community opposition to the project.
- Finding 2** **39**
That the options presented to the community for the Windsor Bridge replacement project presumed a preference for the replacement of the existing bridge infrastructure.
- Finding 3** **39**
That the options developed by the Roads and Traffic Authority in 2009 to replace or rehabilitate Windsor Bridge were too narrow in focus.
- Finding 4** **40**
That the Roads and Traffic Authority should have given further consideration to alternative options to address the structural integrity of Windsor Bridge. This would have enabled the agency to more comprehensively assess the merits of all options so as to leave no doubt that the option chosen was the best available for the Windsor community and other users of the bridge.
- Finding 5** **69**
That the flood mitigation impacts of the new bridge design will be minimal, and traffic congestion will remain an issue in the streets leading to and around Windsor Bridge. While the project to replace the bridge may never have provided the necessary panacea to address these issues, the committee agrees with stakeholders that the opportunity to creatively address these issues has now been lost.

Recommendations

- Recommendation 1** **21**
That the NSW Government publish the results of all Gateway Reviews and similar assessments undertaken for the Windsor Bridge project to date, appropriately redacted of commercial in confidence information.
- Recommendation 2** **22**
That the NSW Government, in developing proposals for significant capital works, identify and implement an appropriate mechanism through which to communicate the justification and need for such projects so as to foster community trust and promote transparency.
- Recommendation 3** **40**
That Transport for NSW and Roads and Maritime Services take immediate steps to ensure that all staff are appropriately trained in and adhere to the Community Engagement Policy.
- Recommendation 4** **41**
That the NSW Government immediately cease paying participants in community consultation processes.
- Recommendation 5** **55**
That the NSW Government work collaboratively with heritage experts and key project stakeholders to minimise heritage impacts of the Windsor Bridge replacement project and identify how information on the brick barrel drains can be appropriately and meaningfully exhibited on-site, or at a local venue, such as the Windsor Museum.
- Recommendation 6** **56**
That the NSW Government retain the existing Windsor Bridge for pedestrian, cycling and light vehicle use.
- Recommendation 7** **70**
That the NSW Government ensure that a Gate 6 Post Implementation Gateway Review is undertaken following the completion of construction of the Windsor Bridge replacement project and publish the results of this review on the Roads and Maritime Services website.
- Recommendation 8** **74**
That, following the completion of the Windsor Bridge replacement project, the NSW Government undertake a review of the current traffic, flood mitigation and other road infrastructure requirements of Windsor and the surrounding towns to determine a comprehensive strategy for upgrading the existing road network.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 15 November 2017.

The committee received 340 submissions, 14 supplementary submissions, and two pro forma submissions.

The committee held two public hearings at Parliament House in Sydney. It also conducted a site visit to Windsor which included an inspection of the archaeological investigations being undertaken on the south side of the Hawkesbury River.

Inquiry related documents are available on the committee's website, or by viewing the tabled documents², including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Procedural issues

Midway through the inquiry, and prior to the construction contract being let, the committee resolved to request a copy of the Final Business Case for the Windsor Bridge replacement project from the government. On 28 April 2018, the Chair wrote to the Secretary, Transport for NSW to request a copy of this document.³

The Secretary's response was received on 4 May 2018. The Secretary provided a redacted version of the Final Business Case to the committee, from which certain information relating to project costs had been removed. The Secretary of Transport for NSW advised that commercially sensitive information had been redacted as the Windsor Bridge replacement project was at that time subject to a tender process for the award of the construction contract. Transport for NSW advised that an unredacted copy would be provided to the committee upon the conclusion of this tender process.

During the same period, the Government announced, and then extended, a consultation process for the Castlereagh Connection Corridor. Inquiry participants told the committee that plans for the corridor should, by nature, include plans for any alteration to the river crossing at Windsor, as the bridge serves as a gateway to several suburbs identified for future development. In order to further explore these arguments, the committee resolved to invite representatives from Transport for NSW to attend a public hearing to give evidence regarding Western Sydney corridors.

On 2 May 2018, Transport for NSW advised that 'it is not considered appropriate' to send a witness to provide evidence regarding planning for Western Sydney and the Castlereagh Corridor as the Department was still in the process of seeking community feedback on the corridors. On 8 May 2018, the Chair wrote to the Secretary of Transport for NSW to ask that he reconsider the committee's invitation. The committee also requested an unredacted copy of the final business case. On 15 May

² Tabled documents that have been made public by resolution of the committee can be viewed by contacting the Legislative Council Procedure Office.

³ The committee had previously resolved to write to the Chief Executive Officer of Infrastructure NSW and the Minister for Roads, Maritime and Freight to request the same document. The Chair sent letters containing these requests on 17 April 2018. In response, on 19 April 2018, Infrastructure NSW advised that the request should be directed to Transport for NSW, as their records indicated that Transport for NSW had undertaken the assurance process and, as such, they did not have the document. No response was received from the Minister for Roads, Maritime and Freight.

2018, the Secretary wrote to the committee to advise that 'the position of Transport for NSW has not changed' and it would not send witnesses to speak to the Castlereagh Connection Corridor while the strategy was 'out for consultation'. The Secretary also declined to produce the unredacted final business case.

The committee considered the responses provided by Transport for NSW, alongside a verbal briefing from the Clerk of Parliaments as to the mechanisms available to compel the production of the evidence required by the committee.

On 22 May 2018, the committee resolved 'under the authority of s 4(2) of the Parliamentary Evidence Act 1901, that Mr Rodd Staples, Secretary, Transport for NSW be summoned to attend to give evidence on 29 May 2018, such evidence including the answering of questions and the production of an unredacted copy of the Final Business Case for the Windsor Bridge replacement project'.

On 25 May 2018, the Secretary of Transport for NSW was served with that summons.

On 28 May 2018 the contract for construction of the new bridge was awarded. Later that day, the Secretary of Transport for NSW produced to the committee an unredacted copy of the Windsor Bridge replacement project Final Business Case. The Secretary advised that the negotiations for award of the construction tender had concluded and the contract had been awarded. The Secretary also advised that he would attend the hearing on 29 May 2018 'on a voluntary basis'.

The Secretary attended an *in camera* hearing on 29 May 2018 to speak to plans for the Castlereagh Connection Corridor, and other matters relating to the Windsor Bridge replacement project.

The committee notes that Transport for NSW contends that as the Secretary's appearance before the committee on 29 May 2018, and the production of the unredacted business case, occurred after the award of the tender, both occurred 'on a voluntary basis'.

However, during the hearing on 29 May 2018 the Chair made it plain, on the record, that the summons was served on the Secretary of Transport for NSW prior to award of the tender, to his production of the unredacted business case and to his agreement to appear at the hearing. It is therefore the position of Portfolio Committee No. 5 that both the provision of the document, and Mr Staples' attendance, occurred in response to the committee's summons.

Abbreviations

Australia ICOMOS	Australia International Council on Monuments and Sites
CAWB	Community Action for Windsor Bridge
EIS	Environmental Impact Statement
IIAF	Infrastructure Investor Assurance Framework
RMS	Roads and Maritime Services

Preface

When the committee adopted the terms of reference for this inquiry, it did so in response to the unusually strong community opposition to the Windsor Bridge replacement project. The committee sought to find out what the project design entailed, why it had been chosen, whether it was the best option and how to find a solution to the problems identified with the bridge that the community could support, or at least accept.

Mid way through the inquiry, the committee found itself at a crossroads, faced with directly contradictory evidence from the government, technical experts and local stakeholders regarding both the process by which the favoured design had been chosen and even the need for the project itself.

The government presented numerous assessments, studies and consultation exercises completed by Roads and Maritime Services, the Department of Planning and Environment and external contractors, which demonstrated the deteriorating structural integrity of the bridge and intimated that further inaction would expose users to serious safety risks. In contrast, independent and respected technical experts argued that Windsor Bridge was not about to fail in the short term and that structural inadequacies could be addressed with modest expenditure.

Late in that same period the Government announced, and then extended a consultation process for the Castlereagh Connection Corridor, which forms part of plans for the Outer Sydney Orbital. Inquiry participants told the committee that consideration of transport requirements for future growth across North West Sydney should, by nature, include plans for any alteration to the river crossing at Windsor, as the bridge serves as a gateway to several suburbs identified for future development.

In view of the announcement of the corridor, and the contradictory evidence received, the committee resolved that the Chair write to the Premier of New South Wales to request that the Government defer the award of the construction tender for the Windsor Bridge replacement project until after the committee had tabled its report in June 2018. The Premier forwarded this request to the Minister for Roads, Maritime and Freight for consideration. The Chief Executive of Roads and Maritime Services subsequently wrote to Portfolio Committee No. 5 advising that it was not in the public interest to allow the current tender validity period to expire, and that the contract was expected to be awarded in May/early June 2018.

The contract was subsequently awarded on 28 May 2018.

At the time of writing, the design has been chosen, the contract awarded, and the work has commenced. The committee has formulated its findings and recommendations bearing this reality in mind.

Chapter 1 The Windsor Bridge replacement project

This chapter sets out introductory information on the key features of the Windsor Bridge replacement project and a chronology of processes that have been undertaken by the NSW Government. The chapter concludes by presenting the government's primary justification for the project as well as opposing positions presented by inquiry participants.

Introduction

1.1 The Windsor Bridge is located on Bridge Street, Windsor in the Hawkesbury Local Government Area approximately 57 kilometres north-west of Sydney. The bridge was opened in 1874 and is the oldest bridge across the Hawkesbury River.⁴ It is a key river crossing connecting local communities on either side of the Hawkesbury River. It also provides an important regional link between western Sydney and the Hunter Valley or Blue Mountains.⁵ According to Roads and Maritime Services (RMS) approximately 21,600 vehicles cross the bridge each day of which approximately 11 per cent are estimated to be heavy vehicles.⁶ The nearest alternative river crossing is at North Richmond, a detour drive of approximately 20 kilometres.⁷

Figure 1 The Windsor Bridge



Source: Portfolio Committee No. 5 – Industry and Transport, Site visit to Windsor, 8 February 2018.

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- ⁴ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, November 2012, Chapter 1, p 2.
- ⁵ Correspondence from Mr Rodd Staples, Secretary, Transport for NSW, to Chair, 11 May 2018, Attachment – Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, p 3.
- ⁶ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, p 3.
- ⁷ Evidence, Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services, 13 April 2018, p 2.

- 1.2 The towns of the Hawkesbury Local Government Area are historic – Windsor, Richmond, Pitt Town and Wilberforce were all founded by Governor Macquarie.⁸ Windsor contains numerous buildings and sites of historic heritage significance.⁹ Thompson Square, a significant component of the Windsor Bridge replacement project, is located to the south of the bridge and is one of the oldest public squares in Australia.¹⁰ Both the Windsor Bridge and Thompson Square Conservation Area are listed on the New South Wales State Heritage Register.¹¹

Key features of Windsor Bridge replacement proposal

- 1.3 The Windsor Bridge replacement project was officially announced by the former Labour Government in 2008.¹² Since that time, RMS, formerly the Roads and Traffic Authority, has led the development and implementation of the Windsor Bridge replacement project.
- 1.4 The project has been subject to a number of revisions since its instigation. However, the key features of the project as set out in the iteration of the project's Final Business Case, dated November 2017, are listed below:
- A new bridge 35 meters downstream of the existing Windsor Bridge
 - Traffic capacity greater than the existing bridge, with a single northbound lane and two southbound lanes
 - New approach roads and intersections to connect the new bridge to the existing road network
 - New traffic lights with pedestrian facilities at the intersection of Bridge Street and George Street
 - A new dual lane roundabout at the intersection of Wilberforce Street and Freemans Reach Road
 - Modifications to local roads and access arrangements, including changes to the Macquarie Park access road and reconnection of The Terrace
 - Pedestrian and cyclists facilities, including a shared path connecting to and across the new bridge
 - Removal and backfill of the existing bridge approach roads
 - Removal of the existing bridge once the new bridge is operational
 - Landscaping and urban design work, including the Thompson Square parkland area and adjacent to the northern intersection of Wilberforce Road, Freemans Reach Roads and the Macquarie Park access road.¹³

⁸ Submission 155, Hawkesbury City Council, p 4.

⁹ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, November 2012, Chapter 1, p 2.

¹⁰ Submission 316, Heritage Council of NSW, pp 4-5.

¹¹ Submission 155, Hawkesbury City Council, p 4 and p 5.

¹² Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, p 3.

¹³ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, p 4 and p 5.

1.5 Figure 2 below, from a 2016 project update, provides an illustration of the proposal.¹⁴

Figure 2 Windsor Bridge replacement project – Key features



Source: Roads and Maritime Services, *Windsor Bridge replacement, project update, December 2016, p 2.*

Community opposition

1.6 There is significant community opposition to the project and a number of community based action groups have emerged in response. The largest and most active of these groups is Community Action for Windsor Bridge (CAWB).

1.7 The CAWB group was 'created to fight for the best outcomes for Thompson Square and Windsor Bridge stakeholders'. Since 21 July 2013, the group has 'occupied' Thompson Square in rotating four-hour shifts, for twenty-four hours per day, seven days per week in demonstration of its opposition to the government's Windsor Bridge proposal.¹⁵ The group stated:

Community Action for Windsor Bridge, and CAWB's wider supporters, without reservation condemn the RMS for prosecuting this project in the face of unequivocal expert advice against proceeding; for failing to properly advise the Government on the implications of the project; and for the unconscionable damage they are proposing to wreak on the historic township of Windsor.¹⁶

1.8 Ms Kate Mackaness, member of the group, passionately articulated the group's position. Some excerpts are reproduced in the box below. Ms Mackaness advised of 'deep anger' within the community, at the dismissal by the government of expert independent advice, at the selection of 'the most destructive proposal for Windsor and of the failure by the government to identify a long-term appropriate solution for the Hawkesbury'.

¹⁴ This figure is provided for illustrative purposes only. Elements of the image may have been subject to change since the project update was published in December 2016.

¹⁵ Submission 6, Community Action for Windsor Bridge, p 6.

¹⁶ Submission 6, Community Action for Windsor Bridge, p 11.

Community Action for Windsor Bridge (CAWB)

This group of local residents have staged a vigil, day and night, in Thompson Square for over 1,700 days in opposition to the bridge replacement project. The committee met with CAWB privately prior to the commencement of hearings and took evidence from the group at its first public hearing. CAWB left the committee in no doubt that their opposition to the project is unequivocal, driven by a heartfelt fear that Windsor's heritage and identity will be irrevocably lost if the bridge is demolished and the square's vista altered. This shared purpose has forged a strong bond amongst its membership.

The excerpts below have been taken from CAWB's evidence before the committee and seek to encapsulate their story so far.

...The longevity and intensity of the community's reaction to this project is testament to very deep anger at the Government's continued dismissal of ... expert advice. This anger was the catalyst for CAWB—a grassroots, Hawkesbury-based, community organisation, backed by the 40,000 signatures of people deeply concerned about what is happening in Windsor.

...On social media CAWB has in excess of 10,000 followers and an audience reach exceeding 100,000. CAWB has received two heritage awards—one from the National Trust and the other from the NSW Government itself. The date 21 July 2018 will mark our fifth full year of continuously, lawfully and peacefully occupying a small corner of Thompson Square and right now, on occupation day 1,728, Mike and Kate are there maintaining the continuous vigil.

...Rejecting a bad plan has exposed us to the bullying and manipulation of a well-resourced government department, all too used to getting its own way. [RMS] dictated rules of engagement which require us to enter its complex world—a place of problematic legislation, almost impenetrable documents and questionable tactics... All we seek is an outcome that delivers a long-term solution, value for money and appropriate levels of service... We also expect competent asset management and sound planning. We believe every New South Wales community is entitled to visually and environmentally appropriate infrastructure outcomes, particularly in our case, for our very significant Australian heritage, but what the Government continues to try and force upon us is the exact opposite.

The terrible reality is that the Windsor Bridge project is symptomatic of almost every ill that besets transport planning and delivery in New South Wales ...Where do we go from here? First, the looming, disastrous plan for Windsor must be replaced with a solution that makes sense because this one certainly does not. Secondly, no New South Wales community should ever again be forced into the type of David and Goliath battle that is still occurring in Windsor today.¹⁷

1.9 CAWB presented a number of recommendations to the inquiry, some of which are discussed throughout this report. However, its primary calls were for the 'immediate cessation' of the proposal to replace the Windsor Bridge, the commencement of renovation works to the existing Windsor Bridge, and the reallocation of project funding towards 'genuine' investigation of Windsor Town Bypass.¹⁸

1.10 CAWB presented a significant body of information to the inquiry which outlined its concerns regarding the project. Concerns related to: the government's justification for the project; the

¹⁷ Evidence, Ms Kate Mackaness, Community Action for Windsor Bridge, 13 April 2018, p 30.

¹⁸ Submission 6, Community Action for Windsor Bridge, p 210.

options development and assessment process; the heritage impact of the proposal; the planning approval process; the cost benefit analysis process; as well as the community engagement processes and methods adopted by RMS throughout the project.¹⁹ These are discussed throughout this report.

- 1.11** These calls were widely echoed within submissions to the inquiry from other community representatives including Hawkesbury City Council, and individual community members.²⁰

Community support

- 1.12** Nine submissions out of a total of 340 submissions received to the inquiry outlined support for the project.²¹
- 1.13** One proponent of the project, who lives just north of the river, stated: '...it is our experience that the overwhelming majority of people who live or work in the Hawkesbury, or simply drive on its roads, want the new Windsor Bridge to be built and opening [sic] to traffic without further delay'.²²
- 1.14** Another proponent stated: '...it is abundantly clear that the current bridge is unsuitable for its current purpose; that being safe passage across the Hawkesbury River for all types of traffic to and from north of Windsor Bridge'. The author went on to stress that the condition of the current bridge is poor, heavy vehicles regularly stop and the intersection at Wilberforce Roads and Freemans Reach Road is dangerous.²³
- 1.15** This author also observed that the addition of a bypass of Windsor would have a considerable economic impact and, ultimately, 'be the death of Windsor'.²⁴

Timeline of key project milestones and processes

- 1.16** A chronology of key project activities relating to the Windsor Bridge replacement project are set out in Table 1 below.
- 1.17** While the chronology begins with the formal announcement of funding for the Windsor Bridge replacement project, the committee received anecdotal evidence that the project to replace the Windsor Bridge may have origins dating back to 2003.²⁵

¹⁹ Submission 6, 6a, 6b, 6c, 6d, Community Action for Windsor Bridge.

²⁰ See for example: Submission 155, Hawkesbury City Council, p 2; Submission 1, Mrs Marilyn Hogg, p 1; Submission 56; Ms Prue Gargano, p1; Submission 76, Hawkesbury Wobblers, p 1; Submission 121, North Richmond and Districts Community Action Association, pp 1-2; Submission 320, Mr Joseph Hart, Mrs Susan Hart and Ms Margaret Brownette, p 1; Submission 330, Mr Roger Sewell, p 1.

²¹ See for example: Submission 317, Name suppressed, p 1; Submission 334, Name suppressed, p 1; Submission 335, Name suppressed, p 1; Submission 336, Mr David Samuel, p 2; Submission 337, Name suppressed, p 1.

²² Submission 336, Mr David Samuel, p 2.

²³ Submission 335, Name suppressed, p 2.

²⁴ Submission 335, Name suppressed, p 2.

Table 1 Chronology of key project activities

Date	Description of project activity
June 2008	NSW Government announced funding for a bridge replacement project. ²⁶
July/August 2009	Nine ²⁷ options were placed on public display for comment. A community workshop was held ²⁸ and a community update which requested feedback on the options was distributed to 13,500 residents. ²⁹
September 2009	A stakeholder workshop (comprising state and local government representatives) was held to identify shortlisted options. Three options (Options 1, 2 and 6) were selected for further study and refinement. ³⁰
August 2011	The <i>Windsor Bridge over the Hawkesbury River, Options Report</i> was published. The report set out a description of the nine options, studies completed and community issues raised. Each of the options was assessed against project objectives. Option 1 (a new high level bridge downstream) was identified as the preferred option. ³¹ A community update was distributed and requested feedback. ³²
August 2011	According to the government, a number of preliminary studies were issued and related to the following areas: traffic modelling and performance; socio-economic investigations; maritime archaeological inspection; preliminary urban design and heritage; Aboriginal archaeological and cultural heritage investigations; landscape and visual investigations; built heritage and archaeological landscape investigations; and hydraulic analysis ³³ .
October 2011	The Roads and Traffic Authority sought approval from the Minister for Planning and Infrastructure for the project to be classified as State significant infrastructure. ³⁴

²⁵ Evidence, Mr Peter Stewart, Independent Advisor, 7 May 2018, p 4.

²⁶ Submission 332, Department of Premier and Cabinet, p 21.

²⁷ Early project documents describe there being nine options. Option nine comprised two alternative bridge widths. There is therefore some inconsistency in the number of initial options presented to the community within various items of evidence presented to the committee.

²⁸ Submission 332, Department of Premier and Cabinet, p 7.

²⁹ Submission 332, Department of Premier and Cabinet, p 8.

³⁰ Submission 332, Department of Premier and Cabinet, p 7.

³¹ Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River, Options Report*, August 2011. <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridgereplacement/windsor-bridge-options-report-aug2011.pdf>.

³² Submission 332, Department of Premier and Cabinet, p 8.

³³ Submission 332, Department of Premier and Cabinet, p 8, p 11 and p 13.

³⁴ Roads and Traffic Authority, *Windsor Bridge replacement, State Significant Infrastructure application report*, October 2011, p 4, <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-state-significant-infrastructure-application-report.pdf>. State significant infrastructure is discussed further on page 48 of this report.

Date	Description of project activity
November 2011	The Director-General of the Department of Planning and Infrastructure issued requirements to RMS regarding the preparation of an Environmental Impact Statement (EIS) for the project. ³⁵
May 2012	RMS working paper issued which identified five shortlisted options for the treatment of Thompson Square and access connections to the bridge. A community update requested feedback on these options. ³⁶
November 2012	The EIS was released for public comment and placed on public exhibition. ³⁷ A community update requested feedback on the EIS. ³⁸
April 2013	The <i>EIS Submissions Report</i> was published. The report outlined a series of issues raised during the EIS consultation process. ³⁹ The report included an analysis of the Rickabys Line bypass option. ⁴⁰
July 2013	CAWB began continuous occupation of Thompson Square. ⁴¹
December 2013	Infrastructure approval was granted, subject to conditions, by the then Minister for Planning and Infrastructure, the Hon. Brad Hazzard. ⁴²
March 2014	An appeal to the Land and Environment Court against the validity of the project approval by the Minister was lodged by CAWB. ⁴³
October 2015	Judgement delivered on court challenge by CAWB. The legal challenge was not upheld. ⁴⁴
August 2016	Archaeological investigations, archival record and environmental monitoring activities commenced, as per the conditions of the planning approval. ⁴⁵
December 2016	Community advised that the replacement bridge would have two southbound lanes and one northbound lane, instead of two lanes as originally proposed. ⁴⁶
March 2017	Draft Urban Design and Landscape Plan issued for community comment. ⁴⁷

³⁵ Submission 332, Department of Premier and Cabinet, p 14.

³⁶ Submission 332, Department of Premier and Cabinet, p 8 and 11.

³⁷ Submission 332, Department of Premier and Cabinet, p 14.

³⁸ Submission 332, Department of Premier and Cabinet, p 8.

³⁹ Submission 332, Department of Premier and Cabinet, p 8.

⁴⁰ The Rickabys Line bypass option is discussed further on page 31 of this report.

⁴¹ Submission 6, Community Action for Windsor Bridge, p 188.

⁴² Submission 332, Department of Premier and Cabinet, p 3.

⁴³ Submission 6, Community Action for Windsor Bridge, p 121.

⁴⁴ Submission 151, Mr Matthew Fraser, p 6.

⁴⁵ Submission 332, Department of Premier and Cabinet, p 21.

⁴⁶ Submission 332, Department of Premier and Cabinet, p 9.

⁴⁷ Submission 332, Department of Premier and Cabinet, p 12.

Date	Description of project activity
September 2017	<i>Submissions Report on the Draft Urban Design and Landscape Plan</i> and 'Draft' Urban Design and Landscape Plan issued. ⁴⁸
December 2017	Revised Windsor Bridge replacement project Traffic Study issued. ⁴⁹
Late 2017	RMS invited tenders for the construction of the project. ⁵⁰
November 2017	Portfolio Committee No 5 - Industry and Transport began inquiry into the Windsor Bridge replacement project. ⁵¹
February 2018	<i>Strategic Conservation Management Plan</i> approved by Department of Planning and Environment. ⁵²
April 2018	Portfolio Committee No. 5 – Industry and Transport, wrote to the Premier of NSW, requesting that the award of the construction tender for the project be deferred until after the committee had tabled its report. ⁵³
May 2018	<p>The Premier of NSW wrote to Portfolio Committee No. 5 advising that the matter had been referred to the Minister for Roads, Maritime and Freight, for consideration.</p> <p>The Chief Executive of RMS subsequently wrote to Portfolio Committee No. 5 advising that it was not in the public interest to allow the current tender validity period to expire, and that the contract was expected to be awarded in May/early June 2018.⁵⁴</p> <p>The contract for construction of the Windsor Bridge replacement project was awarded to Georgiou Group Pty Ltd. The estimated contract value was \$67.5 million.⁵⁵</p>

⁴⁸ Submission 332, Department of Premier and Cabinet, p 12.

⁴⁹ Submission 332, Department of Premier and Cabinet, p 10.

⁵⁰ Submission 332, Department of Premier and Cabinet, p 21.

⁵¹ Minutes, Legislative Council, 16 November 2017, p 2114.

⁵² Answers to questions on notice, Department of Planning and Environment, 25 May 2018, p 4.

⁵³ Correspondence from the Hon Robert Brown, MLC, Chair, Portfolio Committee No. 5 – Industry and Transport to the Hon Gladys Berejiklian, MP, Premier of New South Wales, 17 April 2018.

⁵⁴ Correspondence from Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, to Chair, Portfolio Committee No. 5 – Industry and Transport, 15 May 2018.

⁵⁵ NSW Government, eTendering, *Roads and Maritime Services/Windsor Bridge Replacement Project – RMS.17.0000303641.0348*, 12 July 2018, <https://tenders.nsw.gov.au/rms/?event=public.cn.view&CNUUID=71CEA748-E037-878C-6C45AB24318F0F5E>.

Construction timeframe

- 1.18 Following the award of the construction tender, the committee sought to clarify a proposed timeline for the construction of the Windsor Bridge replacement project. Transport for NSW provided the information below.

Table 2 Construction timeframe

Date	Project activity
August / September 2018	Start construction work.
Late 2020	New bridge opened to traffic.
Late 2021	Anticipated date of project completion.

Source: Answers to questions on notice, Transport for NSW, 14 June 2018, p 1, published by resolution of the committee.

- 1.19 Transport for NSW further advised that the above schedule included allowances for wet weather, and that project completion included utility relocation from the old bridge, demolition of the existing bridge and urban design and landscaping works.⁵⁶

Justification for Windsor Bridge replacement project

- 1.20 The NSW Government's primary justification for the project is based on the assertion that the existing Windsor Bridge is in poor condition and has reached the end of its structural and economic life. However, this was refuted by many inquiry participants who argued that this position did not stand up to independent scrutiny. Both positions are summarised below.

The government's position

- 1.21 The condition of the bridge is the primary driver for the Windsor Bridge replacement project. In describing the condition of the bridge, the government states that 'the piers of the existing bridge are over 143 years old and the deck is 97 years old'. These components, it is argued, 'are deteriorating as a result of age and heavy use'. Furthermore, 'the level of rehabilitation and maintenance required to keep the bridge serviceable is no longer cost effective'.⁵⁷
- 1.22 The government therefore contends that the 'bridge has reached the end of its structural and economic life and requires replacement to ensure a safe, efficient and cost effective crossing of the Hawkesbury River'.⁵⁸ The government also argues that a 'replacement bridge is needed urgently' and 'any solution other than the proposed replacement would lead to more significant delays which may lead to safety issues'.⁵⁹

⁵⁶ Answers to questions on notice, Transport for NSW, 14 June 2018, p 1, published by resolution of the committee.

⁵⁷ Submission 332, Department of Premier and Cabinet, p 20.

⁵⁸ Submission 332, Department of Premier and Cabinet, p 2.

⁵⁹ Submission 332, Department of Premier and Cabinet, p 2.

- 1.23** The government's justification for the replacement of the Windsor Bridge is described in a number of project documents including the 2011 Windsor Bridge Options Report⁶⁰, the 2012 EIS⁶¹, and the iteration of the Windsor Bridge replacement Final Business Case dated November 2017.⁶²
- 1.24** The government's key concerns relating to the condition of components of the existing bridge can be summarised as follows:
- Some sections below the water line are heavily corroded and substantial graphitisation of the cast iron has occurred on some piers.
 - Horizontal cracking is present in the pier columns which is expected to have serious impact on serviceability of bridge.
 - Bracing between older cast iron column sections on three piers is subject to considerable corrosion at water line and may require replacement or repair.
 - Between 2003 and 2007 there was 16 per cent deterioration in the stiffness of at least one of the bridge spans. The stiffness of a span determines the load it is able to support. Therefore, to address this issue, load limits on the bridge may need to be implemented in the near future
 - Concerns regarding spalling, cracking and corrosion relating to the deck slab, internal and external beams and deck joints.⁶³
- 1.25** The Windsor Bridge currently has a 40 kilometres per hour speed limit in place. While no load limit currently exists on the Windsor Bridge, the government contends that a load limit may need to be applied in the future. This would mean that certain heavy vehicles would not be permitted on the bridge, resulting in a 20-kilometre detour for these vehicles.⁶⁴ Mr Kanofski, Chief Executive, RMS confirmed this position stating, 'the next step for this bridge is a load limit'.⁶⁵
- 1.26** Representatives from RMS provided further detail on the assessments underpinning the government's determination of the bridge's condition. Mr Colin Langford, Director, North West Precinct, RMS, advised that three separate structural assessments, two of which were independent, supported the determination that the bridge was subject to 'critical structural failings':

⁶⁰ Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River, Options Report*, August 2011, p 3, <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-options-report-aug2011.pdf>.

⁶¹ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, Chapter 3.

⁶² Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, Chapter 2.

⁶³ Submission 332, Department of Premier and Cabinet, p 20.

⁶⁴ Evidence, Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services, 13 April 2018, p 2.

⁶⁵ *In camera* evidence, Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, 18 June 2018, p 11, published by resolution of the committee.

The project business case contains a summary of three separate structural assessments carried out by Roads and Maritime and two other independent engineers, including Peter Stewart's report for the Department of Planning and Environment. The findings clearly document the critical structural failings of the bridge that cannot be repaired without a significant amount of work. This rehabilitation work was estimated to cost around \$18 million in 2012 and requiring the closure of the bridge for up to 12 months.⁶⁶ ... In the annexures in the structural assessments of the bridge you will see photo after photo of bits falling off this structure. At nearly every span, at every girder and at every pier there is deterioration of the structure. There are concrete chunks falling off this bridge. The reinforcement is exposed and corroding.⁶⁷

1.27 Mr Langford continued that the condition of the bridge was such, that there was 'significant concern [within RMS] that in a major flood this bridge will fail'.⁶⁸

The Final Business Case

1.28 The preparation of Business Cases are an important step in the government's investment decision making process as they examine a proposed project's merit through the consideration of costs, benefits, risks and other implementation requirements. A copy of the project's Final Business Case, dated November 2017 was provided to the committee.⁶⁹ This is discussed further in the conduct of inquiry section of this report.

1.29 In addition to matters relating to the condition of the bridge, the Final Business Case for the Windsor Bridge replacement project set out the following rationale for the project:

- Existing bridge and approach roads fail to meet current engineering/safety standards.
- Existing bridge has lower flood immunity than the surrounding roads.
- Traffic performance and capacity is inadequate and the predicted growth in traffic using this river crossing indicates further deterioration in the levels of service. Heavy vehicles travelling in opposing directions currently stop on the bridge approaches and give way to each other due to narrow lane widths on the existing bridge.
- Local road network has a high crash rate.⁷⁰

1.30 The primary aim of the project was therefore identified as 'to provide a safe and reliable crossing of the Hawkesbury River at Windsor', with specific objectives identified as follows:

- Replace the existing bridge which has reached the end of its economic life with a new bridge with a design life of 100 years.
- Increase flood immunity of the bridge to the equivalent to the approach roads.

⁶⁶ Evidence, Mr Langford, 7 May 2018, p 23.

⁶⁷ Evidence, Mr Langford, 7 May 2018, p 23.

⁶⁸ Evidence, Mr Langford, 7 May 2018, p 31.

⁶⁹ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017. See: Parliament of New South Wales, *Windsor Bridge replacement project, Other documents*. <https://www.parliament.nsw.gov.au/lcdocs/other/11342/Windsor%20Bridge%20Business%20Case.pdf>

⁷⁰ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, p iii.

- Support economic growth and productivity by providing a road with a capability LoS D [Level of Service D]⁷¹ or better for 2026 forecast traffic volumes.
- Encourage active transport by providing appropriate facilities for cycling and walking.
- Provide safe two-way traffic access for freight vehicles.
- Reduce crash rates to be no greater than the stereotypical rates for a primary arterial road (A2 road classification).⁷²

1.31 The secondary objectives identified, common to all RMS projects, were that design and construction works be sympathetic with local heritage and the environment; and that the design be a cost effective and affordable outcome.⁷³

1.32 A number of these justifications were refuted by inquiry participants and are discussed below.

Opposing positions on the condition of the bridge

1.33 The government's position on the current condition of the Windsor Bridge was refuted by three independent experts – Mr Peter Stewart, Mr Ray Wedgwood, and Mr Brian Pearson. Their positions are summarised below.

Peter Stewart Consulting Report

1.34 *A Review and Consideration of the Structural Condition of the existing Windsor Bridge Final Review* was prepared by Peter Stewart Consulting in 2013. The report was commissioned by the Department of Planning and Infrastructure to 'review the structural condition, engineering and other impacts in regard to the proposed demolition of the existing bridge' as part of the planning approval process.⁷⁴

1.35 The Peter Stewart Consulting report identified a number of findings which questioned assertions made by RMS regarding the condition of the bridge. Firstly, the report found that whilst the Windsor Bridge is deteriorating, it is not about to collapse in the short term. Secondly, it found that for a cost of approximately \$12 million, the bridge could be refurbished to enable it to function for the next 50 years for alternative uses. Relevant excerpts from the report are set out below:

While the bridge is deteriorating from various ailments it is not about to collapse in the short term. Each ailment can be treated and this has been plainly demonstrated by RMS and others.⁷⁵

⁷¹ Level of service is a qualitative measure used to analyse roadways and intersections by categorizing traffic flow and assigning quality level of traffic based on performance measures like vehicle speed, density and congestion.

⁷² Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, pp 3-4.

⁷³ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, November 2017, pp 3-4.

⁷⁴ Submission 87, Mr Peter Stewart, Attachment A, Peter Stewart Consulting, *Report on the Structural Condition of the existing Windsor Bridge*, 2013, p 5.

⁷⁵ Submission 87, Mr Peter Stewart, Attachment A, Peter Stewart Consulting, *Report on the Structural Condition of the existing Windsor Bridge*, 2013, p 4.

The bridge can be refurbished at a cost such that it can function for the next 50 years, with little ongoing maintenance. However, this refurbishment would not permit the level of service required by RMS into the future and hence the need for a new bridge. Refurbishment would permit alternative uses for the existing bridge such as either a pedestrian bridge or a load limited bridge (16 tonne). This report shows that it would not be an exorbitant cost (approx. \$12.5 m) to bring the bridge up to an 'as new' condition for an alternative use.⁷⁶

- 1.36** The report also reflected on the RMS' assertion that 'overall the condition of the existing bridge is rated as poor'. Under a section titled 'Gaps in documentation' the report stated that this determination was not supported by the relevant inspection reports:

The conclusion that the whole bridge is in poor condition is not supported by the level 2 Inspection Report Ratings⁷⁷ [B8]. There is no linkage provided between the condition of the various elements and the overall condition. If it is assumed that the condition of the bridge is equivalent to the worst element then again the argument is thin as only 2.1% of the reinforced concrete beams is categorised as condition 4 or 'poor'.⁷⁸

Mr Ray Wedgwood and Mr Brian Pearson

- 1.37** The opinions of Mr Ray Wedgwood and Mr Brian Pearson also featured heavily in arguments refuting the government's position on the condition of the Windsor Bridge. Mr Wedgwood and Mr Pearson are retired NSW Government Chief Bridge Engineers, with some 80 years of experience in the industry. In their role as Chief Bridge Engineers, they were responsible for the location, investigation, design, construction, maintenance and management of road bridges.⁷⁹
- 1.38** In summary, Mr Wedgwood and Mr Pearson contended that it was 'wrong and unnecessary to destroy a bridge in good condition' and advised that it currently carries some 23,000 vehicles, without distress and 'no discernible deflections or vibrations'.⁸⁰ They also stated that they believed that the bridge was capable of carrying all current legal loads, and had conducted separate analysis on the reinforced concrete deck systems to confirm that this was in fact the case.⁸¹
- 1.39** The retired Chief Bridge Engineers also argued that structural and other surface imperfections identified on the bridge could be easily treated, and therefore the life of the bridge could be extended:

⁷⁶ Submission 87, Mr Peter Stewart, Attachment A, Peter Stewart Consulting, *Report on the Structural Condition of the existing Windsor Bridge*, 2013, p 4.

⁷⁷ Level 2 inspections are condition rating inspections that are carried out in accordance RMS Bridge Inspection Procedure.

⁷⁸ Submission 87, Mr Peter Stewart, Attachment A, Peter Stewart Consulting, *Report on the Structural Condition of the existing Windsor Bridge*, 2013, p 12.

⁷⁹ Submission 122, Mr Brian Pearson and Mr Ray Wedgwood, p 2.

⁸⁰ Evidence, Mr Brian Pearson, former Chief Bridge Engineer for the NSW Government, 7 May 2018, p 10.

⁸¹ Evidence, Mr Pearson, 7 May 2018, p 10.

We believe that the cast iron piers supporting Windsor Bridge are not suffering from serious deterioration because of graphitisation, a phenomenon that can cause distress in cast iron sewer pipes at high temperatures. This grand old lady's legs are in fine form after 144 years. The graphitisation erosion can be treated and, as a result, life prolonged.

We believe that it is wrong to destroy a bridge because of largely superficial surface imperfections, such as spalling of concrete, which mainly occurs on the outer beams because of a poor deck drainage detail, which could be readily corrected. These minor problems can be repaired and strengthened where necessary, generally without disrupting traffic.⁸²

- 1.40 Reflecting on the anticipated longevity of the existing bridge, Mr Wedgwood stated that left as is, the bridge 'could last another 10 years without any action'. Furthermore, with the application of a load limit, and repair for carbonation of the concrete, and repair of the piers, the bridge could 'last another hundred years plus'.⁸³

Independent assurance

- 1.41 The Infrastructure Investor Assurance Framework (IIAF) is an independent, risk based assurance process for capital projects with an estimated capital cost of over \$10 million. It is administered by Infrastructure New South Wales, an independent statutory agency. The framework is intended to provide a level of confidence to Cabinet that capital projects are being effectively developed and delivered through the completion of independent peer reviews at key decision points, or 'Gates', during a project's lifecycle.⁸⁴ These reviews are known as Gateway Reviews.
- 1.42 The IIAF is typically a confidential process between independent assessors and government bodies. In explaining the rationale for confidentiality, the IIAF identifies the need for balance between maintaining confidentiality so that issues can be openly identified and mitigations can be developed, against transparency for the government as the project investor.⁸⁵
- 1.43 Six Gates are identified within the framework and align to the particular stages of a project. These are illustrated in the figure below and comprise: Gate 0 – Project justification, Gate 1 – Strategic Assessment, Gate 2 – Business Case, Gate 3 – Pre-tender; Gate 4 – Tender Evaluation; Gate 5 – Pre-commissioning; and Gate 6 – Post Implementation.

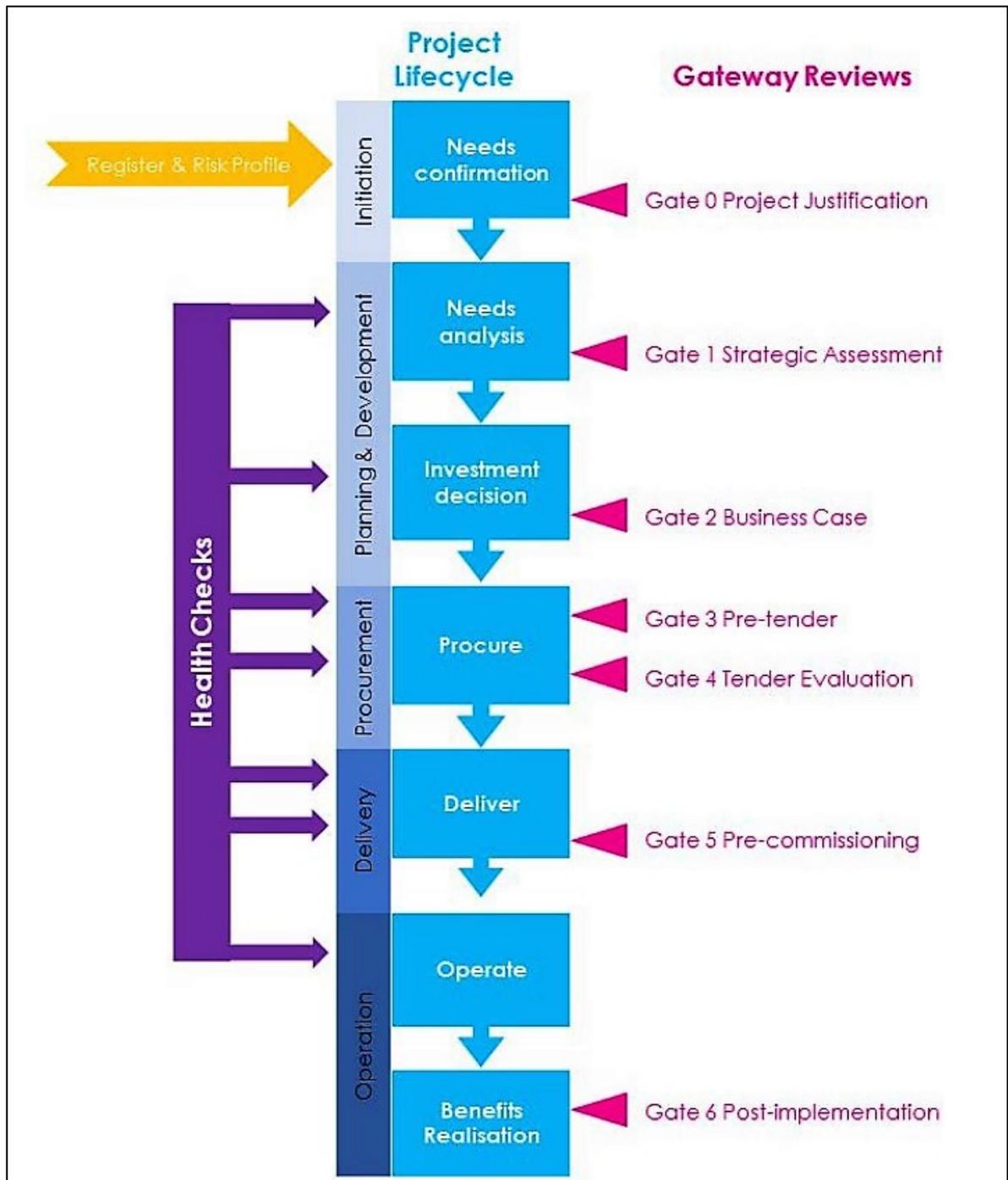
⁸² Evidence, Mr Pearson, 7 May 2018, p 10.

⁸³ Evidence, Mr Ray Wedgwood, former Chief Bridge Engineer for the NSW Government, 7 May 2018, p 13.

⁸⁴ Infrastructure NSW, *Infrastructure Investor Assurance Framework*, December 2016, p 1, http://infrastructure.nsw.gov.au/media/1269/final-pub-iiaf-paper-v-522_web.pdf

⁸⁵ Infrastructure NSW, *Infrastructure Investor Assurance Framework*, December 2016, p 7.

Figure 3 Project lifecycle assurance



Source: Infrastructure NSW, Infrastructure Investor Assurance Framework, December 2016, p 15.

- 1.44 The IIAF uses a risk-based approach. This means that risk levels, or 'Tiers', are assigned to individual projects and that the level of assurance and reporting required is based on the level of risk assigned to the project. The level of risk is determined by the delivery agency by considering the following factors: level of government priority, interface complexity, procurement complexity, agency capability, and essential service.⁸⁶

⁸⁶ Infrastructure NSW, Infrastructure Investor Assurance Framework, December 2016, pp 15-16.

Figure 4 Application of Gateway Reviews by Infrastructure NSW

GATE	Tier 1 – HPHR	Tier 2	Tier 3	Tier 4
GATEWAY REVIEWS	Gateway Reviews are mandatory at all Gates.	Gateway Reviews are mandatory for Gate 0, Gate 1, and Gate 2.	Gateway Review is mandatory for Gate 0.	Gateway Reviews not required. Delivery agency assurance requirements to meet internal governance arrangements only apply.
Gate 0 Project Justification	Mandatory	Mandatory	Mandatory	Not required
Gate 1 Strategic Assessment	Mandatory	Mandatory	Optional	
Gate 2 Business Case	Mandatory	Mandatory	Optional	
Gate 3 Pre-tender	Mandatory	Optional	Optional	
Gate 4 Tender Evaluation	Mandatory	Optional	Optional	
Gate 5 Pre-commissioning	Mandatory	Optional	Optional	
Gate 6 Post-implementation	Mandatory	Optional	Optional	

Source: Infrastructure for NSW, *Infrastructure Investor Assurance Framework*, December 2016, p 19.

- 1.45** As the Windsor Bridge replacement project was formally announced in 2008, many of the early stages of the project predate the establishment of the IIAF.⁸⁷ However, in August 2016, the project was registered with Infrastructure NSW and was subject to an independent risk review by the Risk Review Advisory Group, a group providing advice to Infrastructure NSW on proposed project tiers and project assurance plans. The project was classified as a Tier 3⁸⁸ and subsequently endorsed as Tier 3 project by the Infrastructure Investment Advisory Committee, the senior steering committee for the assurance process in January 2017.⁸⁹ However, it is worth noting that Mr Rodd Staples, Secretary, Transport for NSW advised that the project may have been reclassified as a Tier 2 project since that time.⁹⁰ Mr Staples did not elaborate as to the effect that this reclassification, or any retrospective application.
- 1.46** Tier 3 projects are mandated to complete Gate 0 – Project Justification reviews. These reviews require independent consideration of 'whether the problem or service need has been appropriately defined and evidenced'⁹¹, as well as 'the proposed project's alignment to

⁸⁷ Evidence, Mr Ian Allan, Director, Greater Sydney Project Office, Program Management, Roads and Maritime Services, 7 May 2018, p 33.

⁸⁸ Evidence, Mr Stephen Fox, Executive Director, Group Finance, Transport for NSW, 7 May 2018, p 32.

⁸⁹ Evidence, , Mr Fox, 7 May 2018, p 34.

⁹⁰ *In camera* evidence, Mr Rodd Staples, Secretary, Transport for NSW, 29 May 2018, p 7, published by resolution of the committee.

⁹¹ Infrastructure NSW, Project Assurance, Resources, Gate 0, <http://www.infrastructure.nsw.gov.au/project-assurance/publications/gate-0/>.

government policy/strategy and the delivery agency's plan to take the project forward'.⁹² All other reviews are optional and a matter for individual agencies to determine how best to address. Mr Stephen Fox, Executive Director, Group Finance, Transport for NSW explained that as a Tier 3 project, assurance processes would be 'relatively light'. Mr Fox explained:

...the touch on this one would be relatively light in the sense that the business case would go to what was the ultimate cost, what were the actual outcomes in respect of meeting the initial need that was assessed.⁹³

- 1.47** As stated above, the early stages of the Windsor Bridge replacement project predate the IIAF. Therefore a Gate 0 – Project justification Gateway Review, such as that which would be required for a comparable project today, was not undertaken for the Windsor Bridge replacement project.
- 1.48** Gateway Reviews have however been undertaken at Gates 2 – Business Case and Gate 4 – Tender Evaluation stages. These are discussed further in Chapter 4.
- 1.49** In response to questioning relating to the absence of independent assurance over project justification, Mr Fox suggested that the fact that the Infrastructure NSW Risk Committee reviewed the project 'and it was lodged and accepted as a project and tiered by INSW' would in his opinion, indicate 'that they have accepted it [the project] and there is effectively acceptance that there is an issue to be addressed'.⁹⁴

Committee comment

- 1.50** The Windsor Bridge is an important piece of infrastructure for the Hawkesbury community, providing both local and regional connectivity for over 20,000 vehicles daily. For over a decade successive governments have sought to implement a project to replace the Windsor Bridge, arguing that it has reached the end of its structural and economic life.
- 1.51** However, the evidence received to date has left the committee in no doubt of the majority opposition to the project that is shared by many of those who made submissions to the inquiry. The committee received many calls for the immediate cessation of the project on account of the irrevocable heritage impact, not only to the bridge itself, but the adjoining state heritage listed Thompson Square Conservation Area. Indeed, some inquiry participants contended that the project would fracture the inherent identity of the town itself, a strong motivator for those keen to find a viable alternative to the bridge's demolition.
- 1.52** Community Action for Windsor Bridge has been particularly instrumental in the campaign for an alternative solution for the region. The committee received comprehensive evidence from the group and their commitment and passion to protect the bridge and surrounding area is undeniable. It is clear to the committee from the many submissions received to the inquiry that many within the community support the position they outline.

⁹² Infrastructure NSW, Gateway Workbook, Gate 0, May 2018, p 14.
<http://www.infrastructure.nsw.gov.au/project-assurance/publications/gate-0/>

⁹³ Evidence, Mr Fox, 7 May 2018, p 35.

⁹⁴ Evidence, Mr Fox, 7 May 2018, p 34.

- 1.53** The merits of the various options proposed by Roads and Maritime Services and the process by which they consulted with the community will be discussed in the following chapters. The end result, however, remains: the design has been chosen, the contract awarded, and work has commenced. The committee has framed its recommendations accordingly.
- 1.54** As noted in the opening remarks to this report, much of the evidence received by the committee has been contradictory. On the one hand, the government has asserted that the structural condition of the bridge has deteriorated to such a point that demolition and replacement is the only way forward. It argues that further postponement would require the imposition of a load limit on the bridge, forcing heavy vehicles onto a detour of some 20 kilometres and add to an already congested local road network, and risk the failure of the bridge in the event of a flood.
- 1.55** In contrast, evidence from independent consultant Mr Peter Stewart, and retired government bridge engineers Mr Pearson and Mr Wedgwood, opined that the bridge would not fail in the short term and that structural inadequacies could be treated with relatively modest expenditure. Notwithstanding arguments relating to the level of maintenance required, these experts did however acknowledge that a rehabilitated Windsor Bridge would not be able to deal with forecast traffic requirements, and that an alternative bypass route would eventually be required.
- 1.56** These are highly technical matters and having reviewed the evidence before it, the committee is unable to determine which side, if indeed any, presents the more robust case. Both sides present evidence from independent and credible sources to support their claims.
- 1.57** What is clear is that each of the government agencies that have played a role in the process to date have failed in their obligation to convincingly convey the justification for the project to the community. While community opposition emerged at the project's inception, the agencies involved have failed to garner community support, or even acceptance, in the 10 years since it was first proposed.
- 1.58** It would appear that much of this can be attributed to the absence of a thorough process of independent assurance to substantiate the works proposed by Roads and Maritime Services at the outset of the project. Therefore, the committee sought to understand why this did not occur.
- 1.59** The committee determined that, as the early stages of the Windsor Bridge project predated the IIAF, the process that would otherwise be required for the same project today was not undertaken.
- 1.60** While gateway assurance has taken place more recently, the committee contends that had this occurred at the outset of the project, much of the confusion and miscommunication regarding the justification for and merits of the chosen design could have been avoided, or at least ameliorated.

Finding 1

That the failure to subject the Windsor Bridge replacement project to a comprehensive independent assurance process has undermined the justification for the project and the credibility of the chosen design, thereby exacerbating community opposition to the project.

- 1.61** The committee notes that all capital projects valued at an estimated cost of \$10 million and above are required to comply with the IIAF, and therefore the Gateway Reviews referred to in paragraph 1.41. As noted, the number of reviews a project is required to undertake is determined by the 'tier' applied to the project – Tier 1 being the highest, Tier 4 the lowest. The Windsor Bridge project was classified as Tier 3.
- 1.62** The committee accepts the rationale put forward regarding the confidential nature of these assessments. However, on balance, the committee contends that greater transparency in the use of this information may provide confidence and assurance to the community that a project is justified and represents value for money. This would be particularly important for the Windsor Bridge project going forward, however other infrastructure projects the subject of similar community interest could similarly benefit from greater transparency and community engagement.
- 1.63** The committee therefore recommends that the NSW Government publish the results of all such assessments undertaken for the Windsor Bridge project to date, appropriately redacted of commercial in confidence information, including the Final Business Case for the project. While redacted versions of several of these documents have been published in the course of this inquiry processes, the committee considers that such a step would demonstrate an act of good faith on the part of the government to redressing some of the mistakes of the past, and signal a new chapter in the government's relationship with the Windsor community.
-

Recommendation 1

That the NSW Government publish the results of all Gateway Reviews and similar assessments undertaken for the Windsor Bridge project to date, appropriately redacted of commercial in confidence information.

- 1.64** The committee also notes that the NSW Government has committed to a significant portfolio of capital works in recent years, some of which have been the subject of community concern, opposition or misunderstanding. It is incumbent on the government to better communicate the justification and need for such projects so as to foster community trust and promote transparency. It is therefore recommended that the NSW Government, in developing proposals for significant capital works, identify an appropriate mechanism through which to communicate the justification and need for such projects.

Recommendation 2

That the NSW Government, in developing proposals for significant capital works, identify and implement an appropriate mechanism through which to communicate the justification and need for such projects so as to foster community trust and promote transparency.

Chapter 2 Options presented to the community

The adequacy and appropriateness of the options development and assessment process was one of the most frequent areas of concern presented by inquiry participants. This section presents the key processes undertaken as well as concerns raised by inquiry participants.

Options development and assessment process

2.1 This section describes the process undertaken by Roads and Traffic Authority and Roads and Maritime Services (RMS).

Preliminary options

2.2 The option development and assessment process for the Windsor Bridge replacement project began in July 2009 when nine options⁹⁵ to 'replace or rehabilitate' the Windsor Bridge were developed by the Roads and Traffic Authority and placed on public display.⁹⁶ A brief description of these options is provided in the table below.

Table 3 Initial options presented to the community

Option	Option type	Brief description
1	New bridge	New downstream high-level bridge via Old Bridge Street
2	New bridge	New downstream low-level bridge via Old Bridge Street
3	New bridge	New bridge immediately upstream of existing bridge
4	New bridge	New bridge at Baker Street
5	New bridge	New bridge at Kable Street
6	Bypass	New bridge parallel to Palmer Street and new bridge over South Creek
7	New bridge	New bridge at Palmer Street via Court Street and North Street
8	Bypass	New bridge at Pitt Town Bottoms
9a	Refurbishment	Refurbishment of existing bridge to provide a 2 lane crossing
9b	Refurbishment	Refurbishment of existing bridge to provide a 3 lane crossing

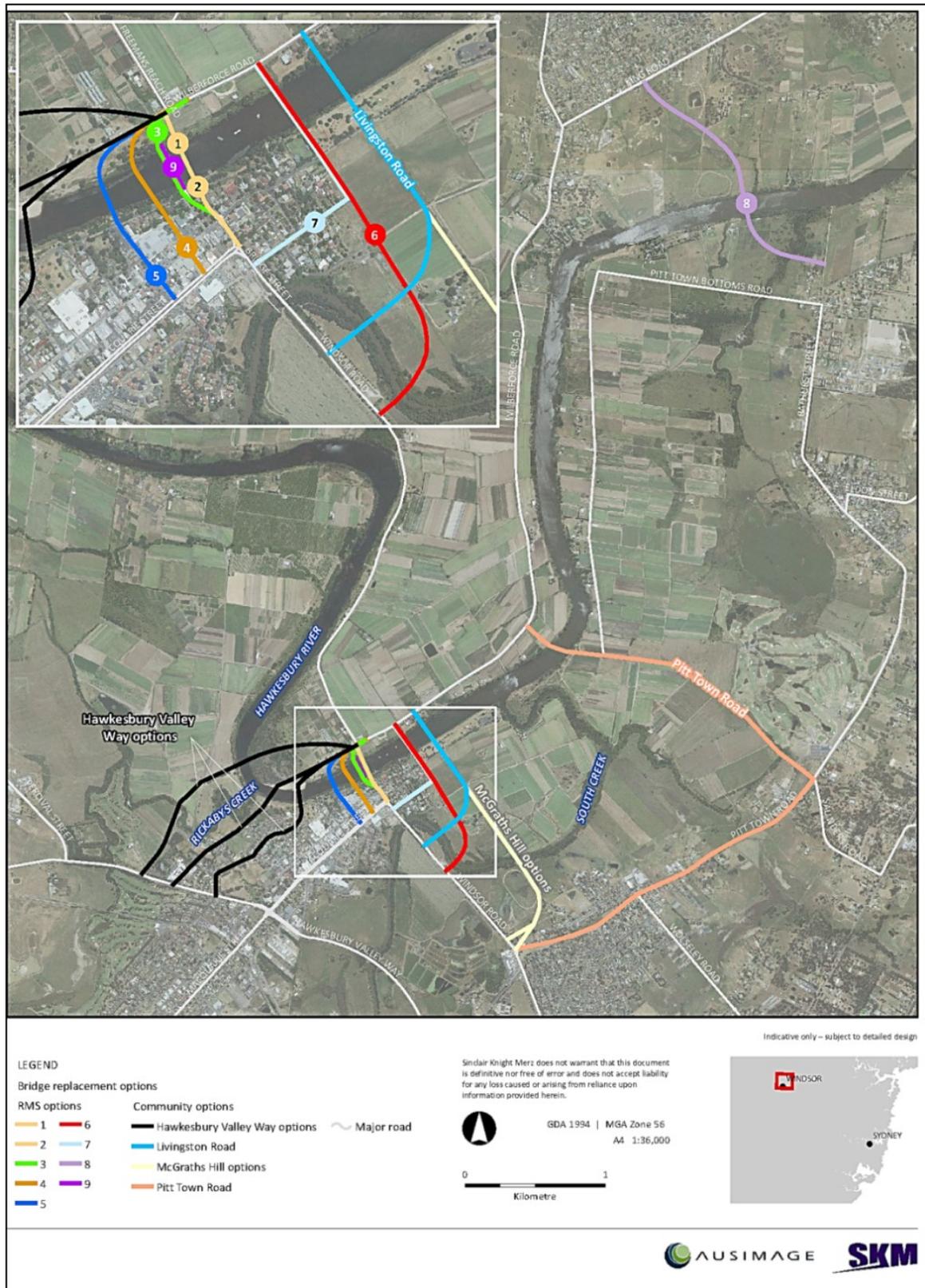
Source: Roads and Maritime Services, Windsor Bridge Replacement, Environmental impact statement, Volume 1, November 2012, Chapter 4, p 37.

2.3 The options identified included eight bridge replacement alternatives, as well as one bridge refurbishment option. The option to refurbish the existing bridge contained two variations to the proposed number of lanes. The location of these options (Options 1 – 9) are illustrated in the figure below. These are identified as 'RMS Options' in the map's legend.

⁹⁵ Note that Option 9 comprises two variations of bridge width. Inconsistent evidence was provided as to whether there were nine or 10 options. This report refers to there being nine preliminary options.

⁹⁶ Submission 332, Department of Premier and Cabinet, p 7.

Figure 5 Windsor Bridge replacement project – Options



Source: Roads and Maritime Services, Windsor Bridge replacement, Environmental impact statement, Volume 1, November 2012, Chapter 4, p 39.

Options assessment process

- 2.4** The government's submission describes the option assessment process that followed. In July 2009, a community update requesting feedback on the options was distributed to residents. A community information session and a community workshop also took place around this time. Approximately 136 submissions were received in response.⁹⁷
- 2.5** In November 2009 the Roads and Traffic Authority published the *Windsor Bridge Community Consultation Report*. This report identified a series of issues that had been raised by the community including: 'heritage and character of the local area, local community needs, traffic and transport issues, floods, safety for motorists, and cost effectiveness'.⁹⁸ The report stated that 40 per cent of respondents had indicated a preference for Option 1. However, this information was accompanied by a caveat which explained that as the RTA did not request people to nominate a preferred option, and as some people did not provide a response, this data was not statistically significant.⁹⁹
- 2.6** The government stated that around this time it received a petition of some 600 signatures which stated support for Options 1, 2 and 8, in that order of preference, and strongly opposed Options 6 and 7.¹⁰⁰ However, a number of inquiry participants questioned the integrity of this petition.¹⁰¹ This issue is revisited later in this chapter.
- 2.7** In September 2009, a government stakeholder workshop with attendees from Roads and Traffic Authority, Hawkesbury City Council, NSW Maritime, Heritage Branch of the Department of Planning (now part of the Office of Environment and Heritage) and the Government Architects Office was held. The purpose of this workshop was to compare and shortlist options for further investigation. Workshop attendees identified Options 1, 2 and 6 as the shortlisted options.¹⁰² The workshop group also 'unanimously recommended that options 3, 4, 5, 7, 8 and 9 not be considered further'.¹⁰³
- 2.8** Two years later, in August 2011, the *Windsor Bridge over the Hawkesbury River, Options Report* was published by Roads and Traffic Authority. The report described the nine options, the studies completed, and issues raised by the community and project stakeholders. It also described the process used to assess and compare the options. In addition to Options 1 – 9, the report discussed a number of 'community options' including the Livingstone Road alternative (see light blue line in figure 2 above), the Pitt Town Bottoms Road alternative (see orange line in figure 2 above), and the retention of the existing Windsor Bridge for light traffic.¹⁰⁴

⁹⁷ Submission 332, Department of Premier and Cabinet, p 7.

⁹⁸ Roads and Traffic Authority, *Windsor Bridge Community Consultation Report*, November 2009, p 10.

⁹⁹ Roads and Traffic Authority, *Windsor Bridge Community Consultation Report*, November 2009, p 11.

¹⁰⁰ Submission 332, Department of Premier and Cabinet, p 7.

¹⁰¹ See for example: Submission 114, Mr Peter Nicholson, p 9; Submission 163, Mrs Nina Butler, pp 10-11; Submission 189, Name suppressed, p 2.

¹⁰² Submission 332, Department of Premier and Cabinet, p 7.

¹⁰³ Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River, Options Report*, 2011, p 62.

¹⁰⁴ Submission 332, Department of Premier and Cabinet, p 7. Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River Options Report*, August 2011, p 56.

- 2.9 The report also included a preliminary economic analysis which set out, among other things, the estimated capital cost and the Benefit Cost Ratio (BCR) of each of the options.¹⁰⁵ This information is provided in the table below.

Table 4 Preliminary economic analysis of options

Option	Estimated capital cost (\$ million)	Benefit Cost Ratio
Closing the bridge	0.5	n/a
Option 1	45.4	4.5
Option 2	45.4	4.5
Option 3	53.4	3.5
Option 4	50.1	3.7
Option 5	52.9	3.5
Option 6	82.9	2.1
Option 7	56.5	3.2
Option 8	130.6	-0.8
Option 9a	18.0	9.2
Option 9b	24.7	5.4

Source: Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River Options Report*, 2011, p 66.

Preferred option

- 2.10 The 2011 *Windsor Bridge over the Hawkesbury River Options Report* identified Option 1 as the preferred option. The report stated that this option performed 'best on value for money and performs well in relation to most of the project objectives, except heritage. Importantly, Option 1 can be delivered in stages, which satisfies current funding'.¹⁰⁶
- 2.11 Another community update was issued requesting feedback on the preferred option. Public information displays were established and a public information session was held. A total of 72 submissions were received in response which were summarised in a *Community Issues Report*, dated October 2011.¹⁰⁷
- 2.12 In May 2012 a further community update was distributed. The community update provided an update on the project and presented 'five options for renewing Thompson Square' for comment.¹⁰⁸
- 2.13 In November 2012, the Environmental Impact Statement (EIS) for the Windsor Bridge replacement project was released for public comment. It described how Option 1 was selected

¹⁰⁵ A project is potentially worthwhile if the BCR is greater than one as this indicates that project benefits exceed projects costs.

¹⁰⁶ Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River Options Report*, 2011, p 79.

¹⁰⁷ Submission 332, Department of Premier and Cabinet, p 7.

¹⁰⁸ Submission 332, Department of Premier and Cabinet, pp 7-8.

and reiterated that this 'option was found to perform best in terms of value for money and would perform well in relation to most of the project objectives'.¹⁰⁹

- 2.14** The EIS also stated that RMS had undertaken to further refine the proposal to minimise the potential amenity and heritage impacts.¹¹⁰ A number of variations to the proposal for the Windsor Bridge were also included within the EIS. This included variations to the 'approach roads and intersections, the bridge design, urban design details and access through Thompson Square'.¹¹¹
- 2.15** Some 101 submissions to the EIS were received.¹¹² A submissions report was released in April 2013. The report included an assessment of the Rickabys Line option which is discussed later in this chapter.

Adequacy of options development and assessment process

- 2.16** Concerns about the options development and assessment process were a dominant theme throughout the inquiry. These are discussed below.

Transparency and integrity of process

- 2.17** One of the most significant concerns related to the transparency of the options assessment process in 2009. A number of inquiry participants argued that the process was not genuine as a decision to proceed with the replacement of the bridge, and Option 1, had already been made.
- 2.18** As noted above in table 3 above, eight of the nine preliminary options presented in 2009 involved the replacement of the Windsor Bridge, and only two of the nine options involved a bypass of Windsor. Hawkesbury City Council contended that these preliminary options illustrated 'that the RTA/RMS has always and only supported the replacement of Windsor Bridge'. The Council found the argument relating to the financial unfeasibility of bypass options generally to be 'nonsensical' given the government's history of expenditure in towns which have 'lesser heritage influences and fewer people (for example, in Berry, Moree, and Buladelah)'.¹¹³
- 2.19** Hawkesbury City Council further added that genuine bypass options had not been put forward to the community as Options 6, 7 and 8 did not provide connectivity. The Council therefore contended that the 'NSW Government, through its road agencies, is disingenuous in its claims that it has either listened to the community and provided a thorough analysis of potential outcomes'.¹¹⁴

¹⁰⁹ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental impact statement, Volume 1- main report*, 2012, Chapter 4, p 32.

¹¹⁰ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental impact statement, Volume 1- main report*, 2012, Chapter 4, p 33.

¹¹¹ Submission 332, Department of Premier and Cabinet, p 8.

¹¹² Submission 332, Department of Premier and Cabinet, p 14.

¹¹³ Submission 155, Hawkesbury City Council, p 9.

¹¹⁴ Submission 155, Hawkesbury City Council, p 9.

- 2.20** CAWB suggested that alternative options had been deliberately designed to be 'inadequate and unacceptable', and stated:

One of the most damning aspects of the Windsor Bridge replacement project is the misleading and deceitful presentation of alternative options. Every alternative to Option 1 was deliberately designed to be inadequate and unacceptable.¹¹⁵

- 2.21** Mr Harry Terry of CAWB contended that 'eight of the options that were chosen were ludicrous in their nature and clearly defied logic' and that these options 'were clearly devised to have the intention of promoting the preferred option'.¹¹⁶

- 2.22** Mrs Sarah McRae of CAWB explained that the community had become increasingly cynical about the credibility of the options process as documents obtained by the group via a *Government Information (Public Access) Act 2009* request indicated that the location of the bridge had been decided upon as early as 2008:

It was pretty clear from the beginning that option one was the only option they ever considered. The residents in Thompson Square were told in 2008: We are building a new bridge and this is where it is going to be. And the process went from there. We have documents that we obtained through ... the Government Information (Public Access) Act, or GIPA Act, that indicate that in 2008 the RMS had decided the location of the bridge and the preferred option. Then in 2009 they released the options to the community. They went through the process of the consultation, which was quite extensive, I will agree with the RMS on that ... But really at the end of the day everything pointed to option one being the only option that was ever considered.¹¹⁷

- 2.23** Mr Andrew Douglas, Director, Cambray Consulting completed a review of traffic and transport data during the planning approval process. Mr Douglas confirmed that a key finding within his report was that it appeared that the scope throughout much of the duration of the project had focussed on justifying the preferred option, as opposed to undertaking a thorough investigation into alternative options. Mr Douglas further explained:

I suppose the primary concern from my perspective, the transport and traffic perspective, was that maybe the study had kind of zoomed in on a preferred option, or at least that the study area was maybe defined a little bit too narrowly to allow broader consideration of other options. I note that it is called a bridge replacement project, so in that context maybe that in itself, the definition of the scope of the project was where that started.¹¹⁸

- 2.24** As a result of this finding, Mr Douglas recommended that RMS should 'consider potentially expanding the scope of the investigation from a transport and traffic perspective' to look at a broader set of options at the outset. However, this recommendation was not actioned.¹¹⁹ Explaining his position further, Mr Douglas advised:

¹¹⁵ Submission 6, Community Action for Windsor Bridge, p 42.

¹¹⁶ Evidence, Mr Harry Terry, President, Community Action for Windsor Bridge, 13 April 2018, p 31.

¹¹⁷ Evidence, Ms Sarah McRae, Member, Community Action for Windsor Bridge, 13 April 2018, p 31.

¹¹⁸ Evidence, Mr Andrew Douglas, Director, Cambray Consulting, 13 April 2018, p 50.

¹¹⁹ Evidence, Mr Douglas, 13 April 2018, p 50.

... In an ideal world I probably almost always advocate taking a broader view early so as not to let the focus of the study exclude looking at things that are maybe a bit further afield. In this instance had the process started more broadly there might have been scope to consider a wider range of options and maybe one of those would have proven to be better overall. Normally you would start with the broader transport study and out of that would be a separate project. Then if the bridge replacement, as currently defined, was the way to go that would be studied in more depth, so that is the kind of missing step.¹²⁰

2.25 Mr Peter Stewart of Peter Stewart Consulting expressed a similar observation within his report concerning the condition of the Windsor Bridge. The report stated that project documentation 'does not show a strong resolve to preserve the existing bridge for an alternative use, with a continuing theme throughout the documentation that it will be replaced by a new bridge. This was clear when a decision was main [sic] by the RTA (now RMS) to replace the bridge sometime before 2003'.¹²¹

2.26 CAWB and other individuals also alleged that certain options had been deliberately chosen to divide the community. For example, Mr Peter Reynolds stated:

With hindsight it is clear to see the RMS employs a 'divide and conquer' philosophy instead of true community consultation. It offers Options designed to split the community, cause conflict and so generate support for its wholesomely inadequate preferred option.¹²²

Was the preferred option the most meritorious?

2.27 As outlined above, the options assessment process included the evaluation of project options against a set of predetermined objectives or criteria, to determine the preferred or most meritorious option.

2.28 Mr Peter Mould, former NSW Government Architect, identified a number of concerns relating to the assessment of options against project objectives, in particular 'the comparison between option one, the preferred option, and option six'.¹²³

2.29 Mr Mould provided a number of examples to illustrate his concern which are set out below. In conclusion, Mr Mould argued that re-evaluating just a few criteria would have resulted in Option 6, as opposed to Option 1, being the superior option:

There are 25 criteria, with many criteria scored equally. Of those criteria that differentiate options one and six, seven favour option one, and six favour option six. But let me analyse a few of those rankings.

The first is: meets road speed at 60 kilometres per hour. They score equally but we now know that option 1 has been reduced to 50 kilometres per hour, so option six must score higher.

¹²⁰ Evidence, Mr Douglas, 13 April 2018, pp 50 - 51.

¹²¹ Submission 87, Mr Peter Stewart, Attachment A, Peter Stewart Consulting, *Report on the Structural Condition of the existing Windsor Bridge*, 2013, p 4.

¹²² Submission 265, Mr Peter Reynolds, p 4.

¹²³ Evidence, Mr Peter Mould, former New South Wales Government Architect, 7 May 2018, p 17.

The second is: provides crossing that has higher level of flood immunity than the existing bridge. Surely, the necessary levels are design criteria for any crossing...and I would argue that it is easier to achieve out of town where the existing town street pattern and levels are not restrictions. So why is option one scored higher?

The third is: minimise impacts of noise. Option one scores three stars and option six scores one. That implies that cars and trucks moving up hill through the town centre, at a raised level, braking at the roundabout, adjacent to the town square, and above single-storey cottages will have less noise impact than a bridge out of town. I do not accept that.

The fourth is: minimise impact on Aboriginal and non-Aboriginal heritage and conservation areas. Option six scores much higher here, but it is one criteria. I would argue that those are three criteria. Just re-evaluating these few criteria would mean that option six was superior on 12 criteria as compared to option one, which would be superior on five criteria.¹²⁴

Consideration of bypass options

- 2.30** Many submissions to the inquiry called for the construction of a bypass of Windsor town, and the retention of the existing bridge for alternative local uses. The box below provides a snapshot of the statements of support presented to the committee.

Calls for a bypass of Windsor and retention of the existing Windsor Bridge

- 'We support our community and contend that Windsor and the wider area is best served by a bypass solution for current and future generations...we do not believe the governance around the Windsor Bridge Replacement Project has fairly reflected the option of a bypass'.¹²⁵ [Hawkesbury City Council]
- 'In 2010 the Heritage Council of NSW reinforced its preference for a bypass option ... By letter dated 28 October 2011 the Heritage Council advised that it is unequivocally opposed to the project for the 'irrevocable damage' it will do to Windsor and Thompson Square'.¹²⁶ [Heritage Council of NSW]
- 'I believe the option to bypass the town is the best option ... The bottom line is that any option other than going through Thompson Square is an improvement'.¹²⁷ [Former NSW Government Architect]
- 'Why have other towns with less traffic been bypassed yet it is full steam ahead despite the pleads of professional bridge experts to build around the town'.¹²⁸ [Individual]
- 'a Windsor Bypass...will prevent Thompson Square from being further damaged and eventually allow the historically significant 1874 bridge to be returned to local usage only, as it was originally intended, and retain and unique character of Windsor'.¹²⁹ [Hawkesbury Historical Society]

¹²⁴ Evidence, Mr Mould, 7 May 2018, p 17.

¹²⁵ Submission 155, Hawkesbury City Council, p 18.

¹²⁶ Submission 316, Heritage Council of NSW, p 3.

¹²⁷ Evidence, Mr Mould, 7 May 2018, p 19.

¹²⁸ Submission 5, Mrs Pamela Knobbs, p 1.

- 'Since the 1975 listing of Thompson Square, the National Trust has looked forward to the re-routing of the main traffic route ... around the town of Windsor, as has happened with other historic towns such as Berrima, Goulburn and Liverpool'.¹³⁰ [National Trust of Australia (NSW)]
- 'A bypass which diverts heavy vehicles and through traffic away from the historic town centre and the Thompson Square precinct is the only adequate solution that will provide for future traffic needs whilst protecting the heritage that is key to Windsor's economic and cultural viability'.¹³¹ [CAWB]
- 'We need to have a bypass of Windsor for two reasons, reduce the traffic in Windsor's heritage area and retain the area as it is for future generations to enjoy'.¹³² [The Hawkesbury Wobblers]

2.31 CAWB argued that, despite evidence of widespread support for a bypass, there had never been any meaningful attempt to give consideration to a bypass option for Windsor.¹³³ CAWB further argued that despite there being several 'ideal' locations for a bypass, the bypass options identified by RMS (Options 6 and 8) 'were deliberately designed to negatively impact on residents in Wilberforce and Pitt Town, so as to make them untenable'.¹³⁴

2.32 CAWB identified a number of inadequacies with the bypass options identified in 2009, asserting that none of the options followed high ground; take advantage of existing road corridors to make construction financially viable; connect to the flood evacuation route; provide strategic traffic benefits; or offer increased road network capacity.¹³⁵

2.33 Inquiry participants referred to two bypass options worthy of further consideration: the Rickabys Line bypass option and the Lynwood Bypass, which is also known as the Pitt Town Bottoms alternative (Option 8).¹³⁶

Rickabys Line bypass options

2.34 The Rickabys Line bypass option was designed by Mr Ray Wedgwood and Mr Brian Pearson, the two retired chief bridge engineers referred to in Chapter 1. Many submissions from inquiry participants voiced support for this option.

2.35 Mr Wedgwood and Mr Pearson stated that they 'found all nine RMS proposals unsatisfactory' as 'each of the seven proposals for new bridge structures at Windsor would eventually feed 26,000 vehicles daily through the town, creating an unworkable situation with the town drowned in vehicles'.¹³⁷ Mr Wedgwood and Mr Pearson therefore investigated 'upstream topography to determine whether a suitable site could be found for a bridge crossing of the

¹²⁹ Submission 338, Hawkesbury Historical Society, p 2.

¹³⁰ Submission 91, National Trust of Australia (New South Wales), p 1.

¹³¹ Submission 6, Community Action for Windsor Bridge, p 6.

¹³² Submission 76, The Hawkesbury Wobblers, p 1.

¹³³ Submission 6, Community Action for Windsor Bridge, p 40.

¹³⁴ Submission 6, Community Action for Windsor Bridge, p 54.

¹³⁵ Submission 6, Community Action for Windsor Bridge, p 54.

¹³⁶ Evidence, Mr Terry, 13 April 2018, p 31.

¹³⁷ Submission 122, Mr Ray Wedgwood and Mr Brian Pearson, p 8.

river with a connection to the Flood Evacuation Route'.¹³⁸ They identified the Rickabys Line options.

2.36 A detailed explanation of the route is identified within Mr Wedgwood and Mr Pearson's submission to the inquiry. However in general terms, the route would connect Wilberforce Road with the designated flood evacuation route for the area, the Hawkesbury Valley Way. The route is illustrated below and also in figure 5 on page 24.

Figure 6 The Rickabys Line option



Source: Submission 6, Community Action for Windsor Bridge, p 55.

2.37 Mr Pearson and Mr Wedgwood identified a series of benefits to the option, the primary benefit being the reduced traffic impact on Thompson Square. Other benefits included:

- the redirection of regional traffic onto the flood evacuation route
- the provision of an additional crossing over the Hawkesbury River
- removal of traffic in Windsor and therefore reductions in traffic delays and noise
- improved access to a number of recreational areas in the area
- additional road network capability.¹³⁹

2.38 In light of the perceived strengths of the Rickabys Line option, Mr Wedgwood and Mr Pearson therefore recommended that the current RMS proposal should be stopped; that project funds be reallocated towards construction of the Rickabys Line bypass; that further flooding studies of the Hawkesbury Valley floodplain be undertaken; that the existing

¹³⁸ Submission 122, Mr Ray Wedgwood and Mr Brian Pearson, p 8.

¹³⁹ Submission 122, Mr Ray Wedgwood and Mr Brian Pearson, p 19.

Windsor Bridge be rehabilitated; and that, upon completion of the bypass a load limit be applied to the Windsor Bridge.¹⁴⁰

2.39 The Rickabys Line option was assessed by RMS in the Submission Report to the Windsor Bridge Replacement EIS published in 2013.¹⁴¹ The report costed the proposal at \$116.9 million, in contrast to the estimated cost of the preferred option, which at that time was \$65 million.¹⁴²

2.40 Mr Colin Langford, RMS, provided further detail on the analysis of the Rickabys Line completed by RMS. Mr Langford advised that it was not a feasible solution for a number of reasons, including that it did 'not provide enhanced benefits to the community and motorists' and it would likely cost 'two to three times' the existing Windsor Bridge replacement proposal. Other reasons included:

- the Rickabys Line option would only favour a small percentage of vehicles in terms of distance with others required to travel additional kilometres to reach their destination
- the overall traffic performance over the proposed bridge replacement is not improved and would be poorer in the morning peak
- the option would require a raised road embankment, which would act as a dam to flood water, and would require a large number of expensive structures to avoid increased levels of flooding to upstream buildings
- in addition to the increased cost to construct the option and higher property acquisitions, there would be ongoing maintenance obligation for the retained bridge
- the option would involve complex environmental assessments and impacts
- it would not address pedestrian safety issues.¹⁴³

The Lynwood Bypass option

2.41 The other option identified by CAWB was The Lynwood Bypass, which was included within the initial options development process as Option 8. This option was discarded early in the options during the government stakeholder workshop in 2009. CAWB contended that this option was 'prematurely discarded' on account of it being identified as 'beyond the objectives established for this project' within the *Windsor Bridge over the Hawkesbury River Options Report*, August 2011.¹⁴⁴

2.42 The rationale provided by RMS as to why this is not a viable option is discussed in the section below.

¹⁴⁰ Evidence, Mr Brian Pearson, former Chief Bridge Engineer for the New South Wales Government, 7 May 2018, p 11.

¹⁴¹ Roads and Maritime Services, *Windsor Bridge replacement project, Submissions report*, 2013, Chapter 4.

¹⁴² Roads and Maritime Services, *Windsor Bridge replacement project, Submissions report*, 2013, pp 148-149.

¹⁴³ Evidence, Mr Langford, 7 May 2018, pp 24-25.

¹⁴⁴ Submission 6, Community Action for Windsor Bridge, p 58.

Why can't Windsor have a bypass?

- 2.43** Many inquiry participants asked why other towns, with arguably lower traffic volumes, had been provided with a bypass. They therefore asked, *Why not Windsor?*
- 2.44** The rationale provided by RMS as to why this and other bypass options were not feasible was presented in a communication piece published in February 2017. It states: 'A bypass option was considered as part of the options assessment process and would involve building a replacement bridge via Pitt Town. This option was not preferred for a number of reasons ... It is for these reasons a bypass is not preferred at this time'.¹⁴⁵ RMS stated that these reasons, similar to those put forward in response to the Rickabys Line option, included:
- It [this option] would have a much higher cost than the preferred option
 - Traffic volumes are too low to warrant a bypass
 - It would not provide an efficient connection for local traffic into Windsor, which would reduce access to businesses in the town centre
 - It would provide poor pedestrian and cyclist connectivity
 - Large amounts of property acquisition would be needed
 - It would have a high impact on potential Aboriginal heritage artefacts and the heritage character of Pitt Town and surrounds
 - It would still require the refurbishment of the old bridge once the bypass is built
 - The refurbished bridge would have a limited lifespan at a high cost and would eventually need to be replaced.¹⁴⁶
- 2.45** However, CAWB refuted this rationale, arguing that the statements were 'unjustified' or 'false', and that the government has failed to provide adequate justification as to why a bypass was not adequately considered.¹⁴⁷

Retention and refurbishment of the Windsor Bridge

- 2.46** As demonstrated earlier in this chapter, calls for the construction of a bypass were coupled with calls for the existing Windsor Bridge to be retained and refurbished for local and alternative uses.¹⁴⁸
- 2.47** Mr Colin Langford, RMS, set out the government's position as to why this was not feasible: 'The existing bridge would need extensive and costly repairs if it is to be used and maintained into the future'. Such repairs, Mr Langford explained, would only be 'a temporary solution and would only provide another 10 to 20 years of use at most, and would not address current

¹⁴⁵ Roads and Maritime Services, Questions and answers, Windsor Bridge replacement project, February 2017, p 2. <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-questions-and-answers.pdf>

¹⁴⁶ Roads and Maritime Services, Questions and answers, Windsor Bridge replacement project, February 2017, p 2. <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-questions-and-answers.pdf>

¹⁴⁷ Submission 6, Community Action for Windsor Bridge, pp 63-65.

¹⁴⁸ See for example: Submission 155, Hawkesbury City Council, p 2; Submission 268, Hunters Hill Trust, p 1; Submission 122, Mr Brian Pearson and Mr Ray Wedgwood, p 9; Submission 6, Community Action for Windsor Bridge, p 210.

issues'.¹⁴⁹ The cost of repair and maintenance of the bridge was estimated to be around \$18 million¹⁵⁰ and would require the closure of the bridge for a period of up to 12 months.¹⁵¹

- 2.48** Furthermore, Mr Langford also advised that rehabilitation of the existing bridge would not address certain safety concerns:

One of the key points that seems to be glossed over is that not only is the lane bridge narrow, but you only have a one-metre-wide footpath, which does not come close to any safety standards for pedestrians and cyclists ... A key driver of this project through the development process has been to provide improved safety—not only for vehicles but also for pedestrians and cyclists...The rehabilitation of the bridge—the repair of the current bridge—does not address that safety issue.¹⁵²

Maintenance

- 2.49** Following on from discussions around the retention of the bridge, some inquiry participants were critical of RMS' maintenance activities on the Windsor Bridge, arguing that this was further adding to the deterioration of the bridge.

- 2.50** For example, Mr Harry Terry, President, CAWB, told the committee: 'if the bridge is deteriorating it is through the total inaction of the RMS'.¹⁵³ The group's submission also sought to highlight to the committee the conflicting advice that had been received from RMS in response to community questions about levels of expenditure allocated to maintenance activities.¹⁵⁴

- 2.51** Mr Peter Stewart also reflected on the maintenance regime for the Windsor Bridge. Mr Stewart advised that his 2013 report had ascertained that maintenance declined once RMS had made the decision to demolish the bridge, sometime around 2003:

What I find is the maintenance declined once the Roads and Maritime Services [RMS] made the decision to demolish the bridge in or around December 2003. The evidence for this is from the RMS presentation to the Department of Planning and Environment in April 2013...and also the bridge maintenance report dated January 2004 ...¹⁵⁵

Incredibly, it is now 15 years since the decision was made to demolish the bridge. Putting this in perspective, approximately 105 million vehicles have crossed the bridge since then. The condition of the bridge will have deteriorated due to this neglect.¹⁵⁶

¹⁴⁹ Evidence, Mr Langford, 13 April 2018, p 2.

¹⁵⁰ Evidence, Mr Ian Allan, Director, Program Management, Roads and Maritime Services, 13 April 2018, p 9.

¹⁵¹ Evidence, Mr John Hardwick, Executive Director, Sydney, Roads and Maritime Services, 13 April 2018; p 9.

¹⁵² Evidence, Mr Langford, 7 May 2018, p 29.

¹⁵³ Evidence, Mr Terry, 13 April 2018, p 36.

¹⁵⁴ Submission 6, Community Action for Windsor Bridge, p 28.

¹⁵⁵ Evidence, Mr Peter Stewart, Independent Advisor, 7 May 2018, p 4.

¹⁵⁶ Evidence, Mr Stewart, 7 May 2018, pp 4-5.

- 2.52** This position was refuted by RMS representatives who argued that a 'stringent regime' was in place to maintain and manage the various structures around the state.¹⁵⁷
- 2.53** RMS advised that visual inspections of the whole road network in the region was conducted twice a week and that this included the Windsor Bridge. Furthermore, survey monitoring and a visual inspection of the existing bridge deck was undertaken every six months. Level 3 visual inspections, i.e. detailed structural inspections including underwater inspections, were undertaken by bridge inspectors annually.¹⁵⁸
- 2.54** RMS advised that specific data relating to historic spending on maintenance activities on the Windsor Bridge was not available because funds are 'not allocated specifically' to the Windsor Bridge as they are 'sourced from a general maintenance budget'.¹⁵⁹ However, the Final Business Case for the project states that RMS currently spends about \$50,000 per annum on access and level 3 inspections on the bridge, and up to \$100,000 per annum on intermediate repairs such as concrete spalling.¹⁶⁰
- 2.55** Mr Colin Langford of RMS advised that once the decision had been made to replace the bridge 'inspection maintenance works were carried out, just like any other bridge in this condition', however, 'it was in the public interest to defer any costly renewal works' until the new bridge could be built.¹⁶¹

Concerns regarding community engagement and consultation

- 2.56** RMS asserted that extensive consultation has taken place with the community and stakeholders, and that all feedback has been taken on board since the project was announced.¹⁶² However, inquiry participants identified extensive concerns with the consultation process.
- 2.57** CAWB presented a number of concerns regarding the consultation and engagement processes adopted by the roads agencies, some of which were touched on earlier in this chapter. CAWB's strength of feeling as to the inadequacy of the community engagement process was such that it stated: 'the RMS's community consultation processes and practices have done more to alienate the community than any other aspect of the Windsor Bridge project'.¹⁶³
- 2.58** The group identified a series of concerns which are summarised below:
- whilst consultation processes could be described as exhaustive, their function was to 'promote and deliver the preferred option, rather than to seriously canvass community opinion' (discussed above)

¹⁵⁷ Evidence, Mr Langford, 13 April 2018, p 11.

¹⁵⁸ Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 4.

¹⁵⁹ Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 5.

¹⁶⁰ Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 6.

¹⁶¹ Evidence, Mr Langford, 7 May 2018, p 24.

¹⁶² Evidence, Mr Langford, 13 April 2018, p 2.

¹⁶³ Submission 6, Community Action for Windsor Bridge, p 66.

- displays run by RMS during the options development and assessment process functioned as a promotional exercise, delivering a hard sell of Option 1
- information provided by RMS did not always provide accurate, complete and timely information
- there was a disconnect between the options originally presented to the community, and the current proposals as they have been extensively modified.¹⁶⁴

2.59 Mrs Carol Edds, Chairperson of the National Trust of Australia, Hawkesbury Branch, outlined additional concerns regarding the consultation process and alleged that there was a lack of consultation with the community on the western side of the Hawkesbury River.¹⁶⁵

2.60 Mrs Edds argued that despite over half of Hawkesbury City Council residents living to the west of the Hawkesbury River, areas such as Blaxland Ridge, Colo, Colo Heights, East Kurrajong, Ebenezer, Glossodia, Kurmond, Kurrajong and Wheeney Creek were not included, and are still not receiving community updates on the project.¹⁶⁶

Perceived 'scare tactics'

2.61 CAWB stated that a series of 'scare tactics' had been used by proponents of Option 1, including elected representatives, to influence community opinion.¹⁶⁷

2.62 Speaking specifically to claims regarding the existing condition of the bridge, CAWB stated that the case put forward by RMS 'relies on technical arguments, with emotional overtones designed to frighten the general community'.¹⁶⁸

Paid consultations

2.63 Inquiry participants reported that paid consultations with community members were taken at a deliberative forum held in May 2012, they questioned the appropriateness and motives of such an approach.

2.64 CAWB reported that the forum designed by RMS, was conducted 'to explore knowledge and perceptions of the Windsor Bridge Replacement Project among the community'.¹⁶⁹ The committee was told that 'selected Windsor residents received phone calls inviting them to attend a local community issues forum' and that 'the invitation included offering to pay them for their time'.¹⁷⁰ Around 40 people attended the meeting at which it is reported, a range of community matters were discussed, including the Windsor Bridge replacement project. CAWB provided the following information:

¹⁶⁴ Submission 6, Community Action for Windsor Bridge, p 66.

¹⁶⁵ Submission 157, National Trust of Australia, Hawkesbury Branch, p 1.

¹⁶⁶ Submission 157, National Trust of Australia, Hawkesbury Branch, p 1.

¹⁶⁷ Submission 6, Community Action for Windsor Bridge, pp 19-20.

¹⁶⁸ Submission 6, Community Action for Windsor Bridge, p 39.

¹⁶⁹ Submission 6, Community Action for Windsor Bridge, p 72.

¹⁷⁰ Submission 6, Community Action for Windsor Bridge, p 72.

Based on the description of a community member who was there...After about three hours the meeting ended and people were given envelopes containing cash. We have spoken to a number of people who attended and of those people, some claim they were paid \$175 while others say \$200. All payments were reportedly in unmarked envelopes.¹⁷¹

- 2.65** CAWB further reported that in response to questioning from Focus Group members (a group set up by RMS to provide community input to the options assessment process) as to the rationale for these paid consultations, RMS representatives advised the paid consultations were an attempt to better understand how widely understood the Windsor Bridge project was and to reach new, previously unheard community members. CAWB also reported that an RMS representative had confirmed that her manager had authorised the paid consultations to ensure that the consultations were comprehensive.¹⁷²

Responses to consultation exercises

- 2.66** Inquiry participants reported concerns with engagement methods conducted around the time that the EIS was released. One participant reported that in November 2012, 'a meeting was held in a private house' and that this was attended by an officer of the RTA. The submission author reports that following the meeting, attendees were provided 'with a list of points for use in our forthcoming EIS submissions' by an RTA representative:

On the evening of the 1st November 2012, a meeting was held in a private house on the Windsor peninsular. This was attended by [redacted] of the RTA. Following the meeting [redacted] provided us with a list of points for use in our forthcoming EIS submissions. While I don't have a clear recollection of the meeting and all that was discussed, I do recall the scrapped proposal to raise the Warragamba Dam wall for flood mitigation was used to illustrate how we had to grab this opportunity for bridge replacement with both hands, that if we didn't take the one flawed bridge being offered, we'd get nothing.¹⁷³

Community Engagement Policy

- 2.67** A Community Engagement Policy is published on the Transport for NSW website. This sets out Transport for NSW's commitment establishing genuine relationships with the community through effective communication and the centrality of these approaches to the successful delivery of transport projects. RMS is an operating agency of Transport for NSW. A link to these pages can be found on the RMS website. One of the key tenets of the policy is to 'maximise community understanding of our role and the rationale for the projects we deliver'.¹⁷⁴

¹⁷¹ Submission 6, Community Action for Windsor Bridge, p 73.

¹⁷² Correspondence from Ms Kate Mackaness, Community Action for Windsor Bridge to Portfolio Committee No. 5 – Industry and Transport, 15 July 2018, p 5.

¹⁷³ Submission 189, Name suppressed, p 3.

¹⁷⁴ Transport for NSW, *Community Engagement Policy, Document No. 1TP-PO-0041*, 1 April 2012. https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/TP_Community_Engagement_Policy_2013.pdf

Committee comment

- 2.68** The analysis of different options to address a problem is an important tool for governments. This ensures projects represent value for money and strengthens arguments that a chosen solution is the right solution.
- 2.69** The government told the committee that a comprehensive options assessment process involving several rounds of consultation and informed by technical advice was completed. The committee acknowledges that an extensive process did take place.
- 2.70** However, the committee has also heard with concern the negative feedback provided by community members and technical experts regarding the adequacy of the options put forward, the assessment process and, in particular, community consultation processes. The committee was particularly troubled by CAWB's assertion that the consultation process had done more to alienate the community than any other aspect of the project.
- 2.71** On the matter of whether a decision to replace the bridge was made prior to 2009, when consultation commenced, the committee notes the evidence provided by Mr Peter Stewart and CAWB which places decisions to replace the bridge at 2003 and 2008. The committee found evidence provided by Mr Andrew Douglas, an independent transport consultant, particularly compelling. Mr Douglas advised that he found much of the project documentation focused on the justification of a preferred approach rather than an objective analysis of possible solutions. His concern was shared by a number of inquiry participants.
- 2.72** The committee agrees with this position and finds that the options generated in 2009 were too narrow in focus and presumed a preference for the replacement of the existing bridge infrastructure. In particular, the committee is persuaded by arguments that further consideration should have been given to alternative options at the outset of the project. The committee further finds that the options presented presumed a preference for the replacement of the existing bridge infrastructure.
- 2.73** Finally, the committee finds that the Roads and Traffic Authority should have given further consideration to alternative options. This would have allowed the agency to more comprehensively assess the merits of all options so as to leave no doubt that the option chosen was the best available for the Windsor community and other users of the bridge.

Finding 2

That the options presented to the community for the Windsor Bridge replacement project presumed a preference for the replacement of the existing bridge infrastructure.

Finding 3

That the options developed by the Roads and Traffic Authority in 2009 to replace or rehabilitate Windsor Bridge were too narrow in focus.

Finding 4

That the Roads and Traffic Authority should have given further consideration to alternative options to address the structural integrity of Windsor Bridge. This would have enabled the agency to more comprehensively assess the merits of all options so as to leave no doubt that the option chosen was the best available for the Windsor community and other users of the bridge.

- 2.74** The committee understands that options development and assessment is iterative in nature and that RMS did undertake to assess options such as the Rickabys Line in 2013. However, the failure to look more broadly at possible solutions at the outset is likely to have exacerbated many of the community objections and project challenges that followed.
- 2.75** The NSW Government must take steps to increase the transparency of the options generation process. As noted in Recommendation 2 the committee is calling on the government in developing proposals for significant capital works, to identify an appropriate mechanism through which to communicate the justification and need for such projects so as to foster community trust and promote transparency. In addition, the government needs to take a similarly transparent approach to conducting the options generation process for such capital works.
- 2.76** Effective and proper consultation and community engagement is vital for the delivery of infrastructure projects. While the government provided evidence that an extensive consultation process had taken place, the committee heard alarming claims from inquiry participants that questioned not only the adequacy of these activities from a public administration perspective but also the integrity of the consultation practices adopted.
- 2.77** While the committee has not been provided with sufficient evidence to substantiate claims of wrongdoing, it does believe that some of the processes were characterised by poor judgement and inadequate communication. This has undoubtedly resulted in a culture of mistrust of RMS by large sections of the Windsor and neighbouring communities. Given the importance of community relationships in the delivery of transport projects, this is unacceptable.
- 2.78** The committee understands that employees of Transport for NSW and RMS are required to comply with a Community Engagement Policy, however the evidence received suggests that staff fell short of meeting the standards set out in the policy. The committee therefore recommends that these agencies take steps to ensure that all staff are trained in and adhere to that policy.
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Recommendation 3

That Transport for NSW and Roads and Maritime Services take immediate steps to ensure that all staff are appropriately trained in and adhere to the Community Engagement Policy.

- 2.79** Stakeholders' recollections of the use of paid consultations also troubled the committee. Any decision to use payment to incentivise participation in a community consultation process,
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particularly for a controversial and divisive project such as the Windsor Bridge replacement project, represented poor judgement on the part of the individuals concerned. The committee therefore recommends that the NSW Government immediately cease paying participants in community consultation processes.

Recommendation 4

That the NSW Government immediately cease paying participants in community consultation processes.

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- 2.80** Finally, the committee was concerned by claims of departmental officials visiting homes and purportedly coaching community members in their responses to consultation exercises. While the committee acknowledges that it has only received one side of the story, any such behaviour would clearly be in breach Transport for NSW's commitment to the 'ethical principles of conduct' set out in the Community Engagement Policy. This underscores the need for comprehensive training for staff in the principles of the Community Engagement Strategy Policy.

Chapter 3 Heritage concerns and planning approval

This chapter discusses the heritage significance of Windsor Bridge and the surrounding Thompson Square Conservation Area and the objections put forward by a number of organisations and individuals to the Windsor Bridge replacement proposal on heritage grounds, both during the government's assessment and consultation process and in evidence to the committee. The chapter also considers evidence regarding the planning approval process, including concerns relating to the means of assessment, the decision to classify the project as State Significant Infrastructure and the implementation of a number of conditions of approval relating to the mitigation of the heritage impacts.

Heritage significance

3.1 Both Windsor Bridge and Thompson Square Conservation area are listed on the State Heritage Register. By definition, this means that these items are of 'particular importance to the people of New South Wales and enrich our understanding of our history and identity'.¹⁷⁵

3.2 The State Heritage Register describes the significance of the Windsor Bridge and the Thompson Square Conservation Area. Regarding the Windsor Bridge, it states:

The Windsor Bridge has a high level of historic, technical, aesthetic and social significance as an important historical and physical landmark in one of the State's pre-eminent historic towns, and in the wider Sydney region. It is the oldest extant crossing of the Hawkesbury River. Together with the successive crossings upstream at Richmond, this bridge has played a major role in shaping the history of the Hawkesbury area, functioning for well over a century as an all important link between the communities on either side of the River and as an essential component in a through route of importance in the development of the Sydney region ... It is a large structure, and although simple in appearance, impressive. The bridge represents a major engineering project in the State for its time. The addition of a reinforced concrete beam deck to replace the timber deck in the 1920s is a relatively early use of this technology. The River and this crossing of it has defined the life of several generations of local inhabitants on both sides of the River. As the suburban outskirts of Sydney widen and come closer to the still distinct and distinctive Macquarie towns, the rich history of the area and its physical remains become increasingly important to the community's sense of identity. The Windsor Bridge is thus an important part of Windsor's history and identity.¹⁷⁶

3.3 Regarding the Thompson Square conservation area, the Register states:

Thompson Square is one of the oldest public squares in Australia and notable for the large number of Colonial Georgian buildings which surround it. It is the only public space remaining from the original town and has played an important part in the history of the town. It is the only remaining civic space as laid out by Governor Macquarie and is a vital precinct in the preservation of the early Colonial character of

¹⁷⁵ Office of Environment and Heritage, *What is the State Heritage Register?* (6 September 2013), <http://www.environment.nsw.gov.au/Heritage/listings/stateheritageregister.htm>

¹⁷⁶ Office of Environment and Heritage, *Hawkesbury River Bridge, Windsor, Item details*, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4309589>

Windsor. The Square reflects Macquarie's visionary schemes for town planning excellence in the infant colony (Sheedy 1975).¹⁷⁷

- 3.4** A number of submissions to the inquiry from organisations such as the Royal Australian Historical Society and local historians emphasised the historical significance and evolution of the area.¹⁷⁸ By way of example, Associate Professor Carol Liston, President of the Royal Australian Historical Society stated: 'Thompson Square is of outstanding historical and heritage importance because it is the only original foundation site for 18th century European settlement in Australia'.¹⁷⁹ Local historian Ms Michelle Nichols observed that the square is an 'integral part of the fabric of the Hawkesbury', being the site from which the bell post rang for convicts to attend work; the home of the stocks and the pillory; and the site of public auctions, entertainment, community picnics, parades and marches.¹⁸⁰
- 3.5** A detailed account of the significance of Windsor Bridge and Thompson Square is also contained within documents prepared by Community Action for Windsor Bridge (CAWB), supporting a nomination for emergency national heritage listing of the Government Domain, Windsor.¹⁸¹

Heritage objections made to the project during the assessment process

- 3.6** A number of heritage organisations and technical experts set out their strong opposition to the Windsor Bridge replacement proposal on heritage related grounds during the assessment process. This included the Heritage Council of NSW, the National Trust and technical experts. A summary of their position is set out below.

Heritage Council of NSW

- 3.7** The Heritage Council of NSW is an independent statutory body with a remit to 'ensure the protection, preservation and promotion of heritage' in New South Wales.¹⁸² The Heritage Council of NSW raised concerns about the Windsor Bridge proposal with the government in 2009 during the options assessment process.¹⁸³ At that time, Heritage Council provided advice that 'options for a Windsor town by-pass would be preferable to those options which traversed the historic town'.¹⁸⁴

¹⁷⁷ Office of Environment and Heritage, *Thompson Square Conservation Area, Item details*, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045195>

¹⁷⁸ See for example: Submission 85, Ms Helen Mackay, pp 5-9; Submission 268, The Hunters Hill Trust, p 1-3; Submission 338, Hawkesbury Historical Society, p 1-2; Submission 339, Royal Australian Historical Society, p 1-2.

¹⁷⁹ Submission 339, Royal Australian Historical Society, p 1.

¹⁸⁰ Submission 301, Ms Michelle Nichols, p 3.

¹⁸¹ Submission 6d, Community Action for Windsor Bridge.

¹⁸² Office of Environment and Heritage, *Heritage Council* (30 May 2018), <http://www.environment.nsw.gov.au/about-us/who-we-are/leadership-and-structure/heritage-council>

¹⁸³ Submission 316, Heritage Council of NSW, p 1.

¹⁸⁴ Submission 316, Heritage Council of NSW, p 1.

- 3.8** In 2011, the formal planning application for the Windsor Bridge proposal was submitted by the Roads and Traffic Authority. A formal submission by the Heritage Council to the Department of Planning 'recommended refusal of the project on the grounds of its long-term serious impacts on Thompson Square'.¹⁸⁵ The Heritage Council's submission also outlined its support for 'the rehabilitation of the existing bridge' at this time.¹⁸⁶
- 3.9** The Council's submission made two key points. Firstly, it presented the statement of significance of Thompson Square summarised in paragraph 3.3. Secondly, it recommended that the proposal be refused on heritage grounds, owing to 'the serious and irrevocable heritage impacts of a new Windsor Bridge through Thompson Square'.¹⁸⁷
- 3.10** At this point in the process, the Minister for Planning and Infrastructure classified the project as State significant infrastructure (discussed further in paragraph 3.25 below). The Heritage Council took a pragmatic approach to this decision, explaining to the committee that 'while the Heritage Council is on record as preferring alternative options for the Windsor Bridge replacement project', the Heritage Council recognised that given the circumstances, proposals to manage the heritage impacts would be 'the most appropriate way forward under the approved SSI [state significant infrastructure] project'.¹⁸⁸ The Heritage Council therefore recommended a series of heritage mitigation measures to be included as conditions of approval should the Minister for Planning and Infrastructure be minded to issue development approval. The Heritage Council stated that 'some of those conditions were included in the approval'.¹⁸⁹

Casey & Lowe – The Independent Heritage Review

- 3.11** Many inquiry participants referred to the findings of the *Windsor Bridge Replacement Project, Independent Heritage Review*, completed in August 2013 by Casey & Lowe, Archaeology and Heritage Consultants. This report was commissioned by the Department of Planning and Infrastructure to provide an independent heritage review of the historic heritage components of the Windsor Bridge development proposal.¹⁹⁰
- 3.12** A key finding of the report was that the proposed design for the proposal did not mitigate heritage impacts but, instead, would cause additional impact:

This proposed design is not based on a full understanding of the significance of the heritage values of the place, nor any heritage design principles or conservation policies, on which to base a future design. Therefore it is not mitigating impacts on heritage but an additional impact.¹⁹¹

¹⁸⁵ Submission 316, Heritage Council of NSW, p 1.

¹⁸⁶ Submission 316, Heritage Council of NSW, p 1

¹⁸⁷ Submission 316, Heritage Council of NSW, p 2.

¹⁸⁸ Submission 316, Heritage Council of NSW, p 2.

¹⁸⁹ Submission 316, Heritage Council of NSW, p 1.

¹⁹⁰ Casey & Lowe, *Windsor Bridge Replacement Project, Independent Heritage Review*, August 2013, p 1.

¹⁹¹ Casey & Lowe, *Windsor Bridge Replacement Project, Independent Heritage Review*, August 2013, p 8.

- 3.13** The report also highlighted the fact that internal heritage professionals from within RMS had ascertained that replacement of Windsor Bridge would have a major impact on heritage and should therefore not proceed:

RMS's heritage consultants in Working Paper 1 state the proposed impacts on Thompson Square Conservation Area are so major that the WBRP [Windsor Bridge Replacement Project] should not go ahead. But RMS has chosen not to accept this advice because they had already chosen to explore only Option 1 in this EIS.¹⁹²

The National Trust of Australia (New South Wales)

- 3.14** Similarly, The National Trust of Australia (New South Wales) was strongly opposed to the project. When the Environmental Impact Statement (EIS) was placed on public exhibition in December 2012, the National Trust made a submission expressing deep concern at the likely impacts on Thompson Square.¹⁹³
- 3.15** In its submission to the committee, the National Trust called for the 'the construction of a Windsor by-pass, as the adverse heritage impacts on Thompson Square, to the historic buildings to the north of the Square and to the archaeological heritage in the Square are unacceptable'.¹⁹⁴ The National Trust also argued that 'the trust believes Thompson Square and particularly its pre-Macquarie era settlement archaeology and Macquarie Period archaeology must be kept intact' and that this archaeology should be 'properly preserved and visible to the public'.¹⁹⁵

Former NSW Government Architect

- 3.16** Mr Peter Mould, former NSW Government Architect, provided advice to the Government on two occasions in 2011 – first as a member of the Heritage Council of NSW, and then when his office, the Government Architects Office (GAO), was involved in undertaking an urban design assessment of the options for the proposed bridge.¹⁹⁶
- 3.17** Mr Mould advised the committee that he remained 'convinced that infrastructure of the scale proposed would have such a negative impact on the historic significance of Thompson Square and its heritage significance that alternative locations should be pursued'.¹⁹⁷
- 3.18** Mr Mould also advised that he did not 'believe the impacts of a bridge of this height and width can ever be successfully integrated into the Square. The scale of the intrusion is too great on the square and will destroy its urban setting and its heritage values'.¹⁹⁸

¹⁹² Casey & Lowe, *Windsor Bridge Replacement Project, Independent Heritage Review*, August 2013, p 8.

¹⁹³ Submission 91, National Trust of Australia (New South Wales), p 3.

¹⁹⁴ Submission 91, National Trust of Australia (New South Wales), p 3.

¹⁹⁵ Evidence, Mr Graham Quint, Director – Conservation, National Trust of Australia (New South Wales), 13 April 2018, p 53.

¹⁹⁶ Submission 289, Mr Peter Mould, p 1.

¹⁹⁷ Submission 289, Mr Peter Mould, p 1.

¹⁹⁸ Submission 289, Mr Peter Mould, p 1.

Other heritage objections received during the committee inquiry process

Australia International Council on Monuments and Sites

- 3.19** The Australia International Council on Monuments and Sites (or Australia ICOMOS) is a non-government organisation which promotes expertise in the conservation of cultural heritage. It is also an Advisory Body to the World Heritage Committee under the World Heritage Convention.¹⁹⁹
- 3.20** Australia ICOMOS expressed its strong opposition to the project, questioning whether the project would service the public interest:

It is of great concern...that a site of such exceptional heritage significance, has been subjected to a new road and bridge proposal with potential for severe negative impacts. We question whether the process of assessment has been in the public interest, and whether best possible outcomes are assured to preserve and present this unique precinct for future generations.²⁰⁰

Community objections

- 3.21** The concerns presented above were shared by the Hawkesbury City Council and many of the individuals who made submissions to the inquiry.
- 3.22** Hawkesbury City Council stated that it believed 'RMS's continued ignorance on the heritage values not just of the open space of Thompson Square but of the surrounding streetscape and built form of the Square has led to a poor solution for the people of Windsor'.²⁰¹
- 3.23** Many individuals agreed. The statements contained in the box below reflect the sentiment of many submissions received.

Sample of observations regarding the heritage impacts of the project

- 'Thompson Square, a historic, tourism, goldmine. Where else would you find a treasure such as this being trashed by an uncaring state and federal government? The priceless aboriginal and European artefacts that are being secretly unearthed to make way for a bridge monstrosity, must be preserved...'²⁰²
- 'I plead for Thompson Square to be maintained, as is. Thompson Square is one of the most historic places in Australia. Any destruction of this place is nothing short of vandalism. Already so much damage has been done to this wonderful place and I am appalled...I would like to know, who in parliament has been given the right to decimate Australian heritage?'²⁰³
- 'The current bridge is of historic value as is Thompson Square, both of which will be

¹⁹⁹ Submission 179, Australia International Council on Monuments and Sites, p 1.

²⁰⁰ Submission 179, Australia International Council on Monuments and Sites, p 2.

²⁰¹ Submission 155, Hawkesbury City Council, p 4.

²⁰² Submission 20, Mr Phillip Knobbs, p 1.

²⁰³ Submission 30, Mrs Kathleen Dryden, p 30.

destroyed or permanently damaged as a result of this action. Surely we should be protecting our heritage not destroying it? This action will damage the town of Windsor, the Hawkesbury and tourism to the whole area'.²⁰⁴

- 'The construction of the approaches to a new bridge would destroy high value archaeological remains, colonial and indigenous, and seriously compromise other heritage associated within Thompson's Square, which includes some of the earliest buildings of the colonial era'.²⁰⁵
- 'The RMS is currently destroying the archaeology of the third oldest settlement in Australia. Findings onsite to date (that we know about) have been significant (eg barrel drains) and the way it is being "salvaged" is appalling'.²⁰⁶

The planning assessment process

3.24 Planning approval for the Windsor Bridge replacement project was granted by the then Minister for Planning in 2013. This section discusses the related assessment process.

Classification of the project as State significant infrastructure

3.25 The government told the committee that the project assessment process commenced in October 2011, when the Roads and Traffic Authority made an application under the NSW *Environmental Planning and Assessment Act 1979* seeking approval from the Minister for Planning and Infrastructure to classify the project as State significant infrastructure.²⁰⁷

3.26 The decision to classify the proposal as state significant infrastructure was important as it:

- suspended the operation of the NSW *Heritage Act 1977*, and
- removed the requirement for Heritage Council approval, despite the project occurring in a State Heritage Register listed place.²⁰⁸

3.27 A number of inquiry participants were highly critical of the use of this instrument. Mr Bruce Dawbin from Australia ICOMOS stated that the entire approval process was 'deeply flawed' as the classification of State significant infrastructure had resulted in the government being able to avoid heritage obligations, including the approval of the Heritage Council of NSW. Mr Dawbin stated:

... the whole approvals process has been deeply flawed. This is one of the major issues that the Australia International Council on Monuments and Sites is concerned about ... If the Government had followed its own [heritage] legislation, we would not be in this position now—it would not have got this far. The talk about RMS finding

²⁰⁴ Submission 50, Ms Margaret Mason, p 1.

²⁰⁵ Submission 83, Mr Neil Dand, p 1.

²⁰⁶ Submission 88, Mrs Gae Parmenter, p 3.

²⁰⁷ Submission 332, Department of Premier and Cabinet, p 14; and Roads and Traffic Authority, *Windsor Bridge replacement, State Significant Infrastructure, application report*, October 2011, <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-state-significant-infrastructure-application-report.pdf>.

²⁰⁸ Submission 316, Heritage Council of NSW, p 2.

ways to make it work now would not have arisen because the Government found a way of bypassing all the protection and controls. The site had a permanent conservation order on it, and it was State heritage listed. State heritage listing in New South Wales is the highest level of listing you can get. It was bypassed on the grounds that it was a significant infrastructure project, so the Government could bypass the Heritage Council, which it did. The Office of Environment and Heritage strongly opposed it, but there was no avenue for appeal.²⁰⁹

3.28 CAWB similarly alleged that the decision to classify the development proposal as State significant infrastructure was made in a deliberate attempt to avoid the heritage obligations which would otherwise have applied.²¹⁰ CAWB reflected on the proximity of legislative change which enabled this action to take place, noting that on the 1 October 2011, Part 3A of the *Environmental Planning and Assessment Act 1979* was repealed and Part 5.1 commenced. This had the effect of 'switching off' the operation of Part 4 of the *Heritage Act 1977*, which would otherwise have required the approval of the Heritage Council of NSW for a major change to a state heritage listed site.

3.29 CAWB told the committee that three days after Part 5.1 was introduced to the *Environmental Planning and Assessment Act 1977*, a letter was sent to the then Director-General of the Department of Planning and Infrastructure, from the then Chief Executive of the Roads and Traffic Authority, advising that 'the RTA has formed the opinion that the impact of the project on non-Aboriginal heritage would be significant. Accordingly the project is state significant infrastructure'.²¹¹

3.30 This is consistent with the conclusion of the publically available State significant infrastructure application report signed off by the Roads and Traffic Authority on 30 September 2011, and issued in October 2011.²¹² The report stated:

The RTA has formed the opinion that the impacts of the Windsor Bridge replacement project on non-Aboriginal heritage would be likely to significantly affect the environment and require the preparation of an environment impact statement under the EP&A Act [Environmental Planning and Assessment Act 1977]. Accordingly, the project is State significant infrastructure under Part 5.1 of the EP&A Act. Approval from the Minister for Planning and Infrastructure is required for the project.²¹³

The development assessment process

3.31 Mr David Gainsford, Executive Director, Priority Projects Branch, Department of Planning and Environment advised that a 'detailed assessment of the development application in accordance with the relevant legislation and planning instruments' had taken place.²¹⁴ Mr

²⁰⁹ Evidence, Mr Bruce Dawbin, New South Wales State Representative, Australia International Council on Monuments and Sites, 13 April 2018, p 62.

²¹⁰ Submission 6, Community Action for Windsor Bridge, p 105

²¹¹ Submission 6, Community Action for Windsor Bridge, p 105.

²¹² Exact date of publication undetermined.

²¹³ Roads and Traffic Authority, *Windsor Bridge replacement, State Significant Infrastructure application report*, October 2011, p 36.

²¹⁴ Mr David Gainsford, Executive Director, Priority Projects Assessment, Department of Planning and Environment, 13 April 2018, p 14.

Gainsford advised that the Department's role in the assessment process could be summarised as follows:

- Issuing Director General's requirements on 24 November 2011 for the preparation of an EIS (EIS)
- Publicly exhibiting the EIS from 14 November to 17 December 2012 and inviting submissions to be made
- Carefully reviewing the EIS, public and government submissions, and the applicant's response to submissions
- Commissioning and considering input from independent experts on the key issues of heritage, traffic and structural engineering
- Undertaking a detailed assessment of the project in consultation with key government agencies, and carefully considering the issues raised in public submissions, particularly the concerns raised by local community groups.²¹⁵

3.32 On 20 September 2013, following its assessment process, the Department concluded that the key benefits of the project were: 'regional and local traffic improvements, increased flood immunity, road safety improvements, increased pedestrian and cycle access, and consolidation of available open space'.²¹⁶

3.33 The assessment acknowledged that 'the project would have a high level of impact on European heritage, in particular on the heritage fabric and character of the Thompson Square conservation area and through the demolition of the existing Windsor Bridge'. Furthermore, there was an 'occurrence of Aboriginal archaeology within the project area, which could potentially be destroyed by the construction of the project'.²¹⁷

3.34 The Department's assessment concluded that 'on balance, the benefits of the project outweighed its impacts'.²¹⁸ However, in order to minimise the impacts of the project, 'the department recommended a number of stringent heritage conditions based on recommendations of the independent heritage consultant, the Heritage Council and the Office of Environment and Heritage'.²¹⁹

3.35 The Department of Planning recommended the project should be approved subject to conditions including:

- the preparation of a Strategic Conservation Management Plan and Archival recording on the southern side of the Hawkesbury River
- Archaeological Investigation Programs comprising Aboriginal and non-Aboriginal Heritage with the results detailed in a Historic Archaeological report and preparation of a Detailed Salvage Strategy
- a Hawkesbury Region Sand Bodies Study should any Pleistocene and/or early Holocene be encountered during construction works; and
- an Urban Design and Landscape Plan.²²⁰

²¹⁵ Mr Gainsford, 13 April 2018, p 14.

²¹⁶ Mr Gainsford, 13 April 2018, p 14.

²¹⁷ Mr Gainsford, 13 April 2018, p 14.

²¹⁸ Mr Gainsford, 13 April 2018, p 14.

²¹⁹ Mr Gainsford, , 13 April 2018, p 14.

²²⁰ Submission 155, Hawkesbury City Council, p 13.

- 3.36** On 20 December 2013, the former Minister for Planning and Infrastructure, the Hon. Brad Hazzard MP, approved the Windsor Bridge replacement project, subject to numerous conditions.²²¹ Some of these conditions were required to be satisfied before commencement of pre-construction, or construction activities and are outlined in Part B of the Approval (some of which are set out above).
- 3.37** RMS advised that some \$7.5 million had been spent on heritage matters to date. This includes pre and post approval heritage and archaeological surveys, salvage and monitoring as part of the Conditions of Approval. It also includes costs associated with a civil contractor providing assistance to the archaeological team.²²²

Land and Environment Court Challenge

- 3.38** In March 2014, CAWB challenged the validity of the Minister's approval in the NSW Land and Environment Court.
- 3.39** Mr Matthew Fraser was the barrister that led the challenge. Mr Fraser advised that Judicial review proceedings, such as these, can raise only very limited grounds for challenge, and in particular cannot challenge the 'merits' of a planning decision – that is, the pros and cons of a development proposal – to determine whether or not a project should proceed.²²³
- 3.40** The challenge was therefore made on three grounds: 'that the conditions lacked finality and certainty permitting unknown modification to the project; that the Minister did not take into account the impact on cultural heritage; and that the imposition of certain conditions was manifestly unreasonable'.²²⁴
- 3.41** On 27 October 2015, the Land and Environment Court dismissed the appeal on all grounds and determined the approval to be valid.²²⁵
- 3.42** Mr Fraser argued that whilst the legal challenge ultimately failed, it did serve to highlight that the approval lacked finality and certainty. Mr Fraser observed that this in effect meant that the Minister had not himself approved the development, but rather, it had been left to 'other officials to determine potentially material modifications and the final location, appearance and form of development'. Mr Fraser contended that 'this is a most unsatisfactory way to proceed in respect of an item on the State Heritage Register'.²²⁶

Emergency listing request for Thompson Square

- 3.43** In 2016 Ms Susan Templeman MP, Federal Member for Macquarie wrote to the Federal Minister for Environment and Energy to request that Thompson Square in Windsor be

²²¹ Mr Gainsford, 13 April 2018, p 15.

²²² Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 3. An actual figure of \$7,464,683.62 was reported by Roads and Maritime Services.

²²³ Submission 151, Mr Matthew Fraser, p 3.

²²⁴ Mr Gainsford, 13 April 2018, p 15.

²²⁵ Mr Gainsford, 13 April 2018, p 15.

²²⁶ Submission 151, Mr Matthew Fraser, p 6.

included in the National Heritage List under the emergency listing provisions of the *Environment Protection and Biodiversity Act 1999 (Cwlth)*.²²⁷

- 3.44** The Department of Environment and Energy and the Australian Heritage Council's historic experts assessed Thompson Square against the National Heritage criteria and threshold requirements. All claims submitted were reviewed and comparative examples across Australia were considered.²²⁸
- 3.45** The Australian Heritage Council concluded that 'Thompson Square may not be the most outstanding national example of these types of places, and that these themes were already well represented on the National Heritage List'.²²⁹ The recent uncovering of a brick barrel drain did not change that advice (the uncovering of the brick barrel drain is discussed further at paragraph 3.52).
- 3.46** In December 2017, the Minister decided not to emergency list Thompson Square in the National Heritage List. The Minister advised that: 'This decision was based on the advice that the place does not have outstanding heritage value to the nation'. The Minister did however write to the Premier of NSW to request that the NSW Government reconsider alternative bridge locations that bypass Thompson Square.²³⁰

Committee comment

- 3.47** The committee notes the heritage significance of the Windsor Bridge and Thompson Square Area and their listing on the State Heritage Register.
- 3.48** The committee also acknowledges the deep concern expressed by many inquiry participants regarding the negative impact that the project will have on the heritage of Windsor Bridge and the Thompson Square Conservation Area. It is clear that approval of the proposal as State significant infrastructure was a highly unsatisfactory outcome for many.
- 3.49** The committee is mindful of the concerted attempts made by heritage organisations, technical experts, CAWB and other community opponents of the project to halt or mitigate the effects of the development process in view of these concerns. We also recognise the heavy toll a court challenge must have taken on those involved, and the disappointment felt following the outcome.
- 3.50** RMS has acknowledged that the decision to request classification of the project as State significant infrastructure was made in the context of the obstacles faced by heritage considerations in the project area. Mitigation or investigation of less destructive alternatives does not appear to have been given priority. While the State significant infrastructure classification was no doubt considered a pragmatic solution to a problem by the RMS officers in question, it is little wonder that the approach taken by RMS has been met with cynicism and disillusionment in the Windsor community.

²²⁷ Submission 340, Department of the Environment and Energy, p 1.

²²⁸ Submission 340, Department of the Environment and Energy, p 2

²²⁹ Submission 340, Department of the Environment and Energy, p 2

²³⁰ Submission 340, Department of the Environment and Energy, p 2

Concerns relating to heritage mitigation measures

- 3.51** As outlined above the development approval was conditional upon the completion of a number of measures designed to reduce the heritage impact. Some inquiry participants expressed concerns about the appropriateness and effectiveness of these protections and the manner in which they had been implemented to date.

Archaeological investigations

- 3.52** In September 2017, RMS commenced archaeological investigations on the southern part of the Hawkesbury River (Area 1).²³¹
- 3.53** Mr Ian Allan, Director, RMS confirmed that 'full archival recording and investigation and assessment of the heritage' had taken place and that findings had been reported to the Department of Planning and Environment.²³²
- 3.54** One of the most significant findings during this process was the uncovering of brick barrel drains dating back to 1814. Images are provided below.

Figure 7 Images of uncovered brick barrel drains



Source: Roads and Maritime Services, Windsor Bridge replacement project, Community Update – Archaeological investigations, March 2018, p 3.

- 3.55** Professor Ian Jack, President of the Hawkesbury Historical Society, in his paper '*The Drainage System in Thompson Square, Windsor*', described the significance of the findings:

The heritage significance of Thompson Square has in 2018 been dramatically enhanced by the archaeological excavation of its early drainage system. What has been revealed under the surface in the lower part of the square is a complex and sophisticated series of brick drains which can be documented in an exceptionally detailed way.²³³

What has been partially uncovered in Thompson Square early in 2018 should be understood as remarkable physical evidence of a complex drainage and land-fill system conceived under Governor Macquarie in 1814 and completed by 1820 through

²³¹ Mr Gainsford, 13 April 2018, p 15.

²³² Evidence, Mr Ian Allan, Program Management, Greater Sydney Project Office, Roads and Maritime Services, 13 April 2018, p 12.

²³³ Submission 155a, Hawkesbury City Council, p 2.

the energy of John How and James McGrath. This is the earliest public works of its sort surviving in the colony and the barrel drain is the key element in the sophisticated water management system. There is an overwhelming case for conservation, preservation and display.²³⁴

3.56 Ms Carol Edds, Chairperson of the National Trust of Australia (NSW), Hawkesbury Branch reflected on the importance of preserving these finds, observing to the committee that it would be 'invaluable for the Hawkesbury and for Windsor as a tourist attraction'.²³⁵

3.57 A NSW Government Community Update distributed to the community in March 2018 addressed the question as to whether the drain site could be left open for the community to view. The update stated that RMS had considered this option and sought advice from specialist archaeologists however, this was not a recommended approach:

The archaeologist team believe the brick barrel drain has been buried for over 150 years and if left open to the weather conditions, the materials will be damaged, and the brick barrel drain would further erode and deteriorate.²³⁶

3.58 However, that same community update reported that 'due to the historical significance of the brick barrel drain, Roads and Maritime has updated the new bridge design to protect the drain and leave it intact'.²³⁷ Mr Gainsford of the Department of Planning and Environment confirmed to the committee that design changes to the bridge had been considered in consultation with the Heritage Branch of the Office of Environment and Heritage.²³⁸ RMS confirmed this position.²³⁹

3.59 In response to a question on notice as to whether parts of the box drains and/or sumps be damaged during any proposed construction, RMS advised that 'parts of the three box drains will be impacted by the construction however these will be salvaged. RMS plans to explore opportunities to provide heritage interpretation [information] on the box drain items at a suitable location such as the Windsor Museum'.²⁴⁰

3.60 Notwithstanding these measures, inquiry participants expressed deep concern at the insensitive nature in which these investigations and excavations had been performed.

3.61 For example, CAWB described this process as 'brutal in scale and nature':

The community has been forced to watch, helplessly, as heavy machinery has ground colonial artefacts to dust, each day increasing the area of destruction, as the land itself has been torn apart in a process bearing little resemblance to our genteel image of archaeology, and the majestic trees of the Square are executed with chainsaws, one by

²³⁴ Submission 155a, Hawkesbury City Council, pp 4-5.

²³⁵ Evidence, Mrs Carol Edds, Chairperson, National Trust of Australia (NSW), Hawkesbury Branch, 13 April 2019, p 61.

²³⁶ NSW Government, *Windsor Bridge replacement project, Community Update – Archaeological investigations*, March 2018, p 4.

²³⁷ NSW Government, *Windsor Bridge replacement project, Community Update – Archaeological investigations*, March 2018, p 4.

²³⁸ Mr Gainsford, 13 April 2018, p 15.

²³⁹ Answers to supplementary questions, Roads and Maritime Services, 11 May 2018, p 16.

²⁴⁰ Answers to supplementary questions, Roads and Maritime Services, 11 May 2018, p 15.

one. And whilst there are feelings of awe and amazement at what has been revealed, the certainty of its fate is crushing – leaving many with deep feelings of guilt and grief at our failure to protect this extraordinary legacy of a bygone era.²⁴¹

3.62 Similar concerns were also expressed by Dr Elaine Lally who advised that the archaeological salvage work was not being undertaken with the necessary level of care and attention:

...the archaeological salvage work is not being undertaken with the agreed level of care and attention to optimal preservation of the historical record. Instead of hand-digging, earthmoving equipment is being used, and local observers have observed and documented damage and destruction of precious materials.²⁴²

3.63 Dr Lally also identified a lack of transparency in the investigation process, despite the significant interest from community members:

...the archaeological investigation has been shrouded in secrecy. Security fencing with opaque coverings surround the dig site, with cameras and additional security measures that prevent interested members of the community from gathering any information about the progress of the dig.²⁴³

Committee comment

3.64 The committee notes the concerns of some in the community regarding the future of the brick barrel drains and other historic relics uncovered at Thompson Square. These represent an important asset for the Hawkesbury area and particularly for the Windsor community.

3.65 The committee notes the measures identified by RMS and their heritage consultants to salvage, protect and preserve the drains. The committee also notes that RMS is also exploring opportunities for information on the drains to be exhibited at a local venue such as the Windsor Museum. We therefore urge the government to adopt a collaborative approach involving heritage experts and key project stakeholders to minimise heritage impacts and identify how this can be achieved in an appropriate and meaningful manner for the Hawkesbury community. We also recommend that the NSW Government retain the existing Windsor Bridge for pedestrian, cycling and light vehicle use.

Recommendation 5

That the NSW Government work collaboratively with heritage experts and key project stakeholders to minimise heritage impacts of the Windsor Bridge replacement project and identify how information on the brick barrel drains can be appropriately and meaningfully exhibited on-site, or at a local venue, such as the Windsor Museum.

²⁴¹ Submission 6, Community Action for Windsor Bridge, p 128.

²⁴² Submission 177, Dr Elaine Lally, p 5.

²⁴³ Submission 177, Dr Elaine Lally, p 5.

Recommendation 6

That the NSW Government retain the existing Windsor Bridge for pedestrian, cycling and light vehicle use.

Chapter 4 Costs and disputed benefits

This chapter discusses the costs and disputed benefits of the Windsor Bridge replacement project, setting out costs incurred to date and estimated construction costs going forward. The chapter also canvasses concerns raised by inquiry participants regarding the methodology used to conduct the cost benefit analysis for the project and the validity of the government's claims relating to benefits regarding improvements to traffic performance, flood immunity and the unification of Thompson Square. The chapter concludes by setting out independent assurance activities that have been completed for the project to date.

Project costs

- 4.1 This section sets out the costs incurred to date, estimated construction costs going forward and the factors that have led to repeated increases in overall forecast costs during the course of the project.

Costs incurred to date

- 4.2 As at the end of March 2018, a total of \$31,350,970 had been spent on the Windsor Bridge replacement project. A breakdown of costs incurred is provided in the table below.

Table 5 Breakdown of costs – 31 March 2018

Activity	Expenditure
Project Management	\$4,565,533
Community Engagement	\$401,113
Concept Design Phase	\$10,505,254
Environment and Heritage Studies	\$9,399,121
Property acquisition	\$315,533
Detailed design phase and post approval works	\$6,164,416
Total to 31 March 2018	\$31,350,970

Source: *Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 2.*

Construction costs going forward

- 4.3 On 28 May 2018, a contract for the construction of the Windsor Bridge replacement was awarded to Georgiou Group Pty Ltd following a competitive tender process. The estimated contract value is \$67,544,965.35.²⁴⁴

²⁴⁴ NSW Government, eTendering, Roads and Maritime Services / Windsor Bridge Replacement Project –RMS.17.0000303641.0348. <https://tenders.nsw.gov.au/rms/?event=public.cn.view&CNUUID=71CEA748-E037-878C-6C45AB24318F0F5E>

- 4.4 The Final Business Case for the project, dated November 2017, put project costs at approximately \$101 million.²⁴⁵ However, in the days following the award of the contract to Georgiou Group Pty Ltd, the Secretary of Transport for NSW advised the committee that up to \$137 million has been allocated toward the potential cost of the project.²⁴⁶

Why did costs escalate over the life of the project?

- 4.5 The various project documents demonstrate that forecast costs have increased considerably over the lifetime of the project. The figures presented within publically available documents are discussed below.
- 4.6 In 2008, the Government announced a budget allocation of approximately \$25 million towards the Windsor Bridge replacement project. Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services (RMS) advised that this was a budget commitment only.²⁴⁷ RMS also asserted that the figure was a preliminary estimate that did not include the cost of constructing the bridge approaches.²⁴⁸
- 4.7 In 2011, the Windsor Bridge options report estimated the capital cost of Option 1 (the chosen design) to be approximately \$45.4 million. The preliminary cost evaluation was undertaken by the Roads and Traffic Authority, and details are included in the *Traffic Modelling and Evaluation of Options – Preliminary Report*.²⁴⁹
- 4.8 In 2012, the Environmental Impact Statement (EIS) placed costs for the Windsor Bridge replacement project at approximately \$50.4 million.²⁵⁰ This comprised the capital expenditure required to construct the bridge, and incremental operating costs.²⁵¹
- 4.9 As noted above, the Final Business Case for the project, dated November 2017, settled on a figure of approximately \$101 million. However, in May 2018 the Secretary of Transport for NSW told the committee that up to \$137 million has been allocated toward the potential cost of the project.²⁵² A breakdown of the current anticipated costs is contained within the Final Business Case. The committee has published a redacted copy of the Business Case on the inquiry website.²⁵³

²⁴⁵ *In camera* evidence, Mr Rodd Staples, Secretary, Transport for NSW, 29 May 2018, p 3, published by resolution of the committee.

²⁴⁶ *In camera* evidence, Mr Staples, 29 May 2018, p 3, published by resolution of the committee.

²⁴⁷ Evidence, Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services, 13 April 2018, p 5.

²⁴⁸ Answers to questions on notice, Roads and Maritime Services, 11 May 2018, p 8.

²⁴⁹ Roads and Traffic Authority, *Windsor Bridge over the Hawkesbury River, Options Report*, 2011, p 66.

²⁵⁰ Evidence, Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services, 13 April 2018, p 6.

²⁵¹ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, 2012, Chapter 3, p 26.

²⁵² *In camera* evidence, Mr Staples, 29 May 2018, p 3, published by resolution of the committee.

²⁵³ Roads and Maritime Services, *Windsor Bridge replacement project, Final Business Case*, November 2017; Parliament of New South Wales, Windsor Bridge replacement project, Other Documents, www.parliament.nsw.gov.au/lcdocs/other/11342/Windsor%20Bridge%20Business%20Case.pdf

- 4.10** RMS acknowledged that the cost of the project had risen significantly since the estimated costs were presented in the EIS in 2012. RMS attributed this increase to:
- extensive geotechnical investigations, utility relocations and urban design treatments as part of the project
 - significant funding to further study, protect and document heritage items within Thompson Square, including the salvage of Aboriginal artefacts and redesign following the location of the 1814 brick barrel drains to ensure that those drains were preserved
 - unexpected delays with the project time line, including the challenge in the Land and Environment Court in 2014.²⁵⁴
- 4.11** Mr Stephen Fox, Executive Director, Transport for NSW expanded on the impact of time delays to project costs, explaining that the construction cost index – an indicator of the average cost movement of goods and services related to the construction industry – is currently approximately 6.5 per cent per annum.²⁵⁵ This means that should the project be further delayed, a 6.5 per cent increase in cost could be expected purely on account of inflation.

Cost benefit analysis

- 4.12** Cost benefit analysis has been carried out at various stages of the project. The government notes that this analysis 'was completed in accordance with the guidelines relevant at that time'.²⁵⁶
- 4.13** A Benefit Cost Ratio (BCR) is an indicator used in cost benefit analysis that summarises the overall value for money of a project or proposal. In simple terms, it considers the value of a project's benefits against the value of its costs. A project is potentially worthwhile if the BCR is greater than one as this means that project benefits exceed project costs.²⁵⁷
- 4.14** Cost benefit analyses completed on the project during its various stages have yielded various BCR results. In 2011, the Windsor Bridge replacement options report identified a BCR for Option 1 of greater than four – that is, the project yielded a return on investment of more than \$4 of benefit for every \$1 invested.²⁵⁸ The government stated that this figure suggested a project 'that is strongly economically justifiable'.²⁵⁹
- 4.15** The 2012 EIS presented a BCR of 14.6 for the project – a significant increase to the score previously calculated. The EIS reports that 'economic analysis returned a high BCR' and concluded that 'the project would create benefits that would be realised by the general

²⁵⁴ Evidence, Mr Langford, 7 May 2018, p 23.

²⁵⁵ Evidence, Mr Stephen Fox, Executive Director, Group Finance, Transport for NSW, 7 May 2018, p 38.

²⁵⁶ Submission 332, Department of Premier and Cabinet, p 19.

²⁵⁷ NSW Treasury, *Guide to Cost Benefit Analysis (TPP 17-03)*, 2017, p 47, https://arp.nsw.gov.au/sites/default/files/TPP17-03_NSW_Government_Guide_to_Cost-Benefit_Analysis_0.pdf

²⁵⁸ Submission 332, Department of Premier and Cabinet, p 19.

²⁵⁹ Submission 332, Department of Premier and Cabinet, p 19.

community and would outweigh the initial upfront construction and ongoing operational costs'.²⁶⁰

4.16 Key findings of the 2012 analysis included:

- travel time benefits accrued from improved travel speeds due to the removal of speed restrictions and proposed improvements to the existing curvature and grade
- reduced vehicle operating costs due to improved road conditions and the increase in average vehicle speed compared to the base case (the status quo)
- annual crash savings due to proposed safety measures and the change in vehicle kilometres travelled.²⁶¹

4.17 The EIS acknowledged that the economic analysis undertaken in 2011 had yielded a lower BCR result than that of the 2012 analysis. It attributed this difference 'to the adoption of different base case assumptions around traffic flow and the inclusion of a number of additional economic factors in the recent analysis, such as vehicle operating costs, externalities and safety impacts'.²⁶²

4.18 Several inquiry participants expressed concerns about the manner in which the 2012 cost benefit analysis had been completed. A primary concern was that the analysis had not included costs such as the social and heritage impact of the proposal. They further argued that, consistent with concerns discussed in Chapter 2, the cost benefit analysis had not included a comparative analysis of a bypass, or an all-conditions crossing for the area. (This latter point is discussed later in this chapter).

4.19 For example, Hawkesbury City Council stated that:

- no comparative economic analysis was undertaken on the project against the cost of a bypass option
- the analysis gave little consideration to social benefits, or lack thereof, or heritage concerns
- no comparative economic analysis was undertaken of an all-conditions crossing linking over the Blue Mountains was conducted.²⁶³

4.20 Community Action for Windsor Bridge (CAWB) presented similar arguments, stating that economic analysis was inadequate as it failed to consider significant economic and non-economic costs, including the adverse heritage impacts.²⁶⁴ The group further argued that the

²⁶⁰ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, 2011, Chapter 3, p 25.

²⁶¹ Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, 2011, Chapter 3, p 25.

²⁶² Roads and Maritime Services, *Windsor Bridge replacement project, Environmental Impact Statement, Volume 1- main report*, 2011, p 25.

²⁶³ Submission 155, Hawkesbury City Council, p 15.

²⁶⁴ Submission 6, Community Action for Windsor Bridge, p 197.

analysis had not appropriately addressed the impact of the proposal on the region's cultural and tourism sector.²⁶⁵

- 4.21** The government acknowledged that several submissions received in response to the EIS had raised concerns about the estimated costs and methodology used to complete the economic analysis.²⁶⁶ RMS's responses to these concerns are contained within the EIS Submissions Report – in summary, the submissions received did not alter the conclusions drawn by RMS.²⁶⁷
- 4.22** The Final Business Case, dated 2017, presents the results of cost benefit analysis undertaken in 2016. This analysis resulted in a reduced BCR of 2.5, with most of the project's benefits deriving from travel time and vehicle operating cost savings.²⁶⁸
- 4.23** Mr Colin Langford, RMS advised that this final BCR demonstrated that the project was 'extremely viable' and represented a positive investment for the state:

The final business case, which was completed last year, includes the final economic appraisal for the project. ... I can confirm that the project does have a positive BCR which gives value for money and a positive investment for the State. The project is extremely viable; it is needed.²⁶⁹

Independent assurance

- 4.24** As discussed in Chapter 1, two Gateway Reviews have been completed on the Windsor Bridge replacement project to date. These comprise:
- Gate 2 Final Business Case Gateway Review.²⁷⁰
 - Gate 4 Tender Evaluation Gateway Review.²⁷¹
- 4.25** The Gate 2 Final Business Case Assurance Review Report was undertaken in March 2017 and assessed the adequacy of the Final Business Case. This included consideration of, among other things, business need and benefits; funding and value for money; stakeholder management; and cost management.²⁷²
- 4.26** The project was rated against nine criteria using the following traffic light system:

²⁶⁵ Submission 6, Community Action for Windsor Bridge, p 204-205.

²⁶⁶ Submission 332, Department of Premier and Cabinet, p 19.

²⁶⁷ Roads and Maritime Services, *Windsor Bridge Replacement, Submissions Report*, 2013, pp 102-105.

²⁶⁸ Roads and Maritime Services, *Windsor Bridge Replacement, Final Business Case*, 2017, pp 7-8.

²⁶⁹ Evidence, Mr Langford, 7 May 2018, p 27.

²⁷⁰ Correspondence from Mr Ian Young, A/Principal Manager, Transport for NSW, to Secretariat, 11 May 2018, Attachment, Transport for NSW, *Windsor Bridge Replacement, Final Business Case Assurance Review Report*, March 2017.

²⁷¹ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Project: Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018.

²⁷² Transport for NSW, *Windsor Bridge Replacement, Final Business Case Assurance Review Report*, March 2017, p 2.

- Red – Critical and Urgent – Immediate action on identified shortcomings and recommendations is required to achieve success of the project.
- Amber – Important and Urgent – The project should go forward with action on recommendations.
- Green – Important and of Benefit – The program or project may benefit from implementation of recommendations, if applicable.

4.27 The following scorecard sets out the opinion of the Review Team.

Table 6 Project Business Case – Review Team Rating

Description	Rating	No. of recommendations
Business Need and Benefits	Amber	1
Funding and Value for Money	Amber	2
Sustainability	Green	1
Governance	Green	1
Risk Management	Amber	6
Project Delivery	Amber	4
Stakeholder Management	Green	1
Change Management	Green	1
Cost Management	Amber	4

Source: Transport for NSW, *Windsor Bridge Replacement, Final Business Case Assurance Review Report, March 2017, p 2.*

4.28 The Expert Review Panel that completed the Gateway Review stated that, overall, it 'considers that the Business Case (subject to addressing the Review recommendations) supports the Government's decision to continue to develop and deliver the project'.²⁷³

4.29 However, the Expert Review Panel challenged the accuracy of the modelling undertaken by RMS, noting that 'the traffic efficiency argument is not strong' and the savings achieved by replacement of the bridge in comparison to maintenance of the existing structure were 'minimal, about \$150k [sic] per year'.²⁷⁴

4.30 The panel further stated that the causes or assumptions underlying many of the benefits were 'unclear'; 'not supported by the available evidence'; had relied on forecasts taken from models based on data forecasts applicable as far back as June 2010, which were informed by census data dating back to 2006; utilised a base case that was 'distorted'; and that, if adjustments were made to the economic analysis to address these issues, the 'extreme variability' that would flow to the modelled outcomes would result in 'a more realistic BCR' being reported. The Expert

²⁷³ Transport for NSW, *Windsor Bridge Replacement Final Business Case Assurance Review Report, March 2017, p 1*

²⁷⁴ Transport for NSW, *Windsor Bridge Replacement Final Business Case Assurance Review Report, March 2017, p 8.*

Review Panel recommended that RMS carry out a due diligence review of the economic appraisal in order for the project to proceed.²⁷⁵

- 4.31** Notwithstanding these remarks, when asked by the committee to respond to these findings, Mr Rodd Staples, Secretary, Transport for NSW responded that 'that is not unusual'.²⁷⁶ Instead, Mr Staples observed that the report was a 'positive reflection' that independent review had taken place:

... what you are saying here is exactly what the assurance process is designed to do ... which is to bring some independent eyes, rigour and test into a business case. Clearly there was significant revision in this instance but that is, from where I sit, a very positive reflection of the fact that that independent review has been done.²⁷⁷

- 4.32** Mr Staples pointed to the project team response and action plan prepared in response to the assurance review, which noted that these matters had, by November 2017, been addressed and marked as 'closed'.²⁷⁸ For Mr Staples, '...the fact that the review panel challenged [the traffic modelling] and then required that the team redo that and they are now comfortable that that has been closed I think represents the process has worked appropriately and those things are now addressed'.²⁷⁹
- 4.33** A Gate 4 Tender Evaluation Gateway Review was also undertaken for the project and finalised in June 2018. The independent review was undertaken to inform the government's decision to award the contract for project delivery and readiness to mobilise for the delivery phase of the project. The review also assessed whether the process used to select the construction contractor was robust.²⁸⁰
- 4.34** In summary, the Review Team formed the view that the 'overall level of confidence that the project has been effectively developed and delivered in accordance with the Government's objectives is: HIGH'.²⁸¹ The Review Team considered that 'successful delivery of the project to time, cost and quality appears likely and there are no major outstanding issues that at this stage appear to threaten the successful delivery'.²⁸²
- 4.35** The report concluded that 'RMS has informed itself of the issues that will affect the timely completion of the project, in particular those matters relating to heritage clearance and

²⁷⁵ Transport for NSW, *Windsor Bridge Replacement Final Business Case Assurance Review Report*, March 2017, p 9 and p 11.

²⁷⁶ *In camera* evidence, Mr Staples, 29 May 2018, p 9, published by resolution of the committee.

²⁷⁷ *In camera* evidence, Mr Staples, 29 May 2018, p 9, published by resolution of the committee.

²⁷⁸ Correspondence from Mr Ian Young, A/Principal Manager, Transport for NSW, to Secretariat, 11 May 2018, *Windsor Bridge Replacement Project: Investment Assurance Review Project Team Response and Action Plan*, 20 November 2017, p 7.

²⁷⁹ *In camera* evidence, Mr Staples, 29 May 2018, p 9, published by resolution of the committee.

²⁸⁰ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018, p 9.

²⁸¹ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018, p 5.

²⁸² Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018. p 5.

community expectation, and is well resourced and capable to manage these issues to allow the project to reach a successful completion'.²⁸³

- 4.36 The Review Team also awarded ratings of 'strong' against key focus areas, indicating that there are no major outstanding issues that at this stage appear to threaten project delivery.²⁸⁴ The Review Team's ratings for the prescribed key focus areas are set out in the figure below.

Figure 8 Gate 4 Tender Evaluation Gateway Review – Review Team Rating

The Review Team's Ratings for the prescribed key focus areas are:		No. of Recommendations		
		Critical	Essential	Suggested
1. Service Need	Strong		1	
2. Value for Money and Affordability	Strong			
3. Social, Economic & Environmental Sustainability	Strong	1		
4. Governance	Strong			1
5. Risk Management	Strong			
6. Stakeholder Management	Strong			
7. Asset Owner's Needs & Change Management	Strong			
8. Other Matters				
TOTAL		1	1	1

Source: Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge replacement project, 1 June 2018, p 5.*

- 4.37 The Gateway Review also recommended that a Gate 6 Post Implementation Gateway Review be undertaken.²⁸⁵ This would involve a determination as to whether the anticipated benefits of the project had been realised. However, as the Windsor Bridge replacement project is a Tier 3 project, this process would not be mandatory.

Committee comment

- 4.38 The Windsor Bridge replacement project is now forecast to cost over \$100 million dollars. This is almost double that forecast in the EIS published for community comment in 2012.
- 4.39 While this sharp increase in costs is concerning to the committee, the committee is even more troubled by the modelling used to justify the process, which led to what can fairly be characterised as a wildly fluctuating BCR assessment. The move from a score of four at the commencement of the project to 2.5 at present is understandable, particularly given the large increase in costs incurred during that time. However, that the same project could be the subject of an assessment that led to a cost benefit determination of 14.6 is, frankly, baffling.

²⁸³ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018, p 4.

²⁸⁴ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018, p 5.

²⁸⁵ Tabled document, Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over Hawkesbury River*, 1 June 2018, p 19.

- 4.40 The Secretary of Transport for NSW has correctly observed that the findings made by the Review Team underscore the value of the assurance review process, ensured that the flawed modelling relied on to achieve that score has been revised and that the modelling relied on for the final business case is now sound. It is clear to the committee that the independent assurance process has operated as intended, providing a focused, independent expert appraisal of the project and identified and addressed risks and miscalculations.
- 4.41 However, the committee finds itself faced with yet another example of RMS's 'no holds barred' approach to achieving its preferred outcome, with little regard for due process, a fair assessment of the alternatives or the corresponding impact to the public purse. This has done little to assuage the committee's concerns regarding the robustness of review during the early stages of the process, nor that lessons have been learned in the agency.
- 4.42 While the assurance process is in place to ensure such errors are caught, the Review Team's findings reflect badly on RMS and the officers involved. The time and money spent putting the initial economic analysis together, then rectifying the modelling, was wasteful and the publication of a BCR of 14.6 in the EIS was misleading.
- 4.43 The committee is mindful that had the Infrastructure Investor Assurance Framework (IIAF) process been in place at the time at which the EIS was published, the errors in the RMS modelling would have been identified earlier in the process. The committee is hopeful that the operation of the IIAF process will enhance the quality of economic analysis used to inform the merits of projects in the future, particularly before the details are published to the community.
- 4.44 As noted above, the committee is troubled by the sharp escalation in costs over the life of this project. However, the committee has considered the explanation provided by RMS and the Secretary of Transport for NSW. We accept that a considerable portion of the increase has arisen as a result of project delays, the implementation of measures to reduce the heritage impact of the proposal, and the costs incurred as a result of the appeal lodged in the Land and Environment Court. The committee is also encouraged by the results of the Gateway Reviews. The committee therefore makes no further finding on the matter of costs.

Stakeholders' views disputing the benefits of the project

- 4.45 Matters discussed above relating to independent assurance have primarily come to light during the course of the committee's inquiry. This information was not publicly available at the time at which submissions were open to stakeholders. Nevertheless, the evidence and arguments put forward by stakeholders in dispute of the perceived benefits of the project draw on similar themes to the concerns raised by the Review Team. Stakeholders particularly disputed forecast improvements in traffic performance, flood immunity and amenity through the unification of Thompson Square.

Improvements to traffic performance

- 4.46 It was widely acknowledged by inquiry participants that traffic performance and the capacity of the Windsor Bridge and surrounding intersections is inadequate – the town is subject to

significant congestion during peak periods. However, many inquiry participants disputed that the project to replace the bridge would adequately address road network capacity issues.

- 4.47 Hawkesbury City Council stated that it was not convinced that traffic and transport objectives would be achieved through implementation of the project as impediments to traffic flow could be attributed to traffic in and around the intersections in the town, not the bridge. Hawkesbury City Council stressed that the proposal would in fact 'exacerbate queuing' and cause further detriment to traffic, the square and Windsor village:

Our key opposition is because RMS is placing substantial emphasis on Windsor Bridge being a key impediment to traffic flow; however, modelling shows that the Macquarie Street/Bridge Street and the Windsor Road/Hawkesbury Valley Way intersections will not be able to accommodate forecast traffic demand. A new bridge will not address these intersections; indeed, the new bridge, and additional lanes, will only exacerbate queuing, causing a detrimental impact on Thompson Square, other heritage listed items and key economic areas of Windsor.²⁸⁶

- 4.48 Mr Conroy, General Manager of Hawkesbury City Council explained that the Council had recently commissioned a traffic and transport study, the results of which were being validated. Mr Conroy advised that the preliminary findings of the report show that the Windsor Bridge replacement proposal will not resolve congestion in Windsor – rather, 'it is merely going to move it from one location to another within the footprint of the town centre'.²⁸⁷
- 4.49 CAWB agreed, stating that the Windsor Bridge replacement project 'fails to address road network capacity issues at key intersections and relocates the problem from one intersection (George and Bridge Streets), to a second, busier and more important intersection (Macquarie and Bridge Streets)'.²⁸⁸
- 4.50 CAWB suggested that transport capacity benefits 'could be achieved more rapidly and cheaply by simply modifying relevant intersections and maintaining the existing bridge'.²⁸⁹ The group therefore recommended immediate delivery of intersection improvements at Freemans Reach and Wilberforce Roads and improvements to the approaches to the Windsor Bridge.²⁹⁰
- 4.51 The views of Hawkesbury City Council and CAWB on these matters were supported by many individual submissions to the inquiry.²⁹¹

Flood immunity

- 4.52 The north-western part of Sydney and the Hawkesbury-Nepean floodplain is one of the highest risk floodplains in all of Australia. The Windsor Bridge has experienced numerous

²⁸⁶ Submission 155, Hawkesbury City Council, p 10.

²⁸⁷ Evidence, Mr Peter Conroy, General Manager, Hawkesbury City Council, p 43.

²⁸⁸ Submission 6, Community Action for Windsor Bridge, p 78.

²⁸⁹ Submission 6, Community Action for Windsor Bridge, p 78.

²⁹⁰ Tabled document, Community Action for Windsor Bridge, *Recommendations*, p 1.

²⁹¹ See for example: Submission 111, Mr Michael Greentree, p 1; Submission 183, Mr Arnold Teuben, p 1; Submission 187, Ms Maree McDermott and Mr Ian Biddle, p 1; Submission 282, Mr James Parbery, pp 1-2.

flooding events over the years, having been inundated approximately 60 times since it was built. These floods have cut off access to communities on both sides of the river.²⁹²

- 4.53** Contrary to the government's assertion that the project will deliver improved flood resilience to match 'that of surrounding approach roads on the northern riverbank'²⁹³, Hawkesbury City Council stated that the proposal presented 'no evident increase in flood immunity benefits' and argued that 'while the proposed replacement bridge will be higher than the existing bridge, any benefit of this increased bridge height has not been adequately considered in relation to the surrounding roads and flood evacuation routes'.²⁹⁴
- 4.54** Hawkesbury City Council explained that the Windsor Road and Wilberforce Roads are cut early in a flood event, isolating Windsor. Therefore, whilst the increased height of the bridge means that the bridge will be above the water level, the surrounding roads may not be. Furthermore, the bridge will not lead to any evacuation route. The Council concluded that 'the opportunity to genuinely address flood immunity improvements has not been adequately addressed through the project development and assessment process' and that the proposal 'would only provide limited benefit to the community'.²⁹⁵
- 4.55** Mr Conroy, Hawkesbury City Council called for consideration of 'a permanent, high level, all-purpose crossing across the Hawkesbury Valley'.²⁹⁶ Councillor Mary Lyons-Buckett echoed this sentiment, advising that the government must now build on its flood strategy for the area and seriously look at how to get people out of the area in a flood:
- ... we need to be really seriously looking at how we get people out of these areas. We are going to have lots of issues with cumulative overland flooding from the development that has been done already on the fringes of the city. If there is public infrastructure being built it needs to be properly giving people immunity from flood, not just a little bit in the centre of a bridge.²⁹⁷
- 4.56** This view was supported by Mr Wedgwood and Mr Pearson, former government Chief Bridge Engineers. Mr Wedgwood and Mr Pearson advised that the expected improvements to flood immunity were 'only minor', and provided the committee with analysis to support this position.²⁹⁸
- 4.57** Mr Wedgwood and Mr Pearson also argued that the complexity of the Hawkesbury-Nepean floodplain was such that 'comprehensive physical model is required to understand its behaviour during flood periods' and that such results would be of value to other studies of the effects of flooding in the Hawkesbury Valley.²⁹⁹

²⁹² Evidence, Mr Langford, 13 April 2018, p 4.

²⁹³ Submission 332, Department of Premier and Cabinet, p 2.

²⁹⁴ Submission 155, Hawkesbury City Council, p 11.

²⁹⁵ Submission 155, Hawkesbury City Council, p 11-12.

²⁹⁶ Evidence, Mr Conroy, 13 April 2018, p 45.

²⁹⁷ Evidence, Councillor Mary Lyons-Buckett, Mayor, Hawkesbury City Council, 13 April 2018, p 46.

²⁹⁸ Evidence, Mr Brian Pearson, former Chief Bridge Engineer for the NSW Government, 7 May 2018, p 10.

²⁹⁹ Evidence, Mr Pearson, 7 May 2018, p 10.

- 4.58** In response to questions on notice, RMS confirmed that the flood frequency of the new bridge would be around a three year Average Recurrence Interval – that is, the bridge could expect to be inundated by flood water once every three years. This was compared to an Average Recurrence Interval of approximately two years for the existing bridge.³⁰⁰
- 4.59** However, Mr Colin Langford, Director, RMS advised that a number of hydrology studies were completed during the development of the project. These showed that the number of closures would be significantly reduced by raising the bridge to that of the current proposal; and that the actual duration of bridge closure would also be significantly reduced.³⁰¹
- 4.60** Some inquiry participants referred to the inconsistent information that had been provided by the government to the community relating to the expected improvements to flood immunity. Ms Athena Venios, Director, RMS confirmed that whilst a higher flood resilience for the replacement bridge had been stated in the EIS in 2012 (a five year Average Recurrent Interval), the proposed design had been amended in response to community feedback, and the height of the proposed bridge had been lowered to a level that matched the flood resilience of key approach roads.³⁰²

Unification of Thompson Square

- 4.61** According to the government, the Windsor Bridge replacement project 'will provide a reduced road footprint and unified open space within the Thompson Square heritage precinct. The useable community space of Thompson Square will be increased by 500 metres with direct access to the river'.³⁰³
- 4.62** Ms Kate Mackaness from CAWB, refuted this position and stated that the claim was 'nonsensical':
- I want to put on the record, and assure the committee, that the square was never square. Geographically this mantra that they are restoring the square to a square is nonsensical. In fact, the idea that they are restoring the road to its original location is just offensive, and Mary Casey picked it up in her report and dealt with it quite comprehensively. I do not understand why that rhetoric continues to run.³⁰⁴
- 4.63** Ms Carol Edds, Chairperson, National Trust of Australia, Hawkesbury Branch agreed, arguing that there was no factual evidence to support the statement that the proposal unified Thompson Square.³⁰⁵

³⁰⁰ Answers to supplementary questions, Roads and Maritime Services, 11 May 2018, p 11.

³⁰¹ Evidence, Mr Langford, 13 April 2018, p 5.

³⁰² Evidence, Ms Athena Venios, Director, Greater Sydney Project Office, Roads and Maritime Services, 13 April 2018, p 5.

³⁰³ Submission 332, Department of Premier and Cabinet, p 2.

³⁰⁴ Evidence, Ms Kate Mackaness, Community Action for Windsor Bridge, 13 April 2018, p 32.

³⁰⁵ Evidence, Ms Carol Edds, Chairperson, National Trust of Australia (NSW), Hawkesbury Branch, 13 April 2018, p 54.

- 4.64** In response to the committee's questions regarding the claimed unification, RMS did not acknowledge these concerns, advising only that the Final Urban Design and Landscape Plan for the Windsor Bridge replacement project states that:

Thompson Square is currently broken into distinct parts, rather than acting as a cohesive civic space. The new bridge structure and southern approach are located on the eastern edge of the square forming its eastern boundary. Works will reunify the square into a cohesive place.³⁰⁶

Committee comment

- 4.65** The evidence provided by stakeholders correlates with comments made by the independent experts – there is agreement that the flood mitigation impacts of the new bridge design will be minimal, and traffic congestion will remain an issue in the streets leading to and around the bridge. While the project to replace the bridge may never have provided the necessary panacea to address these issues, the committee agrees with stakeholders that the opportunity to creatively address these issues has now been lost.

Finding 5

That the flood mitigation impacts of the new bridge design will be minimal, and traffic congestion will remain an issue in the streets leading to and around Windsor Bridge. While the project to replace the bridge may never have provided the necessary panacea to address these issues, the committee agrees with stakeholders that the opportunity to creatively address these issues has now been lost.

- 4.66** Openness and transparency in government decision making and processes is key to building accountability and trust within the community. The committee is encouraged by the results of the Gateway Reviews. The results underscore the committee's finding in Chapter 1 that the failure to subject the project to this comprehensive independent assurance process from the outset has undermined the justification for the project, the credibility of the design and the forecast benefits. The community, the media and other stakeholders have been right to be sceptical. To this end, Recommendation 1 has called on the government to publish the results of all Gateway Reviews and similar assessments undertaken for the Windsor Bridge project to date, appropriately redacted of commercial in confidence information, as an act of good faith.
- 4.67** The committee acknowledges that only time will tell whether the promised benefits will materialise. The committee has heard that the inclusion of features such as walking and cycling paths in the new design for the bridge will increase the amenity of the area. The design may also assist to move traffic more freely through the area and mitigate the effects of a flood, though the committee is not convinced that these benefits will be felt as keenly.
- 4.68** The committee notes that the Review Team recommended that a Gate 6 Post Implementation Gateway Review be undertaken, however this process would not be mandatory as the Windsor Bridge replacement project is a Tier 3 project. The committee believes this process

³⁰⁶ Answers to supplementary questions, Roads and Maritime Services, 11 May 2018, p 5.

would be essential to provide an independent assessment of the true benefits of the project. The committee therefore recommends that the NSW Government ensure that a Gate 6 Post Implementation Gateway Review is undertaken following the completion of construction to ensure that lessons are documented and can inform future projects. The committee also recommends that the results of this review be published on the Roads and Maritime Services website.

Recommendation 7

That the NSW Government ensure that a Gate 6 Post Implementation Gateway Review is undertaken following the completion of construction of the Windsor Bridge replacement project and publish the results of this review on the Roads and Maritime Services website.

- 4.69** On the matter of the reunification of Thompson Square, the committee has once again been presented with conflicting evidence. The current situation is extremely regrettable – the decision to undertake works through the square has been particularly painful to the local historians and residents who value its history and seek to retain the current vista. Given that the contract for construction has been awarded, the committee hopes that this same group will work together, and with Hawkesbury City Council and RMS, to identify means by which the stories and history of the square that has been shared with the committee can be displayed in the area and, therefore, preserved for future generations.

Alignment with strategic transport policy

- 4.70** The government's Western Sydney corridor program involves identifying and protecting corridors of land that can be used to deliver infrastructure in the future.
- 4.71** In March 2018, Transport for NSW published a *Western Sydney Corridors Summary document*, which the Secretary for Transport for NSW tendered to the committee during its inquiry.³⁰⁷ The document acknowledges that the NSW Government's Greater Sydney Regional Plan³⁰⁸ identifies that the 'Western Parkland City', which also captures Hawkesbury and the Blue Mountains, will experience high growth as 'an unprecedented increase in the number of freight movements in and through Greater Sydney and throughout NSW will require connections between Western Sydney, regional NSW, and the freight network that includes the Port of Newcastle, Port Botany and Port Kembla'.³⁰⁹
- 4.72** The document explains that the government has identified four corridors that will provide the necessary transport infrastructure to meet these needs. These are the Bells Line of Road – Castlereagh Connection corridor; the Outer Sydney Orbital corridor; the North South Rail

³⁰⁷ Tabled document, Transport for NSW, *Western Sydney Corridors Summary document*, March 2018.

³⁰⁸ The *Greater Sydney Region Plan* is interchangeably referred to as *A Metropolis of Three Cities*. Full details of the plan can be found on the NSW Planning & Environment website, <http://www.planning.nsw.gov.au/Plans-for-your-area/A-Metropolis-of-Three-Cities/A-Metropolis-of-Three-Cities>.

³⁰⁹ Tabled document, Transport for NSW, *Western Sydney Corridors Summary document*, March 2018, p 4.

Line/South West Rail Link Extension corridors; and the Western Sydney Freight Line corridor.³¹⁰ These corridors are identified in Figure 9.

- 4.73 Two of these corridors are in the vicinity of Windsor: the Bells Line of Road - Castlereagh Connection (marked in pink in Figure 9) and the Outer Sydney Orbital (marked in blue in Figure 9). Windsor Bridge also provides access to Freemans Reach Road, and from there to Kurmond Road, which can be used as a backroad to bypass the heavy congestion at the other river crossing at North Richmond – currently the direct freight route to Bells Line of Road.

Figure 9 The Western Sydney corridors



Source: Tabled document, Transport for NSW, *Western Sydney Corridors Summary document*, March 2018, p 7.

³¹⁰ Tabled document, Transport for NSW, *Western Sydney Corridors Summary document*, March 2018, p 6.

- 4.74** At the time of tabling this report, consultation on the Castlereagh Corridor had closed³¹¹ and the government had announced that it had decided to relinquish the section of previously exhibited Bells Line of Road corridor from Castlereagh to Kurrajong Heights, continue with a previously gazetted 1951 corridor (which would cross the Hawkesbury River near Yarramundi), and relinquish the section of the Outer Sydney Orbital north of Richmond Road (that is, the section of the blue line in Figure 9 closest to Vineyard, Maraylya and Windsor).³¹² The government had also announced that it would allocate \$25 million over the next three years for a third river crossing between Richmond and North Richmond.³¹³
- 4.75** However, during the period in which the committee was conducting its inquiry, the government had announced that it was 'consulting on the identified land for the recommended corridor between the Bells Line of Road at Kurrajong Heights and the existing motorway network at the junction of Richmond Road with the M7 Motorway at Colebee'.³¹⁴ It is within this context that some inquiry participants argued that a more strategic view should be taken of the Windsor Bridge replacement project to ensure its alignment with the government's broader transport strategy.
- 4.76** Hawkesbury City Council contended that the release of the Western Sydney transport corridors plan provided 'opportunity to pause the project and strategically consider an expanded range of options', further as this would provide 'opportunity to explore superior options for the flooding, heritage and transport issues that currently remain unresolved'.³¹⁵
- 4.77** Mr Peter Conroy, General Manager of Hawkesbury City Council reiterated this position and advised that 'a number of corridors that are under investigation are in the vicinity of Richmond and Windsor. We would like to work with the Government to examine those lines to explore an alternative to this location that satisfies commuter and emergency needs for Richmond and the Hawkesbury generally and Windsor'.³¹⁶
- 4.78** Mr Andrew Douglas of Cambray Consulting, who was commissioned by the Department of Planning and Environment to assess the traffic modelling presented by RMS in the EIS, agreed that 'it would probably be prudent to take a broader view of crossing the Hawkesbury more generally, and the broader road network, at a high level to make sure that over time the strategic road network is something that can be developed in logical stages'.³¹⁷
- 4.79** The alignment of the Windsor Bridge replacement project with broader transport policy was put to the Secretary of Transport for NSW, Mr Rodd Staples. Mr Staples advised that the

³¹¹ Transport for NSW, *Bells Line of Road – Castlereagh Connection corridor identification*, <https://www.transport.nsw.gov.au/corridors/blr>. Public consultation closed 1 June 2018.

³¹² Media release, Transport for NSW, 'Community feedback shapes future Western Sydney corridors', 22 June 2018, <https://www.transport.nsw.gov.au/news-and-events/media-releases/community-feedback-shapes-future-western-sydney-corridors>.

³¹³ Media release, the Hon Dominic Perrottet MP, Member for Hawkesbury, 'NSW Budget 2018: Third crossing of the Hawkesbury', 19 June 2018.

³¹⁴ Tabled document, Transport for NSW, *Bells Line of Road – Castlereagh Connection corridor identification: Consultation on a recommended corridor of land for future motorway*, March 2018, p 2.

³¹⁵ Evidence, Councillor Lyons-Buckett, 13 April 2018, p 42.

³¹⁶ Evidence, Mr Conroy, 13 April 2018, p 46.

³¹⁷ Evidence, Mr Andrew Douglas, Director, Cambray Consulting, 13 April 2018, p 51.

Transport cluster viewed both the Windsor Bridge replacement project and the Castlereagh Corridor work as 'relatively independent' projects:

The role of Windsor Bridge over the Hawkesbury at Windsor is quite distinctly different from the corridors work that has been put forward recently for public exhibition. I have no doubt that Roads and Maritime Services [RMS] will talk about the function of Windsor Bridge as being very much about access and a feed to Putty Road, heading towards the Hunter. We see that as important and see there is a need to do something with that bridge in terms of improving amenity, ongoing maintenance and so forth. The corridors work is more around Richmond, servicing that area and connecting that into the future motorway network in Western Sydney and its relationship to Bells Line of Road. We do see the decision around those two matters as relatively independent.³¹⁸

- 4.80** Mr Ken Kanofski, Chief Executive, RMS agreed, stating that the functions of the Castlereagh Corridor and Outer Sydney Orbital projects were separate as a large portion of users of the Windsor Bridge used the crossing to travel locally. He referred the committee to research completed in 2015 by Urban Research and Planning titled *Hawkesbury District: Richmond – Windsor Traffic Issues Paper*³¹⁹ in support of his position:

It has no link. The Windsor Bridge project is actually really quite separate. The reason for that is when you look at the usage of the Windsor Bridge, the Windsor Bridge has a very large chunk of local connectivity in it. Quite a lot of the people using the Windsor Bridge are accessing Windsor. It also services the Wilberforce, Freemans Reach area and what I would call district connectivity, rather than through connectivity.

... The 2015 Urban Research and Planning report ... pretty much notes that the OSO [Outer Sydney Orbital] and the river crossings are independent of each other. It also notes that the Castlereagh corridor and the Windsor Bridge are independent of each other. The Windsor Bridge is actually entirely independent of both the OSO corridor issue and the Castlereagh corridor issue.³²⁰

Committee comment

- 4.81** The committee notes the comments made by the Secretary of Transport for NSW and the Chief Executive of Roads and Maritime Services that both the current and future design of Windsor Bridge make it incompatible with the Western Sydney and Outer Sydney Orbital transport corridors, as its primary purpose is to facilitate local traffic movement across the Hawkesbury River.

³¹⁸ *In camera* evidence, Mr Rodd Staples, Secretary, Transport for NSW, 18 June 2018, p 13, published by resolution of the committee.

³¹⁹ Correspondence from Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, to Chair, 14 June 2018, Attachment, Urban Research and Planning, *Hawkesbury District: Richmond – Windsor, Traffic Issues Paper*, August 2015.

See: Parliament of New South Wales, Windsor Bridge replacement project, Other Documents, www.parliament.nsw.gov.au/lcdocs/other/11342/Windsor%20Bridge%20Business%20Case.pdf

³²⁰ *In camera* evidence, Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, 18 June 2018, p 4, published by resolution of the committee.

- 4.82** As noted in Recommendation 7, the committee has called on the NSW Government ensure that a Gate 6 Post Implementation Gateway review is undertaken following the completion of construction of the Windsor Bridge replacement project.
- 4.83** However, that review will report on whether the anticipated benefits of the project have been actualised, rather than whether the project addresses the current needs of Windsor and the surrounding towns. The committee notes that the Review Team has already acknowledged that the project is unlikely to significantly address traffic congestion or provide comprehensive flood mitigation measures.
- 4.84** For this reason, the committee recommends that following the completion of the Windsor Bridge replacement project, the government undertake a fresh review of the traffic, flood mitigation and infrastructure requirements of Windsor and the surrounding towns to determine a comprehensive strategy for upgrading the existing road network. This review should be undertaken in consultation with the community. The review would provide an opportunity to determine whether changes to the region over the past decade, and anticipated population growth over the coming decades, suggest that these upgrades be included within any wider transport corridors that border Windsor.

Recommendation 8

That, following the completion of the Windsor Bridge replacement project, the NSW Government undertake a review of the current traffic, flood mitigation and other road infrastructure requirements of Windsor and the surrounding towns to determine a comprehensive strategy for upgrading the existing road network.

Chapter 5 A community divided

This chapter reflects on evidence received regarding the social impacts of the Windsor Bridge replacement project on the community to date and the committee's closing remarks.

The Windsor and greater Hawkesbury community today

- 5.1** The terms of reference for this inquiry required the committee to inquire into the expenditure, performance and effectiveness of the Roads and Maritime Services' project to replace the Windsor Bridge. This extended to the justification for the chosen design and project works, and the process by which decisions had been reviewed and independently assured. These matters relating to the economic and heritage impacts of the project have been addressed in the preceding chapters.
- 5.2** The terms of reference also required the committee to consider the social impacts of the project. Previous chapters have acknowledge the impacts of the project on the matters such as amenity and accessibility, and the acknowledged fear that the project will fracture the community's identity and connection to the past.
- 5.3** However, while Windsor's history has been a dominant theme throughout, the sentiments that the project has inspired have clearly taken a heavy toll on the day-to-day life of the community as well – local residents, business owners, the local Council, historians and others closely connected to the community. These impacts were felt on all sides – proponents, opponents and their family and friends.
- 5.4** The impact on those connected with Community Action for Windsor Bridge (CAWB) has been acknowledged earlier in this report. The group has staged a tiring vigil, day and night, for over 1,700 days. Ms Kate Mackaness of CAWB attributed their commitment to this task to the 'very deep anger' felt by the group, likening their cause to a 'battle' that they were 'bewildered at having to fight'.³²¹
- 5.5** A number of inquiry participants told the committee that this depth of feeling had had other, indirect consequences, pitting local residents against one another and fostering a culture of fear and paranoia when residents participated in consultation processes. Some inquiry participants attributed this to a purposeful move on the part of RMS to divide the community to garner support for their chosen design;³²² others to the prolonged consultation exercises which had the effect of 'dividing the community', something they found 'unforgiveable'.³²³
- 5.6** Others attributed these troubles to intolerance on the part of the opponents of the bridge. The committee heard allegations that people had been 'shut down', 'censored' and 'bullied',

³²¹ Evidence, Ms Kate Mackaness, Member, Community Action for Windsor Bridge, 13 April 2018, pp 30, 32.

³²² Submission 189, Name suppressed, p 1.

³²³ Submission 17a, Ms Venecia Wilson, p 9.

'abused' and 'ridiculed', with one supporter of the project stating that they had been physically assaulted, spat on and slandered.³²⁴

- 5.7 The committee heard that people were hurt, frustrated and exhausted. This sentiment was best encapsulated by a resident who observed that: "The cost of this to our community has been huge. Windsor is a small town which is extremely proud of its heritage and its community...The bridge issue has dominated the entire time I have lived in Windsor".³²⁵

Committee comment

- 5.8 The committee is mindful that this has been a particularly challenging inquiry for all involved.
- 5.9 The people of Windsor made a strong impression on the committee – the community has a deep sense of what it is and where it comes from, a rich connection to its history and a strong sense of its values, both individually and as a town.
- 5.10 However, the evidence received left the committee in no doubt that years of fighting for and against the bridge, and all that it represents, has taken a heavy toll. Friendships have been fractured, neighbours have turned on one another and there is talk of a community divided. The bridge is as an important symbol of the town's history, but the people of Windsor will remain long after the bridge's demolition, and it would be regrettable if the bridge came to symbolise the demise of the town, rather than its bond.
- 5.11 These events also serve as a reminder to governments that capital works are often keenly felt by communities when they alter a landscape, threaten heritage or interrupt everyday routine – sometimes a bridge isn't just a bridge. This underscores the committee's earlier recommendations regarding the need to prioritise effective quality assurance and communication, and to work more collaboratively with local communities.
- 5.12 The committee commenced this process in the hope that it could shine a light on a project that appeared to be fiercely opposed by many in the community. While this report has provided the opportunity to make a number of findings and recommendations to that end, the committee nevertheless approached the inquiry mindful that the design had been chosen, the contract had not been awarded, and some work had commenced. As of the date of tabling this report, the contract has been awarded and commenced.
- 5.13 The committee is sympathetic to the community's frustrations and acknowledges that the award of the contract for construction has been, for many, extremely disappointing. However, the committee hopes that this once tight-knit community can if not support, then accept, the outcome with a view to drawing a line in its battles with one another and put new energy into finding creative ways to preserve the town's identity. Few towns in New South Wales, let alone Australia, benefit from the rich and colourful history that Windsor enjoys. The committee looks forward to watching as Windsor moves forward from this testing time and cements its place as one of Sydney's unique historic towns.

³²⁴ Submission 308, Name Suppressed, p 9; Evidence, Mr David Samuel, 7 May 2018, p 2; Submission 337, Name Suppressed, p 1.

³²⁵ Submission 189, Name suppressed, p 3.

Appendix 1 Submissions

No.	Author
1	Mrs Marilyn Hogg
2	Name suppressed
3	Mr Simon Fraser
4	Mrs Jackie Varley
5	Mrs Pamela Knobbs
6	Community Action for Windsor Bridge
6a	Community Action for Windsor Bridge
6b	Community Action for Windsor Bridge
6c	Confidential
6d	Community Action for Windsor Bridge
7	Mr Harry Terry
7a	Mr Harry Terry
7b	Mr Harry Terry
7c	Mr Harry Terry
7d	Mr Harry Terry
8	Mr Campbell Anderson
9	Mr John Gale
10	Mr Stuart Chaseling
11	Mr Anthony Shorten
12	Ms Maureen Radnidge
13	Ms Lorraine Daley
14	Ms Janice Ross
15	Mr Ken Caterson
16	Mr Peter Hamilton
17	Ms Venecia Wilson
17a	Ms Venecia Wilson
18	Mr Jack & Mrs Sally McGeady
19	Mr Derek Finter
20	Mr Phillip Knobbs
21	Mrs Margaret Johnson
22	Mrs Pauline McKelvey

No.	Author
23	Name suppressed
24	Mr John Jose
24a	Mr John Jose
24b	Mr John Jose
25	Name suppressed
26	Name suppressed
27	Mr Roger Grealy
28	Mr Ray Seymour
29	Mrs Rhona Hughes
30	Mrs Kathleen Dryden
31	Ms Fiona Cochrane
32	Mr Chris Hallam
33	Ms Gaye Small
34	Ms Michelle Rose
35	Mrs Kay Wilson
36	Ms Sherone Pemberton
37	Mrs Debra Wayland
38	Name suppressed
39	Ms Jenny Fay
40	Mrs Sally Hatcher
41	Ms Cherelle Lewis
42	Ms Nicole McKinnon
43	Mrs Kim Smith
44	Ms Claire Paul
45	Ms Eva Lewry
46	Confidential
47	Mr Jonathan Sheen
48	Mr Christopher & Mrs Janelle Cameron
49	Ms Jennifer Kent
50	Ms Margaret Mason
51	Mrs Jenny Fraser
52	Mrs Joni Leimgruber
53	The National Trust (NSW) Far South Coast Branch
54	Mr Grant Medaris
55	Name suppressed

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56	Ms Prue Gargano
57	Ms Anne Jaumees
58	Ms Marnie Brown
59	Colo Heights Progress Association
60	Ms Margaret Doughman
61	Name suppressed
62	Name suppressed
63	Name suppressed
64	Name suppressed
65	Mrs Margaret Terry
66	Mr Michael Eggleton
67	Ms Sandra Kelly
68	Ms Jenni Stapleton
69	Ms Lisa Burns
70	Ms Louise Nicholas
71	Mrs Jennifer Duffy
72	Mr Paul Evans
73	Ms Sita Baker
74	Mr James Cassidy
75	Mrs Lesley Hayes
76	Hawkesbury Wobblers
77	Mrs Ann McKinnon
78	Mr John Douglad
79	Ms Jude Holdsworth
80	Mr Martin Bishop
81	Name suppressed
82	Mr Steve Knight
83	Mr Neil Dand
83a	Mr Neil Dand
84	Mrs Jacqueline Dand
85	Ms Helen Mackay
86	Mr David Livingstone
87	Mr Peter Stewart
88	Ms Gae Parmenter
89	Dr Miranda Coulson

No.	Author
90	Mrs Marcella Pyke
91	The National Trust of Australia (NSW)
92	Mr Roger Pyke
93	Mr Arthur Rutter
94	Mr Bryan & Mrs Margaret Smith
95	Name suppressed
96	Ms Faith Robinson
97	Mr Don Levy
98	Name suppressed
99	Name suppressed
100	Miss Joanne Robinson
101	Mr Frank Klamka
102	Name suppressed
103	Name suppressed
104	Mr Rodney Cook
105	Name suppressed
106	Mrs June Muldoon
107	Name suppressed
108	Ms Kate Blakeney
109	Mr Mike Blakeney
110	Mrs Kerry Gannell
111	Mr Michael Greentree
112	Name suppressed
113	Mr Tim Bidder
114	Mr Peter Nicholson
114a	Mr Peter Nicholson
114b	Mr Peter Nicholson
115	Ms Catherine Mitchell
116	Miss Beatriz Insausti
117	Ms Catherine Robson
118	Mr Andrew Perinich
119	Mr William Sneddon
120	Confidential
121	North Richmond and Districts Community Action Association Inc
122	Mr Brian Pearson & Ray Wedgwood

No.	Author
122a	Mr Brian Pearson & Ray Wedgwood
123	Name suppressed
124	Ms Liz Rowan
125	Confidential
126	Confidential
127	Name suppressed
128	Mr Owen Elliot
129	Mrs Christine Cook
130	Ms Cheryl Ballantyne
131	Mr Glenn Watkins
132	Mr Leigh Williams
133	Ms Elizabeth Shadlow
134	Mr & Mrs Edward & Helen Sobiesiak
135	Mrs Doreen Mcclery
136	Mr Dail Miller
137	Name suppressed
138	Mr Joseph Portelli
139	Ms Cecily Foster
140	Mr Malcolm Simmonds
141	Mr Anthony Miller
142	Name suppressed
143	Name suppressed
144	Mr Bailey Stinton
145	Name suppressed
146	Mr Petar Ankucic
147	Name suppressed
148	Name suppressed
149	Ms Annabelle Butz
150	Name suppressed
151	Mr Matthew Fraser
152	Mr Russell Stapleton
153	Mr Kim Woollard
154	Ms Nicole Hand
155	Hawkesbury City Council
155a	Hawkesbury City Council

No.	Author
156	Name suppressed
157	The National Trust of Australia (NSW) Hawkesbury Branch
158	Mr Steve Croquett
159	Mrs Shirley Evans
160	Dr Anne-Maree Whitaker
161	Mr Scott Will
162	Ms Susan Templeman MP
163	Mrs Nina Butler
164	Ms Kay Bushnell
164a	Ms Kay Bushnell
165	Roderick Storie Solicitors
166	Mrs Rosalind Schwartz
167	Mr John Tibben
168	Mr Colin Hawkins
169	Mrs Carol Edds
170	Graham Edds and Associates
171	Name suppressed
172	Ms Elizabeth McMaster
173	Ms Carolyn Ebdon
174	Ms Kerrie Fitzpatrick
175	Mr Barry McClarnon
176	Mr Robert Lewry
177	Dr Elaine Lally
178	Ms Christine Johnson
179	Australia ICOMOS
180	Mrs Patricia Schwartz
181	Name suppressed
182	Mrs Gail Reynolds
183	Mr Arnold Teuben
184	Mr John Lindop
185	Mr Keith & Mrs June Notley
186	Miss Cas Nicholson
187	Ms Maree McDermott & Mr Ian Biddle
188	Mrs Noelene Lindop
189	Name suppressed

No.	Author
190	Mr John Williams
191	Ms Irene Fitzsimmons
192	Dr Hal Ginges
193	Ms Caroline Hocking
194	Mrs Amanda Vigar
195	Name suppressed
196	Mr Michael McGarry
197	Ms Amanda Waller
198	Eastbend Rural Communications Inc.
199	Ms Christine Butler
200	Dr Ann Packman
201	Mrs Colleen Turnbull
202	Mr Shaun Brown
203	Ms Catherine Fitzgibbon
204	Mr John Fitzgibbon
205	Mr Ben Stevenson
206	Mr Jay & Mrs Sabrina Oliver
207	Mr Lon Moore
208	Ms Vicky Russell
209	Name suppressed
210	Name suppressed
211	Mr Graham Shaw
212	Mr Jason Webber
213	Name suppressed
214	Mr Sean McCarthy
215	Ms Jenny Lloyd
215a	Ms Jenny Lloyd
216	Emeritus Professor Graham Swain
217	Mr Roy Benson
218	Ms Louise Wilson
219	Name suppressed
220	Name suppressed
221	Mr Tony Pettitt
222	Ms Debra Cotter
223	Name suppressed

No.	Author
224	Ms Kandis Hughes
225	Name suppressed
226	Ms Judy Yuen
227	Mr Ricky Vigar
228	Mr Brendan Laws
229	Mr Bruce Jones
230	Mr Rhys Woodman
231	Ms Jan Nichols
232	Mr Ian Brooks
233	Name suppressed
234	Confidential
235	Name suppressed
236	Confidential
237	Mr John Phibbs
238	Mrs Nina Bathersby
239	Ms Sharron Timbos
240	Mrs Carrie Lewis
241	Mrs Leilani Douglass
242	Name suppressed
243	Name suppressed
244	Ms Tracy Minton
245	Confidential
246	Ms Barbara Gurney
247	Mr Danny Bodell
248	Ms Patricia Bodell
249	Mrs Maree Jaloussis Hayes
250	Name suppressed
251	Mr Barry Corr
252	Ms Jan Clarence
253	Ms Sharon Wade
254	Mr Anthony Reynolds
255	Mr David Hope
256	Mrs Jennifer Merity
257	Mr Billy Nicholson
258	Mrs Trish Collier

No.	Author
259	Name suppressed
260	Mr Jonathan Auld
261	Mr Steve Mulry
262	Mr Joe Keating
263	Ms Yvonne Chani
264	Mr Steve Constable
265	Mr Peter Reynolds
266	Mr Dennis Valatiadis
267	Mr Antony Lewis
268	The Hunters Hill Trust
269	Mrs Jacinta Laws
270	Ms Libby Hyett
271	Ms Courtney Tutton
272	Mrs Julie McClarnon
273	Ms Jessica Butz
274	Mr John Fitzgerald
275	Mr Colin Fulton
276	Ms Kerensa Dand
277	Mr Paul Coutis
278	Mr Gunther Wandtke
279	Name suppressed
280	Name suppressed
281	Mr Keith Holmes
282	Mr James Parbery
283	Ms Samantha Lampson
284	Mr Timothy Bell
285	Ms Wendi Nichols
286	MacArthur Society in Australia
287	Ms Pennie Roberts
288	Mr Raymond Hatcher
289	Mr Peter Mould
290	Mrs Trish Hermens
291	Name suppressed
292	Name suppressed
293	Ms Charis King

No.	Author
294	Ms Megan Wood
295	Ms Natalia Oungaunga
296	Ms Lilly Schwartz
297	Tamzin Broadbridge
298	Confidential
299	Name suppressed
300	Mrs Heather Ginges
301	Ms Michelle Nichols
302	Confidential
303	Ms Marie Kellett
304	Ms Rhonda Hopwood
305	Name suppressed
306	Mrs Jennifer Doughman
307	Mrs Jenny Daly
308	Name suppressed
309	Mrs Danielle Wheeler
310	Mr Jon Mills
311	Mr Christopher Baylis
312	Cr Mary Lyons-Buckett
313	Ms Kathleen Mackaness
314	Name suppressed
315	Mrs Suzanne Wall
316	Heritage Council of New South Wales
317	Name suppressed
318	Cr John Ross
319	Mr Steven Williams
320	Mr Joseph & Mrs Susan Hart and Ms Margaret Brownette
321	Mr Christopher Paine
322	N Wheeler
323	Name suppressed
324	Name suppressed
325	Name suppressed
326	Ms Kylie Jones
327	Mr Chris Jones
328	Ms Judi Sullivan

No.	Author
329	Mrs Mary Brooks
330	Mr Roger Sewell
331	Ms Jill Benneuitz
332	Department of Premier and Cabinet
333	Name suppressed
334	Name suppressed
335	Name suppressed
336	Mr David Samuel
337	Name suppressed
338	Hawkesbury Historical Society
339	Royal Australian Historical Society
340	Department of the Environment and Energy

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Friday 13 April 2018, Macquarie Room, Parliament House, Sydney	Mr Colin Langford	Director, North West Precinct, Sydney Division, Roads and Maritime Services
	Mr John Hardwick	Executive Director, Sydney, Roads and Maritime Services
	Ms Athena Venios	Director, Greater Sydney Project Office, Roads and Maritime Services
	Mr Ian Allan	Director, Program Management, Greater Sydney Project Office, Roads and Maritime Service
	Mr David Gainsford	Executive Director, Priority Projects Assessment, Department of Planning and Environment
	Ms Stacy Warren	Director, Infrastructure Management, Department of Planning and Environment
	Ms Jennifer Davis	Member, Heritage Council of NSW
	Mr Harry Terry	President, Community Action for Windsor Bridge
	Mrs Sarah McRae	Member, Community Action for Windsor Bridge
	Ms Kate Mackaness	Member, Community Action for Windsor Bridge
	Mr Peter Reynolds	Member, Community Action for Windsor Bridge
	Clr Mary Lyons-Buckett	Mayor, Hawkesbury City Council
	Mr Peter Conroy	General Manager, Hawkesbury City Council
	Mr Andrew Douglas	Director, Cambray Consulting
Mrs Carol Edds	Chairperson, National Trust of Australia (NSW), Hawkesbury Branch	

Date	Name	Position and Organisation
	Mr Graham Quint	Director, Conservation, National Trust of Australia (NSW)
	Mr Bruce Dawbin	NSW Representative, Australia International Council on Monuments and Sites
	Associate Professor Carol Liston AO	President, Royal Australian Historical Society Representative, Hawkesbury Historical Society
Monday 7 May 2018, Macquarie Room, Parliament House Sydney	Witness A	n/a
	Witness B	n/a
	Witness C	n/a
	Witness D	n/a
	Mr David Samuel	Community member
	Mr Peter Stewart	Peter Stewart Consulting
	Mr Brian Pearson	Former Chief Bridge Engineer for the New South Wales Government
	Mr Ray Wedgwood	Former Chief Bridge Engineer for the New South Wales Government
	Witness E	n/a
	Mr Peter Mould	Former New South Wales Government Architect
	Mr Colin Langford	Director, North West Precinct, Roads and Maritime Services
	Mr John Hardwick	Executive Director, Sydney, Roads and Maritime Services
	Mr Ian Allan	Director, Program Management, Greater Sydney Project Office, Roads and Maritime Services
Mr Stephen Fox	Executive Director, Group Finance, Transport for NSW	

Date	Name	Position and Organisation
Friday 29 May 2018, Macquarie Room, Parliament House Sydney	Mr Rodd Staples	Secretary, Transport for NSW
Monday 18 June 2018, Macquarie Room, Parliament House, Sydney	Mr Ken Kanofski	Chief Executive, Roads and Maritime Services
	Mr Colin Langford	Director, North West Precinct, Sydney Division, Roads and Maritime Services
	Mr John Hardwick	Executive Director Sydney, Roads and Maritime Services
	Mr Rodd Staples	Secretary, Transport for NSW

Appendix 3 Minutes

Minutes no. 54

Wednesday 15 November 2017

Portfolio Committee No. 5 – Industry and Transport

Members' Lounge, Parliament House, 6.55 pm.

1. Members present

Mr Brown, *Chair*

Mr Colless

Mr Fang

Mr Field (substituting for Dr Faruqi)

Mr MacDonald

2. Correspondence

The committee noted the following items of correspondence:

Received

- 14 November 2017 – Letter from Mr Brown, Mr Veitch and Dr Faruqi requesting a meeting of Portfolio Committee No. 5 to consider a proposed self-reference into the Windsor Bridge replacement project (*previously circulated*).

3. Committee membership

The committee noted that Mr Fang replaced Mr Pearce as a member of the committee from 15 November 2017.

4. Consideration of terms of reference – Windsor Bridge replacement project

The Chair tabled a letter proposing the following self-reference:

1. That Portfolio Committee No. 5 inquire into and report on the expenditure, performance and effectiveness of the Roads & Maritime Services' Windsor Bridge replacement project, and in particular:
 - (a) the current Windsor Bridge, officially called the Hawkesbury River Bridge, including its maintenance regime, renovation methods and justification for demolition,
 - (b) the replacement bridge project, including:
 - (i) options presented to the community
 - (ii) post construction strategic outcomes, including traffic benefits, transport and network service capacity
 - (iii) economic, social and heritage impacts
 - (iv) flood immunity benefits
 - (v) project assessment process
 - (vi) planning and procurement strategies and associated project costs
 - (vii) cost benefit analysis process, and
 - (c) any other related matters.

2. That the committee report by 29 June 2018.

Resolved, on the motion of Mr MacDonald: That the terms of reference be amended by omitting 'officially called the Hawkesbury River Bridge' from term 1(a).

Resolved on the motion of Mr MacDonald: That the committee adopt the terms of reference as amended.

5. Conduct of the inquiry into the Windsor Bridge replacement project

5.1 Closing date for submissions

Resolved, on the motion of Mr Field: That the closing date for submissions be 28 January 2018.

5.2 Stakeholder list

Resolved, on the motion of Mr Colless: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

5.3 Advertising

Resolved, on the motion of Mr MacDonald: That the inquiry and the call for submissions be advertised on the earliest practicable date in the Hawkesbury Gazette or other local print media.

5.4 Hearing dates

Resolved, on the motion of Mr Field: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

6. Adjournment

The committee adjourned at 7.00 pm, until Friday 17 November, 10.40 am, Jubilee Room, Parliament House (public hearing) Budget Estimates.

Stephanie Galbraith
Committee Clerk

Minutes no. 58

Thursday 8 February 2018

Portfolio Committee No. 5 – Industry and Transport

Macquarie Room, Parliament House, 8.48 am

1. Members present

Mr Brown, *Chair*

Mr Clarke (from 11.10 am) (substituting for Mr MacDonald)

Mr Colless (from 11.10 am)

Dr Faruqi

Mr Mookhey

Mr Primrose (from 11.10 am) (substituting for Mr Veitch for the duration of the inquiry)

2. Correspondence

The committee noted the following items of correspondence:

Received:

- 16 November 2017 – Email from the Hon Shaoquett Moselmane MLC to secretariat advising that the Hon Peter Primrose MLC will be substituting for the Hon Mick Veitch MLC for the duration of the Windsor Bridge replacement project inquiry
- 21 November 2017 – Email from Mr David Samuel to Chair regarding the Windsor Bridge inquiry
- 29 November 2017 – Email from Mr Barry Buffier, NSW Environment Protection Authority to secretariat advising that the EPA will not be making a submission to the Windsor Bridge inquiry
- 9 December 2017 – Email from Mr Harry Terry, Community Action for Windsor Bridge to secretariat suggesting that the committee undertake a site-visit to Windsor as soon as possible to view brick barrel drains at Thompson Square
- 4 January 2018 – Email from the Hawkesbury Wobblers to committee members inviting them to visit public rally at Windsor on 8 January 2018
- 23 January 2018 - Email from Ms Elizabeth Tunnecliff, Department of Premier and Cabinet requesting extension for the government submission to 5 February 2018
- 31 January 2018 – Email from the Hon Natasha Maclaren-Jones MLC to secretariat advising that the Hon David Clarke MLC will be substituting for the Hon Scot MacDonald MLC for the committee’s site visit to Windsor.

Sent:

- 21 November 2017 – Email from Chair to Mr David Samuel responding to his email about the Windsor Bridge inquiry
- 9 January 2018 – Email from secretariat to the Hawkesbury Wobblers regarding an invitation to the committee to visit Windsor on 8 January 2018
- 16 January 2018 – Email from Chair to Mr Harry Terry, President, Community Against Windsor Bridge, regarding the committee’s site visit to Windsor
- 5 February 2018 – Email from Chair to the Hon Dominic Perrottet MP, Member for Hawkesbury, advising that the committee will be visiting Windsor for a site visit on 8 February 2018.

3. Inquiry into the Windsor Bridge replacement project

3.1 Itinerary for site visit to Windsor

The committee noted the itinerary for the site visit to Windsor on 8 February 2018, as previously agreed by email.

3.2 Private briefing from Roads and Maritime Services

The committee met with the following representatives from Roads and Maritime Services:

- Mr Colin Langford, A/Executive Director Sydney Region, Roads and Maritime Services
- Mr Ian Allan, Director, Program Management, Roads and Maritime Services
- Dr Maclaren North, Director, Extent Heritage.

Mr Langford tendered the following document:

- Roads and Maritime Services, *Windsor Bridge Replacement Legislative Council Inquiry*, February 2018.

Persons present other than the committee:

- Mr Les Wells, Office of the Minister for Roads, Maritime and Freight

- Mr David Spiteri, Director Infrastructure Management, Transport for NSW
- Ms Rachel Simpson, Manager Parliamentary Services, Transport for NSW
- Mr Patrick Cook, Senior Parliamentary Officer, Transport for NSW.

3.3 Site visit to Windsor

The committee travelled to Windsor.

Mr Clarke, Mr Colless and Mr Primrose joined the committee.

The committee visited the archaeological salvage site on Thompson Square, Windsor and met with the following representatives:

- Dr Maclaren North, Director, Extent Heritage
- Dr Alan Williams, Aboriginal Heritage Team Leader, Extent Heritage
- Mr David Marcus, Historical Excavation Director, Austral
- Mr Colin Langford, A/Executive Director, Sydney Region, Roads and Maritime Services
- Mr Ian Allan, Director Program Management, Roads and Maritime Services.

The committee met with the following representatives of Community Action for Windsor Bridge:

- Mr Harry Terry, President
- Ms Kate Mackaness
- Mr Peter Reynolds
- Ms Sarah Terry
- Ms Venecia Wilson.

Mr Terry tendered the following documents:

- Slides containing graphics of Windsor and summarising key issues of concern to Community Action for Windsor Bridge
- Speaking notes for Mr Terry's opening statement to the committee, as prepared by Community Action for Windsor Bridge
- New South Wales Government, RTA, *Community Update, Windsor Bridge over the Hawkesbury River*, dated July 2009.

3.4 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 3, 4-6, 6a, 6b, 7-7d, 8-22, 24, 27-37, 39-45, 47-54, 56-61, 65-80, 82-94, 96-97, 100-101, 104, 106, 108-111, 113-119, 121-122, 124, 128-136, 138-141, 144, 146, 149, 151-155, 157-158.

3.5 Partially confidential submissions

Resolved, on the motion of Dr Faruqi: That the committee keep the identity of the authors of submission nos. confidential: 2, 25-26, 38, 55, 61, 62-64, 81, 95, 98, 99, 102-103, 105, 107, 112, 123, 127, 137, 142-143, 145, 147, 148, 150 and 156, as per the request of the authors.

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of submission no. 23 with the exception of potential adverse mention which is to remain confidential, as per the recommendation of the secretariat.

3.6 Confidential submissions

Resolved on the motion of Mr Mookhey: That the committee keep:

- submission nos. 46, 125 and 126 fully confidential, as per the request of the authors

- submission nos. 6c and 120 fully confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information and/or adverse mention.

3.7 Hearing dates

Resolved on the motion of Mr Primrose: That the committee conduct three public hearings in Sydney on dates to be determined by the Chair after consultation with members regarding their availability.

4. Previous minutes

Resolved, on the motion of Mr Colless: That draft minutes nos. 56 and 57 be confirmed.

5. Adjournment

The committee adjourned at 1:35 pm until 9:30 am Friday 16 March 2018 (water augmentation inquiry report deliberative).

Jenelle Moore

Committee Clerk

Minutes no. 60

Friday 13 April 2018

Portfolio Committee 5 – Industry and Transport

Macquarie Room, Parliament House, Sydney, 9.15 am

1. Members present

Mr Brown, *Chair*

Mr Primrose, *Deputy Chair*

Mr Colless

Mr MacDonald

Mr Fang

Dr Faruqi

Mr Mookhey

2. Previous minutes

Resolved, on the motion of Mr Colless: That draft minutes no. 58 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received

- 3 April 2018 – Email from Ms Mary Casey, Director, Casey & Lowe to secretariat, declining invitation to appear at public hearing of 13 April 2018
- 19 March 2018 – Email from the author of confidential submission no. 120 to secretariat, providing additional information relating to the Windsor Bridge replacement project inquiry
- 12 March 2018 – Email from Mr Harry Terry, President, Community Action for Windsor Bridge (CAWB) to secretariat, providing carbon copy letter sent from Mr Terry, to the Hon. Gladys Berejiklian, MP, regarding the Windsor Bridge replacement project
- 24 February 2018 – Email from Mr Harry Terry, President, Community Action for Windsor Bridge to secretariat, advising of available online footage of the brick barrel drains uncovered at Thompson Square

- 30 January 2018 – Email from Ms Susan Templeman MP, Federal Member for Macquarie, to Chair, concerning brick barrel drains uncovered at Thompson Square.

Resolved, on the motion of Mr Fang: That the committee keep the correspondence from the author of confidential submission no.120, providing additional information and dated 19 March 2018, confidential as per the recommendation of the secretariat, as it contains identifying information.

4. Election of deputy chair

The Chair called for nominations for a member to act as Deputy Chair for this meeting only.

Mr Colless moved: That Mr Primrose be elected as Deputy Chair of the committee for this meeting only.

There being no further nominations, the Chair declared Mr Primrose elected deputy chair for this meeting only.

5. Inquiry into the Windsor bridge replacement project

5.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: Submission nos. 6d, 17a, 24a, 24b, 83a, 114a, 155a, 159-170, 172-180 182-188, 190-194, 196-208, 211, 212, 214-218, 221, 222, 224, 226-232, 237-241, 244, 246-249, 251-258, 260-278, 281-288, 290, 293-297, 300, 301, 303, 304, 306, 307, 309-313, 315, 316, 318-322, 326-332, 336 and 339.

5.2 Partially confidential submissions

Resolved, on the motion of Mr Colless: That the committee keep the identity of the authors of submission nos. 171, 181, 189, 195, 209, 210, 213, 219, 220, 223, 225, 233, 235, 242, 243, 250, 259, 279, 280, 291, 292, 299, 305, 314, 317, 323, 324, 325, 333-335 and 337 confidential as per the request of the authors.

5.3 Confidential submissions

Resolved, on the motion of Mr Fang: That the committee keep submission nos. 234, 236, 245, 289, 298 and 302 fully confidential, as per the request of the authors.

5.4 Tended documents from previous committee meeting

Resolved, on the motion of Mr Primrose:

That the committee keep the following document tended during the committee's meeting of 8 February 2018 entirely confidential as per the request of the author:

- Presentation slides, Windsor Bridge Replacement Legislative Council Inquiry, dated February 2018, tended by Mr Colin Langford, A/Executive Director, Sydney Region, Roads and Maritime Services.

That the committee accept and publish the following documents tended during the committee's meeting of 8 February 2018:

- Slides containing graphics of Windsor and summarising key issues of concern for Community Action for Windsor Bridge, tended by Mr Terry, President, Community Action for Windsor Bridge
- Speaking notes for Mr Terry's opening statement to the committee, as prepared by Community Action for Windsor Bridge, tended by Mr Terry, President, Community Action for Windsor Bridge

- Document entitled 'RTA, Community Update, Windsor Bridge over the Hawkesbury River', New South Wales Government, dated June 2009, tendered by Mr Terry, President, Community Action for Windsor Bridge.

5.5 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Colin Langford, Director North West Precinct, Roads and Maritime Services
- Mr John Hardwick, Executive Director Sydney, Roads and Maritime Services
- Ms Athena Venios, Director Greater Sydney Project Officer, Roads and Maritime Services
- Mr Ian Allen, Director Program Management, Roads and Maritime Services.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Gainsford, Executive Director, Department of Planning and Environment
- Ms Stacy Warren, Director, Infrastructure Management, Department of Planning and Environment.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Jennifer Davis, Member, Heritage Council of NSW.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Harry Terry, President, Community Action for Windsor Bridge
- Ms Sarah McRae, Member, Community Action for Windsor Bridge
- Ms Kate Mackaness, Member, Community Action for Windsor Bridge
- Mr Peter Reynolds, Member, Community Action for Windsor Bridge.

Ms Mackaness tendered the following documents:

- Document entitled *Recommendations* setting out recommendations made by Community Action for Windsor Bridge
- Document entitled *Supporting Documentation* containing material supporting recommendations made by Community Action for Windsor Bridge, dated 13 April 2018.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Clr Mary Lyons-Buckett, Mayor, Hawkesbury City
- Mr Peter Conroy, General Manager, Hawkesbury City Council

Clr Lyons-Buckett tendered the following document:

- Document outlining Hawkesbury City Council's opposition to the current Windsor Bridge proposal including nine attachments.

The evidence concluded and the witnesses withdrew.

The following witness (*appearing via Skype*) was sworn and examined:

- Mr Andrew Douglas, Director, Cambray Consulting.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mrs Carol Edds, Chairperson, National Trust of Australia (NSW), Hawkesbury Branch
- Mr Graham Quint, Conservation Director, National Trust of Australia (NSW)
- Mr Bruce Dawbin, NSW Representative, Australia International Council on Monuments and Sites
- Associate Professor Carol Liston AO, President, Royal Australian Historical Society, Representative, Hawkesbury Historical Society.

Mr Quint tendered the following documents:

- Letter from Mr Brian Powyer, President, The National Trust of Australia (NSW) to the Hon. Josh Frydenberg MP, Minister for the Environment and Energy, dated 2 January 2018
- Letter from Mr David Williams, Heritage Branch, Department of the Environment and Energy to Mr Brian Powyer, President, The National Trust of Australia (NSW), dated 9 February 2018.

Mrs Edds tendered the following document:

- Document showing map of Thompson Square Conservation Area

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.20 pm.

The public and media withdrew.

5.6 Tendered documents

Resolved, on the motion of Mr Primrose: That the committee accept and publish the following documents tendered during the public hearing:

- Document entitled *Recommendations* setting out recommendations made by Community Action for Windsor Bridge, tendered by Ms Kate Mackaness
- Document entitled *Supporting Documentation* containing material supporting recommendations made by Community Action for Windsor Bridge, dated 13 April 2018, tendered by Ms Kate Mackaness, with the exception of identifying and or sensitive information, which shall remain confidential
- Document outlining Hawkesbury City Council's opposition to the current Windsor Bridge proposal including nine attachments, tendered by Cllr Mary Lyons-Buckett
- Letter from Mr Brian Powyer, President, The National Trust of Australia (NSW) to the Hon. Josh Frydenberg MP, Minister for the Environment and Energy, regarding emergency nomination for National Heritage Listing for Thompson Square, dated 2 January 2018, tendered by Mr Graham Quint
- Letter from Mr David Williams, Heritage Branch, Department of the Environment and Energy to Mr Brian Powyer, President, The National Trust of Australia (NSW), regarding emergency nomination for National Heritage Listing for Thompson Square, dated 9 February 2018, tendered by Mr Graham Quint.

5.7 Proposed hearing schedule for 7 May 2018

The committee discussed the draft hearing schedule for the 7 May 2018. A revised copy of the draft hearing schedule is to be circulated to members for comment.

5.8 Letter to the Premier of New South Wales

Dr Faruqi moved: That the Chair write to the Premier of New South Wales, requesting that in view of the proximity of the committee's reporting date for the inquiry into the Windsor Bridge replacement project, the Premier ask Roads and Maritime Services to defer the award of the construction tender, until after the committee tables its report.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Dr Faruqi, Mr Mookhey, Mr Primrose

Noes: Mr MacDonald

Question resolved in the affirmative.

5.9 Letter to Infrastructure NSW

Resolved, on the motion of Dr Faruqi: That the Chair write to Infrastructure NSW requesting that a copy of the business case for the Windsor Bridge replacement project be provided voluntarily to the committee.

6. Inquiry into the review of the commercial fishing recommendations

6.1 *In camera* evidence

Resolved, on the motion of Mr Colless: That the transcript of the in camera evidence given on 16 August 2017 remain entirely confidential as it contains identifying and/or sensitive information.

6.2 Reporting timeframe

Resolved, on the motion of Mr MacDonald: That the inquiry reporting date for the inquiry into the review of the commercial fishing recommendations be September 2018.

7. Adjournment

The committee adjourned at 16.33 pm until Friday 4 May 2018, McKell Room, Parliament House (water augmentation inquiry report deliberative).

Stephanie Galbraith

Clerk to the Committee

Minutes no. 62

Monday 7 May 2018

Portfolio Committee 5 – Industry and Transport

Macquarie Room, Parliament House, Sydney, 9:00 am

1. Members present

Mr Brown, *Chair*

Mr Primrose

Mr MacDonald

Mr Fang

Dr Faruqi

Mr Mookhey, from 10.30 am

2. Apologies

Mr Colless

3. Previous minutes

Resolved, on the motion of Mr MacDonald: That draft minutes 60 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 19 April 2018 – Letter from Mr Jim Betts, Chief Executive Officer, Infrastructure NSW to the Chair regarding the business case for the Windsor Bridge replacement project.
- 19 April 2018 – Email from Ms Kate Mackaness to the Chair forwarding copies of emails between Ms Mackaness and the Windsor Bridge Replacement Team
- 24 April 2018 – Email from Ms Kate Mackaness, CAWB to secretariat providing carbon copy of emails sent to various representatives of Roads and Maritime Services
- 26 April 2018 – Email from Mr Harry Terry to the secretariat regarding wharf archaeology of the Windsor Bridge
- 26 April 2018 – Letter from Mr Harry Terry to the Chair regarding Windsor Bridge project and inconsistencies regarding archaeology.
- 26 April 2018 – Email from author of submission no. 335 (name suppressed) to secretariat, declining invitation to appear at hearing on 7 May 2018.
- 27 April 2018 – Letter from the Hon. Gladys Berejiklian, MP to Chair advising that the Chair's letter of 17 April 2018, has been forward to the Hon Melinda Pavey, MP, Minister for Roads, Maritime and Freight for consideration
- 2 May 2018 – Email from Ms Vicki Comins, Executive Assistant to the Chief Executive, Office of Environment and Heritage, to secretariat declining invitation to appear at public hearing on 7 May 2018
- 2 May 2018 – Email from a stakeholder to the secretariat attaching correspondence between Hill Thalys and Roads and Maritime Services regarding the Windsor Bridge replacement project, dated 26 October 2012
- 2 May 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to the secretariat, advising that the cluster does not consider it appropriate to send a representative to the hearing on 7 May 2018 to discuss transport planning for Western Sydney and the Castlereagh Connection corridor
- 3 May 2018 – Correspondence from a stakeholder to the secretariat attaching correspondence between Roads and Maritime Services and several architecture firms, and an extract from the draft Windsor Bridge Replacement Urban Design and Landscape Concept Report
- 3 May 2018 – Letter from Mr Anthony Lean, Chief Executive, Office of Environment and Heritage to secretariat, advising of reasons for declining invitation to appear at hearing on 7 May 2018
- 4 May 2018 – Letter from Secretary of Transport for NSW, Mr Rodd Staples to Chair providing redacted copy of the Windsor Bridge replacement project Final Business Case.

Sent

- 17 April 2018 – Letter from Chair to the Premier, the Hon. Gladys Berejiklian, MP regarding the Windsor Bridge inquiry
- 17 April 2018 – Letter from Chair to Mr Betts, Chief Executive Officer, Infrastructure NSW, regarding the business case for the Windsor Bridge replacement project

- 17 April 2018 – Letter from Chair to the Minister for Roads, Maritime and Freight, the Hon. Melinda Pavey, MP, regarding the business case for the Windsor Bridge replacement project.
- 23 April 2018 – Letter from Chair to Mr Rodd Staples, Secretary, Transport for NSW, regarding the business case for the Windsor Bridge replacement project.

Resolved, on the motion of Mr MacDonald:

- That correspondence between Hill Thalys and Roads and Maritime Services regarding the Windsor Bridge replacement project, dated 26 October 2012, received from a stakeholder, be published, with the exception of identifying information which shall remain confidential
- That correspondence received from Mr Rodd Staples, Secretary, Transport for NSW, dated 4 May 2018, attaching the final business case for the Windsor Bridge replacement project, be published.

5. Inquiry into the Windsor Bridge replacement project

5.1 Public submissions

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: Submission no. 114b.

5.2 Requests for video footage of hearings

Resolved, on the motion of Mr Fang: That the committee decline the request for video footage of the committee's public hearing of 13 April 2018 from two members of the public who did not participate in the hearing.

5.3 Hearing arrangements

Resolved, on the motion of Mr Primrose:

- That the committee proceed to take evidence in camera between 9.15 am and 10.15 am, and between 12.15 pm and 12.45 pm
- That the hearing resume in public between 10.30 and 12.15 pm, and between 1.45 pm and 4.00 pm.

5.4 In camera hearing

According to the resolution of the committee this day, the committee proceeded to take *in camera* evidence via teleconference.

Persons present other than the committee: Jenelle Moore, Stephanie Galbraith, Helen Hong, and Hansard reporters.

The Chair made an opening statement.

Witness A was sworn and examined.

The *in camera* evidence concluded and the witness withdrew.

The Chair made an opening statement.

Witnesses B, C and D were sworn and examined.

Witness C tendered the following documents:

- Document entitled 'It has only taken 115 years of Commonsense to prevail'
- Document entitled 'The True Agenda of CAWB- Nothing More than A Political Campaign'
- Document entitled '2016 Hawkesbury Election Candidates'
- Document entitled '15 December 2018'
- Document entitled '17 January 2018'

- Document entitled '23 February 2018'
- Document entitled 'Mixed Social Media Examples – there are 100's since 2017'
- Document entitled '19 November 2018'.

Witness D tendered the following documents:

- Document entitled '*The History of Windsor Bridge 1874*'
- Map, Hawkesbury River and Locale
- Document entitled '*The Inquiry into the Windsor Bridge replacement project 2018*'.

The *in camera* evidence concluded and the witnesses withdrew.

5.5 Public hearing

The committee proceeded to take evidence in public.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr David Samuel.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Peter Stewart, Peter Stewart Consulting.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Brian Pearson, Former Chief Bridge Engineer
- Mr Ray Wedgwood, Former Chief Bridge Engineer.

Mr Pearson tendered the following documents:

- Extract from *Roads Act 1993*
- Document entitled '*Bridge over the Hawkesbury River at Windsor – Effect of 'Breakaway' on flooding at Bridge Site*'
- Document entitled '*Extract from RMS's report on rehabilitation courts?*'
- Document entitled '*Recurrence intervals from actual flood information*'
- Document entitled '*Details of the ferries are as follows:*'
- Document entitled '*Appendix Four: Flood levels since 1799*'
- Graph, Windsor Bridge 9 year chart.

Mr Wedgwood tendered the following documents:

- Document entitled '*Windsor's Heritage*'
- Document entitled '*Windsor Bridge Hawkesbury River Raising the Deck*'
- Document entitled '*Bridge over Hawkesbury River at Windsor – Graphitisation of Cast Iron Piers.*'

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

5.6 In camera hearing

According to resolution of the committee this day, the committee proceeded to take *in camera* evidence.

Persons present other than the committee: Jenelle Moore, Stephanie Galbraith, Helen Hong, and Hansard reporters.

Witness E was sworn and examined.

The *in camera* evidence concluded and the witness withdrew.

5.7 Publication of correspondence

Resolved, on the motion of Dr Faruqi: That correspondence between Roads and Maritime Services and several architecture firms, and an extract from the draft Windsor Bridge Replacement Urban Design and Landscape Concept Report, received from a stakeholder, be published.

5.8 Publication of confidential submission

Resolved, on the motion of Mr MacDonald: The submission no. 289 be published, with the permission of the author.

5.9 Public hearing

Witnesses, the public and the media were admitted.

The following witness was sworn and examined:

- Mr Peter Mould, Former NSW Government Architect

The evidence concluded and the witness withdrew.

The following witnesses were examined under former oath:

- Mr Colin Langford, Director, North West Precinct, Sydney Division, Roads and Maritime Services
- Mr John Hardwick, Executive Director, Sydney, Roads and Maritime Services
- Mr Ian Allan, Director, Program Management, Greater Sydney Project Office, Roads and Maritime Services.

The following witness was sworn and examined:

- Mr Stephen Fox, Executive Director, Group Finance, Transport for NSW.

Mr Langford tendered the following documents:

- Map, Windsor Bridge replacement options (as extracted from EIS figure 4.17)
- Map, Overview of Rickabys line route option.

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.04 pm. The public and the witnesses withdrew.

5.10 Tendered documents

Resolved, on the motion of Mr MacDonald: That the committee keep the following documents tendered during the *in camera* hearing confidential:

- Document entitled 'It has only taken 115 years of Commonsense to prevail', tendered by Witness C
- Document entitled 'The True Agenda of CAWB- Nothing More than A Political Campaign', tendered by Witness C
- Document entitled '2016 Hawkesbury Election Candidates', tendered by Witness C
- Document entitled '15 December 2018', tendered by Witness C

- Document entitled '17 January 2018', tendered by Witness C
- Document entitled '23 February 2018', tendered by Witness C
- Document entitled 'Mixed Social Media Examples – there are 100's since 2017', tendered by Witness C
- Document entitled '19 November 2018', tendered by Witness C
- Document entitled 'The History of Windsor Bridge 1874', tendered by Witness D
- Map, Hawkesbury River and Locale, tendered by Witness D
- Document entitled 'The Inquiry into the Windsor Bridge replacement project 2018', tendered by Witness D.

Resolved, on the motion of Mr MacDonald: That the committee accept and publish the following documents tendered during the public hearing:

- Extract from Roads Act 1993, tendered by Mr Pearson
- Document entitled 'Bridge over the Hawkesbury River at Windsor – Effect of 'Breakaway' on flooding at Bridge Site, tendered by Mr Pearson
- Document entitled 'Extract from RMS's report on rehabilitation courts?', tendered by Mr Pearson
- Document entitled 'Recurrence intervals from actual flood information', tendered by Mr Pearson
- Document entitled 'Details of the ferries are as follows', tendered by Mr Pearson
- Document entitled 'Appendix Four: Flood levels since 1799', tendered by Mr Pearson.
- Graph, Windsor Bridge 9 year chart, tendered by Mr Pearson
- Document entitled 'Windsor's Heritage', tendered by Mr Wedgwood
- Document entitled 'Windsor Bridge Hawkesbury River Raising the Deck', tendered by Mr Wedgwood
- Document entitled 'Bridge over Hawkesbury River at Windsor – Graphitisation of Cast Iron Piers, tendered by Mr Wedgwood
- Map, Windsor Bridge replacement options (as extracted from EIS figure 4.17), tendered by Mr Langford
- Map, Overview of Rickabys line route option, tendered by Mr Langford.

6. Correspondence received from Transport for NSW

Mr Mookhey moved: That the Chair, on behalf of the committee, write to the Secretary of Transport NSW to:

- (i) note the Secretary's offer to provide a copy of the full business case for the Windsor Bridge replacement project after the tender has been awarded at the end of May 2018,
 - (ii) reiterate that the committee requires access to the full business case to inform its deliberations,
 - (iii) request that the Secretary provide the business case in unredacted form, prior to the award of the tender, by Friday 11 May 2018, and
- (b) note that the Department declined the committee's invitation to send witnesses to discuss transport planning for Western Sydney and the Castlereagh Corridor, and to ask that the Secretary reconsider the invitation, noting that the committee has the power to compel the attendance of witnesses.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Fang, Mr MacDonald.

Question resolved in the affirmative.

Resolved, on the motion of Mr Primrose: That the committee write to the Minister for Roads to request that she respond by 11 May 2018 to:

- (a) correspondence from the Chair dated 17 April 2018 requesting a copy of the business case for the Windsor Bridge replacement project, and
- (b) correspondence requesting that award of the construction tender for the Windsor Bridge be deferred until after the committee tables its report, originally sent from the Chair to the Premier on 27 April 2018, which the Premier then forwarded to the Minister for Roads.

Resolved, on the motion of Mr Primrose: That the committee defer consideration of another hearing until receipt of a response from Transport for NSW to the committee's invitation to send witnesses to speak about transport planning for Western Sydney and the Castlereagh Corridor.

7. Adjournment

The committee adjourned at 4.19 pm *sine die*.

Stephanie Galbraith

Clerk to the Committee

Minutes no. 63

Tuesday 22 May 2018

Portfolio Committee 5 – Industry and Transport

Macquarie Room, Parliament House, Sydney, 1.00 pm

1. Members present

Mr Brown, *Chair*

Mr Colless

Mr Primrose

Mr MacDonald

Mr Fang

Dr Faruqi

Mr Mookhey

2. Previous minutes

Resolved, on the motion of Mr MacDonald: That draft minutes 62 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 11 May 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to secretariat, attaching the Independent Assurance Report on the Business Case for the Windsor Bridge replacement project and the accompanying Project Team Response and Action Plan

- 15 May 2018 - Letter from Mr Ken Kanofski, Chief Executive, Roads and Maritime Services to Chair advising that it would not be in the public interest to delay the award of the construction contract for the Windsor Bridge replacement project
- 15 May 2018 - Letter from Mr Rodd Staples, Secretary, Transport for NSW to Chair declining invitation to attend a public hearing and request to provide an unredacted copy of the Final Business Case for the Windsor Bridge replacement project before the award of the construction contract.

Sent

- 8 May 2018 – Letter from Chair to Mr Rodd Staples, Secretary, Transport for NSW, requesting that Transport for NSW reconsider the invitation to attend a hearing to discuss transport planning for Western Sydney and the Castlereagh Connection corridor, and requesting an unredacted copy of the Business Case for the Windsor Bridge replacement project
- 9 May 2018 – Letter from Chair to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, requesting that the Minister defer the award of the construction contract for the Windsor Bridge until after the committee has tabled its report, and requesting an unredacted copy of the Final Business Case for the Windsor Bridge replacement project.

Resolved, on the motion of Mr MacDonald: That the Independent Assurance Report on the Business Case for the Windsor Bridge replacement project and the accompanying Project Team Response and Action Plan, received from Transport for NSW, be published.

4. Inquiry into the Windsor Bridge replacement project

4.1 Additional witness and request for business case

The committee considered correspondence received from Mr Rodd Staples, Secretary, Transport for NSW, dated 15 May 2018, and Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, dated 15 May 2018.

The Clerk of the Parliaments briefed the committee.

The committee deliberated.

Dr Faruqi moved:

- That the committee hold a further in camera hearing in Parliament House on Tuesday 29 May 2018 at 2.00 pm,
- That, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, Mr Rodd Staples, Secretary, Transport for NSW be served with a summons to attend to give evidence on Tuesday 29 May 2018 at 2.00 pm, such evidence including the answering of questions and the production of an unredacted copy of the Final Business Case for the Windsor Bridge replacement project,
- That the Chair, on behalf of the committee, write to Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, to invite him to appear at a hearing on a date to determined by the secretariat in consultation with members.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

Question resolved in the affirmative on the casting vote of the Chair.

Dr Faruqi moved: That the Chair, on behalf of the committee, write to Transport for NSW requesting that an unredacted copy of the Independent Assurance Report on the Business Case for the Windsor Bridge replacement project and the accompanying Project Team Response and Action Plan be provided voluntarily to the committee.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

Question resolved in the affirmative on the casting vote of the Chair.

4.2 Extension of reporting date

Resolved, on the motion of Mr Mookhey: That the committee extend the reporting date for the inquiry into the Windsor Bridge replacement project to a date to be determined by the committee at a future meeting.

5. Adjournment

The committee adjourned at 1.44 pm *sine die*.

Stephanie Galbraith

Clerk to the Committee

Minutes no. 64

Tuesday 29 May 2018

Portfolio Committee 5 – Industry and Transport

Macquarie Room, Parliament House, Sydney, 1:44 pm

1. Members present

Mr Brown, *Chair*

Mr Colless

Mr Primrose

Mr MacDonald

Mr Fang

Dr Faruqi

Mr Mookhey

2. Previous minutes

Resolved, on the motion of Mr Mookhey: That draft minutes 63 be confirmed

3. Correspondence

The Committee noted the following items of correspondence:

Received

- 22 May 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to secretariat, advising that the Secretary of Transport for NSW is willing to attend a committee hearing voluntarily, however is considering his position regarding the production of an unredacted business case for the Windsor Bridge replacement project

- 24 May 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to secretariat advising that the Secretary of Transport for NSW is seeking legal advice and will not be able to respond regarding the production of an unredacted business case by the requested timeframe
- 24 May 2018 – Email from Mr Michael Dowling to secretariat regarding the water augmentation inquiry report
- 25 May 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to secretariat regarding the summoning of the Secretary for Transport for NSW
- 28 May 2018 – Correspondence from the Secretary for Transport for NSW attaching an unredacted copy of the Windsor Bridge Replacement Project Final Business Case, and full copies of the Independent Assurance Review Report and the accompanying Project Team Response and Action Plan.

Sent

- 22 May 2018 – Email from secretariat to Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW, advising of the committee's resolution to summons the Secretary of Transport for NSW
- 22 May 2018 – Letter from Chair to Mr John Gregor, Director, Finance, Department of Parliamentary Services, requesting allowance for witness to appear before Portfolio Committee No. 5
- 23 May 2018 – Email from secretariat to Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW, seeking advice on whether the Secretary, Transport for NSW will produce a copy of the unredacted business case voluntarily by 12.00 pm, 25 May 2018
- 24 May 2018 – Letter from Chair to Mr Rodd Staples, Secretary, Transport for NSW, requesting that he provide an unredacted copy of the Independent Assurance Report and Action Plan for the Windsor Bridge replacement project
- 25 May 2018 – Email from secretariat to Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW, advising that the secretariat has been instructed to proceed with issuing a summons.

4. Inquiry into the Windsor Bridge replacement project

4.1 Summons to the Secretary of Transport for NSW

The committee noted the issue of a summons to the Secretary of Transport for NSW on 25 May 2018.

4.2 In camera hearing

Resolved, on the motion of Mr Fang: That the committee proceed to take evidence from Mr Rodd Staples, Secretary, Transport for NSW *in camera*.

Resolved, on the motion of Mr Primrose: That the following staff of Transport for NSW be permitted to attend Mr Staple's in camera hearing in an advisory capacity, subject to those advisors undertaking to maintain confidentiality of proceedings:

- Clair Hodge, Group General Counsel, Transport for NSW
- Rachel Simpson, A/Executive Director, Customer Relations & Government Services.
- Ian Young, A/Principal Manager, Parliamentary Services.

Persons present other than the committee:

- Ms Jenelle Moore, Ms Stephanie Galbraith, Ms Lauren Evans and Hansard reporters.
- Ms Rachel Simpson, Ms Claire Hodge and Mr Ian Young from Transport for NSW.

The Chair made an opening statement.

The following witness was sworn and examined:

- Mr Rodd Staples, Secretary, Transport for NSW.

Mr Staples tendered the following documents:

- Western Sydney Corridors Summary Document, Transport for NSW, March 2018
- Bells Line of Road – Castlereagh Connection corridor identification, Transport for NSW, March 2018
- Outer Sydney Orbital corridor identification, Transport for NSW, March 2018.

The *in camera* evidence concluded and the witness withdrew.

4.3 Tendered documents

Resolved, on the motion of Mr Mookhey: That the committee accept and publish the following documents tendered during the hearing:

- Western Sydney Corridors Summary Document, Transport for NSW, March 2018, tendered by Mr Rodd Staples, Secretary, Transport for NSW
- Bells Line of Road – Castlereagh Connection corridor identification, Transport for NSW, March 2018, tendered by Mr Rodd Staples, Secretary, Transport for NSW
- Outer Sydney Orbital corridor identification, Transport for NSW, March 2018, tendered by Mr Rodd Staples, Secretary, Transport for NSW.

4.4 Next hearing

Resolved, on the motion of Mr MacDonald:

- That the committee hold an additional hearing on a date to be determined in consultation with the secretariat.
- That Mr Rodd Staples, Secretary, Transport for NSW be invited to attend that hearing.

Resolved, on the motion of Mr Colless:

- That Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, be invited to attend the next hearing.
- That Mr Kanofski appear in a separate session to Mr Staples.
- That Mr Kanofski be requested to provide to the committee, on a voluntary basis, all documents created since 1 January 2015 that describe or define options for the Castlereagh Corridor, specifically those relating to bridges identified for crossing of the Hawkesbury River between Windsor Bridge and Warragamba Dam.
- That Mr Kanofski be requested to advise his willingness to comply with the committee's request for documents by 1 June 2018 at 5.00 pm.

4.5 Questions on notice

Resolved, on the motion of Mr Mookhey: That answers to questions on notice and supplementary questions be provided within 10 calendar days of the date on which questions are forwarded Mr Staples.

4.6 Reporting date

The committee noted its intention to extend the reporting date for the inquiry into the Windsor Bridge replacement project.

Resolved, on the motion of Mr MacDonald: That the secretariat identify a suitable reporting date, taking into account the requirements of standing order 233 and its application to reports tabled following the prorogation of a parliamentary session or expiry of a parliament.

5. Adjournment

Stephanie Galbraith
Clerk to the Committee

Minutes no. 65

Monday 18 June 2018

Portfolio Committee 5 – Industry and Transport

McKell Room, Parliament House Sydney, 9:15 am

1. Members present

Mr Brown, Chair

Mr Colless

Mr Fang

Dr Faruqi

Mr MacDonald

Mr Mookhey, from 9.19 am

Mr Primrose

2. Previous minutes

Resolved, on the motion of Mr MacDonald: That draft minutes no. 64 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received

- 9 May 2018 – Email from Witness C to committee, attaching social media comments relating to the Windsor Bridge inquiry
- 22 May 2018 – Email from Ms Kate Mackaness, Community Action for Windsor Bridge (CAWB) to committee providing carbon copy of email trail between Ms Mackaness and Ms Bianca Gay, Roads and Maritime Services regarding concrete beams
- 23 May 2018 – Email from Ms Bianca Gay, Roads and Maritime Services, to committee providing carbon copy of email between Ms Gay and Ms Mackaness, regarding concrete beams
- 23 May 2018 – Email from Ms Kate Mackaness, Community Action for Windsor Bridge to committee providing carbon copy of email between Ms Mackaness and Ms Bianca Gay, Roads and Maritime Services regarding response received from Ms Gay, dated 23 May 2018
- 29 May 2018 – Email from Mr Tim Walls, A/Principal Legal Officer, Department of Planning and Environment to committee attaching copy of planning approval documentation for the revised design of the Windsor Bridge

- 1 June 2018 – Letter from Mr Ken Kanofski, Chief Executive, Roads and Maritime Services to Chair, regarding appearance at hearing and the production of documents relating to the Castlereagh Corridor
- 8 June 2018 – Email from Witness C to secretariat setting out a range of matters relating to community concern regarding the Windsor Bridge replacement project, together with three attachments
- 12 June 2018 – Email from Mr Ian Young, A/Principal Manager, Transport for NSW to secretariat regarding the appearance of Transport Cluster representatives at hearing
- 12 June 2018 – Email from Mr Harry Terry, President, Community Action for Windsor Bridge to secretariat, providing RMS community update dated May 2018
- 14 June 2018 – Email from Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW to secretariat regarding hearing arrangements for Monday 18 June 2018 and delivery of documents requested by the committee
- 14 June 2018 – Letter from Mr Ken Kanofski, Chief Executive, Roads and Maritime Services to Chair forwarding one folder of documents requested by the committee regarding the Western Sydney Castlereagh Corridor.

Sent

- 30 May 2018 – Letter from Chair to Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, requesting that he appear at a hearing, and that he produce certain documents relating to the Castlereagh Corridor
- 12 June 2018 – Email from secretariat to Mr Ian Young, A/Principal Manager, Transport for NSW regarding the appearance of Transport Cluster representatives at a hearing.

Resolved, on the motion of Mr Primrose: That correspondence received from Witness C dated 9 May 2018 together with an attachment, and 8 June 2018 together with three attachments, remain confidential at the request of the author.

4. Inquiry into Windsor Bridge replacement project

4.1 Public submissions

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: Submission no. 340.

4.2 Answers to questions on notice

The committee noted that the following questions on notice and supplementary questions were published under the authorisation of the resolution appointing the committee:

- Answers to questions on notice and supplementary questions from Roads and Maritime Services, received 11 May 2018
- Answers to questions on notice from Hawkesbury City Council, received 23 May 2018
- Answers to questions on notice and supplementary questions from Department of Planning and Environment, received 25 May 2018
- Answers to questions on notice and supplementary questions from Roads and Maritime Services, received 6 June 2018
- Answers to supplementary questions from Mr Ray Wedgwood and Mr Brian Pearson, received 7 June 2018.

Resolved, on the motion of Mr Colless: That answers to questions on notice from Transport for NSW, received 14 June 2018, be kept confidential, as per request of the author, as they contain sensitive information.

4.3 Publication of unredacted business case

Mr Colless moved: That the unredacted Business Case for the Windsor Bridge replacement project be kept confidential, as it contains sensitive information.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Question resolved in the affirmative on the casting vote of the Chair.

4.4 Report deliberative date

Resolved, on the motion of Mr MacDonald: That the report deliberative meeting for the inquiry into the Windsor Bridge replacement project inquiry take place on Monday 13 August 2018.

4.5 Extension of reporting date

Resolved, on the motion of Mr Fang: That the reporting date for the inquiry into the Windsor Bridge replacement project be extended to Monday 22 August 2018.

4.6 In camera hearing

Resolved, on the motion of Mr Fang:

- That the committee proceed to take evidence from the following witnesses *in camera*:
 - Mr Ken Kanofski, Chief Executive, Roads and Maritime Services
 - Mr John Hardwick, Executive Director, Sydney, Roads and Maritime Services
 - Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services
 - Mr Rodd Staples, Secretary, Transport for NSW.
- That the following staff of Transport for NSW be permitted to attend the *in camera* hearing in an advisory capacity, subject to those advisors undertaking to maintain confidentiality of proceedings:
 - Ms Clair Hodge, Group General Counsel, Transport for NSW
 - Ms Rachel Simpson, A/Executive Director, Customer Relations & Government Services, Transport for NSW
 - Ms Claire Thurston, Business Manager, Office of the Chief Executive, Roads and Maritime Services
 - Mr Ian Young, A/Principal Manager, Parliamentary Services, Transport for NSW.

Resolved, on the motion of Mr MacDonald: That Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, be permitted to attend the in camera hearing of Mr Rodd Staples, Secretary, Transport for NSW this day and be seated in the gallery.

The committee proceeded to take evidence *in camera*.

Persons present other than the committee:

Ms Jenelle Moore, Ms Stephanie Galbraith, Ms Lauren Evans and Hansard reporters

Ms Clair Hodge, Ms Rachel Simpson, Ms Claire Thurston, and Mr Ian Young.

The Chair made an opening statement.

The following witness was sworn and examined:

- Mr Ken Kanofski, Chief Executive, Roads and Maritime Services.

The following witnesses were examined under former oath:

- Mr John Hardwick, Executive Director, Sydney, Roads and Maritime Services
- Mr Colin Langford, Director, North West Precinct, Roads and Maritime Services.

Mr Kanofski tendered the following document:

- Infrastructure NSW, *Gate 4 Tender Evaluation Gateway Review, Project: Windsor Bridge Replacement over Hawkesbury River*, dated 1 June 2018.

The evidence concluded and the witness withdrew.

The following witness was examined under former oath:

- Mr Rodd Staples, Secretary, Transport for NSW.

The evidence concluded and the witness withdrew.

The *incamera* hearing concluded at 11 .07 am.

5. Adjournment

The committee adjourned at 11.11 am, until Monday 13 August 2018 (report deliberative meeting for the inquiry into the Windsor Bridge replacement project inquiry).

Stephanie Galbraith
Clerk to the Committee

Draft minutes no. 66

Monday 13 August 2018

Portfolio Committee No. 5 – Industry and Transport

McKell Room, Parliament House, Sydney at 9.32 am

1. Members present

Mr Brown, *Chair*
Mr Veitch, *Deputy Chair* (until 9.35 am)
Mr Colless
Mr Fang
Dr Faruqi
Mr MacDonald
Mr Mookhey
Mr Primrose

2. Previous minutes

Resolved, on the motion of Mr Mookhey: That draft minutes no. 65 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received:

- 15 November 2017 – Email from Dr Mehreen Faruqi MLC to secretariat, advising that Mr Justin Field MLC will be substituting for Dr Faruqi MLC for the Windsor Bridge replacement project inquiry meeting of 15 November 2017
- 20 June 2018 – Email from Ms Kate Mackaness, Community Action for Windsor Bridge (CAWB) to committee, attaching media release titled 'NSW Budget 2018: Third Crossing of the Hawkesbury'
- 27 June 2018 – Email from Mr Harry Terry, President, CAWB, to committee, providing carbon copy of email trail between Mr Terry and Ms Melinda Donaldson, Department of Planning and Environment, regarding an RMS community update
- 12 July 2018 – Email from Mr Andrew Dixson, Office of the Hon Andrew Constance MP, Minister for Transport and Infrastructure, providing the list of witnesses for Budget Estimates
- 15 July 2018 – Email from Ms Kate Mackaness, CAWB to committee, attaching information regarding paid consultations
- 26 July 2018 – Email from Ms Angeli Lee, Office of the Hon Paul Toole MP, Minister for Lands and Forestry, Racing, providing the list of witnesses for Budget Estimates
- 26 July 2018 – Email from Mr Jock Sowter, Office of the Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight, providing the list of witnesses for Budget Estimates
- 27 July 2018 – Email from Ms Meghan Senior, Office of the Hon Stuart Ayres MP, Minister for Western Sydney, WestConnex, providing the list of witnesses for Budget Estimates
- 27 July 2018 – Email from Ms Amy Minahan, Office of the Hon Niall Blair MLC, Minister for Primary Industries, Regional Water, Trade and Industry, providing the list of witnesses for Budget Estimates
- 1 August 2018 – Email from Mr Harry Terry, CAWB, to Chair, providing a carbon copy of email from Mr Terry to Mr Ken Kanofski, Chief Executive, Roads and Maritime Services, regarding proposed repairs to Windsor Bridge
- 9 August 2018 – Email from Ms Rachel Simpson, Principal Manager, Parliamentary Services, Transport for NSW to secretariat, regarding the publication status of attachments to questions on notice
- 10 August 2018 – Email from Ms Rachel Simpson, Principal Manager, Parliamentary Services, Transport for NSW to secretariat regarding the publication status of answers to questions on notice, transcripts of *in camera* evidence, documents relating to the Castlereagh Connection corridor, and the Windsor Bridge replacement project Gate 4 – Gateway Review
- 12 August 2018 – Email from Ms Rachel Simpson, Principal Manager, Parliamentary Services, Transport for NSW to secretariat, regarding the publication of *in camera* transcripts.

Sent:

- 10 July 2018 – Letter from Ms Teresa McMichael, A/Clerk Assistant – Committees to the Hon Stuart Ayres MP, Minister for Western Sydney, WestConnex, Sport, inviting the Minister to Budget Estimates
- 10 July 2018 – Letter from Ms Teresa McMichael, A/Clerk Assistant – Committees to the Hon Niall Blair MLC, Minister for Primary Industries, Regional Water, Trade and Industry, inviting the Minister to Budget Estimates
- 10 July 2018 – Letter from Ms Teresa McMichael, A/Clerk Assistant – Committees to the Hon Andrew Constance MP, Minister for Transport and Infrastructure, inviting the Minister to Budget Estimates

- 10 July 2018 – Letter from Ms Teresa McMichael, A/Clerk Assistant – Committees to the Hon Paul Toole MP, Minister for Lands and Forestry, Racing, inviting the Minister to Budget Estimates
- 10 July 2018 – Letter from Ms Teresa McMichael, A/Clerk Assistant – Committees to the Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight, inviting the Minister to Budget Estimates.

Resolved, on the motion of Mr Colless: That correspondence from Ms Rachel Simpson, Principal Manager, Parliamentary Services, Transport for NSW to the secretariat, dated 9 August, 10 August and 12 August 2018 remain confidential, as they contain sensitive information.

Resolved, on the motion of Mr MacDonald: That the committee authorise the publication of correspondence from Ms Kate Mackaness, Community Action for Windsor Bridge, attaching information regarding 'paid consultations', dated 15 July 2018, with the exception of identifying information, which is to remain confidential, as per the recommendation of the secretariat.

4. Inquiry into Budget Estimates 2018-2019 – procedural resolutions

The committee noted that the Budget Estimates timetable for 2018-2019 was agreed to by the House, with the following Portfolio Committee No. 5 hearings:

Date	Time	Portfolio	Room
Friday 31 August	9.00 am – 1.00 pm	Primary Industries, Regional Water, Trade and Industry (Blair)	Macquarie
	2.00 pm – 6.00 pm	Transport and Infrastructure (Constance)	Macquarie
Monday 3 September	2.00 pm – 4.00 pm	Lands and Forestry, Racing (Toole)	Macquarie
Friday 7 September	9.00 am – 1.00 pm	Roads, Maritime and Freight (Pavey)	Jubilee
	2.00 pm – 4.00 pm	Western Sydney, WestConnex, Sport (Ayres)	Jubilee

4.1 Government questions

Resolved, on the motion of Mr Colless: That with government members not asking questions:

- The portfolios of Primary Industries, Regional Water, Trade and Industry be examined from 9.00 am – 11.40 am
- The portfolio of Transport and Infrastructure be examined from 2.00 pm – 4.40 pm
- The portfolios of Lands and Forestry, Racing be examined from 2.00 pm – 3.20 pm
- The portfolio of Roads, Maritime and Freight be examined from 9.00 am – 11.40 am
- The portfolios of Western Sydney, WestConnex, Sport be examined from 2.00 pm – 3.20 pm.

4.2 Sequence of questions

The committee noted that, under the resolution establishing the Portfolio Committees, the sequence of questions alternates between opposition, crossbench and government members, with equal time allocated to each, unless the committee decides otherwise.

The committee noted that cross bench members intend to allocate five minutes of their time to participating member, Mr Pearson.

4.3 Procedure for examining more than one portfolio

Resolved, on the motion of Dr Faruqi: That the portfolios be examined concurrently.

4.4 Additional witness requests

The committee noted that each minister has provided a list of witnesses, as per the table below. The committee noted that, should members wish to request any additional witnesses, they should advise the secretariat by 12.00 pm, Tuesday 14 August 2018.

Minister	Portfolio	Witness	Position and Department
Blair	Primary Industries, Regional Water, Trade and Industry	Mr Simon Draper	Secretary, Department of Industry
	Primary Industries	Mr Scott Hansen	Director General, Department Primary Industries
		Mr David Witherdin	Chief Executive Officer, Local Land Services
	Regional Water	Ms Liz Livingstone	Deputy Secretary, Lands and Water, Department of Industry
		Mr David Harris	Chief Executive Officer, Water NSW
		Mr Grant Barnes	Chief Regulatory Officer, Lands and Water, Department of Industry
Constance	Transport and Infrastructure	Mr Rodd Staples	Secretary, Transport for NSW
		Mr Stephen Troughton	Deputy Secretary, Infrastructure & Services, Transport for NSW
		Ms Marg Prendergast	CBD Coordinator General, Transport for NSW
		Mr Howard Collins	Chief Executive, Sydney Trains
		Mr Jim Betts	Chief Executive, Infrastructure NSW
Toole	Lands and Forestry, Racing	Mr Simon Draper	Secretary, Department of Industry
	Lands	Ms Liz Livingstone	Deputy Secretary, Lands and Water, Department of Industry

		Mr Chris Reynolds	Executive Director, Crown Lands, NSW Department of Industry
		Ms Catherine Manuel	Chief Executive Officer, Cemeteries & Crematoria NSW
	Forestry	Mr Scott Hansen	Director General, Department of Primary Industries, NSW Department of Industry
		Mr Nick Roberts	Chief Executive Officer, Forestry Corporation of NSW
	Racing	Mr Paul Newson	Deputy Secretary, Liquor, Gaming & Racing, NSW Department of Industry
Pavey	Roads, Maritime and Freight	Mr Ken Kanofski	Chief Executive, Roads and Maritime Services
		Mr Rodd Staples	Secretary, Transport for NSW
		Mrs Clare Gardiner-Barnes	Deputy Secretary, Freight, Strategy and Planning, Transport for NSW
Ayres	Western Sydney	Mr Tim Reardon	Secretary, Department of Premier and Cabinet, Department of Industry
		Mr Jim Betts	Chief Executive Officer, Infrastructure for New South Wales, Department of Industry
	Sport	Mr Matt Miller	Chief Executive Officer, Office of Sport
		Ms Karen Jones	Executive Director, Sports Infrastructure Group, Office of Sport
	WestConnex	Mr Ken Kanofski	Chief Executive Officer, Roads and Maritime

5. Windsor Bridge replacement project inquiry

5.1 Public submissions

The committee noted that submission no. 122a was published by the committee clerk under the authorisation of the resolution appointing the committee.

5.2 Pro forma submissions

Resolved, on the motion of Mr Colless: That the committee publish one copy of each of the original pro forma submissions on its website, noting the number of copies that have been received.

5.3 Answers to questions on notice and supplementary questions

The following answers to questions on notice and supplementary questions were received:

- answers to questions on notice from Roads and Maritime Services, received 11 July 2018
- answers to questions on notice from Transport for NSW, received 11 July 2018.

Resolved, on the motion of Mr MacDonald: That the committee publish answers to questions on notice from Transport for NSW and Roads and Maritime Services, received 11 July 2018, with the exception of sensitive information, as per the request of the author.

5.4 Publication of confidential answers to questions on notice

Resolved, on the motion of Mr Colless: That the committee authorise the partial publication of confidential answers to questions on notice from Transport for NSW, received 14 June 2018.

5.5 Publication of *in camera* transcripts

Resolved, on the motion on Mr Colless:

- That the committee authorise the partial publication of the transcript of the *in camera* evidence given by Mr Rod Staples, Secretary, Transport for NSW on the 29 May 2018, as agreed to by the witness, and that it be published on the committee's website after the report has been tabled.
- That the committee authorise the partial publication of the transcript of the *in camera* evidence given by Mr Rod Staples, Secretary, Transport for NSW and Mr Ken Kanofski, Chief Executive, Roads and Maritime Services on the 18 June 2018, as agreed to by the witnesses, and that it be published on the committee's website after the report has been tabled.

5.6 Publication of correspondence to the committee

Resolved, on the motion of Mr Colless:

- That the committee authorise the publication of the document entitled 'Hawkesbury District: Richmond – Windsor Traffic Issues Paper', dated August 2015, as provided by Mr Ken Kanofski, Chief Executive, Roads and Maritime Services on 14 June 2018 and that this document be published on the committee's website after the report has been tabled.
- That the committee authorise the publication of the folder of documents provided by Mr Ken Kanofski, Chief Executive, Roads and Maritime Services on 14 June 2018, which relate to the Castlereagh Connection Corridor.

5.7 Tended documents from previous committee meeting

Resolved, on the motion of Mr Mookhey: That the committee accept and publish the following document tendered during the committee's meeting of 18 June 2018, as agreed to by the witness:

- Infrastructure NSW, Gate 4 Tender Evaluation Gateway Review, Windsor Bridge Replacement over the Hawkesbury River, dated 1 June 2018, tendered by Mr Ken Kanofski, Chief Executive, Roads and Maritime Services.

5.8 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Windsor Bridge replacement project*, which, having been previously circulated, was taken as being read.

Mr MacDonald moved: That the last paragraph of the preface be amended by omitting 'unfortunate reality in mind' and inserting instead 'reality in mind'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 1.6 be amended by omitting 'There is significant' and inserting instead 'There is some'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 1.11 be amended by omitting 'Hawkesbury Council' and inserting instead 'Hawkesbury Councillors Clr Mary Lyons-Bucket, Independent Mayor, Hawkesbury City Council, Clr Peter Reynolds, Independent and 2019 Labor candidate for State of Seat of Hawkesbury, Clr Danielle Wheeler, NSW Greens, Clr John Ross, Independent and Federal Member for Macquarie, Ms Susan Templeman MP'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr MacDonald: That paragraph 1.12 be amended by omitting 'A small proportion of' and inserting instead 'Nine submissions out of a total of 340'.

Mr MacDonald moved: That paragraph 1.51 be amended by omitting 'the strong opposition to the project that is shared by many among the Windsor and neighbouring communities' and inserting instead 'the majority opposition to the project that is shared by many of those who made submissions to the inquiry'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 1.52 be amended by omitting 'their commitment and passion' and inserting instead 'their commitment'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Colless: That paragraph 1.55 be amended by omitting 'purported that the bridge would not fail' and inserting instead 'opined that the bridge would not fail'.

Mr MacDonald moved: That paragraph 2.26 be amended by omitting 'Mr Peter Reynolds' and inserting instead 'Councillor Peter Reynolds, Independent Councillor, 2019 Labor Candidate for the seat of Hawkesbury and former President of CAWB'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 2.70 be amended by omitting 'overwhelmingly negative feedback' and inserting instead 'negative feedback'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Mr Colless moved: That Finding 2 be amended by inserting at the end: 'as long ago as 2008'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Colless: That Finding 3 be amended by omitting 'initial' before 'options developed'.

Dr Faruqi moved: That the following new recommendation be inserted after paragraph before paragraph 2.74:

'Recommendation X

That the NSW Government immediately stop all works on the Windsor Bridge Replacement Project and, in consultation with the community develop a feasible bypass option for the town of Windsor that addresses future traffic needs and protects heritage.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose

Noes: Mr Colless, Mr Fang and Mr MacDonald.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Mookhey: That Recommendation 4 be amended by omitting 'That the NSW Government immediately cease any use of "paid consultation" in community engagement processes' and inserting instead 'That the NSW Government immediately cease paying participants in community consultation processes'.

Resolved, on the motion of Mr MacDonald: That paragraph 3.43 be amended by omitting 'the Hon Susan Templeman' and inserting instead 'Ms Susan Templeman'.

Mr MacDonald moved: That paragraph 3.48 be amended by omitting 'deep concern expressed' and inserting instead 'concern expressed'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 3.49 be amended by omitting 'concerted attempts made' and inserting instead 'attempts made'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 3.49 be amended by omitting ', and the disappointment felt following the outcome' after 'on those involved'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 3.64 be amended by inserting 'some in' before 'the community regarding'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Dr Faruqi moved: 'That Recommendation 5 be amended by inserting 'minimise heritage impacts, including by considering a bypass solution, and' after 'key project stakeholders to'.

Question put

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Dr Faruqi: 'That Recommendation 5 be amended by inserting 'minimise heritage impacts and ' after 'project stakeholders to'.

Dr Faruqi moved: That the following new recommendation be inserted after Recommendation 5:

'Recommendation X

'That the NSW Government retain the existing Windsor Bridge for pedestrian, cycling and light vehicle use.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Mr Primrose moved: That the following new finding be inserted after paragraph 4.65.

'Finding X

'That the flood mitigation impacts of the new bridge design will be minimal, and traffic congestion will remain an issue in the streets leading to and around the bridge. While the project to replace the bridge may never have provided the necessary panacea to address these issues, the committee agrees with stakeholders that the opportunity to creatively address these issues has now been lost.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Mr Colless moved: That paragraph 4.66 be omitted: 'This is particularly regrettable given the level of expenditure that has now been allocated to the project'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Dr Faruqi moved: That Recommendation 7 be amended by:

- a. omitting 'following the completion of the Windsor Bridge replacement project' before 'the NSW Government'
- b. inserting 'including building a bypass' after 'road network'.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That paragraph 5.10 be amended by omitting 'This has to stop' after 'community divided'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Resolved, on the motion of Dr Faruqi: That paragraph 5.12 be amended by omitting 'the committee nevertheless approached its task mindful that the design has been chosen, the contract awarded and work has commenced' and inserting instead 'the committee nevertheless approached the inquiry mindful that the design had been chosen, the contract had not been awarded, and some work had commenced'.

Dr Faruqi moved: That paragraph 5.12 be amended by omitting 'The bridge will be built' after 'work has commenced'.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Mookhey, Mr Primrose.

Noes: Mr Colless, Mr Fang, Mr MacDonald.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Resolved, on the motion of Mr Colless, that paragraph 5.12 be amended by inserting at the end: 'As of the date of tabling this report, the contract has been awarded and commenced'.

Mr MacDonald moved: That paragraph 5.13 be amended by omitting 'The committee is sympathetic to the community's frustrations' and inserting instead 'The committee has heard the community's frustrations'.

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That the following new paragraph be inserted after paragraph 5.13:

'The Windsor Bridge Replacement Project symbolises the high regard that the NSW Government has for the Hawkesbury community. There are clear social, economic and environmental benefits arising from the Windsor Bridge replacement. Road users will experience reduced congestion. Heritage and environment is enhanced by preservation of archaeological sites and reduced impact of stalled traffic in the historic Windsor precinct. The economy of the Hawkesbury region is supported by more efficient transport connectivity.'

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr MacDonald moved: That the following new paragraphs be inserted after 5.13:

'The contemporaneous technical advice is clear the current Windsor Bridge is approaching the end of its engineering life. The argument to protect public safety and build infrastructure fit for this rapidly growing region is irrefutable.

While undoubtedly there are some in the community who genuinely challenge these arguments, it is unfortunate the issue has been hijacked for political ends at local, state and federal levels. Clr Peter Reynolds and Susan Templeton MP need to reflect on their strategy of putting their Party and personal political priorities ahead of safety and long overdue infrastructure investment.'

Question put.

The committee divided.

Ayes: Mr Colless, Mr Fang, Mr MacDonald.

Noes: Dr Faruqi, Mr Mookhey, Mr Primrose.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

The Chair circulated a document entitled 'Procedural issues'.

The committee deliberated.

Mr Primrose moved: That page x be amended by inserting the following new paragraphs after 'Procedural issues':

'Midway through the inquiry, and prior to the construction contract being let, the committee resolved to request a copy of the Final Business Case for the Windsor Bridge replacement project from the government. On 28 April 2018, the Chair wrote to the Secretary, Transport for NSW to request a copy of this document. [FN: The committee had previously resolved to write to the Chief Executive Officer of Infrastructure NSW and the Minister for Roads, Maritime and Freight to request the same document. The Chair sent letters containing these requests on 17 April 2018. In response, on 19 April 2018, Infrastructure NSW advised that the request should be directed to Transport for NSW, as their records indicated that Transport for NSW had undertaken the assurance process and, as such, they did not have the document. No response was received from the Minister for Roads, Maritime and Freight.]

The Secretary's response was received on 4 May 2018. The Secretary provided a redacted version of the Final Business Case to the committee, from which certain information relating to project costs had been removed. The Secretary of Transport for NSW advised that commercially sensitive information had been redacted as the Windsor Bridge replacement project was at that time subject to a tender process for the award of the construction contract. Transport for NSW advised that an unredacted copy would be provided to the committee upon the conclusion of this tender process.

During the same period, the Government announced, and then extended, a consultation process for the Castlereagh Connection Corridor. Inquiry participants told the committee that plans for the corridor should, by nature, include plans for any alteration to the river crossing at Windsor, as the bridge serves as a gateway to several suburbs identified for future development. In order to further explore these arguments, the committee resolved to invite representatives from Transport for NSW to attend a public hearing to give evidence regarding Western Sydney corridors.

On 2 May 2018, Transport for NSW advised that 'it is not considered appropriate' to send a witness to provide evidence regarding planning for Western Sydney and the Castlereagh Corridor as the Department was still in the process of seeking community feedback on the corridors. On 8 May 2018, the Chair wrote to the Secretary of Transport for NSW to ask that he reconsider the committee's invitation. The committee also requested an unredacted copy of the final business case. On 15 May 2018, the Secretary wrote to the committee to advise that 'the position of Transport for NSW has not changed' and it would not send witnesses to speak to the Castlereagh Connection Corridor while the strategy was 'out for consultation'. The Secretary also declined to produce the unredacted final business case.

The committee considered the responses provided by Transport for NSW, alongside a verbal briefing from the Clerk of Parliaments as to the mechanisms available to compel the production of the evidence required by the committee.

On 22 May 2018, the committee resolved 'under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, that Mr Rodd Staples, Secretary, Transport for NSW be summoned to attend to give evidence on 29 May 2018, such evidence including the answering of questions and the production of an unredacted copy of the Final Business Case for the Windsor Bridge replacement project.'

On 25 May 2018, the Secretary of Transport for NSW was served with that summons.

On 28 May 2018 the contract for construction of the new bridge was awarded. Later that day, the Secretary of Transport for NSW produced to the committee an unredacted copy of the

Windsor Bridge replacement project Final Business Case. The Secretary advised that the negotiations for award of the construction tender had concluded and the contract had been awarded. The Secretary also advised that he would attend the hearing on 29 May 2018 'on a voluntary basis'.

The Secretary attended an in-camera hearing on 29 May 2018 to speak to plans for the Castlereagh Connection Corridor, and other matters relating to the Windsor Bridge replacement project.

The committee notes that Transport for NSW contends that as the Secretary's appearance before the committee on 29 May 2018, and the production of the unredacted business case, occurred after the award of the tender, both occurred 'on a voluntary basis'.

However, during the hearing on 29 May 2018 the Chair made it plain, on the record, that the summons was served on the Secretary of Transport for NSW prior to award of the tender, to his production of the unredacted business case and to his agreement to appear at the hearing. It is therefore the position of Portfolio Committee No. 5 that both the provision of the document, and Mr Staples' attendance, occurred in response to the committee's summons.'

Resolved, on the motion of Mr MacDonald: That:

- a. The draft report [as amended] be the report of the committee and that the committee present the report to the House;
- b. The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- c. Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- d. Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- e. The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- f. The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- g. Dissenting statements be provided to the secretariat by 5.00 pm, Tuesday 14 August 2018;
- h. That the report be tabled by 22 August 2018.

6. Adjournment

The committee adjourned at 11.24 am, *sine die*.

Stephanie Galbraith
Clerk to the Committee

Appendix 4 Dissenting statements

The Hon Daniel Mookhey MLC and The Hon Peter Primrose MLC, Australian Labor Party

We congratulate Hon. Robert Brown MLC on his chairing of a difficult and often complex inquiry.

However, we believe that on the evidence presented, the Committee should have recommended that the NSW Liberal and Nationals Government immediately cause all works on the Windsor Bridge Replacement Project to cease.

The Government could then have consulted with the local community, to develop alternative options such as a bypass that would genuinely address Windsor's future traffic needs while protecting its heritage.

As the Report acknowledges, the damage to heritage that will continue to be caused by the Project has been presented in great detail. The flood mitigation impacts of the new bridge will be minimal, and traffic congestion will remain an issue in the streets surrounding it.

But in failing to make this fundamental recommendation to immediately halt all work on the Project, the opportunity to press the Government to allow these issues to be creatively addressed has now been lost.

Dr Mehreen Faruqi, MLC, The Greens**Overview**

This inquiry has been a much needed investigation into the Windsor Bridge Replacement Project. The committee heard from a broad range of witnesses, the overwhelming majority of whom felt the project was not in the community's interest. This inquiry proved useful in listening to and understanding concerns of community members who had been ignored during the planning, assessment and approvals process. The findings in this report clearly show the community's overwhelming dissatisfaction with the consultation process.

A majority of witnesses identified flaws in the planning and assessment process and provided documentation to the committee as evidence. Expert witnesses testified that the entire approval process was deeply flawed, and that the Roads and Transport Authority pushed through Option 1, the replacement of Windsor Bridge with a new river crossing, as the preferred option with no proper consideration of alternatives.³²⁶ Heritage experts have been against this project from the time it was proposed, and also gave evidence to the inquiry on the damage this project will cause to the irreplaceable heritage of Windsor town.³²⁷

Transparent and objective transport planning, with a focus on genuine community engagement, should be the keystone for any project. A failure to do so is sufficient grounds to revisit the very rationale for the project. Unfortunately, despite the Greens moving an amendment to stop work on the project and consider a bypass solution, the committee's final report fails to do so.

Implementation of recommendations in this report will go some way towards regaining the community's trust. However, stopping the Windsor Bridge replacement project and bringing back a bypass solution to the community is critical to addressing core issues raised by the Windsor community. Given the evidence presented to the inquiry, I believe the project must be stopped.

Whilst there is now some clarity around how the Windsor Bridge Replacement Project came to be the debacle it is, and the committee has made several useful recommendations, the final report unfortunately stops short of recommending a cessation of the project. The committee has missed an opportunity to right a wrong that has been imposed on the Windsor community and to seek an alternative which would much better serve the needs of transport, the community, and protecting valuable heritage.

³²⁶ See Committee comment 4.41, Page 65: "yet another example of RMS's 'no holds barred' approach to achieving its preferred outcome, with little regard for due process, a fair assessment of the alternatives or the corresponding impact to the public purse". See expert witness testimony, such as the former NSW Government Architect Mr Peter Mould (Page 29) and Mr Andrew Douglas from Cambray Consulting (Page 28).

³²⁷ See evidence from architect and heritage consultant Mr Bruce Dawbin from the International Council on Monuments and Sites (Page 48) who stated that the entire approval process was 'deeply flawed'. Also see Committee comment on Page 52 – 53 for heritage concerns raised by witnesses.

Mr Scot MacDonald MLC, Liberal Party

The evidence from the Roads and Maritime Services for the replacement of the Windsor Bridge is clear from their Business Case;

“Deterioration in the existing bridge leading to possible load limits and eventual closure...the existing bridge and approach roads fail to meet current engineering and safety standards...the existing bridge has lower flood immunity than the surrounding roads...traffic performance and capacity...is inadequate and the predicted growth in traffic using this river crossing indicates further deterioration in the levels of service.”

The Business case also goes on to describe the new bridge will provide ‘a unified open space in Thompson Square...’

Most importantly the new bridge will lead to “improved safety for motorists, pedestrians and cyclists.”

The consequence for continued delay of the bridge replacement is a failed or restricted use bridge causing catastrophic inconvenience for the community of Hawkesbury.

Decision paralysis and underinvestment by the previous Labor Government has already led to significant cost increases for this infrastructure project and on-going inconvenience and uncertainty.

In the Inquiry, RMS confirmed the cost blow out impacts other important road and maritime investment across the State.

The RMS Business Case states in its Project Objectives;

“Replace the existing bridge which has reached the end of its economic life with a new bridge with a design life of years”.

The Case forecasts rising maintenance costs;

“...necessitate significant remedial works to keep the operational...Bridge closure would result in the loss of an important crossing of the Hawkesbury River, with severe impacts on local and regional connectivity.”

Political representatives have to be held accountable. Labor and Greens members of the committee voted in the Report meeting to immediately stop work on the bridge replacement.

I sought to hold Hawkesbury City Council Labor Councillor Peter Reynolds and Federal Member for Macquarie Susan Templeman MP to account.

I proposed “...it is unfortunate the issue has been hijacked for political ends at local, state and federal levels. Clr Peter Reynolds and Susan Templeman MP need to reflect on their strategy of putting their Party and personal political priorities ahead of safety and long overdue infrastructure investment.”

Labor and Greens members of the committee failed to support the amendment.

The move by Labor and Greens to stop work on the new Windsor Bridge would be a disaster for the Hawkesbury and lower Blue Mountains region. It would contribute to further traffic congestion.

If Labor and Greens had been or were to be successful in stopping this project it is unlikely there would be any alternative infrastructure planned or built for many years.

As we saw in the Inquiry, projects of this scale and complexity require a long period of consultation and planning. We took evidence construction costs are escalating, therefore any alternative would have higher expenses. This leads to uncertainty within RMS and NSW Treasury about funding priorities.

The NSW Liberal National Government is committed to replacing the Windsor Bridge as outlined in the RMS Final Business Case. This gives certainty to the community and has tangible economic and environmental benefits.