

Document tendered by
 Cllr Mary Lyons-Buckett
 Received by
 Lauren Evans
 Date: 13 / 4 / 18
 Resolved to publish Yes / No

Council is opposed to the current proposal to build a replacement bridge across the Hawkesbury River at Windsor. Our opposition is based on our desire to:

- Protect the township of Windsor - the third oldest European settlement in Australia
- Protect Thompson Square, the oldest town square in Australia
- Protect the existing Windsor Bridge, a widely acknowledged heritage item.

We believe that the town of Windsor, its residents and businesses, will be best served if the NSW Government redirects funding to a new bridge project that:

- Does not repeat the mistakes of the past – as evidenced by the Windsor Toll House (**Refer Attachment 1:** a listed heritage building –heavily compromised by the 1976 Fitzroy Bridge over South Creek and vacant since restoration in 1997)
- Avoids damaging Australia’s oldest Town Square
- Facilitates increased economic activity with the Windsor town centre
- Provides a better response to the issue of flooding and the movement of people during periods of flooding
- Genuinely addresses traffic congestion, congestion that will not be eased with the new replacement new bridge, traffic congestion that is set to increase as the population of the Hawkesbury and surrounding areas increases. The *Greater Sydney Region Plan* forecasts an increase in population that will require 725,000 new homes and space for 817,000 new jobs in the new Western Parkland City over the next 20 years. This translates to an increase in both personal and business movements in Windsor.

However, Council’s position should not be seen as resistance to growth; we welcome change and we recognise that growth is occurring in our local and the wider area. We do not object to the idea of development or construction occurring in our area in order to properly address future challenges. However, we do object to a bridge project that is ill-conceived, the governance of which does not reflect true collaboration, has never followed conventional approaches, never addressed community concerns around heritage, traffic impacts and flooding, and has reflected a narrow-minded insistence on removing the existing bridge.

These concerns are particularly pertinent at present, with the recent archaeological salvage work that has discovered brick barrel drains that date back to 1814. (**Refer Attachment 2:** Report and Resume of Professor Ian Jack)

These recent findings beg the question - how can the NSW Government progress with tendering for the project without extensive investigation to understand the nature and extent of these structures; continuation will only significantly risk changes to the scope of the project, cost variations. Does the Government not remember the Auditor General Report in relation to the Tibby Cotter Bridge? (**Refer Attachment 3:** Auditor General Report – Tibby Cotter Bridge)

The town of Windsor was founded by Governor Macquarie and the original bridge was first opened on 20 August 1874. The Bridge is listed on the NSW State Heritage Register. Likewise Thompson Square is also a listed Heritage Item described as:

... the only public space remaining from the original town [that] 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 Windsor. The Square reflects Macquarie's visionary schemes for town planning excellence in the infant colony.

Furthermore, the NSW Heritage Council, in its advice to RMS in 2011, described Option 1 (the preferred RMS Option) as having "significant impacts on heritage in and around Thompson Square including impacts on the setting, views and relationships of the buildings around the Square and their relationship to the Square as a planned urban space; negative impacts on heritage buildings; the likely disturbance and destruction of archaeological evidence of the 1790s town, which predates the creation of Thompson Square, and impacts on maritime archaeology related to the early settlement of Windsor.

We believe that RMS's determination to remove the existing bridge, its continued ignorance on the heritage values of Thompson Square, the surrounding streetscape and built form of the Square has led to a poor solution for the community. (**Refer Attachment 4:** contrary to a unanimous view amongst heritage specialists, RMS chose to identify Thompson Square as the open space in the middle and basically exclude buildings that frame it. Would they apply the same thinking to public squares in Rome and Venice?)

In relation to the existing bridge, the State Heritage listing describes the Bridge as having:

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.

The Windsor Bridge has landmark qualities as one of only two bridge crossings of the Hawkesbury River in the Hawkesbury area and as such it defines the surrounding network of roads...

The addition of a reinforced concrete beam deck to replace the timber deck in the 1920s is a relatively early use of this technology...

How is it that some cities can preserve many, many bridges, but the NSW Government struggles to preserve any (**Refer Attachment 5:** Chicago's 18 Moveable Bridges in 2 miles)

In Council's opinion, the Heritage Bridge should be retained and over time its role transitioned to a Bridge "active" transport movements across the Hawkesbury River, between the township of Windsor and the public open space adjacent to the western side of the river, with an option for additional light weight local vehicular traffic.

The project also raises a number of procedural and governance anomalies.

- Firstly, both the term and the content of a *Strategic Conservation Management Plan* are a product of the approval for the Windsor Bridge Replacement Project. It is a “one-off” term, it has no origin in any legislation, act or regulation, it never existed before this development and its form and content is still evolving.
- Next, Despite having no known reference point, no Definition is included in the State Significant Infrastructure Approval to define or explain what a Strategic Conservation Management Plan is
 - Thirdly, the reference to the Strategic Conservation Management Plan in the Approval varies throughout document, at times it is referred to as the Strategic Conservation Management Plan on other occasions it is referred to as the CMP. (**Refer Attachment 6:** highlighted in Extract of Approval) This in turn creates a further issue, as the abbreviation CMP is a term commonly used by the NSW State Heritage Council and related parties, to reference a Conservation Management Plan. Conservation plans are developed in accordance with published guidelines and are regularly endorsed by the Heritage Council. The Strategic Conservation Management Plan is not being prepared in accordance with the Heritage Council Guidelines and is not being endorsed by the heritage Council. (**Refer Attachment 7:** highlighted in Heritage Council document)
- The boundaries of Heritage aspects of Thompson Square vary dramatically across the project, depending on who is responsible for what. In the case of:
 - Both the State Heritage Register and the Council Conservation Area, the boundaries are virtually identical? (**Refer Attachment 8:** for details of the State Heritage Register and the Council Conservation Area)
 - In the case of the State Significant Approval, there is both confusion and disagreement between the boundaries of the Council Conservation Area, Nominated extent of the Strategic CMP study area and the Nominated extent of the Strategic CMP study area to front facades within property boundaries
 - Condition B1 requires the submission of a Strategic Conservation Management Plan

*...for the project area on the southern side of the Hawkesbury Rover as shown in Appendix 2 Strategic Conservation Management Plan Study area – where ever that might be? (**Refer Attachment 6:** Appendix 2 Extract of Approval)*
- Furthermore, the project is not proceeding in accordance with the accepted practices and conventions associated with a Conservation management Plan (CMP) related project. Normally such a project proceeds as follows:
 - STEP 1 Complete the Conservation Management Plan First, this provides the policy direction and priorities for any development to achieve
 - STEP 2 – The proponent then commences the design process, responding to the policies and objectives contained in the Conservation Management Plan.

In this instance the RMS approached the project in the reverse order and as a consequence the Department of Planning commissioned an independent report that observed

"it appears that the scope throughout much of the duration of the project has focussed on justifying the preferred option, as opposed to undertaking a thorough investigation into alternative options"

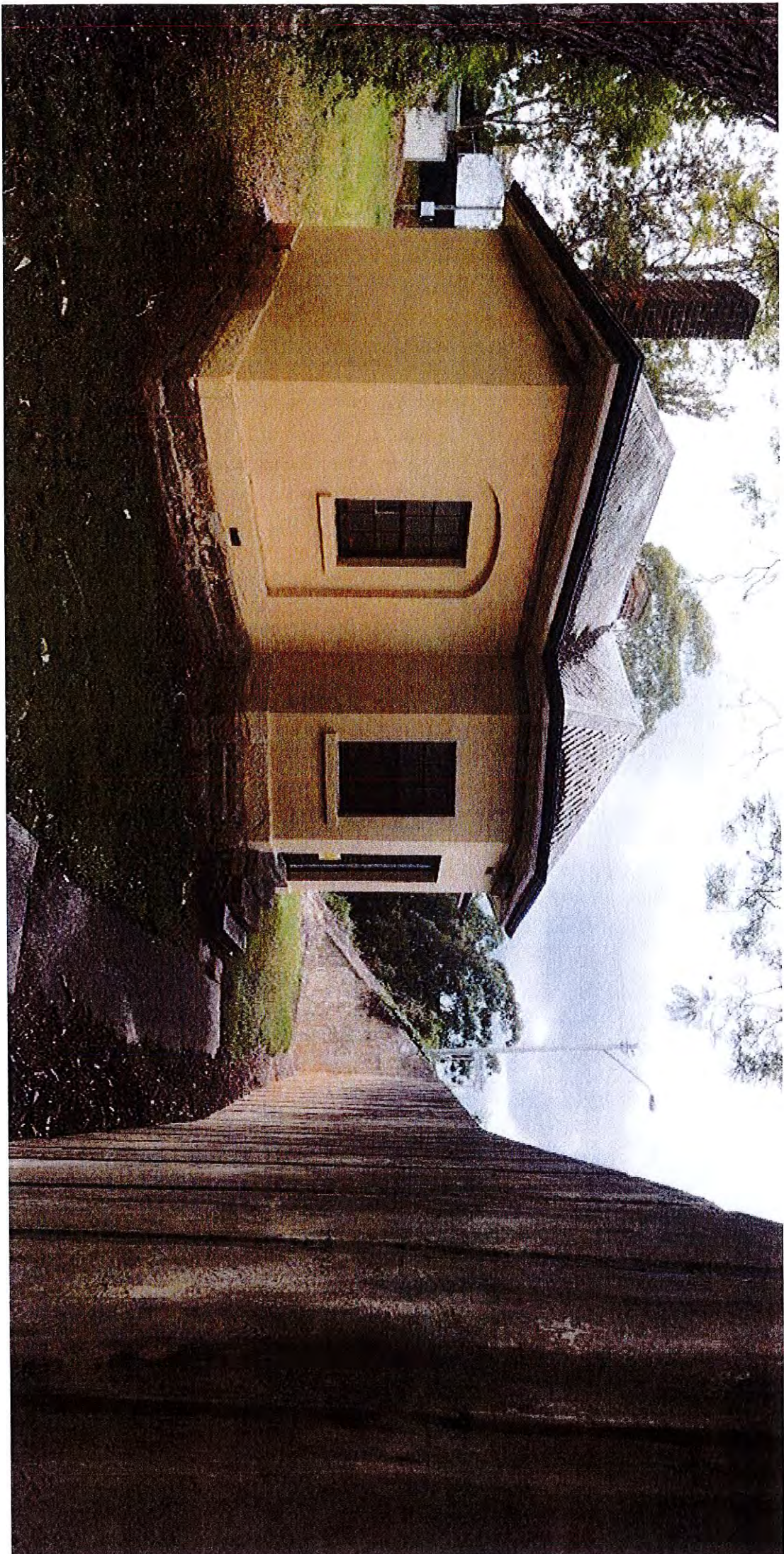
- Next, it appears that when honest mistakes were made, people remained silent rather than correcting the misunderstandings, for example, it appears that in the case of an ultimately unsuccessful challenge to the State Significant Infrastructure Approval by a local community group (*Community Action for Windsor Bridge Inc v NSW Roads and Maritime Services & anor* [2015] NSWLEC 167) Judge Brereton referred to the existence of the Conservation Management Plan. However, at the time of the determination the Conservation Management Plan had not been released - only guidelines for developing a Conservation Management Plan had been released.
- Finally, there is now an opportunity to pause the project and strategically consider an expanded range of options, if for no other reason than the Government has recently released its Western Sydney Transport Corridors. This provides an opportunity to explore superior options in relation to the flooding, heritage and transport issues that currently remain unresolved (**Refer Attachment 9: Transport Corridors**)

Attachment 1
Windsor Toll House









THE WINDSOR TOLL HOUSE

1835

Road tolls were collected at South Creek on the Windsor Road from 1802 - 1887

Preceded by at least one older toll house structure in the vicinity, this three roomed Toll House was first erected in 1835 adjacent to the toll bar

Windsor Toll House is one of only two remaining in New South Wales, the other being at Mount Victoria.

The projecting bay allowed the Toll Keeper to have an unrestricted view in both directions of traffic using the bridge crossing. The building was leased by Government to private operators, and tolls ranging from a farthing to 1/6 were collected for livestock and vehicles of all types.

Double tolls were collected on Sundays.

Often inundated by flood waters the building was largely destroyed in flood of June 1864 and was rebuilt in August of that year.

In 1997 Hawkesbury City Council Carried out conservation works with assistance from the NSW Heritage Assistance Program.

Attachment 2
Professor Ian Jack

Professor R. Ian Jack, MA, PhD, FRHistS, FRAHS

- Born 1935 Scotland
- Graduated in Arts in 1957 (M.A. University of Glasgow)
- Completed his doctorate 1961 (Ph.D. University of London)
- Joined Sydney University in 1961 as a lecturer in the History department. He became a senior lecturer in 1965 and was promoted to associate professor in 1970.
- Served two consecutive terms as Dean of the Faculty of Arts, from 1974–77.
- After retiring, he became an honorary research associate in 2002. He has also had a long association with St Andrew's College, Sydney University, where he is senior fellow and College archivist.
- He received an Honorary Fellowship from University of Sydney in 2016, recognising his outstanding service. The Honorary Fellowship is awarded by Senate of the University. The presentation was made in the Great Hall with a citation read by the Dean of the Faculty of Arts and Social Sciences. Ian continues to be an influential member of the University's history professoriate.
- Past president Royal Australian Historical Society 2003- 2010, Councillor 1990-91 and Fellow
- Six-year stint Heritage Council of NSW, ending in 2005
- Heritage Advisory Committee, Hawkesbury City Council (from 1991)
- Professional Member, ICOMOS (from 1993)
- President, Hawkesbury Historical Society
- Vice-President of Blue Mountains Assoc Cultural Heritage Organisations (BMACHO)
- Other Qualifications: He is also Australian representative, International Committee for Conservation of Industrial Heritage (1986-94); Alternate member, Heritage Council of NSW (representing National Trust).
- Author of many publications, journal articles and conservation plans including:
 - *The Andrew's Book, 3rd edition 1989, and 4th edition 2013*
 - *Australia's age of iron : history and archaeology co-authored with Aedeon Cremin.*
 - *A Colonial scene : the Hawkesbury-Nepean Valley / edited by R. Ian Jack*
 - *Exploring the Hawkesbury*
 - *Macquarie's Towns*
 - *St Matthew's, Windsor : an Anglican landmark celebrating 200 years co-authored with Jan Barkley-Jack*
 - *Local government records and the local historian co-authored with Terry Kass*

Sources:

<http://www.standrewscollege.edu.au/professor-ian-jack-receives-honorary-fellowship/>

<http://sydney.edu.au/arts/about/deans/rijack.shtml>

<https://www.history.org.au/Structure%20and%20Committee.html>

<http://www.bluemountainsheritage.com.au/members/>

AT - 1 The Drainage System in Thompson Square, Windsor - Professor Ian Jack, March 2018

The Drainage System in Thompson Square, Windsor

Ian Jack, March 2018

Thompson Square in Windsor is recognized as having very high heritage values. Dating from 1795, it is the oldest civic square in Australia, the centre for government control and economic management in the newly settled area. Adjacent to the early farms which fed early colonial Sydney, its wharfage made it an important entrepôt at the head of Hawkesbury River navigation throughout the nineteenth century. It was named by Governor Macquarie in 1811 in memory of the first emancipist magistrate in Australia.

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. A contract for public works in the square, involving drainage, levelling and wharfage, was issued by Governor Macquarie in 1814 to two prominent, entrepreneurial Hawkesbury men. John Howe (who was the chief constable) and James McGrath. This original document and a related contract made in April 1815, both signed by Macquarie himself, were retained by the Howe family and are now in the State Library of New South Wales.¹

On 8 August 1814 Howe and McGrath agreed to complete three separate commissions within twelve months. One of these was:

To Sink and Erect one Sewer in the middle of the Square with Channels leading thereto or to Sink and Erect two sewers one on each side of the Square as laid down in the Plan in the possession of His Excellency Governor Macquarie and as His Excellency may please to direct.

This plan has not been located, but it is clear from local knowledge and confirmed by the current excavations that in 1814 Howe and McGrath elected to build a single central drain, with ancillary channels. The governor permitted the contractors to manufacture between 120,000 and 150,000 bricks 'on the Brick Ground now making at Windsor for Government'. Since bricks were not relevant to the other works in the contract, this substantial number was earmarked for the drains.

By 24 April 1815, the date of the second contract, well ahead of schedule, both the new wharf and the barrel drain had been completed.² The new contract gives details of the

1

State Library of NSW, Mitchell Library, ML MSS 106, items 37. 38.

2

remaining work. This was the very large enterprise of extending the wharf and reducing the steep angle of the square as it dropped down from George Street to the river.

It is this levelling of Thompson Square which explains why the barrel drain was found no less than 3.5 metres under the present surface. It also offers a satisfying interpretation of the archaeologists' discovery of a series of brick-lined sump-walls going vertically up some two metres from the barrel drain to a brick box drain on the surface. The nature of the bricks found in all three strata is consistent with a Macquarie-period date.

Levelling the square was a substantial operation. Although only six months were allowed for completion, the fee was almost double that for stage 1 in 1814-1815 (£600 against £350, plus spirits in each case). The magnitude of the task was recognized by Macquarie, who added to Howe's copy of the contract a note in his own handwriting, allowing the starting-date for the six months to be postponed for two months until 24 June 1815.

The methods to be used by Howe and McGrath were carefully specified. A new wooden 'Wharf or Platform' was to be created along the whole length of the riverside part of the square 'in a line with the present Jetty or Wharf but three feet higher [than the deck of the wharf]'. There were to be three rows of piles, 550 in all, to support the new structure. The improved wharf was 276 feet long and 33 feet wide, according to the *Sydney Gazette*, whereas the first Howe wharf was only 50 by 18 feet.³ The piles on the landward side, taking the full weight of the infill, which was to reach the top of the new wharf, were to be:

well secured with Land Ties and Caps and planked with sound two inch Planks and not more than six inches wide to be spiked with five inch spikes.

It was envisaged that 5,000 such spikes would be needed from government stores. Although the dimensions of the vertical piles were not specified in 1815, the earlier contract had stipulated that each pile should measure between 16 and 18 inches and that the piles should be placed from three to four feet apart. Standing at least three feet above the land-surface, the reinforced landward side of the wharf was a substantial buffer for the weight of the fill required to diminish the slope.

Obviously the greatest quantity of fill would be required in the lower part of the square. Howe had already in 1814 and early in 1815 built the large barrel drain just below the

³ The wharf was in use by early March 1815 (*Sydney Gazette*, 4 March 1815, p.2); the completion of the barrel drain is inferred since it is not included in the new contract in April 1815.

original surface. To maintain an efficient drainage system, as the barrel drain was to be covered with a great deal of fill, an additional drainage channel on the surface would be necessary, connected to the barrel drain by a series of brick-lined sumps. The box drain now excavated was therefore added by Howe once the land-fill had altered the landscape of the square, particularly the part closer to the river. Further minor brick drains running to the surface box drain have been identified by the archaeologists. These are the 'Channels' stipulated in 1814 but first constructed only after the initial levelling of the square was complete in 1815.

The 1815 wharf was, however, severely damaged in the 14-metre flood of June 1816, when it was reported that:

all the planking is carried away and there is no part of the wharf that can be built on again.⁴

The 1816 flood would have implications for the new landfill and for the new surface drains. Under the direction of Francis Greenway, Howe and McGrath constructed a third wharf between 1816 and 1820 and it is probable that replacement infill, new box drains and new side-channels were required, with further repairs likely after the 14-metre flood of February 1817 and the 12-metre flood of March 1819 which postponed completion of the new wharf. Howe and McGrath received their final payment for 'filling in Thompson Square and Erecting a Sewer and laying drains' only on 15 February 1820.⁵

Since 1820, there have, of course, been further changes in the topography and soils of Thompson Square through recurrent floods, the creation of road cuttings to reach Windsor Bridge after 1874 and various uses of the open parts of the square. These have affected the context of the drains, but they do not affect the interpretation.

The very precise terms of the contracts make the conclusion inescapable that both the barrel drain and the box drain were conceived and built between 1814 and 1820 as a striking realisation of challenging commissions to two local entrepreneurs.

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 the energy

4

Report by Cox, Mileham and Fitzgerald, 4 July 1816, State Archives NSW, Reel 4045, 4/1735, p.83; D.G Bowd, *Macquarie Country*, rev. ed, 1973, p.42.

5

Colonial Secretary Correspondence, State Archives NSW, Reel 6050, 4/1746, p.209.

of John Howe 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.

oooO END OF NOTICE OF MOTION Oooo

**Attachment 3
Tibby Cotter Bridge Audit**

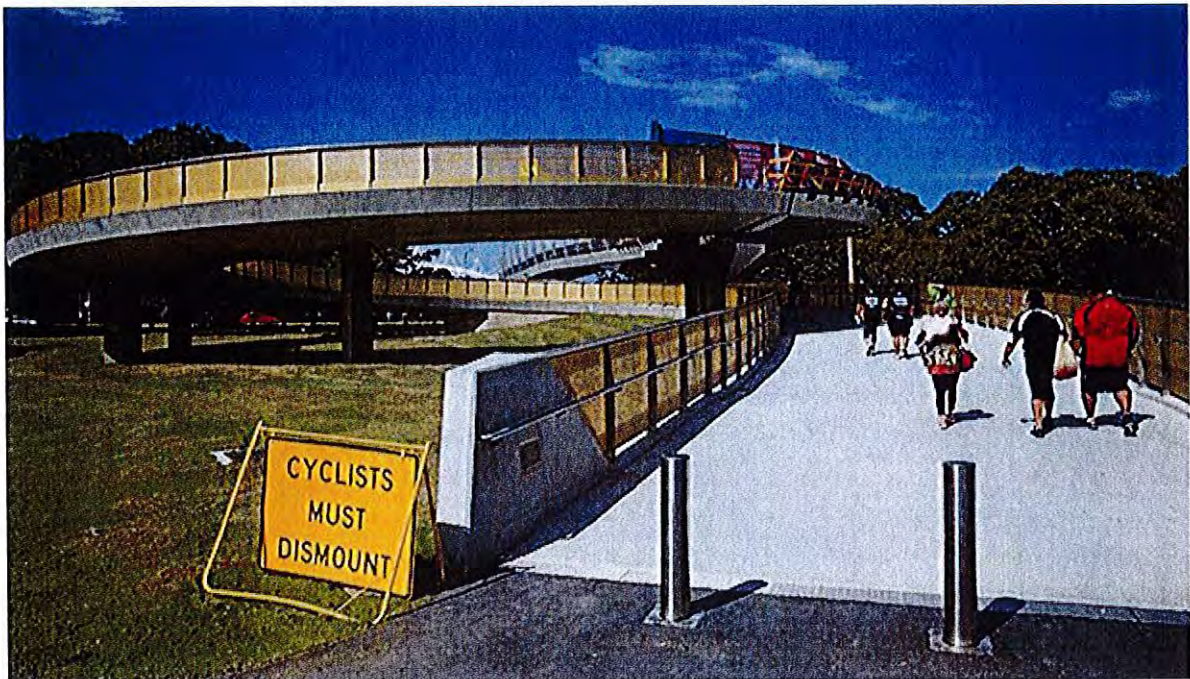
Audit condemns Tibby Cotter bridge cost blow-out

By Jacob Saulwick

Updated 17 September 2015 — 7:08pm first published at 11:37am

The NSW government could have saved up to \$25 million on the cost of the \$38 million Albert "Tibby" Cotter Walkway had it followed different procurement processes, a damning audit into the bridge has found.

The Acting Auditor-General, Tony Whitfield, has identified multiple deficiencies in the business case and contracting for the walkway, which is rarely used outside event days at Moore Park.



The NSW government has spent nearly \$40million on the Albert Tibby Cotter Bridge linking pedestrians to the SCG but only a small percentage of people actually use it.

Mr Whitfield's report, released on Thursday morning, highlights the government's failure to plan for the bridge's construction before the 2015 World Cup.

When the government eventually realised it wanted to have the bridge in place for the World Cup, the subsequent rush to build the project came at significant extra expense to taxpayers.

And the report says that at one stage Transport for NSW estimated the bridge could have been built for as little as \$10 million, if it had been built alongside the light rail line scheduled to be constructed in the area in the next couple of years.

"Transport for NSW and RMS [Roads and Maritime Services] could not provide evidence of a compelling economic or financial argument to support the construction of the walkway or for the tight deadline," Mr Whitfield's report says.

"Also, the processes they adopted to provide assurance of the project's value for money were not adequate," it says.

Many of the problems associated with the construction and contracting of the bridge stem from the state government's failure to realise it wanted the structure in time for the Cricket World Cup.

When the former premier, Barry O'Farrell, announced in February 2014 that the bridge would be in place for the World Cup, no business case had yet been prepared for the structure.

At about that time, Mr Whitfield's report said, RMS should have warned the Roads Minister, Duncan Gay, about the risks of trying to build the bridge in a rush.

Moreover, RMS had already told the minister that if the bridge had been built alongside the light rail line, it could be constructed for \$10 million to \$15 million.

"The project was under severe time stress from the outset and RMS was aware of this," the audit report said.

"The allocated timeframe for the walkway was 14 months, while a typical timeframe for a truss bridge is at least 20 months."

To be able to build the bridge in time for the World Cup, RMS had to enter into an "alliance" contract with Lend Lease, which was already working on a number of projects in the Sydney central business district.

The government "therefore did not test whether the walkway could have been delivered more economically" through either different types of contracts or with a different partner. The audit report found fees paid to the alliance contractor were "relatively high".

Mr Whitfield's report also dismisses Mr Gay's excuse that the cost blow-out of the bridge from \$25 million to \$38 million was the fault of changes imposed by the Heritage Council.

The audit said the Heritage Council was the authority authorised by law to determine the types of structures suitable for a heritage site.

"It is more appropriate to attribute the additional costs arising from the changed design and approval process to the deadline and the compressed project timetable than to the Heritage Council," the report says.

In response, RMS accepted some of Mr Whitfield's recommendation, but rejected the idea the bridge could be built for as little as \$10 million if built at the same time as the light rail line. Transport for NSW came up with the \$10 million when it was considering building light rail on a viaduct through Moore Park, not a tunnel.

The audit report, which is the second damning assessment of a major project overseen by Mr Gay, has been seized on by critics of the structure.

"The report proves this was nothing more than short-sighted monument building, that came at a great and unnecessary expense to the tax payer," said the Member for Sydney, Alex Greenwich.

"The report has vindicated the community outrage about the project," he said.

Greens transport spokeswoman Mehreen Faruqi said: "Sadly, this is indicative of a general approach to transport planning by the Baird government which prioritises the ribbon-cutting and delivery of projects over the attainment of actual transport benefits for people.

"There's no point in 'getting on with the job' if the job is going to be a complete waste of money and distraction from building genuine transport projects that will work for people," Dr Faruqi said.

The Labor opposition and City of Sydney Lord Mayor Clover Moore also used the report to criticise the government.

"The government has rushed a project through at the expense of the taxpayer," said Labor's transport spokesman, Ryan Park. "What's worse is the project didn't even need to exist."

Cr Moore said: "By stuffing up the much smaller Tibby Cotter project, this report raises serious questions about Duncan Gay's ability to manage the massive \$15 billion WestConnex project."

Attachment 4
Famous Squares in Rome and Venice

Famous Squares

PIAZZA NAVONA - ROME



PIAZZA SAN MARCO – VENICE



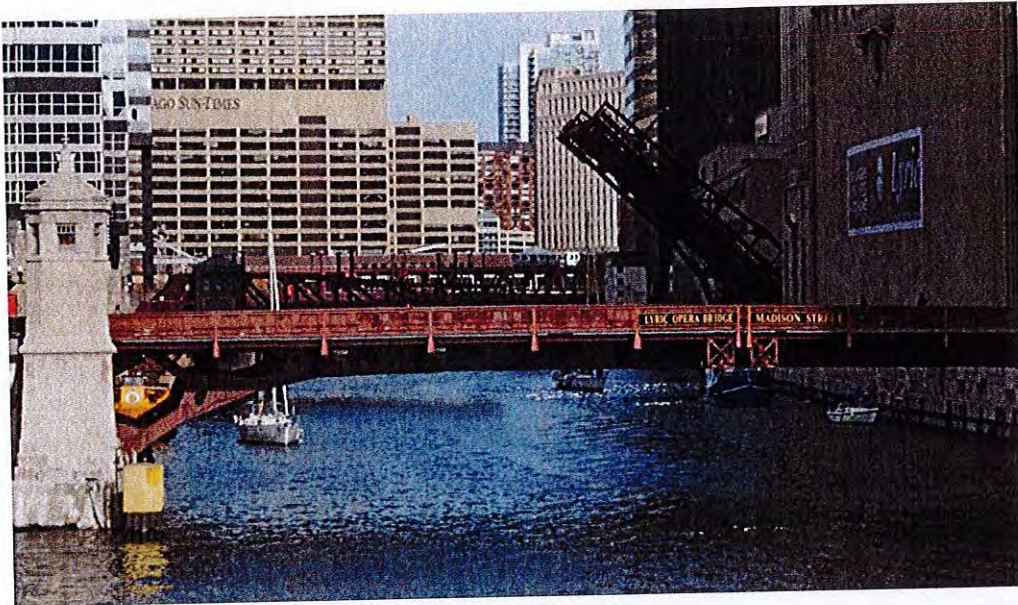
Attachment 5
Chicago's 18 Moveable Bridges in 2 miles

Famous Bridges

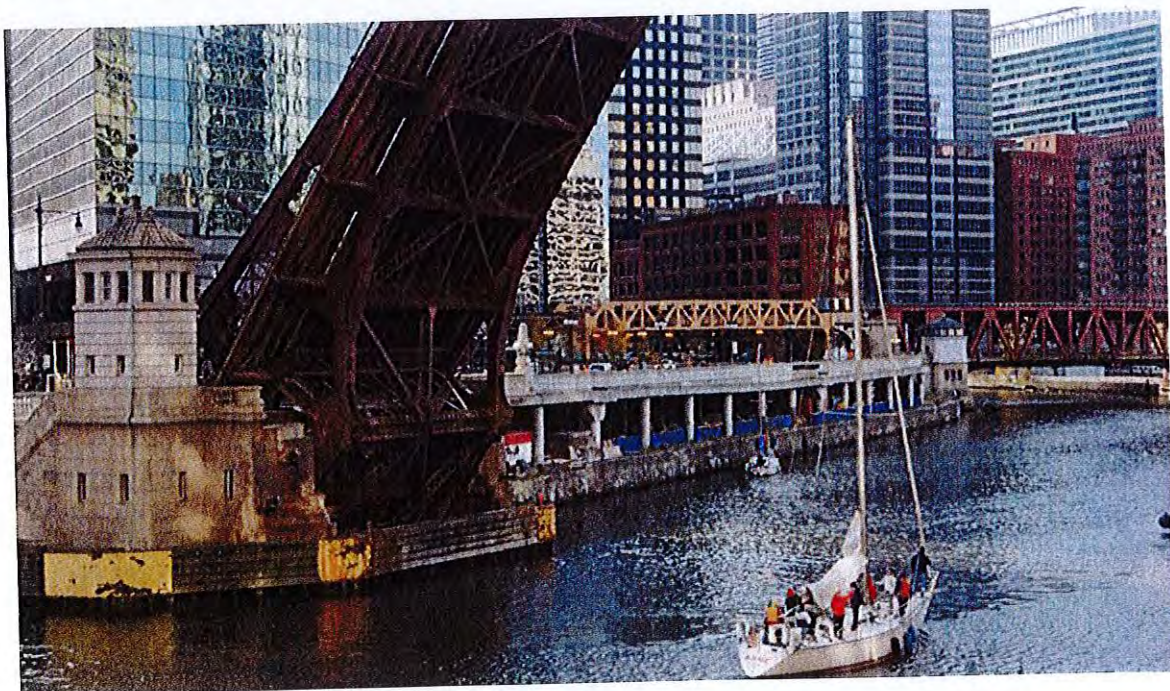
CHICAGO LOOP BRIDGES – 18 MOVEABLE BRIDGES IN 2 MILES

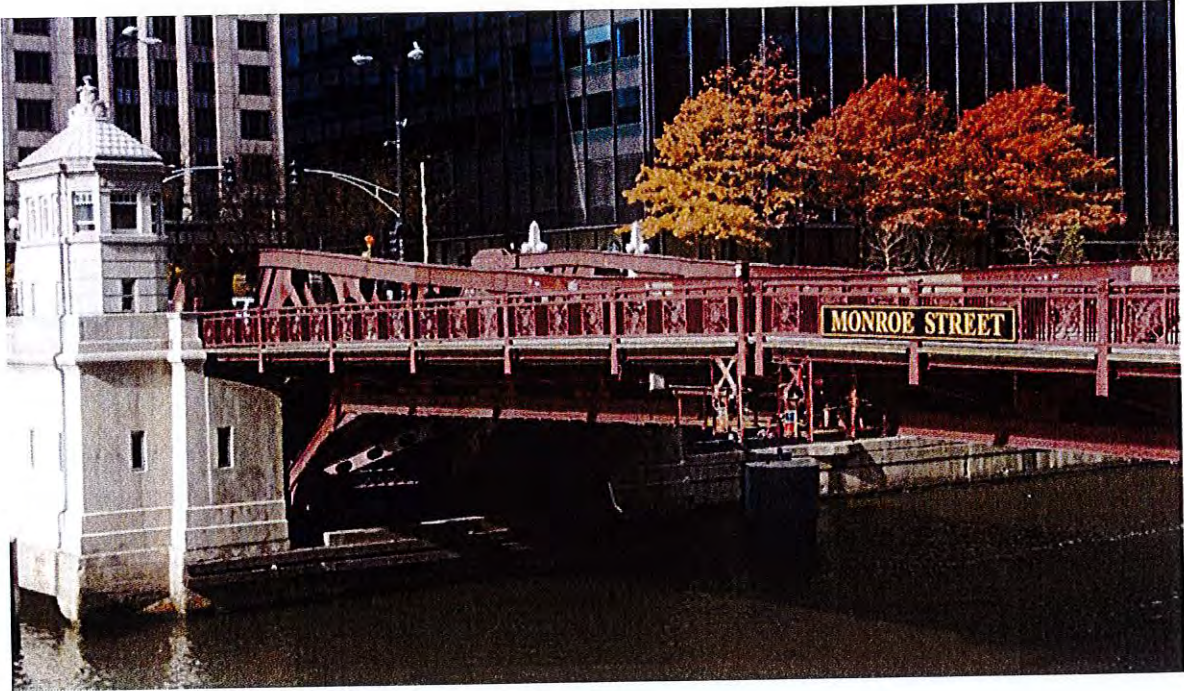
Welcome to Chicago Loop Bridges!

The website devoted to Chicago's downtown movable bridges.



Downtown Chicago provides a unique opportunity for anyone interested in bridges. In a mere two miles, there are eighteen movable bridges. While the most celebrated bridge is the Du Sable Bridge at N. Michigan Avenue, there are seventeen other examples of beautiful Chicago bridges. An easy stroll along Wacker Drive provides an opportunity to see the evolution in design of the [Chicago Type](#), [Fixed Trunnion](#), [Double Leaf](#), [Bascule Bridge](#)





Attachment 6
Strategic Conservation Management Plan
State Significant Infrastructure Approval

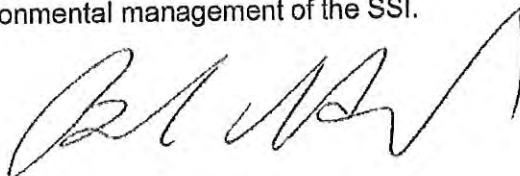
Infrastructure approval

Section 115ZB of the *Environmental Planning and Assessment Act 1979*

I grant approval to the State Significant Infrastructure application referred to in Schedule 1, subject to the conditions in Parts A-D.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts, including any heritage impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the SSI.



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure

Sydney 20 . 12 . 2013

SCHEDULE 1

Application No.:	SSI-4951
Applicant:	Roads and Maritime Services
Consent Authority:	Minister for Planning and Infrastructure
Land:	Parts of Old Bridge Street, Bridge Street, George Street, Wilberforce Road, Freemans Reach Road, The Terrace, Thompson Square Conservation Area, Hawkesbury River and other adjacent areas in Windsor
Approved Development:	Windsor Bridge Replacement Project, including: <ul style="list-style-type: none">• Construction and operation of a replacement bridge, northern and southern approach roads, intersections and associated infrastructure crossing the Hawkesbury River;• Removal of the existing Windsor Bridge and approach roads• Ancillary works including rehabilitation and landscaping.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979.</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile area.
Applicant	Roads and Maritime Services.
Construction	Includes all work in respect of the SSI other than: a) survey, acquisitions, building/ road dilapidation surveys; b) investigative drilling, excavation, or salvage; c) minor clearing or translocation of native vegetation; d) establishing ancillary facilities/ construction work sites (in locations meeting the criteria identified in the Conditions of Consent); e) installation of environmental impact mitigation measures, fencing, enabling works; f) other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/ utilities). Work where heritage, threatened species, populations or endangered ecological communities would be affected that work is classified as construction, unless otherwise approved by the Director-General in consultation with the Environment Protection Authority.
CEMP	Construction Environmental Management Plan
Council	Hawkesbury City Council
Department	Department of Planning and Infrastructure.
Director-General	Director-General of the Department of Planning and Infrastructure.
DPI	Department of Primary Industries
EEC	Endangered Ecological Communities
EIS	Environmental Impact Statement
EPA	Environment Protection Authority.
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997.</i>
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential

improvements.

Where requested by the Director-General, the Applicant must provide evidence as to how feasible and reasonable measures were considered and taken into account.

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period.
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of Local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
High-noise impact activities and work	Jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics.
Incident	A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this consent.
Low-noise impact activities and work	Deliveries, site access, equipment pre-start, refuelling, office works, foot-based and manual activities using hand tools, work in ancillary activities, and finishing works and clean-up.
Minister	Minister for Planning and Infrastructure.
NOW	NSW Office of Water
NSW Heritage Council	Heritage Council of NSW or its delegate.
OEH	Office of Environment and Heritage
Operation	Operation of the SSI, but does not include commissioning trials of equipment or temporary use of parts of the SSI during construction.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
SSI	The infrastructure approved under this consent and as generally described in Schedule 1.
Thompson Square Conservation Area	The heritage items listed on State Heritage Register known as the 'Thompson Square Conservation Area', listing number 00126 in the area shown on the map in Appendix 2 <i>Strategic Conservation Management Plan</i> study area of this Consent

PART B

PRE-CONSTRUCTION CONDITIONS

Conditions B1 to B8 have been imposed in accordance with the following objectives:

- (a) To minimise impacts on heritage sites, including sites within the Thompson Square Conservation Area and archaeological sites in, and in the vicinity of, the site;
- (b) To salvage and interpret any impacted heritage sites, including historical archaeologically significant sites within, and in the vicinity of, the site;
- (c) To conduct archival recording and further research of the Thompson Square Conservation Area;
- (d) To enhance and conserve the Thompson Square Conservation Area, the heritage items identified in Table 1 of Appendix 1, with the exception of Item 3 (the Thompson Square lower parkland area) and Item 20 (Windsor Bridge) and any archaeological sites within, and in the vicinity of, the site, while providing for the construction of a replacement bridge at Windsor; and
- (e) To incorporate changes in the final design of the SSI, where practical, to achieve Objectives (a), (b) and (d) above.

CULTURAL HERITAGE

B1. The Applicant shall submit a **Strategic Conservation Management Plan (CMP)** to the Director-General for the project area on the southern side of the Hawkesbury River as shown in Appendix 2 Strategic Conservation Management Plan study area. The **CMP** shall be prepared by appropriately qualified and/or experienced heritage consultants. The nominated heritage consultant(s) is to have appropriate experience and skills including land and maritime archaeology, landscape, engineering and built heritage expertise and documented experience in the preparation and implementation of **CMPs**.

The Applicant shall not carry out any pre-construction or construction activities on the southern side of the Hawkesbury River for the SSI before the **CMP** has been approved by the Director-General. The **CMP** is to provide for the heritage conservation of the Thompson Square Conservation Area. The **CMP** shall be prepared in consultation with the Heritage Branch, OEH and in accordance with the relevant guidelines of the NSW Heritage Council and include, but not be limited to:

- (a) identification of the heritage value of the Thompson Square Conservation Area, including statements of significance for the Thompson Square Conservation Area and any individual listings within the conservation area of any local, state or national heritage items;
- (b) the development of heritage design principles for the project to retain the heritage significance of the Thompson Square Conservation Area and any individually listed item within the conservation area or in proximity to the site, with the exception of Item 3 (the Thompson Square lower parkland area) and Item 20 (Windsor Bridge) in Table 1 of Appendix 1;
- (c) specific mitigation measures for the Thompson Square Conservation Area and individually listed items to minimise impact and to ensure that final measures selected are appropriate and the least intrusive option; and
- (d) changes to the detailed design of the SSI to mitigate heritage impacts.

The Applicant shall prepare and submit a detailed **Interpretation Plan** prior to the commencement of pre-construction and construction activities for the Thompson Square Conservation Area including individually listed sites, non-Aboriginal archaeology and Aboriginal archaeology for the approval of the Director-General. The detailed Interpretation Plan must be prepared in consultation with the OEH and include specific media design, content, location and materials, prepared in accordance with the Guidelines of the NSW Heritage Council.

- B2. Prior to the commencement of pre-construction works on the southern side of the Hawkesbury River, the Applicant shall complete a detailed **Archival Recording** of all historic heritage sites within the **Strategic Conservation Management Plan** study area in accordance with the Guidelines issued by the NSW Heritage Council and to the satisfaction of the Director-General and in consultation with the NSW Heritage Council. The recording shall include, but not be limited to:
- (a) detailed survey and analysis of Thompson Square Conservation Area, Windsor Bridge and the immediate surrounds using 3D laser scanning; and
 - (b) photographic and archival recording of all affected heritage sites, as identified in the specialist reports prepared as part of the Environmental Impact Statement for the project. Recording is to be completed.
- Copies of these recordings should be made available to the Director-General, the NSW Heritage Council, the Local Studies Library and the Local Historical Society in Windsor.

ARCHAEOLOGY

- B3. The Applicant shall undertake an **Archaeological Investigation Program comprising Aboriginal and non-Aboriginal Heritage** in the project area on the southern side of the Hawkesbury River, prior to the commencement of pre-construction and construction activities in the southern area. The program shall be conducted to the satisfaction of the Director-General and in accordance with:
- (a) the Heritage Council's *Archaeological Assessments Guideline* (1996) using a methodology prepared, in consultation with the NSW Heritage Council for non-Aboriginal heritage; and
 - (b) prepared in consultation with the OEH (Aboriginal heritage) and the Aboriginal stakeholders.

The Archaeological Investigation Program is to be undertaken by an archaeological heritage consultant approved by the Director-General in consultation with the NSW Heritage Council and by the OEH (Aboriginal heritage) and by an Excavation Director who shall demonstrate an ability to comply with the Heritage Council's Criteria for the *Assessment of Excavation Directors* (July 2011) and in particular must be able to demonstrate compliance with Criterion A.4 that: 'work under any approvals previously granted by the Heritage Council has been completed in accordance with the conditions of that consent and the final report has been submitted to the NSW Heritage Council.

The Archaeological Investigation Program shall include archaeological testing and geophysical investigation, as required for the significance assessment.

The results of the Archaeological Investigation Program are to be detailed in a **Historic Archaeological Report** and a **Detailed Salvage Strategy** comprising the non-Aboriginal and Aboriginal heritage findings. These are to be prepared in consultation with the OEH (Heritage Branch and Aboriginal heritage) and to the satisfaction of the Director-General, and shall include, but not necessarily be limited to:

- (a) detailed recommendations for further archaeological work;
- (b) consideration of measures to avoid or minimise disturbance to archaeology sites, where archaeology of historical and Aboriginal heritage archaeological significance are found to be present;
- (c) where impacts cannot be avoided by construction of the SSI, recommend actions to salvage and interpret salvaged sites, conduct further research and archival recording of the historic heritage and Aboriginal heritage value of each site, and to enhance and preserve the archaeology of historical non-Aboriginal and Aboriginal heritage significance;
- (d) consideration of providing visual evidence of heritage sites within the final landscape design of the SSI to preserve and acknowledge the heritage value of the Thompson Square Conservation Area and the site;

PART C

ENVIRONMENTAL PERFORMANCE

HERITAGE IMPACTS

- C1. During all stages of the project, the Applicant must comply with all programs and reports prepared by the Applicant in accordance with conditions B1 to B8 of this consent.
- C2. In the event that any Pleistocene and/or early Holocene is encountered during any construction activities, condition B3(f) applies as if the relevant construction works were works carried out under condition B3.
- C3. This consent does not allow the Applicant to disturb any human remains found on the site without further approval from the Director-General, and/or the NSW Police Force
- C4. Prior to the commencement of pre-construction works the Applicant shall nominate, for the approval of the Director-General, a specialist Heritage Manager and Heritage Consultant team for the construction works. The consultant(s) shall have appropriate qualifications and experience commensurate with the scope of the works, which shall include land and maritime archaeology, landscape, engineering and built heritage expertise and have demonstrated experience in the implementation of CMPs. During pre-construction and construction works, the specialist Heritage Manager and heritage consultant team shall:
- (a) advise on the detail design resolution of new works, inspect new works, advise on design and installation of services (to minimise impacts on significant fabric and views) and undertake on-site Heritage inductions;
 - (b) provide input to the compliance reporting required under condition D6; and
 - (c) prepare a report (illustrated by works' photographs) to be submitted to the Director-General for approval within 6 months of the completion of the works which describes the work, any impacts/damage and corrective works carried out and includes a revised Statement of Significance in accordance with NSW Heritage Council guidelines.
- C5. Within 12 months of completing the work required under conditions B3 and B4, the Applicant shall, in consultation with the NSW Heritage Council, the OEH (Aboriginal heritage) and to the satisfaction of the Director-General, prepare and submit a further report containing:
- (a) an executive summary of the archaeological programme;
 - (b) the findings of the excavations, including detailed artefact analysis for non-Aboriginal and Aboriginal heritage;
 - (c) the identification of a final repository for finds of non-Aboriginal heritage significance;
 - (d) artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), prepared in consultation with the Aboriginal stakeholders, the OEH (Aboriginal heritage) and to the satisfaction of the Director-General.
 - (e) detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - (f) nominated repository for the items, which has agreed to take the items;
 - (g) conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance comprising non-Aboriginal and Aboriginal heritage, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other

- C40. All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.

UTILITIES AND SERVICES

- C41. Utilities, services and other infrastructure potentially affected by construction and operation of the SSI shall be identified prior to construction to determine requirements for access to, diversion, protection, and support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the SSI shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant, or carried out in accordance with existing agreements.
- C42. The cost of repairing any damage to existing utilities or services shall be borne by the Applicant.
- C43. The existing 50mm rising sewer main that is attached to the existing Windsor Bridge that services Hawkesbury City Council's toilet block in Macquarie Park is to be relocated prior to the commencement of works at the existing Windsor Bridge.

TRANSPORT AND ACCESS

- C44. The SSI shall be designed with the objective of minimising adverse changes to existing access and services for other transport modes and, where feasible, and reasonable facilitate an improved level of access and service to other transport modes compared to the existing situation.
- C45. Access to private property shall be maintained during construction unless otherwise agreed with the property owner in advance. A landowner's access that is physically affected by the SSI shall be reinstated to at least meet the relevant Australian standard, in consultation with the property owner.
- C46. Any proposed closure of the right turn movement from Bridge Street southbound into George Street shall be sequenced to occur outside business hours (9:00am to 5:00pm Monday to Friday). Hawkesbury City Council shall be provided with a minimum one month notice of any planned closure in writing.

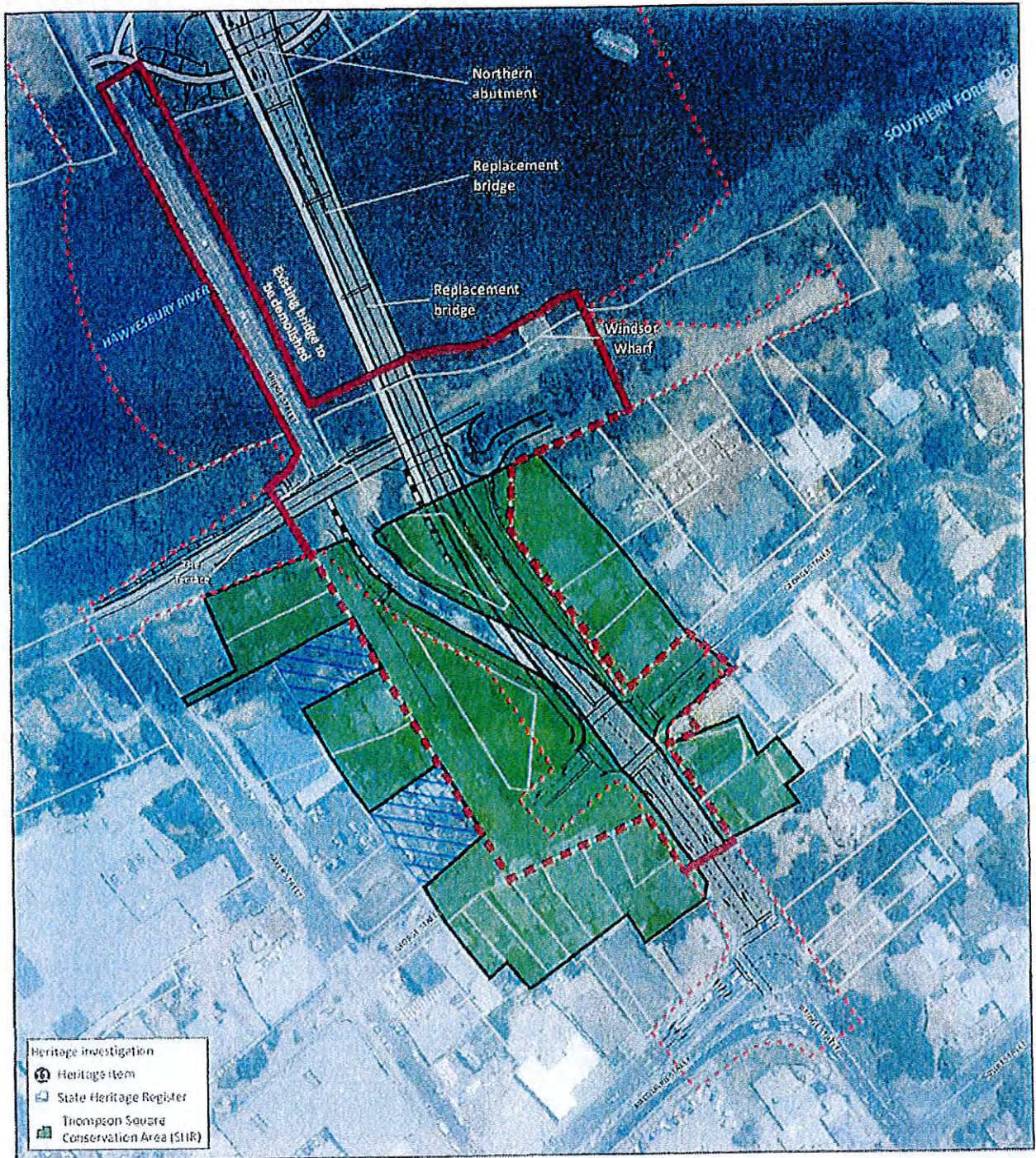
URBAN DESIGN AND LANDSCAPING

- C47. The **Urban Design and Landscape Plan** referred to in condition B7 must be prepared and implemented and the works approved by that Plan must be completed within 12 months of the commissioning of the project. The Plan shall be prepared in consultation with the OEH, and Hawkesbury Council and shall be consistent with the **CMP** referred to in condition B1 and include, but not necessarily be limited to:
- (a) the proposed landscaping of Thompson Square Conservation Area, as shown on the map in Appendix 2 **Strategic Conservation Management Plan** study area;
 - (b) use of the heritage design principles developed under the **CMP**, and take into account appropriate landscaping in the vicinity of heritage items to minimise heritage impacts;
 - (c) a description of locations along the project corridor directly or indirectly impacted by the construction of the project (e.g. temporary ancillary facilities, access tracks, etc.) and details of the strategies to progressively rehabilitate regenerate and/or revegetate the locations with the objective of promoting biodiversity outcomes and visual integration. Details of species to be replanted/ revegetated shall be provided, including their appropriateness to the area and considering existing vegetation and habitat for threatened species;

APPENDIX 2

**STRATEGIC CONSERVATION MANAGEMENT PLAN
STUDY AREA**

Strategic Conservation Management Plan study area



LEGEND

- Concept design
- Construction work zone
- Cadastral boundary
- Nominated extent of Strategic CMP study area
- Nominated extent of Strategic CMP study area to front facades within property boundaries

Section Knight Merz does not warrant that this does not infringe on the rights of others and does not accept liability for any loss caused or arising from reliance upon information provided herein.



SDM 1894 | MG4 Zone 56
A1 1:2,000



indicative only - subject to detailed design



Attachment 7
Heritage Council Document



NSW Heritage Office

Conservation Management Planning Review & Endorsement Strategy

Dated 6th April 2005

1. Aim of the Strategy

The aim of this strategy is to assist the Heritage Council in supporting and working towards the conservation of the environmental heritage of New South Wales through providing guidance to owners, managers and regulators of heritage items of state significance on the ways in which they can seek the approval of the Heritage Council for their management approaches, and obtain exemptions from approval requirements under the *Heritage Act 1977* where this is appropriate, within timeframes that are timely and make best use of Heritage Office resources.

2. Objectives of Heritage Council review and endorsement of Conservation Management Plans (CMPs)

The objectives of the Heritage Council in reviewing and endorsing CMPs are:

1. to support best-practise conservation management of heritage items.
2. to provide for strategic approaches to the long term management of heritage items that are agreed upon by the Heritage Council and owners and managers of heritage items.
3. to promote the management of an item's heritage values as an integral part of asset management.
4. to identify the range of documentation useful for seeking site-specific exemptions and for supporting strategic management approaches.

3. Scope of the strategy

This strategy is applicable to items listed on the State Heritage Register, to items subject to an Interim Heritage Order, to items subject to an Order under s136 of the Heritage Act, and to items of state significance listed in a Section 170 Register.

The strategy may be applicable to Items assessed as being of state significance and nominated for listing on the State Heritage Register, and to other items assessed as being of state significance, at the discretion of the Director of the Heritage Office.

4. What is Standard Exemption Number 6?

Standard Exemption No. 6 states

Development specifically identified as exempt development by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or within an interim conservation management strategy endorsed by the Director does not require approval under s.57(1) of the Act.

Any development that is to be identified as 'exempt development' in the context of Standard Exemption No. 6 must be discussed with the Heritage Office before being finalised, and clearly identified in a discrete section of the conservation management plan.

Policies or development identified as 'exempt', and which would allow for the carrying out of works that have the potential to materially affect the significance of an item, will not be endorsed as part of a CMP. Such proposals are to be dealt with through the approvals processes under the Heritage Act. Endorsement does not mean or imply approval for works that would otherwise require approval under the *Heritage Act 1977*.

The author of the CMP and the Heritage Office must agree upon the wording of any such exempt development before the Heritage Office can make a recommendation to the Heritage Council regarding endorsement.

[Click here to view all of the current standard exemptions/](#)

5. Methods to implement the strategy

The following methods can be used in implementing the strategy, either singly or in combination.

5.1. The roles of a CMP

CMPs can be prepared for several different purposes and fulfil several different roles. Generally, CMPs will be prepared to assist with ongoing best-practise asset management, or to provide information to assist in assessing applications for changes, or some combination of both factors. The CMP should include a clear statement of purpose in its introductory section, and as well as a clear statement of its limitations.

5.1.1 CMPs accompanying applications for approvals under the *Heritage Act 1977*.
CMPs accompany applications for approval under the Heritage Act will be received for the purpose of providing information to assist in the assessment of an application.

They will **not be considered for endorsement** unless this has been agreed to in discussions with the Heritage Office before the lodgement of an application.

5.1.2 Development of site-specific exemptions.

CMPs may be prepared as a basis for the development of site specific exemptions. The Heritage Office may suggest that the preparation of a CMP will assist in the development of site specific exemptions, or it may suggest some other form of investigation or research to provide any necessary supporting information before a recommendation can be made to the Heritage Council concerning the making of any site specific exemptions.

Any intention to develop site specific exemptions must initially be discussed with the Heritage Office to determine the appropriate levels of documentation that should be prepared, and to provide a clear understanding of the processes involved.

5.1.3 CMPs as strategic approaches

CMPs may be submitted for the Heritage Council's consideration as a basis for an agreed upon strategic approach to managing an item's conservation, development and other asset management requirements and needs.

CMPs are encouraged for such purposes where the item is geographically extensive, or complex in the levels of significance of its component elements, or is composed of a series or set of significant elements that form part of a larger system or landscape that may not itself be highly significant, or is the subject of widespread community interest, or is managed (or will be managed in the foreseeable future) by several different managers or management bodies, or some combination of these factors.

CMPs prepared for such purposes should identify the types of complementary planning documents that will provide for greater detail in the conservation management of significant elements of the item(s) if this is applicable. Such CMPs should also address the co-ordination of management responsibilities for heritage values within complex items if this is applicable.

CMPs will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before the lodgement of the CMP.

5.2. Reviewing a CMP

5.2.1 Role of public exhibition and consultation.

If a CMP is submitted for endorsement, the CMP may then be submitted to public exhibition as part of the review process, in accordance with the *Heritage Office Public Notification Policy*.

The procedural requirements for public exhibition are described in the *Heritage Office Public Notification Policy*.

5.2.2 Paid Peer Reviews (refer also to section 7 of this Strategy)

Any CMP submitted for endorsement by the Heritage Council will be reviewed. The Heritage Office will make information available to owners and their consultants or agents about reviews of CMPs, including the possibility of a review being undertaken as a paid peer review. If a paid peer review is requested by the owner of the item subject to the CMP, the peer reviewer may be a member of the Heritage Office staff or a person engaged for that purpose by the Director in accordance with the *Heritage Regulation 2003*.

A CMP will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before lodgement.

5.2.3 CMPs submitted by community organisations for items under their care, control or management.

CMPs prepared for or by community organisations and private persons may be submitted as a basis for an agreed-upon management strategy for the item or items under their control.

They will not be considered for endorsement unless this has been agreed to in discussions with the Heritage Office before the submission of a CMP.

5.2.4 Delegations of HC endorsement functions to State agencies.

The Heritage Council will consider a request from a State agency for the delegation to the agency of the Heritage Council's review and endorsement functions, provided that (with regard to the delegation of CMP review and endorsement functions):

- the agency has appropriately qualified personnel with heritage expertise and skills available to it at all times,
- the agency has a proven track record of managing its heritage assets in accordance with the requirements of s170 of the Heritage Act and the principals and guidelines created under s170.
- Where these functions are delegated to a State agency, that agency may develop, in consultation with the Heritage Office, a checklist for reviewing draft CMPs prepared by or for the agency that includes checks that are

- specific to the functions and roles of the agency and the heritage items under its care, control or management.
- Agencies with these delegated functions may develop, in consultation with the Heritage Office, an agency-specific definition of the phrase "materially affect the significance of that item" as that phrase is used in section 61 of the *Heritage Act 1977*, and as it may apply to the management by that agency of heritage items under its care, control or management.
 - Agencies with these delegated functions may develop, in consultation with the Heritage Office, agency-specific guidelines for placing draft CMPs prepared for or by the agency on public exhibition provided they are consistent with the *Heritage Office Public Notification Policy*.
 - Agencies with these delegated functions and which have had a Heritage & Conservation Register prepared under section 170 of the *Heritage Act 1977* that has been endorsed by the Heritage Council may rely upon their Register for the identification and assessment of an item's comparative values.
 - Agencies with these delegated functions may, in consultation with the Heritage Office, develop agency-specific criteria for engaging external and/or internal reviewers for the review of draft CMPs prepared for or by the agency.
 - Agencies with these delegated functions will, upon endorsing a CMP, arrange for one copy of the CMP to be deposited in the Heritage Office Library.
 - such other matters as may be specified from time to time by the Heritage Council.

Any proposal for such a delegation or delegations should be discussed with the Heritage Office before an agency considers preparing a formal request for such delegation.

5.3 Dealing with CMPs already received by the Heritage Office

5.3.1 Upon the adoption of a final version of the strategy

Private persons or organisations that have submitted CMPs to the Heritage Office for review and/or endorsement, where such CMPs are waiting review by the date of the Heritage Council's adoption of this Strategy, will be advised of the adoption of the strategy and asked whether they still wish to proceed with having their CMP reviewed for endorsement, or whether a different process may be used to achieve their intentions in submitting the CMP.

CMPs waiting review for the purpose of acquittal of a financial assistance received through the Heritage Incentives Program which will be reviewed with a simplified checklist that will provide for the Heritage Office to review such CMPs received in the future solely for the purposes of acquittal.

In the case of CMPs that have been submitted by a State agency or a local council for review and endorsement the Heritage Office will discuss with each agency or council whether to continue with a review and endorsement process, or whether a different process may be used to achieve their intentions in submitting the CMP, with the CMP providing the necessary supporting information.

5.4 Complementary approaches

5.4.1 Alternatives to CMPs

The purpose for which a conservation planning document may need to be developed, or the particular type of document needed for a particular heritage item or items

should always be clear. Whether the context is strategic asset management or major new development, and whether site-specific exemptions are to be sought, will be important considerations. Discussions should be held with the Heritage Office before a final decision on the type of document is made and resources are expended on its preparation. It is not appropriate to use a CMP as a 'one size fits all' approach to conservation planning.

It is critical when using any complementary approaches that the significance of an item is clearly understood and expressed as this will assist the Heritage Office in assessing whether proposed complementary management approaches are suitable or appropriate for the item.

One of the complementary approaches may be developed in accordance with the accepted guidelines and standards, with a further specialised document attached. An example might be a CMS plus Interpretation Plan, or a SOHI plus a Maintenance Plan. Such approaches may help in the more effective use of limited resources, but they should always be discussed with the Heritage Office before making any final decision about the use of a complementary approach.

5.4.2 Use or Reference to Heritage Management Plans developed under the Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth).

Where a Heritage Management Plan has been prepared in accordance with the requirements of the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth), and has been accredited or endorsed in accordance with that Act, the Heritage Office may, at the discretion of the Director of the Heritage Office, accept that plan as supporting information in the submission of an application for approval under the Heritage Act, the agreement upon a management strategy, the design of any site specific exemptions, or for any other purpose for which information may be needed for the assessment of any works or activities under section 57 of the *Heritage Act 1977*.

A Heritage Management Plan will not be considered for such uses unless this has been agreed to in discussions with the Heritage Office before being submitted.

The Heritage Office will use its best endeavours to reduce duplication and the potential for contradictory requirements between the content of a CMP prepared to meet any of the provisions of the NSW *Heritage Act 1977* and a Heritage Management Plan prepared to meet any of the provisions of the Commonwealth's *Environment Protection & Biodiversity Conservation Act 1999* for sites that are listed on the State Heritage Register **and** on the National List or the Commonwealth List. Any person considering the preparation of a conservation planning document for a site that is listed under both Acts should discuss options for such documents with the Heritage Office before beginning to prepare such documents

6 **CMPs for reference purposes**

All final version CMPs received by the Heritage Office, for whatever purpose or reason, will be lodged in the Heritage Office Library where they will be publicly accessible for reference and research purposes and other matters of public interest, subject to the Library's collections policy.

Where the Heritage Office receives a CMP for a heritage item the Office will provide a formal letter to the owner acknowledging receipt of the CMP. The letter will also address the following matters:

- Provide thanks for the copy of the CMP,

- Acknowledge the CMP as providing best practise guidance for the management of the item,
- Advise the CMP will be accessioned into the Heritage Office Library collection as a reference work, and be available to the Heritage Office should any matters arise which affect the item including proposed work and new development, and
- Such other matters as may be appropriate and at the discretion of the Director of the Heritage Office and the Librarian.

7. Fees & Charges

CMPs submitted for review and/or endorsement will only be received on a fee for service basis. Fee and charges will be as determined and described in the *Heritage Regulation 2003* as amended from time to time.

The Director of the Heritage Office will have regard to individual circumstances when fees and charges are being considered, and may exercise discretion in waiving a fee or charge where the *Heritage Regulation 2003* as amended from time to time so provides.

8. Standard Recommendation

The standard recommendation by the Heritage Office to the Heritage Council for the endorsement of a CMP will read:

That the Heritage Council Approvals Committee:

- endorses the conservation management plan titled [full name] prepared by [name of author/firm] for [name of owner/agent] dated [as dated on title page of document] for a period of [No.] years; and
- agrees that this conservation management plan will provide a guiding document for the Heritage Council in its consideration of any proposals for change to or involving the item subject to the conservation management plan for the period of the endorsement.

The Director of the Heritage Office may accept variations and additions to the wording of this standard recommendation at his/her discretion.

9. CMP Checklists

- The Heritage Council's CMP Checklist dated September 2003 will continue to be the checklist used to review CMPs submitted for Heritage Council endorsement.
- A basic CMP Checklist reflecting the core components of a CMP as identified in Kerr's *Conservation Plan* will be developed for reviewing CMPs submitted to the Heritage office for all purposes other than endorsement.
- State agencies with delegated functions may develop, in consultation with the Heritage Office, agency-specific CMP checklists for CMPs prepared for or by the agency for heritage items under its care, control or management.

10. Compliance auditing and monitoring

The Heritage Office may conduct periodic monitoring and random auditing of the management of heritage items where such items are being managed under an exemption gained through an endorsement of a CMP under Standard Exemption No. 6 or a site-specific exemption granted on basis of research, assessments and policies in a CMP or complementary planning document.

The procedural requirements for such monitoring and auditing are described in sections 148 to 150 of the *Heritage Act 1977*.

Conservation Management Documents

Guidelines on Conservation Management Plans and Other Management Documents

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These guidelines introduce owners and managers of heritage items⁽¹⁾ and approval authorities to some of the ways of conserving and properly managing heritage assets. They answer some common questions asked about preparing documents such as:

- statements of heritage significance
- conservation policies
- conservation management plans
- statements of heritage impact.

Retaining the value of a heritage asset presents certain constraints and opportunities on development but should not be seen as a block to future development. If heritage significance is fully understood, then works can be proposed that achieve the item's continuing use, including new development. Adaptation and development may in fact be inspired by and enhance heritage significance, or at least minimise negative impacts.

There are now many heritage specialists who can advise owners on why an item is significant and how its value can be conserved while ensuring future viability. To assist those who wish to engage a consultant a model brief is included at the end of this document which can be adapted to suit the particular circumstances.

The advice in these guidelines is based on the three step NSW Heritage Management System — investigate significance, assess significance and manage significance.

(1) Heritage items can be buildings, structures, places, relics or other works of historical, aesthetic, social, technical/research or natural heritage significance. 'Places' include conservation areas, sites, precincts, gardens, landscapes and areas of archaeological potential.



WHAT IS A HIERARCHY OF HERITAGE SIGNIFICANCE?

To understand the heritage significance of an item it is usually necessary to analyse the significance of each part as well as the whole. For example, a large hospital site may consist of several precincts as well as individual structures; an industrial site might include a machinery collection warranting a statement of significance separate from that of the site as a whole.

To assess a complex or large site, it is often helpful to categorise or zone the item. A hierarchy of significance can then be established by specifying a degree of significance for each of these zones or for particular elements. This method is useful as a basis for formulating a conservation policy. For example, parts of a site might have already been compromised by development, therefore substantial alterations or adaptation can be justified; however, other parts might be of exceptional significance, and extensive intervention would not be appropriate.

Categories of significance that are frequently used are:

- exceptional
- considerable
- some
- little
- intrusive.

If a heritage ranking system is used, the assessor must indicate how the ranking has been determined and applied.

WHAT ARE THE DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES?

Once determined, the fabric, spaces and relationships which demonstrate an item's significance need to be conserved and properly managed. This does not prohibit future development such as appropriate adaptive reuse. Constraints and opportunities on the future development and use of an item need to be considered. Some points to look at are:

- the level of management for the item — local or State
- the short and long term aspirations that owners might have for the item
- structural integrity

- planning controls and guidelines
- land use and zoning
- building regulations
- health and fire safety regulations
- opportunities for heritage significance to be interpreted for the community, and its tourism potential
- contribution of the item to the identity of the community
- community perceptions and aspirations for the item and its surrounding area
- heritage incentives available (e.g. funding through the local council or Heritage Incentives Program)
- changes that can be tolerated without major impact on significance
- appropriateness of original uses, existing uses and other possible compatible uses
- ability to be adapted for new uses with modern services
- adjacent development
- the appropriate physical context for the item and its curtilage
- the conservation processes described in Articles 11 to 22 of the Australia ICOMOS Burra Charter, including preservation, restoration, reconstruction and adaptation
- the possible existence of hidden relics which require investigation, and excavation permits.

WHAT IS A CONSERVATION POLICY?

A conservation policy explains the principles to be followed to retain or reveal an item's significance. The aim is to show how the heritage significance of the item can be enhanced and maintained. This relies on a full understanding of the item's significance and a review of the constraints and opportunities arising out of that significance.

The policy should be a positive set of guidelines for enhancing a heritage asset and its significance — not a set of restrictive rules. Heritage items that are restrained by inappropriate policies are in danger of having no viable use and are therefore likely to be neglected, falling into disrepair.

The policy should be closely-related and cross-referenced to the statement of significance and to the significance of various elements of the item. Some parts of a heritage item, for example, might be more adaptable to a new use; or it may be essential to retain and enhance some views to, and from, the heritage item.



CONSERVATION MANAGEMENT DOCUMENTS

WHAT IS A CONSERVATION MANAGEMENT PLAN?

A **conservation management plan** states the conservation policy and the statement of significance and looks *in more detail* at achieving the future viability of the item and retaining the maximum heritage significance in future development proposals.

The appended model brief explains what is contained in such plans.

Note: The terms **conservation management plan** and **conservation plan** are both used by heritage managers and consultants. Both the Heritage Office and the Heritage Council prefer the term **conservation management plan** because of its greater emphasis on *managing* the heritage asset.

WHAT IS A STATEMENT OF HERITAGE IMPACT?

A statement of heritage impact analyses and justifies the impact of any proposal to alter a heritage item (which includes carrying out work within a heritage conservation area). It is prepared with reference to a **conservation management plan**, a conservation policy and/or a statement of heritage significance for the item. Where the proposed work departs from stated policies, or the impact is detrimental to the heritage significance of the item, a statement of heritage impact must clearly argue why such work is required for the item's long term viability.

Ideally, the impact would be such that the significance of the heritage item is not compromised, but rather enhanced by, for example, its stabilisation or repair and, where appropriate, restoration, reconstruction, adaptive re-use or sympathetic new development.

A statement may be required to accompany a building or development application. It should be succinct. Pertinent documents, such as physical condition reports, can be attached. Evidence may be included as to why alternative solutions are not viable.

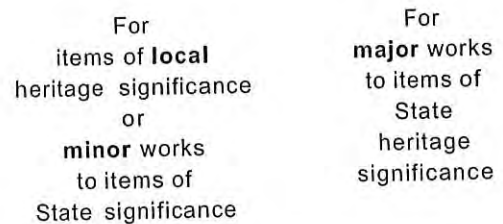
Statements of Heritage Impact lists, for various types of development proposals, some of the questions which should be answered in a statement of heritage impact and the supporting information required.

WHEN IS A STATEMENT OF HERITAGE IMPACT REQUIRED?

The Heritage Council now requests that every development proposal that comes before it be accompanied by a statement of heritage impact, in line with other development control bodies, such as the Sydney City Council.

The statement of heritage impact for items of local significance, or for development proposals which entail only minor works, can be based on a conservation policy and statement of significance only. However, for complex proposals affecting items of State heritage significance, the statement must be supported by a **conservation management plan**.

The Heritage Council encourages all development approval authorities to require a statement of heritage impact before considering any proposal to alter a heritage item. Also, such proposals should be accompanied by full documentation prepared in accordance with the *Heritage Approvals guideline*.



A **statement of heritage impact** regarding a particular development proposal should be accompanied by

a **conservation policy** and/or **statement of heritage significance**

a **conservation management plan**

Attachment 8
State Heritage Register Map
Council Conservation Area Map

Attachment 9
Transport Corridors

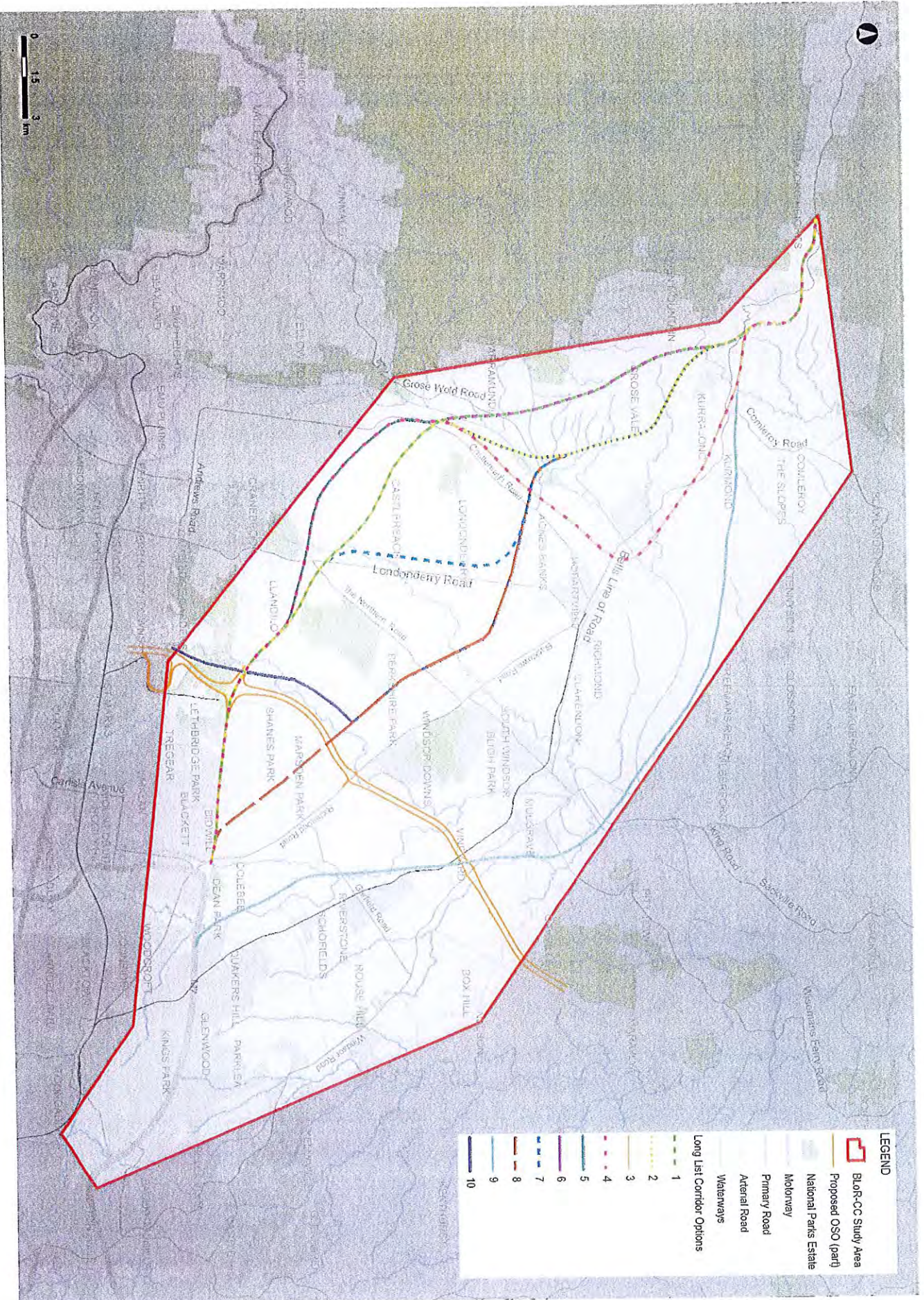


Figure 3-4 Long listed corridor options