

**PORTFOLIO COMMITTEE NO.5
INDUSTRY AND TRANSPORT**

**INQUIRY INTO THE
WINDSOR BRIDGE REPLACEMENT PROJECT**

HEARING 13 APRIL 2018

SUPPORTING DOCUMENTATION

**SUBMITTED BY
COMMUNITY ACTION FOR WINDSOR BRIDGE**

This document contains material supporting recommendations made by Community Action for Windsor Bridge to Portfolio Committee No. 5 - Industry and Transport during the Windsor Bridge Replacement Project Inquiry hearings held 13 April 2018.

RECOMMENDATION 1

The immediate cessation of "Option One" and commencement of the renovation of Windsor's historic 1874 bridge using the methodology outlined in the Independent

The RMS contention the bridge requires demolition due to its condition is not supported by the evidence and is robustly contested by CAWB.

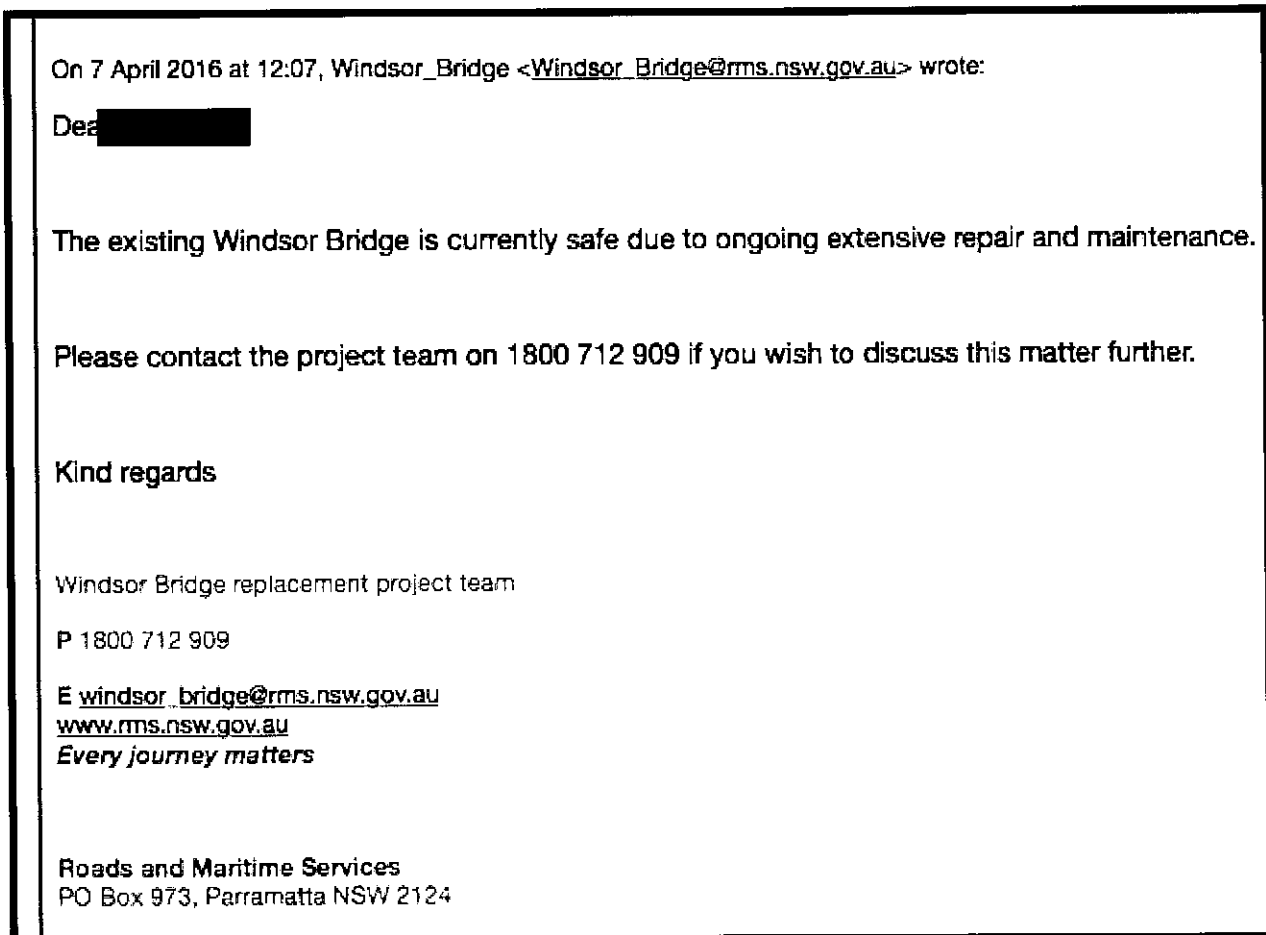


Figure 1.1 Email from the RMS to a community member after an enquiry was made as to the condition of the existing Windsor Bridge.

Professional Advice Regarding Maintainability of Bridge

The following quotes testify to the opportunity to maintain an existing public asset through renovation, thereby, at a **minimum**, doubling the service capacity of river crossings with the construction of a new, two-lane bridge at an alternative location.

"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." *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning 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 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 reports shows that it would not be an exorbitant cost (approx. \$12.5m) to bring the bridge up to an 'as new' condition for an alternative use." *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning p.4*

"Whilst the bridge suffers from many ailments each impacting on the integrity of the bridge, the bridge is safe for current use. In 2010 Inspection and Structural Assessment by UTS [B4V2.12] stated that "If RMS intends to decommission bridge in the near future, bridge in its present condition and loading will be safe for some time."" *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning p.11*

"The conclusion that the whole bridge is in a poor condition is not supported by the level 2 Inspection Report Ratings [B8]" *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning p.11*

"The condition of the existing bridge is such that it is not in a dire condition and could relatively economically be refurbished and strengthened." *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning p.31*

"After the relatively minor rehabilitation of the superstructure for superficial corrosion of the steel reinforcement and the strengthening of the cast iron cylinders in the piers, as proposed by us, together with routine inspections and maintenance, and control of traffic loadings, the existing bridge's life would be indefinite." *Brian Pearson and Ray Wedgwood, both former Chief Bridge Engineers, DMR/RTA NSW. Brian from 1981 to 1987; Ray from 1987 to 2000.*

"It appears the optimum option is some combination between the RMS and the Pearson Wedgewood options which will be able to provide a viable option to refurbish and strengthen to carry T44 loading with a load factor of 2 which will be sustainable for the next 25 to 50 years, and not build a new bridge at this stage. Then at some time in the future a bypass alignment can be identified, approved and built which avoids all the damage to property, heritage values etc. So with a relatively modest expenditure (approx. \$14.5m) the bridge can be serviceable for the next 50 years within which time an alternative route will have been identified and agreed." *Report on Structural Condition of the existing Windsor Bridge, Peter Stewart Consulting for the Department of Planning p.4*

Bridge Condition
The condition of the existing bridge is a key argument of RMS to justify the proposal to construct a new bridge. Due to age, deterioration and heavy use, RMS acknowledge that rehabilitation of the existing bridge would be required if it is to be used and maintained into the future.

Initial Recommendations of the Independent Engineer Reviewer

- Deterioration of the existing bridge is primarily due to neglect of the bridge over many decades, but most noticeably in the last two decades.
- Deterioration is evident in various bridge structures/components (carbonisation and cracking of concrete elements, graphitisation and cracking of piers and deck joints being 'locked up').
- In isolation and if left untreated these could warrant demolition of the bridge (with the exception of deck joints which are presently alleviating lateral forces usually transferred to piers); however, cumulatively, sufficient strength in the existing bridge remains: load testing (undertaken by RMS in 2006) concluded that the existing bridge is capable of carrying semi-trailers and B-Doubles until a replacement bridge is constructed.
- The condition of the existing bridge is such that it is not in a dire condition and could — relatively economically — be refurbished.
- RMS has commissioned a number of reports, tests and investigations (2003, 2005, 2009, 2010, 2011) to ascertain the condition of the existing bridge, each concluding with specific recommendations for arresting further deterioration of the bridge. RMS has not undertaken any of these recommended works.
- Evidence presented by RMS indicates that no maintenance has been undertaken since the decision was made to replace the bridge, unless a risk to the public is observed.
- The refurbishment methods proposed by RMS and the former RMS chief bridge engineers (the alternative) are both constructible, however the RMS approach is more complex and has greater impacts on existing traffic, heritage fabric and construction worker safety than the alternative.
- Key recommendations include:
 - Refurbish and retention of existing bridge for local traffic only;
 - Refurbish and retention of existing bridge for pedestrians and cyclists only; and
 - Refurbish and strengthen to cater for current traffic at a cost of \$14.5M (compared to \$65M for the project).

RMS Response

- RMS provided additional information (mostly sourced from the EA and Submissions Report) regarding the alternative refurbishment methodology. This also includes a costing (\$10M) based on some modifications to this alternative.

Independent Engineer Reviewer Recommendations re: RMS Response

- Believes the optimum refurbishment and strengthening methodology (combination of RMS and alternative) is over-costed by approx. \$1.5M.
- Reiterates his concern that additional costs of the project over those of bridge refurbishment and retention is huge (approx. \$50M).
- This optimum option would result in a bridge that is serviceable for the next 50 years.

Above: this page was obtained during a Call for Papers and is part of a larger document, prepared by the Department of Planning, which is central to claims by David Shoebridge, MLC, the process of approval for this project was compromised.

As this page makes clear, whilst the bridge is not in perfect condition, the RMS has chosen to neglect maintenance of the bridge for a considerable length of time.

This document notes the bridge could, relatively economically, be refurbished.

Of interest is the comment that the RMS's rehabilitation process is more complex, difficult and with greater impact on Heritage and worker safety, than the methodology proposed by Brian Pearson and Ray Wedgwood

RECOMMENDATION 2

Immediate delivery of intersection improvements at Freemans Reach and Wilberforce Roads and improvements to the approaches to the historic Windsor Bridge.

The Traffic and Options Modelling Report records that **no** accidents occurred on the bridge itself during the study period.

As testified by the following material, the current traffic conditions in Windsor are the product of conditions on surrounding roads and intersections, leading to the conclusion that, improving intersections and approaches may reduce crash data, and expert advice clearly indicates the Macquarie St/Bridge St intersection “is one of the current key capacity constraints along this route.”

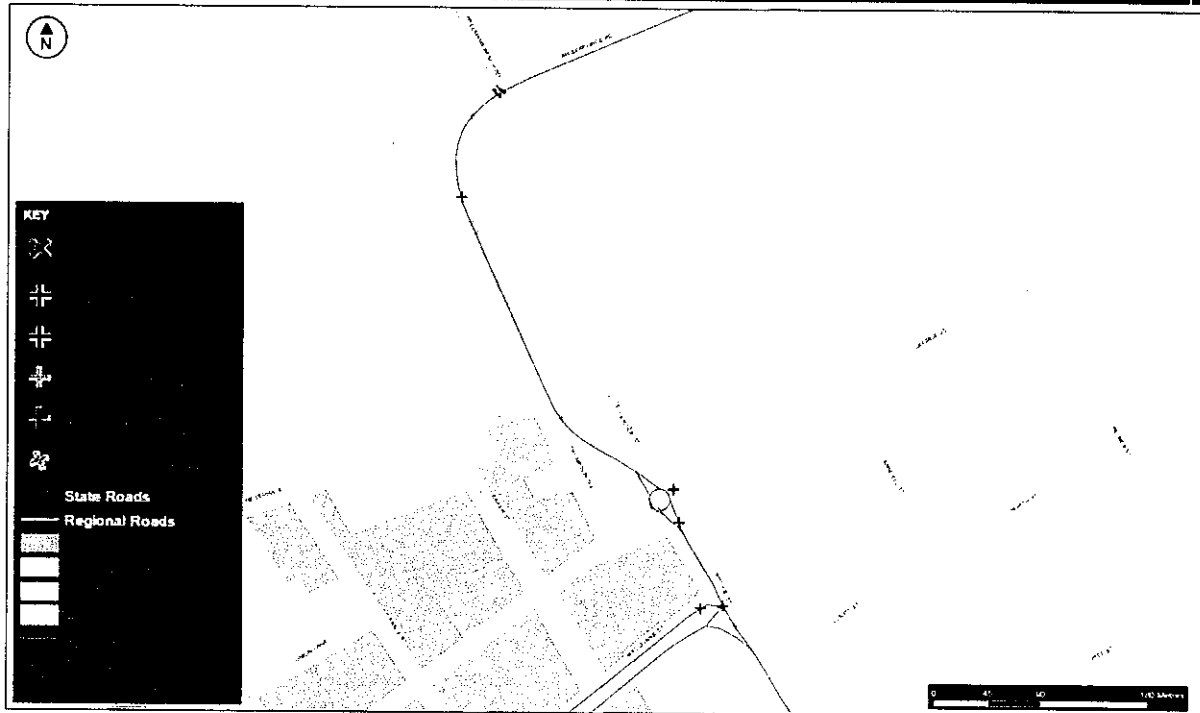
Crash Data for Bridge Street and Wilberforce Road

Bridge St and Wilberforce Rd between Court St and Freemans Reach Rd



Transport
Roads & Maritime
Services

Crashes reported 1 July 2011 to 30 June 2016



Spatial Distribution of Crashes on Bridge Street and Approach Roads

Windsor Bridge Replacement Project - Traffic and Options Modelling Report
FA1005593\F-Reports\Windsor Bridge Replacement Project_Traffic and Options Modelling Report_RevG.docx
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Figure 2.1 The cause of traffic problems is acknowledged by the RMS as not being the bridge itself. Evidence the bridge not responsible is held in this map. *Traffic and Options Modelling Report, RMS, 2017*

Professional Advice Regarding Traffic Conditions

“Data from traffic modelling shows that congestion is currently caused by the intersections on approach to the existing bridge. These will be upgraded as part of this project and will help to improve traffic flow across the new bridge.” *RMS Questions and answers, April 2016*

“In our opinion, the preferred option may add limited capacity to the route, as the Windsor Street / Macquarie Street intersection is one of the current key capacity

constraints along this route, and no upgrades to this intersection are proposed as part of the project." *Windsor Bridge Replacement Project Traffic Review of Information Provided by the Applicant (Roads and Maritime Services) FINAL REPORT, Cambrey Consulting for the Department of Planning, August 2013, p.16.*

RECOMMENDATION 3

Project funding is reallocated to immediately commence proper investigations into the route for a Windsor town bypass with construction of the bypass, including an additional river crossing, to commence within the next 12-18 months. Plans for the bypass to take into account flood mitigation requirements of the Hawkesbury Valley Flood Mitigation Strategy by allowing for and anticipating future flood evacuation routes, with regard to the deck level of the new road bridge.

Professional Recommendations Regarding a Bypass

Clearly the overwhelming advice from the independent experts is to retain the existing bridge and build an additional bridge in an alternative location.

“We believe that this lends support to the suggestion that alternative options involving a river crossing further out of town may warrant further consideration. That is, by avoiding the constrained intersections on either side of the existing bridge, it may be possible to provide a new two-lane bypass bridge, rather than a three-lane bridge, particularly if the existing bridge can be retained for local (weight restricted) traffic. And if it is possible to retain the existing bridge for local traffic movement between Windsor Town and Freemans Reach / Glossodia, this would also noticeably reduce the demand on such a bypass bridge, allowing both bridges to operate with spare capacity for a greater period.” *Windsor Bridge Replacement Project Traffic Review of Information Provided by the Applicant (Roads and Maritime Services) FINAL REPORT, Cambray Consulting for the Department of Planning, August 2013, p.11.*

“RMS does state however that ‘an alternative route around Windsor may be considered in the future depending on growth in traffic numbers and local congestion.’ In our opinion, such a route should be considered as part of this project. The intersections which would feed the bridge under the preferred option will have a limited ‘life’ and upgrade options for these intersections are limited due to surrounding properties of heritage significance. Rather than constructing a three-lane (ultimate) bridge which has more traffic capacity than the roads and intersections feeding it, we would suggest considering alternative bridge crossing locations which may provide adequate traffic capacity for a longer period of time (e.g. a bypass option).” *Windsor Bridge Replacement Project Traffic Review of Information Provided by the Applicant (Roads and Maritime Services) FINAL REPORT, Cambray Consulting for the Department of Planning, August 2013, p.24.*

“Rather than constructing a three-lane (ultimate) bridge which has more traffic capacity than the roads and intersections feeding it, we would suggest considering alternative bridge crossing locations which may provide adequate traffic capacity for a longer period of time (e.g. a bypass option).” *Windsor Bridge Replacement Project Traffic Review of Information Provided by the Applicant (Roads and Maritime Services) FINAL REPORT, Cambray Consulting for the Department of Planning, August 2013, p.24.*

“We suggest that it may be prudent to ‘step back’ and undertake a broader study to investigate long term solutions, and once a preferred long term solution is identified, consider a staged approach or interim treatments to progressively deliver that long term solution. This would avoid investing substantial funds into a traffic route which will have a limited ‘life’ due to constrained intersection capacity on the roads feeding the bridge.” *Windsor Bridge Replacement Project Traffic Review of Information Provided by the Applicant (Roads and Maritime Services) FINAL REPORT, Cambray Consulting for the Department of Planning, August 2013, p.70.*

“The proposal to develop a new two lane bridge (Option 1) or four lane bridge (Option 2) downstream of the existing Windsor Bridge is not supported for reasons outlined in the report. There are two other proposals that should be considered:

“Option 3: refurbishment of the existing bridge.

In the longer term, in line with demand, a new bridge could be built in a more suitable location on the periphery of the historic town centre and more closely related to future urban growth. At that time, the original bridge could possibly be used to meet the needs of light local traffic or pedestrian and cyclists or decommissioned.

“Option 4: a new bridge in a new location

In consideration of the future traffic demands and urban growth develop a new bridge in a more appropriate location on the periphery of the historic town centre and more closely related to future urban growth.” *URBAN DESIGN ASSESSMENT OF BRIDGE OVER HAWKESBURY RIVER AT WINDSOR PRELIMINARY REPORT, PREPARED FOR RTA, May 2008 by Government Architect’s Office, Executive Summary*

“The frequent flooding of the river and the essential role of the bridge to the road network of the region is a key driver for the replacement of the bridge. Considering the importance of the heritage of this precinct, the increasing traffic demand and the

regional importance of this bridge, it would suggest that as part of the options study alternative routes should be investigated that enable an unencumbered crossing that better meets of road users well into the 21st century without compromising the amenity of this historic precinct." *URBAN DESIGN ASSESSMENT OF BRIDGE OVER HAWKESBURY RIVER AT WINDSOR PRELIMINARY REPORT, PREPARED FOR RTA, May 2008 by Government Architect's Office, Executive Summary p.7.*

"The major work will have very long term implications for the routing of traffic through this area and for conserving the heritage values of not only Thompson Square but the town of Windsor, of which the Square is an integral part. The opportunity should be taken now to resolve the heritage and traffic issues by completely removing the bridge route from the Thompson Square area. Leaving the route through the Square area, at very best, can only postpone problems for future generations. There is no doubt that eventually another crossing will be required that better copes with through traffic" *Engineering Heritage Committee, Sydney Division, Engineers Australia.*

<http://www.cawb.com.au/uploads/1/0/4/5/10456711/engineering-australia-heritage-windsorbridgesub.pdf>

"From a heritage conservation perspective the most appropriate treatment of Thompson Square and Windsor Bridge is to avoid any further negative impact and to take the opportunity identified by the Heritage Council to remove through traffic. The recommendations below have been made in response to the cultural significance of the project area." *EIS, Windsor Bridge Historic Heritage Working Paper Part 1, Pg.V*

"Given that the bridge is considered an item of state significance within the EIS, give further consideration to options for the proposed route that retain the bridge to provide either a primary or secondary use." *Casey & Lowe Independent Heritage Review Windsor Bridge Replacement Project for the Department of Planning, p. 38.*

"The Trust believes Thompson Square and particularly its pre-Macquarie era settlement archaeology must be kept intact. The Trust is urging the construction of a by-pass to Windsor 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. The Trust does not believe that there is any firm evidence justifying the removal of the present bridge which the Trust believes should be retained for its heritage significance and

to serve as an access way for local traffic, pedestrians and cycling.” *The National Trust of Australia*, <https://www.nationaltrust.org.au/initiatives/thompson-square-windsor/>

“The disruption to this historic precinct is proposed merely for the purpose of facilitating freight vehicles to pass through the town on their way to the Upper Hunter region. There is, in fact, no reason whatsoever for any of these vehicles to come anywhere near Thompson Square when their journeys begin and end far from Windsor.” *Royal Australian Historical Society EIS Submission*



TWU EXPRESSES CONCERNS OVER WINDSOR BRIDGE PROPOSAL

The TWU has concerns about current plans to replace the Windsor Bridge.

The current plan appears to lack a general understanding of the problems associated with the current bridge and surrounding area.

For many truck drivers who use the bridge, the concern is with the surrounding roads, such as nearby intersections and round-a-bouts, and not just the bridge.

Of the nine original options presented, none seemed to acknowledge or fix these inherent problems.

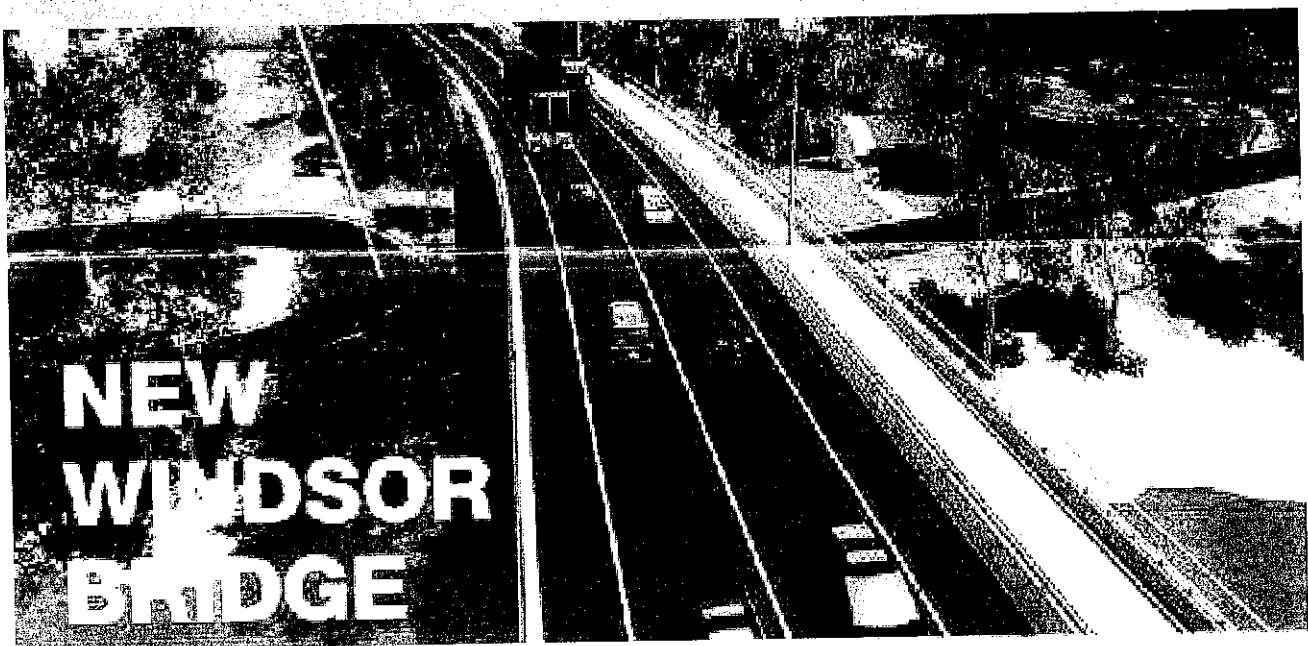
There is understood to be an alternative which would repair the current Windsor Bridge, allowing it to be used for local and light traffic, and to build a separate by-pass further upstream which would connect to flood evacuation roads.

A by-pass would mean that truck drivers could avoid the area altogether and ease congestion on surrounding roads which appears to be at the root of the current problem. The existing bridge would then only need to be repaired.

The TWU's biggest concern is that a lot of money will be spent replacing a bridge that will make little or no difference to traffic and will destroy important heritage. The alternative option needs to be considered.

ENDS

The concerns of the community to be provided with flood free access were exceeded by the claims of Ray Williams in his May 2012 newsletter, which of course are not supported by RMS documentation.



The new Windsor Bridge is underway with geotechnical earth works now commenced. The new high level bridge will be located 35 metres downstream from the existing bridge and provide flood free access for residents of Wilberforce, Glassdale, Freemans Reach, East Kurrajong, Colo Heights and other areas west of the Hawkesbury River.

The new location and raising of Windsor Bridge will return Thompson Square to its original size and shape as proclaimed by Governor Lachlan Macquarie 200 years ago. Enlarging Thompson Square by removing the current road to the old bridge, will provide a wonderful recreational area for the community and greatly enhance tourism in the area.

The new bridge will also contribute to alleviating the traffic problems for Hawkesbury residents who live west of the Hawkesbury River.

Further information is available at www.windsorbridge.com.au/roadprojects.

“The new high level bridge will be located 35 metres downstream from the existing bridge and provide flood free access fro residents of Wilberforce, Glossodia, Freemans Reach, East Kurrajong, Colo Heights and other areas west of the Hawkesbury River.”

RECOMMENDATION 4

All planned archaeological work to be cancelled immediately.

Work to date be reviewed by an independent expert and reported upon as a matter of urgency.

The colonial history of Australia, specifically the unique and potentially nationally significant archaeology of Thompson Square, both in situ and salvaged, be recognised, preserved and presented with the creation of the Australian Colonial History Museum at Windsor.

Issues:

- 1.) Importance of Thompson Square is well understood by Australian historians and heritage professionals.
- 2.) The RMS was warned of the consequences proceeding with Option One.,
- 3.) Without wishing to pre-empt any findings made by an independent archaeological expert, photographic records and site observations highlight the following concerns:
 - a. The constant and at times brutal use of heavy machinery in excavation processes.
 - b. The destruction, by crushing, with the caterpillar treads on the machinery used in excavation, of a significant quantity of colonial bricks.
 - c. An extremely sloppy approach to the collection of artefacts. This includes failure to document the specific location of each item (ref. conversation between Graham Standen, Bianca Gay, Harry Terry and Kate Mackaness at Thompson Square, 28.3.18) and their transportation in buckets rather than trays, living items susceptible to chipping and other stress damage.
 - d. A selective approach to the collection artefacts, not all items were collected.
 - e. Evidence of bones did not appear to trigger any of the usual responses. Is acknowledge these may not have been human bones, but there was no indication that a forensic expert was called in to confirm this.
 - f. It appears an identified archaeological feature from 1809 was jackhammered apart and removed to the Northern compound, where the sections were visible on the ground for sometime. They have now reportedly disappeared and correspondence regarding these relics has not been answered by the RMS, despite never been raised with the project director in a meeting on 28 March this year.

Whilst not a comprehensive catalogue on issues of concern the above list is indicative of the practices witnessed within the archaeology compound in the lower parkland of Thompson Square.

- 4.) The RMS proposal to re-bury the brick barrel drains, whilst destroying sections of the contemporary and related box drains is completely unsatisfactory.
- 5.) Having exposed these important archaeological remains the RMS does not have a license to destroy them. Burying the major structure under the bridge abutments is equivalent to destroying it.
- 6.) Independent heritage expert details a wealth of other unidentified archaeological resources in the precinct.

- 7.) The archaeological program as well as being brutal has been extremely curtailed. The constant cry, when questions raised about associated archaeology, is, "that's outside the project area".
- 8.) The archaeological processes have therefore failed to answer major questions, and the capacity to make informed statements of significance is removed, as revealing archaeological fragments means genuine interpretation impossible.

Comments from the Casey Report

Quality of the Post-Excavation analysis and reporting

Artefact Cataloguing, Analysis and Interpretation

- Use artefact specialists to catalogue the artefacts. While they may use volunteers and/or students to assist, high quality outcomes are not produced by simply using volunteers and/or students. Specialist cataloguers must be used, and they should be identified as part of the approvals process. Artefact specialist must be experienced with the artefacts from this period, notably the bricks, roofing tiles, pottery and miscellaneous objects.
- Use best practice artefact cataloguing strategies, especially minimum vessel counts, type series for miscellaneous objects, glass bottles, bricks and locally-made pottery. The artefacts catalogue is to be entered into a relational database, such as Microsoft Access, for detailed analysis of the artefacts. Final copies of the database are to be provided to RMS and the Windsor Museum at the end of the project. They can provide invaluable data for the management and research on the objects into the future.
- Use of conservators for significant artefacts recovered during the excavation and for structures which may be able to be left in the ground.

Investigation Report

Achieving a high quality archaeological report based on months of fieldwork and artefact cataloguing, and post-excavation analysis, is not a simple task. It is likely to cost as much as the fieldwork and take a number of years to complete. Therefore the DP&I needs to have certainty that RMS's Excavation Director(s) can produce a suitably high level investigation report. The Excavation

Casey & Lowe

Independent Heritage Review
Windsor Bridge Replacement Project

Further Research Outcomes

All of the research, analysis and interpretation that goes into an excavation report does not necessarily mean that the full research potential of the archaeological sites has been achieved. If it is a significant site there will typically be a number of further avenues of research to be explored. It is likely that considerable further research opportunities will be identified but not fully engaged with in the project report. Possible ways to further investigate the research potential of the site include:

- Set up and fund a research program with the Prehistoric and Historical Archaeology, Department of Archaeology, University of Sydney. Strategies to include:
 - Honours students to undertake thesis on the site.
 - Fund a Post-doctoral research project on the results of the non-Aboriginal archaeological investigation of the site following the completion of the archaeological project and reporting. This should be undertaken within Prehistoric and Historical Archaeology, Department of Archaeology, University of Sydney.
 - Maybe sufficient evidence/results to also fund other research projects, such as an Aboriginal and a history project.

Publications

Ensure dissemination of the results of the archaeological program through publications for public and academic levels. Outcomes may include a stand-alone monograph of the archaeological excavation which can be sold through the Windsor Museum.

11.2 How to Achieve Appropriate Outcomes from the Archaeological Investigation of a site of State and arguably of National Significance

If the WBRP were to be approved DP&I would approve the excavation of a potential archaeological site of State significance and possibly of National heritage significance. This would be against the advice of the NSW Heritage Council and their specialists and the consultants who wrote Working Paper 1. DP&I should consider the ways in which they can ensure that this significant resource is not lost to future generations by inadequate archaeological excavation, poor reporting or failure to produce any report, or a simplistic interpretation of the outcomes of the archaeological project. It is essential that RMS's Excavation Director(s) and team have demonstrated and proven expertise in the management of similar archaeological programs with substantial research and interpretation outcomes. The archaeological investigation and reporting is the main mitigation proposed for the project and a substantial research outcome should be seen as a necessary requirement for such a significant impact.

Research Design

Write a research design that addresses a range of research questions which are relevant to the site and will help elucidate its layers of meaning. It needs to be aware of current high level archaeological research questions. Should demonstrate an awareness of how the Excavation Methodologies are influenced by the Research Design and why certain approaches are adopted. It should provide high level and mid level research questions to assist with the post-excavation analysis as well as the high level response. It must seek to add to existing knowledge by using analytical approaches and strategies. Acknowledge that additional historical research will be undertaken as part of the project to inform the findings. Establish strategies to assist with the analysis of different types of timber structures found during the archaeological project, based on historical and archaeological evidence.

RECOMMENDATION 5

Forthwith - and as the RMS advises has already been the case on the WBRP project - any and all contracts, entered into regarding the project, be on the basis of termination without penalty and the recovery of legitimate costs only, incurred up to the date of cancellation, in the event the project is halted at any point and for any reason.

RECOMMENDATION 6

(This recommendation related to establishing a permanent Upper House Committee similar to the recently announced Public Works and Public Accountability Committees).

RECOMMENDATION 7

The Public Works Committee examine the commercial operations of the RMS, including procurement practices, contract arrangements and project approvals generally; and specifically, in relation to the WBRP, all approvals, including from Treasury as well as project funding arrangements and an audit of contracts and costs to date.

RECOMMENDATION 8

Due to probity considerations, the planning and delivery functions for State Significant Infrastructure projects, particularly in the transport portfolio, be handled by two different and completely independent agencies and a verifiable project justification be published with the announcement of a Construction Budget.

COMMENT

The above three recommendations all relate to commercial and financial issues associated project delivery. This has been a matter of considerable concern to CAWB since 2012, when it was discovered the RMS had issued a construction contract to Baulderstone, in advance of completing EIS processes and prior to Ministerial approval.

In addition, as demonstrated in the following pages, there appears to be a disregard for standard budgetary procedures, with full or partial funding of the project, according to at least two documented sources, being sourced from recurrent rather than capital funding.

A Question on Notice asked in March 2014, with the answers provided by the Government, is the basis for examining these matters in some detail.

Question on Notice 5268—WINDSOR BRIDGE REPLACEMENT PROJECT

On 5 March 2014 (session 55-1) Mrs Barbara Perry, Member for Auburn asked a series of questions regarding the Windsor Bridge Replacement Project. These questions were published in Questions & Answers Paper No. 203.

Answers were received on 08/04/2014 and published in Questions & Answers Paper No. 211.

The following document is in two parts:

Part A tabulates the questions and answers for easy reference and provides a brief commentary on the answers provided;

Part B provides references, online links and discussion of the answers provided.

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PART A: Question on Notice & Answers Provided

5268—WINDSOR BRIDGE REPLACEMENT PROJECT

Mrs Barbara Perry to the Minister for Transport representing the Minister for Roads and Ports—

QUESTION/S	ANSWER/S
<p><i>A. Before addressing the specific answers provided for each question it is critical to note the gateway reviews, business cases, value management workshops, risk assessments and submissions to the Treasurer in these questions should have all occurred prior to a budget allocation being made.</i></p>	
<p>1. When will the initial Gateway Review for the Windsor Bridge replacement project commence?</p> <p>2. On which dates will any subsequent reviews of the project commence?</p>	<p>(1) (2) The Final Business Case gateway review for the Windsor Bridge project will take place when planning approval conditions, received in December 2013, which is subject to appeal in the Land and Environment Court, have been incorporated into the project.</p>
<p>Comments on answers to questions 1 & 2:</p> <p>See Point A (above).</p> <p>In addition, the answer provided addresses neither question.</p> <p>By March 2014, the RMS should have been able to provide the date of at least an initial Gateway Review. Procurement policy notes with links to online documents are provided below. (Tabs A & B).</p>	

<p>3. On which dates will each of the Value Management Workshops for this project take place?</p>	<p>Two value management workshops have been held to date, in April 2012 and February 2013. Another value management workshop may be held when planning approval requirements are being incorporated into the project.</p>
<p>Comments on answer to question 3: See Point A (above) and notes below regarding value management principles. (tab c)</p> <p>The answer says there have been two VMWs to date. Online research has found two references to a VM held on 30 April 2012 (tab d), both in the same document. It has not been possible to substantiate the February 2013 VM. Neither have any published reports from these VMWs been identified.</p> <p>In addition, this answer fails to account for a third Value Management Workshop that, according to the Community Consultation Flow Chart (tab e), took place on 18 September 2009, although the resulting report was not published until August 2011. See notes on the 2009 Workshop (Tab F)</p>	

4. On which date are the submissions of the preliminary and final business cases due?	The Final Business Case will be prepared when planning approval requirements have been incorporated into the project.
<p>Comments on answer to question 4:</p> <p>See Point A (above). Not even a preliminary business-case date has been provided. Whilst the answer indicates the final business case will be prepared <i>“when planning approval requirements have been incorporated into the project”</i> it is important to note the second appendix in Guidelines for Capital Business Cases (the Final Business Case Template*) says <i>“Final business case template and the Business Case Gateway review report must be prepared for proposals submitted to Government for funding approval.”</i> (Appendices 1 & 2 tab g)</p> <p>*https://www.procurepoint.nsw.gov.au/sites/default/files/documents/guidelines_for_capital_business_cases_0.pdf</p> <p>Re “funding approval”, see Tab H.</p>	

5. On which date did he (the Minister) seek approval from the Treasurer for the inclusion of the Windsor Bridge replacement project in the Capital Works Program?	The Windsor Bridge replacement project has been included in the Budget Papers, Budget Paper 4 - Infrastructure, since 2011 -12.
<p>Comments on answer to question 5: See Point A (above).</p> <p>The answer does not address the question asked: the date the matter was submitted to the Treasurer. It is also clear from this answer the project was allocated a level of funding prior to the completion of budget approval processes. See notes on procurement and capital budgets (Tab I).</p>	

6. On which date is the risk assessment for this project due?	The next risk assessment will occur when planning approval requirements have been incorporated into the project.
<p>Comments on answer to question 6: See Point A (above).</p> <p>Risk assessments are an integral part of project development. The answer again fails to mention dates for risk assessments that should have already occurred. The reference to the ‘next risk assessment’ is disingenuous. (Tab J)</p>	

PART B: Evidence & Discussion

The following extract, from **Total Asset Management Guideline, Capital Investment Strategic Planning, TAM06-2**, November 2006 gives some idea of the complexity of budget approval processes (Whilst dated 2006, the gateway to this document was the current NSW State Government website at the time these questions were asked.)

In order to ensure that adequate project preparation / development has taken place before a Business Case for a project is formally submitted for Treasury assessment, agencies must provide Treasury with a:

- Preliminary cost / benefit assessment for major capital projects (projects valued at \$250,000 or more) programmed to commence within three years of the upcoming Budget year.
- Program for development and submission of Business Cases, including Gateway Review reports if appropriate, for major projects programmed to commence one year prior to the upcoming Budget year.

Projects proposed for funding approval in the upcoming Budget year require full Treasury assessment in accordance with the Government's Procurement Policy, which includes producing a Business Case (Project Appraisal Report). Reports and studies are required to be submitted as a part of the Business Case, the degree of which will vary depending on a project's value, level of procurement risk and timing. Such Documents may include a:

- Value Management Study
- Economic Appraisal
- Financial Appraisal
- Risk analysis
- Gateway Review report

In the case of Budget funded projects Business Cases must be presented to Treasury in the year prior to the Budget year in which funding approval will be sought. For non Budget funded projects Business Cases must be provided prior to funding approval.

The second-last sentence is very important:

In the case of Budget-funded projects Business Cases must be presented to Treasury in the year prior to the Budget year in which funding approval will be sought.

http://www.treasury.nsw.gov.au/_data/assets/pdf_file/0020/5096/capital_investment.pdf



Gateway Review System

This circular advises agencies on the Gateway Review System (a requirement of the NSW Procurement Policy since 2004) and how it must be applied to government procurement. Compliance with Gateway reviews is required by all General Government agencies, Government Businesses and Nominated State Owned Corporations¹.

Summary:

As the potential to influence a project is greatest in the early stages, Gateway Reviews at the Strategic and Business Case Gates are mandatory for all construction, goods and services (including information and communications technology) property and accommodation procurement.

To determine when a Gateway Review is needed agencies should apply the following thresholds:

Strategic Gate Review

- estimated total cost over \$10 million and
- commencing in years 2 – 4 of the upcoming forward estimates period, or
- proposed for State Infrastructure Strategy publication or other public statement

Business Case Gate Review

- All projects with an estimated total cost over \$10 million and commencing in the upcoming budget year, or
- Estimated total cost over \$1 million and requested by Treasury

Gateway gives Government a level of assurance on whether the investment is warranted; the strategic options; and the agency's capability and capacity to manage and deliver the project.

Through assessing the business case Gateway Reviews test the soundness of major projects with the objective of ensuring agencies have applied an appropriate level of procurement discipline to projects.

To nominate a project for a Gateway Review, agencies must complete a risk profile using the Online Risk Assessment Tool, which is the first step in the Gateway process.

¹ Agencies nominated under Total Asset Management (TAM) policy are required to submit 10-year TAM Data Tables and Asset Strategy. For further information on TAM policy see Total Asset Management (TAM) requirements for updating the NSW State Infrastructure Strategy (SIS) (TPP08-2).

NSW procurement policy

The objective of the NSW procurement policy is to ensure that procurement activities achieve the best value for money in the delivery of services.

TC 08/07 sets out the requirements for when preliminary and final business cases are required for proposals seeking capital funding. Agencies should refer to this Treasury Circular early in the planning process to understand the thresholds for preparing a business case, as well as for any other requirements.

As part of this Policy framework, the Treasury Circular NSW Project Size/Risk Thresholds for the Submission of Business Gateway Reports requires that all General Government agencies and Government businesses, including nominated State owned enterprises, are required to provide NSW Treasury with:

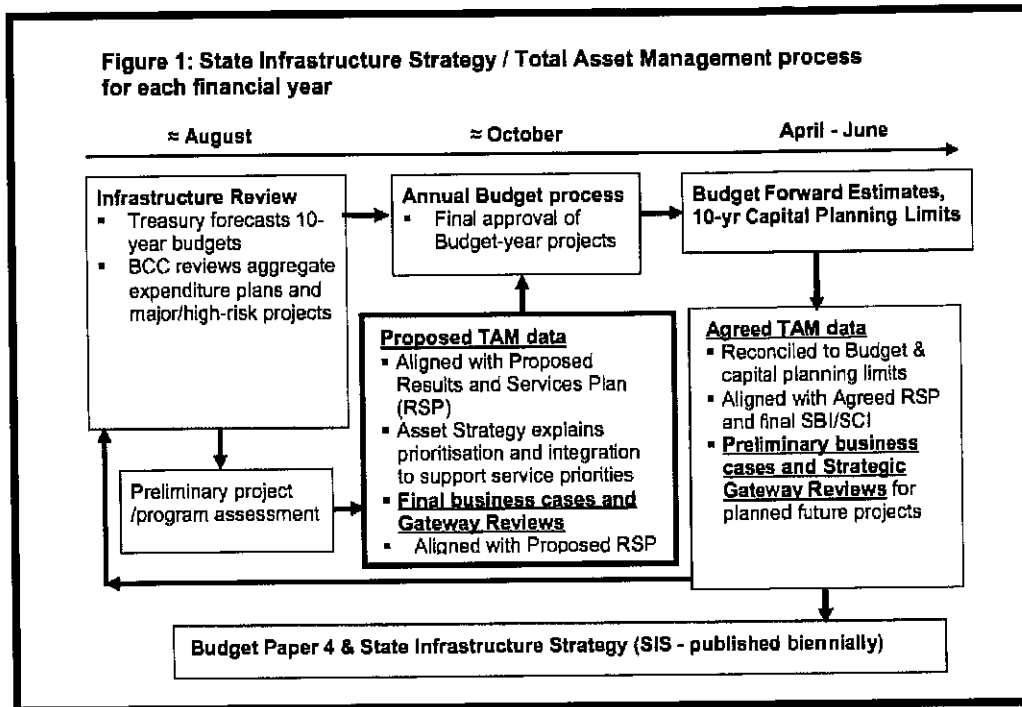
- A preliminary business case, which summarises the proposed project at an early stage of development. The preliminary business case describes the project level objectives, identifies alternatives and outlines the relevant risks, sustainability issues and costs and benefits relevant to the project. Specific requirements to be provided in the preliminary business case are set out in Appendix 1.
- A final business case, which documents in detail the proposed project. This includes an updated justification of the service rationale, a detailed workplan and demonstration of value for money and the agency's ability to implement the service. Specific requirements to be provided in the final business case are set out in Appendix 2.

The amount of detail provided in either the preliminary or final business case should be appropriate to the proposed projects' scale, cost and complexity.

Both the preliminary and the final business case templates are available and should be followed for proposals submitted to Government for approval.

Preparation and submission of business cases should align with the NSW Budget process, as advised to agencies annually. Business cases are submitted as part of the Total Asset Management Plan process as part of the yearly budget cycle. The timing of business case submissions in the Budget process is generally illustrated in the diagram below.

Figure 1: State Infrastructure Strategy / Total Asset Management process for each financial year



Reference material for preparing business cases

- NSW Treasury Circular TC08/07 - Revised Project Size/Risk Thresholds for the Submission of Business Cases and Gateway Reports
- NSW Treasury Policy & Guidelines Paper TPP 08-2 - Total Asset Management (TAM) Policy Requirements for Updating the State Infrastructure Strategy (SIS)
- NSW Treasury Policy & Guidelines Paper TPP 07-4 - Commercial Policy Framework: Guidelines for Financial Appraisal
- NSW Treasury Policy Paper TPP04-1 - NSW Government Procurement Policy
- Gateway Project Profile Assessment Tool
- Gateway Review Toolkit 2006
- *People First*: The NSW Government ICT Strategic Plan (if ICT-related)
- Agency ICT Strategic Plan (if ICT-related)
- Australian and New Zealand Standard AS/NZS 4360:2004: Risk Management
- NSW Treasury Policy Paper TPP 06-10 – Information and Communication Technology (ICT) Capital Investment Process

Tab C: Value Management and Total Asset Management:

It is acknowledged some budgetary processes and terminology have changed since 2014, however the answers can only be judged against the policies and procedures in place time.

TAM04-14 says *“Value Management is a structured, systematic and analytical process that seeks to achieve all the necessary functions at the lowest total cost **consistent with required levels of quality and performance.**”*

The NSW Treasury website says *“Value Management is a powerful management tool for use in an overall strategic management framework including the development of all TAM strategies. It is a structured, analytical process for developing innovative and holistic solutions to complex problems. Value management involves representatives of key stakeholders in a facilitated workshop.”*

Value Management (VM) is part Total Asset Management

The Government website says, *“Total Asset Management (TAM) is a strategic approach to physical asset planning and management, whereby an agency aligns its ten-year asset planning with its service delivery priorities and strategies, within the limits of resources available.*

TAM policy is part of the overall NSW capital expenditure submission framework also comprising of the procurement policy framework – with business cases and Gateway Reviews – and the commercial policy framework – including Statement of Business Intent, Statement of Corporate Intent, and projects of State Significance.”

Interestingly, the VM Guidelines say, *“TAM reflects priorities for service planning, whole-of-life asset management, extended planning requirements for new works, and new relationships between services planning and asset procurement activities...”*

“At the core of the Value Management process is the analysis of functions from the point of view of the system as a whole (including the relationship or cost impact of design decisions on the project and/or scheme operation). This aspect distinguishes Value Management from other methods of improving value. Function analysis involves identifying what things actually do or perhaps more importantly, what they must do to achieve the objectives. Through the analysis of functions, wastage, duplication and unnecessary expenditure can be identified giving opportunity for value to be improved.

The functional analysis perspective not only enables Value Management to explore the project and/or program brief but also to test the assumptions and needs perceived by the author(s) of the brief.”

Link to Treasury Website:

<http://www.treasury.nsw.gov.au/tam/tam-assess>

Tab D: Value Management Workshop 30 April 2012

https://majorprojects.affinitylive.com/public/44a0ae184b0237d69220aefecb63b30/WB_working_paper_4_traffic_and_transport.pdf

Online research identified two references to a RMS Value Management Workshop in April 2012.

Mention #1 Page 154 Windsor Bridge Replacement Traffic and transport working paper

“9.1.1.3 Option Testing Results

*The results of the above options tests were presented at an **RMS Value Management Workshop held on Monday 30 April 2012...**”*

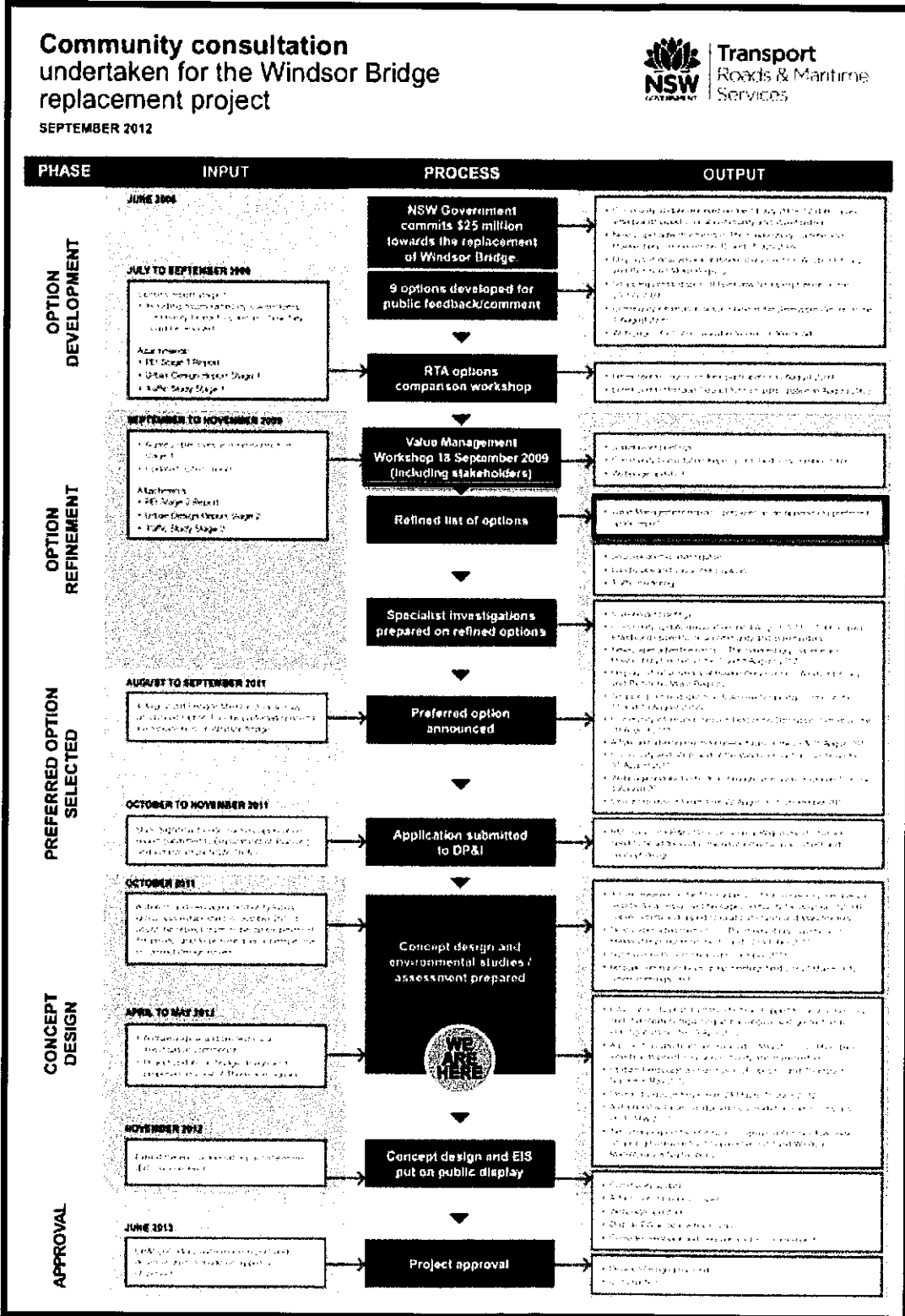
.”

Mention #2 Page 55 Windsor Bridge Replacement Traffic and transport working paper

“4.3 Bridge lane configuration

***A Value Management Workshop was held on 30 April 2012** to further assess and evaluate intersection options.”*

Tab E: Community Consultation as of September 2012



Tab F: Notes on 2009 VM Workshop

On Friday, September 18, 2009 a "Government options review workshop" was held in Parramatta.

A Report relating to that workshop was published in August 2011.

Government Options Review Workshop Report:

http://www.rms.nsw.gov.au/roadprojects/projects/sydney_region/western_sydney/windsor_bridge/documents/tech_reports_aug2011/government_options_review_workshop_report_aug11.pdf

Page 20 of this report is headed "6. Workshop outcomes". The first paragraph commences with the words "Having completed the VM process, the participants endorsed the following as workshop outcomes." In capital works projects "VM" generally refers to "Value Management".

The Community Consultation flowchart (tab e, above) indicates a value management workshop occurred on 18 September 2009.

It would appear reasonable to assume the "Government Options Review Workshop" was that value management process.

The Executive Summary in the Workshop Report for Windsor Bridge says, "The workshop provided an opportunity to assess the benefits and impacts of the various options that are being considered."

Regrettably this is not an accurate description of what took place.

The Executive Summary also says the workshop "...involve(d) a broad spectrum of stakeholders and others with interest in the project."

In fact 14 RTA officers were present, the Mayor and General Manager from Hawkesbury City Council, one Heritage Office representative, two officers from NSW Maritime, the Assistant Government architect, and an urban designer from the Government Architect's Office, a private environmental consultant and two facilitators; twenty-four people in total.

Not one representative from the wider community. All were either government employees and contractors or from a Local Government that, at the time, had an astoundingly poor track record in preserving and protecting significant colonial heritage.

There is probably a good reason why this workshop was not mentioned in the answer to the Question on Notice. The resulting report makes interesting reading.

1. *"RTA Senior Project Manager for the project discussed some of the major issues that have made the implementation of this project such a challenging project.*

*Following his presentation, the participants were asked to **outline the key points raised...**"*

2. *"RTA Infrastructure Communications manager for Sydney Region outlined the community involvement process that has been used to keep members of the public informed about the project and the directions that are being considered.*

*The group was asked to **summarise the essence of what has been shared...**"*

3. *“RTA Environmental Officer presented the group and overview of the project from an environmental and heritage perspective. The **group identified the following as the key points mentioned**”*

4. *“Representative from the Architects Office spoke to the group about the urban design and context issues that need to be considered in developing the ultimate option. The following is the **group’s interpretation of the information presented**”*

Almost the entire process involves the RMS telling their version of the “story”, which is then repeated back by the assembled ‘stakeholders’ and documented as workshop outcomes.

This “workshop” was a crucial step in declaring Option One the ‘preferred option’.

Tab G: Business Case Templates

[https://www.procurepoint.nsw.gov.au/sites/default/files/documents/guidelines for capital business cases 0.pdf](https://www.procurepoint.nsw.gov.au/sites/default/files/documents/guidelines%20for%20capital%20business%20cases%200.pdf)

Appendix 1 - Preliminary business case template

Treasury Circular NSW TC 08/07: Revised Project Size/Risk Thresholds for the Submission of Business Cases and Gateway Reports specifies when Preliminary Business Cases are required to be submitted.

Application

- The preliminary business case constitutes the planning framework, and is used to demonstrate and justify the service rationale, consider service delivery alternatives and also inform internal agency priority setting.
- The preliminary business case template and the Strategic Gateway review report must be prepared and submitted for Treasury assessment before proceeding to the Business Case Review stage.
- Each section of the template is to be addressed to an appropriate level of detail. If this cannot be achieved then a full referenced justification must be provided.
- The extent and accuracy of evidence for the preliminary business case will be proportionate to the value and risk of the project or program. The degree of accuracy and basis for the cost and time estimates should be stated. The degree of accuracy is expected to be lower than that for a full business case.
- The standard of evidence is to be based on quantitative (preferred) and qualitative data underpinned by established methodologies. The standard is lower than that required for a full business case.

The case for change (Section 3) - What is the rationale for the case for change? (Based on current strategic planning.)

The case for the service need (Section 3.1) – Is there a legitimate service need and why?

- state the service need
- state the rationale for government intervention - *what is the market failure?*
- state the drivers of the service need such as population growth, demographic change, ageing and longevity, technical developments, relative prices, service utilisation, asset condition, environmental and social conditions, availability of natural resources, changing social expectations of service delivery
- state how, and to what extent (quantified estimates) the proposed project or program will contribute to desired services and results identified in the agency's RSP, and any applicable State Plan priority or mandated priority (policy statement, legislation, contractual arrangements, intergovernmental agreements, government decision/commitment)
- outline any cross-agency involvement or impacts, and governance or consultation processes for managing this
- outline the anticipated change resulting from the project or program, both inside (including business processes) and outside the agency, and the framework for managing the change efficiently and effectively
- outline the scope and timing of the service to be delivered
- Guidelines for Capital Business Cases

Priority of the service need (Section 3.2) – Is there a legitimate service priority and why?

- state the priority of the proposal (note: must be consistent with TAM data tables)
- state whether reprioritisation of priorities has occurred to permit the proposal to come forward

Benefits of the service need (Section 3.3) – What are the key benefits from the proposed service?

- outline (as applicable) the projects or programs key expected social, economic and environmental benefits
- identify the beneficiaries and the type and timing when they are to receive the expected benefits

Stakeholder engagement (Section 3.4) – Are there key stakeholders that influence the service scope?

- if applicable, state the consultation already undertaken
- list the major stakeholders and their relationship to the proposal
- identify how stakeholder issues have been integrated into the service scope or why they have not been included
- identify how the relevant issues will be managed if a cross-agency proposal, have the other agencies signed off on this business case?

Analysis of the proposal (Section 4) - What are the realistic service delivery alternatives and the key costs and benefits?

Objectives (Section 4.1)

- outline the strategic objectives
- objectives must be expressed in results logic or be specific, measurable, achievable, relevant and timely
- priority of the proposal

Options (Section 4.2)

- define a range of realistic alternative service delivery options
- the base case option must be considered
- consider prevention and early intervention and demand management strategies
- initial value management study

Costs and benefits (Section 4.3)

- identify and provide economic and financial analysis of the key costs and benefits of these options, including disaggregated estimates for key intended beneficiaries
- early stage estimates of costs and benefits may be highly subjective and should be given as ranges, to identify the key risks and uncertainties (including risks relating to the “base case” of not proceeding with the project)
- the level of certainty for the cost estimates should be stated

Risk assessment (Section 4.4)

- identify the major risks inherent in each of the options
- identify the impact and likelihood of these risks occurring
- identify critical assumptions and dependencies

Sustainability (Section 4.5)

- identify critical environmental, economic or social constraints or opportunities

Technical standards and legislative requirements (Section 4.6)

- identify critical technical standards, legislation and policies (standards) relevant to the design and performance of services
- state the applicability of any legislative requirements, including whether Part 3A of the Environmental Planning and Assessment Act 1979 has been triggered

Implementation of the proposal (Section 5)

- outline the governance structure and arrangements in place (or any planned improvements) to ensure the project is successfully taken through to the final business case (to be included in the Business Case Development Plan)

Business case development plan – How will the final business case be achieved?

- identify outstanding major risks regarding project delivery and intended results and how these will be addressed for the final business case
- identify uncertainties in quantified costs and benefits and how these will be resolved, to achieve the final business case
- identify the consultation required to complete the final business case

https://www.procurepoint.nsw.gov.au/sites/default/files/documents/guidelines_for_capital_business_cases_0.pdf

Appendix 2 - Final business case template

NSW Treasury Circular NSW TC 08/07 *Revised Project Size/Risk Thresholds for the Submission of Business Cases and Gateway Reports* specifies when Final Business Cases are required to be submitted.

Application

- The final business case is used to document a defined project. This includes an updated justification of the service rationale, and demonstration of value for money and the agency's capability to implement the service.
- Final business case template and the Business Case Gateway review report must be prepared for proposals submitted to Government for funding approval.
- Each section of the template is to be addressed to an appropriate level of detail. If this cannot be achieved then a full referenced justification must be provided.
- The extent of evidence for the final business case will be proportionate to the value and risk of the project or program. The degree of accuracy and basis for the cost and time estimates should be stated.
- The standard of evidence is to be based on quantitative (preferred) and qualitative data underpinned by established methodologies.
- Expected degree of accuracy is proportionate to costs and time estimates. This should be higher than in the preliminary business case.

Executive summary

Provide a summarised description of the:

- case for change – what is the service need and scope?
- priority of the proposal
- contribution to agency service delivery and Government objectives or priorities relative priority (must be consistent with TAM data tables)
- key stakeholders and clients
- objectives
- options, including the base case option
- costs and benefits of the options and the preferred option – does it offer *superior value for money and why?*
- financial impacts upon the agency
- funding strategy internal/external
- key risks, including key assumptions
- key technical standards or legislative requirements
- key project planning requirements – does your agency have the capacity and capability to deliver the project?
- governance model
- benefits realisation – is there an accountable and transparent process for managing the changes to realise the project benefits?

Introduction

Provide a description of the:

CAWB – Supporting Documentation
Portfolio Committee No. 5
Inquiry into the Windsor Bridge Replacement Project
13 April 2018

- purpose and approach of the business case
- process used to develop the business case
- structure of the business case

The case for change (Section 3)- (revisit, update & complete)

What is the rationale for the case for change?

Provide a description of the:

Service need (Section 3.1) – Is there a legitimate service need and why?

- if no preliminary business case was submitted for the proposal state the service need
- if a preliminary business case was submitted for the proposal revisit, update and complete the case for the service need outline rationale for government intervention - what is the market failure?
- state the drivers of the service need such as population growth, demographic change, ageing and longevity, technical developments, relative prices, service utilisation, asset condition, environmental and social conditions, availability of natural resources, changing social expectations of service delivery
- state how, and to what extent (quantified estimates) the proposed project or program will contribute to desired services and results identified in the agency's RSP, and any applicable State Plan priority or mandated priority (policy statement, legislation, contractual arrangements, intergovernmental agreements, government decision/commitment)
- outline any cross-agency involvement or impacts, and governance or consultation processes for managing this
- outline the anticipated change resulting from the project or program, both inside (including business processes) and outside the agency, and the framework for managing the change efficiently and effectively
- outline the scope and timing of the service to be delivered

Priority of the service need (Section 3.2) – Is there a legitimate service priority and why?

- state the priority of the proposal (note: must be consistent with TAM data tables)
- state whether reordering of priorities has occurred to permit the proposal to come forward

Benefits of the service need (Section 3.3) – What are the key benefits from the proposed service?

- state (as applicable) the key anticipated social, economic and environmental benefits
- identify the beneficiaries and the type and timing of expected benefits to be received

Stakeholder engagement (Section 3.4) – Are there key stakeholders that influence the service scope and how has this been integrated?

- if applicable, state the consultation already undertaken
- list the major stakeholders and their relationship to the proposal
- identify how stakeholder issues have been integrated into the service scope or why they have not been included
- identify how the relevant issues will be managed
- if a cross-agency proposal, have the other agencies signed off on this business case?

Analysis of the proposal (Section 4) - Does the proposal offer value for money and is it affordable?

Provide a description of the:

Objectives (Section 4.1) – What objectives will the proposal be measured and evaluated against?

- document the full range of objectives to measure and evaluate the options
- the objectives must contribute to the performance of agency service delivery
- objectives must be expressed in results logic or be specific, measurable, achievable, relevant and timely

Options (Section 4.2) – What are the realistic options for meeting the service need?

- summarise the evaluation of the wide range of options that was undertaken and the reasons why options were eliminated
- provide the short-list of options which are most likely to deliver the objectives
- clearly state the base case
- fully describe the base case and other options
- demonstrate that other technologies have been considered (as applicable)
- demonstrate that prevention and early intervention and demand management strategies have been considered
- describe the impact on related services and assets and opportunities for integration with other government services
- include information on whether the operation, or part of it, could be efficiently and reliably performed by the private sector
- document details of capacity for variations to the design and/or useful economic life of the proposal

Costs and benefits (Section 4.3)

Economic Appraisal – What are all the costs and benefits of the options and do they meet the service objectives?

Summarise the key findings of the economic appraisal:

- **Identify all relevant costs** (quantified or estimated) – capital, operating, maintenance; provision for contingencies. The stream of costs should cover the full project period which will be based on the economic life of the project or program. Costs need to be in sufficient detail to have their accuracy verified. The level of certainty for the cost estimates and the basis for estimation should be described. The basis for annual cost escalation indices should be provided.
- **Identify the benefits** – may include avoided costs, savings, revenues, benefits to consumers not reflected in revenue flows, benefits to the broader community.
- **Identify qualitative factors** – may include environmental considerations, industrial relations, social or regional impacts, safety, public relations, resource availability.
- **Assess net benefits** - costs and benefits should be valued in real terms: that is they should be expressed in constant dollars and increases in prices due to the general rate of inflation should not be included in the values placed on future benefits and costs. The stream of costs and benefits (expressed in real terms) should be discounted by a real discount rate and sensitivity tested using discount rates pursuant to the Economic Appraisal Guidelines.

Using the discounted stream of costs and benefits, the following decision measures should be calculated:

- Net present value
- Net present value per dollar of capital outlay
- Benefit-cost ratio
- Internal rate of return

- **Sensitivity testing** – analyse the sensitivity of the options under different scenarios and different discount rates.
- **Explicit reference to data sources and assumptions** – document all sources of data and assumptions.

Financial impact – Has the agency financial impact of the proposed project or program as well as the broad implications for other agencies been analysed?

- summarise the finding of the completed financial impact statement
- identify major budget impacts for the agency and broader implications for other budget sector agencies
- the Treasury financial impact statement template (available from the Treasury internet site) must be completed and submitted.

Financial appraisal – Has the financial viability of a proposed project/program been analysed?

Summarise the key findings of the economic appraisal:

- costs – capital, operating, maintenance; provision for contingencies
- data sources, references for assumptions (e.g. CPI, building price index, wage increases; internal rate of return/hurdle rate)
- financial impacts, including the retiring of older assets and associated operating and maintenance savings
- any third party revenues, source for revenue assumptions
- justification for assumed discount rate

Risk assessment (Section 4.4) – What are the risks and the underlying assumptions?

- identify the risks inherent in each of the options
- identify the impact of these risks occurring

For each of the risks document determine:

- the probability of the risk occurring
- what are the risk management strategies to address the risks
- whether additional costs will be incurred
- whether additional costs should be incorporated into the analysis and
- the need (if any) for any contingencies.

In addition:

- list critical assumptions including revenue drivers, capital and operating costs, social and environmental factors, financing constraints, availability of resources and expertise
- state known or emerging constraints directly impacting on the proposed initiative
- identify any relevant regulatory, legislative, policy issues and relevant Acts which may impinge in the proposal need to be identified including information on where this may be a constraint
- identify any key dependencies that affect the performance of the options

Sustainability (Section 4.5) – What are the sustainability issues associated with each option and what strategies are in place to mitigate any impacts?

- document the full description of sustainability (environmental, social and economic) impacts (positive or negative)
- describe the nature and extent of the impact
- describe the impacts as either quantified or non-quantified
- develop strategies and options to capitalise on opportunities and manage negative issues

Technical standards and legislative requirements (Section 4.6) – What technical standards or legislative requirements impact on the performance of the options? Has part 3A of the Environment Planning and Assessment Act 1979 been triggered?

- identify the technical standards, legislation and policies (standards) relevant to the design and performance of services
- indicate how these standards have been included in the scope of the services, objectives of the proposal, integrated into the options, or used as part of the evaluation of the options
- state the extent to which the options comply with technical standards (statement of compliance)
- identify any risks or costs attached to the implementation or integration of the standards
- if applicable, document consultations undertaken with the relevant authority (State or Commonwealth)
- state if the provisions of Part 3A of the Environmental Planning and Assessment Act 1979 have been triggered and what are the implications for implementing the project or program?

Implementation of the proposal (Section 5) - Does the agency have the capacity and capability to implement the proposal?

Provide a description of the following:

Project planning (Section 5.1) – What is the planning behind delivering the major components of the project?

- provide an outline of a project plan that includes the major project components for implementing the project or program from resource allocation decision to operation, (that is, procurement, design/development/construction, commissioning, and operation)
- outline the major requirements to support these project components including key milestones and delivery dates, major decision points, critical path items, key dependencies, resourcing requirements and strategy, risk management plan, governance arrangements, environmental planning requirements, change management and stakeholder consultation requirements
- Note, the project plan should not be a high level work plan of the project phases and should provide the due dates for the major project deliverables/milestones
- A Gantt chart is preferable: the level of detail should be appropriate for an executive audience and enable an expert assessment of the soundness of the proposed workplan

Project planning (Section 5.2) – What governance model is to be adopted and how will this be resourced?

- describe the governance arrangements for the planning, procurement and implementation of the proposal
- state the roles and responsibilities to account and report on project deliverables – the key project deliverables should be identified
- document an outline of how the governance arrangements are to be resourced from within the agency, the private sector or from other agencies
- state whether (because of the scale, risk and complexity of the project) assistance is being sought, or is to be provided, by a central agency

Project planning (Section 5.3) – What procurement method will be employed to implement the project?

- describe the procurement objective or what result is expected from the procurement

- explain the value for money from the procurement choice and the governance arrangements for managing the procurement (this is to compliment the description of the governance arrangements identified below)
- outline the market characteristics as this may influence the method of procurement or who to procure from
- outline how the market is to be engaged whether open tender, from a pre-qualified list of tenders, etc
- an outline of the key steps and timing for developing and implementing the procurement method
- an outline of the cost of procurement and the key risks and management methods
- a realistic statement of the capacity and resources of the agency to manage the procurement process and to manage the agency's responsibilities under the contract (may be included in the project plan)

Project planning (Section 5.4) – How will changes to service delivery be managed?

- document the changes to be managed (this includes the benefits or objectives of the project or program)
- document the stakeholders who will be involved in the change management process. These may involve the agency, a business unit within an agency, other agencies (where there are cross agency implications), service providers, users or recipients
- document the change management roles and responsibilities such as a change sponsor, change agents and the stakeholders that will have to make changes to their work practises
- outline the communication strategies and plans to be developed
- outline the training of new tools, processes or work methods to be developed
- state the mechanism to monitor and measure the effectiveness of the change management process

Project planning (Section 5.5) – What is the process for identifying, monitoring and managing risk during the implementation of the project?

Document the risk analysis by:

- stating what the project risk is assessed as (Gateway Project Profile Assessment risk evaluation tool)
- identifying the range of significant risks
- measuring each of the risk exposures in the project/program, in terms their likelihood (e.g. almost certain, unlikely) and their consequences (e.g. very high, moderate)

Risk exposure = Consequences x Likelihood

Consequences	Likelihood				
	Rare - 1	Unlikely - 2	Moderate - 3	Likely - 4	Almost certain - 5
Very high - 5	5	10	15	20	25
Major - 4	4	8	12	16	20
Moderate - 3	3	6	9	12	15
Minor - 2	2	4	6	8	10
Insignificant -1	1	2	3	4	5

Key

Risk Exposure: ██████████ High ██████████ Moderate ██████████ Low

- assessing whether the level of each risk is acceptable, and what the controls are to mitigate or reduce the level of gross risk

Document risk management approach by:

- selecting the option most appropriate to mitigate or reduce each identified risk
- identifying and assigning the resources necessary to do the work
- stating what will be done to monitor the status of each risk, and checking controls are performed and are effective

Benefits Realisation Strategy (Section 5.6) – How will the benefits of the project be realised?

- document the benefits realisation methodology to be adopted
- describe the benefit to be achieved
- describe the contribution to agency service delivery, -Results and Services Plan, Statement of Business or Corporate Intent, State Plan, etc
- identify the person responsible for implementation and what will be managed and measured during implementation. This is to ensure that the objectives and/or benefits will be achieved and to track whether the project is being implemented in a way to give assurance that the benefits will be achieved. This will be a set of measurable KPIs that have a results logic to the post-implementation benefits)
- identify performance measure or service level before and after the service change
- identify target date(s) for the objectives and or benefit to be implemented or realised

Stakeholder consultation strategy (Section 5.7) – How are stakeholders to be engaged and what is the process of managing stakeholder issues?

- document the range of stakeholders that have an interest or are affected in the project
- state the nature of the interests
- state objectives for communicating with stakeholders
- outline the information needs and methods for communicating
- outline the extent of communication and timing for communicating with stakeholders (this should be linked to key milestones in the project)
- state the skills and resources required for communicating with stakeholders
- address how the issues raised through the communication process will be captured, responded to, monitored and reported to the governance arrangements for the project

Resourcing (Section 5.8)

The business case should describe what resources are needed to deliver the project and how will they be sourced. This should state:

- What resources are necessary to implement this project and realise the benefits of this business case
- How resources will be managed and sourced
- Specific resources for each stage of the project can be stated in the Gantt chart provided in the project workplan
- Impact on current internal resources
- How vendor management and legal capabilities will be achieved
- Additional training for use and support of the deliverable

Appendices

- Attach the financial impact statement (completed template).
- Attach other supporting analysis, including (if applicable): value management study report
- environmental studies
- social studies
- economic appraisal
- financial appraisal

BUSINESS CASE UPDATE

On Monday, 1 May 2017, 15:18, Windsor_Bridge <Windsor_Bridge@rms.nsw.gov.au> wrote:

█ thank you for your enquiry.

There is a fixed budget for the project. The budget forms part of a business case which is currently being revised. Upon the approval of the Business Case the total project budget will be announced. It will include in all costs however we are unable to provide this information until the Business Case is approved.

Many thanks.

Kind regards,

Windsor Bridge replacement project team
1800 712 909
rms.nsw.gov.au/windsorbridge
Every journey matters
Roads and Maritime Services

In May last year the RMS said the budget is fixed and is part of the Business Case, "which is currently being revised". Once the RMS have a business case the budget will be announced.

Above: In this correspondence, dated June last year, in their answer to question 2 the RMS's statement that "the Case for the project was originally made and adopted under RMS process at that time" clearly avoids directly answering a straightforward question about when the original business case was made.

From: Windsor_Bridge <Windsor_Bridge@rms.nsw.gov.au>
Subject: RE: Clarification of Questions
Date: 28 June 2017 9:27:03 am AEST

█
As discussed with our Project Manager Gurjit Singh, please see below responses to your queries provided over the phone on Friday afternoon 23/6/2017:

- 1) What is the depth of the proposed bridge measured from the piers? 1.85 metres deep incrementally launched double T-Girders.
- 2) When was the Business Case made? The case for the project was originally made and adopted under Roads and Maritime Services processes at that time. When the project was recommenced in late 2015, Roads and Maritime had adopted new procedures that required a Business Case for the project to be funded. This was completed in late 2016. Since then the Business Case has been subject to an assurance review.
- 3) What is the width of the proposed bridge, the proposed lane widths and the width of the shared pedestrian / cycle way? 11 metres in total lane width (three lanes) and a three metre shared path. Total width of the bridge is 15.332 metres.
3.8 metres – Lane 1 - Southbound
3.45 metres – Lane 2 - Southbound
3.75 metres – Lane 1 - Northbound
- 4) What is the anticipated date for calling tenders for the construction of the bridge? At this stage the RMS anticipates inviting companies to register their interest in tendering for the construction in August 2017.

Regards,

Windsor Bridge replacement project team
1800 712 909
rms.nsw.gov.au/windsorbridge

On Tuesday, 17 October 2017, 10:53, Windsor_Bridge <Windsor_Bridge@rms.nsw.gov.au> wrote:



Thank you for your enquiry.

The Business Case for the Windsor Bridge replacement project will not be publically available as it contains commercially sensitive information.

Regards
Bianca
Windsor Bridge Project Team

Above: Claiming commercially sensitive information has become standard practice in the RMS to avoid releasing information to the public.

Tab H: Funding Approval and Recurrent Funding

The Audit Office, in Email AO2R (below), acknowledges “*agencies cannot transfer funds between their capital and recurrent budgets*”, thus confirming that ‘recurrent’ funding, i.e. maintenance funds, are not available for use on capital works projects such as bridge construction and yet...

1. In a meeting on 13 September 2013, at his electoral office of the Member for Hawkesbury, Ray Williams told constituents Kate Mackaness and David Hope that, prior to the 2011 election, the RTA had approached the Liberal Party and advised them the RTA had \$35 million available from agency ‘maintenance funds’ to build the Option One Windsor Bridge Replacement Project. According to Mr Williams the RTA suggested the Liberal Party make this project an election commitment. (NB At the time the Government was being advised \$25 million was the absolute limit of available funding. *KM personal recollection*)
2. Independent of this and as early as October/November 2012 Project Engineer, Mr Iain MacLeod when questioned by Kate Mackaness, (following his disclosure Boulderstone had been awarded the construction contract), provided a similar answer; the money was coming from ‘maintenance’. When further details were requested the matter was dropped by Mr MacLeod.
3. Urban Circus, engaged by the RMS to create visual ‘representations’ of the new bridge, (available online) labels the project ‘**asset maintenance**’ (body of text) and as ‘Asset Replacement’ (heading). (See screenshot below, Image 1).
4. Other CAWB members have recollections of the RMS officers talking about ‘maintenance money’ being used to construct the Bridge.
5. In April 2016 following a conversation with the RMS project director, Mr Singh was asked whether maintenance funds were being used in project. His written answer in a reply email was ‘yes’. (rft files of emails provided as separate attachments)

This advice goes to the heart of the concerns about the answers being provided by the Government in QoN 5268.

Is it possible the then-RTA promised the Liberal Opposition they could make an election commitment about the Windsor Bridge Replacement Project because they intended to fund the project from a ‘hollow log’ – maintenance funds which removed the project from Treasury scrutiny and processes?

Audit Office Email AO2

From: Kathleen Mackaness []

Sent: Thursday, 24 October 2013 7:21 AM

To: Liz Basey

Subject: Re: Windsor Bridge Procurement Processes

Hi Liz, hoping you will forgive me for a quick question: when I worked in Asset Management there was a rock-solid rule that recurrent and capital funding were discrete allocations. There was no way we could transfer funding from recurrent to capital, or vice versa.

Is this the Government standard, or was it an agency rule?

I ask because the RMS are also saying the funding for the construction of the new Windsor Bridge comes from their maintenance program, which doesn't make sense to me.

Kind regards

Kate

Kate Mackaness

Audit Office Email AO2(R)

On 24/10/2013, at 8:43 AM, Liz Basey wrote:

Hi Kate

Thanks for your email. I checked with our finance officer and he confirmed that agencies cannot transfer funds between their capital and recurrent budgets.

Kind regards

Liz

Liz Basey


Governance Manager, Open Government

Image 1: Urban Circus describes the project as 'asset maintenance'.

The screenshot shows a website page with a navigation menu at the top: Home, Case Studies, Industries, Blog, About UC, Contact. The main content area features the NSW Government logo and the text 'Transport Roads & Maritime Services'. Below this, the project title 'Windsor Bridge, NSW, Asset Replacement' is displayed. The client is identified as 'NSW Roads and Maritime Services' and the date as 'November 28, 2012'. A paragraph describes the challenge: 'The challenge for the client was to manage the community and stakeholders in this asset maintenance project in a heritage area with significant local cultural value. The objective was to help everyone understand the scenario and the options clearly, without misinformation or confusion, so progress could be made on decisions.' On the right side, there is a contact form titled 'Ask us to contact you' with fields for Name, Email, and Message, and a 'Submit' button. Below the form, the phone number 'Call Us on: 07 3255 3847' and a link for 'Recent Project Case Studies' are visible.

Home Case Studies Industries Blog About UC Contact

Old Children's Hospital Academic and Research Facility
North Melbourne & Arden, Precinct Planning

 **Transport**
Roads & Maritime
Services

Client: NSW Roads and Maritime Services
Date: November 28, 2012

Windsor Bridge, NSW, Asset Replacement

The challenge for the client was to manage the community and stakeholders in this asset maintenance project in a heritage area with significant local cultural value. The objective was to help everyone understand the scenario and the options clearly, without misinformation or confusion, so progress could be made on decisions.

Ask us to contact you

Name

Email

Message

Submit

Call Us on: 07 3255 3847

Recent Project Case Studies

Tab I: Capital Budgets and Procurement

Question 5 asks when the Minister sought approval from the Treasurer for the inclusion of the Windsor Bridge replacement project in the Capital Works Program. The answer states *"The Windsor Bridge replacement project has been included in the Budget Papers, Budget Paper 4 -Infrastructure, since 2011 - 12."*

This is clearly a non-answer, however it highlights a huge problem with this project. In the past, infrastructure agencies such as Education have **not** been permitted to go to Tender for projects prior to the allocation of an amount in BP4 commensurate with the Estimated Total Cost (ETC) of the project.

This constraint is consistent with the directive that agencies must have:

"an approved budget and approved contract price estimate before receipt of tenders"

Tendering Guidelines page 7 Version 3.0

https://www.procurepoint.nsw.gov.au/sites/default/files/documents/tendering-guidelinesv3.2-27_january-2012.pdf

On October 31, 2012 Mr Iain MacLeod, Project Engineer for the WBRP, indicated in conversation that Baulderstone Hornibrook had the contract to build the Option One bridge.

This conversation was subsequently validated on various government websites. See screenshots, below (pages 28 & 29). The publication of contract details confirms the contract for Windsor Bridge Replacement Project, with a contract value of \$54,957,862.30 commenced on 21st December 2012 (PRIOR to the completion of EIS processes).

And yet budget papers have never acknowledged an amount commensurate with this contract value.

2011-2012 Budget Papers:

Project Description	Location	Start	Complete	Estimated Total Cost \$000	Est. Expend to 30-06-11 \$000	Allocation 2011-12 \$000
Windsor Bridge over Hawkesbury River Replacement	Windsor		n.a.	n.a.	2,318	2,050

2012-2013 Budget Papers:

Project Description	Location	Start	Complete	Estimated Total Cost \$000	Est. Expend to 30-06-12 \$000	Allocation 2012-13 \$000
Windsor Bridge over Hawkesbury River Replacement	Windsor		n.a.	n.a.	4,700	4,000

2013-2014 Budget Papers:

Project Description	Location	Complete	Estimated Total Cost \$000	Est. Expend to 30-06-13 \$000	Allocation 2012-14 \$000
Windsor Bridge over Hawkesbury River Replacement	Windsor	n.a.	n.a.	8,700	32,000

To the date of the QoN, Budget allocations for the Windsor Bridge Project reflected neither the project contract value, nor the \$65 million Estimated Total Cost. Whilst \$32 million was allocated in the 2013-14 Budget, this amount is not consistent with either project value and comes long after the commercial processes had been completed.

Indeed, there is no indication in BP4 Treasury approved the full project value prior to the RMS engaging with the market and awarding the contract to Baulderstone.

RMS website

http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/contracts/disclose_tenders.pdf

Contract ID	Description	Tender Closed Date	Document Location	Lodgement Location
12.2001.2234	Cabonne HW7 Goanna Hill Value Management Workshop	28/06/2012	Parras	Parras
12.2815.3184	Windsor Bridge Alliance - Construction	28/06/2012		North Sydney
12.2811.2258	Design Services Wyong Road, Mingara Drive to Tumbi Road	28/06/2012		Way Way office
13.256.1404	Review of Environmental Factors (REF) for Replacement of Bridge (BN153) over Deadmans Creek	28/06/2012	Parramatta Argyle Street	Parramatta Argyle Street
08.2106.2116-0121	SN9514 M8 Motorway - Site E (Church St) Levelling	27/06/2012	Parramatta	Parramatta

Baulderstone named, August 2012

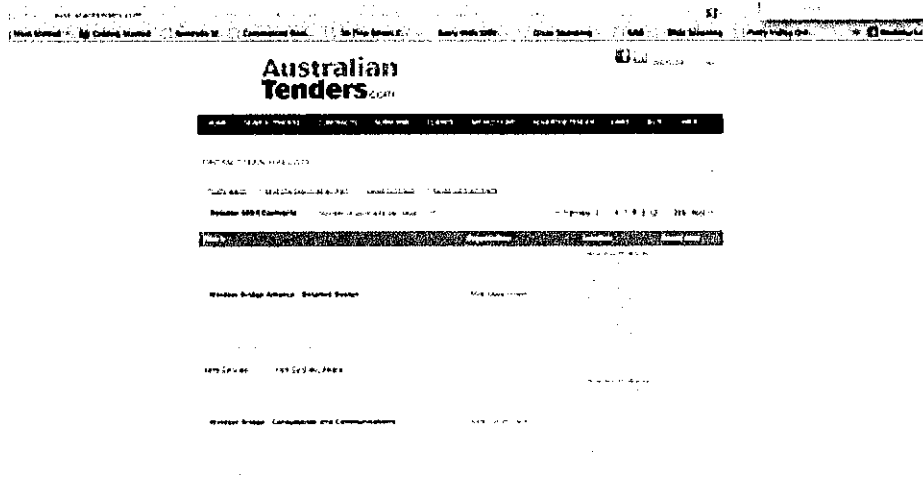
Contract awarded for detailed design work, prior to completion of the EIS:

Contract Award Notice Detail View - RMS.12.2615.3149

RMS.12.2615.3149

Contract Award Notice ID RMS.12.2615.3149
Agency Roads and Maritime Services
Category B3000000 - Public Utilities and Public Sector Related Services
(based on UNSPSC)
Publish Date 6-Feb-2013
Particulars of the goods or services to be provided under this contract Windsor Bridge Alliance - Detailed Design
Contract Duration 24-Dec-2012 to 30-Sep-2013

Contractor Name Sinclair Knight Merz Pty Limited
ACN 001024095
ABN 37001024095
Street Address 100 Christie Street
Town/City ST LEONARDS
State/Territory NSW
Postcode 2065
Country AUSTRALIA



Tab J: Risk Assessment Tool

<https://www.asset.gov.com.au/risk/>

What is the risk assessment tool?

The Risk Assessment Tool is a high level indicator of the potential risks that can occur with government projects.

It uses a standard set of criteria relating to:

- The project's objectives and scope
- The project's complexity and scale
- The project's location and timing
- The project's impact on the community
- The project's impact on the environment

It is designed to help you understand the risks to a project and to use the tool to create a risk assessment.

When to use the risk assessment tool?

For Estimating Resources

The Risk Assessment Tool is the first step in the Gateway Review process.

As part of the process for the development of the State Infrastructure Strategy, government agencies are required to submit to Gateway forms for all government proposals for projects that meet the following criteria:

Strategic SIA

- For projects with an estimated total cost over \$10 million and commencing in years 1-4 of the upcoming financial estimates period, or
- For all projects funded by State Infrastructure Strategy Subsequent to 2014-15 financial year.

Resource Case Gate

- For projects funded by Treasury for all projects with an estimated total cost over \$1 million, or
- For all projects with an estimated total cost over \$10 million and commencing in the upcoming financial year.

Risk Assessment

Projects with an estimated total cost of \$10 million to \$50 million are assessed by the Risk Assessment Tool. Projects with an estimated total cost over \$50 million are automatically sign off for risk assessment for projects assessed as low risk.

How to use the tool?

There are six main modules: Introduction, Introduction, Goals and Objectives, SIA and project's description.

The tool covers: key elements, key information, Program Impact Database, Government Impact, Social Impact, Capacity and Supporting for Gateway, Impact.

To begin, select an option from the menu that best describes the project in progress. The tool will then be designed to be self-explanatory and will be the first of a series of modules. Each module should be completed before a risk assessment can be started. A profile could take no more than 15-20 minutes to complete.

Saving a risk profile

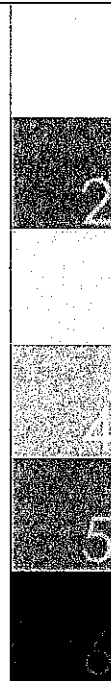
Once completed, the tool will generate a risk rating based on a traffic light system, which used the risk profile you have saved for an agency's internal use or to submit to Gateway for review of an application to fund.

It is important to note that a risk assessment must be completed for each project that is going to Gateway for review.

A risk assessment must be undertaken for all programs and projects being reviewed through the Strategic and Systems Case Gate.

Further Information

For more information on Gateway or how to use the tool, please contact the Gateway team on 1300 300 300.



CONCLUSION

The Government has been promising to fund the Windsor Bridge Replacement Project since prior to the last election.

<http://www.smh.com.au/nsw/state-election-2011/the-barry-factor-20110311-1brac.html>

<http://www.streetcorner.com.au/news/showPost.cfm?bid=20861>

<http://www.abc.net.au/news/stories/2011/03/04/3155478.htm?site=ganda>

However, the former Labor Government had asked the RTA to find an alternative to Option One prior to the election, due to advice from the Heritage Council that the level of damage caused by the Option One proposal was unacceptable. So whilst the incoming Coalition government was committed to delivering Option One, the outgoing government was unlikely to have taken the steps required to see the project listed in the Budget*.

Historically it has been the prerogative of the Treasurer to announce the government of the day's forthcoming capital works program in the annual state budget. Whilst pre-budget 'leaks' have, to some extent, eroded this protocol, nonetheless, inclusion of a project in the State budget generally signified it had passed a structured series of tests and evaluation processes and had, as a consequence, been allocated the requisite funding to go to the marketplace and subsequently commence construction.

Budget listings usually signify a rigorous process has been undertaken and projects included in the Budget have passed a series of increasingly demanding evaluations.

However, on September 6, 2011, just six months after taking office, the new government apparently managed to complete these processes, convince Treasury and have Windsor Bridge listed in Budget Paper 4.

It is possible the WBRP has not been subjected to the usual scrutiny because the RMS has internally funded it, possibly from recurrent funds. The very poor quality of the answers provided tends to reinforce this impression.

HAWKESBURY GAZETTE

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Impasse over Windsor Bridge after new delay

BY TONY BOSWORTH
23 Feb, 2011 11:22 AM

  A+ A-

Replacing Windsor Bridge with a new, safer bridge has once again been thrown into doubt as the NSW Roads and Traffic Authority (RTA) tries to decide which route to take, after the Heritage Council has said neither of the two most popular options could possibly be supported on heritage grounds.

The Heritage Council – a state government body – wrote to the RTA in December, expressing its concerns about the plans.

“Neither Option 1 nor Option 3 for a new bridge could be supported on heritage grounds,” a NSW Department of Planning spokesperson told the Gazette.

“Those options would detrimentally affect the historic setting of Thompson Square and the historic view of Thompson Square and the town of Windsor from the north side of the Hawkesbury River.”

Against this backdrop, Hawkesbury MP Ray Williams reiterated to the Gazette his warning about the safety of Windsor Bridge, handed to him by the RTA back in 2009.

“They [RTA officers] spent about one-and-a-half hours with me and laid out in no uncertain terms their great fear of the structural integrity of the bridge,” Mr Williams said.

“And here we are now, two years later. There is an enormous danger issue. And the flow-on effect of losing that bridge is unimaginable, you cannot put a dollar figure on it. It should have been started years ago.”

Labor candidate for Riverstone, Michael Vassili said he would love to be standing on a new bridge having his picture taken, but he said the delay in repairing or replacing the bridge was simply because a decision still had to be made by the Heritage Council.

“The hold up is the heritage issues which have been raised and which can't be ignored,” Mr Vassili said.

Londonderry MP Allan Shearan said it was now up to the RTA to come up with a plan that took into account the heritage issues.

“It's a very frustrating process but we have to address their concerns,” he said. “Once we get approval, there is funding for planning and there will be funding for building.” While the hold-up now appears to lie with the RTA, politicians continue to trade blows over just who is to blame for the delay, as public frustrations grow. Mr Williams laid the blame for the delay in getting the bridge replaced at the feet of the state Labor government.

RECOMMENDATION 9

Immediately establish the position of Planning Ombudsman for State Significant Infrastructure projects. The Ombudsman to be supported by a Public Infrastructure Charter specifically identifying the exemplary standards expected of all public infrastructure projects and to have the power to:

- *Review, against the expectations of the Public Infrastructure Charter, the decisions and regulatory actions of the Department of Planning and the behaviour of Infrastructure agencies;*
- *Advise Parliament on matters of non-compliance.*
- *Refer matters to the Upper House Committees referred to in Recommendation 6;*
- *Refer matters to the ICAC;*
- *Refer matters to other law enforcement agencies;*
- *Issue regular, and when required ad hoc, public reports regarding the commissioning and delivery of State Significant Infrastructure projects.*

PROPOSED PUBLIC INFRASTRUCTURE CHARTER CONTEXT

Whilst the NSW Government has a number of mechanisms either in place, or announced, to improve urban planning and design, there are no specific, publicly available standards currently informing the design and delivery of Government infrastructure.

By informing expectations, the introduction of such standards would assist both infrastructure agencies and the communities affected by public infrastructure projects. This is true of not just the scope and design of the particular project, but also of the process for delivering it and the behavioural standards expected of agencies during the life of the project.

As has been acknowledged by a number of senior New South Wales government politicians, governments do, on occasion, make mistakes. However, the truly unforgivable mistake is refusing to admit a mistake. Instituting a Public Infrastructure Charter would not stop governments from making errors of judgment around public infrastructure projects, however, improving standards of communication and agency accountability would assist the Government, early in a project timeline, to understand and address such errors.

Inherent in the concept of a Public Infrastructure Charter is the position of Planning Ombudsman for State Significant Infrastructure Projects. Because the RMS serves the government of the day, rather than the people of New South Wales, the Hawkesbury community has had no Government “champion”, or source of independent advice. Thus the requirement the Ombudsman answers to the Parliament of NSW, rather than an individual Minister.

It is proposed the role of the Ombudsman be informed by a Public Infrastructure Charter, prepared to provide guidance regarding the conduct of Government agencies in the planning and delivery of all infrastructure projects, but with specific reference to state significant infrastructure projects.

ISSUES

Whilst not presuming draft such a charter, on the basis of experience with the Windsor Bridge Replacement Project (WBRP), Community Action for Windsor Bridge (CAWB) strongly recommends the following considerations be included:

Process

1.) Consultation

Include a definition of “consultation” to inform practice.

The Cambridge online dictionary defines consultation as:

*“the act of **exchanging** information and opinions about something in order to reach a better understanding of it or to make a decision...”*

In the case of Windsor Bridge, information provided to the RMS, which was contrary to their existing ambitions, was not taken into account. Consultation has been for the purpose of, at best, informing the community - not listening to them, and more problematically, has been a box ticking exercise, designed to quieten dissent, not hear it.

Consultation must deliver measurable and positive change – either in the project or to community concerns about the project.

2.) Information

Language: All government documents should be written in plain English including material published for public information. Terminology used should conform to dictionary definitions. Where there maybe some uncertainty regarding a particular term, perhaps used uniquely in the context of a particular project, the agency concerned must include a definition of how it is being used.

Accuracy: The RMS appears to have lied with impunity (see, for example, the issue of 1 in 5 flood heights, illustrated at Recommendation 3).

Advising the community there was no need to speak against the project in the early stages because the EIS is the correct time to object to it was also a lie. The government and its agents need to know as soon as possible what concerns the community has about a particular project and address those concerns. If they are incapable of doing that, the viability of the project must be questioned.

In addition, since at least 2012 the RMS has clearly had a predetermined outcome for this project and since at least that time communication has been shaped and modified to support the predetermined outcome. Over the years the RMS have changed their rhetoric a number of times in order to justify the project.

The accuracy of every statement made by government agents must be unchallengeable. The identification of misinformation should result in immediate sanctions against an agency.

Quantity: duplication of information within documents is unnecessary and puts an additional and avoidable burden on community members who are examining those

documents. Indeed, one might be forgiven for suspecting such duplications are designed to stymie the efforts of the community to understand a project.

Documents must be clear, to the point and without redundant information. Technical information forming any part of consultation documentation must be accompanied by a plain English explanation.

Timeliness: Public Service standards should already require the delivery of key project documents in sequence and on time. While project timeframes may change, such changes should be announced and should not impact on the sequence of delivery, particularly for contingent documents. The delivery of crucial reports for the Windsor Bridge project has been shambolic, resulting in the release of reports prior to the completion, publication, consultation on and approval of foundation reports such as the final archaeology report.

The public has frequently been kept waiting to see key documents such as the Salvage Strategy, which was only released after approvals for the salvage of Area 1 had been granted. This approval was also granted prior to the final authorisation of the Strategic Conservation Management Plan.

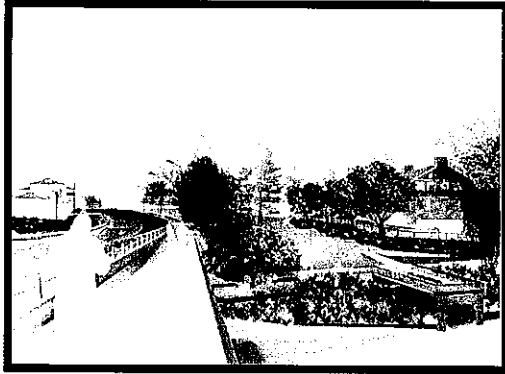
Presentation: the WBRP documents have been placed online in segmented files. The files themselves are not always entire documents and the naming of the files gives little, or no indication of contents. Searching for a particular fact may require searches in dozens of documents. While it is acknowledged file size is a concern, at a minimum, each file should be an entire document and file names should clearly indicate contents.

Any illustrations prepared for public release must be included for a specific, identified purpose and be accurate. WBRP material has included images such as the bridge without any pedestrian safety barriers.

The RMS 3D visualization contains the following disclaimer;

“The illustrations contained herein are indicative only. No person or organisation should rely on these illustrations for any purpose, and Roads and Maritime Services takes no responsibility for assumptions based on these illustrations.”

This disclaimer gives rise to the question, “If we cannot ‘rely’ on the RMS illustrations for any purpose, what is the point of providing them in material being viewed, during a periods of public consultation, in order to prepare detailed and thoughtful submissions?”



The chosen perspective effectively removes the handrail, creating a more pleasant and open aspect in this illustration

The contractor responsible for the 3D visualization for the WBRP 'detailed design' phase of the project, in the abstract of a conference paper, says

ABSTRACT

The Windsor Bridge Replacement project required the survey and modelling of the State Heritage listed Thompson Square Conservation Area, existing Windsor Bridge and immediate surrounds using 3D laser scanning. This is one of the first times where a project's Condition of Approval has required archival recording to be completed using 3D laser scanning technology. An archival model of the project area was produced using a combination of an existing G73 compliant site survey, Terrestrial Laser Scanning (TLS), Mobile Laser Scanning (MLS) and multi-beam sonar bathymetry. The point clouds from the various surveys were combined into a single unified, spatially accurate, full-colour point cloud. 3D string lines were extracted for heritage building facades, the top and underside of Windsor Bridge, along with other streetscape detail. The resulting 3D point cloud and model was used to derive a range of deliverables, including detailed ortho-rectified elevations of the street frontages showing far more detail and colour than traditional CAD drawings, current views of the site that match location and perspective views of historic photographs enabling more recent features to be removed to reveal how the site could look if these features were removed, interactive panoramic images allowing virtual visits to the site from the desktop, and a number of video 'fly-throughs' that highlight the historical significance and issues associated with the site and construction of the new replacement bridge. The level of detail and accuracy captured by the 3D scanning process has set a new benchmark in the archival recording process for what is considered one of the oldest towns in Australia. This archival recording will be put to use in the long-term strategic planning for conserving the heritage fabric within the township of Windsor.

https://www.surveyors.org.au/files/APAS2017_CPD_application_programabstracts.pdf

Aside from the fact the community has had, as far as we are aware, no access to such illustrations, if the RMS has the capacity to create extremely accurate images and then amend them (for example accurately inserting an image of the proposed bridge and proposed landscaping), why was the general public asked to comment on, for example, the landscape phase of the project but were provided with illustrations they were told they could not rely upon?

The potential to remove features from the generated images belies the RMS's claims they are unable to remove the artfully located trees in their artists' impressions. Foliage is frequently used to minimise negative impacts and never reflects the reality of what is proposed – the removal of almost every major tree in Square. A proposal that will leave the Squared denuded of foliage for many years to come.

Project Justification

Cost benefit analysis

The inputs for cost benefit analysis of projects must be standardised. Agencies should not have license to include or exclude inputs based on achieving a particular outcome. Measuring the benefit of a project must be an objective exercise.

Design

Whilst fulfilling budget objectives, the design of public infrastructure should aspire to something greater than the lowest common denominator, cheapest solution to a particular problem.

Proposed design solutions must be “real”, rather than in a linguistic construct. In the case of Windsor Bridge, the RMS described the proposed street lighting as follows:

Architectural style (respecting the simple colonial georgian (sic) style): Galvanised finishes to metalwork, will establish a simple, informal and utilitarian suite of lighting and thereby respect the colonial georgian (sic) style. Finishes will ensure the fixtures recede into the surrounds and not be and not become dominant elements in the landscape.

Landscape suitability: The design of the fixtures will be simple, appropriate for this riverside context and suitable for inundation during flood events.

Heritage context: Located within the Thompson Square Conservation Area the lighting will be simple and informal and complement the existing context.

However, disappointingly the accompanying images were of standard New South Wales streetlights.

Organisational Culture

Infrastructure agencies must implement and enforce, through policies, procedures and if required, sanctions, behavioural standards for all staff, which recognise and respect the right of the community to disagree with or reject proposed plans and ensures concerns are accurately reflected in Ministerial advice.

RECOMMENDATION 10

NSW Planning laws are urgently amended to:

- *Reinstate and expand the community's right to merit appeal on State Significant Infrastructure projects;*
- *Establish the legislative primacy of State Heritage significance over State Infrastructure significance*
- *Reinstate the NSW Heritage Council's authority to refuse approval of projects impacting items of NSW State Heritage significance.*

CONTEXT

"Thompson Square thus comprises a series of interrelated components – the setting, historic plantings, monuments, fencing, roadways, surrounding buildings and connections to the River. Such squares are rare in NSW and in Australia."

"The Heritage Council has previously advised that Thompson Square is of crucial importance to the heritage of the State; that Option 1 is likely to have a long term irrevocable and negative impact on Windsor as a whole and Thompson Square in particular; and that Option 1 does not adequately respect the unique history and State heritage significance of this area.

"The serious and irrevocable heritage impacts of a new Windsor Bridge through Thompson Square mean that the Heritage Council recommends to the Minister for Planning that project SSI - 4951 WINDSOR BRIDGE REPLACEMENT P

https://majorprojects.accelo.com/public/67fef7bc12e287528dcd40a5068809cd/WB_Agency%20Submission_Heritage%20Council.pdf

THE INTENT OF THE HERITAGE ACT AND 5.1

The evidence provided in this section is from documents obtained via a GIPA process. Whilst the bulk of the material was in briefings between the RMS and Minister for Roads, references in Heritage Council briefings make clear the Department of Planning and the then-RTA were well aware of the implication of the proposed use of 5.1 and the consequential implications in terms of the role of the Heritage Council.

This takes on some significance, given the protective intent of the Heritage Act and the significance of Heritage listing and supports the conclusion (with its associated implications) the Heritage Act has no relevance once State Significance is declared.

The question then arises: why a Heritage Act at all? Arguably it is the most precious and valuable heritage sites that, if slated for development, would fall into the "State Significant" category. Less important sites are at the mercy of an infrastructure agency like the RMS due to self-approval arrangements. Thus nothing is safe. If an item does not qualify as State Significant, the RMS as the proponent can self-approve. If it IS State Significant the Heritage Council's right of veto is removed.

This is a quantum shift in the management of the State's Heritage assets, with demonstrable adverse consequences for State significant heritage items. In addition to the resulting erosion or destruction of heritage items and heritage landscapes, the

consequences of this shift were not particularly articulated prior to changes in the planning legislation and it reverses, without discussion, decades of community reliance on the Heritage Act as the primary mechanism for protecting heritage in New South Wales.

As things stand the Heritage Act is in effect, redundant legislation. However it is considerably worse than that because it is a legislative lie. Its continued existence implies it has a legitimate role in protecting heritage. What Windsor Bridge replacement project proved is, no matter how valued, significant, or recognised a Heritage asset is, the decision of a single Minister is all it stands between protection and complete destruction. The primary function of the Heritage legislation is protective. The tension between infrastructure that is State significant and heritage that is State significant is probably not new. What is new is the way that, unheralded, 5.1 upturned the playing field.

The need for public infrastructure is acknowledged, however the current dominance of infrastructure over heritage is not only shortsighted, but as has been frequently articulated in the case of the Windsor Bridge, at issue is catastrophic economic mismanagement of public assets. Heritage buildings in the Hawkesbury are an asset which deliver benefit to all residents and businesses in the area, thereby providing economic benefit to the state itself. It is generally accepted that a well-managed heritage precinct outperforms comparable precincts in terms of real estate and business values and that Heritage tourists stay longer and spend more than any other identified category of tourist.

The removal of the right of merit appeal is shortsighted. A civil society requires checks and balances to remain "civil". Given the seriousness of a court challenge, the risk of vexatious action must be considered extremely remote. The removal of merit appeal in the case of Windsor Bridge imposed, on a single Minister, entire responsibility for a project that will destroy a number of Heritage assets, including but not limited to:

- 1874 bridge, the first known use of pneumatic caisson technology in bridge construction in Australia.
- 1820 Greenway designed wharf remnants. Considered to be the oldest remaining wharf structure in Australia
- 1814 Box drains associated with the 1814 brick barrel drain, as well as the entombment of the brick barrel drain itself. These are the oldest examples of this type of public infrastructure in the nation.

...without any mechanism at all to test the validity of that decision.

Relevant quotes below:

1.) JULY 2011 RMS to Minister Gay:

The project is likely to have significant impact on the heritage of Thompson Square. **Therefore under the new Part 5.1 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) the project will become State significant infrastructure (subject to the commencement of the EP&A Amendment (Part 3A repeal) Act 2011 and gazettal of a relevant supporting State environmental planning policy (SEPP)).** Accordingly, the RTA will be required to prepare an environmental impact statement (EIS) and seek the approval of the Minister for Planning and Infrastructure.

The RTA has commenced the preparation of a project application to submit to the Department of Planning and Infrastructure. **However the environmental impact assessment process cannot formally start until the commencement of the new Act and the gazettal of the SEPP declaring the project to be State Significant infrastructure.** In anticipation of the commencement of the new legislation and the gazettal of the SEPP (expected to be in early August), the RTA is aiming to lodge the project application in early August.

The EIS process will involve the detailed assessment of the impacts of the project on the natural and built environment, taking into account a suite of measures to manage and mitigate the impacts. The assessment will focus on the key issues for the project. This is likely to include Aboriginal and non-Aboriginal heritage, visual impacts and urban design, socio-economic impacts, traffic and transport and noise.

Part 5.1 requires the EIS to be placed on public exhibition for a minimum period of 30 days. At the completion of the exhibition period, the RTA will respond to the issues raised and the Director-General of the Department of Planning and Infrastructure will prepare an environmental assessment report for the Minister of Planning and Infrastructure. **Full detail of the process for Part 5.1 EIS projects will not be known until the gazettal of the amendments to the EP&A Regulations however, it is anticipated that it would be similar to the Part 3A process. The likely Part 5.1 process is attached, refer Attachment B.**

The average time for completing the EIS process and obtaining Ministerial approval for RTA projects is about two years from lodgment of the project application. Depending upon the complexity of the environmental issues and the level of public interest, the average timeframe includes between six and 12 months to prepare the EIS and between three and six months to respond to the submissions. The remainder of the timeframe to gain planning approvals is for the public exhibition period and the Department of Planning processes.

Given the circumstances of the Windsor Bridge project and the need to proceed as quickly as reasonably possible, the RTA will target obtaining planning approval within 18 months. **Co-operation from the Department of Planning and Infrastructure and the Office of Environment and Heritage will be required to meet these timeframes.**

2.) In the same briefing under ACCOUNTABILITY AND TIMEFRAME:

Following the commencement of the new legislation and the gazettal of the SEPP declaring the State significant infrastructure, the RTA will lodge a project application with the Department of Planning and Infrastructure which will formally commence the environmental assessment process under Part 5.1 of the EP&A Act. In anticipation of the commencement of the new legislation, the RTA is aiming to lodge the project application in early August and will target obtaining planning approval within 18 months.

The RTA plans to complete the Windsor Bridge project within 24 to 30 months from the date of planning approval.

3.) From early April 2012

"Concerns about the project

RMS' understanding is that the concerns of the Heritage Council and NSW OEH include:

Impacts of Option 1 to the heritage significance of Thompson Square and Windsor -

'Thompson Square is of crucial importance to the heritage of the State and that Option 1 is likely to have a long-term irrevocable impact on Windsor as a whole and Thompson Square in particular./ Option 1 does not adequately respect the unique history and State heritage significance of this area.'

That other options, providing less adverse heritage impact have not been pursued -
'Option 6, the town bypass, is the only acceptable heritage outcome'.

That by seeking project approval under Part 5.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) approvals under the Heritage Act 1977 are no longer required...."

In a different version of the same briefing :

RMS explored the feasibility of Option 3 to meet a Heritage Council preference to retain the existing road through Thompson Square rather than building Option 1. The Heritage Council stated *'that neither Option 1 nor Option 3 can be supported on heritage grounds'*.

When RMS indicated that it would seek project approval under Part 5.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) Heritage Council noted that approvals under the Heritage Act 1977 were no longer required. It reinforced that Option 1 would 'have long term irrevocable and negative impact on Windsor as a whole and Thompson Square in particular...'

4.) From a single page, likely to be part of an RMS brief from before mid April 2012:

POSSIBLE SOLUTIONS/OPTIONS FOR RESOLUTION

The Heritage Council has said that Option 1 cannot be supported on heritage grounds and strongly prefers an alignment outside the town center. Resolution of this concern would require commitment to a more expensive bypass route that avoids Thompson Square.

*As the project is **being assessed and determined under Part 5.1 of the EPA Act Heritage Council approval is not required.** Nevertheless Heritage Council remains a key stakeholder and the Heritage Council and NSW OEH have both provided input into the Director General's environmental assessment requirements (EARs) for the project.*

5.) September 9, 2011 from Director, Heritage Branch, Ms Petula Samios, as Delegate of the NSW Heritage Council to Mr Yogaratnam Suthan, Project Manager, Roads and Traffic Authority (Reference B466969, File 10/18970).

This correspondence was cc'd to Mr Chris Wilson, Department of Planning and Infrastructure. (Mr Wilson's name, as Executive Director, Approvals is significant in Call

for Papers documents relating to the approval of the Windsor Bridge Replacement Project).

On page 2 of the correspondence, Ms Samios says:

“It is understood from the information provided, that the RTA intends to seek project requirements from the Department of Planning and Infrastructure, prepare and exhibit the necessary Environmental Assessment documents and seek planning approval from the Minister for Planning and Infrastructure for Option1. This would mean that there would be no requirement to obtain Heritage Act approvals.

The Heritage Council reiterates its prior view that Thompson Square is of crucial importance to the heritage of the State and that Option 1 is likely to have a long term irrevocable and negative impact on Windsor as a whole and Thompson Square in particular, Option 1 does not adequately respect the unique and State heritage significance of this area.”