

Submission
No 155

INQUIRY INTO WINDSOR BRIDGE REPLACEMENT PROJECT

Organisation: Hawkesbury City Council

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Hawkesbury City Council:

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Hawkesbury
City Council



1 Introduction

Hawkesbury City Council is pleased to make this submission to the Portfolio Committee No. 5 – Industry and Transport Inquiry into the Windsor Bridge Replacement Project (the Inquiry).

This submission reflects the position of Hawkesbury City Council and is made on behalf of the Council, Councillors and the residents and ratepayers who live within the Hawkesbury Local Government Area.

This submission follows the 28 November 2017 decision of Council to make a submission to the Inquiry. This decision reflects Council's formal position on the Project, as resolved on 25 October 2016, that¹:

1. *Council request the Premier urgently order a cessation of the project known as the Option 1 replacement bridge at Windsor.*
2. *Council request allocated funding be committed to the renovation of historic Windsor Bridge for light and local traffic and the construction of an additional river crossing near Windsor which can appropriately meet current and future traffic needs of the wider community while allowing preservation and enhancement of the natural and heritage landmarks of Windsor.*
3. *The location of the new, additional river crossing on a town bypass be determined in consultation with Council and the Community; and recognise and integrate with the Government's longer term plans for another bridge and associated road corridor connecting to the Motorway network.*

As is clear from the above, Council is opposed to the building of a replacement bridge to cross the Hawkesbury River in that location. Our opposition to the proposed bridge reflects our desire to protect:

- the township of Windsor the third oldest European settlement in Australia
- Thompson Square, the town's heart and the oldest town square in Australia
- the existing Windsor Bridge, an acknowledged heritage item.

To this end, we believe that the town of Windsor, and the way of life of its residents and businesses, will be best served if the NSW Government redirects funding for a new bridge to a bypass that will release the constraints of congestion, provide better opportunities for accessibility to the wider region, and allow for greater economic opportunities – while also removing the risk of damage to one of Australia's oldest urban centres and town squares.

Our position is not founded on resistance to growth and change; on the contrary, we welcome change and we recognise that growth is occurring in our local and wider area. We do not object to the idea of development or construction occurring in our area in order to address the impacts of growing demand. Our position, however, is that this growth must be sustainable and sensible, and take account of the area's unique heritage and social values.

¹ Hawkesbury City Council 2017, *Ordinary Meeting Business Paper*, 28 November 2017.



We object to the demolition of heritage without tangible benefits. It is for this reason that we strongly endorse a town bypass that avoids the town centre and Thompson Square, improves accessibility for residents and is more likely to meet NSW Government objectives in terms of liveability and a 30-minute city.

We will also use this submission to raise significant concerns about the Windsor Bridge Replacement Project itself – not just that the proposed construction is ill-conceived, but that the governance around the Project does not reflect true collaboration, has never addressed community concerns around heritage, traffic impacts and flooding, and has reflected a narrow-minded insistence on removing the existing bridge.

These concerns are particularly pertinent at present, with archaeological salvage work that has discovered brick barrel drains that could date back to 1814. This questions how Roads and Maritime Services (RMS) can progress with tendering for the project without extensive investigation to understand the nature and extent of these structures; continuation will only significantly risk changes to the scope of the project, thus incurring subsequent cost and time variations.

In addressing the Inquiry's terms of reference and expressing Council's formal position on the project, this submission:

- covers the history, heritage values and current state of Windsor Bridge
- details the expected growth and impacts of, and opportunities from, growth on Windsor and the surrounding areas
- details, from Council's perspective, the process that has occurred in recent years in respect of the Windsor Bridge replacement project and, in doing so, specifically addresses the Inquiry terms of reference
- justifies why:
 - the bridge should be protected
 - a bypass is the most viable and appropriate solution for Windsor and the wider area
- illustrates the alignment of Council's solution with NSW Government policies and sustainable and strategic planning objectives.



2 Windsor Bridge

Addressing 1 (a) in the terms of reference

The towns of the Hawkesbury Local Government Area (LGA) are historic – Windsor, Richmond, Pitt Town and Wilberforce were all founded by Governor Macquarie and sited on elevated ridges along the river². Windsor was originally known as Green Hills.

Windsor Bridge crosses the Hawkesbury River at Windsor. It was opened on 20 August 1874 to “great local rejoicing”³. It was raised by 2.4 metres in 1897 with the timber deck, abutments and Pier 10 replaced with reinforced concrete in 1921-22. The Bridge is listed on the NSW State Heritage Register⁴.

The RMS Environmental Impact Statement (EIS) states:

Windsor Bridge provides an important link for communities on each side of the Hawkesbury River in the Windsor locality, as well as an important regional link between western Sydney, the Blue Mountains and the Hunter region. Around 19,000 vehicles use the bridge each day, with around seven per cent of these being heavy vehicles⁵.

Windsor Bridge is an essential connector for the people of Windsor and the surrounding area. Council and the community do not think of Windsor Bridge in isolation; as a connector it influences traffic flow and congestion in Windsor itself; as a heritage item its values are entwined with Thompson Square. It also traverses one of the most flood prone areas on the Australian mainland.

We believe RMS’s continued ignorance on the heritage values not just of the open space of Thompson Square but of the surrounding streetscape and built form of the Square has led to a poor solution for the people of Windsor. Further, we are not convinced that the Windsor Bridge Replacement Project gives enough emphasis on the increasing congestion in Windsor – congestion that will not be eased with a new bridge and is only set to increase as the population of the Hawkesbury and surrounding areas increases.

We make this assertion within the context of a growing Sydney. The draft *Greater Sydney Region Plan* forecasts an increase in population that will require 725,000 new homes and space for 817,000 new jobs over the next 20 years. The Western City District, of which Windsor is a part, will see an increase in homes from 388,000 in 2016 to 572,500 in 2036; Richmond-Windsor, defined as a strategic centre in the draft *Western City District Plan*, is forecast to grow by approximately 9,000 people, requiring space for between 12,000 to 16,500 jobs (up from just over 10,000 jobs in 2016) and an additional 6,000 homes.

This translates to an increase in both personal and business movements, not just for the residents of Windsor, but those living in settlements to the north, north west and north east that use the bridge to cross through Thompson Square and Windsor every day. Without a sustainable and sensible approach, of which Council and the community strongly believes is a bypass of the town, congestion will only worsen, amenity will decrease, essential social and heritage values will be impacted and only negligible relief will be achieved in relation to flooding. We remain unconvinced that moving these issues 35 metres downstream and running a new road through Australia’s oldest town square will have any positive benefit on these issues and is a poor choice in terms of public investment.

² https://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0008/95975/The-Hawkesbury-A-Thematic-History-2017-February.pdf

³ *Ibid.*

⁴ <http://www.rms.nsw.gov.au/projects/sydney-west/windsor-bridge-replacement/why-does-windsor-need-a-new-bridge.html>

⁵ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-EIS-contents-exec-summary-nov2012.pdf>



2.1 Thompson Square

As described in RMS's Strategic Conservation Management Plan (SCMP):

Thompson Square is located in the centre of the town of Windsor, immediately south of the Hawkesbury River. Thompson Square is one of the oldest public squares in Australia and notable for the large number of Colonial Georgian buildings which surround it. The site is made up of George Street, Bridge Street, Thompson Square and The Terrace, a series of roadways which surround a small turfed reserve. Directly north is Windsor Bridge, spanning across the Hawkesbury River to connect with Wilberforce Road.

Further, the Thompson Square heritage listing describes it as:

... the only public space remaining from the original town [that] has played an important part in the history of the town. It is the only remaining civic space as laid out by Governor Macquarie and is a vital precinct in the preservation of the early Colonial character of Windsor. The Square reflects Macquarie's visionary schemes for town planning excellence in the infant colony.

A Strategic Conservation Management Plan (CMP) for Thompson Square was released in early 2017 to "provide a framework for managing the heritage significance of Thompson Square within its context as an important and historic town centre."⁶ This was required as one of the conditions for approval for the Windsor Bridge Replacement Project. It is worth noting in passing that a Strategic Conservation Management Plan is an innovation of the approval for the Windsor Bridge Replacement Project; as a one-off, it has no origin in any legislation, act or regulation, it never existed before this development and its form and content is still evolving.

The evidence presented in this CMP, including the somewhat restrictive limitations placed on the study area, ignores, in our opinion, the extent of Thompson Square.

Just as thinking of a road as simply the asphalt wearing surface – ignores the layers and structure of engineering beneath the surface – thinking of Thompson Square as simply the "public" space in the middle similarly ignores the contribution and importance of the neighbouring buildings that frame the Square – the area's heritage values are protected in the wider Thompson Square Conservation Area.

We are not convinced that suitable emphasis has been placed on the impact the Windsor Bridge Replacement Project will have on these buildings, on the Square itself and on the collective amenity that a unified Square offers.

National Trust NSW agrees with this position, stating that:

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.

⁶ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-strategic-conservation-management-plan-volume-1.pdf>



2.2 Maintenance regime and renovation methods

RMS claims that Windsor Bridge⁷:

...would need extensive and costly repairs if it was to be used and maintained into the future. In addition, the existing bridge does not meet current engineering and road safety standards such as minimum lane widths. The roads and intersections also have safety issues including a lack of safe pedestrian crossing locations and poor vehicle sight distances. The structure has reached the end of its useful life and needs to be replaced.

Council recognises the limitations of Windsor Bridge at present. It does not, however, consider the issues to be as extreme as that stated by RMS. For example, in 2013, the Bridge was found to be “safe for current use”⁸ and “could relatively economically be refurbished and strengthened”.⁹

Further, RMS claims that the Bridge “requires expensive ongoing maintenance and repairs”¹⁰; however between 1994 and 2012, the RMS invested \$89,614 on maintenance¹¹, which is hardly expensive for a heritage-listed Bridge that has such a lasting legacy.

However, Council notes the need to plan for the future, and look at what is needed for Windsor and our Local Government Area to thrive. We note that limited capacity and speed restrictions on truck movements impedes business; we note that congestion has negative liveability, productivity and sustainability impacts. We agree that the Bridge, in its current state, will not support the expected increase in private vehicle use, safe pedestrian and cycleway access and increased business movements. These issues do not, in Council’s opinion, preclude the option of retaining the Bridge for local traffic and “active” transport movements across the Hawkesbury River, between the township of Windsor and the public open space adjacent to the western side of the river.

2.3 Justification for protection

Those who cannot remember the past are condemned to repeat it
George Santayana

The above quotation is cited to reiterate the need to protect our heritage, embrace heritage areas for wider public use and not make the mistakes of the past. We see this at the historic Toll House tucked next to Fitzroy Bridge at South Creek. This is one of only two intact toll houses remaining in NSW, the other is at Mt Victoria in the Blue Mountains¹². When a new high-level bridge was constructed over South Creek in 1975, the Toll House was largely concealed from view. While its exterior was restored in 1997 it remains vacant and largely inaccessible – viewable only from the outside by walking from Court Street, on the pathway down beside the Fitzroy Bridge.

Council does not wish to see a similar outcome for Thompson Square.

Council notes that the Terms of Reference focus on the justification for the demolition of Windsor Bridge; this represents one of the key issues with this project: that demolition of a key heritage item has always, almost blindly, been preferred over protection.

⁷ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-questions-and-answers.pdf>

⁸ https://majorprojects.affinitylive.com/public/22b66dff343265c6d9c82da7a2ba9b9f/Final%20Engineering%20Review%20Report%20on%20existing%20Windsor%20Bridge_160813.pdf

⁹ Ibid.

¹⁰ <http://www.rms.nsw.gov.au/projects/sydney-west/windsor-bridge-replacement/why-does-windsor-need-a-new-bridge.html>

¹¹ https://www.parliament.nsw.gov.au/la/papers/Pages/qaprofiles/maintenance-activities-on-the-windsor-br_209372.aspx

¹² <http://hawkesburyheritage.blogspot.com.au/2014/06/if-you-have-ever-travelled-to-windsor.html>



Instead, we present the case to justify the protection, rather than the demolition, of Windsor Bridge.

The State Heritage listing describes the Bridge as having:

...a high level of historic, technical, aesthetic and social significance as an important historical and physical landmark in one of the State's pre-eminent historic towns, and in the wider Sydney region. It is the oldest extant crossing of the Hawkesbury River. Together with the successive crossings upstream at Richmond, this bridge has played a major role in shaping the history of the Hawkesbury area, functioning for well over a century as an all important link between the communities on either side of the River and as an essential component in a through route of importance in the development of the Sydney region... The Windsor Bridge has landmark qualities as one of only two bridge crossings of the Hawkesbury River in the Hawkesbury area and as such it defines the surrounding network of roads... The addition of a reinforced concrete beam deck to replace the timber deck in the 1920s is a relatively early use of this technology... As the suburban outskirts of Sydney widen and come closer to the still distinct and distinctive Macquarie towns, the rich history of the area and its physical remains become increasingly important to the community's sense of identity. The Windsor Bridge is thus an important part of Windsor's history and identity¹³.

The Bridge, as a connector to one of the Macquarie Towns, is also an illustration of early engineering expertise in Australia. The Engineers Australia response to the RMS Environmental Impact Statement (EIS) identifies the importance of the bridge's cast iron piers. RMS itself notes the Bridge as a major engineering project in the State for its time, required to deflect the impact of severe flooding experienced by the Hawkesbury.

The Bridge is also an essential interface between Thompson Square and the river. It provides key vistas to Thompson Square and is very much a part of the town's history and heritage. We believe plans to demolish the Bridge will negatively impact Thompson Square, beyond, even, the negative impacts of the development of a new bridge on the Square itself.

In this regard, the NSW Heritage Council, in its advice to RMS in 2011, describes Option 1, as put forward by RMS in consultation, as having "significant impacts on heritage in and around Thompson Square including impacts on the setting, views and relationships of the buildings around the Square and their relationship to the Square as a planned urban space; negative impacts on heritage buildings; the likely disturbance and destruction of archaeological evidence of the 1790s town, which predates the creation of Thompson Square, and impacts on maritime archaeology related to the early settlement of Windsor."¹⁴

The *Hawkesbury Local Environmental Plan* (2012) establishes the Thompson Square Conservation Area and notes its State significance. Further, Council's Community Strategic Plan contains the following key directions and strategies:

¹³ <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=4309589>

¹⁴ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-issues-report-oct2011.pdf>



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- 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City*
 - 5.2.2 Encourage and implement progressive urban design, sensitive to environment and heritage issues*
 - 5.2.3 Sympathetic, adaptive and creative uses for heritage sites and buildings across the City will be encouraged and promoted*
 - 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses*

The protection of Windsor Bridge, and efforts to protect the heritage values of Thompson Square directly align with our Community Strategic Plan objectives, which were developed in consultation with the community to ensure all Council plans and policies reflect the needs of our community.

We also believe the Bridge's protection aligns directly with the objectives set out by the NSW Government and Greater Sydney Commission in recently-released strategic planning documents; this is detailed in section 4.2

RMS states that by demolishing the bridge, a new bridge will improve safety and traffic flow; cope with higher levels of flooding and "unify" Thompson Square. We disagree with this contention and outline our objections in section 2.4.

However, we recognise that the Bridge, and how it is used in its current state, is untenable. Further, we recognise that the costs of renovation the bridge and additional infrastructure and improvements to meet expected growth in traffic numbers is considered more expensive than simply developing a new bridge. However, neither solution – whether making the current bridge fit for purpose, or building a new bridge – will, alone, solve the issues afflicting Windsor today.



3 The replacement bridge project

Addressing 1 (b) in the terms of reference

In addressing 1b of the terms of reference, Council notes that these terms are focused on the benefits of the project only. We see this as a key impediment to an impartial and realistic evaluation of options for the future of Windsor; it uses a biased approach to assessing the value of a single piece of infrastructure, ignores its heritage values and the heritage values of the surrounding area, and takes a dim view of the strategic benefits of a bypass, especially within the context of flooding, disaster management and a growing Greater Sydney.

This contradicts the NSW Government objectives that drive interactions with communities, places and the built form when it comes to planning for Greater Sydney's future.

3.1 Options presented to the community

The then-Roads and Traffic Authority (RTA) presented nine options to the community in July 2009.

- Options 1 and 2: Downstream of existing bridge
- Option 3: high level – Upstream of existing bridge
- Option 4: Baker Street – upstream of existing bridge
- Option 5: Kable Street – from Windsor Road, along Macquarie Street
- Option 6: Palmer Street
- Option 7: Court Street
- Option 8: Pitt Town Road
- Option 9: Rehabilitate the existing bridge (the only option noted in the community update where challenges are highlighted in a specific text box)

These options illustrate that the RTA/RMS has always and only supported the replacement of Windsor Bridge. That a bypass is considered financially unfeasible appears nonsensical given the history of spending on road infrastructure projects in NSW, and recent investment in bypasses outside the Greater Sydney Region in towns that with lesser heritage influences and fewer people (for example, in Berry, Moree and Buladelah).

Further, by not putting forward the option of a genuine bypass to the community (options 6, 7, 8, did not provide connectivity), the NSW Government, through its road agencies, is disingenuous in its claims that it has either listened to the community and provided a thorough analysis of potential outcomes.



3.2 Post-construction strategic outcomes, including traffic benefits, transport and network service capacity

RMS notes that the planned Windsor Bridge Replacement Project will meet the following objectives, which we address in the following sections. In terms of traffic and transport benefits, the RMS identifies the following objectives:

- Improve safety for motorists, pedestrians and cyclists by meeting modern design codes and current road speeds
- Improve traffic and transport efficiency by minimising queue length/delays, improving the performance of the road network, enabling efficient movement of two heavy vehicles at once and improving load capacity¹⁵.

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

An independent report commissioned by the-then Department of Planning and Infrastructure in 2011 found that “it appears that the scope throughout much of the duration of the project has focussed on justifying the preferred option, as opposed to undertaking a thorough investigation into alternative options.”¹⁶

3.3 Economic, social and heritage impacts

RMS also state further project objectives:

- Meet community needs for the long term, including for local and regional traffic, and active transport connections, and by minimising impacts on recreational areas and to local businesses, retail areas and local properties, while also minimising noise impacts.
- Minimise impacts on heritage and character of the local area, including on Aboriginal and non-Aboriginal heritage and conservation areas and the visual impact of the bridge and road approaches on the character of local area¹⁷.

This submission has outlined in detail the heritage issues that are evident in the construction of a new bridge and approach roads through Windsor, in particular, the impact on Thompson Square. Also as previously noted, the recent archaeological discoveries raise additional concerns. National Trust NSW stated on 8 January 2018:

The National Trust will be putting in a submission to the recently announced NSW Upper House Inquiry into this bridge development and its impacts on this irreplaceable historic record.

But in the meantime, over the early New Year holiday period, the NSW Government appears to have stepped up its preparation for the building of these road works, ignoring the community concern and the pending Legislative Council Inquiry.

*Only urgent protective action by both the NSW and Australian Government will stop this destruction.*¹⁸

¹⁵ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-cu-july2009.pdf>

¹⁶ https://majorprojects.affinitylive.com/public/73c09e5a9e90d23f750d8d5447be63be/001.%200001_Windsor%20Bridge_Traffic%20Review%20Report.pdf

¹⁷ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-cu-july2009.pdf>



Council also questions the assessment of heritage issues. As noted in the State Significant Infrastructure application report¹⁹:

The RTA has formed the opinion that the impact of the project on non-Aboriginal heritage would be likely to significantly affect the environment and would require an environmental impact statement to be obtained under Part 5 of the EP&A Act. The project does not require development consent under Part 4 of the EP&A Act. Accordingly as per clause 14 and Schedule 3 of State Environmental Planning Policy (State and Regional Development) 2011 the project is State significant infrastructure under Part 5.1 of the EP&A Act and requires the approval of the Minister for Planning and Infrastructure.

As identified by the Heritage Council in its submission to the-then RTA in 2011²⁰:

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 Option 1. This would mean that there would be no requirement to obtain Heritage Act approvals.

The Heritage Council further points out its opposition to Option 1 and Option 3 on heritage grounds, specifically that:

the new bridge via Option 1 would have significant impacts on heritage in and around Thompson Square including impacts on the setting, views and relationships of the buildings around the Square and their relationship to the Square as a planned urban space; negative impacts on heritage buildings; the likely disturbance and destruction of archaeological evidence of the 1790s town, which predates the creation and Thompson Square; and impacts on maritime archaeology related to the early settlement of Windsor.

It could be implied from the above that a decision was made to classify a \$25 million project as State Significant under Part 5.1 of the EP&A Act in order to avoid the “impact of the project on non-Aboriginal heritage”.

3.4 Flood immunity benefits

The RMS states an objective of the Windsor Bridge Replacement Project is to:

- Improve flood immunity by providing for a one in five year flood event²¹

There is no evident increase in flood immunity benefits. While the proposed replacement bridge will be higher than the existing bridge, any benefit of this increased bridge height has not been adequately considered in relation to surrounding roads and flood evacuation routes.

Windsor Road and Wilberforce Roads are cut early in a flood event and Windsor ultimately becomes an isolated flood island. The increased height of the bridge means that the bridge may be above the water level in smaller floods but the surrounding roads may not be and the bridge will not lead to any particular evacuation route. This would only provide limited benefit to the community. The opportunity to genuinely address flood immunity improvements has not been adequately addressed through the project development and assessment process.

18 <https://www.nationaltrust.org.au/news/national-trust-supports-listing-of-thompson-square-on-national-heritage-list/>

19 <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-state-significant-infrastructure-application-report.pdf>

20 <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-issues-report-oct2011.pdf>

21 <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-cu-july2009.pdf>



The Hawkesbury-Nepean Flood Taskforce work has identified the need to consider regional and local flood evacuation routes on a network basis rather than an isolated, individual basis. The Taskforce analysis of the regional network has not yet been completed to provide support for the flood immunity benefits to be properly considered. While this work is underway the timeframe for the implementation of any recommendations has not been determined. In this regard the flood benefits of the proposed bridge cannot be fully evaluated.

3.5 Project assessment process

The Project was the subject of an approval for State Significant Infrastructure (SSI Approval) granted by the then Minister for Planning and Infrastructure to RMS under section 115ZB of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 20 December 2013.

The SSI Approval and Director-General's Environmental Assessment Report dated September 2013 that was provided to the Minister has been subject to a legal review, instigated by Council.

This review has found that the Director-General's report noted (on p15) that "Hawkesbury City Council supports the project but requested further information on the urban design of the new bridge and open space in the Thompson Square Conservation Area". On page 43, under the heading Department's Consideration in respect of heritage the Director-General's report relevantly states:

"As part of its assessment, the Department commissioned an independent Heritage Review (Casey and Lowe) which identified a number of shortcomings in the Applicant's Heritage Assessment and Statement of Heritage Impact (SoHI) provided in the EIS, including:

- an inadequate description of the State significant heritage values of the Thompson Square Conservation Area and analysis of heritage design principles or policies for the impact assessment;
- inadequate assessment of the effectiveness of the mitigation measures commensurate to the high level of impact; and
- absence of a clear statement as to whether the conservation area will still be of State significance after the project is constructed.

The Department accepts its Independent Heritage Review finding that placement of a new major road along the side of Thompson Square Conservation Area would affect the relationship between the building on each side of the square and the open space. Therefore, while the project may not directly impact on the physical structure of individual historical buildings, the heritage value of the Square as a whole would be altered. The Department further recognises that while the RMS has identified a range of mitigation measures, the main offset to the impacts associated with the Square is a redesign of Thompson Square Conservation Area and The Terrace which does not fully preserve existing heritage values within the project footprint.

The Department consulted with RMS regarding the shortcomings identified by the expert review. In response, RMS prepared a draft Conservation Management Plan (CMP). This outlined RMS's intention to construct the project in a manner which far as practicable conserves the unique heritage value of the project area via specific project design features and implementation of other mitigation measures. The Department concurs with the Applicant's approach and has expanded upon this by recommending stringent preconstruction conditions of approval for the conservation of heritage value.



Whilst acknowledging the heritage impacts, the Department has considered these impacts within the context of the benefits of the project overall. On balance, taking into consideration the immediate and long term regional and local benefits of the project including improvements to local traffic, safety and reliability of the road network, the Department is satisfied that the Windsor Bridge Replacement Project is consistent with the objects of the Act and is in the broader public interest.

Overall, the Department accepts the level heritage impacts associated with the project, which to some degree can be managed by the range of stringent conditions that have been recommended by the Department for inclusion in the conditions of approval. These include:

- the preparation of a Strategic Conservation Management Plan and Archival Recording on the southern side of the Hawkesbury River;
- an Archaeological Investigation Program in accordance with the Heritage Council's Archaeological Assessment Guideline (1996) and comprising Aboriginal and non-Aboriginal Heritage with the results detailed in a Historic Archaeological Report;
- a Detailed Salvage Strategy, prepared in consultation with OEH and Aboriginal stakeholders;
- a Hawkesbury Region Sand Bodies Study to locate and evaluate sand bodies likely to contain evidence of Aboriginal activity, should any Pleistocene and/or early Holocene be encountered during construction works; and
- an Urban Design and Landscape Plan.”

The recommendation in the Director-General's report (on p 54) included the following statement:

“The Department acknowledges the heritage impacts associated with the project including the loss of the existing Windsor Bridge and impact on the heritage value of the Thompson Square Conservation Area. The Department also recognises the strong views expressed in submissions in relation to heritage impacts. However, on balance, the Department is satisfied that despite these impacts, the Windsor Bridge Replacement Project is consistent with the objects of the Act and is in the broader public interest given its immediate and long term regional and local traffic benefits. The Department considers that the heritage impacts associated with the project can, to some degree, be managed by stringent conditions, including:

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

The SSI Approval was granted by the Minister subject to numerous conditions, including “Pre-Construction Conditions” contained in Part B of the Approval which were required to be satisfied before commencement of pre-construction or construction activities. In particular condition B1, required RMS to submit, for approval by the Director-General, a Strategic Conservation Management Plan (CMP) for the project area on the southern side of the Hawkesbury River. The CMP was required to be prepared by appropriate heritage consultants and provide for the heritage conservation of the Thompson Square Conservation Area, and include, but not be limited to:



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

While a subsequent challenge to the SSI Approval by a local community group (*Community Action for Windsor Bridge Inc v NSW Roads and Maritime Services & anor* [2015] NSWLEC 167) was unsuccessful, it is worth noting that in his judgement, Judge Brereton referred to the existence of the Conservation Management Plan; however, the CMP had not, at that stage, been released (only guidelines for developing a Conservation Management Plan had been released).

3.6 Planning and procurement strategies and associated project costs

Council has concerns in the governance around the project and the procurement strategies in place and contends that consultants have been secured to analyse the project on the pretence of an already-agreed premise (that Option 1 is the only reasonable option).

As we have already seen, the Heritage Council has provided feedback that raises concerns regarding the heritage impacts of Option 1, and Council understands from anecdotal evidence that the Department of Planning and Environment was not easily able to employ a heritage consultant to deliver a report that aligned with the RMS objectives.

Advice from engineers who, in 2013, sat on the RMS Heritage Committee, reported in the media indicates that existing proposal would²²:

"direct an increasing volume of traffic, including heavy vehicles, through the heart of Windsor" ... would offer little relief from the regular flooding of the Hawkesbury [and that Windsor Bridge] could be refurbished relatively cheaply, and a bypass built at a much higher point downstream, with much less risk of flooding.

We do not believe the planning strategies reflect a fair process in which all options had been fully understood (including a bypass) and all heritage impacts readily addressed. This is illustrated in the release of the draft Urban Design and Landscape Plan (UDLP), which was released in 2017 before the release of the Strategic CMP. In its submission to the UDLP, it was noted²³:

Council in considering a report on the UDLP raised significant concerns over the lack of availability of all documentation, and in particular heritage conservation and interpretation strategy, in order to inform its assessment of the UDLP and its total implication on heritage and design elements.

²² <http://www.smh.com.au/nsw/sydney-traffic/windsor-bridge-plan-a-political-folly-say-engineers-20130102-2c5j2.html>

²³ Hawkesbury City Council submission regarding UDLP, 5 April 2017



3.7 Cost benefit analysis process

The RMS objective for the project is to:

- Provide a cost effective and affordable outcome in terms of capital cost, maintenance cost, return on investment and cost benefit ratio²⁴.

The RMS economic analysis identified a benefit cost ratio for the project of 14.6 which indicates “that the project provides substantial value for money and an excellent return on the investment.” However, no comparative analysis has been undertaken on the cost of the project against the cost of bypass (which has not been fully costed); further, the cost-benefit analysis gives little credence to social benefits (or lack thereof) including heritage issues. Finally, there is no comparative cost benefit analysis of an all-conditions crossing linking over the mountains.

²⁴ <http://www.rms.nsw.gov.au/documents/projects/sydney-west/windsor-bridge-replacement/windsor-bridge-cu-july2009.pdf>



4 Other related matters

4.1 Community action

The Windsor Bridge Replacement Project has been subject to extensive community opposition, including a five-year sit-in in Thompson Square. Local media has extensively followed the progress of the project, and various community groups consistently share information to community members and the wider community as the project progresses.

Other involvement from groups such as National Trust NSW, and independent experts and engineers provide further support to this community opposition and provides extensive leverage in terms of media coverage and political awareness.

4.2 Aligning with strategic planning

The NSW Government and Greater Sydney Commission are tasked with the strategic-level decision-making for Greater Sydney and NSW which ultimately influence the decisions made by councils for their local areas.

This hierarchy is outlined in the *Environmental Planning and Assessment Act 1979* (EP&A Act), which requires local government strategic planning (for example, local environmental plans and community strategic plans) and decision-making to align with a Greater Sydney regional plan and the relevant district plan (in this case, the Western City District Plan).

Further, the decisions made by Council on behalf of the community must align with a range of environmental planning instruments, and legislation such as the EP&A Act, *Local Government Act 1993* and *Heritage Act 1977*.

Just as Council decision-making and policy positions align with top-level expectations set out by the NSW Government, there is an expectation that State positions will similarly reciprocate the desires of the local community, where possible, and align with their own stated positions.

For example, the draft *Western City District Plan* includes the following priorities that could be argued to contradict the premise of the Windsor Bridge Replacement Project:

- **Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage:** "The conservation and interpretation of places and values of heritage significance is required to give current and future generations a better understanding of history and people's past experiences. Sympathetic adaptive re-use of heritage is an important way to conserve significance. Improved public access and connection to heritage through interpretation is also essential".
- **Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres:** "[Richmond-Windsor] has significant heritage values including some of the oldest buildings in Australia and an emerging tourism base focused on colonial history, rural character, agriculture, environmental assets including UNESCO World Heritage areas and the Hawkesbury River".
- **Planning Priority W16: Protecting and enhancing scenic and cultural landscapes:** "The scenic and cultural landscapes of the Western City District contribute to the identity and international profile of Greater Sydney. Scenic and cultural landscapes encourage an appreciation of the natural environment, protect heritage and culture, and create economic opportunities, particularly for recreation and tourism."



The NSW Government has set, through the draft *Future Transport 2056*, an ambition for Greater Sydney to be a 30-minute city – where people do not need to travel more than 30 minutes to their nearest strategic centre for local jobs or services. This ambition is very much focused on the integration of transport and land uses, as well as the diversity of job opportunities across the Greater Sydney region – elements not necessarily aligned with a solution for one of Greater Sydney’s strategic centres that accentuates liveability impacts (traffic and noise) and does not allow wider connections with the Sydney motorway network for growing communities in the Hawkesbury and surrounding areas.



5 Conclusion

For nearly a decade, the community of Windsor has been aware of substantial plans to address the issues of the existing Windsor Bridge; however, as this submission shows, this has been a narrow-minded approach that does not take a strategic look at the wider Hawkesbury area, the impacts of growth and change and the need to protect Australia's colonial history in an era of major technological change.

We support our community and contend that Windsor and the wider area is best served by a bypass solution for current and future generations. This solution has greater longevity, stronger community support and, most importantly, protects the heritage values of Windsor, especially Thompson Square.

We do not believe the governance around the Windsor Bridge Replacement Project has fairly reflected the option of a bypass and has largely deprioritised the essential heritage issues that the NSW Government promotes as essential to our understanding of the past.

Council looks forward to an opportunity to address the concerns raised in this submission to the Inquiry.