

## INQUIRY INTO WINDSOR BRIDGE REPLACEMENT PROJECT

**Name:** Mrs Carol Edds  
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Partially  
Confidential

NSW Parliament Legislative Council  
Portfolio Committee No 5 – Industry and transport.

Re Inquiry into the Windsor Bridge replacement project

Dear Committee Members

My name is Carol Edds, I have an undergraduate qualification in Building and a Masters degree in Building Conservation, have lectured at undergraduate and post graduate level , presented at and workshops regarding Conservation practice and process. I have also worked in private practice as a heritage consultant for 30 plus years contribution to the preparation of Conservation Management Plans (CMP) for some of the States most significant government owned State Significant items. Refer to Attachment A for my CV.

**This submission relates to the project assessment process and its impact on decision making and associated project costs.** The outcome of the lack of proper project assessment has been the the flawed decision to demolish the Windsor Bridge and build a replacement bridge without regard to the possibility of the rehabilitation of the Windsor Bridge or the potential costs associated with option1.

**Lack of a CMP as the first step in the process to provide sound decisions and realistic costings**

As a conservation practitioner I have been involved in the preparation of CMP's for several state agencies. Some of these involved assessment of structural adequacy and or options for future development but all involved assessment of significance and potential impacts.

Windsor Bridge is listed as an item of State significance S170 RTA 43095590 LEP Bridge No 415. Thompson Square Conservation Area has been protected under State legislation since 02 July 1982 initially by a Permanent Conservation Order, subsequently as State Item no 126 on 2 April 1999. There is an expectation that prior to demolition or major works on ANY item of State Significance that a CMP be prepared to guide the proposed works.

**Windsor Bridge - No CMP – Resulting in exaggerated 2009 rehabilitation cost**

The RTA failed to commissioned an independent CMP for the Windsor Bridge to address the significance and structural adequacy of the Windsor bridge. In 2009 as part of the summary of options they advised rehabilitation cost of between 14 – 17 million.

In 2013 the NSW Dept of Planning and Infrastructure commissioned a study to confirm the Structural Integrity of Windsor Bridge. The report advised that the historic bridge could not be upgraded to meet current standards even though they used the existing non compliance as one of the reasons for its demolition and that Windsor Bridge can be upgraded for local traffic with a load limit of T44 with a factor of 2 for an estimate of 14.5 million.

### **Option 1 - No CMP – Resulting in significant underestimation of project cost**

If the RTA had commissioned a CMP on Thompson Square they would have been forewarned to expect significant Aboriginal and European archaeology below ground. . The salvage costs associated with such archaeological artefacts, both Aboriginal and 1814 European barrel drains and the impact on the final footing design should have been included in the projected cost associated with option 1.

The Community was advised that the original project budget included all archaeological investigations. To date almost 9 million out of the original 25 Million budget has allocated to this salvage process leaving only 16m of the original budget for the bridge construct..

To date it appears that the RTA/ RMS have expended/ committed well over the original 25m budget and that as of June 2017 there is an allocation of 65 million. **Despite requests for clarification it is unclear if the 65 million is in excess of the over 34 million already committed to this project.**

**AS AT THE DATE OF THIS SUBMISSION NO CMP HAS BEEN PREPARED TO JUSTIFY THE DEMOLITION OF THE WINDSOR BRIDGE AND NO CMP HAS BEEN PREPARED FOR THE THOMPSON SQUARE CONSERVATION AREA TO JUSTIFY THE SELECTION OF OPTION 1.**

The following points demonstrated my professional opinion regarding the flawed project assessment process and subsequent increase in project costs.

### **1 Major statutory Government Acts/ regulations applicable to heritage items**

#### **1984 The Aboriginal and Torres Strait Islander Heritage Protection Act**

The legislation passed by the parliament of the Commonwealth of Australia to enable the Commonwealth to intervene and, where necessary, preserve and protect areas and objects of particular significance to Australia's Aboriginal or Torres Strait Islanders peoples.

#### **1974 National Parks and Wildlife Act**

The New South Wales legislation's goal is to conserve the State's cultural heritage, and promote public awareness of places, objects, and features of significance to the State's Aboriginal peoples and the National Parks and Wildlife Regulation 2009

#### **1977 The Heritage Act 1977 (NSW)**

The Act is intended to promote understanding and conservation of the state's heritage, provide for identifying and registering items of state heritage significance, provide for the interim protection of items, pending an assessment of their state heritage significance, encourage the adaptive reuse of items of state heritage significance, and help owners conserve items of state heritage significance and the Heritage Regulation 2012

### **2 Heritage status of Windsor Bridge, Thompson Square and relevant government legislation**

The Heritage and Conservation Register identifies properties, infrastructure and assets that are owned or managed by Roads and Maritime that have been identified as having heritage significance. <http://www.rms.nsw.gov.au/about/environment/protecting-heritage/heritage-conserv-reg/index.html>

Windsor Bridge is listed as an item of State significance under Section 170 of the NSW Heritage Act 1977 as Hawkesbury River Bridge, Windsor, Windsor Bridge, RTA Bridge No. 415.

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

Thompson Square Conservation Area is listed as a State Significant item.

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045195>

There is a statutory requirement for maintenance and repair under the NSW Heritage Act 1977 for all owners of State significant items.

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infominimumstandards.pdf>

The new *State Agency Heritage Guide* document provide guidance to State agencies on managing these important heritage places and objects. It consists of:

**State-owned Heritage Management Principles and Heritage Asset Management Guidelines**

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/StateAgencyHeritageGuide.pdf>

### **3 RTA/ RMS and HO policy documents to guide proper process for State-owned heritage items:-**

#### **a) 1999 Beyond the Pavement, updated in 2010.**

Key expectation for RTA/RMS staff are outlined below in italics:-

*Beyond the Pavement is to be adopted across the organisation. This includes managers and their teams responsible for the design and implementation of road and maritime transport infrastructure projects. It is also relevant to others in transport whose work and actions affect built outcomes. The policy is also to be used by those in the design and construction industry who participate in our projects. Not least, it should be a source of inspiration for newcomers to the organisation.*

**Peter Duncan | Chief Executive**

#### **b) 2004 State-owned Heritage Management Principles**

The State-owned Heritage Management Principles were approved by the Minister on the 16 December 2004. These principles and guidelines have been issued under section 170A of the Heritage Act 1977 (NSW). The Heritage Asset Management Guidelines were endorsed for issue by the Heritage Council of NSW on the 1 December 2004.

Key expectation for NSW government agencies are outlined below in bold italics:-

***NSW Government agencies have a key responsibility to lead by example by adopting best practice heritage management strategies, processes and practices. The community expects the public sector to set the standard in the management of heritage assets as a model for the private sector. This should include the wise use and ongoing maintenance of heritage assets in a sustainable manner, and their recognition and inclusion in the corporate planning and budgetary processes.***

***When major works are contemplated for State Heritage Register items, a conservation management plan should be prepared and submitted to the Heritage Council in support of its application for approval. The conservation management plan should be reviewed every five years. Conservation management plans should be prepared in accordance with the publications Conservation Management Documents and Conservation Management Plan Check-list and any***

*other guidelines issued on the Heritage Office website. (p21)*

#### Conclusion

The RTA/RMS failed to follow their own guideline procedures outlined above.

Note; The RTA prepared a CMP to guide the Windsor Road development demonstrating that they are aware of these statutory requirements Refer to Attachment B for confirmation of this statement.

#### **4 RTA/RMS failed to meet statutory maintenance requirements for the Windsor Bridge**

As outlined above there is a requirement for all owners of heritage items to maintain their Heritage assets.

No maintenance figures for Windsor Bridge have been provided covering the period prior to 1994.

Between 1994 and 2002 the RMS have confirmed an allocated of only \$57,347.00 towards maintenance of the Windsor Bridge.<sup>1</sup>

Around 2003 RTA management made the decision that the Windsor Bridge would be replaced and that no further expenditure on maintenance or repair of damaged fabric would be undertaken except where public safety might be endangered.<sup>2</sup>

The 2013 independent report commissioned by the Department of Planning and Infrastructure confirms that despite minimal expenditure on maintenance between 1994 – 2001, almost no expenditure on maintenance of the bridge since 2001 that with a modest expenditure of approx (14.5) million the bridge could be serviceable for another 50 years.<sup>3</sup> Also that there is no evidence that the management approach to the bridge maintenance and repair had change as a result of being a State Significant item.<sup>4</sup>

#### Conclusion

The RTA/RMS failed to meet their statutory obligations to adequately maintain the Windsor Bridge

#### **5 RTA staff misinform the State representative for Hawkesbury and the community regarding the structural integrity of the Windsor Bridge and acknowledged a preferred position in 2008**

2008 RTA staff visit the Local State member for Hawkesbury and advise that their preferred option for the Windsor Bridge Replacement Project is Option 1 and that Windsor Bridge had structural integrity issues.

*“On 27 October 2008 two representatives of the Roads and Traffic Authority visited my office to discuss options for the replacement of the Windsor Bridge. The Windsor Bridge is a vital piece of infrastructure that crosses the Hawkesbury River allowing vehicles to move from the rapidly growing north-west areas around Rouse Hill and Windsor to the turf farms around Freemans Reach, the settlements of Wilberforce and Glossodia, Singleton and the Hunter Valley. Many residents from these areas cross this bridge to access employment in the Sydney metropolitan area on a daily basis.*

*The comment was made at the time by Roads and Traffic Authority officers that the replacement of the Windsor Bridge was absolutely vital given that the structural integrity of the bridge is now questionable. It was also said that construction on the new bridge would commence in late 2009*

<sup>1</sup> ibid p 38

<sup>2</sup> Report on Structural condition of the existing Windsor Bridge, Stewart Consulting P/L 2013 p4

<sup>3</sup> Report on Structural condition of the existing Windsor bridge Stewart Consulting P/L, 2013 p 1

<sup>4</sup> Stewart op cite p5

*and that the preferred option was Option 1, which I totally support. It is now late 2010”<sup>5</sup>*

Ref -<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-42643>

#### Conclusion

RTA staff mislead the State member for Hawkesbury regarding the structural integrity of the Windsor Bridge.

#### **6 RTA/RMS exaggerate the rehabilitation costs and community impact without undertaking analysis of alternatives to substantiate their advice to the community**

The 2009 Community update Windsor Bridge over the Hawkesbury River stated that Option 9 (Rehabilitation ) would cost up to 17 million and that the bridge would need to be closed for up to 12 months during the work for an extended 25 year life.

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

A comparison of RMS confirmed maintenance expenditure on the Windsor Bridge on a per year/m2 basis since 1994 reveals the following:

|               |  |
|---------------|--|
| 1994 – 2001   | \$10.06/m2/year  |
| 2001 – 2013   | No records but confirmed as negligible by RMS                |
| 2013 - - 2038 | Proposed estimate for rehabilitation \$61.88/m2/year (2013 ) |

The 2013 independent review and consideration of the structural condition of the existing Windsor Bridge commissioned by the Department of Planning and Infrastructure conclude that:

- ⤴ it was inappropriate for the Windsor bridge to be upgraded to meet current road standards
- ⤴ with proper ongoing maintenance the bridge would continue to function for a load of T44 for the next 50 years with minimal maintenance,
- ⤴ that the RMS had not explored bridge rehabilitation alternatives which could minimise community disruption<sup>6</sup>
- ⤴ Rehabilitation costs strengthened to carry T44 load are in 2013 figures approx 14.5 million.

#### Conclusion

No CMP or comprehensive independent structural condition analysis was undertaken to justify the information presented to the community 2009 Summary of Options.

The RMS have mislead the community with regard to the rehabilitation costs included in the 2009 Summary of Options Community update.

The proposed maintenance spend for rehabilitation in 2013 appears to be presented to support the argument that the bridge is not cost effective to maintain. History shows that the RMS does not spend anything like the proposed rehabilitation estimate of \$61.88/m2/year.

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<sup>5</sup>Legislative Assembly Hansard – 29 October 2010

<sup>6</sup> Stewart op cite p4, 24

## **7 RTA/RMA Failed to take advice from the State own Independent heritage advisory group , the NSW Heritage Council.**

Between 2009 – 2012 the RTA/RMS ignored advice from the NSW Heritage Council despite a series of presentations seeking advice. The NSW heritage Council advised that :

- ⤴ *Their preference was for Option 9*
- ⤴ *A more detailed assessment would be needed including Statements of Heritage Impact to assist in refinement of the options.*
- ⤴ *That Thompson Square is of crucial importance to the heritage of the state*
- ⤴ *Express concern over the potential impact to Thompson Square*
- ⤴ *By October 2011 the NSW Heritage Council were advising that they were unequivocally opposed to the Windsor Bridge Replacement Project Option 1 for the 'irrecoverable damage' it would do to Windsor and Thompson Square<sup>7</sup>.*
- ⤴ *In July 2012 they ( the NSW Heritage Council) re-iterates its view that it does not support a bridge through Thompson Square*

### **Conclusion**

- ⤴ RTA management appear to have ignored advice from the NSW Heritage Council
- ⤴ RTA management continued with their pre determined preference for Option 1 position in contravention of their statutory obligations and their own internal guideline documents.

## **8 The Minister for Roads, Duncan Gay, prematurely announced the governments preference for Option 1 in conflict with the advice provided to the RMS from the NSW Heritage Council.**

On August 4th 2012 the Minister for Roads, Duncan Gay, announced that the WBRP preferred option was option1. *RMS subsequently confirmed that their initial preferred option was too premature but claim that a robust process did follow<sup>8</sup>.*

### **Conclusion:**

- ⤴ The RMS staff may have advised the Minister without considering the full impacts of their advice and certainly with out having undertaken all of the appropriate studies including a CMP and realistic costings to justify their 2008 decision and certainly without obtaining the statutory approval from the NSW Heritage Council .

The conclusion above is ratified by the fact that the Minister for Planning and Infrastructure, Brad Hazzard's approval for SSI on 20 December 2013 conditions of consent included the commissioning of a Strategic Conservation Management Plan (SCMP).

## **9 The RTA applied for SSI because it could not get support from the NSW Heritage Council whose role is to assess and approve applications for development associated with State Significance items.**

By October 2011 the NSW Heritage Council were advising *that they were unequivocally opposed to the Windsor Bridge Replacement Project Option 1 for the 'irrecoverable damage' it would do to*

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<sup>7</sup> Letter from Petula Samios Director Heritage Branch to Andrew Beattie Senior Planner Infrastructure projects NSW Dept of planning

<sup>8</sup> WBRP Q & A March 2012 p2

### *Windsor and Thompson Square<sup>9</sup>.*

On 11 October 2011 a State Significant Infrastructure (SSI) application was signed by Michael Bushby RTA Chief officer and submitted to Mr S Haddad, Director -General Department of Planning and Infrastructure. The project cost had increased from the 25million announced in 2009 to 31 million.

#### Conclusion

The statements and associated time-lines outlined above speak for themselves

#### **10 SSI Approval granted with pre-construction conditions and requiring the preparation of a SCMP and a revised design without considering the potential increased cost.**

20 December 2013 Minister Brad Hazzard,MP. Minister for Planning and Infrastructure approved the project. Conditions including significant additional document and archaeological investigations prior to finalising the design and beginning construction. These additional conditions failed to require a CMP for either the Windsor bridge or the Thompson Square Conservation Area. The SCMP excluded properties in public and local government ownership. These properties contribute to almost 50% of the Thompson Square Conservation area. Since the application for the SSI project estimates have doubled from 31 million to 67 million as advised by the NSW Treasurer or almost 100 million if the 67 million is in addition to the funds currently expended.

#### Conclusion

The conditions of approval imply that the Minister approved a project without any idea of the final WBRP design or the potential impact these conditions may have on the final capital investment value or the project impact on the two state listed items, The Windsor Bridge and Thompson Square Conservation Area.

#### **11 Lack of due diligence from our State representatives.**

Duncan Gay prematurely announced that Option 1 was the governments decision with out ensuring that the relevant state agency (RTA/RMS) had complied with the states statutory provisions and their own policies.

Brad Hazzard approved a SSI without knowing what the final outcome or cost would be. The approval also did not comply with statutory requirement for the assessment of State listed items. Ray Williams in 2008 failed to consider the value of replacing a two lane bridge with a two lane bridge or that the proposal would provide tangible cost benefits for his electorate.

Ray Williams, Kevin Connolly and Bart Basset failed to ensure that the 1897 historic photograph. provided in response to the National Trust Hawkesbury Branch email requesting support for an Upper House Inquiry into the WBRP actually support their erroneous claims that Option 1 reinstates the original road corridor through Thompson Square. <sup>10</sup>

Dominic Perrottet failed to either read as promised or fully comprehend the independent consultants reports commissioned by the Department of Planning and Infrastructure both of which raise questions of process and justification for the option1 decision He has also downplayed and ignored advice from relevant professional associations, thousands of local, interstate, national and international petitioners demeaning them to the status of a “fringe group”.

His behaviour is in conflict with his response to Questions to the candidates for the Hawkesbury Electorate prior to the 2015 election Refer to Attachment C

<sup>9</sup> Letter from Petula Samios Director Heritage Branch to Andrew Beattie Senior Planner Infrastructure projects NSW Dept of planning

<sup>10</sup> Email correspondence 2013



**In Conclusion:**

**Other state agencies for decades have followed proper process both in assessing heritage significance of their assets with the preparation of Conservation management plans to guide appropriate management decisions and to be able to assess the financial implications associated with their asset and options that need to be considered.**

**There appears,as demonstrated by this submission, to be a culture within the RTA/RMS management that they can:**

- ^ decide to demolish state significance assets with out following proper process, and or undertaking required studies to support their decision,**
- ^ propose a new replacement bridge project to government with out adequate and or realistic costings,**
- ^ ignore their own consultants advice regarding the adverse impact on Thompson Square,**
- ^ then continue to spend significant funds in an attempt to support their decision and**
- ^ that the public purse will pick up the significant increase in the required capital investment with out question**

**It further appears that the NSW government and our State representatives accept that they can:**

- ^ ignore the local community concerns regarding costing and heritage impact**
- ^ ignore over 40 thousand international, national and local petitions against Option1**
- ^ ignore concerns expressed by professional associations and advocacy groups**
- ^ ignore their own statutory obligations as custodians of our heritage**

**I congratulate those involved in this Inquiry. This current culture within the RMS/ Department of Planning and Infrastructure management needs to stop and all public agencies need to be required to follow proper statutory requirements and internal guidelines to ensure that public funds are appropriately spent to achieve a soundly based cost effective projects which optimises their Capital Investment Value .**

**Should you require any further information please contact me on \_\_\_\_\_ or by email on \_\_\_\_\_**

**Yours sincerely,**

**Carol Edds**

**25 January 2018**