

**Submission
No 265**

**INQUIRY INTO WINDSOR BRIDGE REPLACEMENT
PROJECT**

Name: Mr Peter Reynolds

Date received: 28 January 2018

Introduction:

We have owned the State Heritage property at Bridge Street in Thompson Square since 2007. We used the building as business premises before moving into it as our home in 2014.

We purchased 10 Bridge Street knowing the restrictions placed on us and the property because of its heritage status. This did not concern us, our family has been associated with Thompson Square since the beginning of the Colony in the late 1700s.

We also knew the property was part of the Thompson Square Conservation Area, the only NSW heritage Conservation Area in the metropolitan area besides The Rocks.

We knew the property and Thompson Square had the highest level of heritage protection available under NSW Law.

We have been involved in the Windsor Bridge Replacement Project since 2008, when we were first approached by the then RTA.

While the Inquiry's Terms of Reference are addressed in the follow pages, we make the following points as a summary:

- In 2008 the RTA stated the existing state heritage bridge was too expensive to repair, it would be demolished and replaced.
- The RTA were very clear when they stated the new bridge would be built as Option 1. This is 12 months before community consultation on all nine Options began in 2009.
- The RTA stated other the Options were “just to show people we've considered alternatives”.
- At a Community Cabinet meeting in 2013 Roads Minister Duncan Gay promised the project would be assessed independently in the Planning Department. The Planning Minister would approve or reject the project accordingly.
- Documents show all three Dept of Planning independent peer reviews into Bridge Engineering, Traffic and Heritage all recommended the project not proceed, the existing be bridge renovated and planning for a bypass commence.
- Internal Dept of Planning documents show Planning staff recommendation was the project not proceed as approval was not in the public interest, could result in legal action and “false approval”.
- Internal Dept of Planning documents show pressure to approve was applied by the office of then Premier Barry O'Farrell. The project was then recommended for approval.

Traffic in the Hawkesbury is at crisis levels especially in peak periods. Despite the cost of the project the RMS admit the WBRP does not add extra capacity to the road network.

- “Heritage” is valuable to the community, the economy and is quantifiable in dollar terms. Yet the RTA/RMS or Government has never applied a dollar value to “heritage” impacted by the WBRP.
- RMS Benefit Cost Ratio calculations has never included the social and financial loss due to impacts on heritage, either to the community or the local and state economies

- RMS and Government justification for the project (which demolishes the state heritage listed Windsor Bridge and severely impacts the state heritage listed Thompson Square) is the undue “cost” of an alternative bypass. Yet a 2017 Land and Environment Court finding states:

“The financial impost associated with such iconic heritage items might be enormous, never cease, and cause the owner to suffer financial hardship, but however onerous, any financial hardship would, arguably, never be considered to be “undue”.

TOR 1a:

The current Windsor Bridge, including its maintenance regime, renovation methods and justification for demolition.

Justification for the approved Windsor Bridge Replacement Project is dependent on the Government/RMS claim the current historic bridge must be demolished.

This need for demolition is based on RMS claims the bridge is unsafe and is beyond economical repair.

NSW Dept of Planning commissioned an Independent Engineering Review of these very issues.

On page 6 the Engineering Review states:

“After meeting with the Department on the 3rd April 2013 to confirm the brief the scope was further clarified to address the following:

- 1. Verify the justifications for demolition of the existing Windsor bridge are valid**
- 2. Ascertain whether the conclusions can be supported**
- 3. Assess what options are available**
- 4. Assess what heritage items are worth preserving”**

While the Committee can read the full Engineering Review itself, we would like to bring to the Committee's attention the following findings and recommendations –

The RMS claim the bridge is too expensive to maintain:

“One cannot help deduce that the proposed maintenance spend is presented to support the argument that the bridge is not cost effective to maintain. History shows that RMS does not spend anything like this amount on the bridge.” p23

The RMS claim the bridge must be demolished because it is too expensive to refurbish:

“Based on these (refurbishment cost) figures it would not be cost prohibitive to refurbish the bridge, thus not a solid justification to demolish it.” p28

Disturbingly, and highlighting the RMS attitude towards heritage, the Engineering Review found:

“There is no evidence that the change of status (listing on the s.170 register of the Heritage Act 1977) changed the approach to maintenance of the bridge particularly reinforced by the obvious neglect of maintenance.” p22 (our emphasis)

And in conclusion:

“The condition of the existing bridge is such that it is not in a dire condition and could relatively economically be refurbished and strengthened...Then at some time in the future a bypass can be built which avoids all the damage to property, heritage values etc. So with a relatively modest expenditure the bridge can be serviceable for the next 50 years within which time an alternative route will have been identified and agreed.” p31

Please note: The same conclusions have been reached by Mr Brian Pearson, ex Chief Bridge Engineer of the NSW DMR and Mr Ray Wedgwood, ex Chief Bridge Engineer of the NSW RTA. We understand these highly esteemed engineers will be making their own submissions.

b) the replacement bridge project, including i: options presented to the community.

- This is probably one of the most damning aspects of the Windsor Bridge Replacement Project. Every alternative to Option 1 was designed to be totally inadequate.

The RTA told us, in person, in 2008 the bridge would be built as “Option 1” and the other options were *“just to show people we've considered alternatives”*.

Even then Treasurer Roozendahl announced in 2008 the new bridge would be built 35metres downstream from the existing bridge (Option 1).

Then Member for Londonderry Aquilina also told Parliament in 2008 the bridge would be built 35metres downstream from the existing bridge (Option 1).

It is quite clear the decision was made to build the new bridge in the location of Option 1 back in 2008.

- To the informed reader the RTA's expansive 2011 Options Report is nothing more than a \$million fairytale. Page iv states:

“Community consultation was part of the investigation process and has informed the selection of a preferred option.”

The RTA/RMS “community consultation” process has been nothing more than a ruse. It has been an expensive conjob on the community. There has never been any intention to build the new bridge anywhere else except in the position of 'Option 1'

- The RMS used the threat of Option 6 to divide the community.

Option 6 is a bypass close to Windsor's “Peninsula” area. It impacts on residents whose homes currently view over farmland.

Option 6 severs historic Tebbutts Observatory and Peninsula House from the Peninsula Precinct itself.

Option 6 would also stop the Upper Hawkesbury Power Boat Club using its racing circuit on the river.

In 2008 when questioned about the possibility of Option 6 bypass being constructed the RTA told us, in person, *“(Option 6) won't be built, it requires a second bridge over South Creek, the acquisition of lots of land, it floods too easily and is far too expensive to construct”*.

Yet despite this it is now known RMS officers and local politicians encouraged residents affected by Option 6 to actively lobby for Option 1 under threat of Option 6 being constructed. Senior project managers held private meetings with residents in their homes a number of times over several years as part of this encouragement.

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

In summary -

- The RTA/RMS failed to provide any adequate alternative to their preferred Option 1.
- Despite there being several ideal locations for bypasses, both RMS proposals deliberately impacted on other residents and the towns of Wilberforce and Pitt Town so as to make them untenable as viable options.
- No RMS bypass option “followed high ground”.
- No RMS bypass option took advantage of existing road corridors to make them financially viable.
- No RMS bypass option connected to the designated flood evacuation route.
- No RMS option provided any strategic traffic benefit.
- No RMS option offered increased road network capacity.

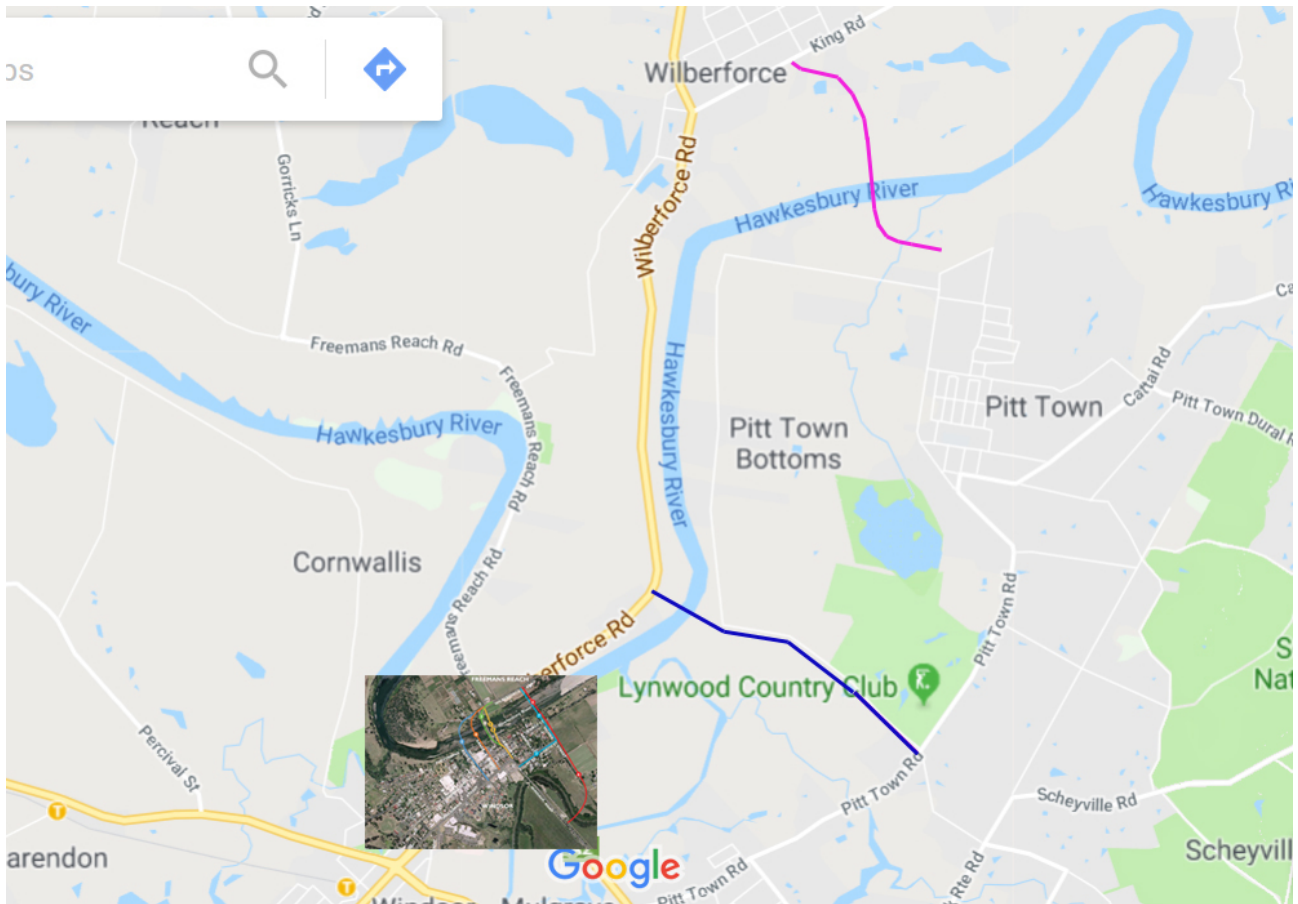


Image shows all RTA/RMS options except their distant "Option *" (located 6.5km downstream from Windsor)

All options impact on Windsor. Some are obviously ridiculous proposals

Note infamous Option 6 which impacts on residents of Palmer Street and cuts through Powerboat Aquatic Centre

The threat of Option 6 was deliberately used by the RTA/RMS and local politicians to divide the community

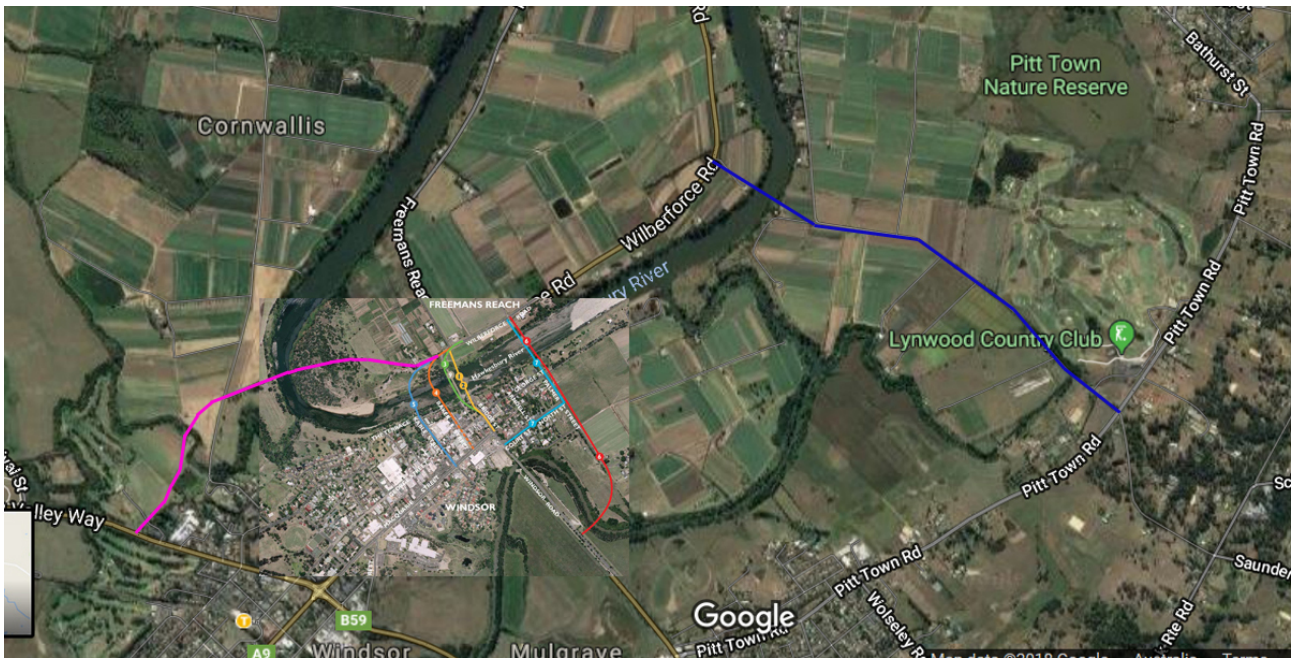


The blue line is the “Lynwood Bypass” suggested by members of the Community. It uses existing roads and corridors. If required it would also provide a link to the planned M9 Outer Orbital.

Despite its acknowledged benefits the 2011 RTA Options Report p56 dismissed it because “the suggestion is beyond the objectives established for the project”

RTA/RMS “Option 8” is the pink line. Note it directs high volumes of regional traffic through the towns of Wilberforce and Pitt Town.

All other RTA options are within the box centred on Windsor



The pink line is the Rickabys Line Bypass proposed by the former Chief Bridge Engineers of the RTA and DMR.

This proposal provides a direct connection to the designated Flood Evacuation Route. This is something the RTA/RMS failed to do with any option

The RMS costed the “Rickabys Line” at \$116.9million

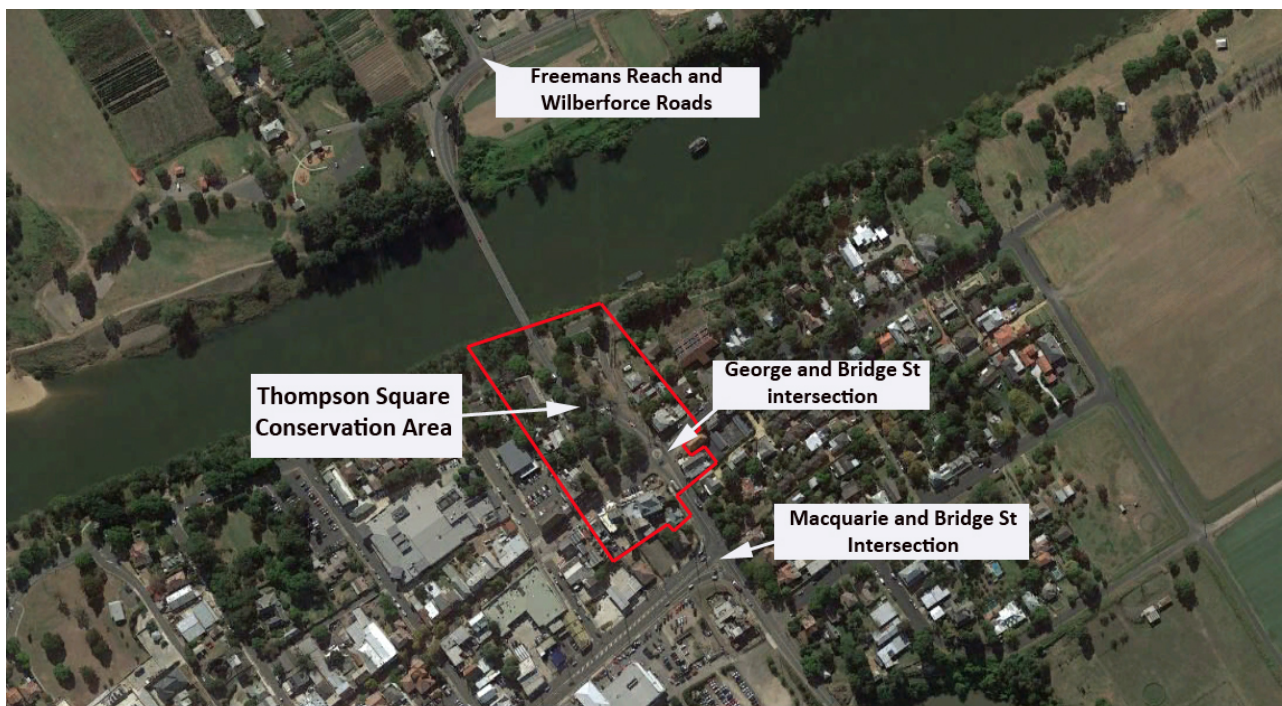
The blue line is the community proposed “Lynwood Bypass. It uses existing road and corridors keeping land acquisition and construction cost slow

It provides a direct connection between designated heavy vehicle routes.

It does not impact on any residences.

OR 1b, point ii:

b) ii: Post construction strategic outcomes, including traffic benefits, transport and network service capacity



NOTE - It must be pointed out that car and Heavy Vehicle volumes across Windsor Bridge and through Thompson Square *exceed* traffic volumes which have been used to justify bypasses of towns such as Berry, Kempsey, Moree, Macksville and other towns.

- The Hawkesbury is in desperate need of another crossing of the Hawkesbury River and increased road network capacity.

Despite this the Option 1 bridge fails to deliver any improvement over the current situation.

- The RMS admits the bridge itself is not cause of the traffic problems, but rather the intersections at either end are. The Macquarie/Bridge Street intersections is the main bottleneck and it is outside the scope of this project.

In 2012 when addressing a meeting of the Windsor Business Group, then local Liberal MP Kevin Conolly said **“In a sense we are building 'like for like'...we are not building for greater capacity”**

The RMS in its 2013 Submissions Report, p42 says **“It is recognised that the project is not a long term solution to traffic congestion in Windsor”**

The RMS Submissions Report, p42 says **“An alternative route around Windsor may be considered in the future depending on growth in traffic numbers and local congestion.”**

However 5 years earlier a 2008 RTA document stated *traffic volume across Windsor Bridge already exceeded the threshold requiring 4 lanes across the river.*

In a 2012 Question and Answers document the RMS said **“The traffic performance of the preferred option is largely related to the Macquarie Street / Bridge Street and the Windsor Road / Hawkesbury Valley Way intersections.”**

It also said **“Modelling shows that these key intersections could not accommodate the predicted future traffic volumes and the models indicated traffic congestion.”**

- *All this makes it quite clear the existing bridge is not the traffic problem – adjacent bottleneck intersections are.*

This issue is best addressed by referring to the Department of Planning's consultant traffic engineers Cambray Consulting -

- **"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)."**

Cambray Consulting pg. 24

- **"If the current bridge was to be retained for local traffic, this could offer a good result all-round. The new bridge could take B-doubles and heavy vehicles away from town, allowing a load limit to be imposed on the existing bridge to possibly extend its life, minimise the effects of heavy vehicles on the town, and retain local connectivity."** Cambray Consulting pg. 67

- **"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.*"** Cambray Consulting pg. 70

To summarise –

- The RMS is going to knock demolish a functioning state asset, one which could be used as part of a strategic approach to address traffic issues.
- It is then going to build a replacement bridge which does nothing to improve traffic conditions because it fails to add capacity to the road network.

TOR 1b, point iii:

b) iii. economic, social and heritage impacts

Note: The RMS and its consultants did not include the dollar of heritage in any Cost Benefit Analysis

The economic and social value of Thompson Square cannot be separated from the significance of its Cultural Heritage.

For this submission the words of the NSW Government's own Heritage Minister Mark Speakman say it all. He said in an address to the 2015 National Trust Heritage Awards:

“Our heritage reminds us daily of where we come from and contributes to our social identity and our sense of place. It provides a road map for our future.”

“Heritage is a right to your identity, and a connection to culture touches our happiness and our well-being. “

“Heritage tourism has been identified as a growth area for NSW. A national visitors survey conducted by Destination NSW has revealed that 2012 we welcomed around 9.5million cultural and heritage visitors who spent an estimated 7.9 billion dollars.”

As Windsor is the oldest country town in Australia and full of colonial heritage it is prime to benefit from Heritage Tourism.

There are a number of scholarly papers of the monetary value of heritage, “Valuing the Priceless: The Value of Historic Heritage in Australia” by Allen Consulting Group, (prepared for the Heritage Chairs and Officials of Australia and New Zealand) is a good reference.

The RMS attitude to heritage is literally sickening.

The Committee should note the Lower Reserve and parkland of Thompson Square is the site of the approach road and massive bridge southern abutment. The area will be bulldozed, its priceless European and Aboriginal heritage and archaeology destroyed and hundreds of tone of concrete and steel on top of it.

But in some sort of perverse nod to heritage the RMS states:

“In recognition of the heritage values of the lower Thompson Square parkland, the area would not be used for parking, storage of materials, office demountables or any other typical construction compound activity.” -EIS pg 105

Too precious to park cars on, but worthless enough to bulldoze?

This demonstrates the attitude of the RMS and NSW Government to one of the rarest places in Australia and heritage in general.

- A legal Precedent to Save it?

Windsor is the oldest country town in Australia and the 3rd oldest site in the Colony after Sydney and Parramatta.

Thompson Square is the oldest Town Square in Australia. It's history and archaeology show the transformation from Penal Settlement to new Colony under the direction of Lachlan Macquarie.

It is regarded by historians and heritage professionals as the birthplace of the Fair Go. This is documented in submissions to Federal Minister Frydenberg.

As stated before the RMS did not include the dollar value of heritage in any of its CBA calculations. It claimed the state significant bridge was too expensive to repair and the state significance of Thompson Square could be destroyed because of this.

However in Millers Point Community Assoc. Incorporated v Property NSW [2017] p139 Justice Molesworth said:

"Similarly, the Sydney Harbour Bridge, listed on the State Heritage Register, is of such iconic heritage value to the State, that whatever the financial hardship occasioned in maintaining it, those costs could never be contemplated to cause "undue" financial hardship to the owner.

"The financial impost associated with such iconic heritage items might be enormous, never cease, and cause the owner to suffer financial hardship, but however onerous, any financial hardship would, arguably, never be considered to be "undue".

Accordingly the RMS and NSW Government must be forced, by whatever means and regardless of cost, to refurbish state significant Windsor Bridge, protect State Significant Thompson Square.

In light of Justice Molesworth's findings we ask the committee to consider any legal action possible.

TOR 1b, point iv:

b) iv. flood immunity benefits

The Director General's Environmental Assessment page 51 states:

“Construction of the new bridge at a height of 9.8 metres AHD (Australian Height Datum) would improve the flood immunity of the project area.”

“Specifically, the new bridge has been designed to achieve 1 in 5 year flood immunity.”

“The proposal will improve flood immunity from a 1 in 2 year flood event to a 1 in 5 year flood event.”

From the above it is clear it is claimed the 1 in 5 flood immunity is 9.8 metres. However Sydney Water and Council documents show the 1 in 5 flood immunity is actually 11.1 metres (see table below).

While the difference of 1.3 metres may seem insignificant and is a demonstration of other false claims made about immunity.

The EIS page 336 states:

“The level of the replacement bridge would be optimal as it would provide a connection to the existing roads while improving the flood immunity for the crossing. A higher level would not improve regional access during floods as the northern roads would be inundated before the bridge is overtopped.”

Wilberforce Road has a lowest point of 8.4 metres. With the bridge at 9.8 metres the above statement would seem true. *However the RMS now closes bridges to traffic when the floodwaters are 0.5 metres below the bottom of the superstructure.*

The thickness or depth of the new bridge's superstructure is 1.8 metres. Adding the RMS clearance of 0.5 metres means the RMS will close the the new bridge when floodwaters reach 2.3 metres below the deck of the bridge.

In other words the bridge will be closed to traffic at $9.8\text{m} - 2.3\text{m} = 7.5\text{ metres}$.

So the new bridge *will not* provide access to Wilberforce Road until that road is flooded

The existing historic bridge has a deck of height of 7 metres. Until recent years the bridge was closed when floodwaters reached the deck.

So compared to all previous floods and access across the river, the new bridge increases flood immunity by only 0.5 metres.

Despite all this Ray Williams MP has consistently stated the bridge would provide “flood free access”. He states in writing in one of his newsletters. At the 2013 Community Cabinet Meeting held at Penrith he said -

“When we raise this bridge by 7metres it will avoid all but the very, very worst floods, five we've seen this century because it will be at the height of 13 or 14 metres. There has only been five floods in the last century that have topped 13 or 14 metres.

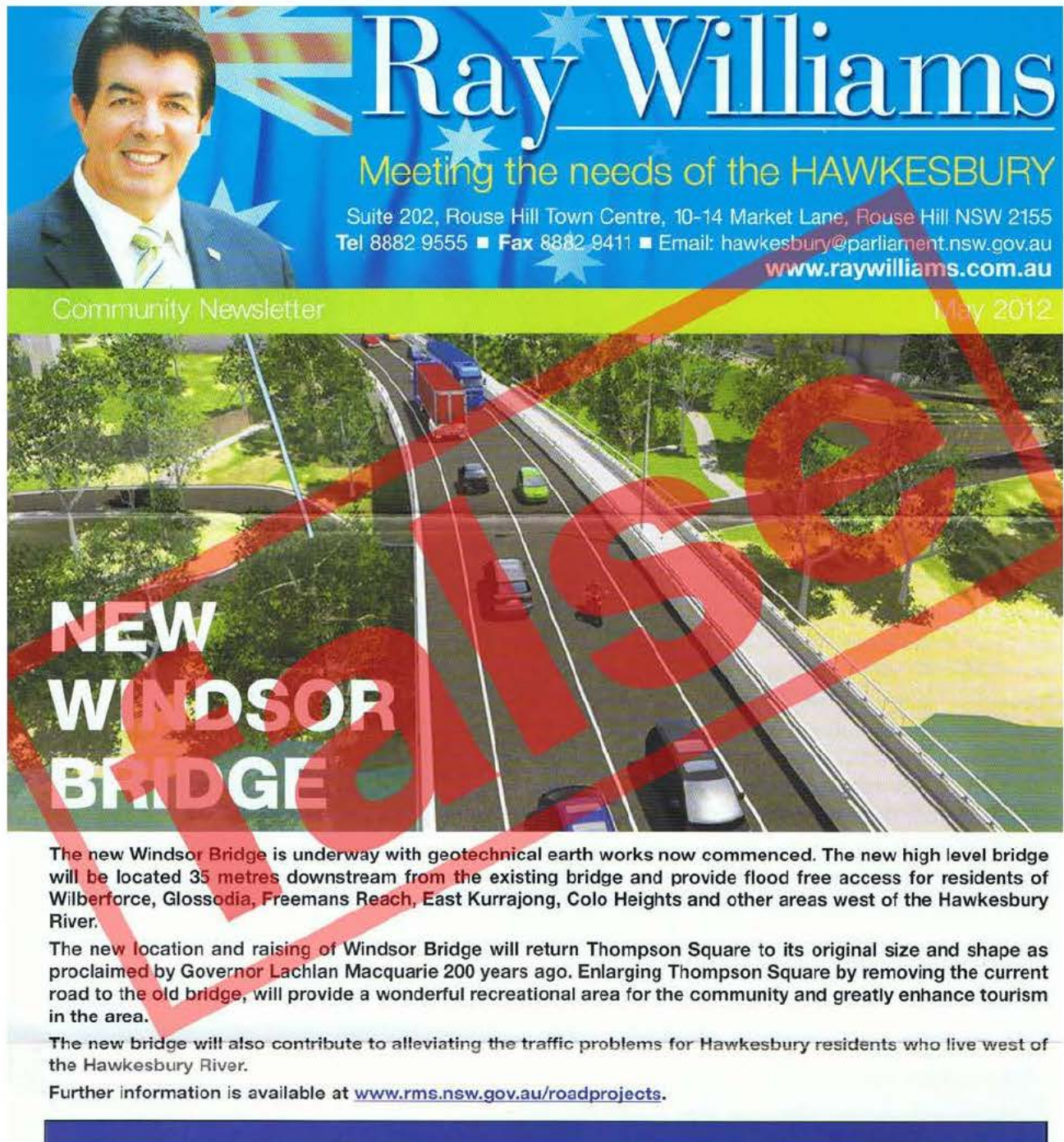
This will provide access, safe flood free access for everybody between Windsor and the Wilberforce

side of the road in all but the only very worst floods.

That's factual, that's the story and I'm proud of the government that's committed to that piece of infrastructure and delivering it."

Members of the Community believed Ray Williams and are convinced the bridge will provide access during floods.

The committee should also know that Windsor Road between McGraths Hill and Windsor is cut by floodwaters at 6 metres. So regardless of the height and flood immunity of the new bridge, access will not be possible from Windsor Road during floods.



Ray Williams
Meeting the needs of the HAWKESBURY

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Tel 8882 9555 ■ Fax 8882 9411 ■ Email: hawkesbury@parliament.nsw.gov.au
www.raywilliams.com.au

Community Newsletter May 2012

NEW WINDSOR BRIDGE

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, Glossodia, 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.rms.nsw.gov.au/roadprojects.

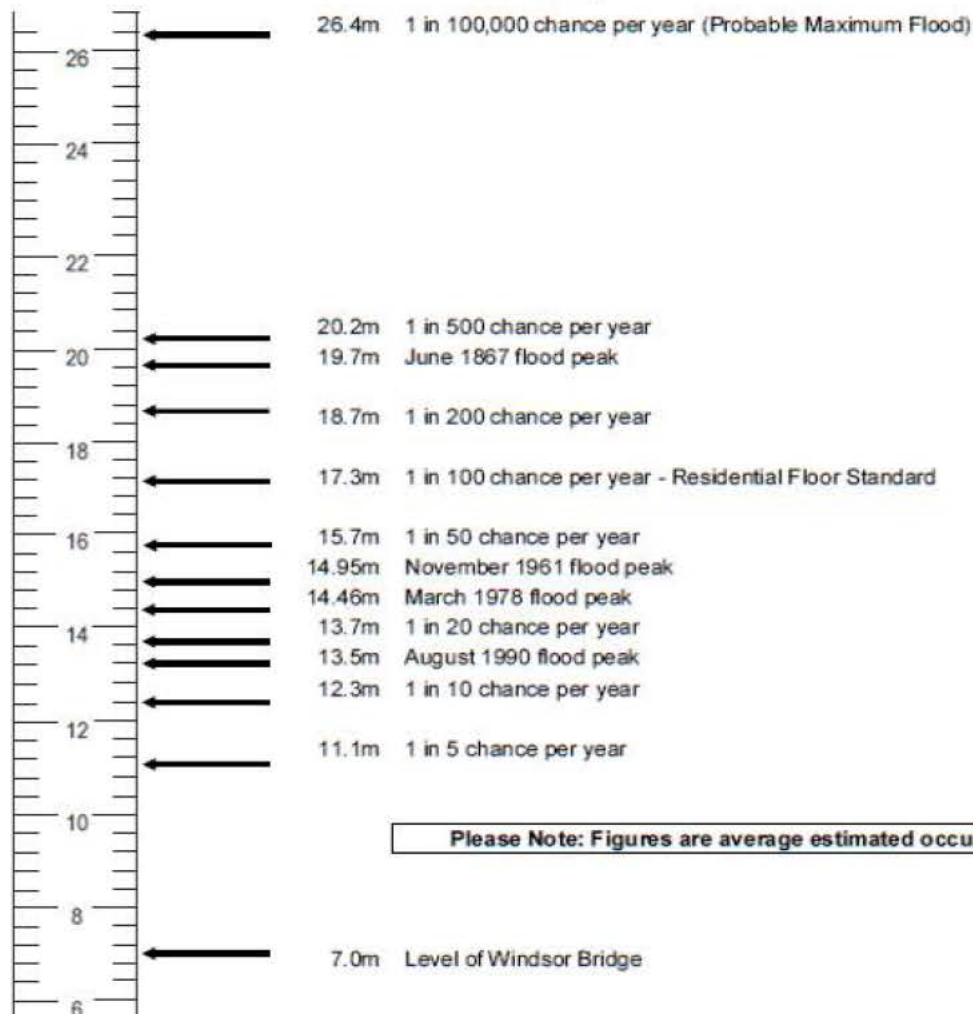


Flood Awareness - City of Hawkesbury

Windsor

Please note that there is a risk of flooding above Council's residential floor height control. The table below indicates levels to Australian Height Datum (above sea level) for estimated flooding probabilities and historical flood peaks.

Flood chance of occurrence per year and historical floods



Please Note: Figures are average estimated occurrences

Flood heights obtained from:

Webb, McKeown & Associates Pty Ltd and Sydney Water 1996 Warragamba Dam Auxiliary Spillway Environmental Impact Study Flood Study / prepared by Webb, McKeown & Associates Pty for Sydney Water

New South Wales Department of Urban Affairs and Planning 1998 Warragamba Dam Auxiliary Spillway: Director-General's Report Section 115C of the Environmental Planning and Assessment Act / Department of Urban Affairs and Planning

TOR 1b, point v: *project assessment process*

Introduction

It is clear from Hansard and Call for Papers Documents the Government was going to proceed with the Option 1 Windsor Bridge regardless of any heritage impacts or failure to address traffic issues.

In July 2013 Roads Minister Duncan Gay stated:

- *“When I said that this (project) will be evaluated properly and fairly and independently within the Planning Area, I meant it.”* - Community Cabinet Meeting , Penrith July 2013.
- Documents show all Department of Planning independent assessments into traffic, heritage and bridge engineering were ignored. Internal Department of Planning assessments were also ignored.
- **Documents prove the project was approved only after political interference by Premier.**

The former Labor Government.

It is important to remember this project began with a proposal put forward under the former Labor Government in 2008.

In late 2010 the proposal was dropped by the Labor Government because the NSW Heritage Office (Heritage Council) refused to agree to the project because of severe impacts to the Thompson Square State Heritage Conservation Area.

- *“I firmly believe that any suggestion of heritage issues indicates that it is being used as a red herring and that it is an excuse by this Government once again to do nothing.”* - Ray Williams MP, Hansard 29th October 2010.
- *“The member for Hawkesbury was incorrect when he said that the alignment proposed in option No. 1 will not have a heritage impact.”* and - *“The history of the Hawkesbury area is vital to the State and the nation and we have every right to preserve it. The member does himself ill to belittle the heritage impact of the area.”* - John Aquilina MP, Hansard 29th October 2010”

The new Liberal Government

The March 2011 election saw the O'Farrell Liberal Government elected and the proposed Option One bridge was pulled out of the trash can, its construction being an election commitment. However the project still faced the veto of the NSW Heritage Office. To overcome this -

- The RMS did not apply to build the new Windsor Bridge until the planning laws were changed with the introduction of Part 5.1 of the Environmental, Planning and Assessment Act.
- This allowed the issue of heritage and objections by the NSW Heritage Office to be circumvented.
- The new Planning Laws were introduced on Friday the 30th of September
- The application to build the new Windsor Bridge was made the following Tuesday, October 4th, 2011
- The application was not made on Monday the 3rd of October as this was a public holiday.

Despite being effectively sidelined, the NSW Heritage Office continued to try to protect the heritage of Thompson Square. Politicians such as Bart Bassett railed against the Heritage Office, failing to comprehend the significance of the Office's independence.

- *“There had been, and continues to be, ongoing consultation and detailed works around the heritage aspects of this project; yet the New South Wales Heritage Office, an unelected body, continues to engage in what amounts to a campaign against the construction of the new bridge.” - Bart Bassett MP, Hansard 29th March 2012*

The Approval

- At a Community Cabinet meeting in 2013 Roads Minister Duncan Gay promised the project would be assessed independently in the Planning Department. The Planning Minister would approve or reject the project accordingly. Duncan Gay said -

“When I said that this (project) will be evaluated properly and fairly and independently within the Planning Area, I meant it.

It doesn't matter whether it's the larger group or the smaller group (who support the project) it's whether it's appropriate and whether we are doing the right thing and we're not alienating our important colonial history.

I would not deliberately do that.

We promised we'd build this bridge and we promised we'd build it subject to proper planning and that's what we're doing.

If we say to the community we're going to do something we certainly try and do something subject to proper planning approvals and that's what we're doing.”

- Documents obtained in the 2013 Upper House Call for Papers (CFP) show this was not the case.
- CFP documents show the Planning recommendation was for project disapproval.
- CFP documents show approval was not in the public interest, could result in legal action and “false approval”.
- CFP documents show the recommendation to approve only came after pressure was applied by the office of then Premier Barry O'Farrell

The Department of Planning carried out a thorough assessment of the proposed new Option 1 Windsor Bridge.

It commissioned independent, peer reviews into heritage issues, bridge engineering and traffic engineering.

1st July – Internal Dept of Planning Project Summary advises the existing bridge be refurbished and adjacent intersections upgraded. It states approval of the project could be illegal, open to challenge and the project does not meet community expectations.

Current Options Available to Department of Planning and Infrastructure

Option No.	Description	Outcomes
1.	That the project be modified such that refurbishment works are carried out to the existing bridge and that the existing intersections are upgraded to address traffic efficiency issues/congestion in Windsor.	<ul style="list-style-type: none"> + Achieves project objectives + Limited heritage impacts + Traffic issues are mitigated + Cost efficient + Consistent with public interest - Inconsistent with RMS commitment
2.	That the State Significant Infrastructure application be refused for reasons relating to heritage impact, urban design, visual impact, insufficient information and public interest.	<ul style="list-style-type: none"> + Responds to community expectations + No heritage impacts - Does not resolve the present traffic issues - Existing bridge maintenance still required - Public project refusal
3.	That the State Significant Infrastructure application be approved subject to conditions so that the outstanding heritage issues are addressed prior to the project commencing.	<ul style="list-style-type: none"> + Achieves project objectives + Traffic issues are mitigated - Legality of the approval is questionable - Leaves DP&I open to legal challenge - Could result in a "false" approval - Significant heritage impacts likely - Redesign of proposal is likely - Inconsistent with Heritage Council views - Inconsistent with community expectations

NOTE TO COMMITTEE – Please read the above table

Project Disapproval

Section 75J of the *Environmental Planning & Assessment Act 1979*

[if being determined under delegation]
As delegate of the Minister for Planning under delegation executed on 25 January 2010/28 May 2011, I disapprove the carrying out of the project application referred to in schedule 1, for the reasons listed in Schedule 2.

[if Deputy Director-General is to determine the project]
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning & Infrastructure

[if Director-General is to determine the project]
Director-General
Department of Planning & Infrastructure

[if Minister is to determine the project]
Brad Hazzard MP
Minister for Planning & Infrastructure

[if PAC is to determine the project]
Name
Member of the Commission

Sydney

YEAR

SCHEDULE 1

Application No.:	SSI - 4951
Proponent:	Proponent Name
Approval Authority:	Minister for Planning
Land:	(Lot and DP) or (general description) or (See Appendix X)
Project:	Windsor Bridge Replacement Project, including: <ul style="list-style-type: none">• project component;• project component;• project component: and;• project component.

21st July - CAWB holds rally. Senator Doug Cameron speaks and announces a Labor Federal Government would give the NSW Government funding for an independent study for a bypass of Windsor. CAWB occupation of Thompson Square begins that evening.

22nd July – DG of Planning Sam Haddad calls for an urgent meeting at 11am that day, “No Notes Required” highlighted in bold text. Message goes to -
Peter Duncan Chief Executive RMS,
Erica Adamson General Manager Environment RMS,
Geoff Fogarty Director of Infrastructure RMS,
Chris Wilson Executive Director Dept of Planning,
Karen Jones Assistant Director Dept of Planning

(It is understood Premier O'Farrell attended this meeting. Hopefully the committee will be able to confirm this)

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Sam Haddad - Peter Duncan / Erica Adamson / Geoff Fogarty re Windsor Bridge + C Wilson + Karen Jones

From: Sam Haddad
Date: 22/07/2013
Time: 11:00 AM - 11:30 AM
Subject: Peter Duncan / Erica Adamson / Geoff Fogarty re Windsor Bridge + C Wilson + Karen Jones
Place: Room 107

Contact: Carmel Elliott

22/7 DG requested urgent meeting. Scheduled all
No papers required

22nd July 11.34am - Bart Bassett emails Premier O'Farrell's Chief of Staff (CoS), complains about the CAWB rally and pleads for project approval.

-----Original Message-----

From: Bart Bassett [mailto:bartebassett@gmail.com]
Sent: Monday, 22 July 2013 11:34 AM
To: Jaymes Boland-Rudder
Subject: Rally

Dear JBR here is picture of Rally during speeches tiny no more than 200. The delays are killing us Brad has put no pressure on Dept to get it finished as you know this was election commitment. The delays have now allowed mobilization of Unions and Fed Labor. Please we need this issue finished we need the leadership to support us.
Regards Bart

22nd July 5.03pm - O'Farrell CoS emails Bassett, advises Bassett he has spoken to the Chiefs of Staff for Roads Minister Gay and Planning Minister Hazzard, about the project and the need for it to proceed.

Jaymes Boland-Rudder

From: Jaymes Boland-Rudder
Sent: Monday, 22 July 2013 5:03 PM
To: 'Bart Bassett'
Subject: RE: Rally

Dail Miller is a former union secretary isn't he??

I spoke to relevant Chiefs of Staff today - Jason De Sousa (Gay) and Kath Macfarlane (Hazzard) - and they are fully aware of importance of delivering the road and that the local MPs, along with the broader community, are very supportive of the need to improve the region's roads and at the heart of this is Windsor Bridge

Kind regards
JBR

23rd of July 11.57am – O'Farrell CoS emails Macfarlane (Hazzard CoS) and DeSousa (Gay CoS) claiming they are behind “agreed delivery”. Gantt Chart attached to this submission for the committee's reference)

From: Jaymes Boland-Rudder
Sent: Tuesday, 23 July 2013 11:57 AM
To: Kath McFarlane
Cc: Peter Coladno; Jason de Sousa
Subject: Windsor Bridge

Hi Kath

As discussed, you will see from the attached Gantt chart, we have slipped significantly from the agreed delivery

Anything you can do to help rectify would be appreciated

Kind regards
JBR

23rd July 12.14pm – Macfarlane (Hazard CoS) emails O'Farrell CoS questioning Dept of Planning's involvement in project timeline

From: Kath McFarlane
Sent: Tuesday, 23 July 2013 12:14 PM
To: Jaymes Boland-Rudder
Cc: Peter Colacino; Jason de Sousa
Subject: RE: Windsor Bridge

Thanks JBR. As discussed today, I will follow this up myself. To assist with that process, can you confirm when the Gantt chart was developed and whether Planning was involved in formulating the timetable?

Many thanks
Kath



Kath McFarlane
Chief of Staff
Office of the Minister for Planning & Infrastructure
Minister assisting the Premier on Infrastructure NSW

23rd July 3.17pm – O'Farrell CoS emails MacFarlane (Hazard CoS) and DeSousa (Gay CoS) stating Dept of Planning, RMS and the OEH were involved in the project timeline

Jaymes Boland-Rudder

From: Jaymes Boland-Rudder
Sent: Tuesday, 23 July 2013 3:17 PM
To: Kath McFarlane
Subject: RE: Windsor Bridge

Hi Kath

As I recall RMS, Planning and OEH were involved in the development of the timetable, but it was more than 12 months ago and I don't have any of the background documents saved to my PC – just the chart – sorry

JBR

Summary

It is clear there was interference from the Premier's Office in the assessment process. This is a process Minister Duncan Gay promised would be transparent and independent.

Internal Dept of Planning show the proposal did not pass the merits test and staff were recommending Project Disapproval

The project was approved purely for the personal political reasons of the Premier and some members of his Government.

TOR 1c: any other related matters.

RTA/RMS Land Reservation Acquisition. (LRA)

Hawkesbury City Council

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the 1 in 100 year flood level.

The land may be subject to flood related development controls for flood events greater than the 1 in 100 year flood level.

- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

The land is above the 1 in 100 year flood level and therefore is not subject to flood related development controls for flood events up to the 1 in 100 year flood level.

The land may be subject to flood related development controls for flood events greater than the 1 in 100 year flood level.

- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

8. Land Reserved for Acquisition

Is the land affected by any environmental planning instrument, deemed environmental planning instrument, or draft environmental planning instrument which provides for the acquisition, whether in part or whole of the land as referred to in Section 27 of the Act.

No

9. Contributions Plans

The Hawkesbury City Council "Section 94 Contributions Plan Review November 2005" applies to the subject land.

The Hawkesbury City Council "Section 94A Development Contributions Plan 2006" applies to the subject land.

10. Matters arising under the Contaminated Land Management Act 1997

- 10.1 Is the subject property declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- 10.2 Is the subject property subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

When we purchased our property the Section 149 Certificate stated there was no "Land Reservation Acquisition" on the land.

However in 2015 we became aware the RMS had placed an LRA on our property in 2012.

Inquiries from the local media led to the RMS stating:

“The property was identified at the early stages of development due to its proximity to the project area. However, as project planning and design of the project progressed, it was determined the property would not be directly impacted by the project” - Hawkesbury Gazette, February 16th, 2016

In the same paper on February 26th the RMS stated:

“Roads and Maritime Services is not acquiring 10 Bridge Street for the Windsor Bridge replacement project,”

The office of the NSW Treasurer and local MP Mr Perrottet states in the same article:

“The RMS has also agreed to cover the costs of making sure the title of the land doesn’t show any encroachment,”

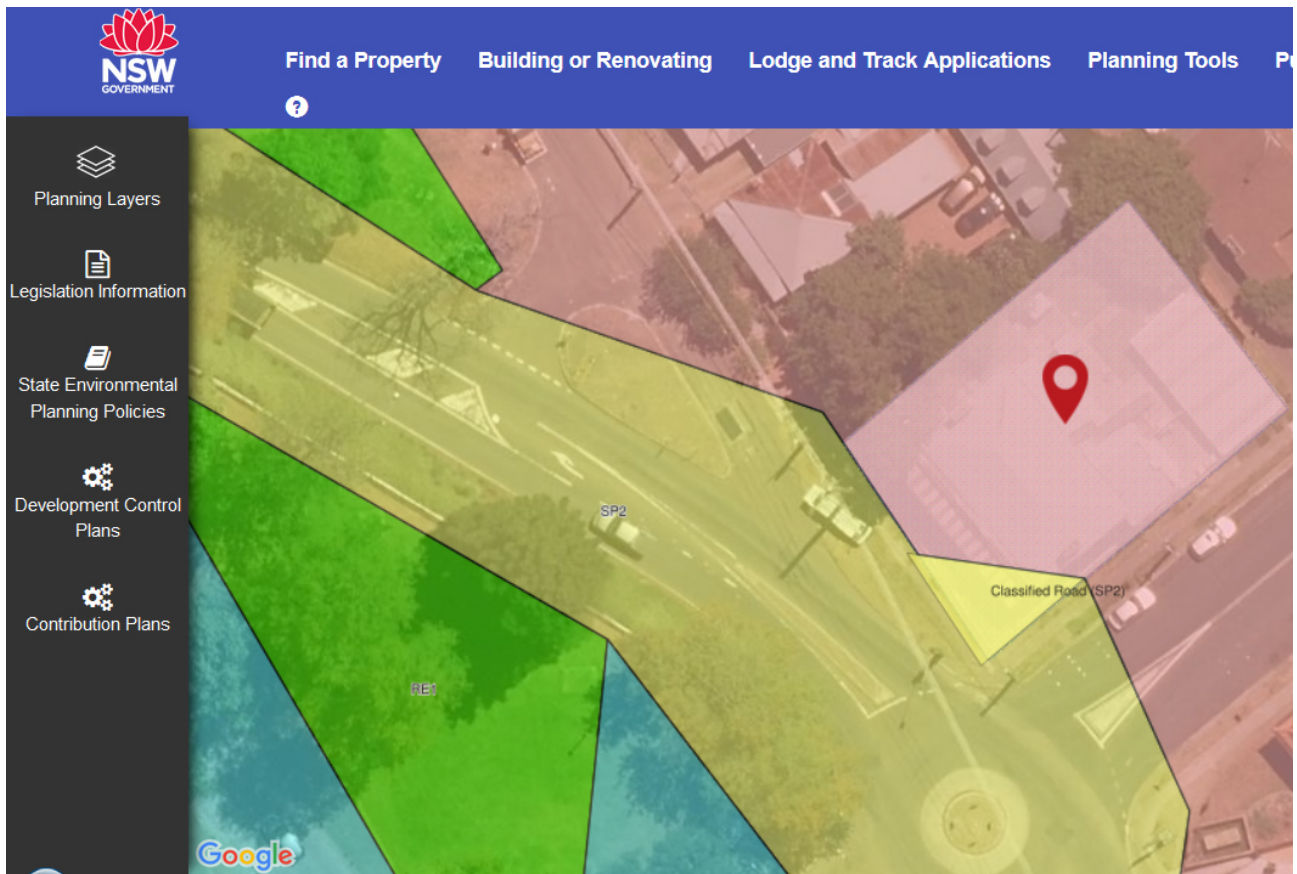
Interestingly local politicians claim the LRA has been in existence since 1948 and is much smaller than shown by NSW Government.

This contradicts the Council 149 Certificate as well as advice from Council this larger LRA came into existence with the passing of the 2012 Local Environmental Plan.

It is now 2 years later and the RMS Land Reservation Acquisition is still in place on 10 Bridge Street. Council has not received any offer from the RMS or NSW Government to pay for the promised rezoning required.

We have been told the imposition of the LRA on 10 Bridge Street was “payback” for our opposition to the Windsor Bridge Replacement Project as it devalues the property.

I would like to think this is not true.



The LRA on 10 Bridge Street takes on a new context when viewed in relation to comments by the RMS in its 2013 Windsor Bridge Response to Submissions document.

In response to the statement on page 48:

“The McGraths Hill section of Windsor Road should be upgraded to avoid a bottle neck on the approach to the new bridge.”

The RMS responded:

“While this would improve traffic flow through Windsor it is outside the scope of the project and would be significantly more expensive. It would also lead to a number of other issues such as potentially necessitating a widening of Windsor Bridge and the approach roads through Thompsons Square.

It would also further impact heritage properties between George and Macquarie Streets, and also most likely the Jolly Frog Hotel.

The need for future upgrades to the surrounding road network would be considered separately and subject to a separate environmental assessment process”

This seems benign enough until one learns the RMS has acquired property between McGraths Hill and Windsor to allow the widening of Windsor Road as described above.

When the size of the Windsor Road corridor the RMS already owns is comprehended, it is not unreasonable to think they have future plans for widening Windsor Road and Bridge Street through Thompson Square.

