

**Submission
No 336**

INQUIRY INTO WINDSOR BRIDGE REPLACEMENT PROJECT

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Date received: 25 February 2018

Submission
to the NSW Legislative Council

Inquiry into the Windsor Bridge
replacement project

from

David Samuel

1. My Wife and I have lived just North of the river for the past seven years and we are both active in local community charitable bodies.
2. It is our experience that the overwhelming majority of people who live or work in the Hawkesbury, or simply drive on its roads, want the new Windsor Bridge to be built and opened to traffic without any further delay.
3. They are fed-up with the tiny minority of activist protesters, like the CAWB and their interchangeable *alter egos* the Greens, the Wobblers and assorted so-called independents, who for their own political ends have used every device to stop the project including occupying the public space of what remains of Thomson Square for the past five years.
4. They are angered that the protesters, having exhausted all legal forms of appeal against the December 2013 grant of planning approval for the Bridge - and despite having accepted what many consider to be a hugely over-generous act by the State government in waiving the substantial legal costs awarded against them - have continued their protests and clearly demonstrated their refusal to accept the Court's decision.
5. They are disgusted that the protesters are now presenting themselves to the Legislative Council as respecters of parliamentary democracy and the rule of law, and thus worthy of support, whilst at the same time showing their true character by acts of open defiance of the law and the police.
6. I refer of course to their action last month (Jan. 2018) in criminally obstructing access by workers and vehicles to the bridge site, including inciting others to do the same, all with the stated object of physically halting lawful activity by the RMS under the Approval.
7. Susan Templeman, Federal MP for Macquarie, and Federal Senator Lee Rhiannon both took part in the obstruction; both have sworn oaths to uphold the law; both should have known better; and both (along with about a dozen others) were issued with infringement notices by the police. The public has been left to pick up the tab for this costly waste of police resources but many feel strongly that the police should bill the organisers-protesters for these costs - and refuse to waive them.

8. On 27 Oct 2015 the Land & Environment Court delivered a judgment of 148 closely-reasoned paragraphs that dismissed on all grounds the judicial review proceedings brought by CAWB against the planning approval. At that point residents thought - and indeed had a right to expect - that the matter had finally been decided; that protests would cease; and that the bridge would be built without further delay.

9. More than two years on, we find that the CAWB and its allies never intended that the protests would cease. On the contrary, their propaganda war against the democratically-elected government and the independent judiciary, both of whom stand in the way of them achieving their objective, has been greatly stepped up.

10. Not only are we no further advanced from the Oct 2015 Court judgment but, astonishingly, we have been manoeuvred into accepting the regressive step of having all the matters that the Planning Minister and his department considered and decided five years ago re-examined afresh by politically-motivated persons who have everything to gain from a report critical of the earlier decisions.

How did we get to such a situation?

11. That question is NOT irrelevant to the Windsor Bridge project. On the contrary, consideration of it is vitally important for our future governance as both a state and a nation.

12. In western democratic societies most politically-aware people acknowledge the importance of "the rule of law" as one of democracy's core values. In this context the term means merely that we accept that once a dispute has been decided by a court of law (including any provisions for appeal), or the question as to who governs has been decided at the ballot box, we recognize the outcome as settled - and we move on.

13. However in recent times, perhaps related to the rise of social media and the growing sophistication of the dark arts of influencing and creating public opinion, many refuse to accept any decision with which they personally disagree. Witness the ongoing attempts in the US to delegitimise the election of Donald Trump as President and the recent funding by international financiers of grass-roots organisations in the UK pledged to overturn the Brexit referendum.

14. Whilst Windsor Bridge may only be a local matter, the same principles apply. CAWB and their supporters and allies, both in and out of State parliament, all refuse to accept the decision of the government, the planning minister and the courts. They have shown that they have no respect for the rule of law and nothing but contempt for our system of democratic decision-making.

15. If as a society we cave in and allow these protesters to succeed in having the project cancelled, the message will go forth that “**perpetual challenge wins**”; that anyone, anywhere, who doesn’t like any decision of any authority can defy the law with impunity; and that any organized minority determined to shout long enough and loudly enough will eventually overturn and defeat any unorganized majority.

16. Such a method of governance has been described in other contexts as living under a post-democratic society in which control of our lives passes to a permanent dictatorship of minorities. Do we really want to live under such a regime? Parliamentarians in particular should be wary of doing anything that implies approval of such a message, or of giving aid and comfort to those seeking to benefit from such a system, for under any post-democratic society the role of members of parliament would soon become redundant.

Why this move for an Inquiry?

17. To answer that question one must look at the dynamics of politics. If you are one of the major established political parties, you are bound to get all the media coverage you want every day just by reason of being either the government or the opposition both federally and in all the states. On the other hand if you’re a minor party such as the Greens or the Shooters, Fishers and Farmers you have to fight constantly to keep your name in front of the public. When you are not IN government you have little or nothing to defend and can only attack. Thus the more incidents and protests you can create or manufacture, the more media coverage you’re likely to get, leading to higher voter-recognition, followed usually by more votes at election time. So for the Greens the CAWB protest was a veritable goldmine and their State MLCs including David Shoebridge and Mehreen Faruqi flocked to it repeatedly.

18. But late last year as the RMS continued with their on-site investigations preparatory to going to tender, it became clear to the Greens that protests on their own could not be relied upon to deliver the political prize they so desperately sought - the outright cancellation of the project. A change of strategy was indicated. They needed to delay the start of construction until at least 23 March 2019 in the hope that the NSW state election on that date would return a Labor government which, with Green support, would hopefully STOP the project.

19. Sources report that it was suggested that the Legislative Council system of Inquiry by standing committee, normally chaired by a member not holding government office, would be useful as an interim delaying measure. Dr Mehreen Faruqi (Greens) then approached Robert Brown (Shooters, Fishers & Farmers), the chairman of the Industry and Transport standing committee, to suggest that he might initiate an Inquiry into the project.

20. On 15 Nov 2017 he announced such an Inquiry, using the power granted to him to “self refer” a subject-matter, and as the notice indicates it will not report until 29 June 2018. The NSW Government had no forewarning that such an Inquiry was to be launched. And Dr Faruqi is listed as one of the members of the committee who will be inquiring into the project.

21. It is perfectly normal for there to be cordial relations between MLCs of different political parties but when some members are elected to the Legislative Council with just 3% of the primary vote they may think twice before refusing the request of a fellow-member from a party with preference votes to distribute at the next election.

22. Assuming there is no time-slippage with the committee report, there will remain a gap of nearly 9 months between its release date and the State elections. This explains the recent concerted efforts by the protesters and their allies to include in their separate submissions to the Inquiry the demand that once the Inquiry was announced ALL interim works on the project should be HALTED until after the Inquiry is completed. It is clear that the arrogance of these protesters knows no bounds. All interim works, and indeed the construction of the bridge itself, are allowed by the 2013 planning approval as confirmed by the 2015 decision of the Court. It is the protesters who should be directed to cease and desist forthwith. If the State government, or the RMS, were to give way to this demand it would mean that pre-Tender preparations could not be re-started until at least July 2018. And we all know what lengthy delays can be caused by lawless protesters wishing to interfere with a Tender process.

What are they complaining about?

23. Heritage. If the preservation of existing structures were allowed to override all other considerations Sydney would still have a disused, but listed, tram depot standing at Bennelong Point. The existing bridge was built in 1874 with its steep and curving approach road being carved through Thomson Square. The current

protesters are thus about 144 years too late to save “the integrity of Thomson Square”. The project as I understand it provides for a new, straight, approach road to be constructed quite some metres to the East, involving the demolition of no houses, and for the existing approach road to be filled in and levelled off so as to restore Thomson to being an actual Square.

24. Bridge design. Expressing an opinion on design of any kind can only ever be subjective but what caught my eye was one submission that dismissed it as being “a disharmonious modern concrete bridge”. I couldn’t help wondering whether his taste was for a Mock-Tudor replica of the Hampton Bridge at Kangaroo Valley or perhaps a full-on reproduction of either Tower Bridge in London or the Ponte Vecchio in Florence. Perhaps he might like it constructed of Lego bricks?

25. Flood risk. Many protesters say that it’s not worth replacing the existing bridge with one built to a 100yr flood level when surrounding feeder roads are subject to flooding. Yet nowhere do I see any mention of flood mitigation measures currently being taken and planned for the future, including the raising of Warragamba Dam, that are bound to reduce the flood risk to such roads within the early years of the new bridge’s operation.

26. A Bypass. Every protester seems keen to say that they are not against a new bridge *per se*, just that it should be sited elsewhere and be part of a bypass. Yet none seem to have the vaguest idea as to WHERE they want such a bypass to START; WHAT route they want it to follow; WHERE they want it to end; HOW MANY properties in its path would have to be purchased; HOW LONG it would take from a standing start to complete; and HOW MUCH it would all cost.

27. **This bears out the contention that the protests against the Windsor Bridge replacement project have long ceased to be on the merits and have become instead a means by which CAWB and its proxies hope to force a political victory over a duly-elected government.**

28. **This Inquiry has been born out of a charade and bears all the hallmarks of being designed to deliver a report consistent with the views of The Greens who instigated it.**