

**REPORT ON PROCEEDINGS BEFORE**

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

**INQUIRY INTO THE WINDSOR BRIDGE REPLACEMENT PROJECT**

**CORRECTED**

**At Macquarie Room, Parliament House, Sydney, on Friday 13 April 2018**

**The Committee met at 9:30**

**PRESENT**

The Hon. R. Brown(Chair)

The Hon. R. Colless

The Hon. W. Fang

Dr M. Faruqi

Mr S. MacDonald

The Hon. D. Mookhey

The Hon. P. Primrose



**The CHAIR:** Good morning ladies and gentlemen. I welcome you all to the first public hearing for the Portfolio Committee No. 5—Industry and Transport inquiry into the Windsor Bridge replacement project. This inquiry examines the expenditure, performance and effectiveness of the Roads and Maritime Services [RMS] Windsor Bridge replacement project. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the elders past and present of the Eora nation and extend that respect to other Aborigines present.

Today is the first of the two hearings that we plan to hold for this inquiry. Today, we will hear from representatives from Roads and Maritime Services, Community Action for Windsor Bridge, Hawkesbury City Council, the Department of Planning and Environment, the Heritage Council and Cambray Consulting. A panel of heritage-related interest groups will also appear. Before we commence, I would like to make some brief comments about the procedure for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee website when it becomes available. In accordance with broadcasting guidelines, while members of the media may film or record Committee members or witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind people in the public gallery to be careful about where they point their cameras.

I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they make to the media or others before or after they give their evidence, as such comments would not be protected by parliamentary privilege. The guidelines for the broadcast of proceedings are available from the secretariat. There may be some questions a witness could only answer if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take questions on notice and provide answers within 21 days of receiving those questions.

Witnesses are advised that any messages should be delivered to the Committee members through the Committee secretariat. To aid with the audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loud speakers for persons in the public gallery who have hearing difficulties. Persons in the public gallery who have hearing difficulties can ask the secretariat to assist them. Today, there is a lot of people in the public gallery. There is obviously a lot of interest in this project. I remind everyone in the public gallery that this hearing is not an open forum for comment from the floor. Audience interruptions can make it difficult for witnesses to communicate with the Committee and for Hansard to record the proceedings of the hearing. Hansard must be able to record the hearing accurately. Please turn your mobile phones to silent for the duration of the hearing.

**COLIN LANGFORD**, Director, North West Precinct, Roads and Maritime Services, sworn and examined

**JOHN HARDWICK**, Executive Director, Sydney, Roads and Maritime Services, sworn and examined

**ATHENA VENIOS**, Director, Greater Sydney Project Office, Roads and Maritime Services, sworn and examined

**IAN ALLAN**, Director, Program Management, Roads and Maritime Services, sworn and examined

**The CHAIR:** I welcome our first witnesses. If you wish, one of you may make an opening statement. I ask that you keep it under five minutes. Then we will proceed to questioning.

**Mr LANGFORD:** Thank you for the time and opportunity to discuss this important project. Windsor Bridge is of great interest to the Hawkesbury community, heritage groups and all road users, having been subject of great debate for more than a decade. Roads and Maritime Services has extensively consulted with the community and stakeholders and taken all feedback on board since the project was announced in 2008. The existing bridge is more than 140 years old, deteriorating and approaching the end of its serviceable life. The replacement Windsor Bridge is a much-needed piece of infrastructure for the community. Roads and Maritime Services and the New South Wales Government understand and appreciate the interest the local community has in maintaining the existing bridge and impacts on the surrounding area, including Thompson Square.

We are tasked with providing a safer crossing of the floodplain to serve the community and the residents of New South Wales, now and for future generations. The existing bridge was designed in the late 1800s, during the time of horse and cart, when engineering standards and practices did not anticipate the future growth in cars and heavy vehicles. The existing three metre wide lanes are not wide enough to allow the safe passage of trucks and speed restrictions are currently in place due to the structural weakness of the bridge. The existing bridge is also at a lower height than surrounding roads, restricting community access during times of flooding.

Windsor Bridge is a key river crossing connecting local communities, with the nearest alternative river crossing at Richmond—a road detour of approximately 20 kilometres to drive between the southern and northern sides of Windsor. Approximately 20,000 vehicles currently cross the Windsor Bridge each day, with traffic delays and congestion experienced during the weekday morning and afternoon peaks on both the northern and southern sides of the river. The approach roads and intersections have a number of safety issues, including a lack of safe crossing locations for pedestrians and poor vehicle sight distances. Both the existing bridge and approach roads do not meet current engineering and safety standards.

Roads and Maritime Services considered a range of solutions during the options selection process, including a number identified by the community. The options assessment took into account structural requirements, engineering, cost constraints, heritage and environmental impacts, and broader transport needs. More than nine options and sub-options were considered including retaining the existing bridge, a bypass of Windsor and replacing the existing bridge. The existing bridge would need extensive and costly repairs if it is to be used and maintained into the future. Repairs are a temporary solution and would only provide another 10 to 20 years of use at most, and would not address current issues.

Three options were shortlisted for detailed consideration, with a replacement high-level bridge via Old Bridge Street at Windsor being identified as the preferred option for the project. This option performed best in relation to the project objectives, including minimising heritage and environmental impacts, traffic flow, higher level of flood resilience, safety, pedestrian and cycle access and impact on residential property, while delivering the best value-for-money outcome.

The replacement bridge will be built 35 metres downstream of the existing bridge and provide three 3.3-metre wide lanes to improve traffic flow and safety. The bridge deck level will also be 2.8 metres higher than the existing bridge to improve flood resilience along the route. The new bridge will provide a wider and safer shared pedestrian-cycle path on the western side. The project allows for the re-unification of Thompson Square for the first time in 84 years, increasing the size of the park by around 500 square metres, and will provide safer and more direct access to the river. The project was approved in December 2013, with a number of planning conditions to ensure impacts on the community, environment and heritage are effectively managed.

Chair and Committee members, Roads and Maritime Services has adhered to a stringent and thorough approval process while planning for a safer and more reliable crossing of the Hawkesbury River at Windsor. We will continue to work closely with the community, as we have for almost 10 years, as the project moves into construction.

**The CHAIR:** Before we proceed to questions, would you like us to direct questions to one of you in particular, or are Committee members able to direct our questions to any one of you?

**Mr HARDWICK:** The preference would be to ask me the questions and then I will determine who will answer them.

**The CHAIR:** Fine, we will do it that way.

**Dr MEHREEN FARUQI:** I am a qualified civil engineer, so we are in good company today, I see. Mr Langford, you said in your opening statement that RMS has taken community views on board. All the evidence that I have seen from experts along with community groups, residents and many others shows that many do not want the new bridge to be located where you suggest and do want the old bridge to be retained and used at least as for pedestrians and cyclists. How did you take community views on board?

**Mr HARDWICK:** I might ask Mr Allan to answer that question.

**Mr ALLAN:** I think the review of the options for Windsor Bridge started in 2008, where there was an options assessment undertaken involving RMS taking feedback from the community at that stage. It ended up in an options review process with government agencies, which included the Hawkesbury City Council, the Government Architect's Office, the NSW Heritage Branch, NSW Maritime and the Roads and Traffic Authority [RTA]. The council was able to speak on behalf of the community at that stage, and that was 2008. From there we moved on to the next phase of the process, the environmental impact statement, which went out in 2012. Again, there was opportunity for community input into recommendation.

One feedback RMS did receive from the community was concerns about one of the options, which went to the eastern side of Windsor and the impact it had on residential property on the east side of Windsor. At that point in time there was a petition, I guess, from residents in Windsor, and also council did not support that as an option. Council actually favoured, in their submission in its environmental impact statement [EIS] to the options assessment process, the replacement bridge option. There was input from the community in that process.

**Dr MEHREEN FARUQI:** Are you denying that the community overwhelmingly does not approve of the option that the RMS is going ahead with? I am trying to clarify, because I have seen petitions with thousands of signatures. I have seen submissions, hundreds of them and not just from the community but from heritage experts from the Heritage Council, which basically recommend that this bridge not be built where it is being built and that the old bridge be retained. How did you take community views into account, when RMS is still going ahead with almost exactly what you are going ahead with before?

**Mr ALLAN:** There is a range of differing views which are expressed towards the options which are available. There was a community response which did not favour the other bypass option to the east of Windsor as well.

**Dr MEHREEN FARUQI:** Did you consider any other bypass options?

**Mr HARDWICK:** I might get Mr Allan to explain to the Committee the options that were considered and why they were discounted. It is really important for us to understand that there were a lot of options considered along with the community feedback as the process was undertaken in 2012, and the way in which we took all of those things into consideration. The final option was actually the outcome of the feedback that we had received.

**Dr MEHREEN FARUQI:** If you could to it briefly, it would be good.

**Mr ALLAN:** At the time of the options assessment in 2008, there were nine options considered at that stage. If we start from the east, there was an outer-eastern option, which is favouring towards the Pitt Town area. There was an inner-eastern option and there are other options making up the area; I can see three in the inner-eastern side of Windsor. There was also an option to replace the bridge at two differing levels in the area of Thompson Square downstream of the existing bridge. There were also two options, which went through more the commercial area to the west of Windsor.

**Dr MEHREEN FARUQI:** It is really difficult without having a map in front of us. This is in the options paper, am I right?

**Mr ALLAN:** Yes, it is.

**Dr MEHREEN FARUQI:** I might move on, because we have limited time.

**Mr ALLAN:** If I could complete that aspect, because there is just one more. That is what was studied at the options assessment phase. Additional options were also introduced in 2012, which is called the Rickabys Line options. They are the western bypass options, and they were also assessed.

**CORRECTED PROOF**

**Mr HARDWICK:** I would really like Mr Allan to conclude his answer around the bridge. Dr Faruqi, you have mentioned a few times retaining the bridge, and I would like Mr Allan to talk about the reason why we do not support the retaining of the bridge in the medium to long term.

**Mr ALLAN:** To answer that, there are a couple of issues which we have to work through. They could be summarised in the condition of the existing bridge, both in its deterioration and its maintenance. There is also the issue of the standard of the bridge, and it is important to understand both those aspects. To understand the maintenance or the deterioration of the bridge, there is multiple major deterioration on the bridge because of its age. If we start with the piers, the piers are cast iron casings which have been installed into the river.

They were put in 130 years ago, and they would have been of about 20 millimetres thickness at the time of being installed. Half of that thickness has now corroded. In addition to that, in pier 5 and pier 6, the casings have transverse cracking in them, which is not able to withstand the longitudinal loading on the deck. It has not had to be replaced for the moment, because the deck's joints have frozen up and locked up and no longer can provide the expansion and the contraction which the bridge deck needs. We have got cracking occurring in the girders of the concrete deck. In doing so it is not applying the loads to piers 5 and 6 and it is being bypassed to the abutments.

**Dr MEHREEN FARUQI:** If it is deteriorating and unsafe, why was the load limit increased in 2012? Why was that done?

**Mr ALLAN:** The bridge is being tested for the loads it receives. There is regular maintenance and inspection and testing of the loading. At present it is passing. However, it is not easy to repair the bridge for the aspects it is currently experiencing. The cracks I mentioned are able to survive for the moment because they are not actually being loaded; the cracking is occurring in the deck. There is also carbonisation of the concrete on the deck which is causing it to no longer provide the alkalinity and protections of reinforcement. It is now causing spalling of that concrete and RMS has to undertake maintenance to chip that spalled concrete away so it is not a risk to river users who might be in canoes or boats on the river and have that falling away. There are multiple problems with the bridge that do not lend themselves to easy periodic maintenance. There has to be substantive maintenance.

**Dr MEHREEN FARUQI:** I want to move on because my time is limited. I think we understand that it is deteriorating. There are different views on that as well, but I might come to that later if I have time.

**Mr HARDWICK:** If you do not mind, I think there is a really important component to this. There is the traffic going across the bridge but also a danger in flood conditions as the bridge ages further. As Mr Allan was saying around the abutments, there is the possibility of the bridge detaching during flood conditions as it continues to age which gives the potential for components of that to flow downriver.

**Dr MEHREEN FARUQI:** But could that be avoided if it is maintained properly? Claims have been made that very little money has gone into the maintenance of the bridge, but I will come back to that later. Mr Langford, I think you said that the new bridge now has a high level of flood resilience. I understand it is now being designed for a five-year average recurrence interval [ARI]. From my perspective as an engineer, that is really not a high level of flood resilience. Could you let me know if there is an RMS standard—or maybe it is the gold standard—that all bridges have to be built for a 100-year ARI, and why is the bridge not being built to that standard if you really want high flood resilience?

**Mr LANGFORD:** You have to understand the topography of the land around Hawkesbury to clearly address that flooding risk. As I am sure most of you are aware, the north-western part of Sydney and the Hawkesbury-Nepean floodplain is one of the highest risk floodplains in all of Australia. That means that it has experienced numerous flooding events over the years, particularly during what has been measured for European times. The bridge itself has been inundated around 59 or 60 times since it was built, cutting off access to key communities on both sides of the river. The bridge today is at a lower level than the surrounding roads and hence the ARI performance is around one in two. It floods quite regularly and that means we have to close it or it is inundated with water, restricting that access. As you are aware, Richmond Bridge is around a 20-kilometre detour. That is at a higher level but it also floods quite frequently and gets closed to traffic.

**Dr MEHREEN FARUQI:** I understand that, but from my perspective as an engineer a three-year ARI and five-year ARI are not really different.

**Mr LANGFORD:** The challenge we have with Windsor and providing improved flood resilience is that it is in the floodplain. Typically we would look to design most of our structures around the State to generally provide a one-in-100 sort of flood level. The challenge we have in the Hawkesbury-Nepean Valley is that you have significant flood heights during flooding. This is not like a lot of our northern rivers and other things where the one-in-100 flood level to the possible maximum flood level is minimal height. In Windsor in

particular the difference in height is upwards of 10 metres or more. The Jim Anderson Bridge, which is just down the road, which was built for flood evacuation, has a road height of around 17 metres RHL.

**The CHAIR:** For Hansard, what does RHL stand for?

**Mr LANGFORD:** It is a mean survey height. What I am getting to is that the approach roads to the bridge, particularly on the Wilberforce side, are only around that one in three level. It would be absolutely pointless to build a structure 10, 20 or 30 metres higher than what we have proposed because the approach roads to the bridge will be under water. Residents will not be able to get to the bridge.

**Dr MEHREEN FARUQI:** I completely understand that, hence I think the claim that there is a high level of flood resilience is probably not valid.

**Mr HARDWICK:** This was not initially our preferred option. Maybe Ms Venios would like to talk about that.

**Dr MEHREEN FARUQI:** No, I have another question before you to that. You said the approach roads are—

**Mr LANGFORD:** Just to confirm, while you say it is not a large level of flood resilience, we did do hydrology studies during the development of the project. I have got the numbers here somewhere.

**The CHAIR:** Perhaps you could provide them on notice.

**Mr LANGFORD:** Yes, but what it did show was that the number of closures would have been significantly reduced in previous times of flooding by raising it to what we are proposing. Also the actual duration of the bridge closure is significantly reduced. We can provide that information on notice.

**Dr MEHREEN FARUQI:** The bridge may not be closed but how many locations on Windsor Road are below the one in three ARI levels?

**Mr LANGFORD:** I will have to take that on notice.

**Dr MEHREEN FARUQI:** It is not necessarily about the closure of the bridge. If the road is flooded it does not matter whether the bridge is closed or not.

**The Hon. RICK COLLESS:** Which road do you mean? The Windsor or Wilberforce road?

**Dr MEHREEN FARUQI:** Windsor Road. You can provide the answer on notice.

**Ms VENIOS:** Originally in the environmental impact statement we had a higher flood resilience bridge proposed. As a result of community and stakeholder feedback we lowered it to its current level, which is 2.8 metres above the current bridge. But what it did do at that level was match the flood immunity of the key roads around Windsor. We can take it on notice and provide information on what those roads are but essentially we matched the resilience so you could get to the bridge and you could cross it in that particular event. Once the roads were under water the bridge would also be under water.

**Dr MEHREEN FARUQI:** Could you take it on notice and let us know at what locations Windsor Road floods?

**Mr ALLAN:** The information we have is that at our level of the bridge proposed, 60 per cent of the road to Wilberforce would be under water at that stage.

**Dr MEHREEN FARUQI:** But I am asking a specific question. If you could take that on notice that would be great.

**Mr ALLAN:** Sure.

**Mr LANGFORD:** I did find the information.

**Dr MEHREEN FARUQI:** That is all right. I have found it in your submission. What was the initial cost of the bridge let us say in the 2008 or 2009 options paper?

**Mr LANGFORD:** In 2008 the Government announced a commitment to look at Windsor Bridge. At that time a budget allocation of around \$25 million was committed towards the project.

**Dr MEHREEN FARUQI:** Was that the cost of the project at that time?

**Mr LANGFORD:** No. That was a budget commitment.

**Dr MEHREEN FARUQI:** What was the budget commitment based on? Was the bridge costed at all in 2008?

**CORRECTED PROOF**

**Mr HARDWICK:** We will have to take that on notice. Nobody here actually has the record of that.

**Mr ALLAN:** Yes, I am sorry. I do not think at that stage the project was costed. There were options to only just replace the bridge itself. Until the options were worked through you did not know what you were actually costing.

**Dr MEHREEN FARUQI:** What is the cost of the bridge now?

**Mr LANGFORD:** The EIS in 2012 costed the bridge around \$50 million.

**Dr MEHREEN FARUQI:** I read a figure of \$65 million.

**Mr LANGFORD:** No.

**The Hon. DANIEL MOOKHEY:** That was the project cost in 2012?

**Mr LANGFORD:** Yes. They were done as part of the EIS.

**The Hon. DANIEL MOOKHEY:** Has the RMS updated the project cost in the last six years?

**Mr LANGFORD:** We constantly review—

**The Hon. DANIEL MOOKHEY:** What is the latest reviewed cost?

**Mr LANGFORD:** The actual cost that is currently known is what is in the EIS.

**The Hon. DANIEL MOOKHEY:** That is 2012. We have just had a very circular conversation.

**Dr MEHREEN FARUQI:** Six years old.

**Mr LANGFORD:** That is correct. For this financial year RMS has a budget of \$7 million to complete preconstruction activities.

**Dr MEHREEN FARUQI:** Is not the tender out for the construction of the bridge?

**Mr LANGFORD:** Yes. You are correct.

**Dr MEHREEN FARUQI:** When is the assessment going to be completed?

**Mr LANGFORD:** Since planning approval we have completed detailed design and a number of preconstruction activities as part of the planning conditions. We went out to tender in November last year. Tenders have closed. We are now doing the tender assessment process. We are looking to award the construction contract in late May.

**Dr MEHREEN FARUQI:** Even though you are looking to award the contract next month you do not know the cost?

**Mr LANGFORD:** Those costs are commercial-in-confidence while we are currently negotiating the outcome of the contract.

**Dr MEHREEN FARUQI:** This is public money that is being used.

**Mr LANGFORD:** Yes, it is.

**Dr MEHREEN FARUQI:** And you have not updated your costs from 2012?

**Mr LANGFORD:** We will respond back to the Government once we have finalised the tender assessment in seeking final approval to progress with the construction contract.

**Dr MEHREEN FARUQI:** Will you review the benefit-cost analysis for the final cost? What cost was the benefit-cost analysis done on?

**Mr LANGFORD:** As part of the economic appraisal and the planning for the project, that was done as part of the environmental impact statement in 2012. I think it is important to acknowledge that the benefits of the project that were estimated at that time were significant and the delivery of the project is still obviously essential, in our mind, to deliver the needs of the community.

**The Hon. DANIEL MOOKHEY:** What did you say the cost was in 2012?

**Mr LANGFORD:** The economic appraisal was based on a nominal cost of \$50.4 million in the EIS.

**The Hon. DANIEL MOOKHEY:** That was the outturn construction cost?

**Mr LANGFORD:** We normally would work on outturn costs.

**CORRECTED PROOF**



**The Hon. DANIEL MOOKHEY:** That was \$50 million?

**Mr LANGFORD:** It was \$50.4 million. It is in the EIS.

**The Hon. DANIEL MOOKHEY:** Is the Committee to imply that the project is therefore being assured by Infrastructure NSW because it is over and above the \$10 million threshold?

**Mr LANGFORD:** The project is part of the Infrastructure NSW assurance process.

**The Hon. DANIEL MOOKHEY:** If that is the case, have you provided a business case to Infrastructure NSW and when did you do so?

**Ms VENIOS:** If I could answer that? I was not with RMS at the time but typically at that point in time when the EIS would be completed, and you obtain approval from the Department of Planning and Environment, you would have a business-cost ratio and what we call a final business case on which to proceed. The estimates that we are talking about are, of course, estimates. They are not hard dollar figures as dictated by the market. As you can appreciate, we are currently in a tendering process where we are establishing what, at today's cost and today's market, that bridge will cost.

**The Hon. DANIEL MOOKHEY:** What will it cost?

**Ms VENIOS:** We do not know that until we have completed the tendering and procurement. We have estimates that we use internally to proceed with RMS based on assumptions. We also have hard figures. As you can appreciate we deliver a lot of projects across the State. Our estimators provide their internal estimates, which my colleague was talking about, but until we actually receive and assess the market tenders we cannot—

**The Hon. DANIEL MOOKHEY:** But under the assurance framework for you to put a tender to market, and to even proceed to the stage you are currently at, you would have needed to obtain the approval of Infrastructure NSW?

**Ms VENIOS:** Correct.

**The Hon. DANIEL MOOKHEY:** Did you provide a business case to Infrastructure NSW when you did so?

**Mr ALLAN:** The answer is yes, we have.

**The Hon. DANIEL MOOKHEY:** Is that business case public?

**Mr ALLAN:** No, that business case is not public and I think there is good reason for that. You could not go to the industry without actually making it available to them.

**The Hon. PETER PRIMROSE:** How much has been spent to date in relation to the construction of the Windsor Bridge?

**Mr LANGFORD:** I can answer that. As at the end of, say, December, we had spent around \$30 million on this project.

**Dr MEHREEN FARUQI:** Thirty million dollars?

**Mr LANGFORD:** Thirty million dollars on this project.

**Dr MEHREEN FARUQI:** And the construction has not started? So how can it be \$50 million? My concern is that recent projects such as the Arncliffe bridge and the "Tibby" Cotter bridge—for instance, the "Tibby" Cotter bridge started at \$10 million and the end cost was \$38 million, which is almost four times the cost.

**Mr LANGFORD:** Dr Faruqi, I think—

**Dr MEHREEN FARUQI:** The Arncliffe bridge started at \$5 million and the end cost was \$17 million. The cost of the Windsor Bridge is already \$30 million. That is my concern.

**Mr LANGFORD:** I will try and put it into some perspective. I am not going to talk about those other projects.

**Dr MEHREEN FARUQI:** They were RMS projects.

**Mr LANGFORD:** The development Windsor Bridge, as I said earlier in my opening statement, has been going on for nearly a decade. We have obviously expended a significant amount of money in getting to this point. But I am sure the majority of residents out there in the Hawkesbury want us to get on and get this project completed because it has been talked about for a very long time.

**CORRECTED PROOF**

**Dr MEHREEN FARUQI:** On what basis do you say the "majority of residents" want you to get on with this project?

**Mr LANGFORD:** We have an obligation to provide a safe crossing for the river at Hawkesbury, and particularly at Windsor.

**Dr MEHREEN FARUQI:** I think the majority of residents do want a safe crossing but they do not necessarily want it here.

*[Interruption from gallery.]*

**The CHAIR:** Order! Dr Faruqi, I call everybody to order. Mr Primrose would you like to ask a question?

**The Hon. PETER PRIMROSE:** Mr Langford, you indicated that \$30.2 million has been spent to date.

**Mr LANGFORD:** Let's call it an even \$30 million.

**The Hon. PETER PRIMROSE:** Will you please take on notice to provide the Committee with an itemised list of that expenditure? I note that everyone is nodding. Thank you.

**Mr HARDWICK:** We will.

**Ms VENIOS:** If I might add? That is over a 10-year period. It will include the cost of consultation, the cost of heritage investigations, the cost of all the investigations and work that we have done and the information that we have presented to you has been included in that \$30 million.

**The Hon. PETER PRIMROSE:** Hence the reason for my question and I look forward with great interest to seeing it. Thank you. How often does RMS undertake survey monitoring of the bridge deck?

**Mr ALLAN:** I am sorry, I do not know. It is in the range of either two years, three years or four years. We will have to get back to you on that one as well.

**Mr HARDWICK:** It sometimes depends on the bridge condition. We will take on notice the exact timing of the Windsor Bridge and we will give the evidence around what has been happening over the last 10 years on that bridge as far as the timing of those surveys.

**Mr LANGFORD:** If I might add?

**The Hon. PETER PRIMROSE:** I am happy with the answer that the RMS will come back to the Committee. How often does the RMS undertake visual inspections of the bridge?

**Mr ALLAN:** I could not quote the records accurately. Could we get back to you on that one?

**Mr LANGFORD:** I can give the Committee a bit more of a general response than that. The RMS has more than 5,500 bridges across the State to maintain and we have very stringent processes in how we look after those key critical assets. We have a bridge maintenance system, an information system tool—

**The Hon. PETER PRIMROSE:** Thank you. I am not being critical of RMS. I have simply asked for the data and you were not able to provide it. Please take the question on notice. In an email sent by your project services manager, team three, Mr Iain Macleod, he said that you undertake survey monitoring of the bridge deck every six months and that you do visual inspections every week. I would be very interested to find out if that is still the case.

**Mr LANGFORD:** Just on that, we have bridge inspectors who monitor the network daily. Having a fairly critical visual inspection of the bridge weekly would be very normal practice as part of our routine inspections around the network.

**The Hon. PETER PRIMROSE:** That is why I have asked you for the data and you have not got it. I welcome receiving that. Since 1994 how much have you spent on maintenance of the bridge?

**Mr ALLAN:** Sorry, I have only been associated with the project since 2016.

**The Hon. PETER PRIMROSE:** You keep saying this, and I accept that people come and go, but you are before a parliamentary inquiry. I would expect you to have access to the records and to have prepared yourself. Can you tell me how much you have spent on maintenance since 1994?

**Mr ALLAN:** There is a factor going on here in that in 2012 approval was given to replace the bridge. To be able to undertake any of the maintenance problems we have got it is not as simple as sending the crews

out for a couple of weeks. It is the expenditure of—we have estimated \$18 million to do the full repairs which are needed. There is not a return on that if we have got approval to proceed and replace the bridge.

**The Hon. PETER PRIMROSE:** Can you provide the Committee with a document about the \$18 million estimated cost?

**Mr ALLAN:** It is in the EIS.

**The Hon. PETER PRIMROSE:** Thank you.

**Mr HARDWICK:** By the way, to do the \$18 million repair, the other thing that would also require is an extensive closure of the bridge for many, many months, potentially up to 12 months. We would have to take that bridge out of service for some time.

**The Hon. DANIEL MOOKHEY:** To clarify that, does the \$18 million refer to the cost of existing annual maintenance, or the projected cost?

**Mr HARDWICK:** This is the cost related to a refurbishment to bring it up to a standard to keep it alive for another 10 years to 20 years. That is that component.

**The Hon. DANIEL MOOKHEY:** That is the option you referred to as—

**Mr HARDWICK:** As there is a multitude of different parts, the organisation that takes on maintenance—

**The Hon. DANIEL MOOKHEY:** That is a slightly different question to the question my colleague asked. My colleague asked what is the total expenditure on maintenance since 1994. If you are not in a position to tell us that, what has been the average expenditure undertaken since 2012?

**The Hon. WES FANG:** To be fair though, the Hon. Peter Primrose did also ask if he could have the document relating to the \$18 million. That is the question the witnesses are answering at the moment.

**The Hon. DANIEL MOOKHEY:** I am not suggesting anything else. I am asking now.

**The CHAIR:** Order! I ask members to make sure that the person who has the lemon at the time is directing the questioning. I appreciate that all members may need some clarification. It is very difficult for a group of witnesses to answer questions from three different people concurrently. Mr Primrose, could you direct your questions?

**The Hon. PETER PRIMROSE:** Thank you. I would like to squeeze the lemon a little further. I thank my colleagues for their interest, which justifies the reason for this inquiry. Mr Iain Macleod, Project Services Manager of the Project Management Team 3 of RMS, indicated in this email that I have a copy of that from 1994 to date bridge maintenance has cost just over \$57,000. If no-one here is able to tell us if that is correct, was Mr Macleod wrong, for whatever reason, or was that amount correct? That was in an email sent on 28 June 2013 at 8.51 a.m.

**Mr HARDWICK:** What we would like to do, with the context of that question, there are many different trades and people who would do maintenance activities on a bridge. You have people doing asphalt and rails. There are a multitude of parts. Your question went back to 1994. To have the specific information between 1994 and today and to give you the total sum is what we will undertake to do. But we do not keep all of that information within our notes here today, sorry.

**The Hon. PETER PRIMROSE:** I expected that you would have anticipated that may have been a question raised but if you cannot answer that, that is fine. The amount is \$57,000. Roads and Maritime Services says that the bridge is poorly maintained. An official of RMS is saying that between 1994 and 2013 only \$57,000 was spent on maintenance on the bridge. According to your own department, if you spent only \$57,000 on maintenance on the bridge, how on earth could it be properly maintained?

**Mr HARDWICK:** You made a comment that RMS believes it is badly maintained. We do not believe we are badly maintaining the bridge. We are maintaining the bridge. There are two components to a maintenance activity. One is general upkeep and visibility of what it is doing in its current form. Then renewal maintenance, which is capital-type maintenance, where you will actually give uplift to the current condition, whether it is the road surface, the piercing or the abutments. We do different activities for those different components. I cannot quote the person's numbers that you have given there but we will look at all of those components, not just whatever was written in that email.

**The Hon. PETER PRIMROSE:** You referred to the EIS, and that figure of \$57,000 also appears in the EIS. I would be very interested. I make the point again that if you have spent \$57,000 since 1994 maintaining a bridge, of course it would be poorly maintained.

**The Hon. RICK COLLESS:** Mr Chair, I make a point of clarification, if I may. The \$57,000 the Hon. Peter Primrose is quoting, is that an annual figure or a total figure?

**The Hon. PETER PRIMROSE:** A total figure.

**The Hon. RICK COLLESS:** Over 10 years?

**The Hon. PETER PRIMROSE:** From 1994 "to date", which was 28 June 2013. This also appears in the EIS, Mr Colless. Bridge maintenance has cost just over \$57,000.

**The CHAIR:** It is a public document. The witnesses have agreed to provide that information on notice.

**The Hon. PETER PRIMROSE:** I am very happy with that, thank you very much. I know I have limited time.

**The CHAIR:** You have another five or seven minutes.

**The Hon. PETER PRIMROSE:** I need at least three days, but I will take that.

**The CHAIR:** We can always ask the witnesses to come back.

**The Hon. PETER PRIMROSE:** I may second that. What volume of traffic can you say justifies a bypass at Pitt Town, and how does this compare with the volume of traffic at Windsor?

**Mr ALLAN:** I will provide the traffic knowledge which I have, which is the Windsor Bridge. Approximately 20,000 vehicles a day use the bridge at Windsor.

**The Hon. PETER PRIMROSE:** What about Pitt Town?

**Ms VENIOS:** We have not brought the information of the annual figures at Pitt Town with us. If I can just clear with the Committee, a bypass at Pitt Town is very different to a bypass at Windsor. One of them has a river crossing. The Pitt Town bypass at the moment is simply a bypass, there is no river crossing in that project.

**The Hon. PETER PRIMROSE:** I understand that.

**Ms VENIOS:** So they are not an apples for apples comparison.

**The Hon. PETER PRIMROSE:** I am not asking for costs, I am asking for the traffic.

**Mr ALLAN:** I do not know the traffic but we do know the distance between the two. The bypass at Pitt Town shortens the current roadway through Pitt Town through land which RMS currently mainly owns.

**The Hon. PETER PRIMROSE:** Can you take that question on notice?

**Mr ALLAN:** Certainly. There is a much longer distance in the bypass of Windsor, as opposed to the current project proposal.

**The Hon. PETER PRIMROSE:** Can you take on notice the volume of traffic for Pitt Town that you are using?

**Mr HARDWICK:** Certainly.

**The Hon. PETER PRIMROSE:** Thank you. Does the RMS have any plans for a bypass of Windsor at all?

**Mr LANGFORD:** I can answer that. During this exhaustive process of options assessment, we have no plans at the current time for a bypass of Windsor.

**The Hon. PETER PRIMROSE:** Does the RMS have plans to widen the Fitzroy Bridge over South Creek?

**Mr HARDWICK:** None of us here know the answer to that question.

**Mr LANGFORD:** Maybe give us a bit more reference of where the crossing of Fitzroy Creek is actually located?

**The Hon. PETER PRIMROSE:** I am happy to provide the documents.

**CORRECTED PROOF**

**The CHAIR:** The information will be included when the secretariat writes to you about the question on notice.

**The Hon. PETER PRIMROSE:** I will include the global positioning system reference to where South Creek is. What heritage significance will Thompson Square have if option one is constructed?

**Mr HARDWICK:** You are talking about the preferred option?

**The Hon. PETER PRIMROSE:** Your preferred option, yes.

**Mr ALLAN:** The heritage of Thompson Square is extremely important. As studies have been undertaken there have been substantial recommendations as to what mitigations are need to ensure that the heritage is respected and looked after. Heritage was an important consideration in the approval of the project. The question of whether heritage had been properly considered was also challenged in the Land and Environment Court and the determination of the court was that it had. What we have undertaken to protect and respect the heritage of Thompson Square is to align the road at a lower level so it does not actually exceed the building lines in Thompson Square.

We have also undertaken extensive works which have been written into the conditions of approval regarding heritage protection. It included preparing conservation management plans, including archival recording, and interpretation of the site. There has been archaeological investigations and research into both the Aboriginal archaeology of the site and also the European archaeology of the site. Extensive work was done to investigate the sand body which contains the Aboriginal artefacts of the area.

**The Hon. PETER PRIMROSE:** How much has actually been spent on archaeological work in Thompson Square?

**Mr ALLAN:** The archaeological works has been a considerable component of the \$30 million which has been spent to date. In addition to that has also been the environmental assessment, concept design and review of the project and also the detailed design of the review. Additional requirements for the project was also to do extensive urban design assessment of Thompson Square, and that was one of the conditions of approval for the project, and that has been undertaken during 2016-17.

**The Hon. PETER PRIMROSE:** When you say "considerable cost" how much?

**Mr ALLAN:** Yes, it is in the millions.

**Mr HARDWICK:** It is a component—

**The CHAIR:** Witnesses have already taken a question on notice to supply a breakdown of that \$30 million so I think I will leave it there.

**Mr HARDWICK:** Can we just expand that a little bit? The key component of it also is the location of the bridge to the eastern side of the park was the reunification of Thompson Square as an outcome of this as well. In the early 1930s a road was put through the middle for the existing bridge, and that is where we are looking at reunifying it. So that is why the road and the preferred option that was agreed on was to move it.

**The Hon. DANIEL MOOKHEY:** I refer to your opening statement. You said words to the effect that the bridge is reaching the end of its serviceable life. When is the end of its serviceable life, according to the RMS forecast?

**Mr LANGFORD:** As I said earlier, we have a very stringent regime about how we maintain and manage numerous structures around the State. We have these bridge information systems which categorise the whole asset imagery across the State. We have levels of intervention in management strategies around those types of structures. Windsor Bridge has been categorised as a level 3 so it is sort of at its highest point of inspection regime to ensure the structural integrity of the bridge.

**The Hon. DANIEL MOOKHEY:** I accept, Mr Langford, that you have rigorous processes of assessment to determine when is the end of the serviceable life. Because I only have three minutes, this might not be the time to describe the full rigour, but when is your forecast for the bridge to reach the end of its serviceable life?

**Mr HARDWICK:** At this point the end of serviceable life is seen to be between 10 and 20 years but the ongoing assessments of the current condition of both the road surface and the piers, as that continues to evolve, you actually determine it on the condition that you see. It has a lot to do with what this bridge sees over the next 10 years as well, how many flooding conditions are seen, how many events occur. There is a whole lot of reasons that you would actually—

**CORRECTED PROOF**

**The Hon. DANIEL MOOKHEY:** I do accept that. I am not suggesting for a second that you are giving me a hard date. Is the range you are describing from 2028 to 2038?

**Mr HARDWICK:** Ten to 20 years, maximum—

**Mr ALLAN:** Provided repairs are undertaken to it in the early stages.

**Mr HARDWICK:** To achieve that, the expenditure on the bridge and the closure of the bridge will be required to actually achieve those outcomes.

**The Hon. DANIEL MOOKHEY:** When do you expect to announce the results of the tender?

**Mr LANGFORD:** We are currently targeting to award the contract around the end of May, early June.

**The Hon. DANIEL MOOKHEY:** When do you expect construction will commence?

**Mr LANGFORD:** In the start of the next financial year is when we would expect it to commence.

**The Hon. DANIEL MOOKHEY:** July 2018?

**Mr LANGFORD:** Once you award the contract we normally have an establishment period when the contractor gears up and establishes.

**The Hon. DANIEL MOOKHEY:** When do you expect construction of the project to be completed?

**Mr SCOT MacDONALD:** It is in their submission.

**Mr LANGFORD:** It is around a two-year construction period and a further year for rehabilitation and removal of the old bridge.

**The Hon. WES FANG:** In the briefed cost of \$30 million, you said the archaeological costs are part of that. What measures are in place to protect the artefacts that have been found? What is the likelihood that those artefacts would have been found without this project going ahead to the point where it is now?

**Mr ALLAN:** We actually have found the brick barrel drain through Thompson Square. There were reports that it had been built in 1814 so that was known. There was also an investigation in the 1980s trying to find it. It picked a location where it was thought to be but there were no photographs or survey of where that was. As a result, when the archaeological investigations tried to find it, it was probably like trying to find a needle in a hay stack and they did not find it. It is only when detailed investigations to the Aboriginal sand body started that in doing that we actually found the first signs of it. Once that was identified it was a simple matter to actually follow the trail and chase and expose the barrel drain.

To date, we have been able to expose 60 metres of the barrel drain which has all been in good condition. The last 15 metres of it, before the river, we have found where it has been removed or demolished, maybe probably by flooding. The archaeologists found a ceramic pipe which goes from there and they are assuming that was probably done in the early 1900s and it was bricked up and reconnected to the river for a period. Further up the hill the 1930s road would have cut through the barrel drain but there is also potential that it could also go further up the hill up to the top of the ridge line but that area is outside our allowed area of investigations, and that could always be explored in the future.

**Ms VENIOS:** In answer to your question, through these investigations we discovered the drain. Mr Fang asked would it have been found otherwise. It was buried quite deep in the current ground level so unless you specifically went looking for it and knew where it was you probably would not find it.

**Mr HARDWICK:** Mr Allan, would you talk around what we are now doing?

**Mr ALLAN:** We have had the archaeologists do full archival recording and investigation and assessment of the heritage, and that has been reported through to the Department of Planning and Environment. We have also modified our design to ensure that none of the barrel drain will be impacted by the work, and the Department of Planning and Environment has asked us to get advice from a conservator to make sure our proposal is compatible with that, and also assessments of vibration and other aspects to validate the redesign we have done. None of the brick barrel drain would be impacted by the works. Furthermore, 10 metres, the upper part of the 60 metres I explained, would extend back into the parkland of Thompson Square and will there for a memorial as well.

**Mr SCOT MacDONALD:** Will the \$30 million include the legal costs of the 2014 Land and Environment Court work or was that covered by NSW Planning?

**Mr HARDWICK:** The costs of Roads and Maritime Services in that inquiry, yes those costs are part of that \$30 million. All of the costs to date that we have incurred within the RMS is all covered within the \$30 million to date. We will give a detailed breakdown of where those costs have been spent for the past 10 years.

**Mr SCOT MacDONALD:** Is there a risk of bridge failure? I know you have talked about it and it is in your submission, but will you talk more about it?

**Mr LANGFORD:** Ian Allan certainly talked about the structural integrity and challenges we have with the bridge. We think there is significant risk of failure if there is a major flood.

**Mr SCOT MacDONALD:** A statement was made that there are different views about the multiple problems with the bridge. Are there views, or are there facts?

**Mr HARDWICK:** Everything we have just heard from Ian Allan, and I will to recap: They are facts. They are things that have been found during maintenance activities that clearly identify the issues with the cast iron piers and definitely the spoiling and the issues with the bridge surface. There are also the safety issues. We have not really talked a lot around the fact that the way the bridge is designed meets none of today's standards as far as safety and crossings themselves for pedestrians and cyclists. That is certainly below the standard that we would build anything to today. Certainly, the handrail, or the rail at the side of the bridge, is also below the standards to which we would build bridges today.

**Mr SCOT MacDONALD:** This question is more about agricultural enterprises on the other side of the bridge—the turf farms, and that sort of thing. You are talking about orchards and possible closure of several months if you went to the refurbishment. What are the consequences for those communities and those industries? Has that been discussed?

**Mr LANGFORD:** The local connectivity was a key factor during the development of the project. We have talked about one of the key factors of why the refurbishment of the current bridge, despite only being given a very short-term lifespan, was not favoured, which is that you need to close the actual bridge crossing for somewhere between three to 12 months, depending on the level of intervention. That is a significant impact for those people who live north of the river.

**The Hon. RICK COLLESS:** Traffic would have to be diverted to the North Richmond bridge. Is that right?

**Mr LANGFORD:** Traffic would have to be diverted to the North Richmond bridge, which already has congestion challenges on the approach roads to that bridge. If you pushed 20,000-odd motorists a day to Richmond, forgetting about the 20-kilometre detour, it could cause significant other impacts on traffic flow and movements of people across the river through that whole Hawkesbury area.

**Mr SCOT MacDONALD:** Are there any other impediments to your schedule of starting construction in mid-2018 and opening the bridge traffic in 2020? Are there any other impediments?

**Mr LANGFORD:** No. There are no other impediments.

**The CHAIR:** I will call a halt to the proceedings there. We are a minute overdue and we have other witnesses to process. Thank you very much for agreeing to attend. I suspect there will be some questions on notice. The secretariat will put those in writing, send them to you, replete with any references that you may need to answer the questions properly. We would like the answers to those questions within 21 days of your receiving the written questions. As I foreshadowed, there may be a requirement to revisit some of the evidence, should we hold a second meeting. Thank you very much for agreeing to attend today. We appreciate the work you are putting in.

**Mr HARDWICK:** Thank you, Chair.

**Ms VENIOS:** Thank you.

**Mr LANGFORD:** Thank you.

(The witnesses withdrew)

**DAVID JOHN GAINSFORD**, Executive Director—Priority Projects Assessment, Department of Planning and Environment, affirmed and examined

**STACY WARREN**, Director, Infrastructure Management, Department of Planning and Environment, affirmed and examined

**The CHAIR:** Isn't it great to have a roomful of engineers, Mehreen?

**Dr MEHREEN FARUQI:** Isn't it just.

**The CHAIR:** Please state the capacity in which you appear.

**Ms WARREN:** I am here as the delegate of the secretary for post-approval functions.

**The CHAIR:** Before we begin questions, would one or both of you like to make an opening statement?

**Mr GAINSFORD:** Yes. I would like to.

**The CHAIR:** Please proceed.

**Mr GAINSFORD:** On behalf of the Department of Planning and Environment, I thank the Committee for the invitation to speak at the inquiry into the Windsor Bridge replacement program. I will read an opening statement that summarises the department's role on the project to date. As I mentioned, I am the executive director for priority projects assessments, and I am here today with my colleague Stacy Warren, who is the director for infrastructure management within my branch. I joined the department in this role in October 2015 and Ms Warren joined the department in her role in November 2016. My experience includes 25 years in New South Wales government roles and the private sector in major development assessments and transport infrastructure delivery, and I have qualifications in environmental science and planning. I am not an engineer.

**The CHAIR:** Bugger.

**Mr GAINSFORD:** Stacy has 18 years experience in the government sector in planning, major projects development assessment and environmental impact assessment and has qualifications in environmental science and law. The role of the priority projects branch is to assess the merits of State significant infrastructure projects and State significant development proposals under the Environmental Planning and Assessment Act 1979. Following approval, the branch also is responsible for regulating projects, including reviewing a range of post-approval requirements and ensuring the conditions are met. Ms Warren is the director of the team responsible for undertaking these functions. Along with the department's compliance team, they ensure the conditions of approval are correctly applied and that any alleged non-compliances are carefully investigated.

While neither Stacy nor I were employed at the department at the time of the assessment and determination in 2013, I can advise that the department undertook a detailed assessment of the development application in accordance with the relevant legislation and planning instruments, such as the State Environmental Planning Policy—State and Regional Development 2011, and part 5.1 of the Environmental Planning and Assessment Act 1979. A summary of the department's role in the assessment process included issuing director general's requirements on 24 November 2011 for the preparation of an environmental impact statement; publicly exhibiting the environmental impact statement from 14 November to 17 December 2012 and inviting submissions to be made; carefully reviewing the environmental impact statement, public and government submissions, and the applicant's response to submissions; commissioning and considering input from independent experts on the key issues of heritage, traffic and structural engineering; lastly, undertaking a detailed assessment of the project in consultation with key government agencies, and carefully considering the issues raised in public submissions, particularly the concerns raised by local community groups.

The department's assessment identified the key benefits of the project as regional and local traffic improvements, increased flood immunity, road safety improvements, increased pedestrian and cycle access, and consolidation of available open space. Notwithstanding those, the department's assessment acknowledged the project would have a high level of impact on European heritage, in particular on the heritage fabric and character of the Thompson Square conservation area and through the demolition of the existing Windsor Bridge. The assessment also acknowledged the occurrence of Aboriginal archaeology within the project area, which could potentially be destroyed by the construction of the project. The department's assessment determined that, on balance, the benefits of the project outweighed its impacts. To minimise the impacts of the project, particularly on the unique heritage values of the Thompson Square conservation area, the department



recommended a number of stringent heritage conditions based on recommendations of the independent heritage consultant, the Heritage Council and the Office of Environment and Heritage.

On 20 September 2013, the department recommended the project should be approved subject to a suite of comprehensive conditions. On 20 December 2013, the former Minister for Planning and Infrastructure approved the Windsor Bridge replacement project. In March 2014, the group Community Action for Windsor Bridge challenged the validity of the approval in the Land and Environment Court on three grounds: that the conditions lacked finality and certainty permitting unknown modification to the project; that the Minister did not take into account the impact on cultural heritage; and that the imposition of certain conditions was manifestly unreasonable. On 27 October 2015, the Land and Environment Court dismissed the appeal on all grounds and determined the approval to be valid.

Since early 2016, the department has been working with RMS to apply the conditions and to review a range of required documents to minimise environmental and heritage impacts. This review has been undertaken in consultation with officers from the Heritage Branch within the Office of Environment and Heritage. The conditions recognise that the project may be delivered in stages, and that relevant conditions will be triggered at key project milestones, including pre-construction, construction and operation. It is important to note that although some salvage works have been undertaken, pre-construction and construction works have not commenced at the site.

The department continues to actively regulate the post-approval requirements of the projects, which has included: a thorough review of heritage reports and requiring RMS to revise these documents to meet the conditions where necessary, and we have also ensured comments made by other government agencies are adequately addressed by RMS; commissioning technical reviews of heritage reports by heritage consultants Eco Logical Australia—a key element of the technical review is to ensure the documents are prepared in accordance with current industry standards and guidelines; 12 site inspections since mid-2016 by the department; extensive consultation with the Office of Environment and Heritage; and responding to correspondence from community members and meeting with members from Community Action for Windsor Bridge.

In addition to heritage issues, our work on other post-approval matters has included hydrology, water quality and vegetation management reports. Further, we are monitoring the project website to ensure RMS is uploading up-to-date reports, plans and relevant documents, to ensure the community has access to all project information. The documents are wide-ranging in purpose—from strategic plans and interpretation plans that aim to provide long-term conservation outcomes after construction of the project, to site-specific detailed archival recordings and heritage investigations that inform a detailed salvage strategy. A final revised design of the project is also required to incorporate the findings of the heritage investigations. All these reports need to be approved by the secretary or her delegate prior to pre-construction or construction activities commencing at the site.

On 22 September 2017, the secretary's delegate approved the commencement of heritage mitigation activities in a limited area on the southern side of the Hawkesbury River—referred to as Area 1. The approval for these works was based on advice from the heritage division of the Office of Environment and Heritage, who stated that "completing archaeological work early in the project may provide an increased opportunity to consider and implement measures to mitigate the construction impacts on archaeological finds uncovered during the salvage process". This early salvage work allows the archaeological teams the required time to undertake their work without the pressures of a construction schedule. I can advise that RMS is considering certain design changes in consultation with the Heritage Branch of the Office of Environment and Heritage in order to protect important archaeological items that will remain in situ.

I hope that this overview of the process was useful to the Committee. We are happy to answer any questions that the Committee may have. I would be best placed to answer questions on the assessment process, while matters that relate to heritage documentation for the site would be best answered by Ms Warren.

**The CHAIR:** Thank you. Would you be able to table that opening statement?

**Document tabled.**

**The CHAIR:** That leaves us with about half an hour for questions. We will proceed with Dr Faruqi. I suggest to members that, wherever possible, if it looks as though answers are going to take too long to be given by witnesses that you ask the witness to put the answers on notice. That way we might get the maximum exposure out of the half-hour we have available to us.

**Dr MEHREEN FARUQI:** Good morning and thank you for coming in today. In 2013—and I know you were not at the department then but you probably have knowledge of this—copies of emails released in a

**CORRECTED PROOF**

New South Wales Parliament upper House call for papers showed that an internal summary by the Department of Planning and Environment opposed RMS's application to replace Windsor Bridge. Could you tell us why that initial advice was given and why it has changed?

**Mr GAINSFORD:** As you have noted, I was not there at the time, so I cannot give a description of what the thinking was of the officers who were actually working on the project at the time. What I can say is that it is not unusual for projects, where there is a weighing up of the positive and negative aspects of projects—and I know in this situation there was certainly a consideration of all the aspects that were related to the project—that often, where we are weighing up those issues, leads to discussion about various options in terms of how that project should proceed. What I can say is that the process that was followed there is not unusual. The process is a process that we follow for all State significant infrastructure and State significant development projects, and the conclusion of that process, I guess, has resulted in the department recommending approval for the project.

**Dr MEHREEN FARUQI:** As I understand, the Department of Planning and Environment received a total of 101 submissions in response to the exhibition of the EIS. Would that be correct?

**Mr GAINSFORD:** Our count is actually 100 submissions.

**Dr MEHREEN FARUQI:** Out of which 95 were from community members, as far as I have counted?

**Mr GAINSFORD:** I believe so, yes.

**Dr MEHREEN FARUQI:** And six from government agencies, or maybe five—whatever the number is?

**Mr GAINSFORD:** Yes.

**Dr MEHREEN FARUQI:** How many of these submissions objected to the project?

**Mr GAINSFORD:** Around 70 of those submissions from the public objected to the proposal.

**Dr MEHREEN FARUQI:** So the rest were supportive. There were 25 supportive submissions?

**Mr GAINSFORD:** No, not in all cases. There were some supportive submissions.

**Dr MEHREEN FARUQI:** How many submissions out of the 95 actually supported option 1?

**Mr GAINSFORD:** I am not aware of what the actual number is, but I can get back to you on that.

**Dr MEHREEN FARUQI:** There is a process in place for consultation?

**Mr GAINSFORD:** Yes.

**Dr MEHREEN FARUQI:** There is massive opposition to that proposal, and I know that there are heritage experts and others who have also objected to the project. My question is about the basis on which the Department of Planning and Environment then approves it.

**Mr GAINSFORD:** There are a number of projects that the department is involved in where we receive a lot of submissions and in some cases those submissions have a majority of submissions that object to a project. That is not an unusual circumstance for us. We find that quite often people are more inclined to make a submission when perhaps they are strongly opposed to a project—that is not an unusual circumstance. As I said in my opening statement, what the department does do is it makes sure that it follows a process.

**Dr MEHREEN FARUQI:** But is there a point in community consultation then? We know that the community is quite sceptical of consultation processes. Were any of the issues raised within the submissions actually taken on board and the project changed according to that?

**Mr GAINSFORD:** Clearly, those elements of the submissions that were opposed to the project in total, obviously we recommended approval so those people who made those submissions would feel that we did not follow their request. But in terms of your question around the issues that were raised, certainly a number of issues were raised around the quality of heritage assessment that had been done, and certainly a number of those aspects were taken on board, and a number of the stringent conditions that were put in place were partly based on that advice that we got from the community's submissions.

**Dr MEHREEN FARUQI:** I understand that the Department of Planning and Environment engaged at least three independent consultants to look at various aspects of the EIS that was prepared by RMS—I think Peter Stewart and then Cambray Consulting—and they were quite critical of some of the claims that RMS had

**CORRECTED PROOF**

made. One of those was about the maintenance issue that we heard earlier. Despite little maintenance since the RMS decision to demolish was made, I think they said that there has not been significant deterioration, contrary to RMS's statement. There were others refuting the way traffic modelling was done. With these claims that were made and assessments that were done, was traffic modelling redone based on the recommendations of those consultants, and how were the other considerations included in changing the project accordingly?

**Mr GAINSFORD:** The independent consultants were engaged by the department. Part of what we are encouraging the independent consultants to do is to look at things independently. The aspects they have raised in respect of concerns about the level of assessment was part of the department's assessment process. Those issues were fed back to the RMS. I know there were some updates that occurred as part of the assessment. Part of the process that RMS follows is they do what is called a "response to submissions". As part of that process they had the opportunity to respond. I know there was updated assessment work done as part of that.

**Dr MEHREEN FARUQI:** Could you tell us what that was? Was traffic modelling done? There is a pretty big critique by the consultants who you engaged about the problems with the traffic modelling that was done. Was that redone?

**Mr GAINSFORD:** There was some additional traffic modelling assessment done, as I understand it, for the response to submissions. More importantly, we used the advice that came in from the traffic consultant and other independent consultants to inform the conditions of approval. Those conditions of approval require further work to be done to make sure that all of those predictions in the EIS are accurately reflected in the project as it is delivered.

**Dr MEHREEN FARUQI:** Do you know if option one goes ahead, will that increase through traffic, both freight and other, through the town of Windsor?

**Mr GAINSFORD:** That is not my area of expertise. I cannot provide you an answer on that.

**Dr MEHREEN FARUQI:** In terms of planning, as the planning department you would have to consider it.

**Mr GAINSFORD:** Part of the justification for the project and the conclusion that the department reached in its assessment was that the new bridge would provide additional capacity and that allows for that growth to happen. Whether your question is about whether the project itself induces additional traffic, I do not have expertise to give you a view on that. The project itself will improve traffic capacity.

**Dr MEHREEN FARUQI:** I also know that the National Trust of Australia, Heritage Council of New South Wales and Australia International Council on Monuments and Sites are all unequivocally against the Windsor Bridge replacement project. As, in their view, I guess they are experts in this, it will cause great and irreversible harm to heritage. Given the role of the department in terms of planning, environment and heritage, I am trying to understand why would the department approve a project where all the experts have clearly stated that this is not the way to go, there should be an alternative plan?

**Mr GAINSFORD:** To be clear, the Department of Planning and Environment did not approve the project, the former Minister for Planning and Infrastructure approved the project.

**Dr MEHREEN FARUQI:** What advice did you give the Minister?

**Mr GAINSFORD:** We recommended approval. That recommendation was based, as I mentioned in my opening statement, on consideration of the negative impacts associated with the project and the positive aspects of the project. And, on balance, the department recommended that it should be approved. I do not want to underplay the impacts on heritage. You mentioned the fact that the National Trust, the Heritage Council and various others have raised those concerns, and our independent heritage consultant raised concerns. Again, we took that into account and through the process identified a number of stringent conditions to try and, as best as possible, manage those issues.

**The Hon. PETER PRIMROSE:** What weighting was given in your process to heritage?

**Dr MEHREEN FARUQI:** That was my next question.

**Mr GAINSFORD:** I cannot again talk about that, because I was not at the department at the time.

**The Hon. PETER PRIMROSE:** Let us assume you have an algorithm somewhere, it does not change from assessment to assessment: what weighting do you give to heritage?

**Mr GAINSFORD:** There would not be an option here to have an algorithm, unfortunately, because it would depend on the circumstances.

**CORRECTED PROOF**

**The Hon. PETER PRIMROSE:** Is it important or is it rubbish?

**Mr GAINSFORD:** Of course it is important.

**The Hon. PETER PRIMROSE:** How important, how do you evaluate that?

**Mr GAINSFORD:** A number of sites around Thompson Square are State listed. It has a high level of significance. I am aware that the level of significance of the heritage items there was the trigger for why an EIS was done in the first place. It received a lot of weighting. If you look at the conditions of approval there is a lot of effort spent in terms of identifying how to manage those issues. It was given a very strong weighting, is what I am saying.

**Dr MEHREEN FARUQI:** Would that weighting have been part of the benefit cost analysis, would that have come into play? There are criticisms that heritage was not considered in the benefit cost analysis, do you know if it was?

**Mr GAINSFORD:** I cannot speak to the benefit cost analysis, that is not something that the department prepares. That would be a question you would need to put to RMS.

**Dr MEHREEN FARUQI:** Was the ability of large marine vehicles, for example sand barges, being able to navigate Hawkesbury River a consideration in approving this project or within the design of this project?

**Mr GAINSFORD:** I cannot answer that question, I do not know the answer.

**Dr MEHREEN FARUQI:** The department recommended that the project be approved, are you aware that this was ever a consideration?

**Mr GAINSFORD:** I am not aware, but I was not there at the time.

**Dr MEHREEN FARUQI:** I put that question on notice. Are you aware of any housing or property development proposals that would benefit from the Windsor Bridge replacement project?

**Mr GAINSFORD:** I am not aware, no.

**The Hon. PETER PRIMROSE:** Just one more in relation to heritage, I am not downplaying its importance, but the clock is also ticking. You mentioned in your opening address that there are a number of design changes to protect heritage and the archaeology of the site. Can you table, without going into all of them, what they are?

**Mr GAINSFORD:** Our assessment report does go into some of those changes. As an example, I know that the bridge that was recommended by RMS was about a metre higher than what has been approved. As part of reducing those impacts on heritage the department recommended approval for a bridge that was actually lower than what RMS was recommending.

**The Hon. PETER PRIMROSE:** Any other significant issues?

**Ms WARREN:** It is worth noting that the B8 conditions set out the required changes for the final design, which will be captured in the B8 report which is currently being prepared for us.

**Mr GAINSFORD:** That is condition B8.

**Ms WARREN:** It is building on some of those concerns that were raised. The conditions formally recognise the changes to be made in addition to any other changes required to further minimise heritage impacts that arose from the archaeological investigation program and the salvage strategy.

**The Hon. RICK COLLESS:** Were the other options put on the table considered during the consultation process or was it only the preferred option?

**Mr GAINSFORD:** By that question do you specifically mean the assessment process the department undertook?

**The Hon. RICK COLLESS:** Yes.

**Mr GAINSFORD:** Thank you for that question. The department's assessment has a requirement that alternative options have been considered as part of the process, but beyond confirming that that process has been followed, i.e., there has been a demonstration that alternatives have been looked at, the department's assessment is focused on the preferred option. That detailed assessment that the department undertakes is focused entirely on that preferred option.

**The Hon. RICK COLLESS:** On that preferred option, this is where you had the 100 submissions, I presume?

**Mr GAINSFORD:** Yes.

**The Hon. RICK COLLESS:** Seventy-odd submissions objected?

**Mr GAINSFORD:** Yes.

**The Hon. RICK COLLESS:** Of those submissions objecting to the proposal, in general terms what was the nature of the objections? Were they just opposed to the bridge, full stop, or is there an explanation hidden in the objection?

**Mr GAINSFORD:** There were a number of those submissions. The department's assessment report has a breakup of what those submissions raised. From memory, in terms of that breakdown, there were a number of submissions that raised issues around impacts on Thompson Square and there were definitely a number of submissions that raised issues of looking at a bypass rather than the preferred option.

**The Hon. RICK COLLESS:** A bypass was considered in one of those other options as I understand it?

**Mr GAINSFORD:** Yes, the options assessment, as I understand it, considered a whole range of different bypass options. I could not speak to you in terms of how many submissions raised which options.

**The CHAIR:** Mr Fang, one quick question, do not make it a Dixer.

**The Hon. WES FANG:** In your approval process you have to balance all aspects of the project, whereas Dr Faruqi was referring to a number of heritage organisations that objected on heritage grounds. Are they required to balance the heritage aspects along with the benefits of the project, or are they referring to the heritage aspects alone?

**The Hon. DANIEL MOOKHEY:** You said no Dixers, Chair.

**The Hon. WES FANG:** It is not a Dixer.

**The CHAIR:** Order! Mr Fang has asked the question, allow the witness to answer.

**Mr GAINSFORD:** Clearly those organisations are focused on an aspect that is in their expertise. The department, as you mentioned, needs to consider all aspects associated with the project.

**The Hon. DANIEL MOOKHEY:** Ms Warren, you mentioned that you were the secretary's delegate for, I think, post—

**Ms WARREN:** Post approval functions.

**The Hon. DANIEL MOOKHEY:** Very briefly, without morphing it too much into a Dixer, what are those functions? What role should the community expect the department to play once construction commences and then beyond construction?

**Ms WARREN:** The conditions, as you would be aware, set out a range of functions for the secretary. Generally, as I said, the plans and strategies must be either approved by the secretary or her delegates, or to the satisfaction of the secretary's delegates. My role is to carefully review those plans and, once we are satisfied the conditions have been addressed, to approve those plans—in short. In terms of the community involvement, it is something that we carefully consider. The conditions themselves set some requirements for community consultation. RMS itself does additional consultations with the community. Where the condition requires that consultation to occur, that is a key matter that I look at as part of my review and approval, to make sure that adequate consultation has occurred and, where issues have been raised, that they have been addressed as far as possible. That is then reported to us as part of my consideration.

**The Hon. DANIEL MOOKHEY:** If the overwhelming focus in your role now is to ensure community consultation over some of the plans that have been presented to you, what are those plans? What does, meaningfully, a community member have the right to be consulted on?

**Ms WARREN:** Just to clarify, not all conditions or plans require community consultation.

**The Hon. DANIEL MOOKHEY:** Sure; I accept that. Which ones do?

**Ms WARREN:** The most significant one is around the Strategic Conservation Management Plan and the Urban Design and Landscape Plan. It is a bit convoluted in terms of how it is set up. Largely, the Strategic

Conservation Management Plan and the Urban Design and Landscape Plan had to be consistent. The community was given opportunity to comment on whether that had occurred. RMS consulted broadly on a Strategic Conservation Management plan above and beyond the condition, but once that was done we then reviewed the adequacy of the consultation to see how issues had been addressed. More specifically, with respect to the plans we are dealing with currently, the main consultation is with OEH.

**The Hon. DANIEL MOOKHEY:** OEH is the Office of Environment and Heritage.

**Ms WARREN:** Sorry. The Office of Environment and Heritage is the lead technical adviser to Government. Strictly, they do not require consultation with the community.

**The Hon. DANIEL MOOKHEY:** Going back to the department's function, your role is to ensure that consultation takes place, not to conduct the consultation?

**Ms WARREN:** We are required, by the conditions, definitely to ensure that it has occurred and that it has been adequate. Above and beyond that, the department is also committed to doing its own consultation. At times we will speak with the community when we are aware that a certain issues has been raised, or it has come up in correspondence with us.

**The Hon. DANIEL MOOKHEY:** I think that the term that you just used was that there is a responsibility to make sure that consultation has been "adequate". I guess that is the key issue. What does the department define as adequate consultation—not so much in the past, but for your ongoing functions beyond approval? What can a community member expect of the minimum standard the department will enforce on their behalf?

**Ms WARREN:** Unfortunately, there is no statutory guidance or policy guidance on what is adequate. So I suppose I base it on my experience to date.

**The Hon. DANIEL MOOKHEY:** The department has a bit of a discretion therefore, which is probably by intent.

**Mr GAINSFORD:** Maybe I will try to answer that. The department has an expectation that proponent agencies such as RMS will have quite detailed websites that will have all the information in terms of the documents that are produced as part of the conditions available to the community to view. We also have an expectation, right through the assessment process and also into the post-approval functions, that those proponent organisations are actively engaging with the community. They can do that through various forums. It could be community information sessions; it could be posting out newsletters; it could be one-on-one engagement.

**The Hon. DANIEL MOOKHEY:** Is there any requirement that the department sees, for RMS—after it undertakes whatever process it designs—to have to change any of their plans in response to what they hear? Or is it simply the case that what you described is an information disclosure mechanism but not actually a consultation process?

**Mr GAINSFORD:** Again, it would depend on the conditions. Where the conditions require an active consultative process to determine those plans—as Stacy was alluding to—that is where the community can have valuable input into those plans and the shaping of any aspects of those plans.

**The CHAIR:** I will now ask Mr Primrose to ask his questions. Then Dr Faruqi may have another question.

**The Hon. PETER PRIMROSE:** Mr Gainsford, in your opening address you spoke about requiring the height of the bridge to be reduced for heritage purposes. I note that in the original report the RTA's "Windsor Bridge over the Hawkesbury River: options report" 2011, it states:

The bridge height would accommodate a 1-in-5 year flood event.

In terms of your assessments, can you tell us, when it was reduced what it has been reduced to in terms of events? Is it now still able to accommodate a one-in-five event or is it a one-in-four, a one-in-three or a one-in-two event?

**Mr GAINSFORD:** Thank you for your question, Mr Primrose. As I understand it, the flood immunity for the proposed bridge, set at the levels that you mentioned—the one in five—was set as part of the EIS process. That was the design that was proposed in the EIS. As part of the response to the submissions, RMS proposed to raise the bridge slightly higher. My understanding was that that was to enable buses—coaches—to be able to go underneath the bridge with the abutment on the southern side. The department did not think that was necessary and therefore did not approve that. So my understanding is, based on the EIS, that that flood immunity that you referred to is as per the bridge being constructed.

**CORRECTED PROOF**

**The Hon. PETER PRIMROSE:** Just to clarify this, so that it is very clear: you have done your assessments on the basis of the fact that the proposed bridge—the new Windsor bridge—would provide a one-in-five immunity.

**Mr GAINSFORD:** I am not a flood expert, so I cannot tell you exactly what the flood—

**The Hon. PETER PRIMROSE:** You are here today. You have done the assessments and you are representing the department.

**Mr GAINSFORD:** Sure.

**The Hon. PETER PRIMROSE:** You have done your assessment looking at heritage, roads, flood protection and ability to take sand underneath it and all sorts of things. You have weighed all of those things up.

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** One of the things you presumably would have weighed up is flood protection.

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** So, does the proposed bridge, as it stands now—in terms of the assessments and evaluations that you made—provide a one-in-five flood protection?

**Mr GAINSFORD:** What I can say is that the EIS provided for a flood immunity of one in five. That is consistent with the project that has been approved.

**The Hon. PETER PRIMROSE:** Sorry; I want to get this clear. You are very precisely saying that you evaluated this thing very carefully.

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** One of the things you presumably evaluated was community benefit—

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** —if there was a flood.

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** We have heard this continually. That is one of the reasons you need. Let us get this clear. Is your evaluation on the basis of you saying that if there is a one-in-five-year flood that is the protective level that you have evaluated the bridge on? Or is it that you do not know?

**Mr GAINSFORD:** Sorry. Is your question in regard to whether we think a one-in-five-year event is the right level to be designing to?

**The Hon. PETER PRIMROSE:** No. You have evaluated the bridge proposal.

**Mr GAINSFORD:** Yes.

**The Hon. PETER PRIMROSE:** You have said, "We have taken account of heritage. We have taken account of roads. We have also taken account of the fact that it will provide a one-in-five immunity in relation to flooding." Is that correct?

**Mr GAINSFORD:** That is my understanding. That is correct.

**The Hon. PETER PRIMROSE:** Thank you.

**Mr SCOT MacDONALD:** Can I ask you about the Western City District Plan for the Greater Sydney Commission. That falls under your bailiwick. Windsor is identified as a strategic centre, if I understand it correctly. How is identification as a strategic centre connected to the bridge? Would Windsor as a strategic centre require suitable, appropriate infrastructure? Has that been part of your thinking?—that is what I am getting to.

**Mr GAINSFORD:** I guess the Greater Sydney Commission has been mainly responsible for preparing those strategic plans. It is not something that my area of the department is actively involved in. I would have to look at those district plans to understand how the project has been incorporated into those district plans.

**Mr SCOT MacDONALD:** If there is bridge failure and there is further delay, from the perspective of New South Wales Planning what does that mean for planning around the Windsor and Hawkesbury region?

**Mr GAINSFORD:** That is really not my area of expertise to be able to comment on. It would be a matter for RMS in terms of the management of the road network and if the existing bridge was to go under in a flood and what impacts that would have.

**Mr SCOT MacDONALD:** Putting aside the Greater Sydney Commission, where does the Department of Planning and Environment see the future of Windsor in 20 years or 30 years time?

**Mr GAINSFORD:** Again, unfortunately, that is not my area of expertise. I am not involved in the strategic planning associated with Sydney, or Windsor for that matter. I can take that on notice and provide some answers.

**Mr SCOT MacDONALD:** Ms Warren, do you have any comments to make?

**Ms WARREN:** No, it is a similar response, sorry.

**The Hon. DANIEL MOOKHEY:** Did any of those district plans or planning processes have any bearing on your planning approvals?

**Mr GAINSFORD:** The district planning process that Mr MacDonald is referring to has happened since 2013.

**The Hon. DANIEL MOOKHEY:** That is because the Greater Sydney Commission did not exist when you were doing those processes.

**Mr GAINSFORD:** That is correct.

**Dr MEHREEN FARUQI:** The Department of Planning and Environment hired Cambray Consulting to do an independent analysis of the EIS, or parts of it. In its submission for the EIS, it says that it appears that the scope throughout much of the duration of the project has focused on justifying the preferred option as opposed to undertaking the current investigation into the alternative options. Because you are experienced in planning and assessment, I want your view on proponents being in control of preparing and putting forward an EIS. Is there a conflict of interest, because it seems from Cambray's report that there was already a predetermined outcome that was being pushed through the EIS?

**Mr GAINSFORD:** Would you like me to make comment in relation to Cambray's commentary or all those other—

**Dr MEHREEN FARUQI:** Cambray's and your view, given your experience. I have found more and more that a relevant issue is that proponents are totally in control of EISs that they prepare for their own project. It is one option. It does not look at the other alternatives in detail.

**Mr GAINSFORD:** With regard to the Cambray conclusions, as you quoted there, they raised some questions about some of those aspects. They concluded in their report that—notwithstanding those comments—they acknowledged that the project needed to be considered in terms of a balance of all aspects, and they referred to some of those aspects. I mentioned in my opening statement that it is the department's responsibility to ensure that all of those aspects, whether they be negative impacts or positive aspects of the project, are balanced as part of the assessment process. I make that comment in terms of Cambray.

To your second question about the independence of the system, it would not help to give my personal view on these aspects. I would say that has been a longstanding government process in environmental impact assessment. The proponent is responsible for preparing the environmental impact statement. We have a system in New South Wales where the Department of Planning and Environment is responsible for doing independent reviews of those assessments and making recommendations. I think that process has worked very well in the past but I cannot make further comment on government policy.

**Dr MEHREEN FARUQI:** Are you aware of any industrial development or proposals, such as the sand mining industry, that would benefit from the Windsor Bridge replacement project?

**Mr GAINSFORD:** I am not aware, no.

**The Hon. DANIEL MOOKHEY:** Was any benefit like that identified in the benefits or the assessment process that you undertook?

**Mr GAINSFORD:** I can speak in respect of having read the assessment report. As I mentioned in my opening statement, I was not at the department so I cannot give an assessment of what was being considered in

**CORRECTED PROOF**



detail other than what is written in the assessment report. The assessment report does not make reference to those sorts of aspects. As far as I am aware, no.

**The Hon. DANIEL MOOKHEY:** What benefits did the assessment report make?

**Mr GAINSFORD:** The assessment report, as I mentioned in my opening statement, referred to the benefits from regional and local traffic improvement.

**The Hon. DANIEL MOOKHEY:** List the benefits then list the costs, if you do not mind.

**Mr GAINSFORD:** Sure. Improved flood immunity, road safety improvements, increased pedestrian and cycle access, and consolidation of available open space. The costs or the negative impacts were predominantly related to the heritage impact. I mentioned, obviously, the European heritage impacts, the impacts on Thompson Square, but also the Aboriginal archaeology.

**Dr MEHREEN FARUQI:** What was the benefit cost of the project in the EIS?

**Mr GAINSFORD:** I am not aware of that. That is really a matter for RMS.

**The CHAIR:** I support the concept that the department evaluates proponents' proposals, be they private, industry or government, but then I hear you say that when you got to your assessment it was primarily defined by the preferred option. Other options were looked at but most of your effort went into determining whether or not there was a benefit for doing this proposal. I have heard all the arguments since we started this inquiry—heritage issues and other issues. I travel extensively around the State. Bulahdelah is a lovely town; very nice. Kempsey is a lovely place; very nice. But to get around them—the bypasses—you travel on state-of-the-art construction facilities such as causeways lifted right above flood plains.

I have a problem wondering where the analysis of this project fits when you substitute a highly regarded heritage precinct, being the township of Windsor, and you then look at other alternatives which would have taken bypasses, et cetera, away from the town centre. I like bricks buried underground as much as everybody else, but the single impact I noticed was the amount of traffic travelling through—it is not the centre of the town but it is pretty close to the centre of the town.

In your assessment of those other alternatives, was any budget limitation placed upon you? In other words, we have to consider everything under \$50 million, \$100 million or \$200 million. That is relevant today because we hear the Premier telling us on a daily basis how wealthy the State is. I salute the Government for producing all that wealth but maybe not the method by which they have attained it. Were any constraints placed upon you in doing those assessments such as a limit on what you would assess, based on how much money was available? Or is the answer no?

**Mr GAINSFORD:** The short answer is no, not that I am aware of. To answer some of the other aspects of the question with regard to looking at other alternatives, the assessment process—and this is not unique to New South Wales; it is common among other States and countries—is that the assessment process is focused on a preferred option. If we were doing an assessment that was based on all potential options, the assessment process would take a lot longer than what it does in terms of assessing the preferred option.

**The CHAIR:** When did you say this whole thing started? Was it 2008?

**Mr GAINSFORD:** The department had some involvement from 2011 but I know work was being done before that.

**The CHAIR:** Perhaps the simple answer is it is up to the politicians to change that system if the body politic—being the people in this room and those spread around the State—believe that is not the right way to consider a project, whether it is a bridge or a road or a new building. We have run out of time. Mr Gainsford and Ms Warren, thank you very much for agreeing to appear. I assume there will be questions on notice. The secretariat will send you those questions in writing. We would appreciate answers within 21 days. Thank you for your attendance.

(The witnesses withdrew)

(Short adjournment)

**JENNIFER DAVIS, Member, Heritage Council of New South Wales, sworn and examined**

**The CHAIR:** I thank and welcome you. Prior to questions, would you like to make a brief opening statement?

**Ms DAVIS:** My only statement is to apologise for Stephen Davies, who is Chair of the Heritage Council. He is ill and apologises to the Committee.

**The CHAIR:** That is fine. Thank you for agreeing to attend.

**Dr MEHREEN FARUQI:** I thank you for coming in today, Ms Davis. Why do you oppose the Windsor Bridge replacement project and what alternatives do you propose?

**Ms DAVIS:** I will start my statement by saying that I have been a member of the Heritage Council since 2014. The position of the council was determined between 2009 and 2012, but remains consistent. We have not revisited the decision as a group. The opposition at the time was because the square is listed on the State Heritage Register and proposal impacts on the square, a number of individual items within the square and the archaeology of the square. The position was well documented in the submission.

**Dr MEHREEN FARUQI:** Does the council have an alternative view on whether there should be a bypass or if the bridge should be in another place? What is the Heritage Council's view on that?

**Ms DAVIS:** I consulted with staff who were employed at the time, and they did not identify a preferred option. They stated that around 2009 or 2010, the preference was to invest in the current bridge and route—so not changing the route. But it may be an exaggeration to say that that was their preferred route, because they did not communicate that at the time.

**Dr MEHREEN FARUQI:** Did you make recommendations to Roads and Maritime Services or the Department of Planning and Environment through the public consultation processes?

**Ms DAVIS:** In 2012, yes. That was provided to the Committee.

**Dr MEHREEN FARUQI:** Did any of those recommendations change the project in any way?

**Ms DAVIS:** No, the recommendation did not support the project. The communication noted that if the project was approved, a number of conditions were recommended. Those conditions were substantially accepted by the DPE and are conditions of consent.

**Dr MEHREEN FARUQI:** Have you had any discussions with the New South Wales Minister for Heritage about the importance that the council places on Thompson Square?

**Ms DAVIS:** Me personally?

**Dr MEHREEN FARUQI:** Or the Heritage Council. Have they been directed communicated to the Minister for Heritage?

**Ms DAVIS:** Not to my knowledge.

**Dr MEHREEN FARUQI:** Could you give some more background on the uniqueness of the heritage of Thompson Square?

**Ms DAVIS:** It is a Georgian town that is largely intact, with a large number of buildings that have been retained. The statement of significance—I will not look it up, but it is the only listing, to my knowledge, with that intactness, with the Greenway church, the layout of square and the number of elements within the listing.

**Dr MEHREEN FARUQI:** We have heard from RMS and the DPE about the unification of the square and the importance—

**Ms DAVIS:** That it reads as a square, yes.

**Dr MEHREEN FARUQI:** Do you think that is a positive element of this project?

**Ms DAVIS:** Absolutely. The square has operated as part of the town and Macquarie's "vision"—I think is the word in the listing—for more than 200 years.

**CORRECTED PROOF**

**Dr MEHREEN FARUQI:** RMS claims that once the bridge is built, the square will be unified, because of the Windsor Bridge replacement project. From the perspective of RMS, that is a positive thing. Does the Heritage Council see that as a positive element of the project?

**Ms DAVIS:** RMS presented to the council in May 2016 and explained that that was what it was intending to achieve. I have not seen the actual detail of the urban design and landscaping that will deliver that.

**Dr MEHREEN FARUQI:** A statement in the council's submission to the inquiry says:

The loss to be sustained to this heritage asset and for the historic town of Windsor through the project and the 'cost' of that loss, is not reflected in the cost / benefit analysis...

Could you elaborate on that?

**Ms DAVIS:** No, that was written in 2012, so I am not sure what was in the mind of the author.

**The Hon. PETER PRIMROSE:** Obviously the council believes that Thompson Square has heritage significance. If option one is constructed, how significant will that be? How would the square change if option one is proceeded with?

**Ms DAVIS:** The square will still be significant. The buildings and square will still be there. It is the way in which people can move around the place, which goes to the design elements that we were talking about before. That is why one of the conditions is for division staff to comment and have input into those elements as the project proceeds. Does that answer your question?

**The Hon. PETER PRIMROSE:** A number of submissions proposed that if the new bridge was constructed on that site, along with the associated destruction of parts of Thompson Square, it would destroy some of the heritage significance of the square.

**Ms DAVIS:** Yes, that is consistent—that is a direct quote from our submission. It does have the potential to destroy some elements.

**The Hon. PETER PRIMROSE:** Could you talk some more about what would be destroyed?

**Ms DAVIS:** Without the detailed design, no. But I think that what is being documented right now in the archaeology reports and various outcomes as a result of the salvage strategy, which I understand is still undecided—you might be referring to the drain, for example, or other items. I understand that RMS is still working on how to preserve those items. I would not like to comment on the destruction of individual items until RMS has reported on which items can be retained.

**The Hon. PETER PRIMROSE:** Has the Heritage Council been consulted?

**Ms DAVIS:** The division is consulted but not the council. The division staff undertake that work. The council received an update in May 2016. We have not had an update of the detailed design because my understanding is that they are not yet resolved.

**The CHAIR:** I seek a clarification. Is it your understanding that either as a condition of the consent or just as standard government protocol, the division will be reviewing the heritage protection as it develops during the planning stage? Is it also your expectation that the council will get an update on how it is progressing?

**Ms DAVIS:** Yes.

**Dr MEHREEN FARUQI:** We know that there have been discoveries of rather significant heritage in Thompson Square. Does RMS notify the council as it happens? Do you have a role at all in advising RMS during the process?

**Ms DAVIS:** The division staff absolutely are working with RMS and with DPE. The condition is a condition of approval by DPE but they seek heritage division's advice, whether it is on a document such as the conservation management plan, a salvage strategy or this item that they may have found.

**Dr MEHREEN FARUQI:** Is the division notified and does consultation happen?

**Ms DAVIS:** Yes.

**The Hon. DANIEL MOOKHEY:** Should either of those plans present content to which the council would object, what process will it follow to seek amendments?

**Ms DAVIS:** The advice from the division to DPE is just advice. The condition rests between RMS as a developer and the authority, the DPE.

**The Hon. DANIEL MOOKHEY:** If you are presented with the plan and the Heritage Council takes a view that the plan does not provide proper respect or otherwise on the commitments that were in the consent conditions, can the council do anything?

**Ms DAVIS:** We would advise DPE of that opinion.

**The Hon. WES FANG:** I noted in one of your first statements that the Heritage Council objects to the Windsor Bridge replacement plan. But in your original submission, you had listed a number of approval conditions that have largely been adopted. Does the Heritage Council still object to the project considering that the approval was given with the conditions that you had listed? If it still objects, why?

**Ms DAVIS:** It is still our view that placing the bridge—which necessarily for a lot of reasons has to have a certain scale and impact—in that place is not a good heritage outcome.

**The Hon. WES FANG:** Given that you have said that the Heritage Council's preferred method was a refurbishment of the current bridge as it stands, what assessment tools—engineering, cost benefit, impact of the closure—did the council use to arrive at the conclusion? How did the Heritage Council come up with that avenue?

**Ms DAVIS:** As I said, that was in 2012 and I do not have anything other than the letter signed by the then Chair to the DPE expressing that opinion. I have no knowledge of how they came to that opinion.

**The Hon. WES FANG:** The objection was formed in 2012. The submission had an objection, with its preferred method; however, if it was to be approved, the conditions were there. But the Heritage Council still objects to the project. It is almost like having one foot in each camp, I feel.

**Ms DAVIS:** If I can say that slightly differently, absolutely, the council expressed its view in 2012 that if the department was of a mind to approve it then here are some conditions.

**The Hon. WES FANG:** But, seeing as they have largely met those conditions, why do you still object? Is it just a fundamental objection?

**Ms DAVIS:** Perhaps I can restate it. It is still the council's view that this new element—this new piece of infrastructure in that place—is not the best heritage outcome. That is not the same necessarily as objecting to an approved project. It is an approved project. It is not the same sentence.

**The Hon. WES FANG:** The only views that you are looking at in submitting an objection are purely on the basis of heritage? Do you not look at any triple bottom line?

**The CHAIR:** It is the Heritage Council.

**The Hon. WES FANG:** I understand that. We are talking about the Heritage Council recommending in its submission that it will retain the current bridge. It is not just talking about the heritage here; it is making submissions on what its preferred option is. I am trying to expand on how the council is coming to form a view. When the RMS and DPE are using all their tools to form their views, how does the Heritage Council form a view that it puts a submission to say that it wants the current bridge retained? What are the mechanisms you use to do that?

**The CHAIR:** Mr Fang, would you like to ask the witness the question a third time because you have asked her twice now?

**The Hon. WES FANG:** No, I accept that has been largely answered. I do not understand the rationale but that is okay, we will move on. Thompson Square has been changing over time ever since it was initially developed. It was originally a square and there have been changes and realignments through its history to the point where we now see a road snaking through it. The RMS proposal is to return it to its original form.

**Ms DAVIS:** Alignment.

**The Hon. WES FANG:** Yes. You said that you were concerned about the heritage of Thompson Square but it has been evolving over time—we can all agree on that. Why is there an objection to changing back to its original form?

**Ms DAVIS:** I understand RMS is working very hard on forming the elements—literally, the physical pillars and the elements of the infrastructure—to reintegrate the square as a functioning whole place. That would be a good outcome.

**The Hon. WES FANG:** That has heritage value?

**CORRECTED PROOF**

**Ms DAVIS:** That would absolutely make a good use of the square and enable people to see perhaps some of its original form, but I do not have access to designs or drawings that demonstrate how well they are able to do that.

**The Hon. WES FANG:** But I guess as part of the broader scheme the Heritage Council would support the square being returned to its original form as was intended in the original planning of Windsor?

**Ms DAVIS:** That would have a very low bridge and the low bridge would not be—

**The Hon. WES FANG:** The original location of the bridge was not where it is now. The snaking road has been connected to that bridge. Before that the square was originally a square and it was unified.

**Ms DAVIS:** Yes.

**The Hon. WES FANG:** Does the Heritage Council support the heritage value of returning to the original plan?

**Ms DAVIS:** Unifying the square? Yes.

**The Hon. WES FANG:** It does. Thank you. The RMS has done a lot of archaeological work exposing things like the brick drains and other artefacts. Would that have occurred without these primary works going ahead? Has RMS in fact helped discover those things? Would that have happened without RMS having looked at the site?

**Ms DAVIS:** To my knowledge the drain contract and knowledge that it was built was in existence but not the physical form, locating it. I do not know to what extent they have worked on it. They certainly have uncovered it and I know that people have visited it.

**The Hon. DANIEL MOOKHEY:** So that we can properly characterise the engagement of the Heritage Council with the Department of Planning and Environment, is it correct to say that the Heritage Council has had an objection to the project and to the extent to which the council nominated alternative conditions they were to mitigate the impact on the heritage if the first submission was not accepted by the department?

**Ms DAVIS:** If the department was of a mind to approve the project, which they did, then we recommended conditions, yes.

**The Hon. DANIEL MOOKHEY:** For the purpose of mitigating the impact on heritage. Is that correct?

**Ms DAVIS:** Yes.

**The Hon. DANIEL MOOKHEY:** Insofar as the archaeological surveys have uncovered a lot more about the Indigenous history of the site, can you describe what if any role the Heritage Council has in providing advice as to how that heritage should be recognised and honoured in the past and going forward?

**Ms DAVIS:** I could take that on notice. We have not received a report of the extent of that archaeological advice but I am told that it has been quite extensive.

**The Hon. DANIEL MOOKHEY:** Are you expecting to be in receipt of that report?

**Ms DAVIS:** Yes.

**The Hon. DANIEL MOOKHEY:** Once you are in receipt of that report is the Heritage Council likely to be able to provide a view or opinion to the department as to how that heritage should be treated?

**Ms DAVIS:** We would prefer to refer it to the new Aboriginal Cultural Heritage Advisory Committee [ACHAC] for their advice.

**Dr MEHREEN FARUQI:** A number of submissions have claimed that freight and other through traffic next to the square will increase quite a bit after the new bridge is built—that more traffic will be travelling on the roads and the bridge. Do you think increasing traffic will have an impact on the heritage of Thompson Square?

**Ms DAVIS:** I have no knowledge of that. They are both two-lane bridges.

**Dr MEHREEN FARUQI:** From what I understand, the new bridge will be a three-lane bridge with two southbound lanes and one north bound. Leaving the bridge to one side, there are claims that through traffic

will increase through Windsor. Obviously if that happens there will be more freight trucks travelling next to Thompson Square. Does that have an impact on heritage?

**Ms DAVIS:** The answer to that would depend on the design of the bridge and the degree of separation of the road and elements like edges. A lot of elements create that different experience for people using that place.

**Dr MEHREEN FARUQI:** You said that you have not seen the full design.

**Ms DAVIS:** I have not seen that, no.

**Dr MEHREEN FARUQI:** And the Heritage Council has not been consulted on that particular design?

**Ms DAVIS:** No, the council has not.

**The Hon. WES FANG:** The Heritage Council has not taken a proactive approach on this, if you are not aware of the plans as they currently stand.

**Ms DAVIS:** To the degree of knowledge of the division being involved daily, I would characterise that as being confident that the division was doing the job that has been delegated to them.

**The Hon. WES FANG:** The objection from 2012 stands regardless of any current plans?

**Ms DAVIS:** I am not sure. Do you mean the objection to building the bridge?

**The Hon. WES FANG:** Does the original objection that Dr Faruqi has continually referred to in the Heritage Council submission still stand today given that the Heritage Council is unaware of the current plans for the bridge? Have you updated your objection?

**Dr MEHREEN FARUQI:** Could I clarify, the Heritage Council still objects to this bridge but, since it is going ahead anyway, it has tried to make recommendations to minimise the impact on heritage. Is that right? Could I get clarification on that?

**Ms DAVIS:** As we expressed in our submission, while we are absolutely on record as preferring that this bridge not be built through this particular alignment, the project is approved. We have recognised the importance of mitigation measures and I am confident that the division is diligent in its responsibilities in those mitigation measures.

**The Hon. WES FANG:** But that was in 2012. We are now in 2018 and the plans have been updated.

**The CHAIR:** Mr Fang, this is about the fourth time you have asked this question in different versions. The witness has given a clear answer. I certainly understand what the witness has said. If you have another question, please ask it.

**The Hon. WES FANG:** I am just seeking to find out what work the Heritage Council has done to update themselves about what is occurring today and if that objection still stands in light of the work that has happened today.

**The CHAIR:** I will allow the question, but I will say to the witness that you have been very diligent in your answers. If you can add anything to your previous answers, please do so. If you cannot it is quite all right to say that you have nothing more to add.

**Ms DAVIS:** We have not had a recent update on the designs. I personally am aware of the importance of the archaeological findings and different approaches as to how to hopefully leave the drain as it was built. I am confident that RMS are now working on those options. That is my personal knowledge of where that situation is up to.

**The CHAIR:** With what frequency does the council expect that the division will keep you updated? Do they keep you updated monthly or quarterly?

**Ms DAVIS:** On major government projects we have a monthly update. This project was not on the monthly update. We had the update from RMS in 2016 and then more like a quarterly update from the officers.

**The CHAIR:** Does the council have the option to ask the division to give them a certain frequency of updates?

**Ms DAVIS:** Yes.

**The CHAIR:** Given that there is a lot happening right now.

**CORRECTED PROOF**

**Ms DAVIS:** Yes.

**The Hon. DANIEL MOOKHEY:** If you got the ability, do you intend to ask?

**Ms DAVIS:** Yes, because triggers such as these particular findings have been met.

**The CHAIR:** Thank you for agreeing to appear before the Committee today. Please pass on our best wishes to Mr Davies. We hope he recovers. The secretariat will send any questions on notice to Heritage Council of New South Wales in writing. We would appreciate answers to any questions on notice within 21 days.

**Ms DAVIS:** Thank you.

**(The witness withdrew)**

**HARRY TERRY**, President, Community Action for Windsor Bridge, sworn and examined

**SARAH McRAE**, Member, Community Action for Windsor Bridge, sworn and examined

**KATHLEEN MACKANESS**, Member, Community Action for Windsor Bridge, affirmed and examined

**PETER FREDRICK REYNOLDS**, Member, Community Action for Windsor Bridge, sworn and examined

**The CHAIR:** Before the Committee proceeds with questions would one of you like to make a brief opening statement?

**Mr TERRY:** Ms Mackaness will do that.

**Ms MACKANESS:** Thank you for the opportunity to address the Committee on the Windsor Bridge replacement project. This is a project that was, even before it was formally announced, comprehensively condemned by government experts in heritage and civic planning, and subsequently by the Government's own independent heritage, traffic and engineering experts. The longevity and intensity of the community's reaction to this project is testament to very deep anger at the Government's continued dismissal of that expert advice. This anger was the catalyst for Community Action for Windsor Bridge [CAWB]—a grassroots, Hawkesbury-based, community organisation, backed by the 40,000 signatures of people deeply concerned about what is happening in Windsor. On social media CAWB has in excess of 10,000 followers and an audience reach exceeding one hundred thousand. CAWB has received two heritage awards—one from the National Trust and the other from the Government itself. The date 21 July 2018 will mark our fifth full year of continuously, lawfully and peacefully occupying a small corner of Thompson Square and right now, on occupation day 1,728, Mike and Kate are there maintaining the continuous vigil.

Rejecting a bad plan has exposed us to the bullying and manipulation of a well-resourced government department, all too used to getting its own way. The Roads and Maritime Services dictated rules of engagement require us to enter its complex world—a place of problematic legislation, almost impenetrable documents and questionable tactics. However, whilst we are deeply angered at being forced to fight for a decent plan for the Hawkesbury, we are neither naïve nor selfish, and we are certainly not unreasonable. All we seek is a outcome that delivers a long-term solution, value for money and appropriate levels of service. Not surprisingly, we also expect competent asset management and sound planning. We believe every New South Wales community is entitled to visually and environmentally appropriate infrastructure outcomes, particularly in our case, for our very significant Australian heritage, but what the Government continues to try and force upon us is the exact opposite.

The terrible reality is that the Windsor Bridge project is symptomatic of almost every ill that besets transport planning and delivery in New South Wales, including options best described as farcical in our case; the selection of the most destructive option; failure to strategically plan for future transport needs; a derisory consultation process; ongoing, appalling standards of communication; fiscal incompetence; questionable procurement practices; and, regrettably, unethical behaviour. Where do we go from here? First, the looming, disastrous plan for Windsor must be replaced with a solution that makes sense because this one certainly does not. Secondly, no New South Wales community should ever again be forced into the type of David and Goliath battle that is still occurring in Windsor today.

Our recommendations are directed at these two objectives and are thus grouped as either corrective or preventive, and address both operational and regulatory considerations. It is with great optimism and, pre-empting one of the recommendations we would otherwise have made, we note the recent formation of the Public Works Committee. Congratulations. In conclusion, I seek leave to table our recommendations accompanied, where appropriate, by supporting evidence and documentation. I and my fellow CAWBies will answer any questions the Committee wishes to ask.

#### **Documents tabled.**

**Dr MEHREEN FARUQI:** I have also been racking my brain about this project, especially given the many submissions to this Committee and the evidence-based critique and opposition from the community, including independent engineering experts and heritage bodies like the Heritage Council of New South Wales. Why do you think the Government is persisting with option one and, if you have one, what is your analysis of that?

**Ms MACKANESS:** We agonise about this, I will be perfectly honest, and we spend a lot of time reflecting on it, because if we understood it we would feel a lot more comfortable. Our problem is, if there is a



really good reason, tell us about it. If the reason is exceptional, if it is about good strategic planning, if there is something we have failed to see, tell us about it. As I said, we are not unreasonable. We want to understand. But none of the justifications that have been given to the community to date justify the level of destruction that is going to be caused by this project. The chestnuts that come up—if I could very quickly reflect on a couple of things?

**Dr MEHREEN FARUQI:** Yes.

**Ms MACKANESS:** I fail to understand why Windsor is required to take a second-rate solution in comparison with everyone else. Why is our public space an acceptable place for increased pollution? The sort of noise levels that I am sure anyone who has visited us has witnessed, it is horrific out there. I do not want to take up too much of your time, but if we set aside the heritage considerations, technically this is a bad plan. We are bemused, we are actually bemused.

**Dr MEHREEN FARUQI:** The Community Action for Windsor Bridge's preferred option is a bypass?

**Ms MACKANESS:** Yes, I would have to agree. Well, no, a bit more than that. We would like local traffic continued to be directed into town. That is clearly important from an economic point of view, and functionally too for the community and for tourism. We would like to see, and I believe that the trucking companies and the truck drivers and all the people in the commercial vehicles would like a road that did not take them through Thompson Square, because it is not a great route to have to take.

**Dr MEHREEN FARUQI:** You are suggesting perhaps the rehabilitation of the current bridge?

**Ms MACKANESS:** Yes, absolutely.

**Dr MEHREEN FARUQI:** And an option for freight to bypass. Was that ever an RMS option?

**Mr TERRY:** If I can answer that, Ms Mackaness?

**Ms MACKANESS:** Yes, I was going to say.

**Mr TERRY:** The RMS had intentions of replacing Windsor Bridge, as far as I could tell, from 1994. I base that statement on the fact already announced from Iain Macleod that the expenditure from 1994 to 2013 was only \$57,000, which is \$8.20 a day. Certainly in Parliament there was indication. Bart Bassett had indicated from the year 2000 and in Peter Stewart's report from 2003, indications as early as that. The RMS worked with both governments on that process to get this project through. Eight of the options that were chosen were ludicrous in their nature and clearly defied logic. They were clearly devised to have the intention of promoting the preferred option, option one.

Option six had another element to it. It was clearly chosen to divide the community. Option six was the one that would go to the eastern side of the peninsula. The RMS did not present two obvious solutions, two obvious options for the community in their consultation process. The two obvious ones—and we do not pick which one is the better of the two, or if there are others—but for the RMS to ignore two basic, simple, straightforward bypass options, retain the current bridge for light traffic and local traffic, is rather odd. The two options were the Rickabys Line—which was costed in the EIS at \$117 million by the RMS itself—and the Pitt Town Bottoms option—also known as the Lynwood Park option—which uses existing roads on most occasions. If the Committee wants further detailed information on that I am more than happy to provide it.

**Dr MEHREEN FARUQI:** Thank you. You also said that the community consultation process was derisory. Could you elaborate on that?

**Ms McRAE:** Mr Reynolds might also be able to share his experience. It was pretty clear from the beginning that option one was the only option they ever considered. The residents in Thompson Square were told in 2008: We are building a new bridge and this is where it is going to be. And the process went from there. We have documents that we obtained through—not the call of papers, I beg your pardon—the Government Information (Public Access) Act, or GIPA Act, that indicate that in 2008 the RMS had decided the location of the bridge and the preferred option. Then in 2009 they released the options to the community. They went through the process of the consultation, which was quite extensive, I will agree with the RMS on that. There was probably quite a lot of money involved in that. But really at the end of the day everything pointed to option one being the only option that was ever considered.

As Mr Terry explained, the other options that were put forward were really absurd in comparison. Again, I am happy to provide this information after the fact, but the community outrage about this is documented. All the submissions, all the activity around our occupation really indicates that the process is flawed, that we have not been taken into account. If I can put forward one example. In the March 2018

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community update the RMS offered the community to come forward and to give their thoughts on the brick barrel drains and what they were doing in the archaeology. That closed last Wednesday 4 April. We encouraged all our members and our supporters to go forth and to give their thoughts about that. The email that everyone got was, "As this process is now no longer under consultation we do not monitor this email address." So what was the point of asking us? The whole process all along, we keep asking, "Why did you even bother?" We just feel like our concerns—and not just our concerns, the concerns of the experts who have come forward to condemn this process—have just been completely ignored.

**Dr MEHREEN FARUQI:** I noticed when reading through the paperwork that the information changes within a short period. The average recurrence interval has changed from one in five to one in three. The tender documents say the proposed bridge is 45 metres downstream of the current bridge, whereas in the RMS documents it is 35 metres downstream. The cost benefit analysis has changed. That is very confusing to me. Has the community experienced the confusion of being presented with different types of information?

**Ms McRAE:** Absolutely. What is in the technical reports does not actually match the information that has been provided to the community. Things such as vibration impacts on the heritage buildings. They really explicitly state that there will be impacts. Yet the information that the community is provided will be there are no impacts to any buildings in the square. Right through we have had inconsistencies and very much information that is quite easily also debunked, without going into detail, but yes.

**Dr MEHREEN FARUQI:** As you know, the Committee will consider all the evidence and give recommendations. What would your recommendations be for this project that you would like us to consider?

**Ms McRAE:** We have prepared a fairly extensive document with some recommendations.

**Ms MACKANESS:** Brief recommendations.

**Dr MEHREEN FARUQI:** Top three recommendations?

**Ms McRAE:** The immediate cessation of the Windsor Bridge replacement project; the current bridge to be renovated to a standard to take local traffic and for the surrounding intersections to be upgraded, because that is where the RMS tell us the majority of the traffic improvements will come from; and the immediate planning of a bypass in a location that serves for future development of our region and really is a good strategic plan for the Hawkesbury.

**Ms MACKANESS:** In fairness, if I could add something. When I talk to our membership it is clear that protecting other communities from the sort of battle that we have had is extremely important to all of us. I would stress to the Committee that whilst we want something that addresses the Windsor problem, we are also extremely anxious not to see this happen again. I am not going to go into it now but we deal with it in the recommendations and the supporting documentation because it just seems ridiculous that we are at odds with our own Government. We are left bewildered that we are having to fight.

**Ms McRAE:** I want to add that one of the impacts personally that has come out of this for me is a real feeling that there is a lack of process; that we go through the motions of this and we look at technical reports, we look at the engineer saying the bridge can be rehabilitated easily and economically, we look at the heritage experts who categorically say this is a really bad plan, we look at all of that and it just seems to fall on deaf ears. We are just community members, we are not engineers and we are not heritage experts so we rely on the people who know this to inform us and it just appears that throughout this whole process they have been ignored as well. We have lost faith in any idea that we are being governed and looked after by a process that is fair and will deliver outcomes for our community and for other communities as well.

**The Hon. PETER PRIMROSE:** The committee has heard this morning that there are real benefits from building this new bridge. For example, we were told that by building the new bridge it will bring Thompson Square back together and that that is really valuable. Will you comment on that?

**Ms MACKANESS:** I would love to. I can hardly wait. A couple of things that have been said this morning that have been interesting. I want to put on the record, and assure the committee, that the square was never square. Geographically this mantra that they are restoring the square to a square is nonsensical. In fact, the idea that they are restoring the road to its original location is just offensive, and Mary Casey picked it up in her report and dealt with it quite comprehensively. I do not understand why that rhetoric continues to run. In fact, and I risk sounding a bit frivolous, but honestly it feels like whack-a-rat, you know. These kinds of furphies pop up and we deal with them, talk to experts, get advice, report it, reference it and fight to get truth about the issue and it all goes quiet, and we go through the cycle again. And the next issue comes up and we deal with it. I do not think there is a justification that the RMS has put forward that withstands reasonable scrutiny, quite frankly.

**The Hon. PETER PRIMROSE:** Will you specifically respond to that issue that this is valuable—

**Ms MACKANESS:** I am sorry, I got a bit side-tracked with the whack-a-rat.

**The Hon. PETER PRIMROSE:** Whack-a-rat is fantastic but it is important for you to respond.

**Ms MACKANESS:** There are different components to this. The first thing is the idea that the road should go down the side of the square is simply a construct that happens to be convenient. I guess it looks really logical in two dimensions but when you actually visit the square you realise that there is a completely different story that gets told about the space. The proposed road juts out and upwards whereas the existing road takes the very loud traffic down through the cutting. I think one of the issues that is very significant in that square is the noise, and certainly as the vehicles disappear into the cutting it baffles some of the noise, though it is still outrageously noisy, but that helps.

In lieu of a what could be a winding country lane, if you got the big vehicles out on a bypass, we get a twenty-first century alien structure that is massive towering over the square and sub-optimal design features for the remaining part of the parklands. For example, the slope of the remaining area will be too steep to be comfortably useable.

**Mr TERRY:** Thompson Square in the conservation area extends from behind the buildings on the three sides and includes the garden. The notion that Thompson Square is simply the grass reserve is not true. That is clearly stated in the conservation area and by all the historians. When we talk about Thompson Square we talk about the buildings, the gardens behind them plus the river in that regards. So it is critical that you conceptualise what Thompson Square is. Now if you break up an existing square in that sense—like a British square—by a modern, high level bridge it changes the very nature of the square. Kate said the size of the bridge overshadows the whole notion of the square, and the sight lines would all be destroyed. It will no longer be a square, it will be highway through a heritage precinct area.

**Ms McRAE:** You touched on one thing I was going to say. There seems to be a lot of confusion about what Thompson Square is and it is defined by the Thompson Square Conservation Area that was listed by the Heritage Council. I think we just need to be absolutely sure that we are talking about the same thing. In terms of the cutting, in 2008 the Government Architect's Office actually identified that having that lovely little winding track—little road—through the square was actually part of the heritage setting. It was a functional working mercantile space from 1795. What we are talking about is a space that has to be looked at in its entirety, just as you would look at other heritage spaces like Port Arthur, for example. So it is not the bridge, or the drains or any one building that is special, it is all of them together and the story that they tell.

Very briefly, the story that they tell is about supporting the founding of our nation; that Windsor was so important that at one stage it was reported Napoleon was going to invade because if he captured Windsor, he would capture the food bowl and, therefore, he would have the colony. It did not happen. Again we are happy to provide information about that if the committee would like it. Therefore, if you look at it in its entirety—and the stories that exist in that square are just amazing and I encourage you to seek them out because it is really fascinating. As Kate said, putting a twenty-first century concrete, wide, modern bridge in that space is just so inappropriate. Although then we have a rectangular park space next to this big road, the heritage experts are explicit that this is not a reunification and it is not a restoration; it is a separation.

So now we have this massive concrete wall effectively severing the square as the unique space. There were also roads through the square. There were granaries up the top of a hill because it was out of the flood. There was the wharf down the bottom. There were always tracks that wound their way through the square so having a road itself in the square is not a problem, the problem occurs when it takes it out of the context of what the square is, and that is what option one does. Again we just have so much evidence that just absolutely contradicts that notion that it is going to be reunited.

**The Hon. PETER PRIMROSE:** Can I ask you—if you have whacked that rat—if heritage is adversely affected surely you would be in favour of this on the basis of the evidence the Committee has received in relation to improved flood immunity as opposed to the current bridge. Can you respond to that one please?

**Ms MACKANESS:** Before we leave the heritage, can I just make one final point. I find it ironic that the RMS is saying that a higher, wider bridge in some way unifies the space as opposed to a narrower, less visible bridge. There is something insane in the rhetoric.

**Mr TERRY:** May I deal with the flood.

**The Hon. PETER PRIMROSE:** Yes, I am really interested.

**CORRECTED PROOF**

**Mr TERRY:** Because I cannot resist either a couple of prescripts rather than postscripts. One is I am not ever sure what returning the square to the original is because the original would have to be before European settlement, and if it was after European settlement it would have to be in Macquarie's time and it was full of buildings, so it is rather odd. Secondly, the slope that they are going to have is going to be one in four, not on the upper reserve but in the lower reserve, and they cannot go any steeper than one in four because you cannot mow. Whether it is going to be 500 square metres useable is another question.

But on to flood immunity: Flood immunity is determined, clearly, either when the bridge is closed or when the approach road is closed. Another factor is the flood variability because no floods are the same. The RMS has produced two wildly different claims for flood immunity and we heard them today. The first was the claim that the project would achieve a one-in-five flood immunity benefit. This is clearly referencing just about every government document. A one-in-five flood immunity at Windsor is somewhere between an 11.1 and an 11.4, depending on which report you want to read. The bridge at its lowest point is 9.8. I may not be a mathematical giant but I do realise that 9.8 is lower than 11.1.

**The Hon. PETER PRIMROSE:** I we talking about the new proposed bridge?

**Mr TERRY:** The new bridge—the proposed bridge. That claim was still being used in a briefing to a Minister in December 2016. Even though in the EIS it said less than one in three, as late as December 2016 to a Minister's briefing, I find that absolutely astounding. By the way, the RMS has not been able to find what height can constitute a one in three flood level or a one in two level. Maybe that is a question that can be asked of them later. I have not been able to find it from any government department.

We are talking about closing the bridge, which is another factor. The policy on closing the bridge, according to Infrastructure NSW and the State Emergency Service [SES], is when the water level reaches half a metre below the bottom of the deck. If the current bridge at its lowest point is 9.8 and its depth varies somewhere between 1.85 metres or two metres, depending on which document you read—and maybe Dr Faruqi might have a better measurement of what the depth would be—then you add another half a metre below that, the bridge could be closed before the approach roads. I repeat: The bridge could be closed before the approach roads.

What are the approach road levels? They vary. If you look at McGraths Hill, which I had measured yesterday by a professional surveyor, it is 6.7 metres. The lowest point already announced today on Wilberforce Road—they did not say the 8.2 at Buttsworth Creek—they said 60 per cent of the road would be below the level of the bridge. Then you have other approach roads that are at various levels as well. If the bridge is closed before Wilberforce Road is closed and of course before Hawkesbury Valley Way and Macquarie Street are closed, you could have a very angry set of community members.

The level of flood immunity is not clear, as is much of everything else that the RMS has said to us, even today. It is not clear. Until we have a flood I do not think any of the RMS will even know what the benefit will be. Flood immunity is hardly some massive benefit you could attach to this project. Wipe out heritage as a benefit and wipe out flood immunity as a benefit; I am not too sure what is left. I do not know what, on balance, they can talk about.

**Mr SCOT MacDONALD:** Public safety?

**The Hon. DANIEL MOOKHEY:** In similar vein to the questions asked by my colleague Mr Primrose, to give you a reasonable opportunity to respond to some of the evidence we heard this morning, one of the contentions that was made by RMS was that this project enjoys majority community support in Windsor, and in fact there is a high degree of frustration that it is not proceeding. Are you able to give us your views on that?

**Mr TERRY:** Since no-one else has jumped in, I will. Then I will keep quiet and let others have a go. It is very hard to judge what the community feeling is. No proper survey has been done. The local *Hawkesbury Independent Magazine* did one in 2011 when they had the options put forward. That was run by SurveyMonkey. Roughly 90 per cent were opposed to the project. The online surveys done by the *Hawkesbury Gazette*, the *Rouse Hill Times* and the RMS itself came up with about the same level of animosity to the project. The CAWB Facebook page has more than 10,500 likes and a reach of more than 100,000 people.

We have put in submissions and letters to the Premier totalling about 40,000. Can I say that the other side has that sort of number? Not that I am aware. The only thing I have ever seen is a submission of 600. I keep hearing the statement that most people want the bridge to go ahead, but I see no documented valid evidence to support that. The reality is, as we all know, that most people will not put an opinion in one way or another. If you ask them, "Do you want a bridge?", They will say, "Yes." If you say, "Do you want a bridge that allows you

to get to Windsor easily and quickly for shopping and a bypass to get all the trucks out of town?", you will get another answer. But I think we can put forward a lot of evidence that shows that we have tremendous support behind us.

**Ms McRAE:** I would like to address that as well, if that is okay. There are two issues with this. Firstly, I direct you to submission No. 189. Very, very briefly, that was written by someone who was part of that 600 submissions in favour of option one. Without making any allegations myself, that submission is pretty powerful in terms of debunking that they were actually genuine submissions. The second point I would like to make is that, at the end of the day, we do not have concrete data. No official survey has been taken. We do not have a vote on who is opposed to this bridge and who is in favour of this bridge. What we do know is that every expert the Government has consulted is against the bridge. Every heritage expert, the structural engineers and the traffic experts have all said, "This is a really bad plan." Let us put aside the community just for a moment and say: Why are we not listening to the experts on this?"

**The Hon. DANIEL MOOKHEY:** That was intended to allow me to bring up the next conversation, which is this: With the RMS consultation with the community at Windsor and in addition to that the Department of Planning and Environment's engagement with the community of Windsor, are you able to describe, firstly, the extent to which you think that has been undertaken in a genuine spirit and, secondly, if you can identify any changes to the plans that RMS or the Department of Planning and Environment has done as a result of that consultation? In general, because you make a point about this Committee making recommendations about any future developments like this for any other community, do you have any views on how those processes could be improved?

**Ms MACKANESS:** I think the first thing we have to say is that there has been an enormous amount of consultation. I think the problem is that the definition of consultation between us and the RMS is completely different. We regard consultation as a dialogue where they listen to things that we have to say and we learn from them. They regard consultation as a process where they tell us. The expectations out of the process are completely different. They have consulted to death, quite frankly. I think it has been a ridiculously expensive process. I will touch on the fact that something I mentioned not here but previously, which is that they have paid people for their opinions. They have done everything they possibly could to argue that they have consulted, but it has been a process of not hearing what the community's concerns have been, not hearing what the experts concerns have been, not about heritage, not about engineering, not about traffic, and not about the environment.

Consultation? Sure, there has been heaps of it. Was it effective? Did it change anything? The rhetoric moves around and that has been raised previously. I think it is a really good point. The rhetoric moves around constantly and—dare I use the expression again—it is kind of in response to the whack-a-rat: You know, when something gets slapped down, something else bubbles up and we get a change in rhetoric. But if you study the drawings and plans, the changes are infinitesimal. There is a different profile for the disabled parking beneath the bridge. The plan that we are talking about goes back to 2009. When you look at the 2009 drawings and what we have been offered today, for all the vaunted, "We are listening to the community and we're protecting heritage", I fail to see how any protection has been afforded because nothing has changed.

**The Hon. DANIEL MOOKHEY:** Returning to the core of the conflict, and that is between your recommendation number 1 and RMS's preferred view. Your recommendation number 1 is for the cessation of option 1 and the commencement of the renovation of Windsor's historic bridge using the methodologies outlined in the report prepared by Peter Stewart. I presume you mean the 2001 report that you just referred to.

**Ms McRAE:** 2013.

**The Hon. DANIEL MOOKHEY:** The view that was expressed by RMS this morning was that that option is not viable because it would involve an expenditure of circa \$18 million in addition to the existing costs incurred and would only deliver sort of a half-life of the bridge compared to the current option. In fairness to RMS, I feel I should put that to you and to hear your view as to what you think of it.

**Ms MACKANESS:** I find it extraordinary that an agency with the budget of a small island nation is quibbling about \$18 million, quite frankly.

**The Hon. DANIEL MOOKHEY:** Their view would be that that does not deliver as big a return for the investment of the State than it would be to perhaps pursue this option, because their argument is that that would provide a much longer life. Their view is essentially that you could spend \$18 million if you so choose but you would be back here 20 or 30 years later to have to do it again. I wanted to render RMS's opinion so we can hear your response to their argument. That is actually their argument; it is not so much that they have not got the money.

**Ms MACKANESS:** I am going to ask Mr Reynolds to answer that, but before I do I just want to make one point. I worked in asset management, and the demolition of a functional asset for no good reason is not part of sound asset management. What they are denying us is the opportunity to double service capacity over the river. By retaining the existing bridge and building a new bridge on a bypass we get two routes across the river, and that has not been taken into consideration in any of the—

**The Hon. DANIEL MOOKHEY:** Cost-benefit analyses.

**Ms MACKANESS:** —calculations around it. I hope I have not stolen Mr Reynolds' thunder.

**Mr REYNOLDS:** The RMS has changed its story on how much renovation would cost and how long the renovations would last for over the last 10 years now. Their latest thing is that it is going to cost \$16 million and only last 10 years. We have an email train which we can give to you, an internal email train from the RMS saying that renovation would cost more than \$5 million and they would then prepare a maintenance plan for the next 30 years. It is also worth pointing out that Peter Stewart, who was the Department of Planning and Environment's independent engineer who reviewed it, said that with a relatively modest expenditure the bridge could be serviceable for the next 50 years with minimal maintenance costs.

**The Hon. RICK COLLESS:** On what weight limit though? This is assuming there is a new bridge built to take the heavy traffic. Is that correct?

**Mr REYNOLDS:** That is correct. And that same position is also supported by the former chief bridge engineers at the RTA and the RMS, Brian Pearson and Ray Wedgwood. The RMS's position is that the existing bridge is going to cost so much because it has to meet new standards. We are looking at it from a different angle and we are saying if you keep this bridge for light and local traffic and you put the money that was going towards the new bridge into a bypass—all the independent reports say the bridge meets the standards for light and local traffic where truck volumes are low—it is not unsafe.

The other thing about the bridge being liable to disintegrate in the next flood is one of the biggest furphies around. If you read the independent reviews you will see that that is not true. They talk about the cracks in the piers. The cracks can be repaired; it is in the documents. The cracks themselves can be repaired for \$6 million. The re-alkalinisation of the concrete to restore it is another \$5 million. Then you have got a bridge that is brand new and can take light and local traffic and could easily last longer than a new bridge. As I say, the engineers say it will last for 50 years. So \$15 million to \$18 million to renovate a bridge—you cannot build one for that, and the whole idea is quite crazy.

When you consider the traffic they are going to push through, as far as safety goes, pedestrian safety goes out the window. When we are talking 23,000 vehicles a day going through a high-pedestrian area and up to 3,000 heavy vehicles going through that same area a day, and for them to claim it is going to improve safety, it is completely ridiculous. You improve safety by removing traffic from pedestrian areas, which is what a bypass will do.

**Ms MACKANESS:** And, in fact, if you read every media release for every bypass announced in New South Wales, those are exactly the points that are made every single time: "We are getting the trucks out of town. We are getting the air pollution out of town. We are getting the noise out of town. We are returning the town to the community"—except in Windsor.

**Mr TERRY:** In terms of the claim that the bridge would have to be closed to allow the renovation to occur, it does not match the Pearson-Wedgwood model that was in the Peter Stewart report, which, reading the report, tells me that he, Peter Stewart, had consulted with the RMS. All the work would be done from underneath the bridge; you would only have to do some night closure when you were just finally doing the current bridge. Just on a very minor point, I was on Windsor Bridge today and the yellow lines are showing through on the bridge. When was the last time they used paint on the roads? That is the level of maintenance that has been maintained on Windsor Bridge. If the bridge is deteriorating it is through the total inaction of the RMS.

**Mr REYNOLDS:** Yellow lines have not been used in New South Wales since 1987. All bridges and roads should be resurfaced every 10 years. That indicates the lack of maintenance on the bridge.

**The Hon. RICK COLLESS:** Can I ask you about the proposed Rickabys Line, or the proposed Rickabys Line that was not considered? That, to me, seems to be a reasonable alternative. But I just wanted to ask you about the flood levels where the Rickabys Line comes back onto the Hawkesbury Valley Way. It is pretty low through there and would not get—

**Mr REYNOLDS:** It is. The Rickabys Line was developed by the former bridge engineers of the RTA and Department of Main Roads [DMR]. They came up with that proposal because none of the RMS options followed high ground. They said the first thing any graduate engineer given the brief to find an alternative crossing around Windsor, the first thing you do is pull out a topographical map and look at high ground for flooding. None of them did. So that sent off alarm bells. So they followed high ground and then came up with the Rickabys Line. It is at 11.1 metres. It joins up with the Hawkesbury Valley Way at that point, which is about 12 metres AHD, and, of course, the evacuation route, as I say, is not a flood-free route, it is an evacuation route, and, again, the RMS costed that at \$116.9 million.

**The Hon. RICK COLLESS:** So what is the AHD of the flood evacuation route?

**Mr REYNOLDS:** Of the Jim Anderson Bridge itself? That bridge is at the one-in-100 level.

**Mr TERRY:** Not quite; it is just underneath that.

**The Hon. RICK COLLESS:** What height is that though?

**Mr REYNOLDS:** About 17 metres.

**The Hon. RICK COLLESS:** Just to go back, where that Rickabys Line would join the Hawkesbury Valley Way, it would be about 12 metres?

**Mr REYNOLDS:** About 12 metres, yes. And, just as a point, that provides some good strategic planning from a traffic point of view in that it allows people west of the river to access the towns of Richmond and from there Penrith, the M7, without going through North Richmond or Windsor itself. It is a proposal that is well worthy of consideration.

**The Hon. RICK COLLESS:** The other question I had was about the Australian Height Datum [AHD] of the Fitzroy Bridge.

**Mr REYNOLDS:** The Fitzroy Bridge itself—and I can remember when it was built in the seventies—is a big, high-arched bridge, and when it floods it is a big high arch of concrete sticking out of the flood waters because it floods on one side and it floods on the other side.

**The Hon. RICK COLLESS:** That raises the question then: The AHD, where the flood cuts it there, is at what level?

**Mr TERRY:** The road would be cut at 6.7 metres closer to McGraths Hill.

**Mr REYNOLDS:** This is one of the points. The RMS are saying now they are going to build a bridge with a 9.8 metre flood immunity, but the road that feeds it is 6.7.

**The Hon. RICK COLLESS:** Should an alternative bridge be built? You talk about the local bridge just handling local traffic and so on.

**Mr REYNOLDS:** Being renovated for that.

**The Hon. RICK COLLESS:** How many vehicles a day do you estimate would be using that bridge?

**Mr REYNOLDS:** At the moment it is up to 23,000, including 3,000 heavy vehicles. The heavy vehicles would go. It would probably still be around 9,000.

**Ms McRAE:** They say about 70 per cent of the traffic that comes through is through traffic and does not stop in Windsor.

**The Hon. RICK COLLESS:** That would be traffic going through from somewhere in Sydney up the Putty Road?

**Ms McRAE:** Or the communities on either side.

**Mr REYNOLDS:** Going to work.

**The Hon. RICK COLLESS:** It would include Wilberforce traffic?

**Ms McRAE:** Absolutely.

**Mr TERRY:** And Freemans Reach, Glossodia.

**Mr REYNOLDS:** Depending which way the people wanted to go. We have a major traffic crisis in the Hawkesbury. We are desperate for a third river crossing of the Hawkesbury. The bizarre thing is that if this

project goes ahead we will have a third river crossing for a couple of months before they demolish the existing bridge. That is perverse, we think.

**Mr TERRY:** On that, I wonder what the cost will be to demolish the Windsor Bridge compared to the cost of renovation, judging from what other bridges have cost. And this one has to be done sensitively because of the heritage qualities and they have to put barriers or sheets under the bridge to take it down. It is not unbolting steel girders, you have to take a lot of time and effort. The RMS, to my knowledge, have not given an estimated cost of removal of the existing bridge. It would be ironic if the cost of removing the existing bridge is \$5 million to \$10 million and it is \$15 million to restore.

**The Hon. RICK COLLESS:** In your submission I think it was Peter Stewart who estimated the cost of the Rickabys Line to be \$117 million?

**Mr REYNOLDS:** No, that was in the RMS preferred infrastructure report.

**The Hon. RICK COLLESS:** Do you know what level bridge that would be over the river and Rickabys Creek?

**Mr REYNOLDS:** At 11.1 metres.

**The Hon. RICK COLLESS:** For both bridges?

**Mr REYNOLDS:** Yes. They do feed the Wilberforce Road which has a low point, as Mr Terry said, of about 8.5 metres but it just provides for future use if they do decide to elevate those roads.

**Ms McRAE:** If it is \$117 million to build the Rickabys bypass—we are not engineers, we are not saying that is the right solution, we just want a decent bypass investigated—and RMS says it is \$18 million to renovate the bridge for an amount of time that is different depending on which document you read, you are doubling the capacity for not that much money. As Mr Reynolds mentioned, it is an average of 2,750 trucks per day, up to 3,000 heavy vehicles going through the square. Looking at other areas that have bypasses, and granted they might have other concerns with safety that might not apply to Windsor, but we are talking \$580 million in Berry to remove 1,600 heavy vehicles a day for 13,400 vehicles in total. At Kempsey they are taking 2,000 vehicles out of town for \$618 million.

You cannot deny that this is a fairly major arterial road if it is having the traffic volumes that we have. There is going to be development across the river. Let's strategically plan for it now. If you can renovate the bridge for local traffic that solves the problem of connectivity. We can get to Windsor. As Mr Reynolds said, \$18 million is almost nothing for a new bridge. Let us get it right now rather than having to then replicate another bridge down the track that actually will solve the problems.

**Ms MACKANESS:** In terms of traffic planning can I make two points. The first is that that bridge is the feeder route for the second route north from Sydney. You have two roads on the coastal route but if that gets cut we know that a lot of transport comes through Windsor across the bridge to head up the Putty Road. Strategically this is an important nexus at this point. To put that traffic on a bypass makes sense. The other thing is, when I talked about doubling service capacity, the other thing that retaining one bridge and building the second does is that you spread the traffic load on the network instead of funnelling it into a single crossing, you move the traffic.

**Ms McRAE:** Separate intersections as well.

**Mr REYNOLDS:** Someone mentioned development on the other side of the river. A question was asked of the Department of Planning and Environment representatives today if there was any development planned for the other side of the river and they were not too sure. I inform the Committee that there is one residential development planned on the other side of the river at Glossodia and it is called Jacaranda Ponds. If you read the 2012 EIS the approval of Jacaranda Ponds was dependent on the new bridge being built.

**The Hon. DANIEL MOOKHEY:** Can you clarify, the EIS for that housing development?

**Mr REYNOLDS:** No, the EIS for Windsor Bridge. The approval from Hawkesbury council at that time was dependent on the bridge being approved. In the recent rejigged voluntary planning agreement for that development the developer of Jacaranda Ponds is going to pay for the new big roundabout on the northern side of the river and they are going to pay for the traffic lights to be installed at Thompson Square. I am putting that on the record for the Committee.

**The CHAIR:** You cynic.

**Mr REYNOLDS:** It is on the public record.

**CORRECTED PROOF**



**Mr TERRY:** I have looked at my watch and I notice the time is getting away from us. One of the big benefits that the RMS has put forward—apart from the fact that the bridge is falling down and we are going to look after heritage and flooding is going to be grade plus—is the traffic is grade plus. Here is a perfect example of how they change their rhetoric—do not forget we are talking when this was being put to the community—the options report said in 2011: if we have to put traffic lights at George Street to make them work properly we are going to have to have three no right hand turns at the current roundabout and we are going to probably have to renovate Fitzroy Bridge to make it three lanes, two lanes into Windsor and one lane back towards Sydney.

They also said we would have to have a right hand turn designated into Court Street to allow people to access that end of Windsor because they could not turn right at George Street. The project was only ever intended to be a replacement bridge, not a traffic solution. They put that in their early documents in questions and answers. Why are we promoting an option that provides minimal traffic improvement?

**Ms MACKANESS:** Because it is a like-for-like replacement.

**Mr TERRY:** All of those options have gone by the board and they are saying we will improve traffic. From 2011 you have to do this to make it workable, now by taking that away it is going to bust traffic. They use, as they did today, figures from 2012, like their budget, and still sticking to that in 2018. That was the figure they came up with, 19,000 vehicles per day crossing the bridge. In December 2016, when they were going to bust the traffic with three lanes when the bridge is open, they said there were 19,000 vehicles a day crossing the bridge. That was the figure used in 2011 for the 2012 EIS. When I asked, "Why are you using that figure?" And they said, "Because it is in the EIS". I said—I will not tell you what I said.

The next thing they put up a traffic survey in March, three months later, and came up with 21,600 vehicles crossing the bridge on average a day. From December 2016 there were 19,000 to March 2017 there were 21,600. They did not release that document until late last year. They went through about six variations or amendments before they released it. We did our own traffic survey. Mr Reynolds can take over.

**Mr REYNOLDS:** The study that the RMS had done was done by Arcadis Australia Pacific Pty Ltd in March 2017. The average was about 21,700. Peak traffic on any day was about 22,700 and heavy vehicles were about 2,750. We had an independent study carried out by CFE technologies in November. It found average traffic was just over 22,000, which is not much more than the RMS. Peak traffic per day was just over 23,000 and heavy vehicles peak were just over 3,000. It is still on some of their websites, there is a picture of the bridge and it has "19,000 vehicles per day". In our introduction speech we said the misinformation that is being used destroys your faith in the system. It is bizarre that people who have had to learn about this stuff have had to bring this to light. I think it is really good that we have been given this opportunity to put it to the Committee.

**Dr MEHREEN FARUQI:** I would like to ask a quick question. These 2017 figures that you had done independently, as well as the figures from RMS—are they for current traffic?

**Mr REYNOLDS:** They are for current traffic; yes.

**Dr MEHREEN FARUQI:** Are you aware that there is predicted traffic?

**Mr REYNOLDS:** That is the interesting thing. In the EIS they predicted traffic. The heavy vehicle traffic in the EIS was 1,300 vehicles a day. It has doubled in five years. The RMS predicted a 25 per cent increase by 2026.

**Dr MEHREEN FARUQI:** As I understand it, the consultants that were hired by the Department of Planning and Environment really criticised the way the traffic was assessed.

**Mr REYNOLDS:** Yes.

**Dr MEHREEN FARUQI:** I think they said that it had been done in school holidays.

**Mr REYNOLDS:** They did the traffic counts in school holidays, when traffic was minimal. They also did the traffic modelling on speeds of up to 80 kilometres per hour, when the project is designed for a speed limit of 50 kilometres an hour.

**Dr MEHREEN FARUQI:** And the current speed is 40 kilometres per hour.

**Ms McCRAE:** Only for trucks.

**Mr REYNOLDS:** Only for heavy vehicles. I found it interesting that the RMS this morning said that the speed limit was imposed because of the delicate nature of the bridge, when we have documentation to say that the speed limit is imposed because of the corners coming onto the bridge slowing the heavy vehicles down.

**CORRECTED PROOF**

**The Hon. RICK COLLESS:** I have one last question.

**The CHAIR:** Make it a quick one, please Mr Colless.

**The Hon. RICK COLLESS:** If the Rickabys Line was to proceed, what would be the impact on the traffic flow at the intersection of the Hawkesbury Valley Way through onto the Jim Anderson Bridge and eventually onto Windsor Road?

**Mr REYNOLDS:** It would increase that to some extent but, by the same token, at the moment you have traffic going across Windsor Bridge, turning right into Macquarie Street and going down to that same intersection. So you are taking traffic coming from one direction and putting it into another direction. There is the opportunity, with the Rickabys Line to connect up to Racecourse Road, which goes across Hawkesbury Valley Way and goes down to Richmond Road. With a bit of planning—which you would think the RMS might be able to do!—they could come up with a really good proposal based around that idea. I am really proud that we were able to meet the former chief bridge engineers of the DMR and RTA. They did that off their own bat—just wanting to help the community. It has been a wonderful experience.

**The Hon. RICK COLLESS:** Thank you.

**The CHAIR:** We are truly out of time, now. This is one of those inquiries where I wish we had another couple of hours. In fact, we may have to repeat this. Certainly, I think some of the Committee members want to ask a few more questions of the public servants.

Thank you very much for agreeing to come in today to give evidence. Your submissions have been voluminous. We note that you have given us a supplementary submission today; there are some issues in there that we will discuss prior to agreeing to make it public. The key thing is that we thank you for putting forward a page of very clear, very concise recommendations. That is one of the key things in relation to these types of inquiries. Yes, we want to hear what you say and to get your opinions, but when you come forward with clear recommendations it allows us to determine whether we agree or disagree or, perhaps, adopt those recommendations as they stand.

You played host to the Committee out at the site. Once again, I would like to thank you for doing that. I also congratulate you—as I think I have done before—on the way that you have conducted your blockade. It is not really a blockade; it is a community tent. The community should understand—it probably does understand—that you have been there for a number of days at four shifts—is it?—per day.

**Mr TERRY:** It is six shifts a day.

**The CHAIR:** Four hours per shift, continuously. That tends to consolidate the minds of the Committee members that you are serious. Thank you very much for appearing.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

~break/

**MARY LYONS-BUCKETT**, Mayor, Hawkesbury City Council, affirmed and examined

**PETER CONROY**, General Manager, Hawkesbury City Council, affirmed and examined

**The CHAIR:** Councillor Lyons-Buckett would you like to make an opening statement before we proceed with questions from the Committee?

**Ms LYONS-BUCKETT:** I would. We have provided some material to be distributed as well, which I will refer to in my opening statement.

**The CHAIR:** The secretariat will pass that around.

**Ms LYONS-BUCKETT:** Thank you for the opportunity to attend the inquiry today and answer questions on behalf of council. Council is opposed to the current proposal to build a replacement bridge across the Hawkesbury River at Windsor. Our opposition is based on our desire to protect the township of Windsor, the third oldest settlement in Australia; to protect Thompson Square, the oldest town square in Australia; and to protect the existing Windsor Bridge, a widely acknowledged heritage item. We believe that the town of Windsor, its residents and businesses will be best served if the New South Wales Government redirects funding to a new bridge project that: does not repeat the mistakes of the past, as evidenced by the Windsor tollhouse—in the material handed out there is a photo showing how heavily compromised that heritage item is due to the building of a road in 1976—which avoids damaging Australia's oldest town square; which facilitates increased economic activity with the Windsor town centre; which provides a better response to the issue of flooding and the movement of people during periods of flooding; and which genuinely addresses traffic congestion—congestion that will not be eased with the new replacement bridge and that is set to increase as the population of the Hawkesbury and surrounding areas increases.

The Greater Sydney Region Plan forecasts an increase in population that will require 725,000 new homes and space for 817,000 new jobs in the new western parklands city over the next 20 years. This translates to an increase in personal and business movements in Windsor. However, council's position should not be seen as resistance to growth. 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 properly address future challenges. However, we object to a bridge project that is ill-conceived and the governance of which does not reflect true collaboration, has never followed conventional approaches, has never addressed community concerns about heritage, traffic impacts and flooding, and that reflects a narrow-minded insistence on removing the existing bridge. These concerns are particularly pertinent at present with the recent archaeological salvage work that has discovered brick barrel drains that date back to 1814. Professor Ian Jack's report and his resume are included in the attachments we have provided.

These recent findings beg the question: How can the New South Wales Government 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 cost variations. Does the Government not remember the Auditor-General's report on the "Tibby" Cotter bridge? Again, we have provided some information on that. The town of Windsor was founded by Governor Macquarie and the original bridge was opened on 20 August 1874. The bridge is listed on the New South Wales State Heritage Register. Likewise, Thompson Square is also a listed heritage item described as:

... the only public space remaining from the original town and 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.

Furthermore, the New South Wales Heritage Council, in its advice to the RMS in 2011, described option one—that is the preferred RMS option—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 include 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.

We believe that the RMS's determination to remove the existing bridge, its continued ignorance on the heritage values of Thompson Square, the surrounding streetscape and built form of the square has led to a poor solution for our community. In attachment No. 4 in the information we have provided, contrary to a unanimous view amongst heritage specialists, the RMS chose to identify Thompson Square as the open space in the middle

and basically excluded the buildings that frame it. Would they apply the same thinking to public squares in Rome or Venice?

The State heritage listing describes the existing bridge as having a high level of historic, technical, anaesthetic and social significance as an important historical and physical landmark in one of the State's preeminent historic towns and in the wider Sydney region. It is the oldest extant crossing of the Hawkesbury River. The Windsor Bridge has landmark qualities as only one of 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. How is it that some cities can preserve many bridges, but the New South Wales Government struggles to preserve any? Again, we have shown you some examples of the 18 movable bridges within two miles in Chicago.

In council's opinion, the heritage bridge should be retained and over time its role transitioned to a bridge for 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 with an option for additional lightweight local vehicular traffic. The project also raises a number of procedural and governance anomalies. First, the term and the content of a strategic conservation management plan are a product of the approval for the Windsor Bridge replacement project. It is a one-off term. It has no origin in any legislation, Act or regulation; it never existed before this development and its form and content is still evolving.

Next, despite having no reference point, no definition is included in the state significant infrastructure approval to define or explain what a Strategic Conservation Management Plan is. Further, the reference to the strategic conservation management plan varies throughout the document. At times, it is referred to as the "Strategic Conservation Management Plan ", and on other occasions it is referred to as the CMP. We have referenced that in attachment six. This, in turn, creates a further issue, as the abbreviation "CMP" is a term commonly used by the Heritage Council of New South Wales and related parties to reference a Conservation Management Plan. Conservation Management Plans are developed in accordance with published guidelines and are regularly endorsed by the Heritage Council. The strategic conservation management plan is not being prepared in accordance with the Heritage Council guidelines and is not endorsed by the Heritage Council. We have included the Heritage Council document in attachment seven.

The boundaries of heritage aspects of Thompson Square vary dramatically across the project, depending on who is responsible for what. In the case of both the State Heritage Register and the council conservation area, the boundaries are virtually identical—we show that in attachment eight. In the case of the state significant approval, there is both confusion and disagreement between the boundaries of the council conservation area, nominated extent of the strategic CMP study area, and the nominated extent of the strategic CMP study area to front facades within property boundaries. Condition B1 requires the submission of a strategic conservation management plan for the project area on the southern side of the Hawkesbury River, as shown in appendix two of the strategic conservation management plan study area, where ever that might be. We have put an extract of that approval in attachment nine.

Furthermore, the project is not proceeding in accordance with the accepted practices and conventions associated with a conservation management plan project. Normally, such a project proceeds as follows: step one, complete the conservation management plan first. This provides the policy direction and priorities for any development to achieve. Step two: the proponent then commences the design process, responding to the policies and objectives contained in the conservation management plan. In this instance, RMS approached the project in the reverse order, and, as a consequence, the Department of Planning and Environment commissioned an independent report that observed that: "it appears that the scope throughout much of the duration of the project has focused on justifying the preferred option, as opposed to undertaking a thorough investigation into alternative options."

Finally, it appears that when honest mistakes were made, people remained silent, rather than correcting the misunderstandings. For example, it appears that in the case of an ultimately unsuccessful challenge to the state significant infrastructure approval by a local community group, *Community Action for Windsor Bridge Inc v NSW Roads and Maritime Services & anor* [2015] NSWLEC 167 (CAWB v Minister), Judge Brereton referred to the existence of the conservation management plan. However, at the time of the determination, the conservation management plan had not been released, only guidelines for developing a conservation management plan had been released. Now, there is an opportunity to pause the project and strategically consider an expanded range of options, if for no other reason than that the Government has recently released its Western Sydney transport corridors plan. This provides an opportunity to explore superior options for the flooding, heritage and transport issues that currently remain unresolved. We have attached the transport corridors plan in the final attachment. Thank you.

**The CHAIR:** Thank you. That was a very comprehensive opening statement.

**Dr MEHREEN FARUQI:** Good afternoon and thank you very much for coming. The council's submission states that RMS has never given the community an option other than dismantling Windsor Bridge. You have said that there was "a narrow-minded insistence on removing the existing bridge." Could you elaborate on why you said that?

**Ms LYONS-BUCKETT:** That is exactly how it appears. None of the original options that were put forward in the initial stages included a bypass. Several of them were not feasible options, as it turned out. In terms of removing the bridge, there has been an insistence throughout that the bridge has to go. Any suggestion for it to be used for another purpose has not been taken up. That is a major flaw. It has been a very clear message from the Government that the removal of the bridge is as important as the creation of a new bridge.

**Dr MEHREEN FARUQI:** I want to clarify that the council's view is that the bridge be retained and refurbished?

**Ms LYONS-BUCKETT:** Yes.

**Dr MEHREEN FARUQI:** Do you have a view on the bypass?

**Ms LYONS-BUCKETT:** I would certainly like to see a bypass, but, as alluded to in the opening statement, we have just seen both the draft transport strategy for 2056 and, of course, the recent release of the corridors plan. In amongst this there is a bridge that is not going to be of any benefit to our community, and yet there are various other strategies being developed. I think that it needs to be stopped and then we need to look at the area overall, so that we get a better outcome.

**Dr MEHREEN FARUQI:** I want to move on to the issue of flooding. It is an area of particular interest to me. When I worked at Port Macquarie-Hastings Council, I did the Hastings flood management plan and the Camden Haven flood management plan. I know that councils are intimately involved in flood management. From your submission, I understand that the council has some issues with the flood immunity claims about the bridge that have been made by RMS. Could you give us more information on that?

**Ms LYONS-BUCKETT:** If you are familiar with where the bridge is, you will know that both the entry points onto the bridge from both sides come from very low-lying land. As well as that, the roads that lead off those entry points dip and move through various stages that are very flood prone. While the proposed new bridge is slightly higher in its main structure, it would not make any significant difference to the flood accessibility to the township because the other local roads would be cut anyway.

**Dr MEHREEN FARUQI:** That is my understanding from how I read it as well. There were also quite a few concerns raised about traffic modelling and the various independent consultants that looked at the EIS and were engaged by the Department of Planning and Environment. Do you have concerns with the traffic modelling, or is it your view that if the bridge is built there will be more traffic?

**Ms LYONS-BUCKETT:** Generally, we have a major congestion issue. We do have two of the major routes leading out of Sydney—one to the west and one to the north—and have a growing number of vehicles on those roads. This is not a solution; it is a sub-standard solution to our traffic woes. I am not sure of the exact numbers because I do not do that, but, as someone who lives there, I can see, on an annual basis, the increasing issues with traffic congestion, particularly with heavy vehicles coming through the townships.

**Dr MEHREEN FARUQI:** Has council ever done any traffic modelling in and around those areas?

**Mr CONROY:** We recently commissioned a study and the results of that are being validated at the moment. That study is for the network north of the Hawkesbury River. The preliminary findings are that the bridge is not going to resolve the congestion that exists there; it is merely going to move it from one location to another within the footprint of the town centre. Therefore, it is not a solution for traffic congestion.

**Dr MEHREEN FARUQI:** Will you be releasing the report once it is finalised?

**Mr CONROY:** Our hope is to release it in the next three to four weeks. If we can provide a copy to the inquiry, we will certainly do it.

**Dr MEHREEN FARUQI:** Some experts have also expressed the view that the existing historic Windsor Bridge could, at the very least, be kept for pedestrian and cyclist use. But what you are saying is that it could be used for even more, for vehicles as well.

**Ms LYONS-BUCKETT:** I would imagine if it had some form of repair and perhaps even a little bit of widening or something—I am not a bridge expert—it could certainly be used for local traffic if the heavy vehicle traffic and passing-through traffic was taken via a bypass.

**Dr MEHREEN FARUQI:** Are you aware of any housing or property developments or proposals that would benefit from the Windsor Bridge replacement project? We heard that there was a housing development close by.

**Ms LYONS-BUCKETT:** There is one at Jacaranda Ponds. It is for around 580 lots, if I recall, which is significant in our area even though it is not in the growth sector areas that are much larger. That project would benefit and it had a provision in its original approval stating that it would go ahead when the Windsor Bridge was replaced. It has not proceeded to date and it has a voluntary planning agreement. It is at Glossodia which, of course, you can access via North Richmond as well, but probably the main access in to Windsor would go via the Windsor Bridge.

**Dr MEHREEN FARUQI:** Are there any industrial developments or proposals that you are aware of, such as maybe for sand mining that could also benefit from the Windsor Bridge replacement project?

**Ms LYONS-BUCKETT:** I am not aware of any actual proposals that exist, although of course I have heard talk about such things. I do believe that people have proposed that that could be a reason for removing the current bridge.

**The Hon. DANIEL MOOKHEY:** I will ask a few questions to establish some preliminaries about the council. How many residents do you currently have?

**Mr CONROY:** 66 450.

**The Hon. DANIEL MOOKHEY:** You have a planning department, I presume.

**Ms LYONS-BUCKETT:** We do.

**The Hon. DANIEL MOOKHEY:** What would be the size of it?

**Mr CONROY:** It is in the order of six assessment officers and four strategic planners.

**The Hon. DANIEL MOOKHEY:** Do you also have an engineering division or a public works division or some combination of the two?

**Mr CONROY:** We do, yes.

**The Hon. DANIEL MOOKHEY:** Do you also have the ability to undertake traffic modelling and traffic flow audits?

**Mr CONROY:** Historically, the council has not funded that sort of function. We have a proposal to include it in the next budget. At the moment, we outsource that.

**The Hon. DANIEL MOOKHEY:** Forgive me if this sounds like an inane question. To the extent to which there are experts in the Hawkesbury community, is it reasonable for us to assume that that is the Hawkesbury council?

**Mr CONROY:** I am not sure I understand the question.

**The Hon. DANIEL MOOKHEY:** I will assume that you are not disputing my assertion that you guys are experts in your community. Do you think the RMS has properly engaged the expertise of the council as it has developed the project?

**Mr CONROY:** From a staff point of view, I can say that we were presented with some options. That probably would not be the way that I would have progressed a project such as this. I would have started with some objectives. Particularly in the case of Windsor, I would have started with some heritage, economic and flooding objectives. I would then have developed options that responded to those objectives. But that is not really the approach that was taken in this instance.

**The Hon. DANIEL MOOKHEY:** Can you give us a time period of when you were presented those options by RMS?

**Mr CONROY:** I think they go back to about 2008.

**Ms LYONS-BUCKETT:** Yes, about 10 years ago.

**The Hon. DANIEL MOOKHEY:** Were you given any meaningful opportunity to negotiate the parameters of those options with RMS?

**Mr CONROY:** I will have to take that question on notice and go back to speak to staff in the council. I have only been there for 10 months so I would not want to be too specific in my answer. We certainly talked to RMS and its staff.

**The Hon. DANIEL MOOKHEY:** When the Department of Planning and Environment was making an assessment of the project, did it invite the council to submit any conditions that it thought should have been attached to planning approval?

**Mr CONROY:** I do not believe so.

**The Hon. DANIEL MOOKHEY:** Were you given any advance warning as to the nature of the conditions that they would attach? Incidentally, you have been very helpful in providing that in the appendix here.

**Mr CONROY:** I do not believe so.

**The Hon. DANIEL MOOKHEY:** Did they show you a draft and ask what you thought?

**Mr CONROY:** I do not believe so.

**The Hon. DANIEL MOOKHEY:** Throughout this process, has the council been an elected body or has it been under administration?

**Ms LYONS-BUCKETT:** No.

**The Hon. DANIEL MOOKHEY:** Is it correct that as the elected body of the Hawkesbury community, you have not been given the opportunity to have an input into the final planning conditions which were attached to this and are legally enforceable?

**Ms LYONS-BUCKETT:** I am not sure what happened before I was on council in terms of what the elected members went to do. I have been on council since 2012. I have not ever—

**The Hon. DANIEL MOOKHEY:** If we were to look at the existing planning conditions, are there any features of those conditions that you would say are because of the Hawkesbury council?

**Mr CONROY:** No.

**Ms LYONS-BUCKETT:** Not to my knowledge.

**The Hon. PETER PRIMROSE:** I will go back to an issue you raised on pages 11 and 12 of your submission. I am very interested in the conversation we had this morning about the issue of flooding. You note that one of the objectives of doing this in the first place was "to improve flood immunity by providing for a one-in-five year flood event". That is one of the keys for doing this project. You say, "There is no evident increase in flood immunity benefits. Windsor Road and Wilberforce Road are cut early in a flood event and Windsor ultimately becomes an isolated flood island." We heard more about that this morning. The members can read the rest of the submission themselves. When you put this to the RMS, what did it say? When you said, "You might be building a slightly higher bridge but all the approach roads are all going to be flooded anyway, so it is really a false undertaking?", did RMS have any comments?

**Mr CONROY:** From a technical perspective, the RMS response is that the one-in-five breach—that is, the frequency of one-in-five chance—is better than the current level, and you cannot dispute that. But the fact that the one-in-five level is in the order of probably 7.3 to 10 metres lower than the one-in-100, it is not really a good solution. If there is a flood, we need to be able to get people out of the floodplain safely and quickly but also we need to be able to get people across the floodplain rather than it dividing the community. Historically, that has been a real issue for us in flooding. When there is a flood, we have people on either side of the river and they cannot get in contact with each other. The council's position is that it wants a permanent, high-level, all-purpose crossing across that Hawkesbury Valley and that is what we should be pursuing as part of this project, not a one-in-five year solution which is prone to regular disruption.

**The Hon. PETER PRIMROSE:** I will ask a deliberately leading question. Would you almost say that by proposing something that, in fact, is not a real solution, you are perhaps endangering the community because there is no proposal to allow people to leave in the case of a flood? We have discussed other bridges in the past but in fact it is providing a false promise. Can you comment on that?

**Ms LYONS-BUCKETT:** Given that the current bridge is lower, I imagine that it could be said that it also endangers people. As I alluded to before, in terms of what we need to be looking at now, because we have also got a flood strategy from the Hawkesbury-Nepean Valley which includes a number of things, we need to be really seriously looking at how we get people out of these areas. We are going to have lots of issues with cumulative overland flooding from the development that has been done already on the fringes of the city. If there is public infrastructure being built it needs to be properly giving people immunity from flood, not just a little bit in the centre of a bridge.

**The Hon. PETER PRIMROSE:** I think one of the central issues that has come out this morning is the inadequacy of the planning for future flooding. At the top of page 12 you make reference to the Hawkesbury-Nepean Valley Flood Management Taskforce and the work that it is doing. Can you talk to us about the role of that task force and when you expect there to be some recommendations?

**Ms LYONS-BUCKETT:** They did release last May—I think it was—the Resilient Valley, Resilient Communities study. That strategy has a number of parts. They centre around things varying from raising the Warragamba Dam wall to more localised strategies such as an education campaign for flood awareness. It became very apparent when they were doing that work that there is a huge number of people living in the valley who have no idea about the flooding. There has been no resilience building to equip people to deal with a major disaster in flood. Also we need to be completing the evacuation routes that are incomplete and which is why Windsor becomes an island when there is a flood.

**The Hon. PETER PRIMROSE:** How do the views and comments of that task force apply to the issue that we are debating today?

**Ms LYONS-BUCKETT:** I would imagine, given that their objective is to mitigate as fully as possible against flooding in the valley, not that they have said anything specifically about the Windsor Bridge, that they would expect any infrastructure being put in place to be as safe and as adequate to mitigate against flooding as possible.

**Dr MEHREEN FARUQI:** This morning when RMS witnesses were giving evidence they said that the proposed bridge provided a high level of flood resilience. Would you agree with that statement?

**Ms LYONS-BUCKETT:** No.

**Mr SCOT MacDONALD:** On page 8 of your submission you say:

However, we recognise that the Bridge, and how it is used in its current state, is untenable. Further, we recognise the costs of renovating the bridge and additional infrastructure and improvements to meet expected growth ...

We heard this morning from RMS that if they go down the route of refurbishment it would be six to 12 months, from memory. Surely it would be a concern to your community if they go down that path?

**Ms LYONS-BUCKETT:** I have heard alternative views from people who have told me what they have been told by engineers. I cannot really comment on that because if that is what they said then that is what they said. I believe if that were the case the bridge would not be being allowed to be operated as it is. It has no load limiting on it. It is used by a massive amount of traffic every day. I would imagine with some form of repair it would have a lot more longevity than that.

**Mr SCOT MacDONALD:** They talked about longevity of 10 years to 20 years but a refurbishment would mean a closure for some period. If I understand you right, your preference is to pause the process. Have you got a time frame in mind that you would need to review everything you wanted to review and get some work under way whether that is on a new bridge or a refurbishment?

**Mr CONROY:** I think the time line that we are suggesting would be the Government's own time line. They have just released the corridors for Western Sydney. A number of those corridors that are under investigation are in the vicinity of Richmond and Windsor. We would like to work with the Government to examine those time lines to explore an alternative to this location that satisfies commuter and emergency needs for Richmond and the Hawkesbury generally and Windsor. I think that is the time line that we would like to work with together with the State Government.

**The CHAIR:** Are you able to put on the record your understanding of what those time lines are in the investigation?

**Mr CONROY:** At the moment the consultation process concludes on 1 June this year. We will be certainly making a submission, as will a lot of other parties, and we will be exploring some of those opportunities in our submission.



**The Hon. RICK COLLESS:** That is for the Castlereagh route, correct?

**Mr CONROY:** That is correct.

**The Hon. RICK COLLESS:** Mr Conroy, I assume you have engineers on your staff.

**Mr CONROY:** We do.

**The Hon. RICK COLLESS:** Do you have somebody who is qualified in bridge engineering?

**Mr CONROY:** No, we do not.

**The Hon. RICK COLLESS:** Have your engineers looked at the existing bridge and made an assessment of the RMS estimations for rehabilitation and so on?

**Mr CONROY:** They have reviewed a number of documents. One of the challenges for a lot of stakeholders is the divergence of views on the condition of the bridge. There has been material presented by former RMS employees who have presented a different view to current RMS employees. I think there is a need for a process that takes a lot of that uncertainty out of it. Obviously the answer is somewhere between the two. But again, as the Mayor referred to in her submission, it is possible to retain these heritage bridges and to use them. Whether the ongoing use of it is a major heavy transport thoroughfare or whether it is a local traffic thoroughfare that links both sides of the river and expands the Windsor township operation to both sides of the river, I think that is part of the conversation that needs to happen.

**The Hon. RICK COLLESS:** A new bridge over the river to accommodate the Castlereagh corridor would more than likely be between Penrith and Richmond, would it not?

**Mr CONROY:** There are options for a corridor between Windsor and Richmond as well. Again, we have started the process of investigating that and we will do that with our transport consultants.

**The Hon. RICK COLLESS:** If that were to be the case there could be a new bridge over the river that would accommodate the Castlereagh and Bells Line of Road connection as well as the Putty Road connection. Is that your view?

**Mr CONROY:** Correct.

**The Hon. RICK COLLESS:** I think you referred to a high-level bridge. What do you mean by that in terms of AHD or flood recurrence or whatever?

**Mr CONROY:** The State Government's study for the Hawkesbury floodplain as a starting point adopts the probable maximum flood. That is the absolute worst case scenario. That puts the flood level at around about 26.3 metres. The one-in-100 flood level is about 17.3 metres.

**The Hon. RICK COLLESS:** To put that in perspective, I think the 17-metre level would still leave George Street in Windsor out of water, would it not?

**Mr CONROY:** The northern section between Baker Street and Bridge Street is just out of water. But it is a rise of over five storeys in height above the river. We are suggesting that there is benefit in giving consideration to that high-level bridge that provides an evacuation route but also provides an alternative means of crossing the river in emergency situations whether it is flooding or fire or, importantly, the closure of the Great Western Highway so that it gives us an alternative way of crossing the river.

**The Hon. RICK COLLESS:** The Jim Anderson Bridge escape route is 17 metres. Is that correct?

**Ms LYONS-BUCKETT:** I think so.

**The Hon. RICK COLLESS:** When you are talking about a new high-level bridge you are talking about a similar height?

**Mr CONROY:** That is correct.

**The Hon. WES FANG:** We heard evidence this morning from the RMS that the bridge in its current form is unsustainable into the medium and long term. You have expressed support for the retention of the current bridge. We have just heard that current RMS staff have different views from people who were there previously. What is council using to evaluate those divergent views in order to support the idea of the retention of the current bridge? How is council putting more weight on the views of former staff as opposed to the staff who are currently assessing the bridge? Given the costs they were outlined today, how would council support the retention of the current bridge if that is what it is advocating for?

**Mr CONROY:** One of the first things that needs to be determined is: If the current bridge is to be retained, what is its role? As I said earlier, it is less than a one-in-five year crossing so it is never going to be a viable, strategic transport route across the Hawkesbury. That has to come in the form of another bridge—that is, the high-level crossing that we are suggesting. If it is going to be retained it is going to be more for local purposes, local needs. At the moment we have got a river that runs along the edge of Windsor, there is a large recreation area on one side and the township on the other.

We would like to explore the opportunity to keep the bridge as a means of moving between both sides of the river, which means that its future use is not as a heavy transport and heavy haulage bridge; it is as a local traffic route for pedestrians, cyclists and light motor vehicles. That is a different sort of proposition in managing that structure going forward and the costs of managing it going forward. Again, we would probably be happy to participate in a conversation with the State Government about options for doing that. The dilemma for us is that that is not something that has been actively pursued up until now.

**The Hon. WES FANG:** That is a bit different. You are now talking about exploring the possibility of retaining it as opposed to advocating that it is retained.

**Mr CONROY:** We are advocating that it should be retained and we are indicating our support to work with the RMS to do that in the context that I have just spoken.

**Ms LYONS-BUCKETT:** If I could just add to that because I think you are looking for an indicator of why we would be advocating for that based on material from someone who used for the RMS as opposed to the current direction of the RMS? Speaking from a non-professional point of view in terms of engineering but speaking as an elected person, and knowing that there is a strong majority who feel the same and support the same thing, there has been no indication of anything wrong with that bridge. I would imagine if you see that a bridge is failing there would have been incidents, load limits and things that would indicate that there was something very wrong with it. Having read the reports from the retired engineers, I think people have a general feeling. When you drive on the bridge—I do not have a problem with it, I drive on it all the time—there is a feeling amongst people that it is not as dire as is pointed out.

**The Hon. WES FANG:** I am not an engineer by any stretch of the imagination but I take the advice of the RMS in the evidence that was presented today. I am a qualified pilot and I understand the value of things like non-destructive testing. While things may not appear to fail, it is what you cannot see. The evidence today was, for example, that the case columns are shrinking, wearing away, the concrete issues and all those sorts of things. If the costs for the retention of that bridge are as expensive as those given to this Committee in evidence, is the council prepared to assist the RMS with the cost of the maintenance of that bridge?

**Ms LYONS-BUCKETT:** I would imagine that would be a decision the council would have to take once the figures were known.

**Mr CONROY:** We do have some figures—I think they are available to the inquiry—that between about 1994 and 2013 between \$5700 and \$8700 a year was spent by the RMS on the bridge. You can manage a bridge to a particular outcome and maybe if you spent a little bit more in preventative maintenance you could ensure the longevity of the bridge. There has not been a lot of money spent in recent years. That is an historical sum of money that was spent.

**The Hon. DANIEL MOOKHEY:** You identified the Western Sydney corridors plan as one new development from the State Government since the planning approval. Another was the emergence of the Greater Sydney Commission and the design of the district plan. I presume Hawkesbury council has participated in that to the extent that any council has?

**Ms LYONS-BUCKETT:** Yes, we have.

**The Hon. DANIEL MOOKHEY:** Please bear in mind that I have no idea what is those plans. What is your view of the extent of any alignment between those strategies?

**Ms LYONS-BUCKETT:** We are part of the Western City District Plan. I would not think that it aligns too well. At the end of our submission there are a number of contradictions that that project would have with the content of the district plan.

**The Hon. DANIEL MOOKHEY:** Could you briefly summarise those contradictions as you see them?

**Ms LYONS-BUCKETT:** I will read them:

**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.'

It contradicts that planning priority. The second one is:

**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.'

The third one is:

**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.'

It also does not align with the various objectives included in the Western Sydney city deal—looking forward to 30-minute cities and having people in close contact to where they work from where they live, et cetera.

**The Hon. PETER PRIMROSE:** You and others have mentioned the two retired engineers. Do you think it would be worthwhile for the Committee to hear from those retired engineers?

**Ms LYONS-BUCKETT:** I would expect so. That would give a technical perspective I guess.

**The CHAIR:** Thank you for attending today's hearing. Your insight has been critical. There should always be coordination between various levels of government. The Committee values the evidence you have given today, particularly your supplementary submission. Replies to any questions taken on notice should be within 21 days of their receipt.

**(The witnesses withdrew)**

**ANDREW DOUGLAS**, Director, Cambray Consulting, sworn and examined

**The CHAIR:** Normally with a hearing such as this we would ask you for an opening statement then proceed to questions from the Committee. Would you like to make an opening statement?

**Mr DOUGLAS:** I do not think I have anything that was not in our report. I am happy to pass on an opening statement and just take questions.

**The CHAIR:** I have asked each member of the Committee to identify themselves when they ask a question so you know which member you are speaking with. I will proceed with Dr Mehreen Faruqi.

**Dr MEHREEN FARUQI:** I understand that you were commissioned by the Department of Planning and Environment to assess the traffic modelling presented by RMS in the EIS of the Windsor Bridge replacement project, would that be correct?

**Mr DOUGLAS:** Yes, it was to conduct a review of all the traffic and transport aspects in the EIS.

**Dr MEHREEN FARUQI:** I understand that you had some concerns about that. Could you highlight some of those concerns for the Committee?

**Mr DOUGLAS:** I suppose the primary concern from my perspective, the transport and traffic perspective, was that maybe the study had kind of zoomed in on a preferred option, or at least that the study area was maybe defined a little bit too narrowly to allow broader consideration of other options. I note that it is called a bridge replacement project, so in that context maybe that in itself, the definition of the scope of the project was where that started.

**Dr MEHREEN FARUQI:** Did you make any recommendations to the Department of Planning and Environment based on your assessment?

**Mr DOUGLAS:** Yes. We recommended they consider potentially expanding the scope of the investigation from a transport and traffic perspective, and also a number of suggestions on some of the specific traffic modelling, intersection modelling kind of assumptions, inputs and some of the technique that we do.

**Dr MEHREEN FARUQI:** As far as you know were any of your recommendations acted upon?

**Mr DOUGLAS:** I think the intersection modelling feedback was largely acted upon. There were probably still a few residual things but most of that was responded to in some way. The broadening of the study area to consider broader options was, as I understand it, not taken forward, no.

**Dr MEHREEN FARUQI:** Given that you know the area because of your assessment, do you have a view on a better alternative option?

**Mr DOUGLAS:** I think in the back of our report we put forward a handful of ideas. I would probably be lax to say one is better. It is always easy when you are putting forward other options to say this one is better, but if it has not been assessed with the same detail and rigour as all the other options you have to be very cautious about, I suppose, picking a winner. All we would suggest is that a broader-scoped study may have found one, or some of those other options may have had other benefits and minimise the disbenefits, particularly those associated with the impacts on Thompson Square and the immediately adjacent intersections.

**Dr MEHREEN FARUQI:** Given the concerns raised by the vast majority of the community and other heritage experts, would you agree with a view that RMS should go back to the drawing board and assess some other options before anything is done to improve the situation Windsor is in at the moment?

**Mr DOUGLAS:** In an ideal world I probably almost always advocate taking a broader view early so as not to let the focus of the study exclude looking at things that are maybe a bit further afield. In this instance had the process started more broadly there might have been scope to consider a wider range of options and maybe one of those would have proven to be better overall. But because that was not done I cannot really comment other than from a traffic point of view I think it would have been valid to throw the net a light wider.

**The CHAIR:** The Committee just heard evidence from Hawkesbury City Council, which has staff who are not necessarily at a high level but are involved in planning and traffic management. In your study could you access the opinions, the advice or data from the local council? There is also some evidence that post all of these decisions and post the consulting work that the Government has started to put forward some much broader planning in relation to the whole of the Western Sydney Basin. Were you able to access data from people such as the Hawkesbury City Council or were all your studies done, I will call it, cold?

**Mr DOUGLAS:** We did receive, from memory, a traffic study from council. I am pretty confident that that was passed through to us by DPI and made available but we did not have any direct liaison beyond reviewing that study, from memory. I had a colleague who worked on this in more detail and she may have made contact with council but certainly the only document that we referenced in our report was the broader traffic study.

**The CHAIR:** As a professional consultant in traffic management, you have stated that it is probably better to start broad and stay broad until you determine which way you are going to go. Given that we now have evidence that the State Government is looking at very much broader issues relating to Western Sydney, the Greater Sydney Commission and the transport study therein, do you take the view that perhaps some of the assessments that have been done should perhaps be redone in light of those much broader inquiries that are being done by the State Government?

**Mr DOUGLAS:** Ideally, I think if a broader study were to be undertaken—and the current project was not beyond the point of being so far gone that it was permitted—then it is always good to bring fresher information in, and take a broader view. There is a counterpoint to that sometimes where you tend to get to decision inertia because there is always new information flowing in and a judgement call needs to be made. I would think in this instance it would probably be prudent to take a broader view of crossing the Hawkesbury more generally, and the broader road network, at a high level to make sure that over time the strategic road network is something that can be developed in logical stages.

**The Hon. WES FANG:** Putting aside a desire to see a broader study, and acknowledging that there has been an adoption of many of the recommendations that you put forward about changes to the study, do you have any concerns about the study as it was presented to you?

**Mr DOUGLAS:** Probably the two concerns were that it was very narrowly scoped to be merely a bridge replacement project as opposed to a broader transport study. Normally you would start with the broader transport study and out of that would be a separate project. Then if the bridge replacement, as currently defined, was the way to go that would be studied in more depth, so that is the kind of missing step which we have touched on already. And the intersection of Macquarie Street and Bridge Street remains a concern to me insofar as, realistically, our observations and the traffic analysis tend to show that, in fact, that is probably the most critical traffic element in the vicinity of the bridge.

Without a capacity to upgrade that intersection, the benefits of an upgrade to the bridge would be marginal. There are obviously other non-traffic benefits—maintenance, traffic safety because it does not have proper barriers that meet today's standards and those things—but from a pure capacity analysis point of view the Macquarie Street and Bridge Street intersection, I think, certainly needs to have something done to it also.

**The Hon. RICK COLLESS:** When you stated in your report that you looked at a handful of other options, were those options restricted to the other options that were looked at by Roads and Maritime Services?

**Mr DOUGLAS:** We also looked at the range of options that RMS looked at but I suppose the longer-term bypass options that we were suggesting we were trying to see the conversation that maybe any bridge replacement project should be viewed in the context of a wider study, which might throw up that you can bypass Windsor more broadly. You might also be able to do that in a freer manner and that would also have the benefit of taking heavy vehicles largely out of Windsor. I think in the context of that there was an assumption that could be made, and the current bridge would probably remain in its current form, and that if you took the heavy vehicle traffic off it maybe you could get more life out of it and you could maybe do something more for pedestrians and cyclists. But it was really high-level, early-days stuff to just encourage maybe a broader view or tease out whether there had been assessments of some of those. I think one of them had been assessed by RMS and I do not know its current status.

**Mr SCOT MacDONALD:** Did you come in after the decision had been made to remove the old bridge or was that part of your scope?

**Mr DOUGLAS:** We came in as an independent reviewer to the Department of Planning and Environment to review the EIS documents but we also reviewed the earlier assessment that RMS work led to the EIS. I suppose that was our scope. The project is titled Windsor Bridge Replacement Project, so in that sense the initial review was the EIS for replacement. In going back through the options, we said, "An EIS is a kind of a process, we will assess it and compare options." So had all the other options been looked at? One of them probably had been at some point.

**Mr SCOT MacDONALD:** Just say option 1 is built, did you look at retaining the old bridge?

**Mr DOUGLAS:** It was something we asked questions about. My understanding, my recollection from five or six years ago, was that the condition of the existing bridge was becoming such that it would be uneconomic to maintain it. It had already imposed on it a 40-kilometre-an-hour speed limit for heavy vehicles and over time load limits would potentially reduce and then the bridge would become uneconomic to maintain at all. That was how it was explained to us. While we were doing our work I believe there were divers doing condition surveys of the actual piers of the bridge. I think that came back probably not quite as bad as everyone was anticipating. Again, that is not my area of expertise; that is just my recollection.

**Mr SCOT MacDONALD:** Was there any discussion about risks to the new infrastructure from retaining the old bridge in the event of a serious flood?

**Mr DOUGLAS:** There was some discussion. Obviously there is a fear that if a bridge is not up to the task from a structural capacity point of view it might be taken out in a flood because they can have all sorts of catastrophes downstream as well. I think that was why it was a replacement project—in other words, this was a bridge that probably had to have something substantial done to it, or be taken out anyway.

**Dr MEHREEN FARUQI:** You said earlier that one part of the missing process in this case was probably the transport options analysis not narrowing into the bridge replacement without that transport analysis. Given your experience—and I am sure you have come across many other bridge projects—is that the norm?

**Mr DOUGLAS:** It probably depends if you are in a growth area there would generally be that broader, I suppose, network-level assessment of options, development and comparison or if you are on the former national highway network, the Pacific Motorway or the Hume, for example, those studies usually exhaust all options, or go close to exhausting all options, before they come down on a preferred. If you are in an area where there is not much growth and it is more the condition of the bridge that is the issue, then the study bounds can be pretty well limited to the project focusing on what you do with the bridge rather than what you do with the road network. Maybe that is how this one started.

**Dr MEHREEN FARUQI:** Is Windsor a growth area, in your view?

**Mr DOUGLAS:** I would think so. Certainly on the Sydney side of the river, but there is some growth on the other side as well.

**The CHAIR:** It appears there are no further questions. On behalf of the Committee and/or the public gallery who listened to every word you said, I thank you for agreeing to address us. There may very well be some questions on notice that the Committee members will think up. Those questions are sent to you in writing, and we would like answers to them within 21 days, if at all possible.

**Mr DOUGLAS:** Okay—no worries.

**The CHAIR:** Once again, thank you.

**Dr MEHREEN FARUQI:** Thank you.

**Mr DOUGLAS:** Thank you all. Cheers.

**(The witness withdrew)**

**(Short adjournment)**

**CAROL ROSE EDDS**, Chairperson, National Trust of Australia (NSW), Hawkesbury Branch, sworn and examined

**GRAHAM CHARLES QUINT**, Director—Conservation, National Trust of Australia (NSW), affirmed and examined

**BRUCE MATTHEWS DAWBIN**, New South Wales State Representative, Australia International Council on Monuments and Sites, affirmed and examined

**CAROL ANN LISTON**, President, Royal Australian Historical Society, representing the Hawkesbury Historical Society, sworn and examined

**The CHAIR:** I welcome our next group of witnesses from heritage-related interest groups. Before we proceed to questions, would one of you like to make an opening statement; or, if you all wish to make one, could you please make it brief?

**Mr QUINT:** There are two documents I would like to table to which I will refer during my presentation, which will be a very short presentation. There is a letter from the National Trust President to the Federal Minister for the Environment and Energy, and a response from the heritage branch to the president.

**Documents tabled.**

**Mr QUINT:** In 1975, the National Trust of Australia (NSW) listed, on its National Trust Register, the Thompson Square Precinct, planned by Governor Macquarie in 1811 when the town of Windsor was known as Greenhills. Governor Macquarie named the square in honour of Andrew Thompson, noted emancipist, justice of the peace and principal magistrate for the district, who had taken up residence there in 1801. Since the 1975 listing of Thompson Square, the National Trust has looked forward to the rerouting of the main traffic route, which is the Windsor Road — A2, around the town of Windsor, as has happened with other historic towns such as Berrima, Goulburn and Liverpool.

The National Trust has long argued that the site is likely to contain remains from the pre-Macquarie era settlement. Archaeological investigations, just concluded, appear to confirm the National Trust's view that Thompson Square does contain evidence from the earliest days of European settlement in Australia and is worthy of listing on the National Heritage List. Thompson Square is too important and rare a place to be subjected to this major and unsympathetic development proposal. A bypass of the town of Windsor is the proper course of action in this situation.

The trust believes Thompson Square, and particularly its pre-Macquarie era settlement archaeology and Macquarie period archaeology, must be kept intact, not destroyed. It should be properly preserved and visible to the public. The trust is urging the construction of a Windsor bypass, as the adverse heritage impacts on Thompson Square, the historic buildings to the north of the square and the archaeological heritage in the square are unacceptable. The trust does not believe that there is 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 cyclists.

On 2 January 2018 the National Trust President, Mr Brian Powyer, wrote to the Federal Minister for the Environment and Energy, Josh Frydenberg, seeking his making of an emergency National Heritage Listing for Thompson Square. A 9 February 2018 response from the Department of the Environment and Energy stated that the Minister had recently decided not to emergency list Thompson Square in the National Heritage List. The inclusion of Thompson Square on the New South Wales Heritage Register was noted, as were the receipt of many public submissions indicating support for the protection of Thompson Square. The letter then stated: "In light of the state heritage significance of Thompson Square, Minister Frydenberg has written to the Premier of NSW, the Hon Gladys Berejiklian MP, requesting a reconsideration of alternate bridge locations that bypass Thompson Square."

**The CHAIR:** Thank you. That was very succinct. The Committee has taken possession of those two tabled documents. Would any other witness wish to make an opening statement?

**Associate Professor LISTON:** We support what the National Trust has just said.

**The CHAIR:** Great.

**The Hon. WES FANG:** That is very succinct.

**CORRECTED PROOF**

**Dr MEHREEN FARUQI:** Thank you for attending to provide evidence. In the New South Wales Government's submission to this inquiry, one of the key project benefits listed is the unification of Thompson Square. The Government states that the project will provide a reduced road footprint and unified open space within the Thompson Square heritage precinct. What is your view on whether this unification represents an improvement in preserving the heritage of Thompson Square at all?

**Ms EDDS:** I do not believe it does anything at all. There is no factual evidence to support the statement that it unifies Thompson Square. The issue that has been with the RMS all along is that they have created this concept of Thompson Square being a piece of grass with a road through it. It is not. It is listed on the State Heritage Register as a conservation area, which means that it is not only the grassed areas and the road through it but all of the buildings that surround it on the three sides from their front fence to their back fence. The conservation area is not just a piece of grass. If you look at the history—quite frankly, the RMS did not look at the history until quite recently. A professional history was not done until 2017 for a project that was started in 2009. As a practitioner, that is a pretty poor effort in understanding what you are working with.

The history revealed, as we found, that the history of Thompson Square still has not been fully done. The council has commissioned that. A conservation management plan for Thompson Square has not been undertaken; neither has a conservation plan been undertaken to support demolition of the Windsor Bridge. From a historical viewpoint, if you are looking at any historical site, including this building or any item of State significance, where you start is with a conservation plan—not a strategic conservation plan, as has been mentioned by somebody else, but a conservation plan. That conservation plan includes getting together a team of experts. You normally would start with a professional historian, such as Associate Professor Liston, who would go and look at the documentary evidence to support the things that might make it special. That did not occur fully with Thompson Square. It still has not fully occurred. The history was limited to the grassed area, and the grassed area is not Thompson Square.

**Dr MEHREEN FARUQI:** That would be a very narrow scope of works as well?

**Ms EDDS:** Yes, sort of what Cambray was saying.

**Dr MEHREEN FARUQI:** I guess on the other side then, building a new bridge and putting more through-traffic through that area, would that have a negative impact on the heritage?

**Ms EDDS:** I think the New South Wales heritage office made it very clear that from 2009 until 2011 the RTA/RMS met with the New South Wales heritage office and the advice regularly from the heritage office was that this was not a project that they would support or could support because it would do irrevocable damage to Thompson Square. The scale, the whole project, is just out of kilter with the historic environment.

**Dr MEHREEN FARUQI:** Some submissions alluded to the fact that probably the heritage value was not considered in the cost-benefit analysis.

**Ms EDDS:** It was not.

**Dr MEHREEN FARUQI:** So it was not considered at all?

**Ms EDDS:** No, not in any documentation I have seen. The one documentation that I have got that had some value to it was a documentation provided by the RMS—sorry, I have just come back from overseas two weeks ago—which was put in support of the application for the Windsor Bridge replacement project to Mr Haddad. The only documentation with dollar value is "Describe what you propose to do" and it said, "Replace the existing Hawkesbury River Bridge, Windsor Bridge, at Windsor", and the capital investment value of it was \$31 million. And I think we all know around this table that we have spent a lot more than \$31 million, to date, and we have not even got off the ground.

**The CHAIR:** Just a point of clarification. You said that document was written to a person, Mr someone?

**Ms EDDS:** It was addressed to Mr S. Haddad.

**Dr MEHREEN FARUQI:** Are you tabling that document?

**Ms EDDS:** No. As I said, I have just come back from overseas. I think it was part of my submission.

**Dr MEHREEN FARUQI:** It was part of your submission.

**Ms EDDS:** I can provide it if you like.

**Dr MEHREEN FARUQI:** That would be great.

**CORRECTED PROOF**



**The CHAIR:** You do not have to provide your copy today.

**Ms EDDS:** Thank you, because that is all I have got.

**Dr MEHREEN FARUQI:** At the moment, as you know, there is excavation and so-called salvage works going on around the site. I just want to know if any of you or your organisations are involved or are notified through RMS when that happens or if they ask your advice, because you have a lot of collective expertise.

**Mr QUINT:** We have not been asked our advice. We certainly met with RMS in the very early days of the project, well before any sort of archaeological excavation. We have an industrial heritage committee that has been going now for probably 30 or 40 years. We have a member of that committee, our industrial officer, who is a member of the RMS heritage committee. But at the end of the day we have not been out to inspect that. We have seen whatever has been put on the website by RMS. It really needs historians possibly separate from RMS to look at what they have found there and the real significance because I know there are differing views in the community on what that is.

**Dr MEHREEN FARUQI:** And have you suggested that to RMS?

**Mr QUINT:** We are trying to work out what they are doing at the moment. We have heard that they have covered the site up. I know locals are concerned that construction work is about to take place. We are certainly going to be writing to the Premier in response to this, asking that construction work not take place until we have this properly done.

**The Hon. DANIEL MOOKHEY:** Forgive my ignorance of Federal law in this respect, but what is the effect of emergency national heritage listing?

**Mr QUINT:** At the end of the day, if a site is already State Heritage Register listed, it would certainly stop work that would be destructive. I think at the time that was put on it was thought that there was going to be some immediate work taking place that would actually destroy the value there. So one would have imagined there would have been negotiations backwards and forwards between the two governments and the heritage office and the Federal people. By not placing an emergency order that does not mean they will not list it on the National Heritage List, and that is something we are still urging. But at the end of the day, the management really comes back to the State. That is why the Minister is saying it really should be the State heritage office that is administering and acting on this.

**The Hon. DANIEL MOOKHEY:** Is it right to, for want of a better term, describe an emergency listing as some form of an interlocutory position to permit the negotiation between Commonwealth and State authorities?

**Mr QUINT:** I think it is pretty well to that extent, yes.

**The Hon. DANIEL MOOKHEY:** To the extent to which Federal law requires a project to meet certain criteria in order to obtain that listing, what are those criteria?

**Mr QUINT:** I might defer to my colleague Associate Professor Liston.

**Associate Professor LISTON:** Both the State and the Federal heritage environment offices state a number of criteria that places have to meet, such as being related in some way to the course of history in Australia to have some way of demonstrating to people the events, the people, that have been involved in our past and how they are articulated through a physical entity, a place that would be preserved under one or other of the heritage regimes.

**The Hon. DANIEL MOOKHEY:** Is there anyone in the history profession who would have a view that Thompson Square does not qualify under that criteria that you just outlined?

**Mr QUINT:** I think all the views that have been put are very definitely that it does.

**The Hon. DANIEL MOOKHEY:** Were you ever given an explanation from the Commonwealth Department of Environment and Energy? I was just reading a letter that you tabled of 2 February 2018—pretty recent. Were you ever given any explanation as to why the Federal Minister did not proceed? Are you able to provide some reconciliation of the second paragraph, which explains that he has decided not to pursue it, but meanwhile he has asked the Premier to request reconsideration of an alternative bridge?

**Mr QUINT:** We just interpreted that he did not want to go with the emergency one and he was deferring back to the State authorities and the Premier. But we did not take that as a rejection of the heritage

value at the national level and we have asked for an explanation: Does that mean you think it does not meet the criteria or for the moment you have not moved on that?

**The CHAIR:** Just a point of clarification. Have you actually written back to Frydenberg asking for that clarification yet?

**Mr QUINT:** I think we were going to contact the chair of the National Heritage Council.

**The CHAIR:** Can you guess when that advice might be forthcoming back to you?

**Mr QUINT:** We can only write again and ask for clarification.

**Mr DAWBIN:** What makes this site qualify for National Heritage listing is the fact that it has got potential to yield relics and structures going right back to the very earliest settlement of Australia, going back to 1794.

**The Hon. DANIEL MOOKHEY:** Are there any other sites that the trust is aware of nationwide in any part of the Commonwealth which would allow for a similar study or have a similar effect?

**Mr QUINT:** I think the first Government House site would be one, just across the road.

**The Hon. DANIEL MOOKHEY:** That is subject to a proposal like this?

**Mr QUINT:** No.

**The Hon. DANIEL MOOKHEY:** It is wonderful to have historians before us and I would like to now turn some attention to some of the historic dimensions of this. To what extent would you characterise the Indigenous history of the region as being properly historically documented?

**Associate Professor LISTON:** I think, like much of Australia's history, the Indigenous history has perhaps in the past not been given the profile it needs, but I think in the Hawkesbury in particular, where we have well-documented accounts of first encounters, it is emerging and there are many local people who have done a lot of work to try and bring that to the fore. What is exciting about this place is that it is the place where those engagements would have taken place.

**The Hon. DANIEL MOOKHEY:** Depending on your perspective of pre-invasion or pre-settlement, how much of the Indigenous history here is documented that is well beyond the point of first encounter? When we visited the site we were given some early displays of the archaeological excavation and the results showing the use of stone tools that date back 10,000-odd years or at least are estimated to at least date back well before European settlement. To what extent in this region is that history known?

**Associate Professor LISTON:** We have accounts from early settlers of their engagement with the local Aboriginal people. We have place names that survive because of the role of people like Yarramundi, the head of the Richmond clan of the Aboriginal people of that time. We have encounters. We have some record and the local Aboriginal people who are still there have their stories.

**The Hon. DANIEL MOOKHEY:** Ms Edds, you made the point that a professional historian was retained in 2013 and that was four years, probably five, from the point of inception of the project. To what extent did that professional history pick up any of these factors and properly weight them for the purpose of RMS to undertake their considerations?

**Ms EDDS:** Aboriginal history I do not think was part of their brief, was it? The professional history I am talking about was European history and it was restricted to the area of the grass.

**The Hon. DANIEL MOOKHEY:** Do you know why? Was that the result of a deliberate restriction?

**Associate Professor LISTON:** You would have to ask the RMS.

**Ms EDDS:** That reinforces what I say about a team. If you look at an historic site and if it has Aboriginal history, as you would expect Thompson Square would, you would have an Aboriginal historian. You would have a European historian. You would have a conservation architect who is familiar with the buildings. You would have a landscaper and if you are looking at a bridge or a building that has structural issues you would have an engineer with that background and you would put together a team of experts. They prepare a conservation plan and, as a previous speaker said, they put together policies and options. That has not been done for the bridge or Thompson Square.

**The Hon. DANIEL MOOKHEY:** When you say that has not been done, are you saying that was not done as part of the 2013 history exercise and has not been done since?

**CORRECTED PROOF**

**Ms EDDS:** It was not done. The RMS, through the Department of Planning and Environment, defined the area for what previous speakers spoke about, the strategic conservation plan. The strategic conservation plan was restricted to the grass and the roads, which is not Thompson Square, which was part of my submission.

**The Hon. DANIEL MOOKHEY:** I am reading from the planning conditions. This is the archaeological area. I am not sure if you have them. The conditions of approval, B.3. state:

The Applicant shall undertake an Archaeological Investigation Program comprising Aboriginal and non-Aboriginal Heritage in the project area on the southern side of the Hawkesbury River, prior to the commencement of preconstruction and construction activities in the southern area.

The program shall be conducted to the satisfaction of the Director-General and in accordance with:

- a) the Heritage Council's Archaeological Assessments Guideline (1996) using a methodology prepared, in consultation with the NSW Heritage Council for non-Aboriginal heritage; and
- b) prepared in consultation with the OEH (Aboriginal heritage) and the Aboriginal stakeholders.

We have received evidence that is underway. What we should infer from what you are saying is perhaps that could be done in a way that is a lot more comprehensive and historically sound?

**Ms EDDS:** It you get the documentary evidence first and you tie it to the physical evidence then you can make an informed decision. If you make the decision and then build a story around the outcome, and that is what this RMS process has been, this is the outcome and we will go through the community consultation and do the EIS, it was a preconceived idea. I cannot speak on Aboriginal heritage. I do not think it has been done. I could be wrong.

**The Hon. DANIEL MOOKHEY:** My final question is, to the extent to which any such historical work is done, that is not for the purpose of fundamentally affecting the decision to proceed or not but it is adjacent to the original decision to go ahead, is that the correct characterisation of your position? I direct that to both organisations.

**Associate Professor LISTON:** I would imagine so. A decision had been made for the project and the project guidelines required that some history be done. It was therefore post facto. It did not inform the decision, it followed as a requirement. An investigation would have to happen for any item of heritage importance. Sadly, this is not uncommon, a decision is made and a proper investigation of history and heritage happens after the fact when it is too late to save it.

**The Hon. DANIEL MOOKHEY:** Is that the view of the trust as well?

**Mr QUINT:** Yes, that is certainly the case.

**The Hon. WES FANG:** Leading on from the points discussed earlier. Are you aware of the current archaeological work occurring on the site?

**Ms EDDS:** I have seen the photos, I have not been able to access it. It is not my area of expertise.

**Associate Professor LISTON:** I have heard of the documents that have been found that support it.

**The Hon. WES FANG:** Do you think that is providing some value to the community, in that some of the stuff like the barrel drains, from a European settlement standpoint, and some of the items which we went to site and saw, some of the indigenous tools and the archaeological items that were uncovered in the preparation of the site, does that have some value from a historical standpoint?

**Ms EDDS:** It is absolutely essential. I have come back from Thailand. I am one of these people who visits world heritage sites. We go to archaeological sites. It is not my area of expertise. If I can divert a bit. I went to an International Council on Monuments and Sites conference many years ago and I was apologising about the youth of our heritage to a fellow who was on the world heritage assessment committee and he said: Do not ever apologise. Australia has got something that the rest of the world has not got and that is the ability to go back to the first European, not Aboriginal, first European history. In the Hawkesbury we have barrel drains. If you have seen them you are luckier than I am, I have only seen photos, but I believe they are not little, people can walk through them. That is the smugglers tunnel. We have the first court house in the Hawkesbury. The Macquarie Arms is the first pub in Australia.

**The Hon. WES FANG:** There is some debate about whether it is the first pub.

**Ms EDDS:** It was built at Macquarie's request and it was part of the development of Thompson Square. You can go overseas and you can go to their history but they cannot say: this is the first court house, this

is the first church, this is the first pub, and this is the first civic square. You cannot do that for the rest of the world. That is my passion.

**The Hon. WES FANG:** Where I am leading you is: because of the work that RMS has done on the site we have uncovered the barrel drains and we have been able to document a lot of stuff that you have seen in the photos and reports. That would not have occurred without this project. Is that not providing a level of historical value?

**Ms EDDS:** If they had done their history first and if they had really looked at the documentary evidence, we knew the barrel drains were there we just did not know where.

**The Hon. WES FANG:** We do now.

**Ms EDDS:** We do now and it is great. To uncover it and then cover it up I believe is sacrilege. As the mayor was saying earlier, you are in Government at the moment, your Government has identified Richmond and Windsor as historic towns and tourism as something that will save us. We are part of Western Sydney, but we are a de facto part. If you look at some of those documents the only two towns in the Hawkesbury listed in those documents are Windsor and Richmond. Half our population lives west of the river. Half of the population of the Hawkesbury. We have the natural world heritage site on our doorstep.

**Associate Professor LISTON:** One of the things about those drains, enough time spent on historical research would have found the documents that have now been found by Ian Jack. They indicate the massive investment that the Government of New South Wales and the former Governor Macquarie was prepared to put into such boring infrastructure as drainage as early as 1815-16, whenever they are determined to have been built. This is a major investment in a place where probably the closest drains to Windsor then were in India.

**The Hon. RICK COLLESS:** Ms Edds, you were saying earlier on that Thompson Square includes all the buildings to the back fence on the three sides of the square?

**Ms EDDS:** Yes.

**The Hon. RICK COLLESS:** Does that include the Macquarie Arms Hotel and the doctor's house? The square goes to the back of those buildings, does it?

**Ms EDDS:** I can table this, if you like. That is from the New South Wales Government heritage listing of Thompson Square. It does not actually include Macquarie Arms in the Thompson Square conservation area, because Macquarie Arms had been listed previously.

**The Hon. RICK COLLESS:** So the doctor's house—

**Ms EDDS:** The doctor's house is part of Thompson Square.

**The Hon. RICK COLLESS:** Those other buildings on the other side of Bridge Street—No. 10, No. 8 and No. 4—and those sorts of buildings—

**Ms EDDS:** They are all part of it.

**The Hon. RICK COLLESS:** The Thompson Square heritage area goes to the back of those blocks.

**Ms EDDS:** Yes.

**The Hon. RICK COLLESS:** I see you have a map there.

**Ms EDDS:** I can pass it around if you would like.

**The Hon. RICK COLLESS:** If you could table that we would appreciate it.

**The CHAIR:** Consider that tabled.

**The Hon. PETER PRIMROSE:** One of the many things I read last night was Associate Professor Liston's summary and report on the history of Thompson Square. I found that really enlightening. So, thank you very much. With due deference to everyone else, for me that was really valuable. Thank you. Following on from the Hon. Wes Fang's comment I have a question for each of you. If, as a result of wanting to undertake an activity you find something that is really valuable—like the drains—if you were to ultimately entomb it in concrete so it is not accessible but you would at least know that it was probably still there, is that a reasonable thing to do?

**Associate Professor LISTON:** The discovery of archaeological remains varies in terms of how important they are and what the site is. Some of you may have memories long enough to remember the

controversy around the Conservatorium of Music, otherwise known as Macquarie's stables. The discovery of the drains stopped that project. The National Trust had 6,000 or 7,000 people surrounding the building. Because drains are largely destructible items, and many archaeologists see them as important simply for the objects they might find in them, it took a lot of argument to argue that the sign of infrastructure was an investment that one would not expect in a colony of prisoners. So, in the case of the Conservatorium of Music those drains were kept. If you wander around different parts of those buildings you can see them.

Similarly, the site of the first Government House was another place that was intended to have a massive building over it until the people discovered that it was our foundations. Whilst it has an excellent skateboard ramp at the front of it, it nevertheless does show the foundations that are there.

**The Hon. PETER PRIMROSE:** I go back to an earlier comment of Mr Quint. You used the words "work that would be destructive". Is that how you would describe what is proposed for Thompson Square?

**Mr QUINT:** The trust is looking at the broader view. In its entirety, Thompson Square is such an important area that to channel huge amounts of traffic—big semi-trailers—continually through that area, where every other historic town has been by-passed, is what we are objecting to. To have found these incredible drains just adds to the history of the area and is yet another reason you should not do that.

**The Hon. PETER PRIMROSE:** I do not want to put words in your mouth. Earlier on you said—I wrote the words down—that such work would be "destructive". Is that how you would describe what is being proposed to take place?

**Mr QUINT:** Certainly to build a major bridge there to facilitate—and it would!—heavy traffic going through this incredibly important area, regardless of the drains is so wrong in such an area of national significance.

**The Hon. PETER PRIMROSE:** There are probably a dozen other things to ask, but I think that that clarifies it. Essentially, if this option 1 is constructed, how will the historical or heritage significance of Thompson Square be reduced?

**Mr QUINT:** Drastically. It would be an entirely different site. It would be very difficult to interpret what it originally was.

**Associate Professor LISTON:** They may have to put a pile through it. They may have found the drains, but if that is in the wrong spot for the alignment of the road and the bridge then they will destroy them.

**The Hon. WES FANG:** What if RMS had committed, in its construction of the bridge, that it would guarantee that the archaeological discoveries were not destroyed?

**Associate Professor LISTON:** I do not think they could.

**Mr DAWBIN:** It would be a contradiction in terms.

**Associate Professor LISTON:** It would be like the first Government House site, where they had to ban some building going over it, because you could not actually do it.

**The Hon. WES FANG:** If they did?

**Ms EDDS:** They cannot guarantee that they—

**Associate Professor LISTON:** They cannot guarantee it.

**Ms EDDS:** They have not excavated the entire site. They have not excavated all of the grass area or the roads. We do not know what else is there. We have found some things but there could be more. I would not want to put my professional reputation on the line and say that I was not going to destroy it.

**The Hon. WES FANG:** RMS has indicated to us that they would be able to preserve the heritage discoveries that they find in the construction of the bridge.

**Ms EDDS:** How will you know? No-one will ever be able to test it.

**The CHAIR:** Order! We are not having a debate here. The witnesses have expressed an opinion. Yes, the RMS did tell us certain things. The other thing that has been presented to this Committee is that it is not just what is under the ground. It is the bulk and size and height, because the square is three-dimensional. You have two-storey buildings as part of the square on either side. The fact that this is an elevated roadway—it is certainly higher than the old bridge—would impact upon the site. We will not get into a debate about whose opinion is valid.

I ask members to ask their questions. If they have a different point of view they can put that point of view forward in the deliberative meetings. Let us not argue with the witnesses. Mr Fang, do you have any further questions?

**The Hon. WES FANG:** No.

**The Hon. RICK COLLESS:** After having a look at the map that you have provided I want to ask: do we know where the boundaries were of the original Thompson Square that Macquarie identified?

**Associate Professor LISTON:** Jan has done some research on that but I do not have that detail with me. The most research that people are doing is starting to establish how the land grants around it were allocated and then split up to create the town. To put that historical research together involves lots of tiny pieces of evidence being carefully researched and mapped. But, yes, they are starting to establish it. When it started nobody worried about boundaries in the way you worry about whether you own your neighbour's land, now.

**The Hon. RICK COLLESS:** I understand. The map you have provided is really a map of the conservation area as it exists today—

**Associate Professor LISTON:** Yes.

**The Hon. RICK COLLESS:** —rather than Thompson Square as it was.

**Ms EDDS:** It is what is listed on the State Heritage Register.

**Associate Professor LISTON:** It is what is legally called that now.

**Mr DAWBIN:** But that is not necessarily defining an actual historical boundary—

**The Hon. RICK COLLESS:** No.

**Mr DAWBIN:** Because it also has to allow for what they call "curtilage" and—

**The Hon. RICK COLLESS:** Sure.

**Mr DAWBIN:** That is an area to protect that space.

**The Hon. RICK COLLESS:** Since Macquarie identified that site it has had a long history of things happening to it—development—has it not? There has been some destruction of those brick drains as we saw on the day we went out there, where the road of the 1930s incurred upon it. It is a substantially different piece of land to what it was when Macquarie declared it. That is a fair comment, surely. What I am saying is that if this proposal was to go ahead, it would not be the first time that that there had been substantial disturbance to that site.

**Ms EDDS:** One of the papers that has been produced recently, by Professor Jack made the statement that it was surprising how close to the surface those barrel drains were, and those barrel drains were a part of the infrastructure of 1814. So I do not know that I could say, definitively, that there has not been a great deal of work done on them. They were quite close to the existing ground level. If they are quite close, then what you are looking at could be determined as the ground level with a little bit of fill that was when—Macquarie's vision when he commissioned those drains.

**The Hon. RICK COLLESS:** The original road went down Bridge Street, did it not?

**Ms EDDS:** No.

**The Hon. RICK COLLESS:** The original bridge was raised?

**Ms EDDS:** It did not go down Bridge Street.

**The Hon. RICK COLLESS:** When it was built in 1874, was it not on the same alignment of the existing road?

**Ms EDDS:** No. That is something that the trust objected to. The RMS produced a series of maps. You can see that the road changed, as it does. The original road—Bridge Street is too steep for a car with a load to go down it. The roads have changed. When we first moved to the area, you could go across the bridge and turn right beside the river. You cannot do that anymore, so the road alignment has changed over time and there is a series of mapping and photographs to demonstrate that.

**Dr MEHREEN FARUQI:** The drains that have been exposed now, in your view, what would be the ideal thing to do rather than covering them up and building a bridge or piers over them?

**Ms EDDS:** I would like an independent assessment by an archaeologist—I am not an archaeologist; my background is building and building conservation—to analyse options and do a study like you would with a CMP. The significance has been demonstrated historically and you look at options for conservation.

**Dr MEHREEN FARUQI:** Is there also some value in keeping them exposed but obviously preserving them for people to see?

**Ms EDDS:** That would be invaluable for the Hawkesbury and for Windsor as a tourist attraction, which is what the Government is now saying. Our historic towns—that is all the Hawkesbury has got, Windsor and Richmond, so far as Greater Western Sydney goes. But I am not an archaeologist; you would need to ask an archaeologist that question. I have just come back from a country where they have preserved their archaeology. They told us that the archaeology flooded, and it is still there. I think it needs somebody with far more expertise, but archaeology has certainly been exposed. There was one recently at Parramatta under a building.

**Mr QUINT:** The V development.

**Dr MEHREEN FARUQI:** I grew up in Pakistan. Just then you were alluding to India and the Indus Valley civilisation and its more than 2000-year-old drains.

**Ms EDDS:** Yes, and they are still there.

**Dr MEHREEN FARUQI:** The city is still there for everyone to see and enjoy.

**Associate Professor LISTON:** And people go and look at them. These drains would be older than Hyde Park barracks down the street.

**The Hon. DANIEL MOOKHEY:** I want to pick up the line of questioning that the Hon. Wes Fang initiated, and rightly so. In the view of the trust, is it possible that the historical impacts of this proposal could be mitigated?

**Mr QUINT:** No. We have held consistently, as with other historic towns, that there should be a bypass. The bridge that is there at the moment could continue for local access as the council and everybody has suggested, but any major new bridge bringing heavy vehicles into that square will destroy the whole atmosphere and the ability to interpret that for visitors.

**The Hon. DANIEL MOOKHEY:** To the extent to which RMS is prepared to use its power to preserve history and the extent to which we would take them on good faith in that offer, is there any precedence or example that the trust could point us to that shows how that offer could be taken up, codified and made enforceable by RMS on behalf of the community, or would that in fact be the first time that would be tried? And to the extent which it is, does it assume the ongoing benevolence of RMS?

**Mr QUINT:** I can only conclude—and I have looked at the new options that have come out for Western Sydney and a new bridge on the Bells Line of Road—that it appears to me that the other alternative is so much better. People have been saying this all along: Why would you jam the foot into an ill-fitting shoe? It does not seem to make any sense at all.

**The Hon. DANIEL MOOKHEY:** Putting aside the design questions and the design flaws, if we are to assume as a Committee that one of the things that we should do is get RMS to take this more seriously, what is the right mechanism for us to get the commitment of RMS and then translate that into enforceable requirements for which the community can hold them to account?

**Mr QUINT:** Carol will almost certainly say this, but I would say they need to go back to the conservation plan, look at what they have already found, do a proper study of that and what the impacts of what they are proposing will be.

**Ms EDDS:** I started an analysis. In 1977, the New South Wales Government introduced the Heritage Act. In 1999, the RMS produced a document called "Beyond the Pavement". I have got it here. That gave them guidelines of principles of the RTA, "Urban design policy: Thinking beyond the pavement", "Managing urban design in infrastructure projects". Principle two is "Fitting with the built fabric". Principle four is "Fitting with the landform". Principle five is "Responding to natural pattern". Principle six is "Incorporating heritage and cultural contexts". There are nine principles in that. This original document, which the RMS has since updated, actually quoted that they prepared a conservation management plan to guide the development of Windsor Road. If you have driven along Windsor Road, you will see some of the original Windsor Road is part of the bus route and things like that. That is in their guidelines.

You are in government. You make the Acts that we are expected to respect and abide by. You have the Heritage Act. The RMS produced "Beyond the Pavement". In 1999, the Heritage Act introduced a concept of minimum standards for maintenance and repair of State items. I think you have heard sufficient about the fact that Windsor Bridge as a State item has had minimal amount of funding to maintain it. They used to have provisions for wilful neglect, but the Heritage office never got a successful application for that, so they went to the minimum standards. In 2004, the Heritage office produced a document called "State owned management principles" and that was guidelines for State agencies looking after heritage items. There is documentation. There are guidelines for the RMS—RTA—to follow and I do not believe that with this particular project they have met their statutory obligations. I cannot enforce it.

I am an owner of a State item that is significant because of its association with this particular body of people around me. The builder of this building was the first member for Hawkesbury, and that is part of the significance of this building I own. If I decided not to maintain it and then decided without any justification or without doing any studies to demolish it, I would be screamed at by the Heritage Council. It would not allow it. As someone who is a practitioner, an owner of an item of State significance—and it is not for me; it is for the future generations—I really object to the way this project has been developed because they appear to be, from my viewpoint, outside the Acts that this esteemed body set up to protect them.

Can I make a point that the whole approvals process has been deeply flawed. This is one of the major issues that the Australia International Council on Monuments and Sites is concerned about and made a point about in the submission. If the Government had followed its own legislation, we would not be in this position now—it would not have got this far. The talk about RMS finding ways to make it work now would not have arisen because the Government found a way of bypassing all the protection and controls. The site had a permanent conservation order on it, and it was State heritage listed. State heritage listing in New South Wales is the highest level of listing you can get. It was bypassed on the grounds that it was a significant infrastructure project, so the Government could bypass the Heritage Council, which it did. The Office of Environment and Heritage strongly opposed it, but there was no avenue for appeal.

**The CHAIR:** We are out of time. Were those statements made in any of the submissions that you made—1579, 1179, 339 or 338? If they were not, we would be happy to accept a supplementary submission after today with that assertion repeated.

**Mr DAWBIN:** No, that was almost word-for-word what was in our submission.

**The CHAIR:** I thank all of you for making the time to come here today and give us your expert advice. Thank you very much, Associate Professor Liston, for the work that you have done. I agree with my esteemed colleague Mr Primrose that it was very enlightening. Committee members may have further questions that they wish to ask you on notice. If that is the case the secretariat will send you those questions in writing. We would appreciate replies to those questions within 21 days of receipt if possible. I thank all those in public gallery for attending today. They have behaved exceedingly well—nobody has thrown anything at us, waved banners or tried to hit the Chair. I thank them for that.

**(The witnesses withdrew)**

**The Committee adjourned at 16:20**