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Mr Andrew Beattie
Acting Manager
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NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Beattie,

RE: SSI - 4951 WINDSOR BRIDGE REPLACEMENT PROJECT – PUBLIC EXHIBITION OF THE ENVIRONMENTAL IMPACT STATEMENT

This letter has been prepared following review of the documents forming the Environmental Impact Statement for the replacement of the Windsor Bridge. The review has been undertaken by a Heritage Council Sub-Committee formed specifically for this project assisted by Heritage Branch staff. The Committee met on Tuesday 11 December 2012 to finalise these comments.

It is noted that the Director-General's Requirements (DGRs) issued for the project on 24 November 2011 included Aboriginal and Historic Heritage as a Key issue, requiring consideration of State and local heritage items, terrestrial and maritime archaeological issues. The DGRs specifically required assessment of impacts to State and local historic heritage (including archaeology, heritage items and conservation areas), in particular, impacts on the Thompson Square Conservation Area, heritage listed buildings and sites in the Thompson Square conservation area and the Windsor Bridge. Other issues requiring consideration included urban design and visual impact, socio-economic impact, traffic, noise and vibration.

Prior Heritage Council comments and advice

The Heritage Council of NSW has provided comments on the Windsor Bridge Project since 2009 when an initial series of options were developed and exhibited. In 2009 the Heritage Council identified option 9 – Refurbishment of the existing bridge as its preferred option. Next preferences were those options for a Windsor bypass (options 6 and 8).

In 2010 the Heritage Council of NSW reinforced its preference for a bypass option. Nevertheless some comment on Option 1 (the current option) has been provided, and the Heritage Council has previously identified assessment, design and mitigation measures which would need to be considered further in the development of Option 1. Such measures were reiterated in consultation with the Heritage Council undertaken in 2011.

By letter dated 28 October 2011 the Heritage Council advised that it is unequivocally opposed to the project for the 'irrevocable damage' it will do to Windsor and Thompson Square.

Significance of Thompson Square and Windsor as an Historic Town

Windsor was originally established in 1793/1794 as the village of “Green Hills” with a wharf or landing place on the Hawkesbury River. In 1810, during his tour of the Hawkesbury district, Governor Lachlan Macquarie directed the establishment of new townships on higher ground less liable to flooding. The formal plan for the town of Windsor adjoined the earlier “Green Hills” settlement. Thompson Square was named by Macquarie for his friend Andrew Thompson in 1810 and was established by 1811. Thompson Square therefore occupies part of an area that was already occupied by the inhabitants of Green Hills much earlier and then remained in use after its inclusion into the ‘new’ town of Windsor. Thompson Square was protected by a Permanent Conservation Order in 1982 and transferred to the SHR in 1999.

The State Heritage Register (SHR) Statement of Significance for Thompson Square is:

Thompson Square is one of the oldest public squares in Australia and notable for the large number of Colonial Georgian buildings which surround it. It is 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.

Review and Consideration of the EIS Documents

The main EIS report and key working papers related to non-Indigenous Heritage components for the project have been reviewed. In particular, this includes Section 7 ‘Assessment of Key Issues’ and more particularly Section 7.1 ‘State and local historic heritage and maritime heritage’ of the Transport RMS and SKM EIS report dated November 2012; and also the separate specialist working papers in Volume 2 prepared by Biosis and CRM dated November 2012 (WP No.1) and by Cosmos Archaeology in October 2012 (WP No.2). The specialist heritage report states that desktop searches and field surveys were undertaken to identify and assess any historic items in proximity to the project. Archaeological testing and a maritime archaeological survey was also completed to ‘ground truth’ the predictive models used in the EIS. The results of those investigations are provided in the specialist working papers.

The Executive Summary of the main EIS report advises that:

The project would result in a number of adverse impacts particularly on heritage and visual impacts. The main adverse outcomes identified include:

- ***Impacts to the heritage values of Thompson Square, as well as potential impacts to archaeology within Thompson Square and foreshore areas.***
- ***Impacts to Aboriginal archaeology.***
- ***Visual impacts and impacts to the landscape character of the area.***
- ***Additional traffic noise and changes to access arrangements for some residents.***
- ***Construction related impacts such as noise, vibration, traffic and air and water quality issues.*** (EIS Volume 1, Executive Summary, page xiv).

The Biosis specialist heritage report (p vi) found that:

1. All components of Thompson Square are formally recognised as being of State significance; preservation is the primary recommendation to retain significance. The project will impact on the State significance heritage values of Thompson Square and the most appropriate management measure for a significant cultural landscape such as this is to avoid the impacts proposed by the project.

2. *The Windsor Bridge is also of State significance and retention and stabilisation of the bridge is the preferred action to ensure that its significance is retained.*

3. *If the project proceeds, mitigation strategies that reduce the impact are to be implemented. Refer to the mitigation measures below.*

The Heritage Council notes that its prior advice and the advice of the specialist heritage report as quoted in points 1 and 2 above have essentially been disregarded by the findings of the EIS (Section 11.2 Conclusion, p 468) that:

While Windsor bridge replacement project addresses the project objectives it would result in significant impacts on the heritage vistas of Thompson Square Conservation Area and its archaeological resources. These impacts have been minimised as much as possible through reducing the height the bridge, selecting a bridge type that has a lower visual profile and including appropriate urban design features and landscaping, however, they cannot be ameliorated completely. These impacts are unavoidable unless an alternative option was selected, however the alternative options would have other impacts and do not provide as high value for money as the project.

It is the view of the Heritage Council that the current project does not meet one of the project objectives, namely: 'To minimise the impact on heritage and the character of the local area.'

It has been clear since 2009 that other options would better meet this objective. The specialist reports which have been undertaken to inform the EIS have confirmed that heritage and archaeological resources of State significance are situated within the project area and would be detrimentally affected if the project proceeds. It is a long standing Heritage Council position that items of State significance should be retained and conserved. This does not preclude adaptive reuse, but it does preclude substantial demolition. The proposed extensive archaeological salvage programme is not conservation; it would result in the complete removal of the archaeology from the area albeit in a professional manner.

The presentation of the cost versus benefit analysis in the EIS does not adequately address or weight the value of the listed items in Thompson Square and Windsor as a unique and irreplaceable heritage asset for the State of NSW. 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, as purely financial measures have been used and these do not easily address the intangible values of 'character' and 'heritage' and changes to those values.

Future Form of Thompson Square

The project documents also indicate that there is no final plan yet for the future consolidation and reinvigoration of Thompson Square, much of which will remain on the State Heritage Register even if the project proceeds. Therefore the outcome for the Square is uncertain and this is of particular concern to the Heritage Council. It is also noted that the preliminary proposals for the Square mentioned in the EIS have concentrated on the form and features of the open or 'green' space of the Square.

The proposed road plan is inelegant and unresolved – it is too close to significant buildings, too wide particularly where the slip road is proposed, and does not show any subtle balance between traffic space, pedestrian space, landscape and the physical definition of this very important square. The traffic planning and road alignment appear to have been determined by traffic considerations and codes only. Successful squares often have traffic in them but there is a balance between built form, 'hard' landscaping and soft landscaping.

There has been inadequate recognition that the State Heritage Register listing for the Square includes the open space and all of the buildings which surround it. Thus the relationship not only within the open space, but between the buildings and the Square, or the entire setting of the Square is of importance. The placement of a new major road along the

side of Thompson Square will sever the relationship between the buildings along Old Bridge Street to the Square, and also with the buildings on the opposite side of the Square.

Thompson Square thus comprises a series of interrelated components – the setting, historic plantings, monuments, fencing, roadways, surrounding buildings and connections to the River. Such squares are rare in NSW and in Australia.

It is also noted that the contours, shape, appearance and layout of Thompson Square have altered over time, with various changes occurring over its 200 year life reflecting its role as a key public space in Windsor. It is therefore an incorrect argument to suggest that if the existing road cutting is removed that this provides the opportunity to 'reinstate' the Square in a single and most 'correct' configuration.

Mitigation Measures for Heritage Buildings

The City Plan Heritage report (August 2012) included in Volume 2 as Appendix 6 of Working Paper No.1 indicates that no.10 Bridge Street would require noise mitigation treatment and recommends a preferred option, however, page 326 of the EIS states that *'Appropriate architectural noise environmental management measures for heritage listed buildings will be developed based on these recommendations [by City Plan Heritage] and in agreement with property owners, and will be installed by suitably qualified professionals.'* This is inadequate information both for the treatment of State listed heritage items and for decision-making on the proposal.

Other Issues

The Heritage Council is aware that the Windsor Community is also divided on this project and that there has been considerable reaction to the project and opposition raised on heritage grounds by both locals and the wider community (for example the National Trust). A website opposed to the construction of the new bridge has collected 12,000 signatures on-line.

In addition to the major heritage impacts, the Sub-Committee also considered that the proposal would be likely to have broader impacts on the township of Windsor from a town planning perspective and the amenity to the citizens. This may cause detrimental impacts for the retailing businesses of Windsor, and it is understood that the Option 1 proposal is opposed by a number of businesses which are members of the Windsor Chamber of Commerce. Several are signatories to the on-line petition.

The EIS also indicates that due to community concern some other options (for example a route via Hawkesbury Valley Way) have been raised. Whilst it is recognised that the current EIS on exhibition is for the assessment of a specific project (Option 1) the possibility of additional routes not previously considered as part of route selection, suggests that not all options were exhausted prior to the selection of Option 1 as a preferred option.

The Heritage Branch of OEH has advised the Heritage Council Sub-Committee that the Branch was recently contacted by Roads and Maritime Services to advise that further archaeological testing may be needed within Thompson Square to assess impacts. This implies that the current EIS document has not undertaken sufficient work to provide a comprehensive and adequate assessment and as such, is inadequate for decision-making.

Refurbishment of the Existing Windsor Bridge

The Heritage Council previously supported the option to retain the existing Windsor Bridge. Originally built in 1874, it is the oldest existing bridge over the Hawkesbury River although it has been modified several times since first built. The bridge has been included as a State significant item in the Roads and Maritime Section 170 Register (Heritage Act). The heritage investigations for the EIS found that the current Windsor Bridge is a rare item in a State context for both its original design and construction techniques and also because of its subsequent modifications.

It is noted that additional studies have been completed since 2009 (for example Appendix C of the EIS). It may be feasible to rehabilitate and retain the existing bridge for another 20 years subject to the completion of necessary works to address strengthening, repair areas of deterioration, and other management measures such as maintenance and load limits.

The Heritage Council emphasised in its prior comments that it was highly desirable that local and through traffic should be separated and that an option for a Windsor town by-pass would be preferable to those options which traversed the historic town. Even with an updated and wider bridge and its associated major heritage impacts, road traffic congestion through Windsor is likely to remain in peak periods. Once built, a new bridge is only likely to alleviate traffic flow for 10-15 years as at its maximum Option 1 would only accommodate 3 lanes and therefore a separate new Hawkesbury River crossing will still be needed in the future.

Refusal of the current proposal and retention of the existing bridge would allow a more comprehensive investigation of other routes and river crossing options which have much lesser heritage impacts to be undertaken by Roads and Maritime Services.

Conclusion from Review of the EIS

The Heritage Council has previously advised that Thompson Square is of crucial importance to the heritage of the State; that Option 1 is likely to have a long term irrevocable and negative impact on Windsor as a whole and Thompson Square in particular; and that Option 1 does not adequately respect the unique history and State heritage significance of this area.

The serious and irrevocable heritage impacts of a new Windsor Bridge through Thompson Square mean that the Heritage Council recommends to the Minister for Planning that project SSI - 4951 WINDSOR BRIDGE REPLACEMENT PROJECT should be refused on heritage grounds.

Thus, after review of the EIS placed on public exhibition, the Heritage Council remains opposed to the proposed project. Should the Minister be of a different view and be inclined to approve it, the Heritage Council Sub-Committee has prepared the attached Schedule of Conditions that should be applied in order to minimise damage to the heritage values of Thompson Square and surrounds.

I trust that the information in this letter will be of assistance to you. The Heritage Council Windsor Bridge Sub-Committee remains available to provide further advice or comment if the project proceeds.

For further contact in relation to this matter please phone Dr Siobhan Lavelle on 9873 8546.

Yours sincerely



17/12/2012

Professor Lawrence Nield
Chair

SCHEDULE – CONDITIONS IF PROJECT IS APPROVED

The Heritage Council Sub-Committee noted that the EIS document and its specialist component reports have provided a number of recommendations for mitigation measures if the SSI project were to be approved. It is considered that such measures should be strengthened through appropriate conditions of approval for the project. Accordingly, the following Conditions are recommended if the Windsor Bridge Replacement Project is approved by the Minister for Planning:

Heritage

1. The Proponent shall prepare a Non-Indigenous Heritage Management Plan in consultation with the Heritage Council of NSW to identify all heritage mitigation works. That document shall include details of all procedures to be implemented during the works in relation to non-Indigenous heritage items.
2. A specialist heritage manager and heritage consultant team, which includes land and maritime archaeology, engineering and built heritage expertise, shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the Major Project works. The name and experience of this consultant shall be submitted to the Director-General of Planning & Infrastructure and the Heritage Council of NSW for approval prior to commencement of works. The heritage consultant shall advise on the detail design resolution of new works, undertake on-site heritage inductions, and shall inspect new works, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval for the Project. A report by the heritage manager (illustrated by works' photographs) shall be submitted to the Director-General for approval within 6 months of the completion of the works which describes the work, any impacts/damage and corrective works carried out and includes a revised Statement of Significance in accordance with Heritage Council guidelines.
3. All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated heritage consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
4. Significant heritage items and built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
5. More detailed research and other investigations are to be undertaken for each identified heritage item which will be negatively affected by the proposal to address specific impacts arising from more detailed design development and to provide mitigation and management measures for those impacts.
6. Specific mitigation measures for Listed heritage buildings are to be referred to the Heritage Council of NSW or its Delegate to ensure that final measures selected are appropriate and the least intrusive option.
7. Photographic and archival recording of all affected Heritage items, as identified in the specialist reports prepared as part of the Environmental Impact Statement for the project, is to be undertaken prior to the commencement of any construction activity. Recording is to be completed in accordance with the Guidelines issued by the Heritage Council of NSW. Copies of these photographic recordings should be made available to the Heritage Council, the Department of Planning & Infrastructure, and also to the Local Studies Library and the Local Historical Society in Windsor.

8. All affected historical archaeological terrestrial and maritime sites of Local and State significance are to be subject to professional archaeological excavation and/or recording before construction works commence. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines for each site which is to be excavated. Those documents should be prepared for the approval of the Director-General, Department of Planning & Infrastructure and the Heritage Council of NSW or its Delegate.
9. The nominated Excavation Director(s) for the project works must meet the Heritage Council endorsed Criteria for Excavation Directors for open area salvage excavations of State significant sites and in particular must be able to demonstrate Criterion A.4 that: 'work under any approvals previously granted by the Heritage Council has been completed in accordance with the conditions of that approval and the final report has been submitted to the Heritage Council.'
10. After archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, the Local Studies Library and the Local Historical Society in the Hawkesbury Local Government area. The proponent shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations. The information within the final excavation report shall be required to include the following:
 - a/. An executive summary of the archaeological programme;
 - b/. Due credit to the client paying for the excavation, on the title page;
 - c/. An accurate site location and site plan (with scale and north arrow);
 - d/. Historical research, references, and bibliography;
 - e/. Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - f/. Nominated repository for the items, which has agreed to take the items;
 - g/. Detailed response to research questions (at minimum those stated in the Department of Planning and Heritage Council approved Research Design);
 - h/. Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site;
 - i/. Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).
11. A detailed Interpretation Plan for the Thompson Square heritage precinct including specific media design, content, location and materials must be prepared in accordance with the Guidelines of the Heritage Council of NSW. The Plan must be approved by the Director-General, Department of Planning & Infrastructure and the Heritage Council of NSW or its Delegate.
12. Final designs for the Thompson Square heritage precinct must be approved by the Director-General, Department of Planning & Infrastructure and the Heritage Council of NSW or its Delegate. Thompson Square works must be clarified and submitted for approval early in the project so that works are completed concurrently with the overall project delivery.