



Windsor Bridge Replacement – Modification 1

***State Significant
Infrastructure
Modification
Assessment
(SSI 4951 MOD 1)***

April 2020

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Glossary

Abbreviation	Definition
Approval	Infrastructure Approval
Council	Hawkesbury City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EESG	Environment, Energy & Science Group (former OEH)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Public Spaces
OEH	Former Office of Environment and Heritage
Proponent	Transport for NSW (former Roads and Maritime Services)
RTS	Response to Submissions or Submissions Report
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
TSCA	Thompson Square Conservation Area



Executive Summary

The Windsor Bridge Replacement project was approved by the then Minister for Planning and Infrastructure on 20 December 2013. The approval was for the construction and operation of a replacement bridge, northern and southern approach roads, intersections and associated infrastructure for crossing the Hawkesbury River; removal of the existing Windsor Bridge and approach roads; and ancillary works including rehabilitation and landscaping.

Since the project was approved in December 2013, Transport for NSW (the Proponent) has undertaken additional traffic investigations to update the traffic growth rates. The additional information led the Proponent to review the design to provide greater future proofing of the project. The Proponent has submitted a modification request to the approved Windsor Bridge Replacement project. The works include two amendments: line marking changes to the northbound lanes on Bridge Street, and the inclusion of a 'zip' merge lane on the northbound bridge approach between the Bridge Street / George Street intersection and the bridge.

The modification was exhibited from Wednesday 23 October 2019 until Thursday 7 November 2019, a period of 16 days. During the exhibition the Department received a total of 32 submissions, including 3 from public authorities, 3 from interest groups and 26 from the public. Of the submissions received, 26 objected to the proposal, including Hawkesbury City Council. Therefore, the Minister for Planning and Public Spaces is the determining authority for the modification.

During the assessment, the Department received a further request from the Proponent to amend the wording of Condition D3 relating to the rectification of any damage incurred from construction. The requested amendments did not change the intent of the condition, therefore the amendment was not exhibited and has been included with Modification 1.

The key issues associated with the proposed modification include the change in the traffic lanes and configuration of the Bridge Street / George Street intersection, the increase in land take from Thompson Square and the potential impact on heritage items.

The Department acknowledges that the inclusion of the zip-merge lane on the approach to the new bridge, will require land take from Thompson Square (as approved). The Department considers that this change is minor and will not have a significant impact to the unified open space of Thompson Square which will still be delivered as part of the project as modified. To offset the additional land take from Thompson Square, the Proponent has identified an opportunity to work with Hawkesbury City Council to enhance the landscaping in the adjoining Windsor Wharf Reserve. The Department considers that this is an appropriate offset and has recommended a condition of approval requiring the Proponent to undertake these works.

The Department has considered the key issues included in the submissions from the public and the comments from government agencies regarding the proposal. The Department considered that the proposed amendments will provide community benefit from improved traffic flows and increased traffic capacity, and also from the upgrading of Windsor Wharf Reserve. Therefore, the Department recommends that the modification be approved, with the inclusion of the additional condition relating to enhanced landscaping.



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1. Introduction

1.1 Background

The Windsor Bridge Replacement project was approved by the then Minister for Planning and Infrastructure on 20 December 2013. The approval was for the construction and operation of a replacement bridge, northern and southern approach roads, intersections, and associated infrastructure for crossing the Hawkesbury River; removal of the existing Windsor Bridge and approach roads; and ancillary works including rehabilitation and landscaping.

The site is located approximately 57 kilometres north-west of Sydney in the township of Windsor in the Hawkesbury Local Government Area (see

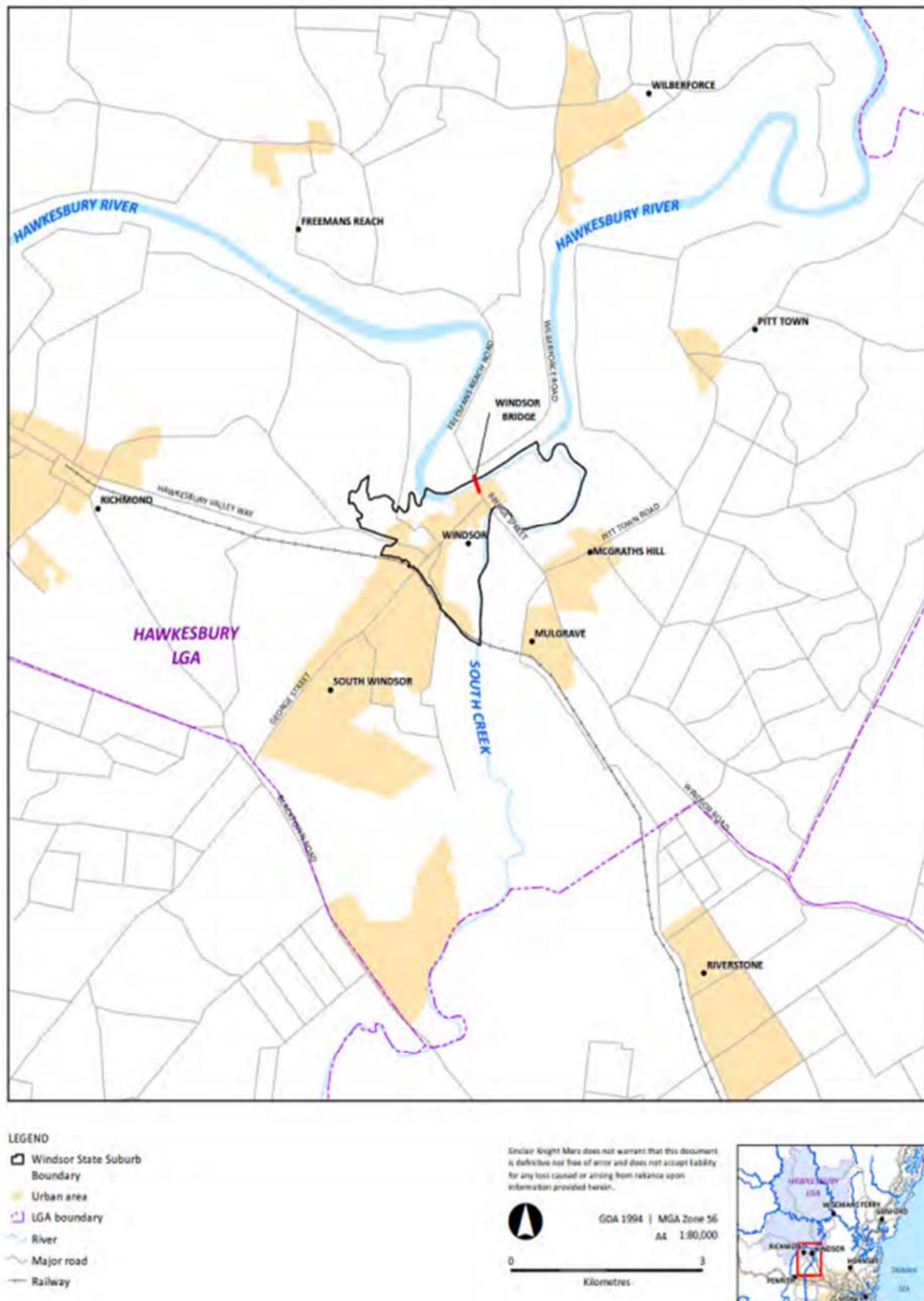


Figure 1). Windsor is located on the southern bank of the Hawkesbury River, and is a major historical town with European settlement dating back to the late 1700s. Windsor is the third oldest place of European settlement in New South Wales and the town contains buildings and sites of historical

heritage significance, particularly within the Thompson Square Conservation Area (TSCA) which is located on the southern bank of the Hawkesbury River at the approved replacement bridge location.

On 11 October 2019, the then Roads and Maritime Services (now part of Transport for NSW, the Proponent) submitted a modification request to amend the existing approval, under section 5.25 *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification request is to amend Bridge Street on the southern approach to the new bridge. The amendments propose to modify the line marking to include two northbound through lanes at the approach of the Bridge Street and George Street intersection, including widening of the approved northbound lane to include a new merge lane exiting the Bridge Street and George Street intersection.

On 12 March 2020, the Proponent submitted a further modification request, to amend Condition D3 relating to the rectification of any damage from construction. The modification seeks to clarify the intent of the condition by modifying the wording.

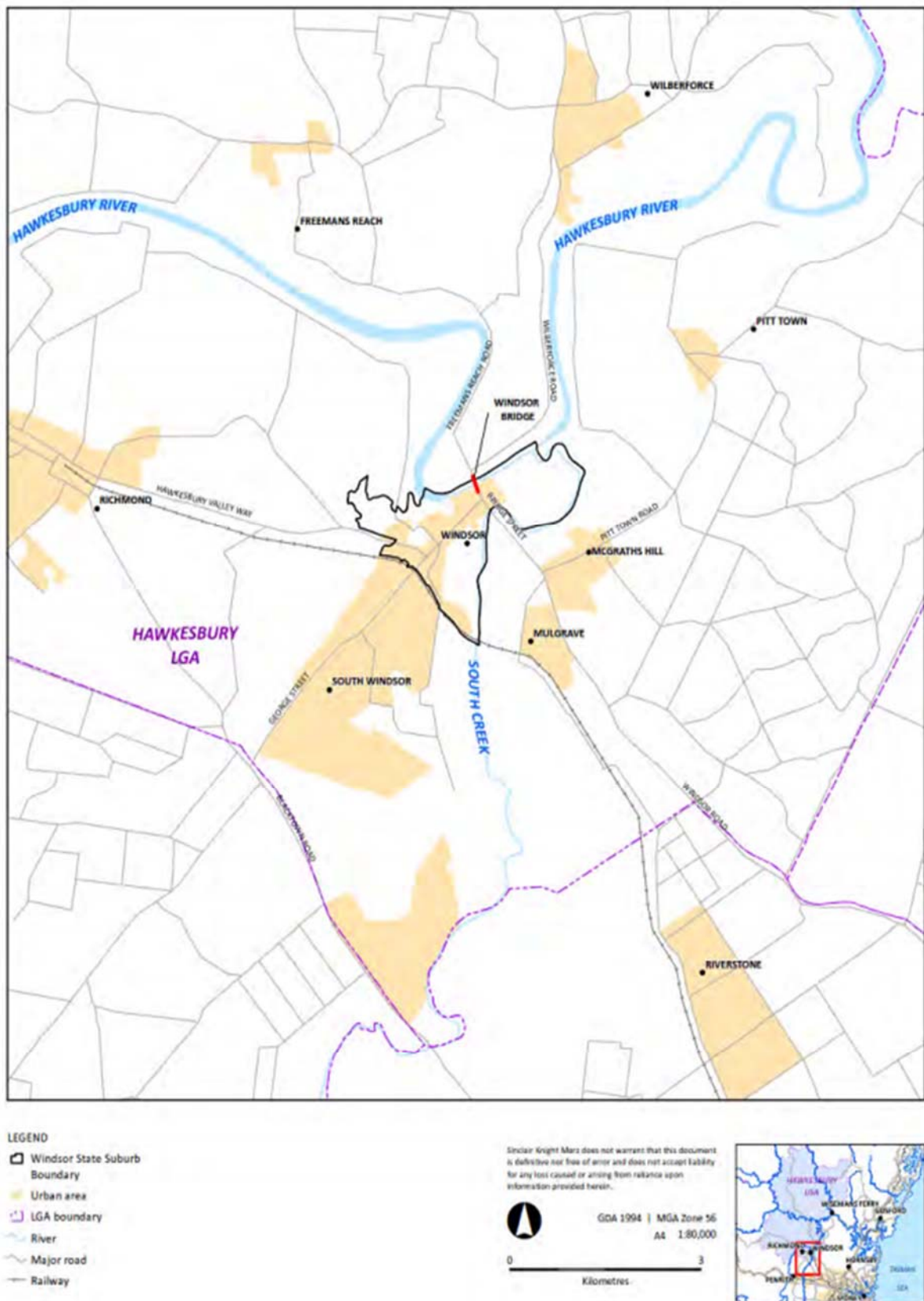


Figure 1 | Site Location (Source: Modification Report, 2019)

1.2 Approval History

The Windsor Bridge Replacement project was approved by the then Minister for Planning and Infrastructure on 20 December 2013. The works approved included:

- construction of a new bridge over the Hawkesbury River at Windsor, around 35 metres (m) downstream of the existing Windsor bridge;
- construction of new approach roads and intersections to connect the new bridge to existing road network;
- modifications to local roads and access arrangements, including changes to the Macquarie Park access and connection to The Terrace;
- construction of pedestrian and cycling facilities, including a shared pedestrian/cycle pathway for access to and across the new bridge;
- removal and backfilling of the existing bridge approach roads;
- demolition and removal of the existing road bridge, known as Windsor Bridge;
- urban design and landscaping works, including with the parkland area of Thompson Square and adjacent to the northern intersection of Wilberforce Road, Freemans Reach Road and the Macquarie Park access road; and
- ancillary works such as public utility adjustments, water management measures and scour protection works.

The project has not previously been modified.

The project is under construction with completion expected by late 2020.



2. Proposed Modification

Following approval, the Proponent undertook additional traffic modelling in 2019 based on data collected in 2017 and 2019 to confirm traffic growth rates. This identified that traffic had grown faster than originally predicted, and that in 2026 approximately 1,000 additional vehicles per day may potentially use the bridge compared to initial forecasts. This led the Proponent to reconsider the design to provide greater future proofing of the project.

The modification works include two amendments:

1. line marking changes to the two through lanes at the northbound approach of the Bridge Street and George Street intersection:
 - o left lane: shared left turn and through lane, and
 - o right lane: dedicated through lane;
2. a new merge lane exiting the Bridge Street and George Street intersection which includes:
 - o 100 m long (including a 30 m parallel and 70 m 'zip' merge lane), and
 - o the lane merges into one northbound lane on the new bridge.

Figure 2 shows the proposed changes to the northbound lanes surrounding the Bridge Street George Street intersection.



Figure 2 | Proposed modification to the Project (Source: Modification Report, 2019)

During the assessment of the modification, the Proponent submitted a request to amend the wording of Condition D3 to clarify the intent of the condition. The Proponent noted in its request that the condition could be interpreted that it could be financially required to pay for all repairs to Hawkesbury City Council assets regardless of whether the damage was caused by the approved project. The proposed wording of the condition by Transport for NSW is (deletions struck out and new text in bold and underlined):

- D3 The Applicant shall bear the cost of all repair works to Hawkesbury City Council's property damaged ~~during the course~~ **as a direct result of the** construction of the SSI.



3. Statutory Context

3.1 Scope of Modifications

In accordance with section 5.25 of the EP&A Act, a Proponent may request the Minister for Planning and Public Spaces to modify the approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. The Windsor Bridge Modification 1 – Bridge Road traffic lane change, is not considered consistent with the existing approval. Consequently, modification of the Minister's approval under section 5.25 of the EP&A Act is required.

3.2 Delegated Authority

The Minister will be the approval authority under section 5.25 of the EP&A Act unless the Minister has delegated his determination functions to the Department of Planning, Industry and Environment (the Department). However, as Hawkesbury City Council objected to the modification and more than 25 submissions in the form of objection were received, the Minister's delegation does not apply.



4. Engagement

4.1 Department's Engagement

Under section 5.28(1)(g) EP&A Act, the Planning Secretary is required to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department published the modification request on its website and exhibited the modification from Wednesday 23 October 2019 until Thursday 7 November 2019, a period of 16 days. The modification report was publicly available at:

- Hawkesbury City Council, Windsor;
- Hawkesbury City Council Library, Windsor;
- Transport for NSW, North Sydney; and
- Department of Planning, Industry and Environment, Sydney.

The modification request was referred to the following government agencies for comment:

- Heritage Council of NSW;
- Environment, Energy and Science Group (EESG – former OEH); and
- Hawkesbury City Council.

4.2 Summary of Submissions

During the exhibition period, a total of 32 submissions were received, including 3 from public authorities, 3 from interest groups and 26 from the public. Of the submissions received, 26 objected to the proposal.

4.3 Key Issues – Government Agencies

Environment, Energy and Science Group (EESG – former Office of Environment and Heritage)

did not object to the modification from an archaeological perspective, however if any excavation work is to occur in the vicinity of test pit SA11, then further archaeological salvage may be required.

Heritage Council of NSW does not support the planned and cumulative impacts to Thompson Square, and that the modification is partially within areas that have already been identified for historical archaeological salvage. Heritage Council of NSW states that if the modification is recommended for approval, then further conditions should be considered.

4.4 Key Issues – Council/Community/Interest Groups

5.4.1 Council key issues

Hawkesbury City Council raised several concerns in its submission of objection relating to traffic and heritage. Specifically, the impact to traffic merging as a result of the modification and the need for long

term traffic solutions for Windsor; discrepancies in the 2017 and 2019 traffic surveys and modelling data; the status of the proposed works on Fitzroy Bridge; options and cost estimates for the modification; community engagement; loss of public amenity; noise and vibration; and options for responding to the provisions of the Thompson Square Conservation Management Plan.

5.4.2 Community Issues

The community submissions raised concerns relating to several aspects of the approved project and the modification. Those related to the modification include:

- Traffic:
 - o the existing lane arrangement should be retained;
 - o the proposed modification will not improve traffic flow;
 - o a zip-merge will slow down traffic;
 - o traffic data from 2019 was not included with the modification;
 - o traffic data provided shows a decrease in traffic and not an increase;
 - o a contraflow lane on the bridge should be considered;
 - o two northbound lanes could be provided, by converting the shared path into a traffic lane;
 - o flow on impacts to other intersections as a result of the project, particularly Macquarie St / Bridge St;
- Heritage and tourism:
 - o further impact to Thompson Square;
 - o impact to the brick barrel drain;
- Process:
 - o lack of consultation with the community, including notification of the modification;
 - o proper planning should be followed;
 - o short exhibition period;
- Other:
 - o additional construction impacts due to additional work;
 - o operational noise impacts from heavy vehicles;
 - o the modification will not improve flood mitigation; and
 - o the impact of the project's final design on Thompson Square.

The Department notes that several issues raised in the submissions are outside the scope of the modification and relate to the original approval for the project and therefore have not been considered further. These include the need for a bypass of Windsor; that alternative locations for the bridge should have been considered and that the existing bridge should be retained for pedestrian and cyclist use.

5.4.3 Interest groups

The Department received submissions from Defenders of Thompson Square Incorporated, North Richmond & Districts Community Action Association and Community Action for Windsor Bridge (CAWB).

Submissions from the interest groups raised similar issues to those raised by the community, in particular the:

- heritage significance of Thompson Square, and the impact that the project and the modification will have on Thompson Square;
- incremental impact to Thompson Square from the modification;
- requested the retention of the left only turn option, as per the approved project;
- discrepancies between the traffic studies of 2017 and 2019;
- timing of the release of the 2019 traffic report, during exhibition and only after the community had requested the 2019 traffic report;
- change in the projected traffic growth; and
- construction and operational noise and vibration impacts to the surrounding community.

4.5 Response to Submissions

The Response to Submissions (RTS) prepared by TfNSW responded to the issues raised in the submissions and provided further information to support the modification. The Department made the RTS publicly available on 10 February 2020. No further submissions were received.



5. Assessment

5.1 Traffic and Transport

5.1.1 Issue

Subsequent to the project approval in December 2013, the Proponent has undertaken additional traffic modelling based on data collected in 2017 and 2019 to confirm traffic growth rates. The additional work indicated that traffic had grown faster than originally predicted, and that in 2026 approximately 1,000 additional vehicles per day may potentially use the bridge.

The additional information showed there could be northbound delays in the PM peak at the Bridge Street and George Street intersection by 2026 under the approved design. As a result, a zip-merge lane and change to the lane configuration along Bridge Street to reduce delays in the PM peak is proposed.

5.1.2 Submissions

The key traffic and transport issues raised in Hawkesbury City Council and community submissions included: concerns regarding the discrepancies in the 2017 and 2019 traffic data and traffic modelling; that the 2019 traffic data report was not included as part of the modification request; that the proposed zip-merge lane will slow down traffic and create further congestion to surrounding streets and intersections; and that the existing lane arrangement should be retained.

5.1.3 Consideration

Traffic Data and Modelling

The Proponent undertook additional traffic modelling, based on traffic data collected in March 2017 and August 2019, to ensure that the predictions made in 2012 were still valid due to the extended period between approval and the commencement of construction.

The community raised concerns that the 2019 traffic report was not included in the modification application. The Department confirms this report was not included however notes that it was referred to by the Proponent. It is also noted that the Proponent has made the 2019 Traffic Report available on its website. The Proponent stated in the RTS that the traffic data collected in 2019 was consistent with the data presented in the 2018 Traffic Report (which formed part of the modification report), therefore the 2018 Traffic report did not require updating and its recommendations remain valid.

Additionally, the Department has reviewed the Traffic Counts Data Comparison Between 2017 and 2019 and notes the following:

- Overall traffic has increased by 0.5% per weekday;
- Peak hour volumes across the four modelled intersections have increased by 2%;

- Average travel times have decreased by between 6 and 42 seconds;
- There is a minor improvement to overall travel times; and
- Queue lengths remain similar.

The Department acknowledges the Proponent's conclusions that as there is marginal change in traffic count data, and that the recommendations presented in the 2018 Traffic Report continue to be appropriate. The Department supports this position.

Intersection Performance

The Modification report summarised the LoS impacts to three intersections for the approved design and the proposed modification design. **Table 1** shows the LoS for the intersections in 2026 and 2036.

Table 1 | Forecast LoS in 2026 and 2036 for the approved and proposed modified design (Source: Modification Report, 2019)

Intersection	Control	Approved Design				Proposed Modification Design			
		AM Peak		PM Peak		AM Peak		PM Peak	
		Delay (sec)	LoS	Delay (sec)	LoS	Delay (sec)	LoS	Delay (sec)	LoS
2026									
Wilberforce Rd/Freemans Reach Rd	Roundabout	15	B	17	B	15	B	17	B
Bridge St /George St	Traffic signals	17	B	62	E	16	B	20	B
Bridge St/ Macquarie St	Traffic signals	21	B	56	E	20	B	48	D
2036									
Wilberforce Rd/Freemans Reach Rd	Roundabout	17	B	17	B	17	B	19	B
Bridge St /George St	Traffic signals	25	B	169	F	24	B	30	C
Bridge St/ Macquarie St	Traffic signals	25	B	99	F	23	B	83	F

The LoS results in **Table 1** show that the proposed changes to the Bridge Street lane marking and the addition of the zip-merge lane will provide an improved LoS at these three intersections in either the AM or PM peak periods (or both). The Department considers that the proposed modification will provide a better traffic outcome for road users, through shorter queues and less delays, particularly in the PM peak in both 2026 and 2036.

Lane Reconfiguration

The retention of the current lane configuration along Bridge Street was raised in several submissions. The modification proposes to modify the lane configuration to allow northbound traffic to approach the bridge from either lane. Under the approval, traffic can only approach the bridge from the right-hand lane, as the left-hand lane is a dedicated left turn lane onto George Street.

The Proponent responded to these concerns in the RTS stating that the proposed lane reconfiguration will provide a better opportunity for vehicles to merge prior to approaching the bridge. The Department accepts the Proponent's response on this matter and notes that road users will be able to use both the left and right lanes to approach the bridge, without the need to weave from the left lane to the right lane prior to approaching the Bridge Street / George Street intersection.

Alternative lane configuration on the bridge

Several submissions raised alternatives to the proposed merge lane to the bridge, including: the introduction of tidal flow on the bridge; having two northbound lanes and one southbound lane of the bridge; and converting the shared path to a second northbound lane.

The Proponent responded to these suggested alternatives in the RTS. **Table 2** below is a summary of the responses to each of the alternatives raised in the submissions, and why these alternatives were not considered feasible.

Table 2 | Response to alternative lane configuration (Source: compiled from the RTS, 2020)

Alternative	Proponent's response
Introduction of tidal flow on the bridge	• Would result in an adverse impact on southbound traffic in the PM peak, through removing the right-hand turning lane • Further widening of Bridge Street would be required, to avoid removing the right-hand turning lane • Traffic performance benefits of the proposed modification would not be achieved through tidal flow arrangements.
Two northbound lanes & one southbound lane on the bridge	• Similar reasons to the tidal flow alternative - two northbound and one southbound lane was not considered feasible.
Conversion of the shared path to a second northbound lane, and retaining the existing bridge for pedestrian and cyclists	• complexities with redesigning the existing bridge to incorporate an additional traffic lane • retention of the existing bridge would increase upstream flooding levels and impacts • significant ongoing cost to retain the existing bridge • shared path of the new bridge will link with paths in Macquarie Park and the broader network.

In considering the Proponent's responses, the Department considers that the proposed lane configuration provides an acceptable outcome for future traffic needs, with the least impact to the wider road network, whilst also minimising related environmental impacts.

5.1.4 Conclusion

The Department acknowledges the concerns raised by the community regarding the 2018 and 2019 traffic reports, and that the 2019 Traffic Report was not formally included as part of the modification request. The Department considers that the data reported in both the 2018 and 2019 reports is consistent, and the assessment based on the 2018 data is adequate.

The Department considers that the change in lane marking between the Bridge Street / Macquarie Street intersection and the Bridge Street / George Street intersection will provide improved intersection performance and provide better northbound traffic flow to the new bridge. The Department also considers that the proposed modification will meet the current and future traffic needs, with the least impact to the wider road network.

The Department concludes that the proposed line marking change and the inclusion of the additional lane and zip-merge will provide for better traffic outcome for road users, though shorter queues and less delays.

5.2 Non-Aboriginal Heritage

5.2.1 Issue

Windsor is one of the oldest towns in Australia as well as being one of the 'Macquarie towns'. It was first settled by Europeans in the early 1790s.

While the modification is located within the construction footprint for the approved Windsor Bridge Replacement project, it will have an impact to the Thompson Square Conservation Area (TSCA), through land take for the widened road surface. **Table 3** below describes the heritage listing of items associated with Thompson Square.

Table 3 | Thompson Square heritage listings (Source: Modification Report, 2019)

Name	Address/Description	Individual item listing	Conservation area listing
Thompson Square - Roads	Parts of Thompson Square, Bridge Street, Old Bridge Street, The Terrace and George Street	LEP Part of I00126 RNE 3177	SHR #00126 (excluding cutting through Thompson Square) LEP C4 NT S10510
Thompson Square – Upper Parkland	Thompson Square, Lot 7007 DP 1029964	LEP Part of I00126 NR S11456 RNE 3167	SHR #00126 LEP C4 NT S11456 (reserves) and S10510 (precinct) under "Portion of land known as Thompson Square"

Thompson Square – Lower Parkland	1 Bridge Road, Lot 345 DP 752061. Also addressed as 3 Old Bridge Road and Thompson Square	LEP Part of I00126 NR S11456 RNE 3167	SHR #00126 LEP C4 NT S10510 (precinct) under “Portion of land known as Thompson Square
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SHR – State Heritage Register

RNE – Register of the National Estate

LEP – Hawkesbury Local Environmental Plan 2012

NT – National Trust

There are also several local and State listed heritage items located in the vicinity of Thompson Square (Figure 3).



Figure 3 | Location of heritage items surrounding the proposed modification (Source: EIS, 2012)

5.2.2 Submissions

The key non-Aboriginal heritage issues raised in community, Hawkesbury City Council and Heritage Council of NSW submissions included: comment on the historical significance of Windsor and Thompson Square; the incremental impact to Thompson Square; and the potential impact to the brick barrel drain.

5.2.3 Consideration

The following figures (**Figure 5** **Figure 4** to **Figure 6** show the layout of Thompson Square prior to the approval of the replacement bridge; the approved layout of Thompson Square (including the realigned Bridge Street); and the proposed modified layout of Thompson Square, with the additional merge lane on Bridge Street.



Figure 4 | Original layout of Thompson Square (Source: RTS, 2020)

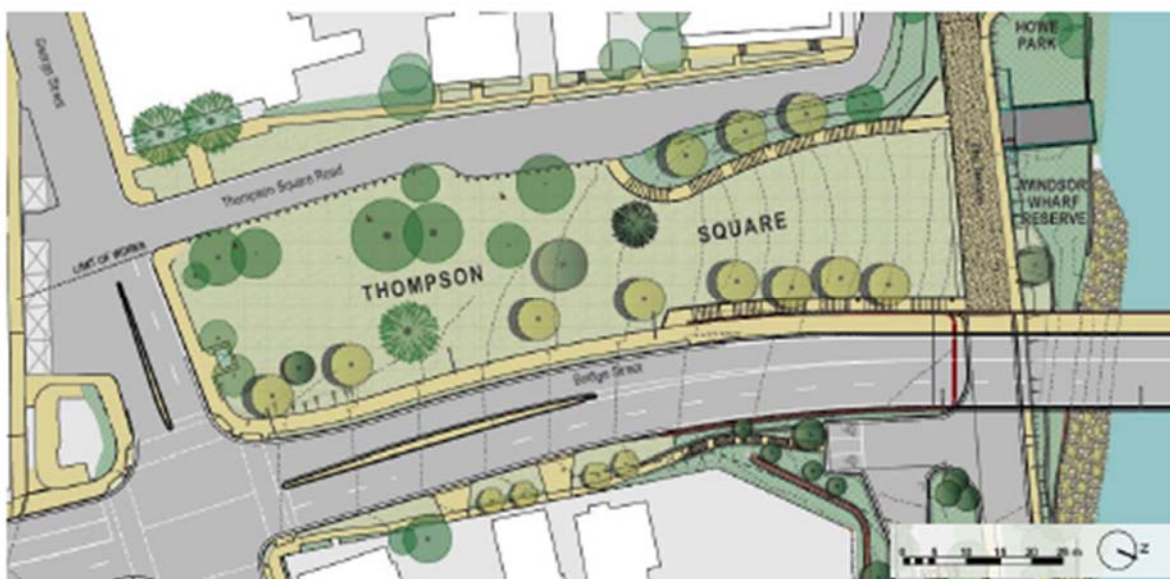


Figure 5 | Approved layout of Thompson Square (Source: RTS, 2020)



Figure 6 | Proposed layout of Thompson Square (Source: RTS, 2020)

The Department acknowledges that the modification will result in a land take from the approved layout of Thompson Square, a key concern raised by the community.

In considering this issue, the Department notes that the land affected by the modification is a portion of land that is presently impacted by the existing Bridge Street approach cutting to the old Windsor Bridge, and is in an area with poor useability (**Figure 4**). **Table 4** outlines the change in usable open space in Thompson Square from what it was prior to the SSI approval, compared to what was to be provided under the SSI approval, and to what would be provided as part of this modification.

Table 4 | Change in usable open space in Thompson Square

	Usable open space (grassed area) in m ²	Change in area in m ²
Thompson Square as existed prior to the project (Figure 4)	2800	N/A
Thompson Square under the approved design (Figure 5)	3845	1045
Thompson Square as proposed under the modification (Figure 6)	3685	885

The Department considers that while the modification will have a minor impact on a unified Thompson Square compared to what was to be delivered as part of the project approval, the area of usable open space provided will be greater than the current total area of open space within Thompson Square.

Notwithstanding, to offset the loss of open space within Thompson Square, the Proponent has identified an opportunity to work with Council to upgrade the landscaping within the adjacent Windsor Wharf Reserve. These landscaping improvements were identified in Council's Windsor Foreshores

Parks Plan of Management (HCC, 2013). **Figure 7** outlines the identified landscaping works in the Windsor Wharf Reserve.

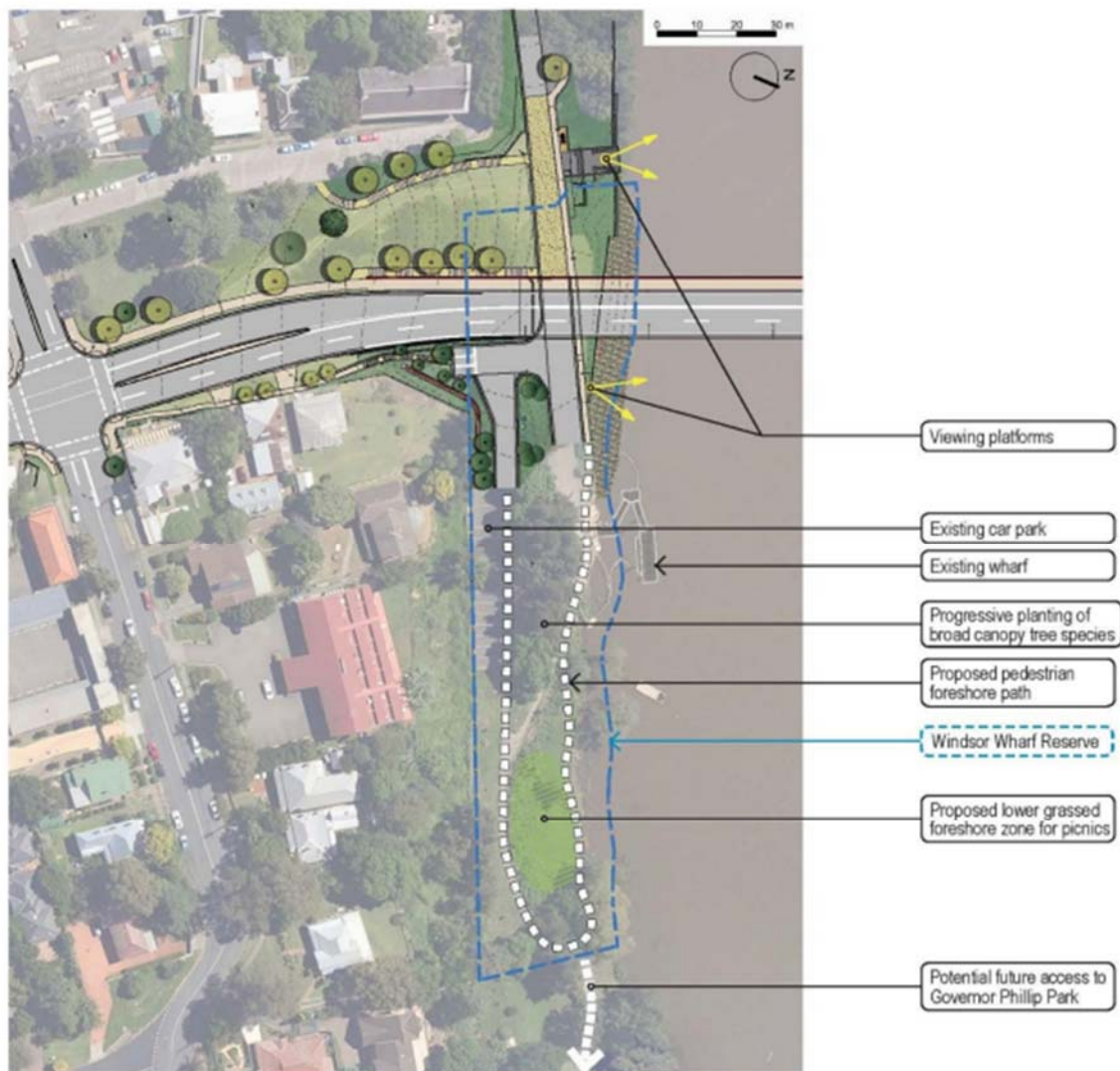


Figure 7 | Proposed landscape improvements to Windsor Wharf Reserve (Source: RTS, 2020)

The Department acknowledges the Proponent's commitment to work with Council to enhance Windsor Wharf Reserve. The Department agrees with the Proponent that landscaping improvement works could provide an opportunity to facilitate access and usage of this foreshore reserve area, by providing a connection between the two areas of public open space. The Department has recommended a condition of approval requiring the Proponent to prepare a Windsor Wharf Reserve Landscape Plan in consultation with Council and carry out the landscaping improvement works within 12 months of commencement of operation.

In relation to potential impacts on the TSCA and Windsor generally, the Department notes that the original heritage assessment was based on a study area larger than the footprint of the new Bridge Street road surface, bridge approaches and replacement bridge (pink outline in **Figure 8**). Therefore, heritage impacts associated with the modification can be managed by existing conditions and management plans.



Figure 8 | Heritage assessment identified the study area in pink (Source: EIS, 2012)

The Department also considers that the modification is unlikely to result in new impacts to heritage items already assessed as part of the approved project. This includes the Brick Barrel Drain which was uncovered during construction of the project and raised as an issue in community submissions. The Department understands that it is not known whether the drain exists in the vicinity of the proposed modification, however assuming it does, it would be located approximately 10m from the limit of the modification works. The Department considers the existing conditions of approval relating to the mitigation and management of heritage impacts remain appropriate.

5.2.4 Conclusion

The Department acknowledges the historical importance of Windsor and Thompson Square to New South Wales and acknowledges that the proposed modification will have a minor impact to the TSCA. The impact is within the originally approved construction footprint, and that the area of Thompson Square impacted is not well utilised and partially disturbed by the Bridge Street cutting.

The Department considers that while there is a reduction in the amount of open space being delivered by the Proponent from this modification, the unified open space of Thompson Square is greater than what was useable prior to project approval. The Department acknowledges the Proponent's commitment to work with Council to provide landscaping improvements to the adjoining Windsor Wharf Reserve which will provide the community with improved open space. A condition has been recommended to ensure this commitment is delivered.

The Department considers that the existing conditions of approval and management plans relating to heritage are adequate to address impacts that may result from the modification. The Department concludes that the modification will not have a significant additional impact to the heritage significance of Thompson Square or Windsor.

5.3 Administrative Modification

The Proponent requested that the wording of Condition D3 be revised as the condition could be interpreted that the Proponent be required to pay for damage to any Council asset, regardless of whether the damage is as a result of the project.

The Department acknowledges that the condition could be interpreted this way and considers that this was not the intention of the condition. The intent of the condition was to ensure that the Proponent pays for the repairs to Council assets caused by them during the construction of the SSI.

The Department considers that the proposed modification is administrative in nature and does not change the intent of the condition, and has agreed to amend Condition D3 to provide certainty and clarity around the intent of the condition.

The Department has also taken the opportunity to contemporise the approval through updates of the Department’s name and definitions.

5.4 Other Issues

Several other issues were assessed by the Proponent as part of the modification. These issues were assessed by the Department and are presented in **Table 5**.

Table 5 | Summary of other issues raised

Issue	Findings	Recommended Condition
Noise	- Construction noise from the modification works are not considered to represent a significant difference to those identified and assessed as part of the EIS approval. - Residential receiver (R3) may be potentially impacted by the modification. - Table 6-12 of the Modification report shows that the modification will not change the traffic noise levels at R3. - Changes in the noise levels in Thompson Square are predicted to be minor.	The Department considers that existing conditions (Conditions C13 – C22) are appropriate to manage construction noise generated by the proposed modification.
Aboriginal Heritage	- The area of the proposed zip-merge lane is entirely within the buffer area covered by the approved Detailed Salvage Strategy for Aboriginal and Historical Archaeological Heritage. - The modification works would bring construction works closer to the area of highly significant Aboriginal archaeological sensitivity. The modification works will not	The Department considers that the existing condition (Condition B4) is appropriate to manage any impacts to Aboriginal archaeology.

directly impact test pit SA11 (as shown in Figure 6-6b of the Modification report).

- The buffer area around test pit SA11 will be reduced from 4m to 3m.
- The Departments notes that the Proponent wrote to nine Registered Aboriginal Parties (RAPs) seeking feedback on the modification and received no feedback on the modification.

Project
Justification

- | | |
|---|--|
| <ul style="list-style-type: none"> • Due to the delay in commencing construction of the project, the Proponent undertook a new independent traffic count and modelling report for the project. • The traffic count and modelling indicated that the approved design would operate with a reduced LoS at the Bridge and George Street intersection. • The Proponent considered options for improving traffic flow across the bridge, and the impacts of these options to determine the best option. | <ul style="list-style-type: none"> • The Department considers that while the project has a minor impact to Thompson Square, the proposed modification provides a benefit to the community. Therefore, it is considered that the proposed modification would not have an impact on the justification of the project. |
|---|--|



6. Evaluation

The Department reviewed the Modification Report, community and government agency submissions, and the Proponent's Response to Submissions and assessed the key issues arising from the proposed changes to the approved project. The key issues associated with the proposed modification include the change in the traffic lanes and configuration of the Bridge Street / George Street intersection, the increase in land take from Thompson Square and the potential impact to heritage items.

The Department considers the proposed modification would improve traffic flow along Bridge Street and across Windsor Bridge, and reduce traffic weaving between the Bridge Street / Macquarie Street and Bridge Street / George Street intersections.

The Department acknowledges that the inclusion of the zip-merge lane on the approach to the new bridge, will require land from Thompson Square, and that this impact is in addition to the impact to Thompson Square and the TSCA from the approved project. However, the additional impact will not have a significant overall impact to the unified open space of Thompson Square which will still be delivered as part of the project.

The Department acknowledges the commitment of the Proponent to partner with Council to upgrade landscaping at Windsor Wharf Reserve and considers that this will enhance the reserve and provide better open space and connectivity to the foreshore for the Windsor community.

The Department has considered the key issues included in the submission from the public and the comments from government agencies regarding the proposal. The Department considered that the modification will have community benefits with minimal environmental impact and recommends that the modification be approved.



7. Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the request, Mod 1 – Amendments to traffic lanes (SSI 4951 MOD 1) falls within the scope of section 5.25 *Environmental Planning and Assessment Act 1979*;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the request;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the approval SSI 4951;
- **signs** the attached Notice of Modification.

Recommended by:

Glenn Snow

Director

Transport Assessments

Recommended by:

David Gainsford

Executive Director

Infrastructure Assessments



8. Determination

The recommendation is: Adopted / ~~Not adopted~~ by:

The Hon. Rob Stokes, MP

Minister for Planning and Public Spaces



Appendices

Appendix A – List of Documents

Windsor Bridge replacement project – Environmental assessment modification report September 2019

Windsor Bridge replacement project – Submissions report February 2020

Submissions

Appendix B – Environmental Assessment

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-4951-MOD-1%2120191011T001432.957%20GMT>

Appendix C – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25556/submissions/12921/3251>

Appendix D – Submissions Report

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-2564%2120200210T003904.994%20GMT>

Appendix E – Notice of Modification and Consideration of Community Views

Appendix F – Consolidated Approval