

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

|                                            |                                                    |
|--------------------------------------------|----------------------------------------------------|
| <b>Application type</b>                    | State significant infrastructure modification      |
| <b>Application number and project name</b> | SSI-4951-Mod-1<br>Windsor Bridge Replacement-Mod-1 |
| <b>Applicant</b>                           | Transport for New South Wales                      |
| <b>Approving authority</b>                 | Minister for Planning and Public Spaces            |

### Decision

The Minister for Planning and Public Spaces has, under s.5.25 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the modification subject to the recommended condition.

A copy of the instrument of modification is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/25556>

A copy of the Planning Secretary's Assessment Report is available at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/25556>

### Date of decision

30 April 2020

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters identified in the statutory context section of the Planning Secretary's Modification Assessment Report;
- all information submitted to the Department of Planning, Industry and Environment during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Modification Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the modification are as follows:

- the amendments to the project would improve traffic capacity to accommodate forecast traffic growth;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through existing and recommended conditions of approval; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 23 October 2019 until 7 November 2019 (16 days) and received 32 submissions, including 26 objections and six comments, from 26 community members, three interest groups and three government agencies.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report and by the decision maker include impacts to traffic and impacts to Thompson Square, including the Thompson Square Conservation Area. Other issues are addressed in the Planning Secretary's Assessment Report.

| <i>Issue</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>Consideration</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><i>Traffic</i></p> <ul style="list-style-type: none"> <li>Discrepancies between the traffic data and reports of 2017 and 2019, including the timing of the release of the 2019 traffic report.</li> <li>The proposed modification will not improve traffic flow, and the merge lane will slow down traffic.</li> <li>Existing lane marking should be retained.</li> <li>Alternative lane arrangement should be considered including contraflow lane on the bridge.</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department acknowledged the concerns raised by the community regarding the 2019 traffic report which was not included as part of the Modification report. The Department has reviewed the Traffic Counts Data Comparison between the 2017 and 2019 report, and considered that the traffic volumes are consistent, and the use of the 2017 Traffic Report is acceptable.</li> <li>The Department has considered the modelled operation of the zip-merge lane in association with the lane marking and considered that the zip-merge lane will improve the performance of the Bridge Street / George Street intersection.</li> <li>The Department considered the alternative lane arrangements provided in the submissions, and the Proponent's response to these alternative lane arrangements. The Department considered that the proposed modification provides an appropriate outcome.</li> </ul> <p><i>Conditions</i></p> <p>The Department has not recommended any additional conditions relating to traffic impacts.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><i>Thompson Square &amp; Heritage</i></p> <ul style="list-style-type: none"> <li>The significance of Windsor and Thompson Square.</li> <li>The incremental impact to Thompson Square, including amenity impact</li> <li>The impact to the brick barrel drain.</li> <li>Consistency with Council's Thompson Square Conservation Management Plan</li> </ul>                                                                                                                     | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department acknowledges the heritage significance of Windsor and Thompson Square, and that the modification will have a minor impact to Thompson Square and that the modification will still provide a unified open space. The Department considered that the commitment from the Proponent to work with Council to improve the landscaping in the Windsor Wharf Reserve, was an adequate mitigation measure for the additional land take in Thompson Square</li> <li>The Department considered the concerns from the community regarding the potential impact to the brick barrel drain. The Department considered that the modification would unlikely have an additional impact to the brick barrel drain given its likely location approximately 10m from the construction footprint (assuming it continues and still exists). The Department considered that the conditions already in place are adequate to manage any unexpected impacts to heritage items including the brick barrel drain.</li> <li>The Department acknowledges the Proponent's consideration of the Thompson Square Conservation Management Plan and concurs with its conclusions, that the proposal would be consistent with the principles of the plan.</li> </ul> <p><i>Conditions</i></p> <p>The Department has included a condition, requiring the Proponent to identify opportunities, in consultation with Council, to enhance the landscaping of the Windsor Wharf Reserve consistent with those listed in Council's Windsor Foreshores Parks Plan of Management (Hawkesbury City Council, 2013).</p> |
| <p><i>Noise and Vibration</i></p> <ul style="list-style-type: none"> <li>Need to provide a noise and vibration assessment</li> </ul>                                                                                                                                                                                                                                                                                                                                             | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered concerns from the community regarding noise impacts resulting from increased traffic. A Noise assessment was provided as part of the modification and concluded that there would be no increase in noise to sensitive receivers, and that there would be a negligible impact on users of Thompson Square.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|                                                                                                                                                                                                                                                        | <p><i>Conditions</i></p> <p>The Department has not recommended any additional conditions relating to traffic impacts.</p>             |
| <p><i>Justification &amp; Process</i></p> <ul style="list-style-type: none"> <li>• The justification of the approved Project.</li> <li>• Requests for another inquiry into the approved Project.</li> <li>• Inadequate consultation process</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• These matters are outside the scope of the modification.</li> </ul> |