

Safety Barrier on Long Gully Bridge (Suspension Bridge) Northbridge

WILLOUGHBY CITY COUNCIL'S SUBMISSION REGARDING THE ROADS AND TRAFFIC AUTHORITY'S (RTA) PROPOSAL TO ERECT A SAFETY BARRIER FENCING ON LONG GULLY BRIDGE (SUSPENSION BRIDGE), NORTHBRIDGE.

Council is opposed to the erection of the RTA's proposals for fencing on the Long Gully (Suspension) Bridge.

The key issues of concern are:

- Safety barrier design and heritage impact
- Community / stakeholder consultation
- Necessity to address the underlying community mental health problem
- Approval processes under the NSW Heritage Act 1977 and Environmental Planning and Assessment Act 1979

1. Safety barrier design and heritage impact

Following a Coronial Inquest into a death by suicide from the Bridge in January 2007, the NSW State Coroner's recommendation included:

That a safety barrier designed to prevent or significantly impede jumping from the Northbridge Suspension Bridge be erected by RTA as soon as practicably possible taken into account relevant planning issues.

That any such barrier erected be designed to take into account the Bridge's significant heritage and architectural values and to harmonise with them.

Council's position is that all relevant planning issues have not been addressed and that the RTA's proposal does not properly take into account the heritage and architectural values nor does it harmonise with those values.

The Bridge is listed as a heritage item under both the Willoughby and North Sydney local environmental plans. The Bridge is also identified by the RTA as being of State heritage significance on its Heritage and Conservation Register under Section 170 of the NSW Heritage Act 1977.

The RTA's September 2009 'New Safety Barrier Options Analysis' assessed only six options and recommended that:

The picket fence options (straight or curved) will, with detailed design development, achieve an effective barrier that harmonises with the significant heritage and architectural values of the Long Gully Bridge.

This recommendation is also summarised in the Executive Summary of the Analysis proposing that:

Further design development is recommended for the steel picket fence options including works to minimise the impact of the posts and the brackets mounted on the outside of the Bridge balustrade. In addition detailing around the historic elements of the Bridge needs to be carefully resolved to achieve the best possible outcome for this important Bridge.

The Government Architects Office's proposed design is a straight or curved palisade fence. However, the 'picket fence options' in the 'Analysis' will not be the safety barrier which will be

erected as this report recommends *'further design development.'* The community are being asked to comment on options which would not resemble the final design of the safety barrier.

Council's position is that any safety barrier will have an irreversible heritage impact on the Bridge and that all relevant planning issues have not been addressed. Our concern is that the proposed barriers will permanently damage the heritage integrity of the Bridge rather than complement it and that the fencing will adversely impact on the amenity of this iconic Bridge that is currently experienced by pedestrians and motorists using the Bridge.

2. **Community / Stakeholder consultation**

The Department's obligation under the RTA Heritage Guidelines (Version 2, 2004) includes:

3.6 Community Consultation

- *The people of NSW have a central role in planning for the future management of their heritage.*
- *Community participation is provided for in the planing process by the Environmental Planning and Assessment Act, 1979.*
- *Community participation in environmental impact assessment and heritage management is a central aspect of all current practice guidelines.*
- *Specific projects will require specific community participation strategies*
 - *Consultation must be conducted at the pace of the community, not the researcher*
 - *Consultants must have a commitment to accepting the consequences of consultation even if the community rejects the major thrust of the proposal.*

The proposed fencing options have not had wide community consultation and support. The RTA's 'Option Analysis' acknowledges that there is a need for 'further design development'. There are still heritage, pedestrian amenity and design issues that have not been satisfactorily resolved.

The 'Feedback Summary' of the meeting held at North Sydney Council on 23 July 2009 acknowledged that there was community and stakeholder support for a competition to investigate alternative design solutions. However, the RTA response to this proposition is:

"Given the amount of research into design options conducted by the NSW Government's Architect's Office and the urgent need to complete installation, the RTA will not be holding a design competition".

Both the Willoughby and North Sydney communities recognise that a solution has to be found addressing all the issues. However, there are concerns about the options put forward by the RTA and its resistance to considering the feasibility of community and stakeholder alternatives to designing a solution that harmonises with the Bridge's significant heritage and architecture values as required by the Coroner.

3. **Support for Mental Health**

Council is concerned that the government proposes spending \$1.5M on fencing on the Long Gully Bridge which will do little to address the issue of suicides in the area other than possibly displacing the problem to other locations. The money should instead be utilised for suicide prevention strategies within the community and reallocated to reinstate mental health facilities and support services in this area, as were previously provided but removed from Chatswood.

The State Government has recently downgraded community health facilities including mental health services serving the Northern Region at Hercules Street Chatswood. In the future community mental health officers will be based in the institutional Royal North Shore Hospital environment and no permanently based community health services for counselling, rehabilitation support and mental health will be available in the community setting at Chatswood. This will result in a much poorer level of counselling and support for non-acute mental health clients.

Prevention, rehabilitation and recovery should be the basis of NSW government decisions with regard to delivery of facilities for mental health clients. Focus should not be on the agglomeration of facilities and services in institutions and the building of "safety barriers" to prevent suicides but on the best method of prevention and recovery, in a less imposing local community environment.

As recently as last month, Council has made representations to the NSW Minister for Health, seeking a commitment to reinstate community based mental health services at the Hercules Street site in Chatswood, with particular attention to be given to suicide prevention strategies.

Council believes that the installation of safety barriers will not address the broader problem of mental health in the community that has led to suicide attempts on the Long Gully Bridge, the subject of the Coroners Inquiry.

4. **Approval Processes**

a) **NSW Heritage Council**

The RTA's obligations under the NSW Heritage Branch State Agency Heritage Guide: Heritage Asset Management Guidelines 2005, (issued under section 170A of the NSW Heritage Act 1977), include Managing Changes to Heritage Assets and Approvals is outlined below.

(i) Managing Changes to Heritage Assets

3.21 Setting of a Heritage Asset

Design and planning decisions should retain an appropriate visual setting, as well as other relationships, such as views and vistas, that contribute to the heritage significance of the heritage asset. New construction, demolition, intrusions or other changes that would adversely affect the setting are not appropriate.

3.24 Altering or extending Heritage Assets

Alterations to a heritage asset should be planned and executed to minimise negative impacts on its heritage significance, curtilage and setting

3.26 Major Alterations

Major alterations should only be considered where they will not compromise the heritage significance of the building, its curtilage or its setting.

3.28 Reversibility of Works

Alterations or extensions which do not contribute to the conservation of a heritage asset should be undertaken in such a way that they are reversible where practical

3.34 Documentation of Changes

All changes must be documented. This information should be entered on the heritage data form, available from the Heritage Office.....

The six options analysed in the New Safety barrier Options Analysis (September 2009) were assessed against the following criteria:

- Impediment to suicide attempts
- Heritage impact
- Urban design / visual impact
- Buildability / maintenance issues

However, the assessment of the options did not refer to the above Heritage Asset Management Guidelines 2005.

(ii) Approvals

4.12 Approvals for Works to Heritage Assets

Statutory assessments and approvals should demonstrate compliance with the State-Owned Heritage Management Principles and Heritage Asset management Guidelines

*This includes environmental impact statements (parts IV and V), development applications (part IV) and **reviews of environmental factors (part V) that impact on a heritage asset.....***

4.13 Applications to the Heritage Council

Applications for approval to the Heritage Council for extensive alterations to a heritage asset of State heritage significance should be accompanied by a conservation management plan for the asset.

For heritage assets of State heritage significance or items listed on the State Heritage Register, it is recommended that a conservation management plan be submitted to the Heritage Council for endorsement prior to the making of an approvals application.

4.14 Referral to the Heritage Council – State Significant Heritage Assets

Proposals involving the alteration, disposal or demolition of heritage assets of State heritage significance (not listed on the State Heritage Register) should be referred to the Heritage Council for comment.

As the Long Gully Bridge is identified by the RTA as being of State Heritage Significance on its Heritage and Conservation Register under S170 of the NSW Heritage Act 1977, the consent of the NSW Heritage Council is required for construction of safety barriers and a conservation management plan for the Bridge is required to be submitted to the Heritage Council for endorsement prior to the making of an approvals application.

The RTA must provide to Willoughby Council, North Sydney Council and the community a copy of the written advice of the NSW Heritage Council on this matter and the conservation management plan for the Bridge.

Whilst under the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) development consent is not required for the construction of the safety barriers, the RTA must still:

- Undertake an assessment of the impact of the development under Clause 14 of the Infrastructure SEPP, and
- Undertake an Environmental Impact Assessment (EIA) under Part 5 of the Environmental Planning and Assessment Act 1979.

b) Impact Assessment under Clause 14 of the Infrastructure SEPP

Clause 14 of the Infrastructure SEPP applies to all development that may be carried out without consent due to the operation of the SEPP. Under Clause 14, for development that "is likely to have an impact that is not minor or inconsequential on a local heritage item":

- (2) *A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:*
- had an assessment of the impact prepared and*
 - given written notice of the intention to carry out the development, with a copy of the assessment, to Council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and*
 - taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*

Thus, the RTA must not only undertake an impact assessment, but *must* take into account the Council's responses. This means that the Council's responses are a mandatory consideration, and the RTA's decision on the design could be subject to challenge if it failed to take into consideration the Council's response.

c) Environmental Impact Assessment under Part 5 of the EP&A Act

If no Part 4 consent is required due to the Infrastructure SEPP, the erection of the safety barrier falls under Part 5 of the EP&A Act, requiring the RTA to consider the environmental impact of the development (s111). Furthermore, under s112, the RTA is precluded from carrying out the activity until it obtains an environmental impact statement. This obligation arises because the erection of a barrier will have a "significant environmental impact" due to the heritage significance of the item, and due to its visual prominence in the local area. This environmental impact assessment should demonstrate compliance with the government's Heritage Asset Management Guidelines 2005 as outlined in (a) (ii) above.

If the RTA pursues the construction of the safety barrier without obtaining an Environmental Impact Assessment, it will be open to Council to consider taking enforcement action to seek to restrain a breach of the EP&A Act under s123 of the Act.

Conclusion

In conclusion, Council considers that none of the design proposals for a safety barrier on the Long Gully Bridge are consistent with the Coroner's recommendation.

Furthermore, the consultation process taken by the RTA has been tokenistic, with the RTA ignoring the community's comments on the matter. The RTA has yet to undertake the necessary assessments and obtain the approvals required under the NSW Heritage Act 1977 and Environmental Planning and Assessment Act 1979 and the NSW government's guidelines.

This particular issue is symptomatic of the neglect of the mental health services in the region and is a band-aid treatment that does not address the underlying causes of suicide in the community, to which the government's resources should be allocated.