

Attention DIRECTOR KEY SITES ASSESSMENT

**JOHN & HILDE GERATHY
34/10 LINCOLN CR WOOLLOOMOOLOO 2011
OWNERS**

Qualified Supporters see submission below

No Political Donations

**Development Application / EIS— SSD 6471
Submission re SYDNEY MODERN (SM)**

Final Submission – 14 May 2018

Being a pragmatist I don't believe it matters whether one is in favour or against the concept of the Sydney Modern (SM). It has got Government support and funding and will most likely proceed, in one form or another.

What is important to us at The Wharf Terraces (TWT), being the closest residential development to the SM (literally below and adjoining on Lincoln Cres) is to address matters which impact upon us in the amenity of our homes and neighbourhood. The attached photograph and plans show how dramatic the change is going to be on TWT — from a completely green open space/zoning (that we all bought into) to a major art gallery. Our interests must be protected.

I make my Final Submission as an addendum to my Original Submission dated 15 December 2017 to put that Submission in historical context, addressing an administrative mishap.

To properly assess this Submission one must refer to the history of the Exhibition especially its consultative process. Accordingly, I have attached relevant communications/documents between TWT and myself (both individually and as a member of TWT's BMC Sub Committee) with SM as set out in Schedule 1 "Documents" hereto. I refer to these "Documents" in this Submission.

What we get served up as the SM will be FOREVER!

The matters I believe that can have significant affect on the general amenity of our homes, community and neighbourhood, without precedence in order are: -

The lack of amenity of the eastern façade of the Lower Pavilion

The siting of the lower Pavilion immediately above TWT on top of the existing industrial stepped naval concrete bunker wall will present a 14 metre (5 storey- refer attached Section Plan) solid concrete/ masonry 42-metre-long WALL right on Lincoln Cres without landscaping or architectural relief. There is a pavilion roof structure above the wall extending the height by another storey. This wall will create an overbearing canyon effect on entering Lincoln Cres when combined with the relatively robust western façade of TWT (albeit TWT is only two stories high).

Suggested Treatment of the eastern façade – Lower Pavilion

The original Sanaa winning architectural plan showed hanging gardens along the length of the stepped concrete bunker wall, to good effect. Apparently, the stepped concrete wall has some heritage value and “will not be landscaped “. We must dispute this outcome and push for a very appropriate adaptive re-use of the stepped wall, ie create a landscaped base, with hanging gardens, for the blank edifice above.

These gardens could be easily removed in the future, if so required for whatever reason, without damage to the structure.

The SM is seeking approval for an adaptive re-use for the SAME heritage item—from a naval oil bunker to galleries/docks/store. Refusal to landscape the bunker’s wall would be purely budgetry!

To satisfy all views, the last 5 metres of the stepped wall to the south of the SM loading dock could remain in their original state, exhibiting the heritage item and at the same time providing added vision (south) for trucks exiting the loading dock.

Hanging gardens will assist the first 7 vertical metres of the blank edifice and soften the whole structure along Lincoln Cr. Helping to compensate for the loss of our sylvan city skyline views (see below).

The eastern wall of the Lower Pavilion, sited virtually on the top of the stepped wall, has NO RELIEF whatsoever.

The **electricity sub-station** at the northern end of Lincoln Cr is approximately the same length as the Pavilion wall but 2-3 stories lower and its façade, although industrial, has substantial relief. This sub-station has at all relevant times been slated for de-commissioning and demolition, due apparently in 2020.

It is suggested that this wall have vertical fenestrations (sheeted over internally if necessary for Gallery purposes) or similar trompe-l’oeil /architectural relief. It is, after all, a Modern Art Gallery!

Alternatively, or in addition the Pavilion could be set back 1.5 metres and a row of mature palms planted along it’s façade.

These modifications would make a huge difference to the amenity of our street address. The existing stepped wall is very industrial and with the replacement of the naval docks with TWT, is completely out of place. However, it is relatively lower than the proposal and with

gardens, trees and city skyline above does not create the canyon effect the combined stepped and Pavilion walls will. We will lose our sylvan and city skyline views and our sense of place relative to the City. Refer to the attached photograph taken from our entry foyer.

Lincoln Cres Woolloomooloo is where quality residential (TWT) abuts a new cultural centrepiece (the Sydney Modern). We do not need to ruin the marriage with the introduction (on our western boundary) of a completely blank industrial monolith.

SM has not proposed any treatment for the dilapidated brick wall sitting on top of the bunker wall nor the unsightly service conduit sitting on the top step of the bunker wall. Both the brick wall and conduit run the whole length of the bunker wall.

Given the prominence of this elevation in SANAA's concept design, as noted by the Competition Jury in selecting the SANAA design "as pavilions cascading down to Sydney Harbour and Woolloomooloo.... create a harmonious and inspiring new public place for Sydney a 21st century concept....an environmentally sensitive art museum (refer RtS Appendix AC P125).

SANAA's Concept Design had full landscaping of the Bunker Wall, which is referred to (EIS GML Appendix AC P 125) as "starkly functional, almost brutalistic aesthetic, typical of many military construction projects ". GML further states P 57 "The stepped retaining walls along Lincoln Cr dominate the streetscape. "

In the current plan nothing has been done to ameliorate the brutalistic industrial canyon effect along the length of Lincoln Cr. In fact, SM with the siting of the blank " limestone " Gallery 3 Wall immediately above the Bunker Wall exacerbates this effect.

SM has not produced any definitive position of the EOH regarding greening of the Bunker Wall, although expressly requested to do so (John Gerathy letter to SM Doc 10). SM claiming that "green walls to the eastern façade were not favoured by the architects as this would obscure the building " SM response to Submissions P 73. This is a NONSENSE as the BUNKER WALL SITS BELOW THE BUILDINGS and cannot, with or without landscaping, be seen from any aspect other than Lincoln Cr itself. Seems to me to only be a budgetary issue.

SM is seeking the adaptive re-use of the same building, by demolishing a substantial portion of the enormous and intricate interior into galleries, loading docks and back of house facilities. These alterations to the bunker are extensive and permanent. Landscaping the Bunker Wall would neither be extensive nor permanent and a reasonable section left in its current state.

OBSERVATIONS – BUNKER WALL

The service conduits be relocated under the path in front of Gallery 3 above the Bunker/Brick Wall.

The top step of the Bunker Wall – approx. 480mm wide, be kerbed to provide a planter for shrubs (1800mm high) along the Bunker Wall.

The second top step be kerbed to provide a planter for ground covers to espalier over the kerb and down the face of the Bunker Wall.

Both planters to run the full length of the bunker wall, save for the most northerly 5-10 m, which can be used to demonstrate the Heritage Issues referred to in SM's Heritage Report.

The kerbs be minimalistic concrete to blend into the wall, not required to be watertight and capable of easy removal (if ever required) without damage the Bunker Walls.

The character scale and size of the Bunker Wall will be retained and visible through the landscaping and in its entirety at the northern end.

On Friday 11 May 2018 TWT and SM had discussions with the HERITAGE COUNCIL regarding landscaping the Bunker Wall and the lodgement by SM of an Amended Application to the Heritage Council to do so. At last a step in the right direction.

PROPOSED CONDITION

SM – be required to provide specific details of proposals for the brick wall and service conduit.

PROPOSED CONDITION

SM- be required to engage a qualified Landscape Architect, working with SANAA, to design landscaping of the Bunker Wall and seek EOH consent to the adaptive use of the Bunker Wall – to ameliorate the visual impact of the Bunker/Gallery 3 Wall on TWT/Lincoln CR– befitting the 21st century high class residential and environmentally sensitive art museum uses.

Fencing of pavilion

The plans do not show any fencing along the path between the Pavilion and top of the stepped wall. Details should be produced before submissions close.

There is constant, continuing and conflicting information provided by SM as to what is proposed to be done for a barrier on the top of the Bunker Wall. At times SM has produced photomontages / plans showing a fence at other times showing what appears to be a glass wall.

Both iterations in recent communications have shown a green skirt.

SM has provided no details of a greening plan or “green skirt “on the fence/wall.

Given the submission above re landscaping the Bunker Wall, the necessity to green the fence/ wall (provide a green skirt) could be redundant, as the top landscaping shrubs would camouflage the effect of either a fence or glass wall and the brick wall AND soften the visual

Impact of Gallery 3 on Lincoln Cr, yet at the same time not affecting the eastern elevation of the SM Pavilions as seen from Visual Impact sites east of TWT, that view the Gallery with the impression that TWT's rooftop gardens are the Gallery base.

The grand architectural vision, as shown in SM's many photomontages, would not be impaired.

PROPOSED CONDITION

SM – be required to provide specific details of any fence or wall (glass) above the Bunker Wall and of any proposal to green this fence/wall.

Photo Montage

We have twice at meetings convened by SM earlier this year and most recently on the 18 October 2018 requested SM to provide a photo montage of the eastern elevation from TWT's aspect, which was agreed by SM representatives on both occasions. The EIS does not contain such a montage and none has been provided by SM.

The elevations / photo montages in the EIS are seen from the Finger Wharf's perspective not TWT's.

I repeat the request for a montage from TWT's perspective and would expect to be given 14 days, from receipt of the montage, to make submission on any matter stemming from the montage.

The reason given by SM for not supplying this photomontage (over 2.5 years) and SM's persistent use of TWT's roof top gardens as the "visual base" for its visual impact photomontages DOES NOT FIND ACCORD to the most visually affected community (TWT Residents) and is palpable. (Refer SM letter 8 March 2018).

Any suggestion that photomontages in the EIS or RtS show the Visual Impact upon TWT is erroneous as there is **no photomontage** that shows the combined effect of Gallery 3's blank "limestone" (not sandstone as dominates the precinct) Wall sitting on top of the Bunker Wall on the amenity of the whole of Lincoln CR. This is the MOST important aspect of the proposal to the residents of TWT and much of the wider Woolloomooloo community.

This failure gives rise to the proposition that the Applicant has not provided sufficient information as to its proposal to allow reasonable Submission by the Community NOR for the Determining Authority (whether the Department or the Minister) to properly Determine and consequently as to whether the Proposal should be Refused or Re Exhibited.

SM proposed (Meeting 12 April 2018) that the Bunker Wall be cleaned, however, no photomontage has been provided by SM to demonstrate the effect of cleaning the Bunker Wall sitting under the "NEW" limestone "Gallery 3 Wall.

PROPOSED CONDITION

That SM provide photomontages showing the Bunker Wall with Gallery Wall 3 sited above: -

- i. Without any change to the existing Bunker Wall
- ii. Showing landscaping of the Bunker Wall
- iii. Showing the SM proposed green skirt
- iv. Showing all of i), ii) and iii) with and without a cleaned Bunker Wall and any proposed fence/ wall on top of the Bunker Wall.

Only then could the SM proposal be properly assessed or determined.

Lifts

The EIS shows a lift (open glazed) at 12.30m AHD above Lincoln Cres at the base of the existing large staircase to the Art Gallery. Access for this lift is shown by steps from Lincoln Cres and from TWT's lift/ land bridge with an accessible path to the new lift (refer attached site plan). The EIS clearly sees TWT's lift providing handicapped persons access to the SM.

This means: -

- a. TWT should continue to make access to the lift available to owners /residents using swipe cards and limiting 3rd party use to **"the disabled, infirm or otherwise in need of lift access to gain access to and from Trust Land ... (by prior arrangements giving reasonable notice)"** by means of intercom to our security. **(refer Easement 10 in DP 879222)**
- b. If access to TWT's lift is not so limited it will encourage its use as a convenient common method of entry to SM with SIGNIFICANT IMPACT on the whole area of Lincoln Cr and Cowper Wharf Rd. This is strenuously opposed.
- c. It would be in both SM's and TWT' interests to formalise and document this limited use by SM and include terms for SM to contribute to lift costs.

SM's Access Review – Appendix AE 3.3 P12, incorrectly states the legal situation. The lift is NOT available for "escorted use (after contacting security)".

Further SM's Access Review intimates that the lift not being " **currently** available for independent public use/operation to provide continuous access toon existing public elevated walkway over Lincoln Cr " will become available for independent public use.

This will not be agreed by TWT.

This situation leaves patrons wishing to access the SM from Woolloomooloo having to climb 60 steps to the proposed SM lift at the base of the existing main stair case. Members of the public currently use the staircases to commute to the City but they are invariably healthy and younger members of the community.

SM has determined, despite strenuous suggestion by TWT, including TWT arranging for Kann Finch Architects to convene with SANAA / Architectus, there is for architectural reasons, to be no general access lift from Lincoln Cr. Refer SM Response to Submissions P111.

It should be noted that the lift options are shown in the photomontages (SM RtS Architectus) at Pps 113 & 115 stark white, without landscaping trees, but with the muted limestone Pavilions in the background. Typical of many presentations by SM!

SM's reliance on the TWT lift faces the problems: -

- a. The lift is 20 years old and was not designed nor intended for SM use.
- b. The lift is set within TWT's building envelope out of sight of Lincoln Cr/ Cowper Wharf Rd pedestrian traffic and not capable of glazing. Doors perhaps but to no advantage
- c. TWT has indicated, and SM has agreed, that there is to be no signage in relation to TWT's lift. This is notwithstanding Access Review RtS Appendix AE 8.3. Neither DA 96/00591 nor Easement 10 in DP 819222 requires TWT to provide "ANY" signage for the lift
- d. Most importantly, SM faces the issue of making "prior arrangements giving reasonable notice and cause as little inconvenience as practicable to the grantor and any occupier of the Lot Burdened".

There is no requirement in the DA nor the Easement to give access "on demand".

Reasonable notice cannot be given generally.

Constant demand on TWT's concierge/security could become very inconvenient.

Given these issues the benefit of the TWT lift to SM will depend on SM being able to enter into an agreement for use of the lift on terms "agreed" by TWT.

PROPOSED CONDITION

Should SM require to use the lift in TWT, SM shall enter into a formal agreement as to its use with TWT on terms "agreed" by TWT.

Southern pedestrian access to lower gallery

The concept shows pedestrian access at the southern end of Lincoln Cres – immediately south of the stepped concrete wall. This entrance is only a fire escape and poses no threat to TWT's general amenity PROVIDED it remains a fire escape only.

FIRE ESCAPE LOWER GALLERY

SM claims that there is no need for a general-purpose lift and that disabled persons' use of TWT's lift will be minimal yet suggests in the EIS that the fire escape from the Lower Gallery to Lincoln Cr be used for ingress to the Gallery during exhibitions.

Use of this fire escape as a means of ingress to the Gallery, could become a permanent feature, and will bring greatly increased traffic (pedestrian and vehicular) to Lincoln Cr . This is objected to.

SM has subsequently represented to TWT that this fire escape would not be used for access to the Gallery (Refer Document 1) and as stated in SM Response to Submissions P 110, however, for posterity's sake these statements should become a Condition of Approval.

PROPOSED CONDITION

The fire escape from the Lower Gallery to the southern end of Lincoln Cr not be used, at any time, as a means of ingress to the Gallery.

Loading dock /traffic / pedestrian issues

It is a given that SM will exacerbate parking and traffic issues, in what is already a problem for Lincoln Cr and Cowper Wharf Rd and the surrounding area. There is little one can do to solve these basic issues, save for a Ferry Service (see below).

However, control of the operating hours of SM's loading docks will help in peak hours.

At p48 of Volume 1 the EIS talks of 500-1000 motor vehicle movements per day (predominantly around lunch time and Sat am) in Lincoln Cres

These numbers of vehicle movements will certainly increase, not only by trucks (see below) but also by SM patrons seeking parking.

The SM (with an additional 800,000 on our doorstep) will, like all public events in RBG/D increase the numbers of people using TWT's Boardwalk and Rooftop Garden Walkways / Bridges, many people often peering into our apartments/ complex severely affecting our privacy/amenity.

SM has advised that there will be up to 90 single axle truck (up to 12.5 metres in length) movements per day into the two internal docks off the northern end of Lincoln CR, one for art works the other a general goods dock serving both the SM and the Art Gallery, contrary to all advices from SM and the EIS 9 (refer P 48 Vol 1)

Entry and exit must be in a forward direction.

TWT has two car park entrances, for TWT (79 cars) at the northern end and WFW / public (182 cars) in the middle of Lincoln Cr, a single lane both direction dead end road with on-street car parking either side. There is no off-street loading dock at TWT and all garbage collection, loading/unloading must take place on Lincoln Cr and sometimes with more than one removalist truck, virtually opposite the proposed SM loading dock. The northern end of Lincoln Cr also provides access to a major electricity sub-station, emergency access to TWT's boardwalk /apartments and the waterfront areas of the Botanic Gardens. Sydney Council only permits the public car park to open at 9.00AM.

The EIS proposes the removal of 6–8 Lincoln Cr car parks, out of a total of 44 car spaces.

It is essential, in the interests of SM trucks and TWT generally, that the existing traffic pattern at the corner of Lincoln Cr and Cowper Wharf Rd is not compromised AND the current right turns into and out of Lincoln Cr are retained.

Movements into/out of the SM dock must have time restrictions to minimise, as far as possible, conflict at peak times at the Lincoln Cr/Cowper Wharf Rd intersection, the TWT car park entrances, TWT loading/unloading, sub-station, emergency services access and garbage collection.

It is suggested that SM and demolition/excavation trucks be limited to single axle trucks not exceeding 12.5 M and these trucks be prevented from operating in Lincoln Cr between 8.00–9.30 am and after 3.00pm daily Monday -Friday.

LOADING DOCK

SM has indicated in the EIS that the SM Lincoln Cr loading docks will augment the existing AGNSW loading dock off Art Gallery Rd. Directing AGNSW loading docks existing movements to Lincoln Cr is objected to as it will bring unnecessary additional traffic issues to Lincoln Cr. AGNSW should be required to maintain the existing loading dock facilities and current pattern of use of the AGNSW dock.

PROPOSED CONDITION

AGNSW must maintain its loading dock off Art Gallery Rd consistent with current dock facilities and movements and not redirect movement of deliveries for AGNSW to the Lincoln Cr loading dock.

CAR PARKING

With the demolition of the Bunker Pump Station and Sub Station to create entry to the SM docks a further 4 car parks will be removed from Lincoln Cr - making a total of 10 (not 6) removed out of the existing 44 spaces or 23% without SM providing any additional parking in the area yet increasing visitation for the combined galleries by over 1 million people initially, ultimately 2-3 million.

What does SM propose to compensate the affected Woolloomooloo community and improve its own position into the future?

SM will not be liable for substantial Sec 61 Contributions (estimated at \$3.5--4 M) yet could be conditioned to provide the facilities referred to below as being necessary for the proper implementation of its major proposal. It would be better, in the interests of its community and community relations, that SM volunteers to:-

1. Provide a new SM lift to move pedestrians through our community – forget the architectural objection nonsense.
2. Landscape the Bunker Wall to improve the general amenity of our community– the Heritage Council agrees.
3. Provide new traffic lights at Lincoln Cr /Cowper Wharf Rd intersection.
4. Upgrade and landscape the area of the Seawater Exchange Chamber and steps to Mrs Macquarie Rd. This compensates RBG&D for use of its land and improves community amenity.
5. Agree to :- operational , construction/ demolition/excavation times commensurate with the residential character of Lincoln Cr as set out above – save that evening time restriction be after 4 pm.
Lincoln Cr is not CBD and
No bogey trailers on demolition/ excavation trucks.

These time limitations will permit the TWT/Finger Wharf community reasonable access in Lincoln Cr which has the impediments of the intersection with Cowper Wharf Rd (Cahill Express /City traffic) and a one way street.

Sea Water- Air Conditioning Cooling System

Full details of this proposal need clarification to ensure that:-

- a. The 400 /1200mm outlet and inlet pipes do not affect the low tide remnant beach and stone retaining wall.
- b. Maritime navigation into and around SP57624 Marina (east, north and west) is not compromised
- c. The subterranean “sea water pump chamber” does not impose on the acoustic or ground vibration amenity of the small Domain Park area immediately outside the NW façade of TWT or on TWT itself (located immediately outside bedroom windows).
- d. The Medex/ freshwater treatment of the cooling system do not affect the marine ecology of Woolloomooloo Bay (particularly about Marina SP57624).

What is proposed by SM to upgrade this area AND it's steps to Mrs Macquarie's Rd?

SEAWATER EXCHANGE CHAMBER (CHAMBER)

History of: -

1. SM's EIS reports of Steenson Varming (Appendix J) and Arups (Appendix U) provided NO information, other than a basic site plan and warranty to comply, upon which anyone could make Submission, Assess or Determine the SSDA Application.
2. SM was on notice of concerns regarding this Chamber as early as late November 2017 (refer email Nicholas Wolf/ SM to Gerathy 29 Nov 17 Document 1).

3. SM – Meeting with TWT on 15 February 2018 tabled a Draft SSDA Response to Submissions (Doc 4) which included the original Seawater Heat Exchange Plan as shown in Appendix J (with the Chamber located west of TWT Apartment 34) as well as a New Plan showing the Chamber's location on the waterfront 20.2 m north of TWT Apartment 34. SM also provided basic acoustic statements without supporting details.
4. I wrote to SM on 6 March 2018 (Doc 6) objecting to the Chamber invading the open space of TWT's Boardwalk, RBG 's Water Front and views from Apartments 17 and 34
5. On 13 March 2018 - SM convened a meeting with TWT and Finger Wharf residents and SM's Consultants. A copy of SM's power point presentation (Draft RtS) is attached (Doc 7).

SM presented for the first time a Chamber Diagram – without dimensions – and having then realised an above ground Chamber was required to avoid flooding - reverted back to what appears to be the original site plan location.

The Chamber Diagram has basic defects – minimal detail, no dimensions, the 400mm outlet pipes are shown as the same size as the 1200mm inlet pipes. The ventilation shaft is shown as being 19.2m from Apartment 34 (19.2 m is the distance to the cliff face at the rear) but the Vent Shaft is significantly closer. For the first time “the pop up hatch from an underground chamber “regularly referred to by SM in our meetings becomes a 2800 diameter, 850mm high structure with a 250mm high brass vaned vent sitting on top. The vent is to vent air/heat/noise from what is in effect a turbine (penstock) exhausting water entering the Chamber via two 1200mm inlet pipes through two 400mm outlet pipes –a turbine effect?

6. SM in its RtS (20/4/18) – Appendices H & P provide further details of the Seawater Exchange Chamber. These details should have been provided at the time of the Public Exhibition of the SSDA to allow appropriate community submission.
7. Steensen Varmings Appendix H March 16, 2018 plan/diagrams at Pps 7-8 , **for the first time** , show some details of the Chamber's Plant Room upper section, not seen before.

These plans are essentially not dimensioned but show the above ground structure with air intake and exhaust vents in the above ground hatch structure and another hatch lid at ground level. **No plan has shown the overall dimensions of the Chamber.**

The photomontage shows the area surrounding the above ground hatch as grassed (as represented by SM on site) however the diagram shows the top of the Chamber as concrete and at grade with the ground level hatch in the concrete roof. **What is really proposed? When?**

8. SM claims, without any EOH comment or directive, as requested by me (refer to my letter of 26 April 2018 to SM – Doc 10) that the Chamber is NOW located right outside my bedroom windows and only 15 m distant because of alleged Heritage Impact on the stone cliff face. There is absolutely no basis for this contention and I require, for the visual and acoustic amenity of my apartment 34 TWT, that the Chamber be relocated to the south, as close as possible to the Ausgrid Substation where there are NO Heritage Issues. Any noise emitted by the Chamber's vent will

be muted with the Sub Station hum. I have read Ausgrid's submission which requires a 6 metre separation from vents on adjoining properties.

Comparison of Exhibition Appendices J & U with RtS Appendices H & P demonstrate the complete lack of information provided in the EIS. Further there is no Visual Impact Assessment on the Chamber in any Visual Impact Report nor Heritage Impact Assessment for this incursion into what SM claims to be Heritage, requiring the Chamber to be located as recently shown. NONSENSE!

Again, the lack of information in the SSDA, regarding this extremely important (offsite) environmental impact feature, raises the question as to whether the application should be Refused or Re-Exhibited.

PROPOSED CONDITION

The Seawater Exchange Chamber be located adjacent to and 6 metres north of the existing Ausgrid Electricity Sub Station

CHAMBER ACOUSTICS

In relation to the acoustic attenuation of the Chamber I refer to the Acoustic Report of PKA dated 14 May 2018 attached.

I strongly object to the Ausgrid Zone Substation which was proposed to be decommissioned at the time I purchased my apartment in 1998 (refer Email Ausgrid 14 May 2018 confirming decommissioning 2025/2026 attached) being included in any background ambient noise calculations in respect of the Café/ Entertainment Area, Multipurpose Space, the Seawater Exchange Chamber or otherwise.

PROPOSED CONDITION

The recommendation in the report of PKA dated 14 May 2018 be implemented in the final design and construction of the Seawater Exchange Chamber.

PROPOSED CONDITION

Ausgrid's Electricity Substation adjoining the SM site is not to be included in any assessment of ambient background noise for TWT residences in respect of the Café/Entertainment Area, Multi Purpose Facility, the Seawater Exchange Chamber or otherwise.

ACOUSTICS GENERALLY

CAFÉ / ENTERTAINMENT AREA / MULTI PURPOSE FACILITY

I refer to the attached report of PKA dated 14 May 2018.

PROPOSED CONDITION

The recommendations in the report of PKA dated for the 14 May 2018 be implemented in the final design and construction of the Cafe/ Entertainment Area and Multipurpose Area.

Ferry Wharf

Given the 800,000 increase in patronage and the limited parking in Art Gallery, Mrs Macquarie's and Cowper Wharf Roads and Lincoln Cres precincts, real consideration should be given, by the STATE GOVERNMENT, to establishing a Ferry Wharf at Boy Charlton Pool, either to the South or North of the pool, with a lift to provide an accessible path below Mrs Macquarie's Rd, along the water's edge in the Domain / Gardens to the Sydney Modern's 12.30 M and lift. This would be a stunning entrance to the Sydney Modern – especially for visitors and people not living in the Eastern Suburbs. It would also provide access for people from the western suburbs to the east side of the gardens and Mrs Macquarie's Chair.

A Ferry would give many people the opportunity to see the major N/E and E elevations of the SM, not otherwise visible, except to the very few who live in the top of the Finger Wharf, those with access to TWT's rooftop gardens or those sufficiently endowed to boat on Sydney Harbour.

The Architect's plans lean heavily on these N/E and E elevations.

The Ferry could form part of the proposed Cultural Route from Darling Harbour or the Double Bay Route and would relieve a lot of pressure on traffic, pedestrian and vehicular, and parking in SM's precinct.

SM has agreed to promote a FERRY WORKING GROUP AND STRATEGY Refer Doc 9

TWT is asked to concede for the SM a lot of it's current amenity with—increased traffic / people, loss of parking, lift use, loss of sylvan / city skyline views, sense of place, overbearing industrial looking structure and particularly the loss of the open space and zoning we bought into.

It is time for SM and its promoter the State Government to give something back: -

i. Landscaping/relief along Lincoln Cr

ii. A ferry/wharf to reduce SM's impact on parking and traffic (pedestrian and vehicular)

iii. Formal agreement as to the use of TWT's lift

iv. Ensure that the sea-water cooling system does not impact on the remnant beach, sea wall, TWT's marina or general amenity

v. Put limitations on the size/axes of and hours of operation of SM trucks (including construction) using Lincoln Cr

I RESERVE THE RIGHT TO MAKE FURTHER SUBMISSION UPON RECEIPT OF FENCING DETAILS ON TOP OF THE BUNKER WALL, THE PHOTO MONTAGE OF THE EASTERN ELEVATION AND ADVICE FROM OUR CONSULTANTS.

CONCLUSION

I have been involved in negotiations with SM since Nov 17 regarding issues basic to the general amenity of TWT and its residents concerning Visual Impact/ Greening of Bunker/ Gallery 3 Walls , public access to SM via an SM lift from Lincoln Cr, use of TWT lift, operational/demolition/construction traffic, Traffic Control lights at the Lincoln Cr/ Cowper Wharf Rd intersection, acoustic impacts and location of the Seawater Exchange Chamber , acoustic impacts of the Café/ Entertainment/ Multipurpose Areas and representation to the State Government for a Ferry Service to Woolloomooloo Bay.

To date SM has **only** conceded to: -

1. provide "a green skirt" (not detailed) to the fence or wall sitting above the Bunker Wall
2. limiting vehicles turning right out of Lincoln Cr to 6 metres in length with appropriate signage
3. acknowledging the necessity to have a formal agreement with TWT regarding the use of TWT's lift
4. support a proposal for a Ferry Service at Woolloomooloo
5. concede no Gallery access via Lincoln Cr fire escape from Lower Gallery

From my perspective, SM has treated its negotiations with TWT as though approval for the SSDA was a fait accompli and this attitude is reflected in a review of the Documents and many of SM's consultants' reports. Many are hardly independent or factual.

I note that I have raised in relation to Visual Impact/Bunker Wall/ Gallery 3 Wall and the Seawater Exchange Chamber the failure of SM to provide sufficient detail of its proposal in

the SSDA EIS such that it can be argued that the Proposal could not be properly Submitted to, Assessed or Determined which could have serious legal consequences.

In resolution of TWT's issues I strongly recommend the "PROPOSED CONDITIONS" referred to above be imposed in any Approval for SSDA6471.

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