

Sydney Modern Project
State Significant Development
DA SSD 6471 3/11/17

Development Application and Environmental Impact Statement

Grounds of Objection

These Grounds of Objection have been hastily prepared following the release of the DA and EIS on 3/11/17. The group who, in consultation with many other concerned people and organisations, have prepared this material are:-

- **David Chesterman AM**, urban designer and architect, designer of the land bridge beside the gallery and the Eastern Distributor and an acknowledged authority on heritage , landscape and view impacts of major projects.
- **Ros Andrews**, former Trustee of the Royal Botanic Garden and Domain Trust, former Chair Australian Horticulture and Landscape Foundation and NSW Institute of Horticulture.
- **Gillian Appleton**, former Trustee of the Royal Botanic Garden and Domain Trust and former Chair NSW Arts Advisory Council.
- **Bruce Donald AM**, senior lawyer, former Chair, Environmental Defenders Office and former Australian Heritage Commissioner.

The EIS and its appendices are voluminous documents many years in the preparation, publicly funded at very substantial expense, in the millions of dollars, for the purpose of making the case for the Art Gallery of NSW extension. The reports of the many paid advisers to AGNSW inevitably and unsurprisingly support the proposal; otherwise they would not have been included in the EIS. This means that the consent authority has a very heavy public obligation to critically review every element of the EIS and where appropriate seek further completely independent advice which is not retained by the proponent itself.

These grounds of objection, necessarily limited to the key factors involved, have been voluntarily prepared in just a matter of weeks to comply with the deadline of 15th December, the traditional “Christmas DA!”. It would not be possible in the time allowed to respond to the whole EIS and supporting material.

These grounds have been made available to many interested parties who have requested access to them for the purpose of those parties endorsing all or part of them as they wish.

The need for the expansion of the cultural facilities of NSW

It is acknowledged that the cultural needs of Greater Sydney and the State of NSW are in need of a major expansion of the resources devoted to art in all its manifestations and presentations. The central role of AGNSW in the many elements of that expansion is also acknowledged because of its status and expertise as the venerable art institution. However that expansion is not best served by the Sydney Modern Project where it is at present located or the manner in which it is now designed.

This proposal should not be approved

The overriding objection to the location and design of this proposal, and the fundamental reason why it should not be approved, is because of its negative impact on and inconsistency with the heritage, natural and public open space values of:-

- the Domain,
- the surrounds of the grand and historic AGNSW gallery and
- the entrances to the Royal Botanic Garden and Mrs Macquarie's Point, with their defining stands of trees and public views over the adjacent Domain lands to the Harbour beyond.

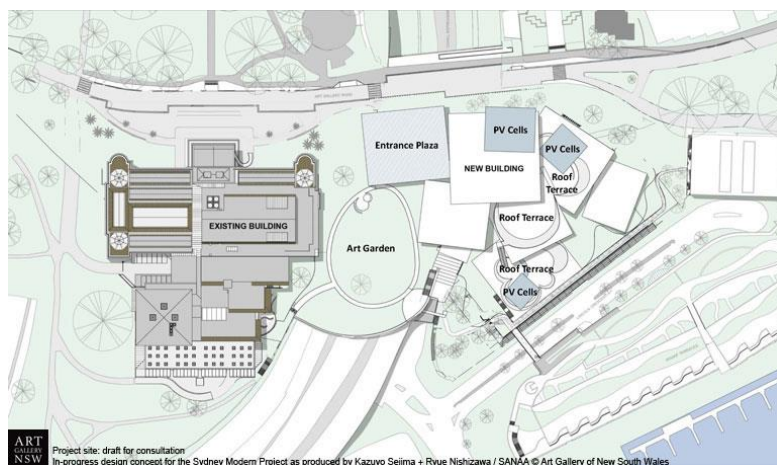
This loss of public amenity is unnecessary as the cultural objectives can be equally if not better achieved in other places and in different ways without building on this location.



Source AGNSW website



Source EIS



The following aspects of the DA and the EIS, when carefully considered, are sufficiently severe to warrant refusal of the Gallery's Development Application.

1.	Landscape Impact	p.3
2.	Visual Impact	p.9
3.	Heritage Impact	P.22
4.	Siting and Cultural Expansion Options	p.28
5.	Design	P.34
6.	Access and Traffic Impact	p.36
7.	Consultation Process	p.38
Verification		p.40

1. LANDSCAPE IMPACT. (Compiled by Ros Andrews)

DA Appendix F (Landscape Impact Statement) and G (Arboricultural Impact Statement). EIS Biodiversity Statement Parts 6.2-6.44

1.1 Loss of green identity for Royal Botanic Garden main entry along Mrs Macquaries Rd



(current view)



(proposed view)

- The first view of the Botanic Garden precinct from Mrs Macquaries Road will be of buildings
- The perception of a green entry to the Botanic Garden will be lost because of the hard landscaping.
- The design of the buildings is an intrusive element into the Domain landscape

1.2 Loss of green identity from eastern view and Woolloomooloo

- the ridge identifying the Botanic Garden and Domain as the green edge of Sydney is lost.



- The largest quantity of removed mature vegetation is proposed opposite Woolloomooloo Gate, running from Art Gallery Road to the edge of the Navy fuel bunker area. Views to Potts Point will be restricted by the new built form looking east from Art Gallery Road in particular. Appendix H
- When exiting the gardens at Woolloomooloo Gate the view will mostly be of roofline because of the descending slope of the land.

1.3 Green space and heritage value

There seems to be a major disconnect between Government policies to offset increased population by providing green spaces versus increasing the built up environment.

Under the NSW Government's own policies and in particular the Department of Planning's Sydney Green Grid, there is a stated aim to deliver an interconnecting network of open space that will keep the city cool, encourage healthy living, enhance biodiversity and ensure ecological resilience. It claims the iconic nature of the Royal Botanic Garden and Domain as part of this green vision.

It also states that 'the protection of important heritage places and landscapes from the early planning stages is important as these places contribute to the district's identity and provide a sense of place, history and visual character. They also contribute to the economy through the attraction of visitors. **Heritage is a non-renewable resource and the significance of heritage to the community should be appreciated, valued, protected and conserved for the benefit of current and future generations.**' Sydney green grid plan 4 central district 2017.

The policy claims to implement the 'avoid, minimise, offset' hierarchy by striving to avoid and minimise impacts from zoning intensification and development on areas of High Environment Value (HEV). This will include **avoiding development on 'protected lands'**, prioritising avoiding HEV and threatened species hotspots wherever possible and offsetting impacts on threatened entities where avoidance and mitigation is not possible.

The Domain area (excluding the land bridge Area over the Eastern Distributor) that is under threat is protected and listed as an item of Environmental Heritage (Item 1653) of State Significance under Part 1, Schedule 5 of the Sydney Local Environmental Plan (SLEP) 2012.

1.4 What is being lost?

The proposed development will necessitate the removal of a total of one-hundred and forty (140) trees. But in the reports no value has been placed on the role of mature indigenous trees in the landscape. Whether as energy savers, air-conditioners, or wildlife havens they act as the green lungs of Sydney.

All Trees of high retention value should be saved

But 7 trees (6 Forest Red Gum and a Port Jackson Fig) of high retention value will be removed. They range in height from 12metres to 14 metres. They have broad canopies and because of their prominent position near the top of the ridge are visual statements in the landscape. All are healthy and in very good condition, with an estimate of more than 40 years growth in current position.

Definition of high retention value

Arborist's assessment Appendix G.

Heritage: The tree has a suspected historical association with a heritage item or landscape supported by anecdotal or visual evidence

Ecological: The tree is a locally-indigenous species and representative of the original vegetation of the area and the tree is located within a defined Vegetation Link / Wildlife Corridor or has known wildlife habitat value

Amenity: The subject tree has a large live crown size exceeding 100m²; The tree is a good representative of the species in terms of its form and branching habit with minor deviations from normal (e.g. crown distortion/suppression) with a crown density of at least 70% (normal); The subject tree is visible from the street and surrounding properties and makes a positive contribution to the visual character and the amenity of the area

Trees of medium retention value

91 trees of moderate value are to be removed. They range in height from 25 – 5 m and include most of the Australian native canopy trees of Eucalyptus sp (5sp), rainforest (3sp) and coastal forest (2sp). Many have safe useful life expectancy values of more than 40 years. These trees are considered to be in good health and condition and make a fair contribution to the amenity of the site and surrounding properties.

Transplanted trees

A further eight (8) trees, including three (3) of high retention value (Mediterranean Fan Palm, Moreton Bay Fig, Canary Island Palm) and five (5) of moderate retention value (Cabbage Tree Palm) and (Moreton Bay Fig)] are proposed to be relocated (transplanted) elsewhere within the site per Landscape Plans prepared by McGregor Coxall. The transplantation of these trees is considered to be horticulturally feasible but **transplanting mature trees of heights from 15-9m is not guaranteed.**

Possible damaging effects on retained landscape of building works: footpath replacement, new pedestrian areas and building footings

- The most significant trees of highest heritage value are the avenue of Ficus (Hills Fig) opposite the existing Art Gallery. The existing asphalt pathway alongside Art Gallery Road (north-western side) is proposed to be demolished and replaced with a new granite stone pathway within the Tree Protection Zones (TPZ) of the trees (all Hills Figs). Despite protection assurances this could adversely affect a most significant avenue of historic trees and completely alter the character and heritage of the Domain.

- A new granite paved area is proposed to be installed within the Tree Protection Zone of a significant palm and the nearby group that it is part of. (Silver Date Palm). Excavations and compaction for the new pavement subgrade will result in an encroachment to the TPZ of approximately 26%, which exceeds acceptable limits under AS 4970:2009. This extent of encroachment is likely to result in an adverse impact on this tree.

Replacement trees will take many years to mature

While two-hundred and sixty-five (265) new trees are proposed to be planted within the site as part of the landscape works to compensate for loss of amenity, this could take 20 years or more to provide a canopy, species habitat and visual softening.

Planting of a sufficient number of trees to soften the visual cascade of the buildings down the NE site is not possible as:

- The buildings start close to Mrs Macquaries Road
- There is limited space below the land bridge
- There is no soil depth above Lincoln Crescent. Therefore the new locations for plantings would most likely be behind the current Art Gallery building where they will not soften the buildings at all or further to the north where there is already existing tree canopy.

Habitat loss

While no significant habitat loss was identified in the NE area of tree removal, the potentially threatened animal species would generally be restricted to those highly mobile species (birds and bats) which are capable of using small, isolated patches of habitat in a landscape otherwise cleared of native vegetation. This would most likely be on a seasonal or sporadic basis.

The following were identified as having a high likelihood of occurring:

Powerful owls - **High**. Suitable foraging and nesting habitat suggest the subject site is likely to represent part of the home range of local individuals.

Grey headed flying fox - **High**. Likely that local individuals visit the subject site regularly when site trees flower/fruit.

At risk during construction:

All existing landscape around the proposed building site has been identified as at risk from the following unless the highest precautions are carried out:

- Excavations and trenching (with exception of the approved remediation works, underground services, building foundations or pavement sub-grade);
- Soil disturbance, surface grading, compaction, tining, ripping or cultivation of soil;
- Mechanical removal of vegetation, including extraction of tree stumps;
- Soil level changes including the placement of fill material (excluding imported validated fill for remediation works or placement of fill for approved works)
- Movement and storage of plant, equipment & vehicles (except within defined temporary haul roads, where ground protection has been installed, or within the footprint of existing floor slabs or paved areas);
- Erection of site sheds (except where approved by the site arborist);
- Affixing of signage, barricades or hoardings to trees;
- Storage of building materials, waste and waste receptacles;
- Stockpiling of spoil or fill;
- Stockpiling of bulk materials, such as soil, sand, gravel, road base or the like;
- Stockpiling of demolition waste;
- Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids;
- Other physical damage to the trunk or root system; and
- Any other activity likely to cause damage to the tree.

As well

- Species of animal that may be particularly at risk of injury or death during vegetation clearing include small terrestrial and arboreal mammals, reptiles, nestling birds and frogs.
- Although much of the fauna habitats associated with the current vegetation has been degraded from past clearing for the Land bridge, these remnants do

provide habitat for animal species and thus, there is potential for animals to be injured during vegetation removal.

Introduction of disease causing pathogens

Phytophthora cinnamomi is a soil borne pathogen that appears to be widespread in coastal forests of NSW. Infection of native plants by *Phytophthora cinnamomi* has been identified as a threat to a number of species and communities listed under the BC Act and EPBC Act.

Myrtle rust is a disease caused by the introduced fungus *Puccinia psidii*, initially identified as *Uredo rangellii*. It affects trees and shrubs in the Myrtaceae family of plants which includes Australian natives such as bottle brush (*Callistemon* spp.), tea tree (*Melaleuca* spp.) and eucalypts (*Eucalyptus* spp., *Angophora* spp. and *Corymbia* spp.). The disease can cause deformed leaves, heavy defoliation of branches, dieback, stunted growth and generally poor plant death. Myrtle rust is increasingly widespread on the east coast of Australia.

There is potential for the project to result in the introduction of spread of these pathogens in soil, mud and plant material. This could be a disaster for the health of the entire Botanic gardens and Domain ecology.

Erosion and sedimentation

Excavation and earthworks undertaken during the construction phase would expose soils that then have the potential to enter surrounding areas of vegetation and waterways, possibly resulting in sedimentation and dispersal of weeds.

1.5 Maintenance of new landscaping

In the discussion of the new planting schemes there is no mention of ongoing maintenance of the new landscape.

- Who will maintain it? Whose recurrent budget will pay for ongoing maintenance?
- Will the Art Gallery employ specialised horticulturists, arborists and landscapers for ongoing maintenance?
- Who will provide the specialist care for the highly vulnerable transplanted trees of High Retention Value?

1.6 The effect of size and scale of the Sydney Modern Project

The proposed development of Sydney Modern will have a 7830 sqm footprint which is equal to the loss of 1.935 acres of green space to a built environment.

The Domain is considered to be the most extensive, publicly accessible and intact cultural landscape in Australia after being opened for public use and recreation in the 1830's. It forms an open space link between the Royal Botanic Garden and Hyde Park. It includes mature plantings of *Ficus macrophylla* (Moreton Bay Fig) [circa 1880's], *Flindersia australis* (Crows Foot Ash), *Araucaria cunninghamiana* (Hoop Pine) and *Phoenix canariensis* (Canary Island Palm).

Loss of public open space land:

As defined by Architectus: 'The site of the proposed development is located within the Crescent Precinct of the Domain, to the east of the Phillip Precinct and Sydney CBD and is comprised of seven (7) lots. The proposed works will also affect a further four (4) lots and road reservation area for external works to the site, including the seawater exchange system (refer to lot list and legal description at Section 2.1 of this report). The proposed expansion area is predominantly north of the existing AGNSW on **underutilised and disturbed parts of the Domain**, including the former naval Fuel Bunker, and partly over the land bridge above the Eastern Distributor.'

There seems to be an underlying assumption that a built environment is 'better' and of more value than a wooded and 'underutilised' area. But as previously mentioned no value has been placed on the mature landscape.

Questions that Sydney Modern and the Government need to answer:

- What is the justification for siting the Sydney Modern project to the NE of the current building? The given reasons seem specious and unconvincing.
- Why has the case for the siting of the SM project as an attachment to the Gallery on the SE not been more fully articulated?
- What is the height of the Plaza roof and first building on Mrs Macquaries Road?
- How will the RBG access their site during building works including completion of a turning circle in Mrs Macquaries Road opposite the main entrance?
- Why is loss of green space and habitat with the removal of 140 trees considered less important than a cascade of modern buildings down the slope?
- How can the Government guarantee that with disturbance of the soil there is no introduction of soil-borne pathogens that will destroy the existing landscape in both the Botanic Garden and the Domain?
- What entity will be responsible for maintaining the proposed new landscape and how will a workable agreement be reached?
- What compensation has been offered to the Royal Botanic Garden for such a significant loss of land and loss of revenue from parking?
- How will the new buildings 'sit lightly on the landscape' when they are sited right on Mrs Macquaries Road on the ridge and be so prominent when viewed from Woolloomooloo?
- Why has the RBG lost control of the land bridge which is being turned into an art plaza?

2. **VISUAL IMPACT.** (Compiled by David Chesterman)

DA Appendix H, 3 parts. EIS Part 6.1

The Clouston Visual Impact Assessment ('VIA') is a long and thorough document containing good images, much of which is, however, of little relevance because in most of the more distant and complex views analysed, the Sydney Modern Proposal is of insignificant size and its visual impacts predictably low, or it can barely be seen.

However, the VIA's analysis of critical, mostly close up, views (11 – 20) that are in or of an area of high heritage and landscape value, reaches **unbalanced conclusions** that are **inconsistent with the 'before and after' images** provided because of the criteria applied in their analyses.

The bulk of the proposed building is misleadingly said to "cascade lightly" down to the Oil tanks. However where it is:

- adjacent to Mrs Macquaries Road,
- seen from the Land-bridge lawn
- seen from within the Art Gallery building, and
- seen from the Woolloomooloo Gate to the Botanic Garden

it would appear as white, largely un-articulated, boxes replacing a substantial stand of trees and views to The Harbour (and a glass-roofed entry structure that relates to nothing and will be of limited utility in this exposed location).

This Comparative Analyses of Visual Impacts in Table 1, below, demonstrates why the visual impact of the Sydney Modern proposal is unacceptably **HIGH**.

The EIS asserts that the proposed building "speaks of the future". It would be more accurate to say that it shouts about the future. **The visual relationship between the existing historic Art Gallery building and its important open setting, and the proposed Sydney Modern building is one of extreme and intrusive contrast.**

TABLE 1. ASSESSMENT OF VISUAL IMPACTS

This Table uses the images from critical View Points 11-20 in the Visual Impact Assessment Appendix H Vol 2 – as shown on the pages noted in Column 2. The Images from the VIA follow

View Point	VIA PAGES App H/2	LOCATION & DESCRIPTION OF CHANGE	EIS ASSESSMENT	CHESTERMAN ASSESSMENT
11	50-51	Opposite the Woolloomooloo RBG Gate, this view demonstrates an unsympathetic total change in character	MOD	HIGH
12	53-54	View of AGNSW from road looking Sth is almost totally blocked	MOD	HIGH
13	55-56	View East from road across land bridge is largely obscured	HIGH	HIGH
14	56-57	From the Pavilion Café a large sector of the view is substantially changed from being natural (and also a distant view) to that of a large modern building.	MOD	HIGH
15	58-59	Views 15, 16 & 17 are experienced by pedestrians arriving at AGNSW on foot across the Domain...	MOD	MOD/HIGH
16	60-61	and by motorists and pedestrians using Art Gallery Road and Mrs Macquaries Road	MOD/ HIGH	HIGH
17	62-63	At present the AGNSW building is seen within the natural setting provided by the stand of trees to the north of the land-bridge lawn. This visually significant stand would be destroyed and replaced by the proposed Sydney Modern.	MOD/ HIGH	HIGH
18	64-65	As can be seen, a view of the Harbour is eliminated from the most important public outlook from AGNSW and in a most unsympathetic manner	MOD	HIGH
19	66-67	It is unclear why the existing trees on the Land-bridge have been eliminated (vegetation to be removed) as they are located in the only position (over structure) where they can enjoy adequate soil depth. This is not a significant façade of the AGNSW building. The new trees shown are unlikely to be feasible.	MOD	MOD/HIGH
20	68-69	It is very unfortunate that the <u>continuity</u> of tree-line on the eastern ridge of the Domain (an important feature) would be destroyed – as can be seen from this view, and probably also from view-points further to the east.	MOD	HIGH

Viewpoint 11



Viewpoint 12



Viewpoint 13



Viewpoint 14



Viewpoint 15



Viewpoint 16



Viewpoint 17



Viewpoint 18



Viewpoint 19



Viewpoint 20



...and the views to be gained?

An important postscript to this VIA is that there will be virtually NO WATER VIEWS from the lower two terrace levels of the proposed building, just rooftop, Finger Wharf and the Naval Dockyard.

Views from lower terrace level of Sydney Modern



Views from second terrace level of Sydney Modern



3. HERITAGE. (Compiled by Ros Andrews and Bruce Donald)
DA Appendix AC. EIS Part 6.7.

The Sydney Domain is at the heart of the heritage of both the city and the nation as the last remaining open space at the point of the British occupation of the continent. It has suffered the 'death of a thousand cuts' since it was first designated as public lands in 1792. This proposal for the largest ever construction of a single structure in the Domain will deliver a blow to the amenity and heritage of the Domain, to the open setting of the historic NSW Art Gallery reclaimed by the land bridge, and to the public open space defining the entrances to the Royal Botanic Garden and to the iconic Mrs Macquarie's Point.

The heritage values of the Domain are fully captured in the **NSW Heritage Register** listing

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045297>

The **Statement of significance** is very extensive and includes:

The ROYAL BOTANIC GARDENS AND DOMAIN collectively are of exceptional national, state and local significance as

... :

GENERAL values:

- it is one of the earliest surviving colonial botanic gardens in the world and one of the oldest, richest and most extensive early public cultural landscapes in Australia with a substantially intact area and major precincts that are nationally rare from a historic, scientific, aesthetic and social perspective, and which continue to fulfil diverse use expectations by remaining freely accessible and in high demand from a broad community spectrum;

...

PRIMARY values:

- as an important and integral part of the boundaries - from 1792 - of the first permanent European settlement in Australia. It is also an integral part of a large group of early Australian colonial sites located along, and linked by, Macquarie Street, including the largest surviving group of Governor Macquarie-era places in Australia. Individually and collectively these sites have considerable potential to reveal much about the formative town planning, settlement and development pattern of the City of Sydney (historic and technical/research values);

...

THE DOMAIN

The Domain is individually of exceptional value to Australia, NSW and Sydney:

- as an important and integral part of the boundaries, from 1792, of the first permanent European settlement in Australia. It is also an integral part of a large group of early Australian colonial sites located along, and linked by, Macquarie Street including the largest surviving group of Governor Macquarie-era places in Australia. Individually and collectively these sites have considerable potential to reveal much about the formative town planning, settlement and development pattern of the City of Sydney (historic value);
- for its close association with the development of the Royal Botanic Garden and of botanical study in Australia, as the location of early (1788) agricultural, botanical and horticultural

enterprise and, since 1848, through the joint management of the Domain and Garden under one directorship (historic value);

...

- as evidence of the erosion and alienation of public space under pressure of urban development and of dominance of transport issues in the history of planning in Sydney and a focus for debate concerning the value of public space and the rights of citizens;

These same values are included in the **Australian Heritage Council draft National Heritage Values Statement**

<http://www.environment.gov.au/heritage/organisations/australian-heritage-council/national-heritage-assessments/governors-domain-and-civic-precinct-proposed-national-heritage-listing>.

- As a series of designed landscapes which substantially represent their spatial form established from 1792–1826, the Governors' Domain and Civic Precinct comprises an integrated cultural landscape of aesthetic significance with outstanding scenic qualities. ...
- The Royal Botanic Garden and the Domain form a landscape which demonstrates almost 200 years of landscape design, with two key British landscape practices—the Picturesque and the Gardenesque—adapted to the Australian landscape and soils, using many Australian species.

These statements must drive all evaluation of projects in the Domain.

Landscape and views are central to the heritage values so most of the impacts discussed in the first two sections of these grounds of objection also relate to this section. In addition we object to the Sydney Modern Project location in the culturally and historically sensitive location chosen because it negates all the heritage values in the listing assessments.

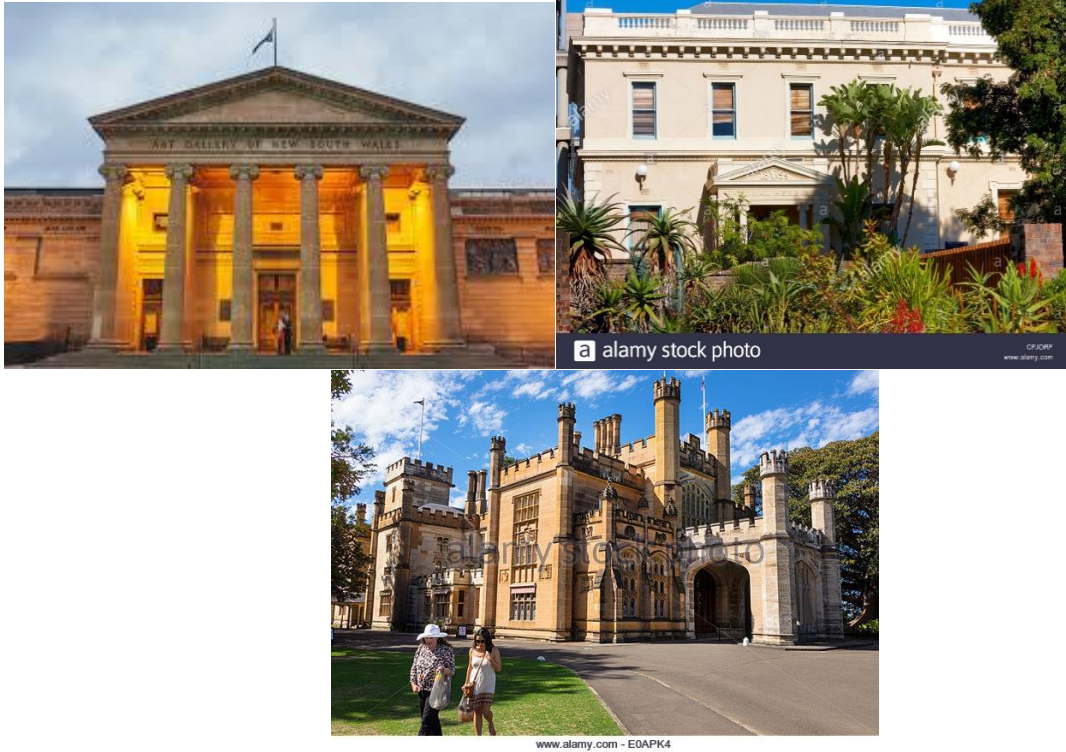
In the context of heritage, we regard as highly significant the objections lodged to the Application by

- the National Trust of NSW, based primarily on their belief that this project is contrary to the heritage values of the proposed location; and
- the Foundation and Friends of the Garden, who are objectors principally on the ground of loss of open space.

An analysis of the EIS and the heritage impact assessment clearly reveals that they fail to make a case that this very large development has acceptable heritage impact. On the contrary they reveal that it will :

1. seriously reduce the Domain's role as a contributing and defining element providing continuity in the series of public parklands extending from Hyde Park to the Royal Botanic Garden and Mrs Macquarie's Point, so important in the open space network of the City of Sydney.
2. negate the importance placed upon accessible and inalienable public space in Sydney, which dates back to the 1830s. Instead the Sydney Modern Project provides evidence of the erosion and alienation of historic public space under pressure of development and has not allowed an opportunity for debate concerning the value of public space and the rights of citizens.
3. change the visual relationship between the Garden and Domain and the historic buildings group along Macquarie Street, Hospital Road and St. Mary's Cathedral with the insertion of an ultra-modern architectural style. These buildings are part of the setting of the Garden and Domain, and the Garden and Domain in turn form a parkland backdrop setting for these buildings, which is appreciated by their users and the public.

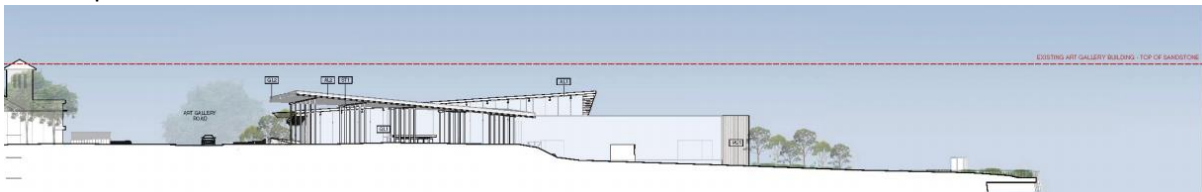
They will change from this.....

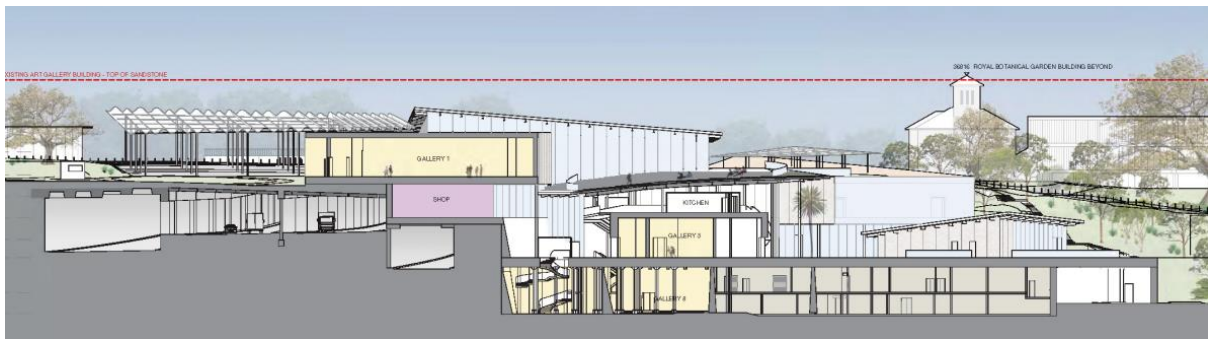


....to this



4. intrude a modern 'shed like' design into a C19th historic and culturally homogeneous landscape.





5. destroy the appreciation of the basic form of the pre-European landscape with the 2 ridged promontories enclosing the central gully, an important aesthetic value. This will be lost with 5 rooflines and 4 buildings cascading down from the Eastern ridge.



Compromised, constructed and underutilised

The case presented by GML Heritage, as consultants to AGNSW charged with justifying this building, is not only wrong and misleading, it is perversely based on the proposition that because this area of the Domain has in the past been modified by construction, suffering some of those 'thousand cuts', and contains both the electrical substation and the disused wartime oil tanks, it is therefore compromised open space, robbed of its heritage and therefore available to be built over together with all land adjacent to the tank site.

The pejorative depiction of the land bridge as underutilised and compromised built space flies in the face of the very purpose and design of the land bridge which was a clawing back of the space ripped out of the Domain by the expressway, carefully constructed at large public expense to replicate the previous natural contours as far as possible, and to create the very open space setting for the

venerable Gallery which had been destroyed. The land bridge was never contemplated to be a building site!

We accept that the interpolation of the oil tanks in WWII has left a significant problem for an acceptable, innovative re-use of that area, but we would respond that it does not constitute a rationale for filling the whole hillside and the land bridge with a large building eradicating yet further open space.

The argument that creating rooftop open space maintains a degree of public open space and mitigates destruction of the current open space is simply specious. This open space will be available only in gallery opening hours and could be closed at the gallery's whim to accommodate functions that are not open to the general public.

Natural heritage values impact- response to each GML **conclusion** in Appendix AC par 6.2.5

The list of physical and visual impacts could be seen as intentionally misleading. The first two impacts in particular are based on minor loss of trees, with the implicit suggestion that this loss will thus simply have a minor effect on the open space landscape. No mention is made of the physical presence of the buildings that will replace them.

Taking each conclusion in turn:-

- Minor adverse physical and visual impacts resulting from the removal of two trees identified in the 2001 Cultural Landscape Strategy as having high heritage significance to allow for the construction of the new building.

The claim that only three trees will be removed is misleading. In fact, the whole hillside stand of trees which so defines the space at present will be removed, as will be the outlook of openness to nature from the Art Gallery looking North which will instead be to a massive built form.

- Minor adverse physical and visual impacts resulting from the relocation of one Canary Island Date Palm identified as having high heritage significance to facilitate the construction of the project.

The second impact again is ONE listed heritage tree. It is ludicrous to make this the second impact.

- Moderate adverse physical and visual impacts from some net loss of open space resulting from the construction of the proposed building to the north of the existing gallery, notwithstanding that the majority of open space has suffered substantial historic modification via the construction of the Cahill expressway and Domain Oil Tanks.

This impact begins the dismissal of heritage impact on the false basis that this is a built upon and modified landscape.

- Minor adverse visual impacts resulting from replacement landscaping and through-site connections.

This is demonstrably wrong, see our Visual Impact Assessment response Section 2 of these Grounds.

- Moderate adverse visual impacts resulting from the construction of the proposed gallery to the north of the existing gallery, as a further expansion of the Gallery.

This too is demonstrably wrong; see our Visual Impact Assessment response

- Minor adverse and moderate positive physical impacts resulting from the adaptation of the Domain Oil Tanks for use as Gallery and support space.

Adaptive re-use of the oil tanks might be seen as having moderately physical positive effect, but this discounts the impact of a cascade of buildings from the top of the ridge to the bottom of the slope, changing the entire eastern face of the hillside.

Art Gallery heritage values Impact response to GML conclusion in Appendix AC par 6.2.4

The original design overwhelmed the historic Gallery and effectively made it an annex. The amended design while obviously less overwhelming, continues the relegation of the current Gallery to secondary status by closing off the pedestrian crossing at the main entrance, closing the vehicular parking and turning area and designating the new Entrance Plaza as the main entrance to the galleries from where visitors will then return to the old Gallery. This appears precisely what the Heritage Council was concerned about in the minimal responses recorded of the consultation with them on 4 October. The report records 'General comments were made about ensuring the current entry to the existing gallery retains its prominence once the new building was open.' Appendix K, p47. This is indeed a matter for concern and should be central to any final decision on the siting of a gallery extension.

Aboriginal Archaeology:

The EIS states that a literature review 'found extensive use of the Sydney city landscape by Aboriginal people prior to the arrival of the first fleet and their forced displacement from the area' - a finding which hardly needed a literature review to confirm. The consultant's analysis continues, limiting itself to the potential for Aboriginal objects to be found in the area, which it concluded was 'nil to low'.

Surely the whole point is the *symbolic* value of this environment to contemporary Aboriginal people, particularly those descended from the Gadigal people of the Eora nation, the original occupants. The growth of significant interest in the Aboriginal history of Sydney over recent decades should have made the importance of this area obvious to the Gallery if not to the consultant. Any further alienation of this land, regardless of its archaeological value, land is potentially highly offensive to Aboriginal people.

Recommended management:

The entire area of the Domain and Garden should be retained and conserved on the basis of the Burra Charter (Australia ICOMOS) as well as the three guideline documents supporting the Charter.

*There should be no further subdivision of the place or excisions from or alienation of the place. Management of the Domain should remain under the control of the RBG & Domain Trust as part of the RBG's accountability under the RBG & Domain (Trust) Act to provide for a greater level of professional landscape conservation management capability.

*Manage the Domain on the basis of maintaining three distinct landscape character zones: along Macquarie Street; south of the main Botanic Garden depot boundary; along the eastern promontory (see sections 8.3-8.9)

*Continue the currently active role of advocacy in relation to seeking appropriate outcomes for proposed development on sites immediately adjacent to the Domain and Garden.

4. SITING AND CULTURAL EXPANSION OPTIONS. (Compiled by Gillian Appleton)

DA Appendix AN. EIS Parts 1.8, 6.30

4.1 Summary

The analysis of alternative sites in the EIS is an inadequate assessment of locations within the Domain, elsewhere in city and throughout wider Sydney.

The site analysis fails to consider in any detail how the cultural needs proposed to be addressed by Sydney Modern could better be met by separate elements, separately located.

The majority of the site analyses are predicated on siting the competition-winning design. The concept of a new building in another site, which conflicts with the Gallery's stated objective of co-location, was not seriously considered.

There are alternative sites where Sydney Modern could be located which would not be destructive to an area of the Domain that has high heritage and aesthetic value.

Alternatives include the space under Headland Park at Walsh Bay, or on the area immediately to the south-east of the existing building.

A new gallery in each of these places could, if appropriately designed, achieve the unique quality and images sought by AGNSW and not damage an important part of the Domain.

4.2 Analysis of Feasible Sites (EIS 1.8, 6.30)

It is interesting to note the relatively narrow range of criteria against which the sites were ultimately evaluated. Impacts that we believe are of significant public concern, such as loss of existing perspectives of the historic landscape, maritime structures and the Harbour itself, and the issues concerning traffic and parking are not identified as disadvantages of the preferred site. The EIS appears to support the choice of site to justify the Gallery's expansionary objectives, rather than to approach the task objectively.

The use of the word 'feasible' is interesting and suggests an element of pre-emptive selectivity.

The site analysis is limited to four sites, three in the Domain and one in the City.

4.3 Sites in the Domain

4.3.1 New south-west wing Option B1: sited along Art Gallery Road, adjoining the existing Vernon building. It is unthinkable that the public would countenance the destruction of the tree-lined open avenue leading to the Gallery. However, it should be noted that many of the objections raised could equally apply to the preferred site, such as

- Heritage issues associated with building on valuable parkland.
- Conflict with public activities.
- Confused public circulation
- Operates as two separate buildings duplicating activities and costs.
- 'Location remote and not prominent' is an odd claim for a building sited on Art Gallery Road.

4.3.2 New north west wing over expressway Option B2: it is open to question why this possibility was considered at all. It is easily dismissed as the engineering costs would be prohibitive, and there would be extremely strong public resistance to the loss of parkland and heritage trees.

4.3.3 New north east wing Option B3. This is chosen effectively by default, presumably because this location

was the intended outcome.

Most of the advantages listed flow from the building and its design remain to be proved in practice; or are purely speculative, such as

- creation of an 'iconic' building
- strengthening the identity of AGNSW within the city
- providing a 'unique Sydney experience' and reinforcing Gallery identity.

Other advantages identified do not withstand scrutiny.

- Strong connections to city and Harbour. While this might be the case, it would also apply at an alternative site such as Barangaroo.
- Improved pedestrian connectivity and activation. A massive building on this site is more likely to severely inhibit pedestrian activity to and from the east and the city, and encourage the use of alternative routes.
- Using 'relatively underutilised open space'. This is questionable: the site forms an important element of the Domain as a whole and more particularly of the important Yurong Precinct towards Mrs Macquarie's Chair.

Only two disadvantages are identified:

- a *more complex construction approach* (detail unspecified),
- and the *prominence of the building when viewed from eastern approaches*. Our research into objections suggests that this is indeed a major concern, particularly for residents of Woolloomooloo and Potts Point.

Substantial visual impacts identified in the objection of David Chesterman, and landscape issues as identified by Ros Andrews, have not been considered sufficiently important to be identified as disadvantages.

4.3.4 Other Sites in the Domain

Two other Domain sites were rejected without detailed analysis.

- **South over the Domain Car Park**

This option was never a serious possibility, given the cost of acquiring the lease on the building, and the potential loss of parking space and sports fields.

- **South East, new building below existing Gallery**

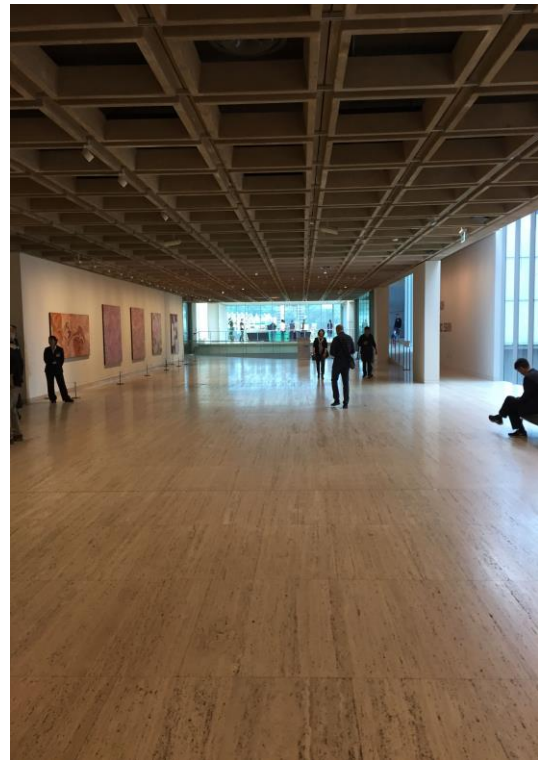
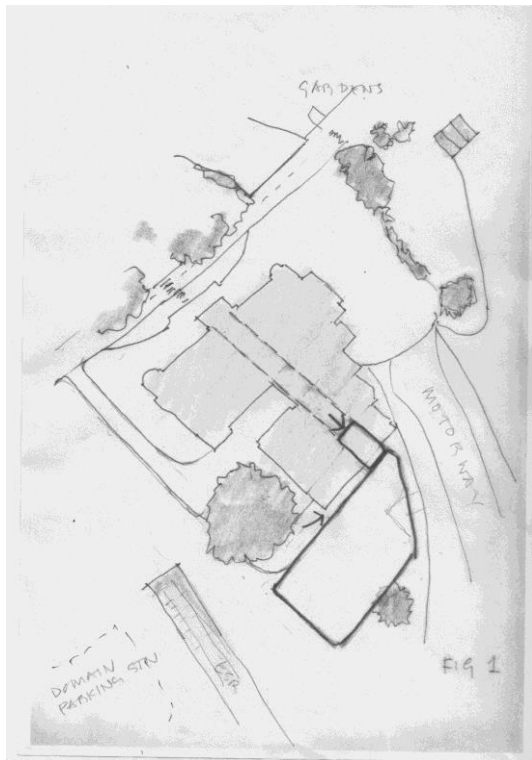
If the Government is intent on co-locating Sydney Modern in the Domain, the most suitable site would be to the **south east** of the Gallery building, between that building, the Eastern Distributor and the railway. A landscape evaluation of the whole Domain would probably identify this area as having the lowest, or near lowest, aesthetic or use value of any of the area's parts. This façade of the gallery has already been compromised by various additions.

The statement (p.25 EIS) that a building in this location would impact on the view of the Vernon façade and the Police Memorial is factually incorrect (see graphic). In fact a south east site would offer the least landscape and heritage impact. David Chesterman has identified that there is potential for a four-storey building with superior vistas without compromising the existing gallery. Such a building could seamlessly link with the existing building. The entrances to each building would have a strong visible link to one another, sharing an arrival point. This would overcome concerns about cohesiveness and the detriment to the Garden entrance, and would create a coherent 'civic precinct'.



A four-storey building on this site would provide Sydney Modern with **plenty of space**, would be **convenient, prominent**, would offer very **good outward views** (including the Harbour), and could be **easily serviced** using existing roads.

Entered at the eastern end of the central Gallery space (opposite the main entrance) it would be a fully integrated with the Gallery building, but maintaining a separate identity within it.



It is noteworthy that on the Eastern Suburbs railway line there is a void right on that South East corner for a railway station to serve the Gallery.

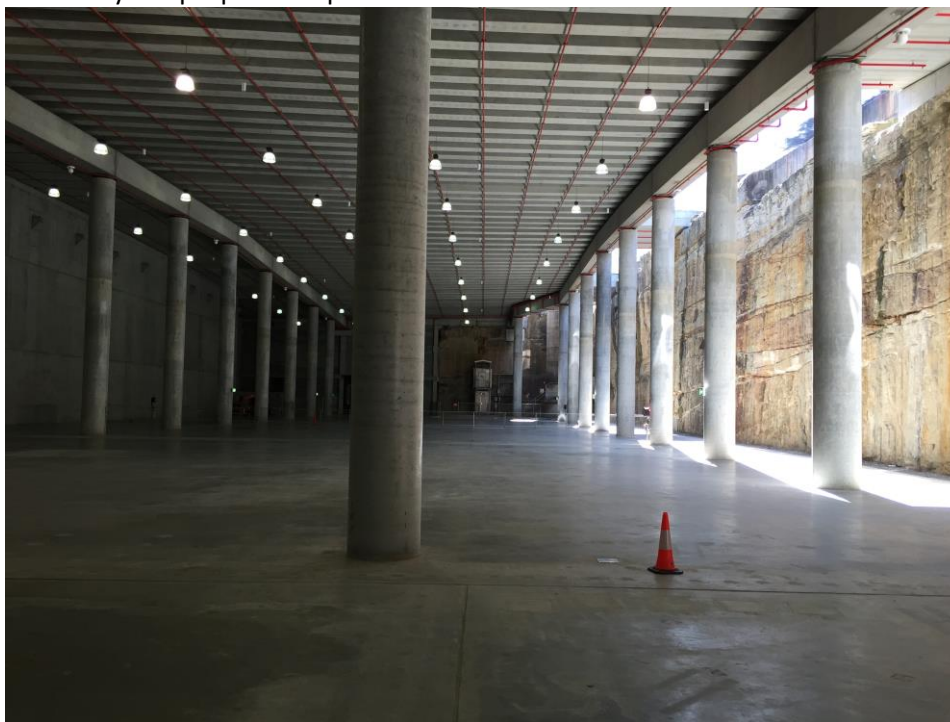
4.4 City Site

Options A1.1 and A.1.2

New Building, Barangaroo

The graphic provided in the EIS indicates that this analysis pre-dates the construction of the Barangaroo headland, the major redevelopment of that precinct, and the location of a metro station. (Disadvantages cited include 'limited access to public transport'.)

The analysis does not refer to the proposal made in March 2016 by former Government Architect Andrew Andersons to use the magnificent void beneath the Barangaroo Headland Park for significant elements of the needs to be addressed by the proposed expansion.



The Gallery states that it holds 'the nation's most significant collection of Aboriginal and Torres St Islander art in one location'. Currently, these works are on limited display on the lowest level of the Gallery. There is great international interest in Australian Indigenous art. A new dedicated gallery, expertly programmed and in an iconic location such as Barangaroo, would without question present a major attraction for visitors to Sydney, local residents and office workers, as well as freeing up space for major exhibitions in the existing gallery. Alternatively, the Barangaroo site could house major special or travelling Exhibitions.

The claim that such a solution would be 'likely to diminish the role and status of [the] existing gallery' is astonishing – a more positive view is that such an adjunct to the gallery could only enhance its status, as the Tate Modern has for the Tate Britain.

4.5 Wider Sydney Locations

The AGNSW's small front door now serves a city with a population of almost 5 million that is expected to grow to 8 million by 2050. (EIS 1.7)

The question that arises here is where that growth, and the associated cultural needs of the people concerned, is most likely to occur. The Gallery adduces a range of reasons for rejecting 'construction of a new building in a location remote to the existing AGNSW (both within Central Sydney and in Western Sydney)'. These include:

- Difficulty of maintaining the identity of a single institution operating across two major

- geographically separated sites
- Curatorial challenges in respect of maintaining AGNSW's role as a state cultural institution and a key destination for visitors
- Duplication of services, increased security operations, operational systems and programming costs.
- Disruption to the AGNSW's longstanding historic association with its location adjacent to the Domain that dates back to 1885.

These reasons could be seen as a classic 'pre-emptive buckle'. They reflect an entrenched disinclination to consider alternative possibilities. The Gallery gives no consideration to taking the separate elements for which expansion is needed and finding better-placed and innovative locations. Why is there no separate celebrated museum of indigenous art in Sydney? And why do major travelling exhibitions have to be at the site of the permanent collection?

In the past several decades, there has been a global trend in major cities for galleries to establish satellite institutions, both within metropolitan areas and in some cases, in regional areas. Prominent among these are Britain's Tate Gallery, with two separate locations in London and two regional outposts (Liverpool and St Ives, Cornwall).

In 1986, Paris established a completely new Gallery, the Musée d'Orsay, merging some of the collections from the Louvre, the Jeu de Paume and the National Museum of Modern Art (Centre Pompidou)

In 2015, New York's famous Whitney Museum overcame many similar issues to those raised by the AGNSW with entirely new, purpose-built gallery in lower Manhattan, on a site far removed from its previous site on the Upper East Side.

[The Whitney's move is] much more meaningful in the long run than the fact that 'downtown' is somehow the 'it' place to be — urban centers of gravity constantly shift over time, after all, depending on economic and real estate cycles

https://www.huffingtonpost.com/john-rossant/whitney-opening-on-the-water_b_7179520.html

Also in New York, a longstanding independent gallery, PS1, became an affiliate of the great MOMA (Museum of Modern Art) in 1999, and the two from time to time stage collaborative exhibitions.

Closer to home, in Melbourne, despite the proximity to the National Gallery of Victoria of spacious parklands, it was not thought necessary to encroach on these lands to accommodate the extension which became the popular and well attended NGV at Federation Square. And in Hobart the Museum of Old and New Art, MONA, located 11km from the city centre, has shown that even in a smaller city, a gallery in an interesting location with an appealing collection can quickly become a major national and international attraction. MONA has in fact become one of Tasmania's principal economic contributors, simply because of lateral and innovative thinking which unfortunately is not reflected in the wish of AGNSW to consolidate all its assets in the Domain.

Western Sydney and NSW Regions

While the EIS does not countenance locating an AGNSW extension outside central Sydney, the AGNSW itself has recognised the importance of spreading its expertise and its collections further than may have been the case in the past, with the publication of its 2017 Regional NSW and Western Sydney Engagement Plan.

<https://www.artgallery.nsw.gov.au/about-us/corporate-information/regional-engagement/>

Western Sydney is one of the fastest-growing regions in Australia. It has 47% of Greater Sydney's residents, and over the next 20 years, its population is expected to increase by 50% to over three

million. Western Sydney is also one of the State's most multicultural regions, with a population representing over half the world's nations. It is also home to NSW's largest population of Aboriginal people. Western Sydney has an innovative arts and cultural sector, which is attracting new audiences and providing significant growth opportunities.

<https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economics-western-sydney-cultural-infrastructure-report-250215.pdf>

This 2015 Deloitte report, *Building Western Sydney's Cultural Economy*, commissioned by Western Sydney councils and business organisations, recommended a commitment of \$300m for cultural infrastructure over the years 2015-2020 to 'address the critical historical deficiencies in cultural infrastructure in Western Sydney'.

While Western Sydney is served by smaller public galleries in an arc extending from Campbelltown to Liverpool, Penrith and Windsor, the major city galleries, the MCA and the AGNSW, have no physical presence outside the CBD.

In regional NSW, there are 40 non-profit public galleries, many of which maintain impressive collections relevant to their area as well as showing the best local, national and international art.

The expectation has been that local government will take the major responsibility for capital funding while State Government will provide program funding for gallery activities and individual artists. However, municipal funding for galleries is not reliable owing to factors such as low ratings bases in some areas, varying interest in cultural matters by councils, and competition from other activities, notably sports.

The Regional Cultural Fund was recently established by the NSW Government is to 'invest \$100 million over four years to drive growth in arts, screen, cultural and heritage infrastructure for the social, cultural and economic benefit of communities in regional NSW.'

<https://www.create.nsw.gov.au/funding-and-support/regional-cultural-fund/regional-cultural-fund-2/>

The NSW Government's 2017-2018 budget papers delivered in June 2017 (section 4.13) specified capital funding for four major projects for arts and culture to proceed or begin over the following five years:

- Sydney Modern - \$244m (total cost \$344.3m (including \$100m philanthropic contribution)
- Walsh Bay Arts Precinct - \$207.5m (including \$11m for planning allocated in 2015-2016)
- Sydney Opera House Stage 1 Renewal - \$202m
- New museum (ex Powerhouse) in Western Sydney (planning) - \$10m

The Government states that its Regional Cultural Fund will 'address the **significant disparity in the quality and quantity of arts and cultural resources between regional and metropolitan areas** (my emphasis). and..... ensure regional NSW receives its **fair share** of arts and cultural infrastructure .

An independent observer might conclude that an amount \$10m for Western Sydney, and \$100m for all of regional NSW, spread across arts, screen, cultural and heritage infrastructure over four years, looks insignificant against more than \$650m capital works funding allocated to the central metropolitan area.

5. DESIGN (Compiled by David Chesterman)

DA Appendix C, 3 parts, and Appendix D.

The winning design by SAANA followed the JPW Masterplan and placed substantial buildings on the land bridge close to the Art Gallery Building. For various reasons the proposal (in many ways a different design) is now smaller and the bulk of the proposal has been moved to the north with most of it now located in the volumes and terraces that “cascade” down to and make use of the former oil bunker at the Lincoln Cr level. In some respects this move has reduced some of its adverse impacts but, as the View Impact Assessment demonstrates, by no means all.

It would appear that the amended design was not returned to the international jury for evaluation so it would appear not to have the jury’s imprimatur.

The proposal now consists of two awkwardly related buildings that

- require the removal of a large visually significant stand of trees, the effects of which are discussed elsewhere in this submission
- block views to the Harbour from land bridge lawn and the Art Gallery
- are totally inconsistent with the character of Mrs Macquaries Road and other buildings along it.
- seem confused about which building has the main entrance

It is always a challenge to collocate buildings that are of different periods. Where it has been successfully achieved, similarities of proportion and/or the use of similar materials or colours have contributed to the achievement of a satisfactory relationship between the new and the old. In the proposed Sydney Modern building there are no potentially unifying characteristics.



A statement in the Sydney Modern DA to justify the relationship between the existing building and the proposed one that “it speaks of the future” is empty rhetoric. As earlier noted it would be more accurate to say that it “shouts about the future”. This is not a criticism of the building’s design as such, but it is about its unsuitability in this context.

Former Government Architect wrote to the Project Director on 23 May 2017, beginning:-

No doubt you became aware of my view that the AGNSW would be far better off utilizing the massive space under the Headland Park at Barangaroo where, by my estimation, one would obtain far more space, suitable for the unbridled demands of contemporary art at a fraction of the price and project time.

If the Trustees of AGNSW were really interested in contemporary art they would pursue this course, but ...

If SYDNEY MODERN is to be built in the vicinity of the AGNSW it must be justified by the following:

- *It must be an ARCHITECTURAL MASTERPIECE*
- *It must read as FREESTANDING BUILDING from KEY VIEWPOINTS*
- *It must make the park and precinct a BETTER PLACE*

His full critique in that letter made it clear he does not consider these conditions have been met. It is understood he has made a detailed submission to be lodged in this matter.

Elizabeth Farrelly too concluded that this design does not justify the seizure of public land

<http://www.smh.com.au/comment/sydney-modern-highrisk-move-fails-to-pay-off-for-art-gallery-of-nsw-20171116-gzn12n.html>

Even a fairly cursory examination raises a number of serious questions about the design's practicality, and the claims made about it and enables a number of unwanted side-effects to be identified. These issues are in addition to the visual and heritage impacts identified elsewhere in this objection.

- The proposed terraces, presumably accessible from inside the galleries, but stated as publicly accessible, could constitute serious management and security risks.
- Sunlight and most works of art don't mix, but it appears that a great deal of glass is proposed. (It should be noted that a number of small north facing windows in the existing gallery building have been screened)
- The two lower terraces would enjoy no water views, instead looking at the substantial electrical substation building to their north.
- The utility of the open-sided entry structure- placed more or less centrally on the land-bridge is questionable as it offers neither satisfactory shade nor shelter from wind in a highly exposed position.
- It is unclear how the former oil tank's many-columned space is to be used to display works of art (as is demonstrated on the image of it provided). It is my understanding that this tank is at present used to store seepage water from the ED to be used to irrigate the Domain and Botanic Garden in periods of low rainfall. It would be interesting to know if it can be successfully dried out and the smell of fuel oil be removed.
- Problems of vehicular access are addressed elsewhere in this submission.

6. ACCESS AND TRAFFIC. (Compiled by Bruce Donald)

DA Appendix AD and AE. EIS, Parts 6.5, 6.22

We do not bring traffic engineering expertise to this review so our comments are from the point of view of the ordinary observer.

In terms of access and traffic management it is hard to imagine a less appropriate location for this major institutional expansion which is presented as the new entrance to the art assets of NSW. Now to be entered on the land bridge itself at the narrowest part of Art Gallery Rd, the new gallery is far from public transport buses or trains, further away from the Domain car park than the existing Gallery and competing with the entrance to the Garden and Mrs Macquarie's Point.

The Gallery claims that the expansion will deliver a new creative precinct in Sydney that aims to double visitation to two million per year, and double school student visits to 200,000 per year. The Minister for the Arts boasts that the Sydney Modern Project alone is expected to inject over \$1 billion into the economy over 25 years and create 240 full-time jobs.

Result: one million additional visitors, 100,000 more school students, 240 more full time staff and an unknown number of volunteers, requiring access to the two Gallery buildings, in addition to current users of the Domain and visitors to the Garden, with existing (already strained) parking, limited opportunities for public transport , and restricted pedestrian access. Some might say, a recipe for chaos.

Visitor Traffic

The convenient vehicular turning circle and parking area in front of the present Gallery are to be closed. Buses will now park on the west side of Art Gallery Rd on the land bridge itself and there will be a new turning circle cut from the open space at the entrance to the Garden

This is a bad design for visitor traffic access as pedestrians will still have to cross the road north of the bus drop off point to the gallery entrance and may not be visible to cars traveling north along Mrs Macquaries Road. Also the turning circle for the buses seems to be badly designed as it is narrow and constricted over sloping land. Yet the traffic engineers claim it is appropriate.

The next photo shows where ALL the visitor traffic will drop off and where ALL buses will park.....



... right adjacent to the entrance to the Garden Entrance

This will be a cramped and crowded bus and car stopping and parking point, filling up the land bridge.

Pedestrian Access

The whole access to the grand historic Gallery is to be changed. Direct pedestrian access across Art Gallery Rd from the Domain is to be blocked off. That crossing is now declared unsafe! All pedestrians coming from the City are to be directed north and across to the new so-called Entrance Plaza from where they will decide whether to go back to the old Gallery or enter the new. This will confuse and distort the ordinary access which pedestrians would follow and significantly detract from the venerable and historic Gallery. The Heritage Council was right to see this as a problem.

7. CONSULTATION PROCESS.

EIS section 5. Appendix K

Owing to the severely restricted time available for responses to the DA/EIS, this submission has necessarily focused on what we see as the key issues related to the development in terms of its physical impact on the city and on the building's immediate environment.

We have been unable to undertake detailed analysis of the adequacy of the consultation carried out by the Gallery. Yet the impact of this development if it proceeds will be wide-ranging, well beyond the art-loving populace of metropolitan Sydney, and irreversible.

The key points in this context are:

The consultation reported by Elton Consulting in Appendix K and relied on as having significantly informed the proposed development was undertaken from May 2015 on the earlier 2015-16 design, in other words, in response to a design that has been superseded. As a sign of the proponent's failure to adequately inform the public so as to invite meaningful feedback, the very basic information on the AGNSW website concerning Sydney Modern remained substantially unchanged until September-October 2017. The upbeat tone of the material tended to imply that the development was a *fait accompli*.

Any consultation to be taken into consideration for the purposes of this Application **must relate to the current proposal**. The process of consultation which followed the announcement of the 2017 design began in earnest only on 6 October 2017, with the hasty mounting of an online survey and 'community information and feedback' sessions in Sydney suburbs and regional centres.

The Government had earlier announced that following the new and amended design there would be a 'particular focus on engagement from Wednesday 20 September 2017 to Thursday 26 October 2017'.

The state-wide community information and feedback meetings were hastily convened, poorly advertised and appeared to be intended primarily to tick a box for the Sydney Modern development application. The numbers of people involved (an average of 86 each day 'engaged' at 9 sessions) are listed at p.1, Elton Consulting Report App K).

Both these consultations and the questions in the on-line survey were constructed so that seriously critical or negative responses were unlikely to be elicited, which proved to be the case – at least according to the consultant's report.

Members of our group attended some of the community consultations. Almost none of the detail now available in the DA was on offer: no photos of the streetscape, no elevations of the buildings, none of the view impact data, none of the alternative site analysis. In that regard we had requested the site analysis from the Masterplan for over two months but it was refused by the Gallery on the basis that it would only be available when the DA was lodged.

The DA was lodged on 3 November. Only from this point, was any member of the public or stakeholder wishing to comment able to have **access for the first time** to far more detailed information than had hitherto been available – with barely five weeks to respond.

As a result of the community information and feedback sessions, Elton Consulting (App K, 7.1)

reported that

[M]any members of the community had some awareness of the project, particularly those in metropolitan locations. Overall there was great interest and support for the project across all locations where community information and feedback sessions were held.

We find this claim surprising. Our approaches to, and contact with, individuals, including professionals with relevant interests and organisations within Sydney revealed a widespread lack of awareness of the Sydney Modern project in any detail, or sometimes at all, even among those most likely to be interested parties like members of the Foundation and Friends of the Garden and Domain, and some members of the Art Gallery Society.

The consultant report records that - as might be expected- *each session reflected the differing priorities and interests of that area.*

People in Western Sydney, for example, *felt there was need for further investment in the arts and cultural sector beyond Sydney's CBD.* Regional communities on the other hand *were interested in supporting local artists and providing space in the new building for visiting exhibitions from regional galleries.*

Tellingly, and particularly relevant to decisions about siting, people participating in the metropolitan sessions *provided more specific feedback on the location of the new building and its positioning on the site [and] were interested in access to and from the site and within the building.*

Comments such as these have had no discernible impact on key decisions about the updated version of the Sydney Modern project. After 18 months of minimal information provided on this development, and a mere 5 weeks in November/December allowed for feedback - particularly from experts who were not among the many consultants supporting the Application – we conclude that there has been a concerted effort to avoid (or ignore) constructive public comment or criticism of this proposal.

After 18 months of minimal information provided on this development, the short period in November/December allowed for meaningful feedback - particularly from experts who were not among the many consultants supporting the application - seems to have been designed to stifle all constructive comment or criticism.

Verification.

This document was completed and lodged 13th December 2017



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