

INQUIRY INTO CROSS CITY TUNNEL

Organisation: John Passmore Museum of Art
Name: Mrs Elinor Wrobel
Telephone: 93322260
Date Received: 17/01/2006

Theme:

Summary

John Passmore Museum of Art
and
Private Residence of Fred & Elinor Wrobel

Joint Select Committee on the Cross City Tunnel.

Attention Principal Council Officer: Simon Johnston.

DEAR SIR,

I wish to give evidence at this inquiry
our property / museum & home has been damaged
3 times by Cross City Tunnel, Boulderstone, Hermit Brook
Bill Jinger, Berger without satisfactory resolution
Re costs for restoration.

IN BRIEF attached pages.-3.

Elinor Wrobel.

Mon 16 Jan 2006.

SC CROSS CITY TUNNEL

17 JAN 2006

RECEIVED

**CCT - Damage to Wrobel's property,
Crescent, Woolloomool.**

**Summary of Points in response to the Independent Property Impact Assessment
Panel (IPIAP) findings: Case 001/03 WROBEL 17th May 2004**

1. Sensitive Heritage Building and the Pre-dilapidation report

The pre-dilapidation report was to identify and comprehensively document the existing condition of a particular property within the sensitive receiver area.

The pre-dilapidation report carried out on the building and foundations, 2 Sir John Young Crescent should, therefore, have served to adequately inform the BHBB/CCT JV as to acceptable construction methodology and protective/preventative measures to be undertaken.

No 2 Sir John Young Crescent had been identified as a heritage building prior to construction commencing and as such, should have received special and particular attention - not only for its heritage status but also because of its Sir John Young Crescent and Palmer Street frontages, the close proximity to construction activity and heavy machinery vibration, and the possibility of damage arising from settlement.

2. Vibration Monitoring at sensitive sites

Vibration monitoring was not undertaken until after the damage occurred, and discussions were not held between the appointed noise and vibration consultants and the property owners to develop appropriate mitigation measures. Vibration levels during the period when damage occurred were based on hypothetical or extrapolated scenarios, not actual events or regular on-site monitoring.

3. Independent Property Impact Assessment Panel (IPIAP)

The panel convened to investigate the property damage claim was selected and paid for by the tunnel development consortium, cannot truly be classified as independent as they had a conflict of interest

4. Duty of Care

The requisite Duty of Care per the Minister's Condition of Approval, was not exercised in relation to sensitive heritage building and the pre-dilapidation report & the vibration monitoring at sensitive sites, per 1. and 2. above, yet the IPIAP refused to take this into consideration in their report.

5. Prejudiced offer

The offer to repair some of the damage is of a cosmetic nature - a temporary fix with the potential to camouflage substantial major damage. The chairman of the IPIAP advised that acceptance of the proposed repairs per the schedule would prejudice any future claims. This leaves the Wrobel's with no alternative but to reject the offer.

6. Denial of justice and due process

The chairman of the IPIAP advised that there was no right of appeal once the IPIAP handed down their decision therefore denying the Wrobel's their right to justice and due process.

7. Community Protection

The pre dilapidation survey and post damage reports are seen by the community as legitimate protection should damage occur to their properties in the interim construction activity. While the intention is honourable, they really serve to address insurance/risk management issues for the BHBB/CCT joint venture.

In the Wrobel's case, the numerous excuses by IPIAP and others in explaining away the differences found between the pre and post reports make a mockery of the whole exercise.



Cross City Tunnel

MANAGEMENT
FROM BUCK BILPINGER BERGER

PROPERTY DAMAGE NOTIFICATION

(2)

Name: FRED + ELINOR WRABEL Residence + John Presmore Museum of Art

Residence 2 upper floors - RAIN PENETRATION pouring in to Kitchen ceiling middle floor Palmer St side, causing water damage on one wall of museum ground floor, on a recent down pour - the worst of Oct. Sunday last. Inspection from 3pm to day by "Edvity Constructions" the former owner/builder, his site manager + manager "April Showers" who laid the membrane, sealants + tiles on the terrace above the kitchen ie top floor. Peter Anderson + manager's inspection does not as yet ascertain one entry point because it is evident that there are a series of recently formed open cracks on the rampart walls of the roof terrace. Severe movement cracks on the upper levels of the Palmer St facade, the facade facing into courtyard on Palmer St. (They did carry out some tests with water on the roof terrace - not conclusive). At 4.45pm when they building left I phoned 1300 850 295 + requested Lee Price be notified + requested as I do now, immediate action be taken by Cross City Tunnel, to prevent further entry of rain water to this Heritage Building + the valuable collection of paintings, furniture, books + ART facts contained in the Presmore Museum + F. E. WRABEL Collections.

Signature: Elinor Wrabel Date: Thurs. 23 Oct 2003

Please return to: URGENT Attention
 Mr Lee Price
 PROJECT DIRECTOR LEE PRICE
 BHBB JV
 PO Box Q1521
 QVB Post Office
 Sydney 1230

For enquiries please phone
 Community Relations on
 1800 850 295

JPM/CR/CR14

NB We Sustained Damage to ground museum floor window on wed. 21 May due to Cross City tunnel works. Remember!

ATL
 BERNAD
 CONNELL



Cross City Tunnel

PROPERTY DAMAGE NOTIFICATION 3

MALDENSTONE HORNBERGK BILFINGER BERGER

Name: John Passmore Museum of Art & Residence for Fred & Eleanor Wrobel

Outline a Description of the Property Damage.

GLASS WINDOW broken GRN. SIR JOHN YOUNG Crescent - John Passmore MUSEUM. ? Sunday LATE PM OR EARLY AM Monday 17 Jan 2005.

1) SMASHED GLASS discovered by Eleanor WROBEL on outside of building AT 6:30 AM Monday 17 Jan 2005.

2) Eleanor phoned Police Assistance Line & W/LOO police station

AT 7:10 AM 3) 2 police officers from W/LOO police station ARRIVED & INSPECTED UNBROKEN window, INSIDE because of distance of PAINT & glass fragments that it was NOT CAUSED by a person SMASHING the glass but in their opinion by a fragment from the debris on the road being THROWN from the wheels of a TRUCK.

4) message re damage left on Cross City hot line & directed to Denise Cross City tunnel. 9:15 AM Reported to Danielle - claimed to be sent.

5) 9:45 AM Cross City tunnel Senior Staff member from New building Palmer St, inspected damage & make photo record.

6) we have taken photos damage inside & out ALSO debris caused by Cross City tunnel, when on the last week prior to their Xmas holidays they dug up the traffic island opposite our building & the opposite side of Palmer St, as usual a proper clean-up of the Road surfaces was NOT conducted - hence, damage once again to our building. In the recent past when the PRAM Ramp was replaced cement spray can be seen on the building's paint work.

We are still awaiting the installation of the remaining bollards on the corner of Sir John Young Crescent from the constantly damaged wooden Legnet pole

Signature: Eleanor Wrobel Date: Monday 21st Jan 2005

Please return to:
Mr Lee Price
PROJECT DIRECTOR
BHBB CROSS CITY TUNNEL JV
PO Box Q1521
QVB Post Office
Sydney 1230

For enquiries please phone
Community Relations on
1800 850 295

- cc. to Clover Moore, MP. Local Mayor
- " Denise ID. planning.
- " CRAIG Knowles MP + HOWARD Penn, ROADS + TRAFFIC AUTHORITY