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Dear Sir,

I write in relation to the University of Sydney Camperdown Darlington Campus SSD 13_6123 Campus improvement Program 2014-1020 and in particular the Health and Life Sciences Precinct Appendix Att 1 Health Prec pdf (1.405 mb).

Summary.

- The University of Sydney Ovals No 1 and 2 are registered on the NSW heritage register.
- A registration of an item or building has been held to include the curtilage of the item or building.
- In the aspect of University No 1 Oval the heritage listing does not stop at the oval picket fence but at the fence line behind the trees surrounding the oval, ie that land which '*actually or supposedly contributes to the enjoyment of the building for the fulfilment of its purposes*'
- Heritage curtilage is defined in the Heritage Office's Heritage Curtilages as "the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance".
- Given that it is proposed to construct some 55,000 sq m of building, reaching upto fifteen stories it would be more appropriate to replace a food and beverage facility that was previously inside that there might be some creative space inside the five buildings that will suffice.
- That a building, called the Grandstand Bar and Bistro, already exists around No 1 oval some 15m adjacent to the proposed site for a food and beverage facility that can cater for students on that side of the precinct next to the oval and that a greater need would be for a second facility to be on

the Gadigal lane side of the precinct which will be on a major access way joining Western Avenue and Missenden road.

- The proposed location is currently on the liquor licensed outdoor area of the grandstand which holds major functions during the weekend home matches across the area which includes the bench seating and behind on the paced where a marquis is erected for functions.
- Any development down on the Southern side will prevent any future plans to develop the oval as an authorised AFL ground for top level matches. A slight reorientation of a few metres to the north and south for the oval to comply with AFL ground requirements.

The University of Sydney No 1 Oval has been in continual operation serving the University since 1866

In 2002 the University of Sydney conservation plans were prepared by Dr Michael Pearson (Heritage Management Consultants Pty Ltd), Duncan Marshall, Dr Donald Ellsmore, Dr Val Attenbrow, Sue Rosen, Rosemary Kerr and Chris Betteridge

For the Facilities Management Office, University of Sydney October 2002

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State Legislation: NSW Heritage Act 1977

The NSW *Heritage Act 1977* requires State government agencies to prepare a register of heritage property under their control (the S.170 register), to properly manage them on behalf of the community, and to report on their condition in their annual reports. Section 170A aims to integrate heritage conservation into asset management from the strategic planning level right down to the routine maintenance, in accordance with the Total Asset Management Guidelines prepared by the Department of Public Works and Services. A component of the TAM guidelines deals specifically with Heritage Asset Management.

The 1999 amendments to the *Heritage Act* established the State Heritage Register, listing on which controls activities such as alteration, damage, demolition and development. Local Environmental Plans (LEP) prepared by local government in accordance with the *Environment Protection and Assessment Act, 1979*, also include heritage schedules, which impose a heritage layer to the local development approvals process. LEPs constrain local councils, as consent authorities, not to grant consent for development of a heritage item or area unless it is of the opinion that the development would:

- conserve the associated heritage significance of the place and any associated places or areas;
- integrate heritage conservation into the planning and development control processes;
- investigate and record sites with archaeological potential;

- provide for public involvement in the process;
- be sympathetic to and not detract from the heritage significance of related places, landscapes, streetscapes or setting;
- ensure sympathetic adaptation for any new uses; and
- include heritage impact statements or conservation management plans where considered (by the Council) to be necessary.

Without the consent of the consent authority (local council), in relation to a scheduled item or area it is an offence to:

- demolish or alter a scheduled item;
- damage a relic (as defined);
- excavate land for the purpose of discovering, exposing or moving a relic; • damage or despoil a place; • erect a building or subdivide;
- damage any tree or land; or
- make structural changes to the interiors of buildings.

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The whole of Ovals 1 and 2 and their encircling tree plantings The mature mixed tree plantings around the perimeters of Ovals 1 and 2 define the boundaries of these significant recreational open spaces within the campus. An eclectic mix of indigenous and exotic species includes *Casuarina cunninghamiana* (River Oak), *Grevillea robusta* (Silky Oak), *Eucalyptus camaldulensis* (River Red Gum), *E. bicostata* (Southern Blue Gum), *Lophostemon confertus* (Brush Box), *Erythrina x sykesii* (Coral Tree) and *Populus nigra* var. *italica* (Lombardy Poplar).

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HIGH LEVEL OF SIGNIFICANCE	
Place or group	Components or elements of significance
Western Avenue/Ovals Landscape	<p>Landscapes of aesthetic significance are:</p> <ul style="list-style-type: none"> • Trees, agapanthus and gardenias along Western Avenue adjacent to Oval 1 • The whole of Ovals 1 and 2 and their encircling tree plantings • Araucarias on Western Avenue next to the Chaplaincy • Views into University Oval No 1 from Western Avenue (V8) • Views into University Oval No 2 from Western Avenue (V9)

In a paper prepared for the NSW Heritage office by Helen McFarlane April 2000

CURTILAGE – HOW MUCH IS ENOUGH?

1.1 DEFINITION

The High Court of Australia defined curtilage as:

Any building, whether it is a habitation or has some other use, may stand within a larger area of land which subserves the purposes of the building. The land surrounds the building because it actually or supposedly contributes to the enjoyment of the building or the fulfilment of its purposes.

Royal Sydney Golf Club v Federal Commissioner of Taxation (Cth) (1955) 91 CLR 610 at 626.

In *Grasso & Anor v Stanthorpe Shire Council* (1996) 91 LGERA the Queensland Court of Appeal held (at p.434) that in defining the curtilage of a building the question is:

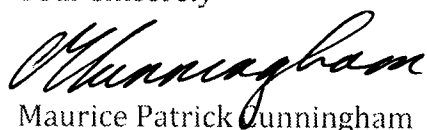
... what land actually or supposedly contributes to the enjoyment of the building for the fulfilment of its purposes?

The answer to that question would always be dependent upon the particular facts of the case; what constitutes the curtilage of a building would normally be a question of fact to be determined upon the evidence in the particular case. The relevant evidence may well include the nature of the use of the building, and any visual or physical separation of the building and the land immediately and otherwise surrounding it.

Heritage curtilage is defined in the Heritage Office's Heritage Curtilages as "the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance".

For the protection of the historic heritage and esthetic setting of University No 1 Oval the proposed building 5 should not take precedence over the O'Neill memorial and the curtilage around the oval should be preserved as highly significant to the 148 year history of Oval No 1 and the University of Sydney.

Your sincerely



Maurice Patrick Cunningham

University of Sydney sporting member, coach and committeeman 1975-Present