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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 revised Health and Life Sciences Precinct Appendix Att 1 Health Prec pdf (1.405 mb).

#### Summary.

1. Protection of Curtilage of heritage No 1 Oval.
2. The University of Sydney Ovals No 1 and 2 are registered on the NSW heritage register.
3. A registration of an item or building has been held to include the curtilage of the item or building.
4. 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*'
5. 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".
6. The placement of a food and beverage outlet inside the curtilage and adjacent to the oval picket fence and inside the boundary fence shows a total disregard for the curtilage of the oval .
7. 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 other buildings that will suffice.

8. That a pavilion called the Burce williams Pavillion incorporating the Grandstand Bar and Bistro, already exists around No 1 oval some 15m adjacent to the proposed site for a food and beverage facility. 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.
9. 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.
10. At Page 11 of the CIP Response to submissions June 2014 at issue 12 Curtilage around oval No 1 The CIP response makes no sense. "the proposed Building No 5 is a replacement (to DA approved) Grandstand for Oval No 2 and does not apply to Oval No 1. We have not been given the designation titles of the proposed six new buildings to be built over Bosch, Blackburn or Coppleson so it is hard know which is 'building no 5'".
11. Suffice to say that there is no 'replacement' grandstand for oval no 2 as the grandstand for oval no 2 is yet to be built. But if the author was attempting to say that the grandstand on oval on 2 was to replace the grandstand on Oval no 1 this would also be incorrect. The Grandstand on Oval no 2 is a grandstand in it's own right and is incorporating replacement of the 5 outdoor cricket nets on St Johns oval (lost to the Charles Perkins Center) and incorporating the training rooms for PDHPE and First Aid lost with the demolition of the HK Ward gym.
12. The grandstand on No 2 oval will cater for matches on the weekend and for evening functions but will during the day be used for classes and instruction. The grandstand on No 1 oval has only again been renovated and caters for functions under 150 people and for lunch time patrons. It is not envisaged that the Grandstand No 2 oval will 'replace' Grandstand No 1 oval but will continue to be used for separate operations and functions.
13. Any development down on the Southern side of No 1 oval will prevent any future plans to develop the oval as an authorised AFL ground for top level matches. A slight reorientation is needed of a 5-8 metres to the north and south for the oval to comply with AFL ground requirements.
14. The University is now in the NEAFL competition **North East Australian Football League** (NEAFL) an Australian Rules Football league involving New South Wales, Queensland, the Northern Territory and the Australian Capital Territory . This competition sits just below the national AFL competition. The oval being reconfigured will allow the competition games to be brought back onto the university No 1 ground and televised on Foxtel.

#### Proposed Vehicular and Pedestrian Access.

15. The diagram E – DIA-05-RevB re proposed vehicular access shows truck delivery access only down Cadigal Road as opposed to the present vehicular access that comes down alongside Bosch on the northern side around to the back of the Grandstand No 1 Oval whereby deliveries can be made and also vehicles may enter No 1 oval either for emergency access or for repairs and remediation and maintenance eg when oval becomes flooded due to blockage of the stormwater drains.
16. The removal of vehicular access seriously jeopardises the ongoing financial viability of the grandstand giving rise to potential damages for loss of business . the loss of access to the oval jeopardises the ongoing maintenance and repair and emergency access to the oval .
17. Any belief that the Grandstand on oval no 1 is redundant would be grossly mistaken.

#### Over crowding for the precinct area.

18. The faculty consolidation is an over concentration of high rise building in such a relatively confined space. The plan calls for building envelopes over the current Blackburn building looking down on the Charles Perkins Centre which now current over dominates the landscape.
19. The 2013 student figures for Nursing, (1,525) Health Sciences (4,447) and medicine (3,878) total some 9,850 . Given that the university is seeking to increase numbers by some 20% we could see this total figure approximating some 11,000 students. Literally having some 11,00 students inside the distance of two ovals. Can one ask where this mass number will congregate outside of their class rooms. Given that they can't all stay indoors where are they going to be placed but across the ovals which are already dilapidated by high demands for sporting use.
- 20.

#### Faculty castles in the Air

21. The trend of aristocratic fiefdoms has evolved that sees the Deans becoming the new Lord and Ladies building fortresses of 8 to 10 stories of glass and aluminum with the obligatory 90 car spaces underneath for their use and a vista of the oval or city or both to establish their status.
22. This trend was led by the Law school that demolished Geology (What has mining ever done for Australia?) and the copper roofed lecture theatre and had their glass building with views over Victoria park and of the city with 90

car spaces and separate entrance off Parramatta road.

23. Next came the Obesity building knocking over HK Ward and the Psych intern building. So expensive that the research groups would not pay the rents and they have changed direction to make it for undergraduates and graduate health courses.
24. Currently being built is the Business School precinct comprising some nine buildings down along Abercombe s St
25. Now the Nursing and Cumberland departments seek to have the highest castles of all within the city walls.
26. The campus plan denigrates the idea that currently some of the s faculties are over at Australian Technology Park or at Camperdown. . Given a state government prone to selling off assets it would make more longer term sense to avoid the UTS UNSW of covering everything with high rise and to make the character of a breathing living university with space to breathe and think.
27. The Obesity ( Charles Perkins ) building cost somewhere in the \$500 million at the end given they had to pay for land of St Johns, (and to which they could not by the sale conduct stem cell research on such land), the RPA hospital to relocate and house Psych patients and then to build a new building for the psych patients up on Missendon road 80 yards for the Grose Farm 24 hour pub.) The cost of their remediation and diverting of the storm water removal of building managers,
28. At the same time they decided to go with the obesity building they could have bought the whole of Harold Park (Mirvac purchase for closer to 200 million )

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.

At page 18 :

***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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<b>HIGH LEVEL OF SIGNIFICANCE</b>
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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"> <li>• Trees, agapanthus and gardenias along Western Avenue adjacent to Oval 1</li> <li>• The whole of Ovals 1 and 2 and their encircling tree plantings</li> <li>• Araucarias on Western Avenue next to the Chaplaincy • Views into University Oval No 1 from Western Avenue (V8)</li> <li>• Views into University Oval No 2 from Western Avenue (V9)</li> </ul>

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.

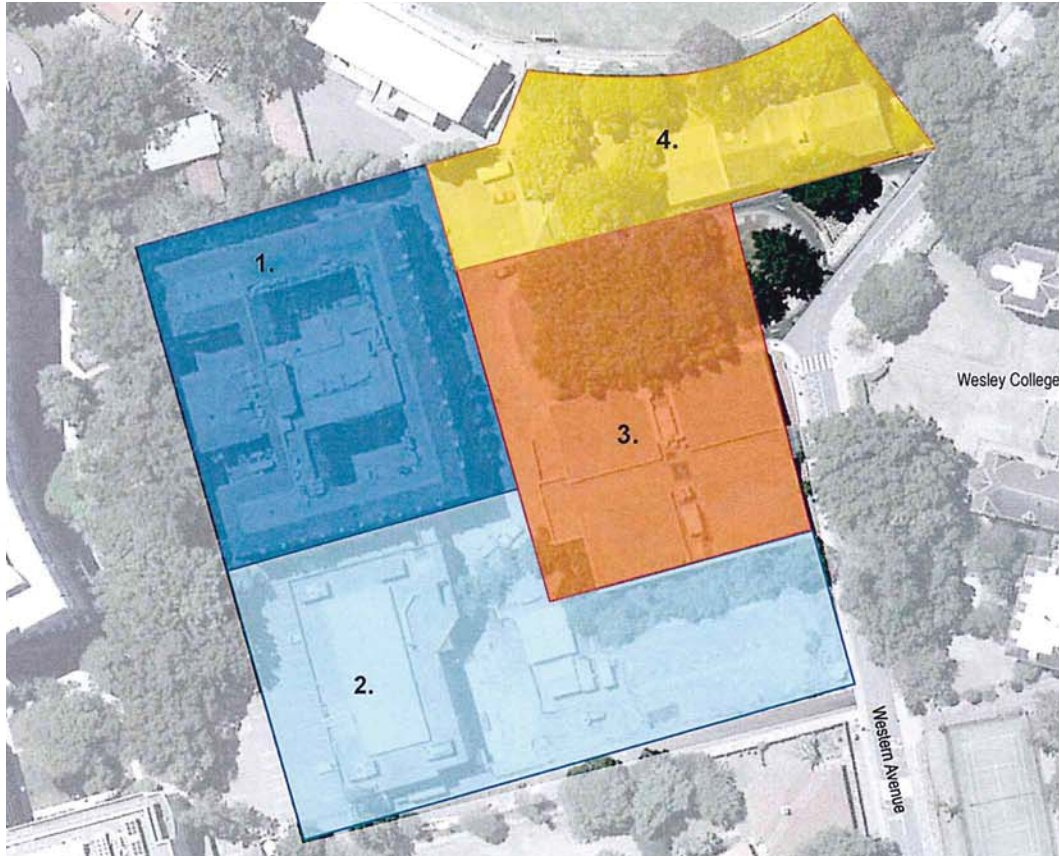
In *Grasso & Anor v Stanthorpe Shire Council* (1996) 91 LGERA the Queensland Court of Appeal held (at p.434) that in defining the curtilage of a building the question is:

*... 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.



E-DIA-01-RevC







E-DIA-05-RevB

Building to east of Bike Parking encroaching on the curtilage of No1 Oval. ( At intersection of indicating arrows.)

Your sincerely

Maurice Patrick Cunningham

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