

Notes on the History of the UTS Kuring-gai Campus

These notes are based on:

Turney, Cliff & Taylor, Judy (1996) To Enlighten Them Our Task; Sydmac Academic Press

Higher Education (Amalgamation) Act 1989 No 65

University of New South Wales (St George Campus) Act 1999 No 45

Parramatta Rail Link: Environmental Impact Statement, Vol 3

FOI documents (very limited)

Various Newsletters, Journals, News Articles, University & Council Papers etc

The land on which the Kuring-gai campus is situated had been privately owned until 1915 when the Commonwealth Government acquired it during the First World War for the Army's use as a rifle range (Gazetted 16. 5. 1915). It consisted of 6 lots of land which formed a total of 106 acres and was then under the Certificate of Title, Volume 5050 Folio 172.

The Army continued to have ownership of the site until 1955.

In the 1950s the Teachers Federation had been calling for new Teachers Colleges to be built and specifically for a new College to be built to replace the old, dilapidated William Balmain Teachers College at Balmain

During the 1950s, Dr Harold Wyndham as Director-General of the Education Department, had responsibility for Teachers Colleges. He lived on the North Shore and was determined to establish a Teachers College in that area. He knew that the Army would be moving out of what was then called the "Chatswood Rifle Range" in 1955 and so he pushed for the establishment of a new College on that site, even though his own Department thought it was quite unsuitable. The Liaison Officer for the Education Department, Rae McLintock commented that it was, "an appalling site in terms of access, transport and parking".

However other sites were looked at and rejected including a site near what was to become Macquarie University. This site now contains Epping High School. A suitable site in Chatswood had already been set aside for Chatswood High School.

Eventually on 3 February 1961 the then Minister for Education, Ern Wetherell acquired from the Commonwealth a parcel of land of roughly 92 acres (40 hectares approx.) from the Rifle Range. It cost the State £44,000 (\$88,000).

It was acquired "for and on behalf of Her Most Gracious Majesty Queen Elizabeth II for the purposes of the Public Instruction Act of 1880".

(Turney & Taylor)

Dr Wyndham was unable to persuade the State Government of the time to establish a Teachers College in the North Shore area. A new College, on what was eventually to be called much later, the Lindfield/ Roseville site rather than the Chatswood Rifle Range, had to wait until a change of Government in 1965.

By 1966 the Teachers' Federation was specifically asking for the William Balmain Teachers College to be transferred to the Chatswood Rifle Range site. By around this

time the site had decreased to 55 acres as apparently some areas had been handed over to other bodies such as the Commonwealth Acoustics Laboratory

In 1967 the Commonwealth Government made an outright grant for the building of new Teachers Colleges. It made available \$3 million for the new College at “Chatswood” which was to accommodate 850 students. The committee that was set up to oversee the construction consisted of Rae McLintock (Education Department) David Turner (an Englishman and architect in the NSW Department of Works) and Ron Underwood (Balmain Teachers College lecturer). Bruce Mackenzie later joined the group as landscape architect.

In 1968 when Harold Wyndham retired and David Verco took over as Director General, the plans were already under way.

The Commonwealth Government provided all the funds for the construction, with Stage 1 costing \$3.4 million. It was designed in such a way so that everyone working in a specific subject area was housed on the same floor. Stage 2 consisting of a new Main Entrance, Assembly Hall, Students’ Union offices and more offices and lecture rooms cost the Commonwealth Government a further \$1.8 million.

The architect, David Turner, was influenced by the Sydney School of architects and by Frank Lloyd Wright who, as is well known, was very appreciative of native landscape and wanted “to work with it and not against it”. Turner was also influenced by the Australian architect, John Andrews and the European School of “New Brutalism” who followed on from LeCorbusier. These architects made much use of off-form concrete.

Bruce Mackenzie, the landscape architect carried out the landscaping for the site, using the natural rocks, contours and vegetation as the basis of his design. The nature of the vegetation was the main factor he took into account when deciding on access route and open areas. He set out to disturb the bushland as little as possible but did find it necessary to clear a small area on the south side of the site because of the danger of bushfires. In fact the campus has had 6 bushfires over the years, three of them severe, extending over all or almost all the campus.

It had been expected that Stage 1 would be ready for occupation by the beginning of 1970 but it was delayed by action taken by local residents to protest about the destruction of the valuable bushland of the site and later, with Kuring-gai Council backing, protesting about the problems of traffic in the narrow residential streets, as well as parking problems and damage to roads by heavy construction vehicles.

In early 1970 the Council decided to put weight restrictions on construction vehicles using Eton and Abingdon Roads because the Department of Education refused to share the cost of repairs and improvements. The veto very nearly stopped all construction but it was finally lifted when the Department agreed to share costs and construction proceeded.

The new Teachers’ College did not open until April 1971 when some of the final construction was still continuing.

In an interview (“Know”, College News Publication 1976 Number 1) David Turner stated that his main design aim was to keep the college as compact as possible, “because the landscape was so wonderful it should not have been built on. When it was going ahead anyway, I thought I’d protect the environment all I could; and I thought it was a viable social plan that people inside the college should be able to have maximum contact with each other.”

He also stated that he considered that in the construction of new buildings, “the worst fact is man’s ability to do such vast change with blasting and bulldozing.” and again “When Kuring-gai was being built - we instructed that a lot of natural rocks were not to be damaged. The building was modified to meet this challenge – the ramp to the library had to take a bend around rock. We had a fence around the building site with instructions to save every tree possible – I had a sympathetic landscape architect in Bruce Mackenzie and an image of the building actually sitting in the trees.”

Over the next few years David Turner continued to design Stages 2, 3 and 4 buildings which have maintained the coherence of the whole structure and have produced a unique campus, purpose designed internally and externally, for teaching and learning in an outstanding environment.

The innovative design of the UTS buildings and their placement in the bushland has received and continues to receive a great deal of praise and awards. In 1978 it received the Sulman Award. Some examples of the qualities commended are: the integration of the building with the landscape; the way the central spine of the building draws all its functions together and allows for a close collection of teachers and students as a social entity; the way the building capitalizes on its location with views, vistas, light shafts and roof decks. (The full Jury Citation is appended)

Following the Sulman Award, the campus also received Heritage Listing on the Register of the Australian National Estate in 1979. The Official Statement of Significance (which is also appended), besides recognizing the architectural value of the buildings, also recognized the value of the bushland e.g.

”The indigenous vegetation cover, undisturbed over half the site, consists of open forest with some woodland. A diversity of plant communities is found, a result of the variation in topography, soils and aspect on the site. Within this range of habitat numerous species of birds and some amphibians, reptiles and small mammals are found.”

As referred to above, the College was not able to take its first intake of students until April 1971, even so it was not completed, and builders and carpenters were still working. It could take only some of the students from the old College at Balmain, around 400 and had only a skeleton staff. The rest of the students had to be spread over 3 other campuses; Smith Street Balmain, North Sydney and Middle Head. Staff and students found it difficult to cope under these conditions.

In September 1971 the Commonwealth Government decided that all Teachers Colleges were to become Colleges of Advanced Education, consisting of multi-purpose campuses that would provide other vocational courses besides Teaching.

In 1972 the Commonwealth Government also decided on another very significant change and moved to abolish all student fees in institutions for tertiary education. This

ended the selection, funding and bonding of students by State Departments of Education. The Commonwealth would also provide the funds for recurrent expenditure for these new Colleges of Advanced Education. Another change was to implement 4 year courses for Teacher Training.

In 1974, along with the other Teachers Colleges, William Balmain Teachers College officially went out of existence. It then became Kuring-gai College of Advanced Education, a corporate body with its own Council. It was no longer tied to the Education Department. **However it did not own the campus land which remained vested in the Crown.**

The first School in the new C.A.E was Teacher Education, followed in 1975 by Business Studies, 1976 Library and Information Studies, 1977 the College of Law which was integrated as a School of Practical Legal Training and much later in 1986 by the School of Nursing.

In 1987 there came Commonwealth Government moves to change the tertiary education system again, as among other issues, there was concern that not enough university graduates were being produced by the existing universities. What became known as the “Dawkins Green Paper” and then “White Paper” were to form the basis for amalgamating C.A.E.s into Universities.

There was a long period of negotiation to determine institutions’ futures as Universities and Teachers Colleges investigated various possibilities and potential compatibility in many areas including institutions’ aims, types of course, management style etc. The amalgamations took some time to be arranged and finalized. Major issues had been that the C.A.E.s were very concerned about losing their practical vocational teaching orientation and the Universities were very focussed on the research requirements of University staff and how these would be maintained in the new system.

The amalgamations were legalized with the passing of the Higher Education (Amalgamation) 1989 Act No 65, which included individual Parts for each C.A.E., including Kuring-gai. There was a separate University of Technology, Sydney, Act No 69 which was assented to on 23 May 1989.

The amalgamations came into legal effect on 1 January 1990

On the above date, the University of Technology was replaced by a new University of the same name which now subsumed Kuring-gai C.A.E. and also the Institute of Technical and Adult Teacher Education. The staff, students, assets and liabilities were all transferred to the new University.

Under Section 18 of the University of Technology, Act 1989 No 69, “Powers of Council relating to property”, Paragraph (2) states that,
“The Council shall not, except with the approval of the Minister, alienate, mortgage or demise any lands of the University.”

However at this stage UTS, along with the other universities owned the properties on their campuses and had control and management of these, but did not yet have title to the land because of the variety of holdings and the legal issues involved.

The new UTS campus land remained Crown land until they and the other universities involved finally acquired the titles which were issued on 1 December 1994 for a fee of \$1.

UTS acquired the land and property for nothing, but in the UTS Annual Report for 2002, the value of the buildings and infrastructure is shown as \$33,775,000 and the value of the land \$18,080,000!

A very limited set of FOI papers obtained from UTS Kuring-gai gives some of the further background to what was involved in the negotiations and the conditions involved in order to finally obtain title to the land. **From these it appears that title was only granted to UTS and the other universities on the condition that the “site continues to be used for the same academic purposes.”**

Some of this information follows:

An early letter dated 4 December 1989 from the Minister for Education, Dr Terry Metherell to the Vice Chancellors of the nine NSW universities advised them about the conditions that would hold when they eventually obtained title to the land in 1994. It stated that,

“a site becoming the responsibility of a university as a result of amalgamation, which continues to be used for the same academic purposes will, in general, be vested in the university. There will be no charge for the land but institutions will have to meet any costs related to the sites and the vesting action, including survey and legal fees.”

Although the FOI papers that were made available for the years following the 1989 Act up to the time of UTS obtaining title to the land are sparse it is apparent that the University was requested to provide full details about all its existing properties (which are numerous). A response from the University dated 2 September 1992 contains the following statements.

“The University of Technology, Sydney currently conducts its programmes on many different sites. Some are owned by the University, some are leased from commercial organizations and some are government owned. “However, most are government or Crown land, held by the government due to the fact that Colleges of Advanced Education were not able to own land.

All of the lands listed below are used by the University of Technology, Sydney to ensure the conduct of its business as a tertiary education institution.

Future proposals for the sites envisage no changes to their current educational nature. The University therefore requests that the title of these lands now be vested in the University of Technology, Sydney.”

In reply the Ministry of Education sent a further letter requiring “more information on the following matters” these being full details on all leases or licences on UTS properties. When they received no response, they followed up with a reminder letter on 22 March 1993.

UTS then responded on 5 April 1993, basically stating that in general areas leased out for commercial use provided a service for students; some areas were designated for

the UTS Union at no charge; the Union operated cafeterias on each campus and had some lease and licence arrangements with various providers of student amenities and services ; the University provided three Child Care Centres as facilities for students and staff. It appears from this that the University here had to justify the services as being appropriate for an educational institution.

Finally a solicitor's letter of 21 December 1995 advised UTS that all transfer action in respect of property had been completed and new certificates of title for the lots of campus land had been issued.

Over the years various parts of what was originally a 90 acre site in 1915 had been hived off to the Commonwealth Acoustics Laboratory, to the Lane Cove National Park, Film Australia and to Ku-ring-gai Council. Estimates of the area of the campus as it exists now, in title documents and other records, show a range of estimates of area varying from 18.89 hectares to 22 hectares.

From the very beginning of the UTS takeover of the campus, it was apparent to many in the community that the University intended to use it for development:

An internal UTS publication "Seven Days", dated 24 – 30 April 1989, stated on its front page,

“What resources did Kuring-gai bring to UTS? Kuring-gai has a population of 3148 EFTS or 4204 students, it has about \$1M in reserves and a site with capacity for development although there needs to be an alternative access via Lady Game Drive.”

One of their first projects on acquiring the campus was to plan a new access road to the site as it had only one small entrance ending in a dead-end. The issue of a second access road had had a long history. Over the years as student numbers continually increased from the original 850 to over 4000, many residents suffering from considerable problems caused by student traffic, pushed for a new access route to be built to the campus. But the issues involved were complex. The steepness of the site and the environmental threats likely with any new route had posed too many serious problems. In addition many other residents did not want a new access road because it was feared that it would lead to much greater development of the site.

However in December 1990 UTS put in a D.A to Kuring-gai Council for an access road which would have involved crossing the College Creek Catchment and the slope up to the north-western car park. There were very protracted negotiations, community meetings and submissions involving the University, the Council, the National Parks and Wildlife Service, environmental groups and residents etc. Eventually Council rejected this route on environmental grounds.

During 1993 UTS submitted a further proposal for a new route to the south of the campus which raised many new issues including the need to acquire small areas of Council and State Government lands and also several new Environmental Impact Statements. In November 1994 the University submitted a new D.A to Council who issued "in principle" approval for a new route in March 1995, but many significant issues remained to be resolved. Eventually in January 1998 Council granted Development Consent but laid down 25 stringent conditions relating to environmental issues and also required UTS to develop and implement a much needed Bushland Management Plan for the Grounds, which never occurred.

However when UTS learnt of the planned Parramatta Rail Link, with a station proposed on their campus, long before the public was aware of the scheme, they let the Development Consent lapse (expiry date: 2 January 2000) and an application for renewal was not made within the required time. A UTS staff member indicated that the University had considered the rail station would provide the additional access necessary for any development of the campus and so did not proceed with the access road.

Highly relevant information about UTS's interest in developing the campus at this time, is contained in a document in the Section on Consultation in the EIS for the Rail Link Vol 3. This was prepared for UTS in 1998 by APT Peddle Thorp who gave advice on issues related to land use in the environment of UTS.

These consultants stated that there would probably be pressures for land use change associated with the Rail Link and UTS would need to consider future uses of the campus both as an educational institution and for alternate uses in order to justify the construction of a station on the campus.

They advised UTS to consider the type of development which might take place on the campus and to be aware of its special uses zoning for educational purposes. It was suggested that application to the local council would have to be undertaken to determine their attitude to the matter of a station and the land uses UTS might seek. The consultants suggested therefore that UTS should prepare plans for future use of the campus. They also advised that a State Environmental Planning Policy for the railway might be required and if so, this would avoid the Council having to be involved in any rezoning. However it was suggested, that as the local community would be likely to oppose land use changes, UTS needed to consult Council as soon as possible to get its support.

Eventually at the end of the planning and review process for the Parramatta Rail Link the Department of Urban Affairs and Planning rejected the need for a station at the UTS campus.

The Director General's Report, February 2002, gives cogent reasons for the rejection of a station e.g.

Many representations made on the Environmental Impact Statement indicated that projections of patronage for the station had been very unrealistic. It was likely that the patronage would be very much lower and could certainly not justify a station.

UTS had prepared a forecast indicating that they planned to increase student numbers from 4000 to 6600 by 2006 with a mode split of 80% to rail. However the Department of Urban Affairs and Planning considered that such a split would be quite unachievable. Their own economic consultants had also indicated that even with an expansion to 11500 students on the campus, a station would not be financially viable.

The Report also stated further reasons for rejecting the station, including significantly the following statement:

“The UTS site is also located at the tip of a peninsula, with only one access point through surrounding residential streets, in a bush fire prone area. Some of the environmental planning issues associated with expansion of the campus on this site are able to be resolved, however the major concern of traffic and transport impacts on

the adjacent area still needs to be addressed. The strong concerns and opposition of local councils and local residents over any proposed campus expansion is also a critical issue that needs to be noted.”

It is not surprising that the community completely opposes the UTS rezoning plans. The Community Reference Group for the University’s proposal has continued to raise numerous very serious reasons for completely rejecting the rezoning on a great many counts but the University continues to push ahead with its plans regardless and has made a mockery of the term “consultation”. They are ignoring their educational responsibility, apparently intent only on maximizing huge financial gains.

UTS obtained title to the campus for the cost of \$1 on condition that it continue for the same educational usage. It obtained for free, property and land that had been funded entirely by taxpayers and that in 2002 was valued at more than \$50 million dollars (Buildings and Infrastructure \$33,775,000 and land \$18,080,000: UTS Annual Report 2002). If UTS were able to sell the campus to a property developer it would probably obtain at least double that figure, a massive windfall and an outcome that would leave the Ku-ring-gai area and a much wider area beyond without a valuable tertiary institution.

In spite of the very high monetary value and very high heritage value of the buildings, UTS has contemplated demolishing all or some of the buildings to enable more development!

It is interesting that UTS finds this one particular campus “non-viable” whereas, for example the University of Western Sydney and Edith Cowan University in Western Australia each manage 5 extra campuses, separated over very large areas.

What is highly significant for UTS’s plans is that the NSW Government has clearly demonstrated that it requires that Universities that acquired Colleges of Advanced Education and received title to these in 1994, continue their usage for public education.

When the University of NSW in 1998 attempted to sell its St George campus at Oatley, formerly a C.A.E., to Trinity Grammar, the then Minister for Education stepped in to prevent the sale. When the University then negotiated a lease with Trinity Grammar in 1999, the Minister stepped in again to prevent this lease by enacting a special Act of Parliament, namely the University of New South Wales (St George Campus) Act 1999 No 45. The Minister advised Parliament at that time that the St George campus had been sold to UNSW for public education purposes and that it was inappropriate for it to profit from its lease to a private school.

The precedent set by the Minister’s actions as stated above must also apply to UTS Kuring-gai.

Prepared by Fay Pettit.

July 2004