



Ku-ring-gai Council

PLANNING PROPOSAL

To heritage list Headfort House, 95 Stanhope Road, Killara under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015.

September 2022

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INTRODUCTION

Overview

This planning proposal seeks amendment to Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) to include the local heritage listing of Headfort House and its curtilage located on a larger site at 95 Stanhope Road, Killara - Lot 22, DP 634645.



Figure 1: Location Map – Headfort House, 95 Stanhope Rd, Killara

The proposal to heritage list Headfort House and its curtilage is based on the findings of two key studies:

1. *Headfort House - 95 Stanhope Road, Killara - Heritage Assessment Review* by Ku-ring-gai Council, September 2022 (2022 KRG Heritage Assessment Review) at **Appendix A**.
2. *Heritage Significance Assessment - Headfort House 95 Stanhope Road, Killara* by GML Heritage, May 2017; *GML Response to Draft Urban Design Study*, May 2017; *Urbis Heritage Impact Statement*, June 2021 (2017 GML Heritage Significance Assessment) at **Appendix B**.

The 2017 GML *Heritage Significance Assessment* was submitted in 2018 and again in 2022 as part of a proponent led planning proposal for 95-97 Stanhope Road, Killara (Lourdes Retirement Village). This report concluded ‘Headfort House in its garden setting’ meets the NSW Heritage Council threshold for local listing under 3 separate criteria.

The 2022 KRG *Heritage Assessment Review* confirms, updates and completes the proponent’s assessments and provides a resolved curtilage, heritage justification and attached inventory.

Council has previously requested the Headfort House listing be included in the proponent-led planning proposal to ensure its ongoing conservation and consideration in any future development of the site. Council’s requests for the listing were made directly to the proponent, reported to Council on the assessment of the proposal, and also to the Sydney North Planning Panel during the 2018 process.

Neither the 2018 nor the current exhibited 2022 planning proposals have incorporated this consideration. Ku-ring-gai Council seeks to progress this listing planning proposal to ensure the conservation of the potential item and its setting, particularly in the context of any future development of the site.

In the absence of a heritage listing, there is no statutory mechanism for the protection and conservation of Headfort House and its setting, nor for the application of any compliance regarding the future management of the potential item.

The progression of this listing proposal will enable the exhibition of justified heritage protection, alongside other planning controls currently exhibited for the wider site's future development, at the appropriate planning proposal stage.



Figure 2: Detail Location Map – Headfort House, 95 Stanhope Rd, Killara

The current 2022 proponent-led planning proposal, seeking to enable substantial increased development standards on 95-97 Stanhope Road, Killara, has been placed on public exhibition (18 August to 27 September 2022). The Sydney North Planning Panel, with the Department of Planning and Environment undertaking an administration function, are the Responsible Planning Authority and Ku-ring-gai Council has been notified as an agency.

Under the Ministerial Direction *Local Planning Panels Direction - planning proposals* and the delegations granted to the General Manager (1c), this matter was not referred to the Ku-ring-gai Local Planning Panel on the basis that the planning proposal relates to a local heritage listing and will not have any significant adverse impact on the environment or adjoining land.

A preliminary heritage assessment based on the proponent's *2017 GML Heritage Significance Assessment* was presented to the Ku-ring-gai Heritage Reference Committee on 28 July 2022. The HRC supports the preparation of the listing planning proposal.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (September 2022).

Council will request plan making delegation under section 3.36 of the Environmental Planning and Assessment Act for this planning proposal.

Background to the planning proposal

The heritage value of Headfort House was brought to Council's attention during 2016 - 2018 with the submission of a planning proposal seeking substantial changes to zoning, height and FSR standards on the Lourdes Retirement Village site at 95-97 Stanhope Road, Killara.

A pre-planning proposal meeting between Council and the proponent was held on 7 December 2016. Council's pre-lodgement recommendation was to include the heritage listing of Headfort House in the planning proposal application. The circulated minutes of that meeting noted the following:

The applicants have identified the chapel (original house) and the grotto located on the site as having heritage significance, however, neither is statutorily recognised. As such their heritage values are not protected under Council's Local Environmental Plan. The applicants are proposing to prepare a conservation management plan to protect the identified heritage values of the chapel and the grotto (relocated) however without a statutory listing the recommendations of this document cannot be enforced. To ensure greater certainty, consideration should be given to the local heritage listing of the chapel and its curtilage as part of the planning proposal.

The listing of Headfort House was excluded from the planning proposal submitted to Council on 2 February 2018. This was despite its attached 2017 GML Heritage Significance Assessment (**Appendix B**) finding Headfort House in its garden setting to be of local heritage significance, meeting the NSW Heritage Council threshold for local listing on more than one criteria.

On 22 May 2018 Council refused to progress the planning proposal due to multiple issues including impacts on built and natural landscape heritage values, bushfire and evacuation risk, access to public transport and services, bulk and scale interface impacts, inconsistency with strategic planning under the Greater Metropolitan Plan, the North District Plan and the Ku-ring-gai Local Environmental Plan.

Council's OMC 22 May 2018 report included a call to heritage list Headfort House and give consideration to heritage values in any future planning proposal as follows:

- *Given its significance, Headfort House and its immediate curtilage should be listed as local heritage item on Ku-ring-gai's Local Environmental Plan (2015) and that any future planning proposal for 95 Stanhope Road Killara include this local heritage listing.*
- *As a potential Heritage Item the proposed building height of 22m (6 storey) immediately adjacent to Headfort House is considered excessive. It is recommended the building height in the vicinity of the potential Heritage Item be limited to the existing ridge-height of the historic portion of Headfort House.*
- *The new/relocated grotto should not present as a wall to the street, nor with a carport-like structure in the front garden as currently implied by the Urban Design Study. The visual curtilage to Headfort House from the street should be retained and enhanced to respect its significance and also to ensure consistency with the predominant residential character of Stanhope Road and the adjacent HCA, of houses fronting the street within quality landscaped garden settings.*
- *Any proposal for this site would be required to restrict the building heights on the site to below the canopy so regional vistas of the bush items and conservation areas are not interrupted by new built elements, and to enable new landscaping to provide and improve the tree canopy on the site itself.*

Following Council's refusal, the proponent applied for a rezoning review. Council's 15 August 2018

submission to the Sydney North Planning Panel reiterated the importance of heritage listing Headfort House. The submission noted:

- *Without statutory recognition of its heritage significance there is no certainty in the planning proposal that Headfort House, a building identified as having cultural significance at the local level will be conserved and managed as a heritage item into the future. By including this building and a reasonable curtilage on schedule 5 of the KLEP (2015) as a local heritage item greater certainty will be provided for the building's conservation and management into the future.*

On 7 November 2018 the Sydney North Planning Panel decided in favour of the proponent enabling the proposal to be submitted to the Department of Planning and Environment for a Gateway Determination.

On 10 May 2022 the Department of Planning and Environment (DPE) issued a Gateway Determination enabling the exhibition of the planning proposal. The exhibited planning proposal attaches the same *2017 GML Heritage Significance Assessment (Appendix B)*; however, it does not include the heritage listing of Headfort House in its proposal.

On 26 July 2022, the matter was reported to Council's OMC (**Appendix C**) where Council resolved:

- A. *That Council prepares a planning proposal to amend KLEP 2015 to include Headfort House, Stanhope Road, Killara and its setting as a proposed heritage item in Schedule 5 and on the Heritage Map.*
- B. *That Council prepares a heritage assessment and/or inventory, taking into account the existing GML heritage report and further investigation, to confirm or determine the significance assessment and listing curtilage for the building and its setting in line with NSW Heritage Council guidelines.*
- C. *That the planning proposal be forwarded to the Department of Planning and Environment for Gateway Determination and exhibited in accordance with any Gateway issued.*
- D. *That, if in the meantime, there is any threat of harm to the potential heritage significance of the house and setting of the property known as Headfort House, at Stanhope Road, Killara, Council make an Interim Heritage Order, using its delegation under the Heritage Act 1977, to protect the site until a planning proposal can be progressed to Gateway Determination.*

A further heritage assessment *2022 KRG Heritage Assessment Review* has been completed by Ku-ring-gai Council (**Appendix A**). The purpose of this review is to support this Council-led planning proposal to heritage list Headfort House with an appropriate curtilage and accompanying information, in line with the Council resolution of 26 July 2022, NSW Heritage Council standards and Ministerial directions for planning.

Site context

Headfort House is located near the north-west corner of 95 Stanhope Road, Killara within the Lourdes Retirement Village site. It retains a direct frontage to Stanhope Road although the physical pathway and gate access to Stanhope Road has been removed.

The land is not currently listed as a heritage item. Part of the subject north-west corner of the site is listed within the Crown Blocks Conservation Area (C22). The land is surrounded to the west, south and east by the Crown Blocks Conservation Area with heritage items being located to the south and east of the large site at 95 Stanhope Road, Killara.

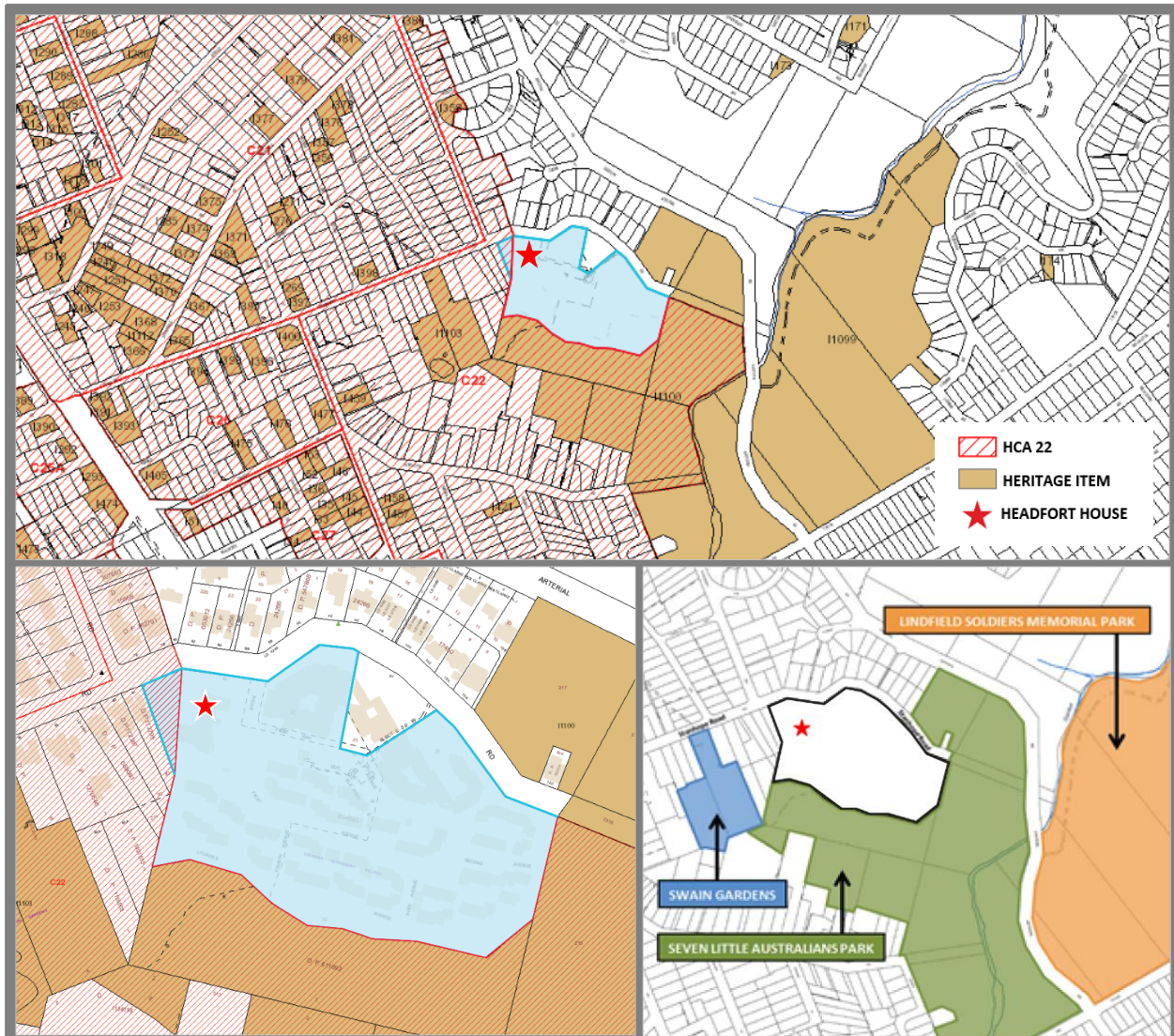


Figure 3: Site of Headfort House with part of the site listed in heritage conservation area (HCA 22) and surrounding cultural landscape Heritage Items

Site history

The 2022 KRG Heritage Assessment Review (**Appendix A**) confirms the content in the proponent's 2017 GML Heritage Significance Assessment and further provides additional findings and direction to support the listing of Headfort House and its curtilage. As evidenced in the 2022 KRG Heritage Assessment Review, the description in the 2017 GML Heritage Significance Assessment is generally accepted, with the following updates in the inventory:

- Dating from c1917-21, Headfort House is considered to represent the inter-war period and style (c1915-c1940) rather than Federation period and style (c1890-c1915) identified by GML Heritage. It is acknowledged that the building features may demonstrate some cross-over

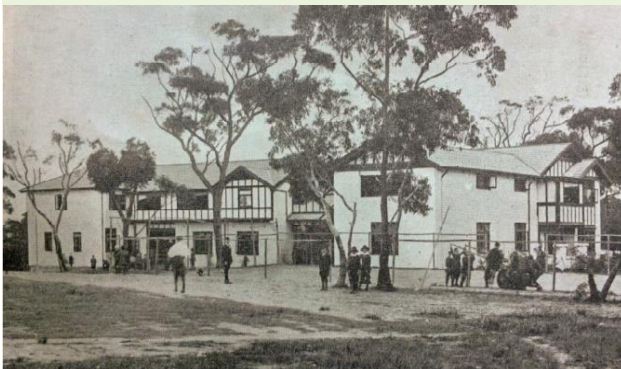
between the periods because it was built shortly after the Federation period and began construction during World War I.

- It is agreed the architecture does not represent a good example of the Federation Arts and Crafts style because it represents inter-war architecture.
- The building demonstrates the more robust features of the inter-war period, more so than Federation ornamentation. Its relatively restrained ornamentation, compared to other examples of the Federation or inter-war periods, also reflects its period of construction during wartime and the few years following.
- Stylistically, this building is most representative of the inter-war Old English style, adapted to an institutional building instead of the more common residential examples of this style.

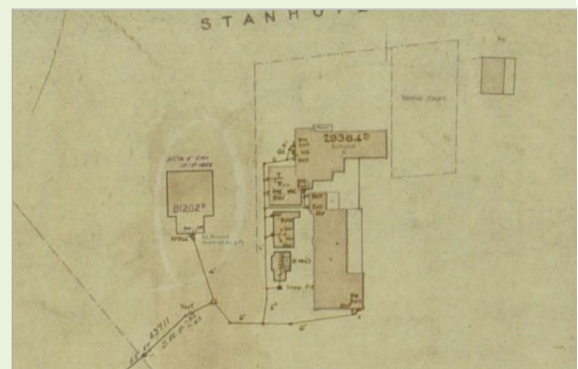
The 2022 *KRG Heritage Assessment Review* identifies significant phases of development of this site including its 1917 school use, then as the very first training school for the Australian Women's Army Service during World War II. Following the war, from 1944 to 1980, the site became the Missionary Sisters of the Society of Mary Hospital and later the Mater Misericordia Hospital. The site was redeveloped for a retirement village the 1980s.

Historical photographs, plans and aerials document the Headfort House building and surrounding landscape, as well as former associated school buildings that have since been demolished. Some photos show significant uses.

Figure 4: Photographs and Aerials of Headfort House - Source: 2022 KRG Heritage Assessment Review (Appendix A)



1921 Headfort House school (extant building is on right) from entrance road or oval aspect, noting tennis court in foreground



1927-c1953 Blackwattle Plan showing new buildings to the west and east of the tennis court on the edge of the oval



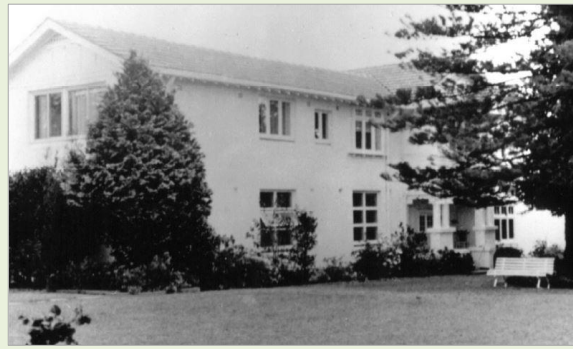
Circa 1927 Headfort House school building east elevation (extant building is on right)



Circa 1927 Headfort House street and west elevation, front garden and fence



Circa 1943 view of the former school buildings in use by the Australian Women's Army Service (extant building is on right)



Circa 1950s hospital site street frontage before windows were altered for 1980s chapel, and front garden



Circa 1960s entrance road and site



2017 view of 1980s chapel alterations (windows, verandah, brick part) and garden



1943 aerial showing the since demolished building to the west and war training tents on the oval



1955 aerial showing the carriage circle within the hospital grounds



2022 Headfort House street elevation



2011 aerial showing partial retained carriage circle and landscaping

Heritage listing

The *2022 KRG Heritage Assessment Review* (**Appendix A**) updates the findings of the *2017 GML Heritage Significance Assessment* (**Appendix B**) and recommends that "'Headfort House" building and grounds' is listed as a heritage item of local heritage significance on the Ku-ring-gai Local Environment Plan 2015.

The *2022 KRG Heritage Assessment Review* includes a detailed justifying analysis of its significance and curtilage and attaches an inventory of the potential item. Headfort House and its curtilage has been assessed as satisfying the *NSW Heritage Council's Criteria* for local heritage significance, and the *Heritage Office guideline, Heritage Curtilages*.

It is recommended that provisions be included in the Ku-ring-gai Development Control Plan contain to conserve the significant features noted in the analysis of significance, curtilage and inventory. These provisions would require that any development to Headfort House and within its curtilage to:

- Retain and be compatible with the significant features, consistent with Council's existing heritage provisions for development of heritage items;
- Place requirement for a Conservation management plan demonstrating the future management of the Headfort House and its curtilage;
- Incorporate positive heritage impacts, such as through conservation, repair, reinstatement and interpretation of significant historic features; and
- include a good model for sympathetic additions in the vicinity of Headfort House, based on the significant historical development of the site and its growth, such as the earlier school building, and how these related to Headfort House and the layout of the site, as recorded in early photos.

It is further recommended that the Development Control Plan include provisions for maintaining additional features of some significance located wholly or partly outside of this curtilage as follows:

- Mature Phoenix Palms and Norfolk Island Pines along Stanhope Road and the entrance drive
- Grotto and its movable elements
- For archaeology relics of the inter-war building to the west of Headfort House, an excavation permit will be required under section 139 of the Heritage Act 1977 before development consent is determined for any disturbance of this site.
- Apply the existing provisions for conserving features in conservation areas for the north-west corner of the site currently listed in a conservation area.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

The objective of the planning proposal is to enable formal recognition and protection of the significance of Headfort House and associated curtilage through its listing as a local heritage item under the Ku-ring-gai Local Environmental Plan 2015.

A statutory heritage listing of this potential heritage item will ensure any future redevelopment and modification proposals are assessed against heritage provisions in the KLEP 2015. The listing will, importantly, provide the required mechanisms to enable the ongoing conservation of the item and its value in this location.

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

The planning proposal seeks to make the following amendments to the Ku-ring-gai Local Environmental Plan 2015:

1. Written instrument – Schedule 5 Environmental heritage, Part 1 Heritage items

- to insert the following description of Headfort House and its curtilage:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Killara	"Headfort House" building, interiors and grounds	95 Stanhope Road, Killara	Lot 22 DP 634645	Local	I184

2. Mapping – Heritage Map, Sheet HER_014

- to indicate the location extent of Headfort House and its curtilage within the larger site at 95 Stanhope Road, Killara by colouring the potential item area to indicate a Heritage Item - General.

PART 3 – JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

A. Need for the planning proposal

Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes, the following reports support this listing planning proposal:

1. *Headfort House - 95 Stanhope Road, Killara - Heritage Assessment Review* by Ku-ring-gai Council, September 2022 (2022 KRG Heritage Assessment Review) at **Appendix A**.
2. *Heritage Significance Assessment - Headfort House 95 Stanhope Road, Killara* by GML Heritage, May 2017; *GML Response to Draft Urban Design Study*, May 2017; *Urbis Heritage Impact Statement*, June 2021 (2017 GML Heritage Significance Assessment) at **Appendix B**.

The two reports include detailed evidence to substantiate the heritage listing of Headfort House and its curtilage. The evidence is presented in terms of heritage significance, heritage curtilage and heritage inventory. A summary is provided below.

Heritage significance

The *2022 KRG Heritage Assessment Review* concludes that "Headfort House" building and grounds' satisfies six criteria of local heritage significance for listing as a heritage item on Ku-ring-gai Local Environmental Plan. The three criteria recommended by the *2017 GML Heritage Significance Assessment* are supported for historic, association and social significance, with the addition of aesthetic, rarity and representative significance.

Only one of seven potential criteria of local heritage significance needs to be satisfied to meet the Heritage Council listing threshold. The attached inventory includes some additional information and Council assessment of significance as a result of this review.

Dating from 1917-1921, the Headfort House building and its grounds is locally significant as a largely intact inter-war school building in its setting, demonstrating the early twentieth development of Killara, a good example of the inter-war Old English style adapted to an institutional building, and construction during and following World War I.

The building and its grounds make a positive contribution to Stanhope Road and the remainder of the original site. It has significant associations with important people including the Reverend Robert Thompson Wade, founder and headmaster of Headfort School from 1917-1928 and the formative years of former Prime Minister John Gorton, a student of Headfort School.

The building and site is rare as the state's first training base for the Australian Army for the Australian Women's Army Service (AWAS) during World War II, supported by evocative historic photos. As such, this site has important association with significant changes for the role of women in Australian society and military during the mid-twentieth century. It is also historically important for its long-term health care use for over 75 years since the post-war period when it was converted to a tuberculosis hospital, Missionary Sisters of the Society of Mary (SMSM) Lourdes Hospital and then a retirement village.

Headfort House in its setting has social value for contributing to the community sense of place as the only surviving buildings from these important earlier uses for schools, World War II training, hospitals and retirement, and the associated community groups and their descendants.

"Headfort House" building and grounds' satisfies the following criteria of local heritage significance for listing as a heritage item on the Ku-ring-gai Local Environmental Plan 2015.

<i>NSW Heritage Council's Criteria for local heritage significance</i>		
Criteria a.	Historical	Meets the criteria at a local level
Criteria b.	Historical Association	Meets the criteria at a local level
Criteria c.	Aesthetic/Technical	Meets the criteria at a local level
Criteria d.	Social/Cultural	Meets the criteria at a local level
Criteria e.	Research Potential	Further investigation required
Criteria f.	Rarity	Meets the criteria at a local level
Criteria g.	Representative	Meets the criteria at a local level

Heritage Curtilage

The assessment of Headfort House has included the assessment of its curtilage based on the *Heritage Office guideline, Heritage Curtilages*, which establishes the methodology for establishing an appropriate listing boundary that captures the significance of an item. This guideline recommends that "The heritage curtilage should contain all elements contributing to the heritage significance, conservation and interpretation of a heritage item."

The 2017 GML Heritage Significance Assessment and 2017 GML urban design study comments on the significance of the Headfort House building "in its garden setting", describing garden features within the fence line; however, it does not define the extent of the garden setting with any mapped or written boundary.

Whilst the significance of this site is greater than just the extant Headfort House building and its front garden. A review of the historical records and physical features of the property demonstrates that the significant setting of Headfort House is part of a much larger non-residential complex, historically and currently, at 95 Stanhope Road, Killara.

Although the Headfort House relates to a large extended curtilage across 95 Stanhope Road and linking to the intact bushland beyond the now extended site, the *2022 KRG Heritage Assessment Review* recommends a reduced curtilage that captures and maintains the core heritage significance of this place, including fabric, setting and views.

A full justified critique on the recommended listing curtilage is presented in the *2022 KRG Heritage Assessment Review (Appendix A)*.

The recommended reduced lot curtilage seeks to capture the following key elements:

- an appropriate curtilage for the setting of Headfort House, historically and currently, viewed in the round from the larger non-residential complex, which has remained undivided since its early twentieth century development;

- Headfort House in full, including interiors, garage and chapel additions
- Visual and physical connection of Headfort House to Stanhope Road, the main entrance drive and turning circle;
- Garden setting and former tennis court near Headfort House and mature early trees within the vicinity of Headfort House.

In the absence of significant historic property boundaries to the east, south and west of Headfort House, the internal boundaries are recommended to follow Ku-ring-gai's established policy for 12-metre setbacks for new development of heritage items in the Development Control Plan section 19E.3. The setbacks are described as follows:

- A minimum of a 12m setback to the east, west and south, measured from the furthest points of the Headfort House building lines will capture significant features of the item.
- The north boundary to follow the Stanhope Road alignment, exceeding 12m from the front building line, and extend to the western bend in the lot boundary, to capture the full street frontage and associated street views.
- Angles of south and east boundaries, where unrelated to a lot boundary, are to respond to the main roof ridges; either perpendicular or parallel. The other two angles respond to the lot boundary along the road alignment to the bend.
- The following sketch illustrates the curtilage recommendation. Dimensions are measured based on the more precise site survey rather than the aerial photo shown below.

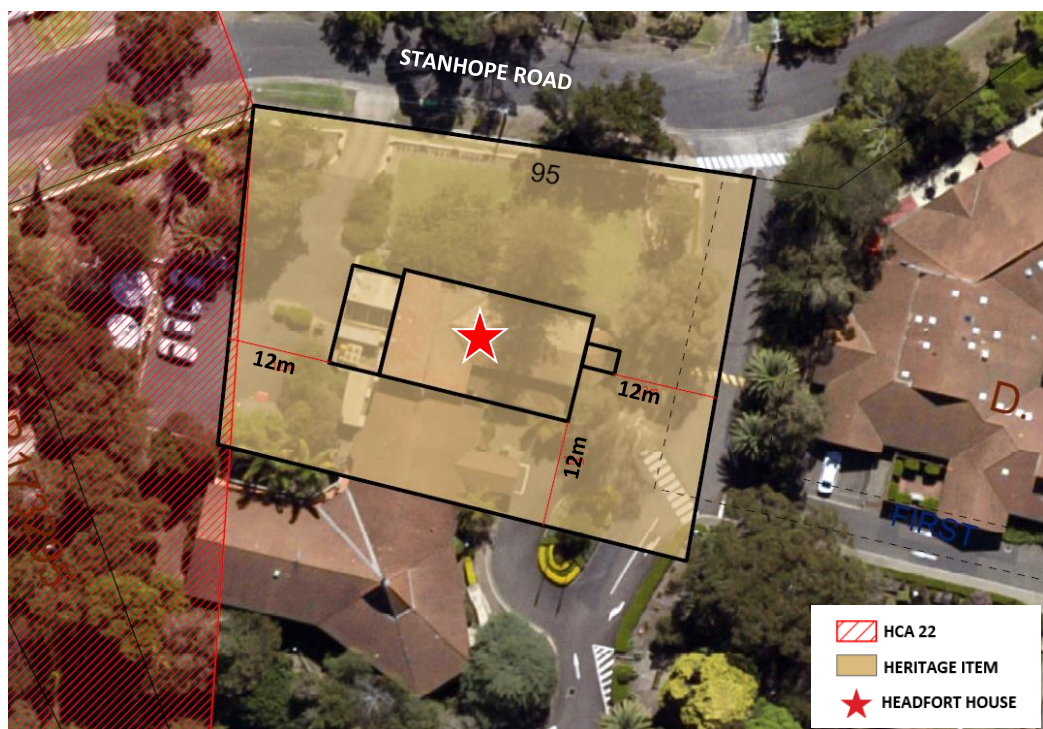


Figure 5: Proposed listing curtilage of Headfort House
Source: 2022 KRG Heritage Assessment Review (Appendix A)

Heritage Inventory

The significance, description and historical information from the 2017 *GML Heritage Significance Assessment*, as confirmed and updated with further information and assessment by Council, is contained in the heritage inventory attached to the 2022 *KRG Heritage Assessment Review (Appendix A)*.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes; or is there a better way?

Yes, the planning proposal is the best and only means of achieving the objectives to recognise the heritage significance of the north-western part of the site adjacent to existing HCA 22.

The planning proposal seeks to list Headfort House and its curtilage as a local heritage item in Schedule 5 of the *Ku-ring-gai Local Environmental Plan* ('KLEP 2015'). The planning proposal presents the only mechanism to apply statutory protections to Headfort House and its curtilage.

Headfort House and its curtilage has been assessed as satisfying the *NSW Heritage Council's Criteria for local heritage significance*, and the *Heritage Office guideline, Heritage Curtilages*. The assessment is documented in Council's *2022 KRG Heritage Assessment Review* (**Appendix A**) and the proponent's *2017 GML Heritage Significance Assessment* (**Appendix B**) attached to a proponent-led planning proposal.

The 2017 GML urban design study recommends a future conservation management plan to determine "an appropriate landscaped curtilage surrounding Headfort House", however, there is no mechanism to require nor enforce a conservation management plan if the site is not heritage listed.

The heritage listing will provide ongoing protection and recognition of the heritage significance of the Headfort House and its curtilage.

Alternatives such as adjusting the significance of the Crown Blocks Conservation Area (HCA 22) have been considered; however, adjusting the statement of significance alone would not recognise the full heritage significance of the site of Headfort House and it is important to consider the significance of the building and its curtilage site within its own right. In addition, this site differs to the predominantly residential built form and cultural landscape form in the conservation area.

Furthermore, the conservation area would not protect interiors of buildings which are significant for Headfort House; therefore, the protection granted by the conservation area would not necessarily celebrate and protect the specific heritage values of the site.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *North District Plan* (2018), as discussed below.

1. Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of the Plan, particularly;

- *Objective 13*

'Environmental heritage is identified, conserved and enhanced'.

Heritage listing of Headfort House and its curtilage will provide ongoing statutory protection and recognition of the heritage significance of the item.

- *Objective 28*

‘Scenic and cultural landscapes are protected’

The heritage listing will ensure the long term retention of the Headfort House building and its curtilage setting at this location will continue to provide important contextual links with the historical relevance of the site - as a 1917 children’s school and later as the first training school for Australian Women’s Army Service during World War II.

Despite the attrition over time of the rear Headfort House, the Headfort House built form continues to be seen and understood in the round, from the street and from rear and side aspects. The inclusion of the proposed 12m curtilage to west, east and south, plus a full street curtilage ensures the setting and cultural landscape characteristics are considered and maintained on the site, and continue to provide visual integration within the highly historic and suburban precinct including the adjacent Heritage Conservation Area and natural bushland and built form Heritage Items.

2. North District Plan

Yes. The planning proposal is consistent with the directions, priorities and objectives of the *North District Plan*. In particular, the planning proposal is aligned with the following priorities and associated actions:

- ***Planning Priority N6. Creating and renewing great places and local centres and respecting the District’s heritage***

Action 21. Identify, conserve and enhance environmental heritage by:

- a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- b. applying adaptive re-use and interpreting of heritage to foster distinctive local places
- c. managing and monitoring the cumulative impact of development on the heritage values and character of places.

- ***Planning Priority N13. Supporting growth of targeted industry sectors***

Action 55. Consider the following issues when preparing plans for tourism and visitation:

- e. protecting heritage and biodiversity to enhance cultural and eco-tourism

- ***Planning Priority N17: Protecting and enhancing scenic and cultural landscapes***

Action 67. Identify and protect scenic and cultural landscapes

Action 68. Enhance and protect views of scenic and cultural landscapes from the public realm.

In line with the *North District Plan*, this planning proposal recognises that heritage and history are important components of local identity and contribute to the rich, intact suburban fabric of the locality that encompasses the subject site at 95 Stanhope Road. With the growth of heritage based tourism and interest in historical sites utilised by and for significant purposes, identifying, conserving, interpreting and celebrating heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations. The listing of Headfort House and its curtilage enable the storey of the area to continue within the landscape of Stanhope Road.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the following local strategies:

- *Ku-ring-gai Community Strategic Plan 2038 (2018)*

The planning proposal gives effect to the identified priority of ‘*protecting heritage buildings and historic places*’. In addition, the planning proposal will give effect to *Theme 3 Places, spaces and infrastructure* which identifies the long-term objective P5.1 ‘*Ku-ring-gai’s heritage is protected, promoted and responsibly managed*’.

- *Ku-ring-gai Heritage Strategy (2021)*

The planning proposal is consistent with this *Strategy* giving effect to the priority to identify new heritage items and enable their long term conservation for future generations.

- *Ku-ring-gai’s Local Strategic Planning Statement (2020)*

The planning proposal is consistent with this *Statement* giving effect to heritage related Local Planning Priorities identified within the LSPS, including:

Local Character and Heritage

K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai’s unique visual and landscape character

K13. Identifying and conserving Ku-ring-gai’s environmental heritage

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

None are applicable.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The following table identifies the key applicable SEPPs and deemed SEPPs and outlines this planning proposal’s consistency with those SEPPs.

SEPP	Comment on Consistency
SEPP (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> Chapter 2: Vegetation in non-rural areas Chapter 4 Koala habitat protection 2021 Chapter 6 Bushland in urban areas Chapter 7 Canal estate development Chapter 9 Hawkesbury-Nepean River Chapter 10 Sydney Harbour Catchment 	<p>Applicable. Consistent.</p> <p>This SEPP contains provisions in respect to vegetation that is or forms part of a heritage item or that is within a heritage conservation area.</p> <p>The heritage listing of Headfort house and its curtilage seek to include landscaping elements and canopy trees that relate to the historical setting of the site.</p>
SEPP (Resilience and Hazards) <ul style="list-style-type: none"> Chapter 2 Coastal management Chapter 3 Hazardous and offensive development Chapter 4 Remediation of land 	<p>Applicable. Consistent.</p> <p>There is no indication that previous uses at the subject sites would trigger site remediation.</p> <p>The subject properties are not located within the coastal areas identified by this SEPP.</p>
SEPP (Industry & Employment) <ul style="list-style-type: none"> Chapter 3 Advertising and signage 	<p>Applicable. Consistent.</p> <p>The planning proposal does not contain any provision which is contrary to the operation of this policy.</p>
SEPP 65 Design Quality of Residential Flat Development	<p>Applicable. Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP Building Sustainability Index : Basix 2004	<p>Applicable. Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Transport and Infrastructure) <ul style="list-style-type: none"> Chapter 2 Infrastructure Chapter 3 Educational establishments and childcare facilities 	<p>Applicable. Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Precincts-Eastern Harbour City) 2021 <ul style="list-style-type: none"> Chapter 2 State significant precincts 	<p>Applicable. Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Housing) 2021	<p>Applicable. Consistent.</p>

SEPP	Comment on Consistency
	The affected property is not known to contain affordable housing. The heritage listing of Headfort House and its curtilage may alter whether development under the former ARH SEPP may be carried out on the listed site, however this planning proposal would not contravene the SEPP in any way.
SEPP Exempt and Complying Development Codes 2008	Applicable. Consistent. The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, however this planning proposal would not contravene the SEPP in any way.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table identifies applicable section 9.1 Directions and outlines this planning proposal's consistency with those Directions.

Directions under S9.1	Objectives	Consistency
1. PLANNING SYSTEMS		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> .
1.3 Approval and Referral Requirements This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development. The planning proposal does not contain a provision which is contrary to the operation of this direction.
1.4 Site Specific Provisions This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. This planning proposal is not for the purpose of facilitating a particular development proposal. It relates to the heritage listing of a new item of environmental heritage.

Directions under S9.1	Objectives	Consistency
3. BIODIVERSITY AND CONSERVATION		
3.1 Conservation zones This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2 Heritage Conservation This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. The planning proposal is consistent with this direction. The planning Proposal will result in the conservation of a site, Headfort House and its curtilage, that has satisfied the <i>NSW Heritage Council's criteria for local heritage significance</i> and mapped a curtilage area in accordance with the <i>Heritage Office guideline, Heritage Curtilages</i> .
4. RESILIENCE AND HAZARDS		
4.1 Flooding This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.	Consistent. The planning proposal will not affect the application of controls that ensure development on flood liable land does not result in risk to life or damage to property.
4.3 Planning for Bushfire Protection This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and	Consistent. The planning proposal will not affect the application of controls that ensure development on bushfire prone land does not result in risk to life or damage to property.

Directions under S9.1	Objectives	Consistency
<p>This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>(b) encourage sound management of bush fire prone areas.</p>	
<p>4.4</p> <p>Remediation of Contaminated Land</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent.</p> <p>The planning proposal does not rezone nor permit a change of use of the land. The planning proposal does not contain a provision which is contrary to the objective of this direction.</p>

Directions under S9.1	Objectives	Consistency
<p>4.5</p> <p>Acid Sulfate Soils</p> <p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Consistent.</p> <p>Existing acid sulfate soils provisions will not be altered by the planning proposal.</p>
<p>5. TRANSPORT AND INFRASTRUCTURE</p>		
<p>5.1</p> <p>Integrating Land Use and Transport</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>Consistent.</p> <p>The planning proposal relates to the heritage listing of an established site and does not involve amendments to the planning controls that will facilitate intensified development. It is not envisaged that the use of the site will change as a result of the heritage listing of the site.</p>

Directions under S9.1	Objectives	Consistency
6. HOUSING		
<p>6.1</p> <p>Residential Zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>Consistent.</p> <p>The planning proposal seeks to heritage list Headfort house and its curtilage. The heritage listing will not alter the land zoning and associated standards and therefore will not reduce the site yield potential.</p> <p>The wider site is currently occupied by the Lourdes retirement village providing aged housing. Headfort House is currently utilised as a chapel serving the retirement home population.</p>
<p>6.2</p> <p>Caravan Parks and Manufactured Home Estates</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>Crown Land Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p>	<p>The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates.</p>	<p>Consistent.</p> <p>The planning proposal will not affect any caravan parks or manufactured housing estates.</p>
7. INDUSTRY AND EMPLOYMENT		
<p>7.1</p> <p>Business and Industrial Zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the objective of this direction. The planning proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.</p>

B. Environmental, social and economic impact

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal is for the purposes of heritage listing Headfort House and its curtilage area. The planning proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, nor their habitats as a result of the heritage listing. The planning proposal seeks a curtilage that includes existing vegetation including canopy trees, and is linked to a tract of similar vegetation within the onsite Heritage Conservation Area fronting Stanhope Road to the north-west of the site.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no environmental effects envisaged as a result of the heritage listing proposed by the planning proposal. Protection of the site will be required if development is proposed for the site or in the vicinity of the site. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process. The environmental sustainability benefits afforded by the retention and conservation of heritage places includes the substantial reduction in building demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

Q10. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will result in positive social effects by facilitating the conservation of an item of cultural heritage and its curtilage maintaining a site with long standing significant historical links reflecting uses and events that hold significance to the local and wider community. The identification and protection of Ku-ring- gai's heritage places contributes to the ongoing conservation of Ku-ring-gai's community-valued historic landscape and garden suburbs. The planning proposal will not adversely impact on any existing social infrastructure.

It is unlikely that the heritage listing will place undue economic strain on any individual or group of individuals as the listing will not alter the current use of the building and the proposed curtilage will still enable placement of considered structural elements.

C. State and Commonwealth interests

Q11. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal relates to the heritage listing of an established site, it does not involve amendments to the planning controls that will facilitate intensified development. It is not envisaged that the use of the site will change following the heritage listing of Headfort House and its curtilage.

Q12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be conducted in accordance with the Gateway determination. Council intends to notify Heritage NSW, and Office of Environment, Energy and Science during the public exhibition of the planning proposal.

PART 4 – MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The land subject of the planning proposal is located at 95 Stanhope Road, Killara - Lot 22, DP 634645. The planning proposal will require amendment to one KLEP 2015 map sheet as illustrated below:

EXISTING MAPPING - Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014

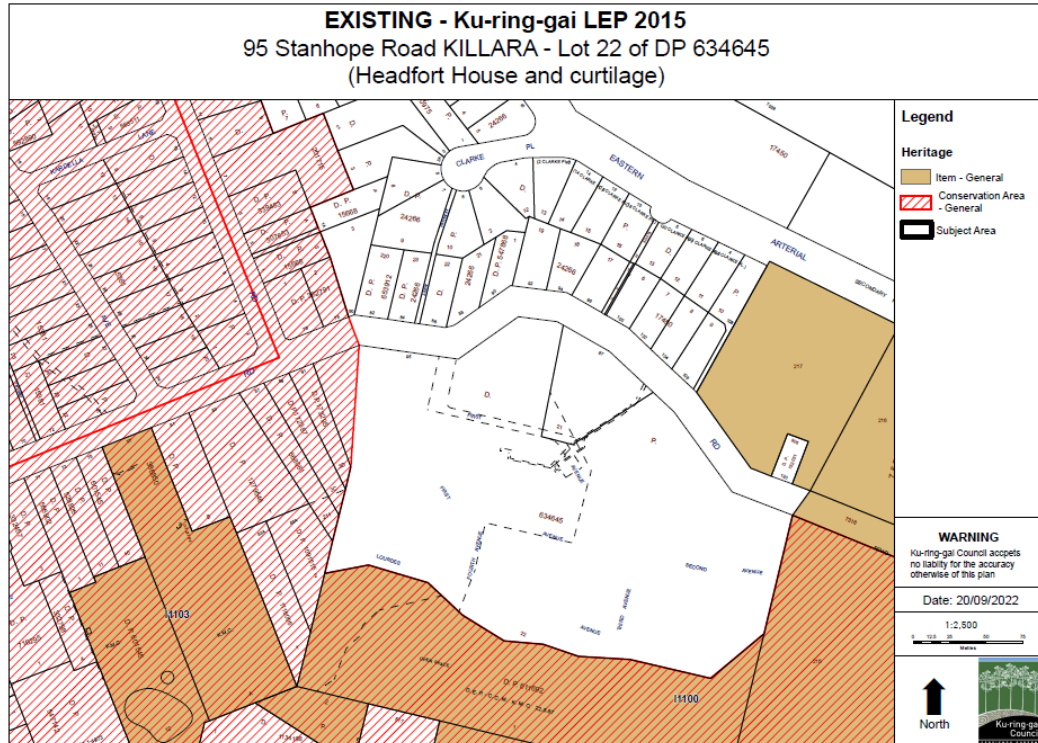


Figure 6: Maps showing existing non-heritage listed status of Headfort House and its curtilage adjacent to heritage conservation area (HCA 22) and existing Heritage Items nearby

PROPOSED MAPPING - Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014

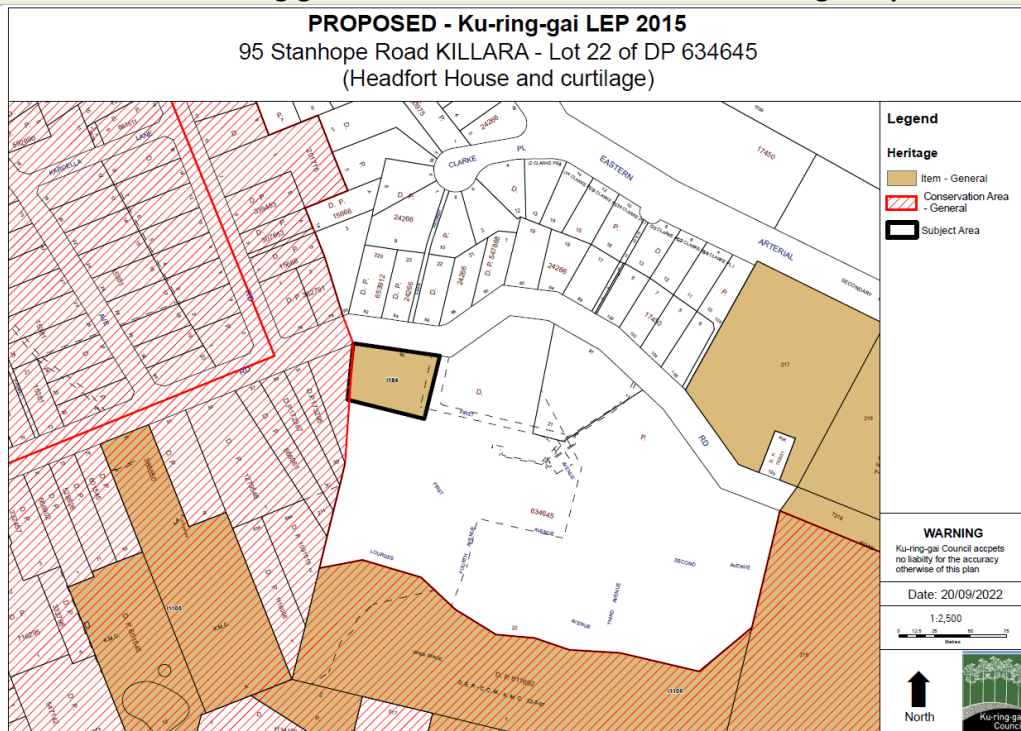


Figure 7: Maps showing proposed amendment to heritage map to include Headfort House and its curtilage shaded as Heritage Item - General

PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Community consultation for this planning proposal will be consistent with the requirements of Council's *Community Participation Plan*, the requirements of the Gateway determination, the requirements of the *Environmental Planning and Assessment Act* and the *Environmental Planning and Assessment Regulation 2000*, the consultation guidelines contained within the and the NSW Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (December 2021).

In accordance with the documents above, the public exhibition of a planning proposal is generally undertaken in the following manner:

- Notification on Council's website on the 'Have my say' exhibition page
- Notification in writing to the affected and adjoining landowners that:
 - provides a description of the objectives or intended outcomes of the planning proposal
 - indicates the land affected by the planning proposal
 - states where and when the planning proposal can be inspected
 - provides details for the receipt of submissions
 - indicates the last date for submissions
 - confirms whether delegation for making the LEP has been issued to Council.

Upon receipt of a Gateway determination enabling the public exhibition of the planning proposal, a site specific Development Control Plan will be produced to support the planning proposal.

The following material will be made available for viewing:

- Gateway Determination
- Planning proposal and its appendices
- Development Control Plan
- Supporting information

The planning proposal is considered a basic category according to the *Local Environmental Plan Making Guideline* (December 2021) and proposed to be exhibited for 14 working days.

At the conclusion of the public exhibition period, a report will be prepared and presented to Council to allow for the consideration of submissions received from the community during the exhibition period. All authors of submissions will be notified of the reporting to Council.

PART 6 – PROJECT TIMELINE

Stage	Timing
Date submitted to Department for a Gateway	20 September 2022
Anticipated commencement date - date of Gateway determination (4 weeks)	18 October 2022
Timeframe for government agency consultation - pre and post exhibition as required by Gateway determination (3 weeks)	25 October - 15 November 2022
Commencement and completion dates for public exhibition period (2 weeks)	25 October - 8 November 2022
Post exhibition review and reporting	November - December 2022
Council meeting / consideration	February 2023
Legal drafting of LEP	February 2023
Anticipated date RPA will make the plan (if delegated)	March 2023
Notification of Plan on Legislation website	March 2023

