

## KU-RING-GAI COUNCIL

### ORDINARY MEETING OF COUNCIL – 13/12/2022

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**Subject:** Heritage Listing - Headfort House  
95 Stanhope Road, Killara - consideration of submissions to the public exhibition

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**Resolved:**

- A. That Council adopt the planning proposal to heritage list Headfort House and its curtilage at 95 Stanhope Rd, Killara as a local heritage item.
  - B. That Council proceed to make the Plan, using its delegated authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
  - C. That delegation be given to the General Manager and Director Strategy and Environment to correct any errors or inconsistencies in the Planning Proposal and its associated study prior to finalisation.
  - D. That those who made submissions be notified of Council's decision.
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## HERITAGE LISTING - HEADFORT HOUSE 95 STANHOPE ROAD, KILLARA - CONSIDERATION OF SUBMISSIONS TO THE PUBLIC EXHIBITION

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to consider submissions received in response to the exhibition of the planning proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to heritage list Headfort House, 95 Stanhope Road, Killara as a local heritage item.

**BACKGROUND:**

Council initiated the listing planning proposal following its omission in proponent-led planning proposals in 2018 and 2022 seeking rezoning of land at 95-97 Stanhope Road, Killara (Lourdes Retirement Village).

On 26 July 2022 Council resolved to adopt and submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. A Gateway Determination was received on 25 October 2022. The Planning Proposal was placed on public exhibition between Tuesday, 8 November 2022 and Tuesday, 22 November 2022.

**COMMENTS:**

A total of 9 submissions were received during the public exhibition: 8 in support and 1 in opposition. This report provides an overview of submissions made to the public exhibition and proposes the next steps for Council's consideration.

**RECOMMENDATION:**

That Council adopts the Planning Proposal to amend Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015* to heritage list Headfort House and its curtilage as a local heritage item.

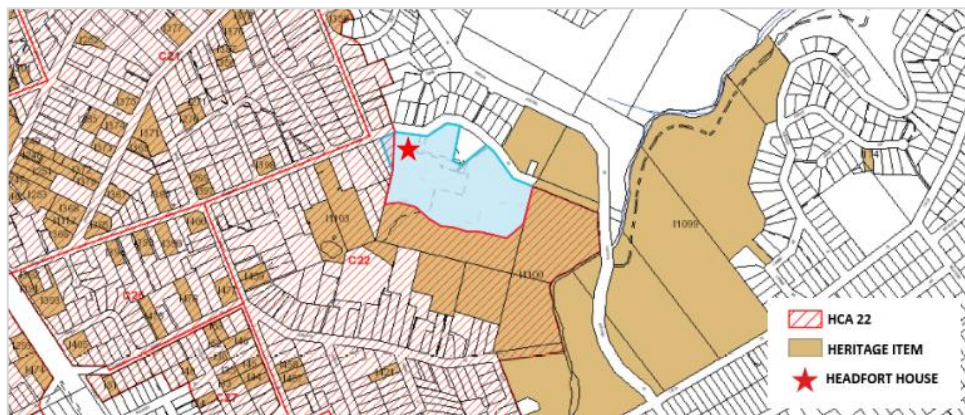
## PURPOSE OF REPORT

For Council to consider submissions received in response to the exhibition of the planning proposal to amend the *Ku-ring-gai Local Environmental Plan 2015* to heritage list Headfort House, 95 Stanhope Road, Killara as a local heritage item.

## BACKGROUND

### Site Context

Headfort House ('the site') is located on the north-west corner of 95 Stanhope Road, Killara (Lot 22 DP 634645) and forms part of the Lourdes Retirement Village. 95 Stanhope Road includes a part of Crown Blocks Conservation Area (C22) to the west, with the conservation area surrounding the wider site to the west, south and east. The site is currently not heritage listed and zoned R2 low density residential.



*Headfort House, 95 Stanhope Road, Killara – Location Plan*

### History of Headfort House

Headfort House is a two storey interwar style building with identified significance. It was purpose built around 1918 as a boys school known as Headfort School.

The significant phases of development and use of this site include:



- 1917-1930s: developed as a school; Headfort, then Milton Grammar School.
- 1942-1944: World War II, the first training school for Australian Women's Army Service (AWAS).
- 1944-1980: Hospital for tuberculosis till 1967, then a Hospital for acute care patients.
- 1980s in part: Lourdes Retirement Village chapel of social/community value.



*Headfort House - 1920s to 2022*

## The Planning Proposal

The Planning Proposal seeks to heritage list Headfort House and its curtilage, located at 95 Stanhope Road, Killara under Schedule 5 of the KLEP 2015, with associated amendment to the Heritage Map as indicated in the below table.

Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)						
EXISTING			PROPOSED			
Heritage Map, Sheet HER_014						
						
Schedule 5 Environmental heritage, Part 1 Heritage items						
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	1184	

## Process

Key milestones in the planning proposal are as follows:

- 6 March 2018 – a rezoning planning proposal application received by Council for 95-97 Stanhope Road, Killara (Lourdes Retirement Village). The proposal did not include the heritage listing of Headfort House.
- 22 May 2018 – the rezoning planning proposal was refused by Council.
- 7 November 2018 – the Sydney North Planning Panel rezoning review supported the progress of an amended rezoning planning proposal to seek a Gateway Determination.
- 17 August to 27 September 2022 – the rezoning planning proposal was exhibited. The heritage listing of Headfort House was omitted.
- 26 July 2022 – initiating a Council-led planning proposal for the heritage listing of Headfort House and its setting. Council resolved:

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- 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.*
- September 2022 - Council prepared a heritage listing planning proposal attaching a *Heritage Assessment Review* based on the proponent's GML report (attached to the rezoning planning proposal) which found Headfort house met the significance criteria for local heritage listing. The *Review* recommended the heritage listing of Headfort House and associated curtilage.

## Gateway Determination

In accordance with the Council resolution, on 20 September 2022 the heritage listing planning proposal was submitted to the Department of Planning and Environment.

On 25 October 2022, a Gateway Determination (**Attachment A1**) was received from the Department of Planning and Environment to proceed to public exhibition. The Gateway required completion of the process within 6 months, by April 2023.

## COMMENTS

### Public Exhibition

The planning proposal was placed on public exhibition from Tuesday, 8 November 2022 to Tuesday, 22 November 2022, in accordance with the conditions of the Gateway Determination and Council's Community Participation Plan. A copy of the exhibited planning proposal and appendices is included at **Attachment A2**.

Submissions to the exhibition were received from the community, including from the landowner. All submissions have been assessed to find the planning proposal upholds its merit for local heritage listing as described in the exhibited proposal.

### Submissions to the Public Exhibition

A total of nine submissions were received from the community, eight in support and one in objection. The submissions in support were predominantly made by neighbouring property owners and community groups. The objecting submission was made by the owner of the subject land, also known as Lourdes Retirement Village.

Key comments are listed below with detailed response presented in the Submission Summary Table at **Attachment A3**.

#### ***A. Support for the Planning Proposal***

The following points were made by submissions in support of the heritage listing of Headfort House:

- acknowledgement of the value of Headfort House and its local significance criteria associated with its architecture, historical use and unique bushland location;
- the contextual links of Headfort House and its setting to the onsite and surrounding heritage conservation area and heritage items;
- the value of Headfort House in the Stanhope Road streetscape;
- the importance to residents with long standing familial association with the Headfort House and site use as a hospital;
- the importance of listing to ensure the protection and management of the building and its surrounds into the future;
- the uncertainty of the future of Headfort House under the landowner's rezoning planning proposal for Lourdes Retirement Village, 95-97 Stanhope Rd, Killara.

One submission requested inclusion of the existing Grotto, located to the south-east of the building, into the proposed heritage curtilage area, and another requested the preparation of a Conservation Management Plan to protect the heritage values into the future.

##### **➤ *Comment***

The support for the listing is noted.

With regards to the existing Grotto, the Headfort House Heritage Assessment Review (Kuring-gai Council, September 2022), presented a preferred wider curtilage to Headfort House which included the Grotto; however, the final proposed curtilage was reduced to retain an area of 12m extent to all sides of the House.

This extent was considered a minimum to ensure due consideration of any proposed works that could potentially harm the building and its setting, and to enable any future works in the curtilage to apply design considerations associated with the architecture of Headfort House. It is also noted that the landowner's 2017 GML Report, that triggered the detailed assessment of the site, did not include the Grotto as a significant feature.

Whilst a Conservation Management Plan (CMP) is vital to manage and preserve the integrity of any heritage item, a CMP will be triggered when any works are proposed to the potential item and its setting.

#### ***B. Objection to the Planning Proposal***

One submission, from the owner of the land subject of this planning proposal, objected to the proposal. A detailed response to the submission is provided at **Attachment A3**.

The submission makes the following key points:

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- questions Council's heritage assessment methodology and states Headfort House does not meet the criteria for heritage listing, negating their own original 2017 GML heritage study through a new 2022 advice letter by Urbis, which finds zero significance in Headfort House;
- refers to the separate planning proposal for the Lourdes Retirement Village site, saying that the master plan prepared to support the planning proposal took into consideration the historic values of the building, and seeks to retain and extensively restore Headfort House as part of any future redevelopment of the site;
- questions the assessment of the curtilage for Headfort House based on its heritage values and the future built form interface associated with the Levande master plan and Planning Proposal;
- considers the heritage listing to be unnecessary, but would support the listing subject to the reduced heritage curtilage.

➤ *Comment*

Whilst the Urbis advice attached to the submission negates all elements of significance attributed to Headfort House and its setting, the advice does not present any new evidence or issues that have not already been considered in the assessment of the listing proposal.

It is acknowledged that the rezoning planning proposal may have made reference to the treatment of Headfort House, however without a statutory heritage listing there is no mechanism to formalise any protections and appropriate conservation of Headfort House and its setting. Heritage Listing provides the sole mechanism to protect valued items in perpetuity.

The consideration of the heritage listing is separate to the rezoning planning proposal. The consideration of its curtilage must and has been assessed on its own merit and not in relation to the rezoning planning proposal which may or may not achieve finalisation. Any future redevelopment of the site would consider the treatment of and around the (potential) heritage item, rather than the other way around of reducing the curtilage to suit a redevelopment aspiration.

Council's *Headfort House Heritage Assessment Review*, prepared by qualified, experienced heritage staff, has adopted a conservative approach in establishing the curtilage setting of Headfort House. The review included a wider curtilage encompassing other recognisable elements associated with Headfort House, such as the turning circle, Grotto and vegetation; however settled on what is considered a minimum curtilage to afford the due consideration of works that would materially impact Headfort House.

## Conclusion

All submissions to the public exhibition of the planning proposal have been given due consideration. The submissions do not provide any new evidence to warrant amendment to the exhibited planning proposal. Therefore, it is recommended that the planning proposal proceed to finalisation.

## INTEGRATED PLANNING AND REPORTING

### Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed.	P5.1.1 Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	P5.1.1.1: Implement, monitor and review Ku-ring-gai's heritage planning controls and Heritage Strategy consistent with the Local Strategic Planning Statement (LSPS).

## GOVERNANCE MATTERS

The preparation and implementation of planning proposals is governed by the provisions within the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* with guidance provided in the Department of Planning and Environment's *Local Environmental Plan making Guideline, September 2022*.

On 26 July 2022 Council resolved to request that Council be authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal. In issuing the Gateway Determination on 25 October 2022, the Department of Planning and Environment considered the nature of the Planning Proposal and authorised Council as the local plan-making authority. A 6 month period (April 2023) was allocated to complete the proposal.

This report addresses the post exhibition stage of the planning proposal process, to consider State agency and community feedback. Council can resolve to make the plan in accordance with section 3.36(2) of the EP&A Act and liaise with Parliamentary Counsel's Office (PCO) to draft the required Local Environmental Plan to give effect to the Planning Proposal, as well as apply the Ministers function in making the plan.

## RISK MANAGEMENT

There is a community expectation that places of heritage significance within the Ku-ring-gai local government area will be identified and protected. There is a strategic risk to Council and its reputation if these culturally significant places are not identified and considered for protection.

## FINANCIAL CONSIDERATIONS

The cost of preparing this report is covered by the Urban Planning & Heritage Budget – Strategy and Environment Department.

## SOCIAL CONSIDERATIONS

The identification and protection of Ku-ring-gai's heritage places contributes to the ongoing conservation of Ku-ring-gai's historic landscape and the garden suburbs that are valued by the community now and will continue to be valued into the future.



## ENVIRONMENTAL CONSIDERATIONS

Council is responsible for the identification and management of Ku-ring-gai's local environmental heritage. Consideration of this matter will assist Council in meeting this requirement. The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places include the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

## COMMUNITY CONSULTATION

The planning proposal was placed on public exhibition between Tuesday, 8 November 2022 to Tuesday, 22 November 2022 in accordance with the requirements of the Gateway Determination and Ku-ring-gai's Community Participation Plan. Property owners and community groups were notified of the public exhibition and invited to provide feedback on the exhibited documentation.

The Gateway Determination made no requirement for any State Agency consultation. The Planning Proposal and supporting information was made available on Council's website in accordance with Ku-ring-gai's Community Participation Plan.

As a result of the public exhibition, a total of 9 submissions were received: 8 in support of the proposal and 1 submission in opposition.

All persons who made a submission have been notified of this matter being reported back to Council.

## INTERNAL CONSULTATION

Consultation with the relevant internal sections of Council has been undertaken in preparing this report, in particular, Development and Regulation and heritage specialists. On 28 July 2022 Council's Heritage Reference Committee reviewed the proposed heritage item and moved a unanimous decision to support the listing of Headfort House and its curtilage.

## SUMMARY

The planning proposal to heritage list Headfort House, 95 Stanhope Road, Killara was placed on public exhibition from Tuesday, 8 November 2022 to Tuesday, 22 October 2022. A total of 9 submissions were received, 8 in support and 1 in opposition to the planning proposal.

This report has considered the submissions to the public exhibition and recommends proceeding to heritage list Headfort House and its curtilage under Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015*.

## RECOMMENDATION:

- A. That Council adopt the planning proposal to heritage list Headfort House and its curtilage at 95 Stanhope Rd, Killara as a local heritage item.
- B. That Council proceed to make the Plan, using its delegated authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

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- C. That delegation be given to the General Manager and Director Strategy and Environment to correct any errors or inconsistencies in the Planning Proposal and its associated study prior to finalisation.
- D. That those who made submissions be notified of Council's decision.

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<b>Attachments:</b>	A1	Signed Gateway Determination and DPE Letter to Council	2022/355693
	A2	Planning Proposal and Appendices	2022/355694
	A3	Submissions Summary Table	2022/355611