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Dear Ms Vaughan,

## **HERITAGE RESPONSE TO COUNCIL SUBMISSION: 95 STANHOPE ROAD, KILLARA, PLANNING PROPOSAL PP-2022-658**

### **INTRODUCTION AND BACKGROUND**

Urbis have been engaged by Stockland Development Pty Ltd as the lead heritage consultants for the subject Planning Proposal (PP-2022-658). Urbis prepared the Heritage Impact Statement that accompanied the Planning Proposal and have also prepared a separate response regarding the proposed Heritage listing of Headfort House and proposed curtilage. The response on the listing has been submitted to Ku-ring-gai Council for their review and consideration.

Urbis have prepared this letter to respond to the submission by Ku-ring-gai Council on the Planning Proposal (PP-2022-658) dated October 2022, specifically Part 5 – Heritage Assessment.

The master plan prepared for the subject Planning Proposal envisages significant redevelopment of the of the entirety of the Lourdes Retirement Village and the existing independent living units in the southern part of the site. The following plan shows the proposed layout of potential future development in line with the Planning Proposal.



Figure 1 Master Plan prepared for the subject Planning Proposal showing the potential redevelopment of the Lourdes Retirement Village.

Source: Plus Architecture, "Master Plan", December 2022

## URBIS RESPONSE TO PART 5 – HERITAGE ASSESSMENT

### Council Discussion - 1.0 Overview: Inadequate provision of conserving heritage

*The current planning proposal for rezoning and substantial new building envelopes in the vicinity of Headfort House, the conservation area and adjoining heritage items breaches the Ministerial local planning direction for heritage conservation under section 9.1(2) of the Environmental Planning and Assessment Act 1979. This is because the proposed planning instrument and supporting development controls do not facilitate conservation of listed and assessed heritage with the following key omissions and impacts:*

1. *No heritage listing of Headfort House and its setting of assessed significance.*
2. *Proposed height, proximity and density of development does not respect and conserve the significance of Headfort House and its setting, the setting of the conservation area and adjoining heritage items.*

3. No provisions in the development control plan for conserving the significance of Headfort House and its setting, the setting of the conservation area and adjoining heritage items or relics.

*Conserving heritage needs to be addressed and contained in the proposed planning provisions – in the local environmental plan or development control plan – not simply attached heritage assessment reports with no statutory effect. This Ministerial direction is not addressed by suggested actions outside of the subject planning proposal, at a later stage, or in reports alone. Specifically, the Urbis Heritage Impact Statement of June 2021 and GML Heritage Headfort House Assessment of May 2017 make no provision for conserving the heritage of this site of Headfort House and its setting, the heritage conservation area, heritage items in the vicinity or relics. The submitted discussion about heritage issues and impacts does not meet the standard required by the Ministerial direction that a planning proposal must contain provisions to facilitate conservation.*

*Conserving heritage needs to be addressed at the same planning stage with equal statutory effect as proposed provisions for development, so that heritage is adequately conserved in the planning proposal. The planning proposal needs to conserve the setting and views of significant places and areas, as well as fabric and relics, to meet the objectives of Ku-ring-gai Local Environmental Plan 2015 for heritage conservation. The object of this plan is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views [and] archaeological sites” (clause 5.10). These are the matters that need to be addressed in the planning proposal to facilitate conservation of significance in line with the Ministerial direction.*

## **Urbis Response**

In response to the 3 items described above,

1. Urbis does not agree with the proposed heritage listing of Headfort House. A response and separate significance assessment, (dated 21 November 2022) has been submitted to Council in response to the proposed listing.

The following revised statement of significance has been prepared by Urbis and submitted as a response to the separate Council Planning Proposal (letter dated 21 November 2022):

*The building has been assessed and doesn't meet the criteria for heritage listing as an item of local heritage significance under any of the seven (7) criteria.*

*Headfort House is a remnant of the Inter-war development of the site for a school and is of some historical interest as the first training facility in the state for the Australian Women's Army Service (AWAS). However, the building and the site have been substantially altered as part of the redevelopment for the LRV, such that it is considered compromised. The second large building which was a part of the school – built soon after Headfort House - has been demolished, as have other smaller buildings, associated structures, and facilities that were part of the school or subsequent army occupation. Headfort House was at best a pedestrian example of the period and has been variously altered including works to convert the former dormitory to a chapel, which has resulted in unsympathetic changes to the façade including the removal of fenestration and detailing.*

*While there are some elements of the setting that complement Headfort House, specifically the retained street front setback and mature tree plantings (Norfolk Island Pine x 2 and the Moreton Bay Fig) the current setting is the result of the redevelopment of the Lourdes Retirement Village and does not reflect its historical subdivision or setting. The former school building sits within a pleasant but contemporary landscape.*

*In this context, little integrity remains of the site.*



Therefore, Urbis have considered the heritage significance of Headfort House, but does not agree with the proposed heritage listing.

With respect to the proposed heritage listing however, should Council proceed with the proposed heritage listing, Urbis have also proposed an amended curtilage and have recommended further review in the finalisation of the Inventory Sheet to ensure the heritage listing does not hinder ongoing operations of the Retirement Village on the site. This is discussed further below against item 2.1.

**2.** Overall, the proposed masterplan does respond to the Heritage items and HCA (C22) in the vicinity. This is achieved through the retention of Headfort House, separation to new development and landscaping in the vicinity of the HCA. This ensures that the setting of the HCA from the public domain areas, and the contribution of Headfort House is retained. In addition, the masterplan proposes to retain the continuous native landscape edge running along the northern boundary of the site to Stanhope Road. This will maintain and enhance the landscaped character of the streetscape.

There is a considerable setback from Headfort House to the ILU behind (6m to the west and 12m to the south) and Headfort House is retained in a landscaped setting and curtilage, with the new development visible as a backdrop of development. The existing setting of the former school building is retained, with the generous front setback and mature tree plantings. Headfort House provides a transition in the streetscape, between the HCA and contemporary new development. There is an opportunity for further detailed design and planning of the landscape to provide a further landscape buffer between Headfort House and new development.

It is noted that development in its current form for the Lourdes Retirement Village (LRV) does not contribute to the setting of the Heritage Conservation Area and forms the boundary of the HCA, with a series of later 20<sup>th</sup> century institutional and residential buildings presenting to Stanhope Road with generous landscaped setbacks. Proposed development in line with the PP has a similar institutional character, and maintains substantial setbacks, while allowing for an intensification of development on the site.

The proposed masterplan positions the larger scale development (5-6 storeys) toward the centre of the site. These buildings include modulated forms with upper level setbacks, creating a terraced form to the south and reducing overall bulk and scale. This enables an all-round step down to the bush landscape (I1100) to the south and east, the residential development to the north and the HCA and vicinity heritage items (I1103) to the west. The masterplan has included generous setbacks from the site boundaries and the proposed retention of existing vegetation around the southern and eastern edge to create a landscape buffer and bushland interface. Coupled with the lower scale of development on the edges, this responds directly to the heritage items, I1100 and I1109 located to the east and the HCA and vicinity heritage item (I1103) to the south and west.

The proposed masterplan also utilises the topography of the site to allow for optimal development potential while also minimising, where possible views of new development. While the largest of the proposed development will be visible from surrounding areas, the topography of the site and landscaping (both existing and additional as part of the proposed development) mitigates this visibility and streetscape impacts. Three storey residential development terraces into the slope and further mitigates impacts of scale.

**3.** The DCP does make a general reference to Heritage Provisions and guidelines already included in the Ku-ring-gai DCP (2016) as it requires the site specific DCP to be read in conjunction with the Ku-ring-gai DCP. It also makes specific mention of Part 19 Heritage.

At present the DCP also includes the following provision:

*Section 2.2 Land Use, site layout and built form*

#### *Controls*

1) *The renewal of the site is to accommodate the following uses generally as shown on the indicative layout plan comprising:*

- *A residential care facility*
- *Independent living units within buildings up to six storeys*
- *A community centre for the seniors housing of a minimum 1,400sqm*
- *Medium Density Housing including attached and semi-detached housing up to three storeys*
- ***Retention of Headford House and its garden setting.***

#### *Section 2.4 Building Design*

4) *The building materials and colours are to harmonise with the heritage and bushland character of the surrounding area.*

Part 2.2 provides protection of Headford House and requires the building be retained in a garden setting.

As stated above, Urbis does not agree with the current proposed listing of Headford House and therefore does not consider a specific provision for the conservation of Headford House and its immediate setting to be necessary in the site specific DCP. However, Urbis would not object to another specific, yet general provision for the conservation of the vicinity heritage items and HCA. The following provision could be considered:

#### **“Heritage Considerations**

1. As the site is located in the vicinity of heritage items, (I1103 and I1100) and the Crown Blocks Heritage Conservation Area (C22), any future development should allow for a transition between new building development and the natural bushland located to the east, south and west and character and setting of the HCA located to the north-west. Landscaping should also be included along the northern boundary as this is in keeping with the streetscape.
2. Proposed development should consider potential visual impacts and provide an appropriate curtilage and setting for the heritage item I1100 (Seven Little Australians Park). Detailed design of any future development should provide for a transition to the heritage item and not detract from the natural landscape and views from this item.”

It should be noted that the proposed masterplan submitted with the subject Planning Proposal allows for these transitions through generous setbacks and the retention of existing landscape with new, additional landscaping along all the site boundaries. Development also terraces into the site and scale of the development locates massing in the centre of the site with carefully modulated forms. Future detailed design of development will further seek to minimise heritage impacts to the vicinity heritage items and HCA through consideration of materials and finishes, façade treatment, scale, form and massing.

## Council Discussion - 2.1 Headfort House and its setting

*Headfort House and its setting is identified as having heritage significance in the proponent's submitted heritage assessment by GML Heritage of May 2017. It is also identified as having heritage significance in Council's heritage assessment review of September 2022 submitted in a separate planning proposal. Council's determined curtilage is shown below bound with a heavy black line. The yellow line bounds the location of features of some significance beyond this curtilage, identified in Council's heritage assessment review of the GML Heritage assessment.*



Figure 2 Heritage curtilage as proposed by GML on the left and amended Curtilage proposed by Council on the right (the yellow denotes the proposed extensions of the curtilage).

Source: Ku-ring-gai Submission document.

*Identified significant features within this curtilage include:*

- *Headfort House in full, including interiors, garage and chapel additions.*
- *Headfort House setting, viewed in the round*
- *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 front garden of Headfort House, particularly the Norfolk Island Pines.*

*Features of some significance beyond this curtilage that also need to be considered in this proposal include the following features within the yellow bound area:*

- *Mature Phoenix Palms and Norfolk Island Pines to the west of the front garden along Stanhope Road and the avenue along the main entrance road to the east of Headfort House.*
- *Potential archaeological relics of inter-war building to the west of Headfort House.*
- *Turning circle and Grotto to the south-east of Headfort House.*

## Urbis Response

As discussed above, Urbis has separately submitted a response to the Planning Proposal, including a Heritage Assessment. The Urbis assessment has found that the building does not meet the criteria for heritage listing and Urbis does not support the proposed listing of Headfort House. This is due to the comparatively pedestrian character of the building and significant alterations that have been made to the building and the property throughout its history. The most significant alterations, including the addition of the chapel and alterations to the interior of the building were made in the 1980s when the site was redeveloped for the Lourdes Retirement Village. Early school buildings and early 20<sup>th</sup> century development associated with the school and later hospital have been removed. Urbis' assessment concludes that little integrity remains of the site and therefore it has been recommended that the proposed heritage listing does not proceed.

However, Urbis have also recommended, that should the proposed heritage listing proceed, then the proponent and their Heritage Consultant should review and provide feedback on the proposed inventory sheet, particularly in regard to the significance assessment, recommended management, and curtilage. This is to ensure that any significance is accurately recorded and further that the proposed listing does not unreasonably limit the use and alterations to the place.

In regard to the curtilage, Urbis have provided an amended curtilage for consideration (should the heritage listing proceed). The curtilage as nominated by Council captures fabric and features that are not of heritage significance such as the driveways and hardstand parking areas as well as part of the 1980s additions to the rear. The proposed amended curtilage by Urbis is shown below at Figure 3.



Figure 3 Proposed amended curtilage by Urbis. Including the

Source: *Ku-ring-gai Submission document.*

While the heritage listing is not recommended to proceed a reduced curtilage is provided above and captures those physical and historical aspects of the site which are considered to complement Headfort House and its setting, being the building itself, the retained street front setback and inter-war

tree plantings, (the Moreton Bay Fig and two Norfolk Island Pine trees), while also recognising the broader contemporary landscape setting.

It is noted that consent is required for works in the vicinity of a heritage item and therefore it is considered that the increased curtilage recommended by the KRG assessment offers no additional protection to the building, while also limiting practical works in these areas. For instance, minor alterations and additions within the 1980s additions may currently be able to be undertaken via a complying development pathway. The KRG curtilage would have the effect of necessitating approvals for works to this building (within the curtilage), which has no heritage significance. This is considered onerous.

It is acknowledged that the building sits within a landscaped curtilage which although pleasant, does not reflect a planned historical arrangement, setting or fabric, with the exception of noted mature tree plantings. The current landscape is the result of the 1980s redevelopment for the LRV and while it does provide a setting for the building, there is no significance to the driveway and garden settings and changes are permissible, so long as an appropriate setting continues to be provided for Headfort House. Therefore, the reduced curtilage is considered appropriate and has regard for the contemporary character of the setting.

### **Council Discussion - 3.1 Heritage Impacts**

*The planning proposal will provide for a built form that will have an unacceptable impact on the setting of Headfort House within the site, the adjoining Crown Blocks Conservation Area and listed parks in the vicinity. It bears no appropriate relationship to its significant context that is currently characterised by low density residences of one or two stories, vegetated gardens, parks and bushland.*

*The height, depth, bulk and density of the proposed built form of up to 6 stories, projecting above the tree canopy, with little division between building forms for open space or deep vegetation, will present as a wall of buildings that will dominate the streetscape, the two-storey Headfort House and detract from the bushland setting of the adjoining listed parks. The impact is increased by the proposed concentration of the tallest and densest development in close proximity to the listed conservation area to the west and significant Headfort House. Building heights of up to 14.5 and 20.5 metres are proposed in close proximity to Headfort House and the conservation area.*

*No minimum or measured setbacks are provided from the significant Headfort House or the western conservation area boundary. The proposed building heights have not been stepped down in height to transition to the height of these significant buildings to minimise the impact on historic development in the vicinity. This does not conform with the setback requirements for new development in the vicinity of a heritage item in Ku-ring-gai's development control plan of section 19E.3. This is included over the page.*

*The proposed increased density from 0.3:1 to 0.75:1 FSR will not only increase the visual bulk of the built form but will reduce the capacity for deep vegetation planting to minimise this impact over time. This density and resulting limitations on vegetation is out of character with the surrounding natural heritage items and garden settings of buildings in the conservation area.*

*The visual impact of the bulk and height of development proposed is exacerbated by the elevated position of the Lourdes site, meaning it will be visible from a distance, including the public spaces of Lindfield Soldiers Memorial Park. Seven Little Australian Park has many walking tracks which since the early days of the suburb have provided bushland retreats from other built-up areas. This sense of escape will be lost if these areas will be overlooked by development of the height and density proposed.*



## Urbis Response

The Planning Proposal envisages optimal use of the site for its existing operation as a retirement village. The proposed does not alter the current use of the place. The proposed built form has been determined by the growing demand for high quality accommodation and facilities for seniors. This is in direct response to the objectives of the Greater Sydney Region Plan and North District Plan as outlined in Sections 3.1 and 3.2 of the Planning Proposal prepared by FPD Pty Ltd (February 2022).

With regard to these objectives and the current use of the site and need for improvements to the existing accommodation, changes to the character of the subject site is inevitable.

However, as discussed above, the master plan and planning proposal has made consideration for the low-density residences, vicinity heritage items (bush land) and HCA in the placement of the larger scale development to the centre of the site and smaller 2-3 storey development around the edges, providing a transition of scale in the development. In addition, the master plan includes generous setbacks along the site boundary and an emphasis on landscaping to ensure there is a transition between new development, the natural landscape and to the 1-2 storey residential dwellings that currently dominate the area. The PP maintains the continuous landscape buffer around the entire site boundary. As outlined above, it is noted that the subject development does not contribute to the HCA and instead forms the boundary to the HCA. An increased density adjacent to the HCA is not considered to unreasonably impact on or alter the character and significance of the HCA.

It is acknowledged that development will selectively alter the current views and broader settings in the context of the proximate heritage items and the HCA, however this does not mean works will necessarily have a heritage impact. The significance of the HCA and proximate items does not rely upon the subject site or development within the subject site maintaining a lower scale of development. The pedestrian scale and landscaped character in terms of the streetscape is achieved through generous site setbacks, landscaped edges and a transitioning scale of development. While there may be distant views to the development from within the HCA or within the parkland, this will appear as a backdrop of development in the vicinity. Reference should be made to the submitted Visual Impact Assessment prepared by Deneb Design (see also select views provided below).

Future development in line with the PP envelopes will be subject to a future development application and detailed design. Future detailed design will further consider ways to mitigate potential impacts of scale and views that will include (but is not limited to) consideration of form, scale, façade articulation, contemporary materials and finishes, as well as further landscaping. Particular consideration should be given to views from the Seven Little Australians Park and from Lindfield Soldiers Memorial Park which is located approximately 200 metres south-east from the site boundary, however the bush character of the park and tracks is maintained, as demonstrated in the submitted VIA.

As outlined above, the proposed ILU behind Headfort House does step between 3 and 5 storeys with the lower scale section of the building positioned to the west to reduce scale adjacent to the HCA. The building is further separated from the HCA with a new road and landscape edge to the site boundary. Although this is an increase in scale, it provides a clear boundary to and is sufficiently separated from the HCA, with extant and additional site landscaping providing a visual buffer. As outlined above the ILU will be apparent in views behind Headfort House, but the former school building will maintain its visual prominence in the streetscape setting, with the opportunity for extant and further site landscaping to provide a curtilage and visual buffer to the building.

In regard to provisions in the site specific DCP, Urbis have provided a draft provision above that is considered sufficient to address the response of future development of the site.

In regard to the commentary on setbacks to Headfort House, a 6m setback is provided to the west with a minimum setback of 12m to the ILU to the south. Headfort House is not currently a listed

heritage item and as discussed above, Urbis do not agree with the proposed listing or identified significance of Headfort House. Setbacks as per the PP are generous and provide for a sufficient visual and landscape curtilage for the building and enable the building to be read and appreciated in the round, as well as having regard for the altered setting of the building and the lack of significant features in the landscape. As detailed above, future development in line with the PP envelopes will be subject to a future development application and detailed design and heritage advice will be provided.

### **Council Discussion - 3.2 Submitted documentation – provisions to facilitate conservation**

*The submitted reports and drawings for this planning proposal do not adequately illustrate or assess the impact of the proposed built form on the setting and views of Headfort House, the conservation area and adjoining parks or potential relics.*

*The Urbis and GML heritage report make no recommendations for provisions in the planning proposal to conserve the significance of Headfort House and its setting, the heritage conservation area and heritage items in the vicinity through proposed listing or development control provisions. This does not satisfy the Ministerial direction for heritage conservation. The conclusions of Urbis about the acceptability of the proposal have not been demonstrated.*

*The submitted graphics of the proposed built form are inadequate to support the proponent's conclusions that the built form will have acceptable heritage impacts on the setting of heritage in the vicinity. The elevated views provided of the proposed built form disguise the bulk and height of the development and is a view that will not be accessed or appreciated by anyone, except in flight. No photomontages or similar graphics are provided that show the visual relationship of the proposed six-storey and other proposed buildings to the two-storey Headfort House, or adjoining buildings of the conservation area, as it will be experienced by most people from ground level. No views to the proposed development from key surrounding vantage points, including the heritage items of parklands and the Stanhope Road streetscape, have been submitted to accurately represent its visual and heritage impact on the setting of historic buildings and parks in the vicinity.*

*Council's modelling and elevations of the proposed maximum building heights in relation to Headfort House, the adjacent conservation area buildings and in views from listed parks are shown below. These illustrations were not provided by the proponent with the planning proposal. These have been generated based on their raw data that was supplied to Council on request. These more clearly indicate the impact of the proposed development standards in relation to the context and as viewed from the public domain at ground level, as discussed above. Note the proposed maximum building heights are higher than illustrated in the proponent's modelling.*

*The proposed development control plan contains no heritage provisions to conserve Headfort House fabric or setting, the surrounding listed places or potential archaeological relics. The only noted provision relates to materials of new buildings. This is not adequate to conserve the heritage significance of the conservation area, the proposed and existing heritage items, including conservation of fabric, setting, views and archaeological sites, as set out by the heritage objectives of Ku-ring-gai Local Environmental Plan 2015.*

*The heritage reports contain no assessment of archaeological potential and no provisions to comply with the Heritage Act 1977 requirements for excavation permits to conserve potential relics.*



## Urbis Response

As discussed, Urbis does not support the proposed heritage listing of Headfort House and a submission has been made in response to the Council PP. In the event that Council proceeds with the listing, it is respectfully requested that a further review be undertaken of the listing criteria. The KRG assessment found that Headfort house met 6 of the 7 criteria for listing while the GML assessment met only 3 criteria and the Urbis assessment found that the building met none of the listed criteria. The GML assessment concluded that the fabric of the building did not meet the threshold for heritage significance under aesthetic, rarity or representative criteria. If perceived heritage values are associated with more intangible criteria, being historic, associative, and social values, it can be argued that provision in the site specific DCP or planning proposal for restrictive controls on the setting of Headfort House are not necessary. General provisions for works in the vicinity of a heritage item remain applicable.

Should the listing proceed, Urbis has recommended that the proponent and their heritage consultant be consulted and have the opportunity to review and contribute to the inventory sheet prior to its finalisation. Specifically in regard to the identified significant fabric and management of the site. Once finalised, the site specific DCP could include a provision that requires future development or proposals for the site to be made in conjunction with the recommended management of the site as described in the Heritage Inventory Sheet.

As detailed in this submission, the subject PP has been designed to have regard for the potential heritage item (Headfort House) in the retention of the former school building in a generous landscaped curtilage with provision of a significant setback (12m) to the new building behind. Similarly, the PP has responded to the heritage listed park by stepping down the scale of development (3 storeys) and in the provision of a generous landscape buffer and provision of open space to the south and east. Future applications will further consider the setting of Headfort House through detailed design of site landscaping to create a landscaped curtilage and provide a buffer to development. Future detailed design will also consider building form, massing and façade treatment and materiality, to ensure a sympathetic backdrop of development relative to the heritage listed park and Headfort House.

The amended masterplan has sought to mitigate potential impacts of the scale 5-6 storey buildings by providing a more modulated envelope with setback upper levels to reduce overall bulk, scale and massing. Further input or mitigation measures will be considered in subsequent stages of the development, prior to development consent and works commencing. This has been addressed in the draft provision included above, prepared by Urbis to be considered for the site specific DCP. See also section 4.4 below with regard to archaeological potential.

Council's submission claims that the DCP does not include provisions to protect Headfort House however Section 2.2 Land Use, site layout and built form includes a specific provision requiring *Retention of Headfort House and its garden setting (see section 1.0 above.)*

With regard to views the amended PP includes the submitted Visual Impact Assessment prepared by Deneb Design. Select views are provided below and demonstrate that massing and proposed development (where visible) will be seen within a landscaped setting and buffered by mature site landscaping and distant tree lines. Views from within Seven Little Australians Park show that proposed development is largely not visible due to dense bushland. Where views are more apparent – i.e from Stanhope Road or within the site boundaries, the proposal replaces and intensifies existing development, while remaining within a heavily landscape setting.



Figure 4 Part view along Stanhope Road

Source: Deneb Design, November 2022.



Figure 5 Part view along Stanhope Road towards the ILU and in proximity to Headfort House. The ILU is largely obscured by mature trees with only the red areas visible.

Source: Deneb Design, November 2022.

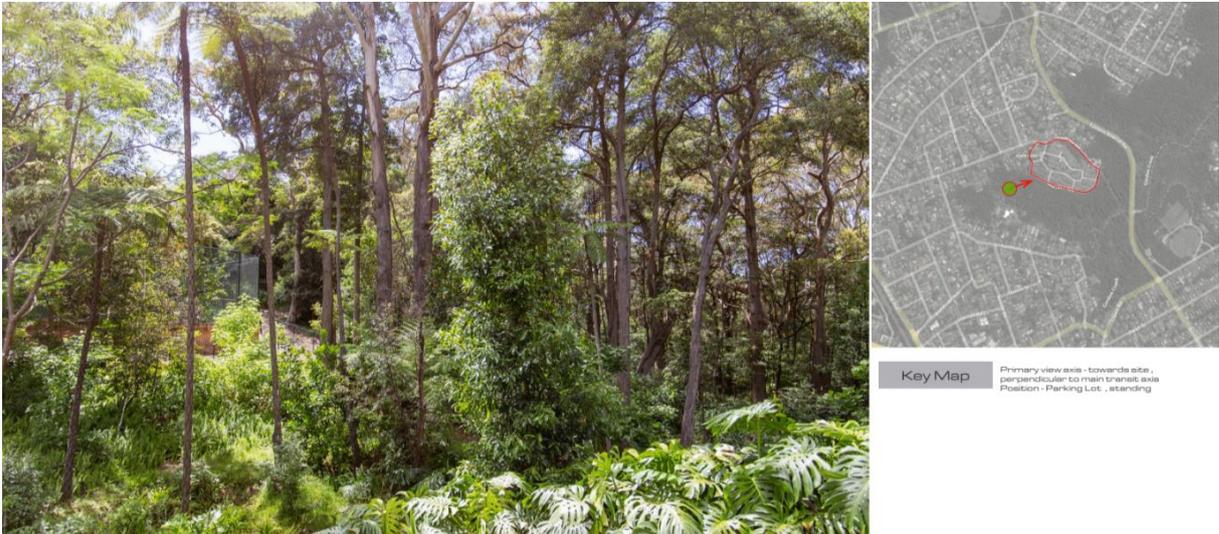


Figure 6 Views from within Seven Little Australians Park showing that proposed development is not visible due to dense bushland

Source: Deneb Design, November 2022.

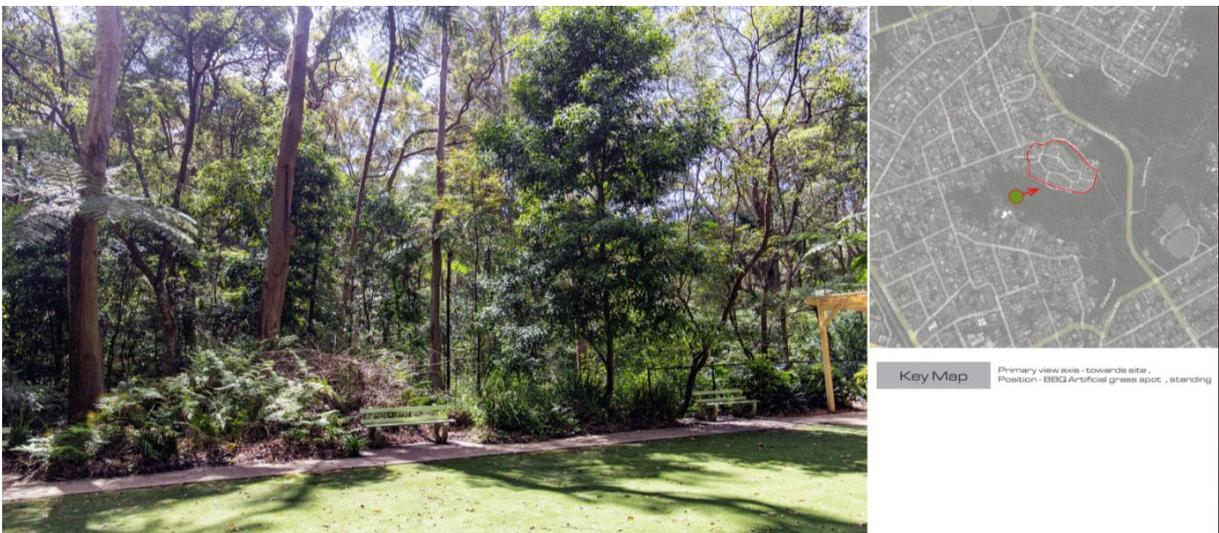


Figure 7 View from within Seven Little Australians Park showing that proposed development is not visible due to dense bushland in the foreground

Source: Deneb Design, November 2022.

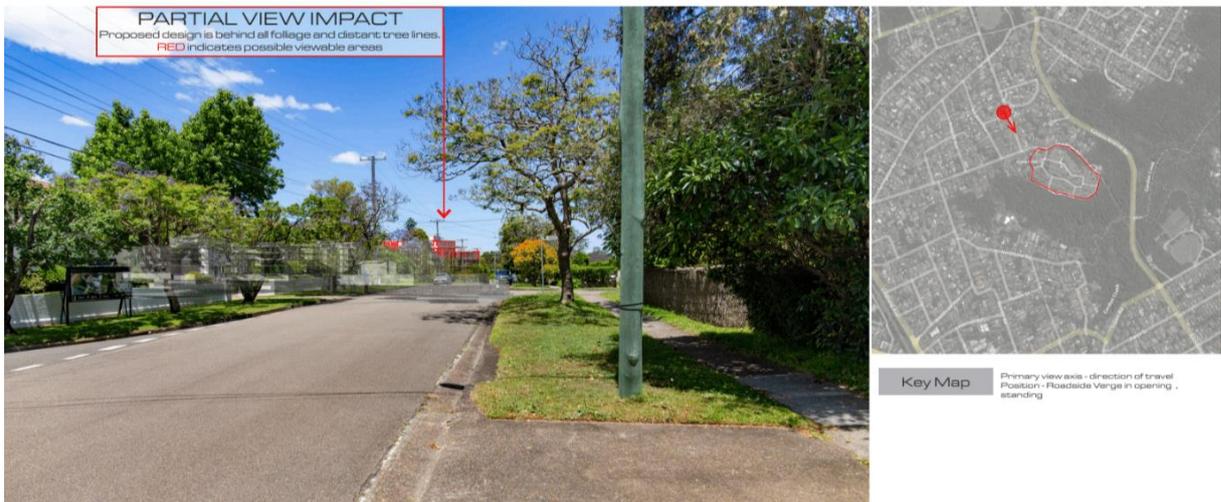


Figure 8 View south from streetscape (not within the HCA) showing that proposed development has limited views, obscured by foliage and distant tree lines. (Only the red areas are visible).

Source: Deneb Design, November 2022.

#### Council Recommendations - 4.1 Heritage listing of Headfort House in its setting

- *Headfort House in its setting is listed as an item of environmental heritage on Ku-ring-gai Local Environmental Plan, as proposed in Council's planning proposal for listing, as part of this planning proposal or prior to its determination, and heritage issues accordingly considered in the proposed planning instrument and development controls as recommended below.*
- *The heritage item listing includes the significant setting, as determined by Council in its planning proposal and shown in the curtilage map above. This curtilage was prepared in line with Council's resolution of July 2022, as recommended by Council's heritage assessment review of September 2022. This is based on a review of the GML Heritage report, further investigation and determined in accordance with NSW Heritage Council standards, in order to reasonably capture the most significant features of the item and its setting.*
- *Further features of some significance located beyond this minimum curtilage are recommended for conservation through provisions in the development control plan noted below.*

#### Urbis Response

As discussed above, Urbis have provided a third assessment and response to the proposed listing. Urbis does not support the listing of Headfort House but have provided recommendations should the listing proceed to minimise the operational impacts to the proponent. These recommendations include a decreased curtilage and oversight of the finalisation of the inventory sheet. Refer also to the discussion of curtilage in section 2.1.

### **Council Recommendations - 4.2 New built form is to conserve Headfort House including its setting**

- *The proposed building envelopes in the vicinity of Headfort House are modified in order to retain and respect the setting of the proposed heritage item as follows.*
- *Built form proposed within the recommended heritage curtilage does not exceed the height of Headfort House, in terms of corresponding wall and roof ridge heights.*
- *Built form proposed beyond the recommended heritage curtilage is transitioned in height to step down to the boundary of the curtilage to not exceed the Headfort House wall and roof ridge heights.*
- *The development control plan requires materials and finishes of buildings within or beyond the border of this curtilage to be sympathetic to Headfort House and its garden setting.*
- *The development control plan requires proposals for new buildings surrounding Headfort House to include repair and conservation of the historic building fabric of Headfort House for positive heritage impacts.*

### **Urbis Response**

As detailed above, Urbis does not support the heritage listing of Headfort House. A separate submission against the listing has been provided. Where Council proceeds with the listing, it does not mean that development in the backdrop or vicinity of the former school is not appropriate. It is not considered reasonable to limit development to the height of Headfort House where such development can be demonstrated to have regard for the item, and therefore Urbis objects to provisions which limit the form and massing of the development to the height of the Headfort House wall and roof ridge. The proposed envelope behind Headfort House is considerably setback (12m) and a landscaped curtilage is provided for the former school building which allows the building to be viewed and appreciated in the round. Further detailed design, in particular landscape design, has the opportunity to define the curtilage for the building and provide a visual buffer and separation to the building beyond. Similarly, future detailed design will seek to further mitigate potential impacts of scale by considering form, setbacks, façade treatment, materials and finishes.

The proponent/ Urbis do not object in principle to the conservation of Headfort House, which is retained in the subject Planning Proposal, however clarification is required as to the nature of these works noting that the Council assessment of heritage significance has attributed significance to later uses and associated alterations, notably the chapel. Should Council proceed with the listing, further review is required with regard to the assessment of significance and any schedule of significant elements.

Also, refer above to the discussion on the proposed curtilage.

### **Council Recommendations - 4.4 Excavation is to conserve potential relics to comply with the Heritage Act 1977**

- *The development control plan requires an excavation permit from the Heritage Council of NSW under section 139 of the Heritage Act 1977 for any proposed excavation or disturbance of the site to the west of Headfort House before development consent is determined.*

### Urbis Response

Urbis understand that the Heritage Council no longer provide excavation permits under the Section 139 of the Heritage Act 1977.

An Historical Archaeological Assessment was prepared for the site by AMBS Ecology and Heritage (December 2022). That report found that the majority of the site had nil archaeological potential with the area around Headfort House identified as having low potential.



Figure 9 Areas of archaeological potential in the study area

Source: Lourdes Retirement Village, Killara Historical Archaeological Assessment, Prepared by AMBS Ecology & Heritage, for Essence Project Management, December 2022 (figure 4.1)

The following statement of archaeological significance is provided:

#### Statement of Archaeological Significance

*The potential for archaeological resource at 95-97 Stanhope Road is primarily associated with school use established from 1918-1940 and then an army training site from 1942-1944 before becoming a hospital site. If present and with good integrity, they have the potential to provide insight into daily life of a mixed boarding and day school and female army training.*

*Substantial remains associated with the occupation of the site prior to 1918 would have a high degree of research potential and would be significant at a local level, as they would be able to contribute to our understanding of the early history and use of the site, details which are largely lacking from historical sources.*

*If present and with good integrity, the archaeological resource at 95-97 Stanhope Road would be of local significance. As there has been extensive disturbance of the site due to the development of Lourdes Retirement Village, the archaeological potential of the study area is assessed as nil-low, and as such, it is not likely that archaeological resources of good integrity will be identified.<sup>1</sup>*

The report then concluded that:

#### *Recommendation 1*

*A site-specific unexpected heritage finds procedure should be prepared for the site and included in all site induction material to inform the works. If unanticipated finds are made during future works, these may be subject to further assessment and approval may be required.*

*An unexpected finds procedure should provide guidance to site personnel in the event that an unexpected heritage find is uncovered during works. An unexpected heritage find is any unanticipated archaeological discovery that has not been previously assessed or is not covered by an existing excavation permit, and that has potential heritage value.*

*The procedure should outline the course of action to be taken onsite should an archaeological resource be uncovered and the roles and responsibilities of site personnel.<sup>2</sup>*

### **Council Recommendations - 4.5 New built form is to conserve the setting of the conservation area and heritage items in the vicinity.**

- *Building heights should not exceed the tree canopy to minimise visual impacts on the surrounding listed parks.*
- *Building heights should be transitioned or stepped down to the west conservation area boundary to reflect the scale of the conservation area buildings.*

### **Urbis Response**

This recommendation creates significant limitations on the future development and operational use of the site.

Scale of development adjacent to the HCA typically includes three storey town houses on the southern portion of the site. The ILU behind Headfort House and adjacent to the HCA at the NW portion of the site steps between 3 and 5 storeys, with the 3-storey component being located adjacent to the HCA to reduce scale and provide a transition to the lower scale residential buildings of the HCA. The proposal retains existing mature trees and landscaping at the northwest corner, with additional landscaping proposed, which provides a visual buffer and assists to mitigate visual impacts from the streetscape. The 3 storey ILU is also significantly setback from the street, predominantly behind Headfort House with a section that returns around following the curvature of the street. This section is also

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<sup>1</sup> AMBS 2022, pg 23

<sup>2</sup> Ibid 24.



considerably setback (a minimum 6m from Headfort House). The 3 storey townhouses adjoin the rear of development in a limited section of the HCA, and the heritage listed parkland to the south and east.

The subject site does not contribute to the HCA and adjoins the boundary of the HCA. Separation is provided to the western site boundary with a landscape buffer and an internal road (First Avenue). To the south, there is a generous area of open space and landscaping which provides a buffer to the heritage listed park. Townhouses on the southern and eastern boundaries are 3 storey, and terraced into the slope, providing a transition in the scale of development. It is not unreasonable for development in the vicinity of the HCA and the parkland to accommodate a modest uplift in scale. While the parks values are acknowledged, it does adjoin an urban environment. 5-6 storey development is concentrated in the centre of the site and where visible from the parkland will appear as more distant development or a backdrop of development in the context of the HCA. Upper level setbacks and modulated built forms assist to break up the massing of these larger scale built forms, creating a terraced form to the south.

As discussed above, the impacts on views and setting of the heritage item and HCA area are generally mitigated through the transition in the scale/ height of development and provision of open space and the continuous landscape edge running around the property. The further detailed design phase will further consider the visibility of future development in the context of the HCA and heritage items and the identified significant bushland and low rise residential dwellings that currently categorises the area.

Urbis objects to these recommendations, in particular the clause relating to the tree canopy which is considered unreasonable/

## **CONCLUSION**

Urbis continues to support the subject Planning Proposal and recommends its approval.

Urbis objects to the heritage listing of Headfort House and reference should be made to the submission against the separate Council Planning Proposal.

For any more information or clarification on the responses included above, please contact the undersigned.

Kind regards,

A handwritten signature in black ink, appearing to be "Fiona Binns". The signature is stylized with long, sweeping horizontal strokes extending to the right.

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