



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 143)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P96/00210/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 230

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 143)

Blacktown Local Environmental Plan 1988 (Amendment No 143)

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 143)*.

2 Aims of plan

This plan aims:

- (a) to conserve the environmental heritage of the City of Blacktown, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items, and
- (c) to ensure that any development does not adversely affect the heritage significance of heritage items and their settings.

3 Land to which plan applies

This plan applies to all land within the City of Blacktown under *Blacktown Local Environmental Plan 1988*.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Part 3 Special provisions

Omit Division 3 from the Part. Insert instead:

Division 3 Heritage

13 Definitions

In this Division:

conservation management plan means a document prepared in accordance with the NSW Heritage Office that establishes the heritage significance of a heritage item and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

demolish a heritage item means wholly or partly destroy, dismantle or deface the heritage item.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means any building, work, archaeological site, tree or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 2.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

maintenance means the ongoing protective care of a heritage item. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of Blacktown and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material (which may consist of human remains) of any age relating to Aboriginal habitation of the City of Blacktown.

14 Protection of heritage items and relics

(1) **When is consent required?**

The following development may only be carried out with development consent:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item or relic by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) moving any relic, or excavating land and discovering, exposing or moving a relic,
- (e) erecting a building on, or subdividing, land on which a heritage item is located.

(2) **What exceptions are there?**

Development consent is not required under this clause if:

- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or relic, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not required by this plan.

- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods:
- (a) the creation of a new grave or monument,
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) **What must be included in assessing a development application?**
Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (5) **What extra documentation is needed?**
The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement for development that would affect a heritage item are:
- (a) the heritage significance of the item as part of the environmental heritage of the City of Blacktown, and
 - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (d) whether any archaeological site would be adversely affected by the proposed development, and
 - (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

15 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item,
- (b) the carrying out of any development allowed by clause 16B.

16 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item of State significance, as identified in the State Heritage Register under the *Heritage Act 1977*, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

16A Development in the vicinity of heritage items

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the item.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

16B Conservation incentives

The consent authority may grant consent to the use, for any purpose, of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Heritage items

(Clause 13)

Blackett

Community Centre—*Rutherglen*—Lot 29, DP 242200, Sorenson Crescent

Blacktown

House—Lot 27, Section Q, DP 2161, Clifton Street

House—Lot 28, DP 1003961, Clifton Street

House—Lot 12, DP 627441, Erith Street

Former *Blacktown Primary School*—Lot 32, DP 834989, Flushcombe Road

House—Lot 2, DP 25202, Harold Street

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Schedule 1 Amendments

Gates—Lot 21, DP 28651, Public Reserve, Lancelot Street
House—Lot 2, DP 218697, Lyton Street
House—*Dayton House*—Lots 1 and 2, DP 711182, Roger Place
House—Lot 30, Section K, DP 2161, Sarsfield Street
House—Lot 4, DP 20921, Sarsfield Street
House—Lot 17, Section R, DP 2161, Wallace Street

Doonside

House—Lot A, DP 337219, Earle Street
House—*Hill End*—Lot 4, DP 418184, Hill End Road
House—Lot 3, DP 773651, Hill End Road
House—*Ellalong*—Lot 8, DP 233682, Lindsay Place

Eastern Creek

House—*Southridge*—Lot 1, DP 233539, Old Wallgrove Road

Glenwood

House—*Glenwood*—Lot 2009, DP 831033, Glenwood Park Drive
House—Part of Lot 1, DP 1032672, Old Windsor Road

Great Western Highway

Seven Milestones along the Highway at Prospect, Huntingwood,
Minchinbury and Mount Drutt

Kellyville

House—*Merriville*—Lot 11, DP 828440, Vinegar Hill Road
Place—*Battle of Vinegar Hill*—Part of Lot 2, DP 129670, Windsor Road

Kings Park

Church—*St Anthony's*—Lot 12, DP 878160, Bowmans Road

Marayong

Church—Part of Lot 1, DP 776855, Quakers Road

Marsden Park

House—Part of Lot 13, DP 1358, Clifton Street

School Building—Lot 1, DP 911095, Garfield Road West

Hall—Lot 1, DP 744370, Grange Avenue

House and Farm Buildings—*Clydesdale*—Lot 2, DP 260476, Richmond Road

Cemetery—*St Phillip's Church Cemetery*—Part of Lot 1, DP 584309, Richmond Road

House—Part of Lot 1, DP 861978, Vine Street

Minchinbury

Trees—*Rows of Olives*—Lots 9118 and 9119, DP 730969 and Lot 8078, DP 732456, Minchin Drive

Former Winery—*Minchinbury Winery*—Lot 108, DP 1025949, Minchin Drive

Mount Druitt

School Building—*Colyton Public School*—Part of Lot 1, DP 540163, Great Western Highway

House—former Schoolmaster's Residence—Part of Lot 1, DP 540163, Great Western Highway

House—*Neoblie*—Lots 1–5, DP 34648, Great Western Highway

Place—Mount Druitt Waterholes—Lot 1, DP 90408 and Lot 19, DP 242102, Simpson Hill Road and Great Western Highway

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House—former Mount Druitt Stationmaster’s Residence—Lots 1 and 3, DP 739940, Mount Druitt Road

House—*Burns House*—Lot 4, DP 32319, Mount Druitt Road

Hall—*Mount Druitt Hall*—Lots 1 and 2, Section 5, DP 1128, Mount Druitt Road

Church—*Bethel Assembly Church*—Lot 2, DP 510439, Mount Druitt Road

Church—Lot 1, DP 953447, Mount Druitt Road

House—*Malmo*—Part of Lot 201, DP 845114, Railway Street

House—*Howard Villa*—Lot 7, DP 598310, Ropes Creek Road

House—*The Manse*—Part of Lot X, DP 412362, The Avenue

Oakhurst

House—*The Oaks*—Lot 2, DP 235677, Hanna Place

Archaeological site—Native Institution Site—Part of Lot 5001, DP 869400, Rooty Hill Road North

Parklea

House—*Meurants Cottage*—Lot 52, DP 869799 and Lot 5028, DP 883517, Meurants Lane

House—Part of Lot 606, DP 1015876, Meurants Lane

Road—Old Windsor Road 40 metres south of Meurants Lane to the proposed Castlereagh Freeway and from Caddies Creek 280 metres southward

Plumpton

House—*Lozells*—Lot 150, DP 132836, Cannery Road

House—*Woodstock*—Lots 423 and 428, DP 812674, Hobson and Dexter Places

School Building—*Plumpton Primary School*—Part of Lot 10, DP 842747, Rooty Hill Road North

House—Part of Lot 31, DP 709050, Rooty Hill Road North

House—*Alroy*—Lot 11, DP 1024861, Rooty Hill Road North

Prospect

Electricity Substation—Lots 21 and 22, DP 14084, Blacktown Road

Electricity Substation—Lot 1, DP 327465, Blacktown Road

House and Original School Building—Part of Lot 1, DP 794271, Blacktown Road

Church and Cemetery—*St Bartholomew's*—Lots 221–224, DP 812455 and Lot 1, DP 325874, Ponds Road

Veteran Hall—Part of Pt Lot 1, DP 1031817, Reservoir Road

Prospect Reservoir Group—Pt Lots 1 and 2, DP 1031817, Reservoir Road, comprising:

Upper Valve House and Lower Valve House

Pincott's Roller

The Landscape

Inn—*Royal Cricketer's Arms Inn*—Lot 111, DP 839532, Reservoir Road

House—Lot C, DP 374323, Reservoir Road

House—Lot 140, DP 1003460, Tarlington Place

Quakers Hill

Church—*Norwest Community Church*—Lot 1, DP 168238, corner of Douglas and Eastern Roads

Riverstone

House—Lot 3, DP 100111, Bourke Street

House—Lots 14 and 15, DP 1396, Bourke Street

House—*Hebe Farm*—Part of Lot 1, DP 527115, Bridge Street

House—Lot 3, DP 204466, Church Street

House—*Nu Welwyn*—Part of Lot 5, DP 229296, Clarke Street

House—Lot 11A, DP 322406, Crown Street

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Police Station—Part of Lot 2, DP 546708, Elizabeth Street
Church—*St Paul's Anglican Church*—Lot 23, Section C, DP 712, Elizabeth Street
House—Lot 1, DP 627842, Elizabeth Street
House—Lot D, DP 413564, Elizabeth Street
House—*Redgate*—Part of Lot 38, DP 2518, Farm Road
Shops—*Parrington Terrace*—Lot 39, DP 864977 and Lots 4 and 5, DP 261340, Garfield Road East
Church—*St Andrew's Uniting Church*—Lot 2, DP 615353, Garfield Road East
House and Shop—Lots 11 and 12, DP 1444, Garfield Road East
Former *Riverstone Public School*—Part of Lots 22–26, DP 1444, corner of Piccadilly Street and Garfield Road East
Bicentennial Museum—formerly Public School, then Masonic Hall—Part of Lot 2, DP 588227, Garfield Road East
Church—*St John's Catholic Church*—Part of Lot 20, Section N, DP 712, Garfield Road East
Convent—Part of Lots 1–6, DP 100377 and Lots 13–18, DP 1342, Garfield Road East
House—*Rosebank*—Part of Lot 5, DP 788571, Garfield Road East
House—Lot A, DP 335882, Garfield Road East
Shop—former Butcher's Shop—Part of Lot 10, DP 736235, Garfield Road West
Cemetery—*Riverstone General Cemetery*—Garfield Road West
House and Slab Cottage—Lots 17, 18 and 22, Section 16, DP 1477, Garfield Road West
House—Lot 2, DP 873546, George Street
House—Lot 1, DP 302145, King Street
House—Lot 2, DP 302145, King Street
House—Lot Y, DP 396795, Park Street
Slab Building—*Riverstone High School*—Part of Lot 1, DP 800352, Regent Street

House—Lot 202, DP 831414, Regent Street

House—Part of Lot 211, DP 830505, No 7 Richards Avenue

House—Part of Lot 211, DP 830505, No 17 Richards Avenue

Group of Workers' Cottages—Part of Lot 211, DP 830505, Nos 23, 25, 27, 29, 31, 33, 37, 39, 43, 45, 47 and 49 Richards Avenue

House—former Stationmaster's Residence—corner of Garfield Road East and Riverstone Parade

War Memorial—Riverstone Parade

Railway Station Group—Riverstone Parade

House—*Cassola*—Part of Lot 19, Section F, DP 712, Riverstone Road

House—Lot 1, DP 525268, Riverstone Road

House—*Warrawong*—Part of Lot 15, Section P, DP 712, Riverstone Road

House—Lot 1, DP 502547, West Parade

Rooty Hill

Archaeological site—Ruins of the Government Depot—Part of Lot 36, DP 8995, Dunsmore Street

House—*Fairholme*—(now part of *St Agnes High School*)—Part of Lot 2, DP 579138, Evans Road

House—Lot 34, DP 239092, Mary Street

House—Lot D, DP 406713, Perkins Street

Hotel—*Imperial Hotel*—Lot 1, DP 865716, Rooty Hill Road North

House—Lot 2, DP 549533, Rooty Hill Road North

Hall—*School of Arts*—Lot 1, DP 922399, Rooty Hill Road South

House—Lot 17, DP 658117, Rooty Hill Road South

House—*Belvedere*—Lot 2, DP 135775, Rooty Hill Road South

Church—*Pioneer Memorial Church*—Land in DP 909138, Rooty Hill Road South

House—*Watts Cottage*—Lot 3, DP 624197, Watt Street

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Schedule 1 Amendments

Rouse Hill

House and other Buildings—*Rouse Hill*—Lot 1, DP 815213, Windsor Road

Seven Hills

House—*Fairholme*—Lot 102, DP 631570, First Avenue

School Building—*Meadows Public School*—Lot 34, Section 12, DP 2360, Fuller Street

Two Weatherboard School Buildings—*Seven Hills North Public School*—Part of Lot 221, DP 752051, Seven Hills Road

Church, Rectory and Hall—formerly St Andrew's Church Group—Lot 1, DP 338023 and Lot 1, DP 778916, Seven Hills Road

House—Lot 31, DP 619883, Seven Hills Road

House—*Leslie View*—Lot 4, DP 215037, Seven Hills Road South

House—*Melrose*—Lot 361, DP 48686, Seven Hills Road South

House—Part of Lot 362, DP 48686, Seven Hills Road South

House—*Four Oaks*—Lot 2, DP 30173, Solander Road

BY AUTHORITY
