



Our ref: DOC21/1145254

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Attention: Anita Riazifar, Assistant Team Leader
Anita.Riazifar@blacktown.nsw.gov.au

Planning Proposal – Clydesdale Estate, Marsden Park

Dear Ms Riazifar

Thank you for the opportunity to comment on the planning proposal for Clydesdale Estate, Marsden Park under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The subject site includes the State Heritage Register (SHR) listed 'Clydesdale – Grand House, Barn & Cottage' (SHR 000674). The Statement of Significance for the SHR item describes the property as follows:

Clydesdale has State significance as one of a series of pre 1840s homesteads in the Hawkesbury area which contributed substantially to the agricultural and pastoral economy of the region, and the understanding of the historical development of colonial New South Wales and the pastoral era of the Cumberland Plain. Its landscape features remain relatively intact, including significant remnant woodlands, Aboriginal relics, two cemeteries (both resting places for the early pioneers of Clydesdale and the district), and its original entry avenue off Richmond Road. The entrance avenue is still discernible for its individual approach and is an example of colonial landscape design that opposed the principles practised in England during the early 19th century. The house retains its original relationship to its landscape setting and farm and is the only remaining example of the lowland model of homestead siting in the Blacktown area and one of three remaining examples intact on the Cumberland Plain. The site derives additional significance for its use as one of only two Marist seminaries in Australia for training South Sea Islander priests in the 1860s, and as a RAAF convalescent home during the 1940s

The gateway determination issued by the Department of Planning and Environment requested that Blacktown City Council:

“Revise the amendments to Schedule 5 Environmental Heritage of the SEPP (Sydney Region Growth Centres) to reflect the description in the State Heritage Register, revise the SEPP heritage layer to be consistent with the State Heritage curtilage map and update the planning proposal to include the outcomes of further consultation with Heritage NSW regarding these amendments.”

It is noted that the planning proposal provided to Heritage NSW has not been revised to reflect the mapping and description of the heritage item in the State Heritage Register or the SHR item's curtilage map. A copy of the SHR item's curtilage map is provided at Attachment 1.

The planning proposal describes one of the amendments as "reducing the extent of the heritage affectation" (p.9).

The planning proposal further states that:

"It is considered that Precincts 1, 2 and 3 are already subject to residential development, regardless of the status of the Heritage Map. These amendments will simply allow future dwelling construction to proceed without the statutory requirement to consider heritage matters which are not warranted in this part of the site." (p. 25).

The proposed changes can only remove local heritage requirements.

A planning proposal cannot remove a State Heritage Register item from the register or change its curtilage. An SHR item is listed under the *Heritage Act 1977* (the Act) and amendments must be done under the legislated requirements of the Act.

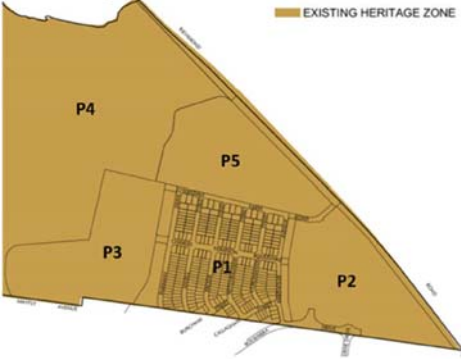
The heritage affectation as it applies to a State Heritage Register item remains. That is "an approval in respect of the doing or carrying out of an act, matter or thing referred to in section 57(1) of the *Heritage Act 1977*" is still required. This includes the requirements of any standard or site-specific exemptions granted by the Minister and published in the gazette.

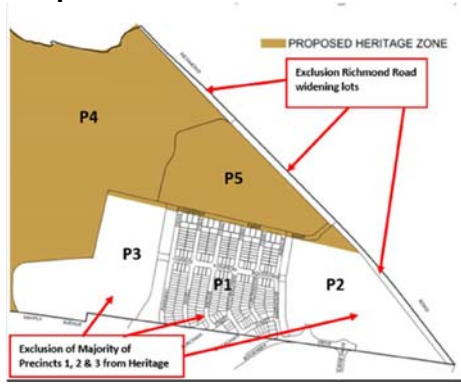
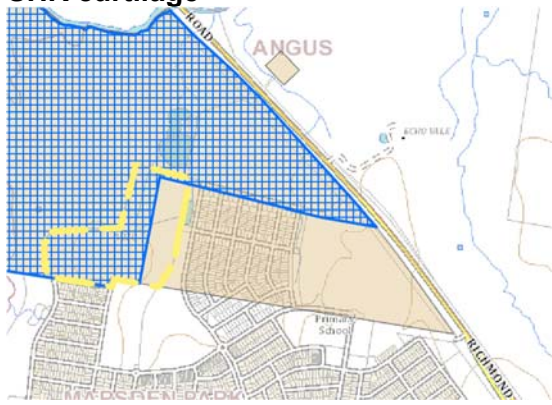
The *Standard Technical Requirements for Spatial Datasets and Maps (2017)*, which is referenced in the *Local Environmental Plan Making Guideline (2021)* sets out the requirements for LEP maps and specific SEPP maps, including the *Sydney Growth Centres SEPP*. It says that the heritage map should show the location of:

- *Heritage items (including archaeological sites) and*
- *Heritage conservation areas (including places of Aboriginal heritage significance).*

While the *Environmental Planning and Assessment Act* does not define a heritage item, it is standard practice for Local Environmental Plan (LEP) heritage maps, and by extension the heritage maps in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, to include the mapped areas of local and state heritage items. This provides clarity to the community and to other stakeholders. It provides clear guidance as to what has heritage affectations and what does not. Both local and state heritage items are mapped as layers on the Department of Planning and Environment's ePlanning Spatial Viewer.

Table 1: Summary of the planning proposal heritage map changes compared to the SHR curtilage

Map	Comments
<p>Existing</p> 	<p>Existing heritage map includes areas that in part can be removed from the LEP map as they are local only. This includes parts of areas P1, P2 and P3.</p>

Map	Comments
<p>Proposed</p> 	<p>The proposed change cannot be supported as it includes land within the SHR curtilage. The revised heritage map should reflect the curtilage of both local heritage items and SHR items.</p>
<p>SHR curtilage</p> 	<p>The SHR item's gazetted curtilage within the planning proposal subject area is shown hatched in blue. Particular note should be taken of area P3 (boundary identified by yellow dotted line) which was included in part within the SHR curtilage to protect the heritage values of the SHR items such as significant views and vistas.</p>

Heritage NSW does not support the proposed changes in the planning proposal to the:

- Description or mapping of the heritage item 'Clydesdale – Grand House, Barn & Cottage' also known as 'Clydesdale House—farmers cottages and barn' in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*
- *Clydesdale Estate in the Marsden Park Precinct Development Control Plan* until the issues surrounding the SHR curtilage are resolved.

For your reference, the gazetted curtilage of the SHR item Clydesdale – Grand House, Barn & Cottage' can be found at Attachment 1.

In relation to historic archaeology, it is recommended that if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the *Heritage Act 1977*, they should do so.

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

HNSW support the conservation and protection of Aboriginal cultural heritage values. It is noted that an Aboriginal cultural heritage assessment report (ACHAR) has been completed in support of an AHIP application for the subject site.

The outcomes of the ACHAR should be used to inform the planning proposal. If significant Aboriginal cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values need to be explored. For example, where the Aboriginal cultural heritage values have been assessed as high, their conservation and avoidance of any impact on them through footprint design should always be the first option. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

Please note that HNSW have not reviewed the supplied ACHAR. Any future Aboriginal Heritage Impact Permit (AHIP) applications or other referrals will be reviewed on their merits and in accordance with legislated guidelines and policy, found here:

<https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/before-you-apply/>.

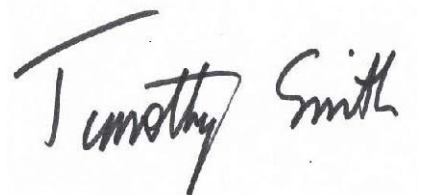
When submitting an ACHAR in support of any future AHIP application, please ensure that it meets the requirements of the guidelines <https://www.heritage.nsw.gov.au/assets/Uploads/files/Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-New-South-Wales.pdf>

General Comments

Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions please contact James Sellwood, Senior Heritage Planning Officer, Heritage Assessments, Heritage NSW by email at james.sellwood@environment.nsw.gov.au or by phone on 02 9274 6354.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Smith OAM

Director, Heritage Assessments

**As delegate of the Heritage Council of NSW
and for Heritage NSW**

17 February 2022

Heritage Council of New South Wales



State Heritage Register - SHR 00674. Plan 1713
Clydesdale - House, Barn, Cottage and Farm Landscape
Marsden Park

Gazettal Date: 02/04/1999

Scale: 1:17,000

Datum/Projection: GCS GDA 1994



Legend

-  Land Parcels
 SHR Curtilage
 Roads
 LGAs
 Suburbs