

Memorandum

To Rachel Cumming, Acting Regional Director Sydney West
cc. Amar Saini, Planning Officer
From Tim Smith
Acting Director
Heritage Branch
Phone 02 9873 9551 Fax 02 9873 8599 Email tim.smith@planning.nsw.gov.au
Date 17 January 2010 **File No** 10/ **File**

Planning Proposal – Draft Liverpool Local Environmental Plan (Amendment No. 17) Denham Court

Thank you for referring the above Planning Proposal to the Heritage Branch for comment.

The Planning Proposal will apply to various parcels of land in Zouch Road, Campbelltown Road, Church Road, Denham Court Road and Huntingdale Drive in Liverpool local government area.

The subject land is currently zoned RU2 (Rural Landscape) under Liverpool Local Environmental Plan 2008.

The Planning Proposal aims to rezone the subject land to R5 (Large Lot Residential) and reduce the minimum lot size for new lots from 2 hectares to 1 hectare.

The Planning Proposal Report prepared by Liverpool City Council states that the proposed R5 (Large Lot Residential) zoning will better suit the flatter topography and character of the subject land. The Report justifies the rezoning and reduction in the minimum lot size for the subject land on the basis that this will alleviate pressure on developing land in scenic areas that is more significant such as ridgelines for large lot residential housing.

The subject land includes an item listed in the heritage schedule of Liverpool Local Environmental Plan 2008 – the St Mary the Virgin Church and Cemetery Group including church and churchyard. The item is located on Lot 19 DP 725739 Church Road, Denham Court. Although the item is notated in the heritage schedule of the plan as being of State significance it is not, however, listed on the State Heritage Register.

The Heritage Branch believes that the notation in the fifth column of the heritage schedule of the Liverpool Local Environmental Plan 2008 for St Mary the Virgin Church and Cemetery Group should be amended to "Local" significance. This is because only items which are formally listed on the State Heritage Register can be notated as being of "State" significance in the heritage schedule of a local environmental plan.

The St Mary the Virgin Church and Cemetery Group has direct association with a State Heritage Register property known as "Denham Court". "Denham Court" one of the most interesting and historically significant early country houses in NSW is located in close proximity to the St Mary the Virgin Church and Cemetery Group. "Denham Court" is, however, situated on a separate parcel of land that is Lot 392 DP 564854 Campbelltown Road in the adjoining Campbelltown local government area.

The Heritage Branch has no objection to the proposed rezoning of the subject land to R5 (Large Lot Residential) and to amending the minimum lot size for the subject land to 1 hectare. The Heritage Branch supports the following proposed objective for the R5 (Large Lot Residential) zone "to provide residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality" as this will ensure protection of such locations and scenic quality. The Heritage Branch further believes that the heritage provisions

in the parent instrument the Liverpool Local Environmental Plan 2008 will adequately provide for the protection, conservation and management of the St Mary the Virgin Church Group and Cemetery heritage item, On the basis of the above the Heritage Branch has no objection to the Planning Proposal proceeding through the Gateway.

For further information please contact Alice Brandjes on (02) 9873 8560.


Tim Smith 18/1/11
Acting Director
Heritage Branch