

Gateway Determination

Planning proposal (Department Ref: PP-2021-3128): to list 17 Ethel Street, Burwood, including interiors, as a local heritage item in the Burwood Local Environmental Plan 2012.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Burwood Local Environmental Plan (LEP) 2012 for heritage listing of 17 Ethel Street, including interiors, should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to update the project timeline to reflect the timeframe allowed to complete the Local Environmental Plan, where appropriate.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Heritage NSW and The National Trust of NSW under section 3.34(2)(d) of the Act. Heritage NSW and The National Trust of NSW are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

6. The planning proposal must be exhibited within 3 months from the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation within 6 months from the date of the Gateway determination.
8. The time frame for completing the LEP is to be **7 months** following the date of the Gateway determination.

Dated 5 May of 2021.



Laura Locke
Director, Eastern and South Districts
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces