

## **Planning Proposal**

### **Amendment of Schedule 5 of the Burwood LEP 2012 to heritage list (group listing) properties within the Appian Way Heritage Conservation Area**

*As amended April 2023*

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DPE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.*

## Part 1 – Objectives and Intended Outcomes

The Planning Proposal (PP) proposes to heritage list, as a group listing under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012, those dwellings within the Appian Way Heritage Conservation Area that are intact and representative Federation era dwellings and have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria.

## Part 2 – Explanation of Provisions

The Burwood LEP 2012 is to be amended by:

1. Amending Schedule 5 of the Burwood LEP 2012 to amend Part 1 Heritage items to include the following properties as a group item of local significance (see Table 1 below).

**Table 1: Properties included in planning proposal**

<b>Address</b>	<b>Lot Number</b>	<b>Deposited Plan Number</b>
2 Appian Way Burwood	Lot102	DP592227
2A Appian Way Burwood	Lot40	DP12249
3 Appian Way Burwood	Lot1	DP984192
4 Appian Way Burwood	Lot18	DP12249
5 Appian Way Burwood	Lot37	DP166468
6 Appian Way Burwood	Lot1	DP953252
7 Appian Way Burwood	Lot36	DP12249
8 Appian Way Burwood	Lot20	DP12249
9 Appian Way Burwood	Lot1	DP167955
10 Appian Way Burwood	Lot21	DP12249
11 Appian Way Burwood	Lot1	DP304076
12 Appian Way Burwood	Lot22	DP12249
13 Appian Way Burwood	Lot33	DP12249
14 Appian Way Burwood	Lot1	DP945586
15 Appian Way Burwood	Lot32 and 32A	DP12249
16 Appian Way Burwood	LotB	DP406214
17 Appian Way Burwood	Lot31 and 31A	DP12249
18 Appian Way Burwood	Lot1	DP12249
19 Appian Way Burwood	Lot30	DP12249
21 Appian Way Burwood	Lot29	DP12249
23 Appian Way Burwood	Lot28	DP12249
25 Appian Way Burwood	Lot27	DP12249
304 Burwood Road Burwood	Lot1	DP945216
306 Burwood Road Burwood	Lot2	DP12249
308 Burwood Road Burwood	Lot3	DP12249
310 Burwood Road Burwood	Lot4	DP12249
312 Burwood Road Burwood	Lot5	DP12249
316 Burwood Road Burwood	Lot1	DP305311
318 Burwood Road Burwood	Lot8 and 1	DP12249 and DP311836
55 Liverpool Road Burwood	Lot43	DP12249
59 Liverpool Road Burwood	Lot15	DP12249

67 Liverpool Road Burwood	Lot12	DP12249
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The heritage listing would apply to the whole of the properties. Appendix 1 includes details of the proposed listing, which will be subject to review by Parliamentary Counsel.

2. Amend the relevant Heritage Map (HER\_001 & HER\_002) as per Figure 1 and Figure 2 below.



**Figure 1: Aerial Photograph of subject properties.**  
Subject properties are shown outlined in red.



**Figure 2: Existing BLEP Heritage Map of Appian Way Burwood with proposed group item.**

Subject properties are shown in yellow.

## Part 3 – Justification of strategic and site-specific merit

### Section A – Need for the planning proposal

#### 1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

This planning proposal has been prepared as a result of an assessment undertaken by Council's Heritage Advisor.

An independent external heritage consultant was not engaged to prepare a report or undertake an assessment due to these sites having previously been recognised as having heritage significance within the conservation area and the broadly known heritage significance of the Appian Way Conservation Area, its historic significance, its aesthetic significance and its rarity.

Council's Heritage Advisor has undertaken a heritage assessment of each of the properties within the existing heritage conservation area. The dwellings proposed to listed within the group listing have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria, as outlined below.

The properties were assessed against the seven criteria in the guidelines (see Table 2 below).

Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and

retains the integrity of its key attributes, it can be considered to have local heritage significance.

**Table 2: NSW Heritage assessment criteria summary**

<b>Criteria</b>	
(a) Historic significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
(b) Associational significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
(c) Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
(d) Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
(e) Technological significance/ research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
(f) Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
(g) Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> <li>- cultural or natural places; or</li> <li>- cultural or natural environments.</li> <li>- or a class of the local area's</li> <li>- cultural or natural places; or</li> <li>- cultural or natural environment</li> </ul>

The heritage assessment report concludes that the subject properties demonstrate heritage significance at the local level for the following reasons:

- The group of dwellings are representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting.
- Each dwelling which remains intact from the original subdivision (Hoskins Estate) demonstrate the early 20th Century development of Burwood through a consistent, yet elaborate architectural forms.



- Each original dwelling within the group represent the historical 'garden city' planning movement influenced by the first 'Garden Suburbs' in England, but on a smaller scale and based on local Australian Architecture.
- The dwellings are all interpretations of Federation styles by prominent industrialist George Hoskins and builder/designer William Richards.
- The group consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. The group of dwellings represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Burwood, and more broadly, Sydney with exceptionally generous landscaped settings of high quality.
- The dwellings demonstrate rare significance as part of a very unusual and discrete form of garden suburb incorporating the ideas of the builder and owner where no two houses are identical, yet are consistent in their overall Federation era form.
- Each of the dwellings as an individual dwelling and as part of the group of Federation era dwellings have minimal additions or alterations from the public domain with the majority of dwellings (to Council's knowledge) retaining significant internal heritage fabric.

The detailed Heritage Assessment and draft Heritage Inventory Sheet is included at Attachment 1 and 2, respectively

Properties within the Appian Way Conservation Area which have not met this threshold have been excluded from this planning proposal, but will continue to have heritage protection as part of the conservation area. No changes will be made to the Appian Way Conservation Area.

On 8 November 2022 the Burwood Local Planning Panel (BLPP) considered a report on the draft Planning Proposal and heritage investigation assessment report. The BLPP recommended to:

- a) *support the Planning Proposal to amend Schedule 5 of Burwood Local Environmental Plan 2012 to group list those properties that demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.*
- b) *provides advice to Council to proceed with the Planning Proposal at Attachment 1 to group list the relevant properties in the Appian Way Heritage Conservation Area as a local heritage item in the Burwood LEP 2012.*

The BLPP advised:

*The Panel supports the Planning Proposal to amend Schedule 5 of Burwood Local Environmental Plan 2012 to group list those properties that demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.*

*The Panel advice is that the Planning Proposal satisfies the Strategic Merit and Site-Specific Merit tests and should be forwarded to the Department of Planning and Environment for Gateway consideration. The decision was unanimous.*

On 22 November 2022, Council considered a report on the draft Planning Proposal, heritage investigation assessment report, and BLPP's advice. The Council resolved:

- 1. That Council support the group listing of the identified properties, as outlined in the Planning Proposal as a local heritage item on the heritage schedule of the Burwood Environmental Plan 2012 which contains the appropriate provisions for protecting and managing the listed properties.*
- 2. That Council endorse the forwarding of the Planning Proposal to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Burwood Local Environmental Plan 2012 by:*
  - i. Group listing the properties as identified in the Planning Proposal as a heritage item in Schedule 5 Environmental heritage; and*
  - ii. Mapping the properties as "Item – General" on the Heritage Map*
- 3. That subject to the Gateway Determination, affected property owners be notified in writing.*
- 4. That the results of the public exhibition and consultation be reported back to Council.*
- 5. That Council supports the nomination of the Appian Way Heritage Conservation Area as State Heritage item and that engagement with NSW Government is authorised to commence this process. A further report should be provided to Council to outline a process and pathway to secure State Heritage Listing.*

This Planning Proposal seeks to implement the BLPP recommendation and advice and Councils resolution and endorsement.

- 2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes. The planning proposal is the only means of listing the items as a group heritage item of local significance and ensuring the protection of those individual properties within the Appian Way Heritage Conservation Area that have been assessed to demonstrate heritage significance at the local level and meet the thresholds for significance.

## **Section B – Relationship to the strategic planning framework**

- 3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?***

Yes. The proposal is consistent with metropolitan, subregional and district strategies and plans.

The State Government has prepared the *Eastern City District Plan* (applicable to the Burwood LGA) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 20-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Objective 13 of *A Metropolis of Three Cities* states that '*environmental heritage is identified, conserved and enhanced*'. Meanwhile, Planning Priority E6 of the *Eastern City District Plan* relates to '*creating and renewing great places and local centres, and respecting the District's heritage*'. In addition, the *Eastern City District Plan* states:

*Heritage and history are important components of local identity and great places. The District's rich Aboriginal, cultural and natural heritage reinforces its sense of place and identity....*

*Identifying, conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.*

By identifying the abovementioned properties as a group heritage listing of local significance, this planning proposal supports Objective 13 of the Region Plan, and Planning Priority E6 of the District Plan.

**4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?***

Yes. Burwood's Local Strategic Planning Statement (LSPS) was endorsed by the Greater Sydney Commission (GSC) in March 2020. The vision for Burwood makes reference to '*cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character*'. One of the LSPS's objectives include:

*Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.*

By identifying properties of local heritage significance, this planning proposal is in keeping with the vision and objectives of the LSPS.

Also, the Burwood 2036 Community Strategic Plan recognises the need to create places for people that are built around people while protecting the unique built heritage of Burwood. Community Outcome 2.1 aims to '*create an urban environment that maintains and enhances our sense of identity and place*'. Strategy 2.1.2 is to '*Protect our unique built heritage and maintain or enhance local character*'. This planning proposal is in keeping with this strategy.

**5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?***

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.



**6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?***

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the planning proposal.

All SEPPs applicable to the Burwood local government area are set out in Table 3 below, together with a comment regarding the planning proposal's consistency:

**Table 3: Consistency with State Environmental Planning Policies**

<b>SEPP</b>	<b>Comment</b>
Housing (2021)	Not relevant.  The subject properties are not known to contain affordable housing.  The heritage listing of properties may alter whether development under the former ARH SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.
No 65 – Design Quality of Residential Apartment Development	Not relevant.
Planning Systems (2021)	Not relevant.
Biodiversity and Conservation (2021)	Not relevant.  This SEPP contains provisions in respect to heritage trees. The heritage listing of properties may alter whether development under the SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.
Resilience and Hazards (2021)	Not relevant.  There is no indication that previous uses at the subject sites would trigger site remediation requirements.  The subject properties are not located within the coastal areas identified by this SEPP.
Transport and Infrastructure (2021)	Not relevant.
Industry and Employment (2021)	Not relevant.
Resources and Energy (2021)	Not relevant.
Primary Production (2021)	Not relevant.
Precincts – Eastern Harbour City (2021)	Not relevant.
Precincts – Central River City (2021)	Not relevant.
Precincts – Western Parkland City (2021)	Not relevant.
Precincts – Regional	Not relevant.

Exempt and Complying Development Codes (2008)	Not relevant.  The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, but all properties are currently included in the heritage conservation area. This planning proposal would not contravene the SEPP in any way.
Building Sustainability Index: BASIX (2004)	Consistent and not contravened.

**7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 4 below.

**Table 4: Consistency with Ministerial Directions**

Direction		Comment
<b>Focus area 1: Planning Systems</b>		
1.1	Implementation of Regional Plans	Not relevant.
1.2	Development of Aboriginal Land Council	Not relevant.
1.3	Approval and Referral Requirements	The planning proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
1.4	Site Specific Provisions	Not relevant.
<b>Focus area 1: Planning Systems – Place based</b>		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives.
1.6	Implementation of North West Priority Growth Area Land Use and	Not relevant.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Not relevant.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and	Not relevant.
1.9	Implementation of Glenfield to Macarthur Urban Renewal	Not relevant.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not relevant.
1.11	Implementation of Bayside West	Not relevant.
1.12	Implementation of Planning Principles for the Cooks Cove	Not relevant.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant.

Direction		Comment
1.14	Implementation of Greater Macarthur	Not relevant.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not relevant.
1.16	North West Rail Link Corridor Strategy	Not relevant.
1.17	Implementation of the Bays West Place	Not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not relevant.
1.19	Implementation of the Westmead Place Strategy	Not relevant.
<b>Focus area 2: Design and Place</b>		
<b>Focus area 3: Biodiversity and Conservation</b>		
3.1	Conservation zones	Not relevant.
3.2	Heritage Conservation	Refer to discussion below
3.3	Sydney Drinking Water Catchments	Not relevant.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North	Not relevant.
3.5	Recreation Vehicle Areas	Not relevant.
3.6	Strategic Conservation Planning	Not relevant.
<b>Focus area 4: Resilience and Hazards</b>		
4.1	Flooding	Not relevant.
4.2	Coastal Management	Not relevant.
4.3	Planning for Bushfire Protection	Not relevant.
4.4	Remediation of Contaminated Land	Not relevant.
4.5	Acid Sulfate Soils	The properties have been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.6	Mine Subsidence and Unstable Land	Not relevant.
<b>Focus area 5: Transport and Infrastructure</b>		
5.1	Integrating Land Use and Transport	The planning proposal does not alter the land zoning, and as such, would not affect travel demand or the availability of transport options.
5.2	Reserving Land for Public Purposes	Not relevant.
5.3	Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4	Shooting Ranges	Not relevant.
<b>Focus area 6: Housing</b>		
6.1	Residential Zones	The properties are zoned R2 – Low Density Residential. The planning proposal does not seek to amend the zoning or range of permissible uses on the sites. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP).
6.2	Caravan Parks and Manufactured Home Estates	Not relevant.
<b>Focus area 7: Industry and Employment</b>		
7.1	Business and Industrial Zones	Not relevant.

Direction		Comment
7.2	Reduction in non-hosted short-term rental	Not relevant.
7.3	Commercial and Retail Development along the Pacific Highway, North	Not relevant.
<b>Focus area 8: Resources and Energy</b>		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
<b>Focus area 9: Primary Production</b>		
9.1	Rural Zones	Not relevant.
9.2	Rural Lands	Not relevant.
9.3	Oyster Aquaculture	Not relevant.
9.4	Farmland of State and Regional Significance on the NSW Far North	Not relevant.

### 3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies when a relevant planning authority prepares a planning proposal (see Table 5 below).

**Table 5: Heritage Conservation Direction Assessment**

Direction Requirement	Assessment
1) A planning proposal must contain provisions that facilitate the conservation of:	
a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area	<p>The accompanying assessment report prepared by Council's Heritage Advisor has examined each of the properties within the existing Appian Way Heritage Conservation Area and has identified 35 properties within the existing HCA that should be listed as heritage items, as part of the proposed group listing</p> <p>This PP seeks to list these properties as new items local heritage significance, as part of a group listing. Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these sites. The provisions of Clause 5.10 of the Burwood LEP seek to conserve the environmental heritage of Burwood.</p>
b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and	N/A.
c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an	The assessment report prepared by Council's Heritage Advisor does not address Aboriginal cultural heritage values.

Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
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The planning proposal is consistent with this direction

## Section C – Environmental, Social and Economic Impact

### **8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the planning proposal.

### **9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No. There are no other likely environmental effects as a result of the planning proposal, such as flooding, landslide, bushfire hazard and the like.

### **10. *How has the planning proposal adequately addressed any social and economic effects?***

The Planning Proposal is considered to have positive social effect for the community.

This will have positive social effects for the community as it will ensure the protection and retention of local heritage and that appropriate development controls and/or restrictions are in place to guide any future development. This will ensure best practice urban design and development that retains character and is sympathetic to adjoining heritage and/or the HCA.

Social heritage are the non-physical aspects of our culture in our society. By retaining items of cultural significance this has positive effects on restoring the social effects of heritage. The Planning Proposal is considered to have positive economic effect for the community. Amending the LEP to include new heritage items will have a positive effect on the community as it ensures that cultural heritage and local character will be protected.

The planning proposal is not expected to have any adverse social or economic effects.

## Section D – Infrastructure (Local, State and Commonwealth)

### **11. *Is there adequate public infrastructure for the planning proposal?***

The proposal seeks to list new heritage items, as a group listing in Schedule 5 of the Burwood LEP 2012 and therefore does not have the potential to increase the current demand on public infrastructure.

## **Section E – State and Commonwealth Interests**

### **12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

#### **Pre Gateway consultation**

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

#### **Post Gateway consultation**

Following the receipt of any Gateway Determination, Council proposes to seek the views of the following state and federal public authorities and government agencies:

- Heritage NSW

## **Part 4 – Maps**

The planning proposal seeks to amend the following LEP Maps:

- Heritage Maps
  - Sheet HER\_001
  - Sheet HER\_002

The planning proposal does not seek to alter the zoning, height of buildings, floor space ratio, or any other BLEP maps.

## **Part 5 – Community Consultation**

Burwood Council has not consulted with the affected property owners ahead of preparing this Planning Proposal. The properties are already identified within the Appian Way Heritage Conservation Area and this Planning Proposal is seeking to list the significant and intact buildings as part of a group listed heritage item, with the aim of ensuring that those buildings and their curtilage have greater protection.

It is proposed that affected and adjoining property owners will be consulted during the exhibition of the planning proposal in accordance with the timeframes identified in any Gateway Determination. The public exhibition will include:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE Planning Proposal tracker
- Letters to affected/neighbouring land owners
- Letters to relevant State agencies and other authorities/agencies nominated by the DPE as part of the Gateway Determination.



## Part 6 – Project Timeline

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning & Environment (DPE), to finalise the LEP is a period of 9 months.

**Table 6: Project Timeframe**

Submit to DPE seeking a Gateway Determination	December 2022
Receive Gateway Determination	January 2023
Consult with State/commonwealth agencies	February-March 2023
Timeframe for government agency consultation	February-March 2023
Commencement and completion dates for the public exhibition period	February-March 2023
Dates for public hearing	Not applicable
Review of Public Submissions and preparation of report to Council	March 2023
Report to Council for final endorsement	March 2023
Seek Parliamentary Counsel Office's (PCO) opinion	May 2023
Submit maps for DPE review	April 2023
Gazettal of LEP amendment	July 2023

## **Appendix One**

- Proposed Amendment to Schedule 5

## **Appendix Two**

- Delegation Checklist

## **Supporting Documentation**

- List of supporting documents that are provided under separate cover.

## **Links to Supporting Material**

- Links to Council meeting reports and resolutions to be added later.

# Appendix One

## Proposed Amendment to Schedule 5

The proposed heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed Item No will be confirmed by Parliamentary Counsel at the finalisation stage of the LEP amendment.

For the avoidance of doubt, the following table sets out the proposed new Schedule 5 text.

Suburb	Item name	Address	Property description	Significance	Item no
Burwood, Burwood Heights	Federation houses associated with the Appian Way Conservation Area	2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25 Appian Way Burwood, 304, 306, 308, 310, 312, 316, 318 Burwood Road Burwood, 55, 59, 67 Liverpool Road Burwood.	Lot 102, DP 592227; Lots, 1, 2, 3, 4, 5, 8, 12, 15, 18, 20, 21, 22, 27, 28, 29, 30, 31, 31A, 32, 32A, 33, 36, 40, 43, DP 12249; Lot 1, DP 984192; Lot 37, DP 166468; Lot 1, DP 953252; Lot 1, DP 167955; Lot 1, DP 304076; Lot 1, DP 945586; Lot B, DP406214; Lot 1, DP 945216; Lot 1, DP 305311; Lot 1, DP311836.	Local	I226

The wording of any BLEP provisions will be subject to possible revision by the Parliamentary Counsel's Office.

# Appendix Two

## Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area:
Burwood.
Name of draft LEP:
Amendment of Schedule 5 of the Burwood LEP 2012 to heritage list (group listing) properties within the Appian Way Heritage Conservation Area
Address of Land (if applicable):
2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25 Appian Way Burwood, 304, 306, 308, 310, 312, 316, 318 Burwood Road Burwood, 55, 59, 67 Liverpool Road Burwood.
Intent of draft LEP:
Group heritage listing of the subject properties.
Additional Supporting Points/Information:
Please refer to the PP.

Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
<b>Heritage LEPs</b>	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y*			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
<b>Reclassifications</b>	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

\* It is proposed that the PP be submitted to the Heritage NSW during the consultation stage. Heritage assessments have been carried out in accordance with Heritage NSW guidelines.



If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
<b>Spot Rezoning</b>	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
<b>Section 73A matters</b>				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <b>(NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</b>		N/A		
<b>NOTES</b> <ul style="list-style-type: none"> <li>Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.</li> <li>Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.</li> </ul>				



# Supporting Documentation

Heritage assessments and other supporting documents are provided under separate cover

Enclosure No.	Description
1	Heritage Assessment of the Appian Way Conservation Area, undertaken by Council's Heritage Advisor in October 2022.
2	Draft Inventory Sheet.

# Mapping



# Burwood Local Environmental Plan 2012

Site Identification Map  
- Sheet SIM\_001

Subject Land

Cadastral 27/10/2022 © Burwood Council



N

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Metres

Scale 1:10,000 @ A3

Projection: GDA 1984  
Zone 56

Map Identification Number  
1300\_2208\_SIM\_001\_010\_20221007



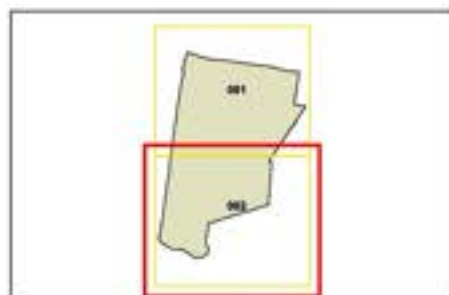


**Burwood Local  
Environmental  
Plan 2012**

Site Identification Map  
- Sheet SIM\_002

 Subject Land

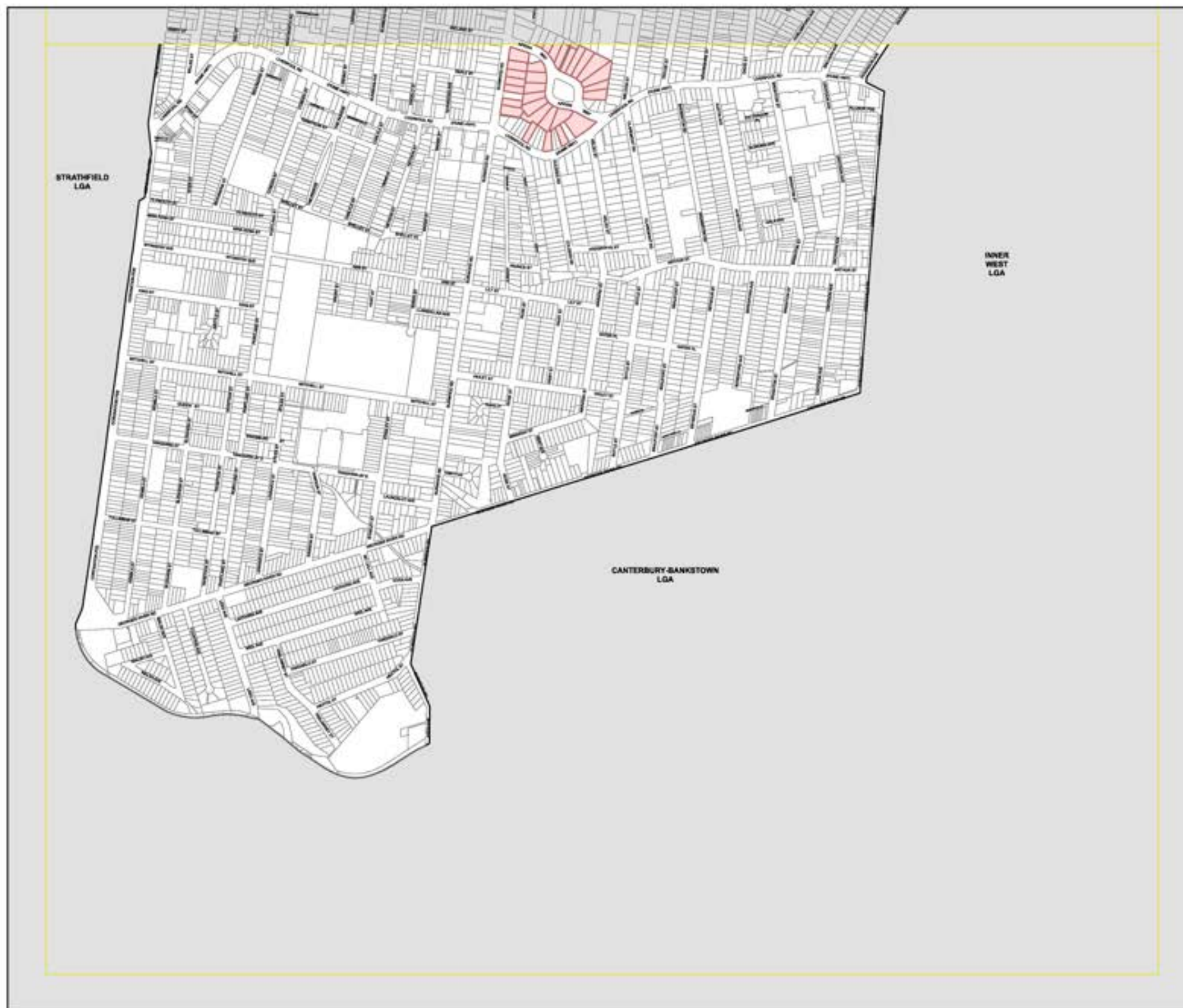
 Cadastre 06/04/2023 © Burwood Council



Scale 1:10,000 @ A3

Projection GDA 1984  
Zone 56

Map Identification Number  
1300\_COM\_SIM\_002\_010\_20230406







# Burwood Local Environmental Plan 2012

## Heritage Map - Sheet HER\_001

### Heritage

- Conservation Area - General
- Item - General

### Cadastral

Cadastral 24/04/2023 © Burwood Council

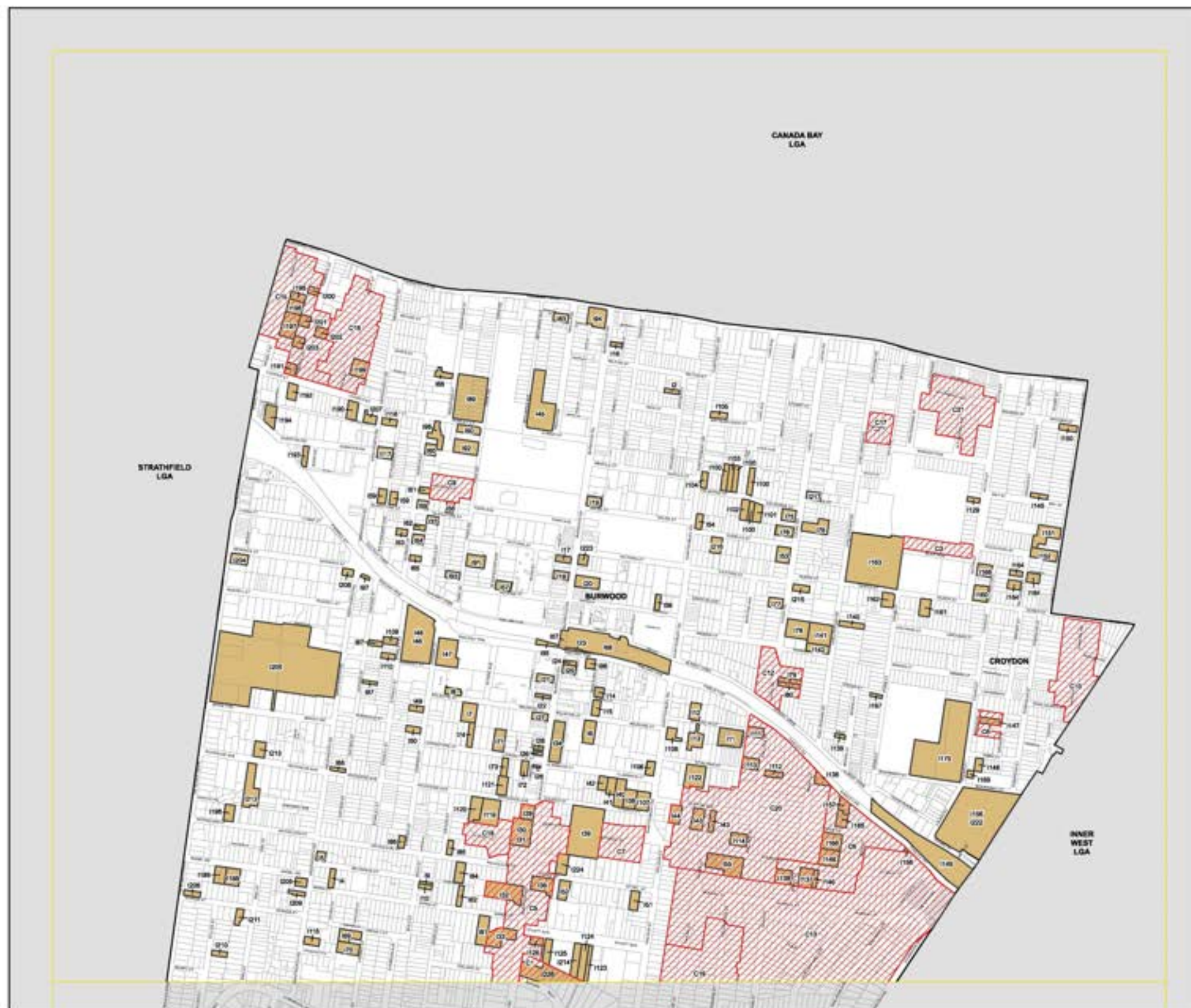


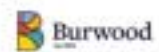
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Zone 56

Map Identification Number  
1300\_C004\_HER\_001\_001\_20230424





# Burwood Local Environmental Plan 2012

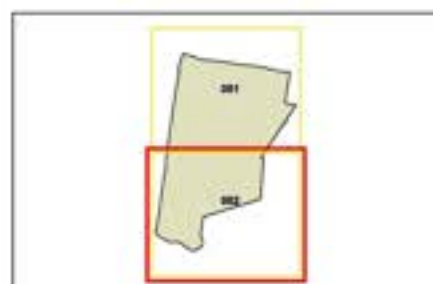
## Heritage Map - Sheet HER\_002

### Heritage

- Conservation Area - General
- Item - General

### Cadastral

Cadastral 24/04/2023 © Burwood Council



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Metres

Scale 1:10,000 @ A3

Projection: GDA 1984  
Zone 56

Map Identification Number:  
1001\_0001\_HER\_002\_110\_20230424

