

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2146) to list Appian Way central reserve and public domain in the Appian Way Heritage Conservation Area as local heritage items.**

I, the Manager, Eastern District at the Department of Planning 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 2012 to list the Appian Way central reserve and public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road, in the Appian Way Heritage Conservation Area as local heritage items should proceed subject to the following conditions:

1. Prior to exhibition, the heritage assessment be updated to clearly describe the reserve and public domain under each criterion.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 10 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition must commence within 2 months following the date of the gateway determination.

3. Consultation is required with Heritage NSW (Department of Planning and Environment) under section 3.34(2)(d) of the EP&A Act. Heritage NSW (Department of Planning and Environment) is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working 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 EP&A 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. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act 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 reported to Council for a final recommendation no later than March 2024
  - 7. The LEP should be completed on or before 31 May 2024.



31 October 2023

Eva Stanbury  
**Manager, Eastern District**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and Open Spaces**