

Planning Proposal

Amendment of Schedule 5 of the Burwood LEP 2012 to list Appian Way Central Reserve and Public Domain as a Group Heritage Item

Version 3 – 16 November 2023
(Amended response to Gateway Determination)

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 list under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012, the Appian Way central reserve and the public domain, within the Appian Way Heritage Conservation Area (HCA), as a group heritage item of local heritage significance.

Part 2 – Explanation of Provisions

The Burwood LEP 2012 is to be amended by:

1. Amending Schedule 5 Environmental heritage of the Burwood LEP 2012 to add to Part 1 Heritage items the following lands as a group heritage item of local significance (see Table 1 below).

Table 1: Sites included in planning proposal

Address	Lot Number	Deposited Plan Number
Appian Way Central Reserve	Lot 44	DP12249
Appian Way public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	-	-

The heritage listing would apply to the whole of the lands described above. 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 lands
Subject lands are shown outlined in red and hatched



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.

The subject lands are located within the Appian Way Heritage Conservation Area (HCA), which is listed in Schedule 5 of the Burwood LEP. Approximately 30 properties, surrounding the central reserve and located along both sides of the Appian Way, Burwood Road and Liverpool Road, have recently been listed as a group heritage item (Item I226) through Amendment 24 to the Burwood LEP 2012, which was gazetted on 26 May 2023.

Submissions received by Council, in response to the public exhibition of the planning proposal to group heritage list the 30 odd properties in the Appian Way HCA, called for the inclusion of the Appian Way central reserve (containing open space, tennis courts and pavilion), which is owned by the Appian Way Recreation Club, and street trees as a heritage item.

It is considered that there is merit in listing the landscape features (significant trees and vegetation) and the Appian Way central reserve as a heritage item, to allow for greater protection of the streetscape and character of the area, as a result, Council at its meeting on 28 March 2023, resolved (in part) the following:

That Council's Heritage Adviser undertake an investigation of the landscape features (significant trees and vegetation) and the Appian Way Recreation Club and if appropriate prepare a planning proposal for the heritage listing of the items.

Council's Heritage Advisor has undertaken an investigation in accordance with the Heritage Significance Assessment Guidelines (2001), Investigating Heritage Significance (2021) and the updated Assessing Heritage Significance (June 2023), published by Heritage NSW or its precursor.

An independent external heritage consultant was not engaged for this assessment, as the entire Appian Way HCA has previously been recognised as holding heritage significance, meeting the historical, aesthetic and rarity criteria.

The assessment by Council's Heritage Advisor has revealed that the subject lands meet the historical, associative, aesthetic, rarity and representative criteria, as outlined in Table 2 below:

Table 2: Assessment Against Heritage Significance Assessment Criteria

NSW Heritage Criteria	Assessment
Historical <ul style="list-style-type: none">important in the course, or pattern, of Burwood's cultural or	It is a personal and individual interpretation of the architectural and planning styles of the early 1900's by George Hoskins and builder/designer William Richards within the confines of a 'garden city' style suburb within a suburb.

<p>natural history</p>	<p>Each original dwelling within the group represent the historical 'garden city' planning movement, but unusually on a smaller scale (as opposed to Haberfield and Daceyville).</p> <p>Likely influences have been the first 'Garden Suburbs' in England at Bedford Park 1876 and in Bournemouth. Ebenezer Howard published a book "Garden Cities for tomorrow" in 1897 promoting integration of recreational and residential areas. Hoskins inclusion of a recreational area may be an idea taken from the Haberfield Estate development of R.Stanton with its provision of recreational facilities including lawns and a community meeting pavilion.</p> <p>There was no regulation regarding sub-divisions in New South Wales until 1906. Although William Richards had migrated from England the designs in the Appian Way are said to be based mainly on local Australian Architecture.</p> <p>The landscape elements, including the club house, picket fence, organic shaped circular street, the native Brush Box (<i>Lophostemon confertus</i>) - believed to have been planted in 1905, <u>meet the threshold for Historical Significance.</u></p>
<p>Associative</p> <ul style="list-style-type: none"> has strong or special association with the life or works of a person, or group of persons, of importance in Burwood's cultural or natural history 	<p>In 1903 George Hoskins who was founder of Australian Iron and Steel Industries, purchased 8ha of land at the intersection of Liverpool Road and Burwood Road. He conceived a design for a model suburban estate. The design included large houses on expansive grounds (which are part of a separate but adjacent listing) arranged around a centre recreation reserve creating an attractive and unusual circular streetscape. Native Brush Box Tree's planted around the time of the creation of the Appian Way add to the uniqueness of the precinct. The streetscape, it's central common reserve and its unique shape were conceived by Mr Hoskins.</p> <p>Mr. Hoskins, from 1893, resided in St. Cloud, No.223 Burwood Road, which overlooked the Appian Way.</p> <p><u>Therefore, landscape elements and streetscape of the Appian Way meet the threshold for Associative Significance.</u></p>
<p>Aesthetic or Technical</p> <ul style="list-style-type: none"> important in demonstrating 	<p>The central reserve, its recreational clubhouse, historic gate all combine with the native Brush Box in the public domain and circular streetscape to be of aesthetic significance and technical</p>

<p>aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood</p>	<p>planning components of the Garden City movement of the early 20th Century.</p> <p>The street also consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. Although the dwellings are part of a separate (but adjacent) listing, it is recognised that they combine with the landscape listing to create a particularly aesthetic streetscape.</p> <p>The landscape elements <u>meet the threshold for aesthetic significance.</u></p>
<p>Social</p> <ul style="list-style-type: none"> ▪ strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons) 	<p>There is social significance within the landscaped elements, particularly focused on the recreational area and club house. It is a rare 'garden city' estate whose early residents were likely to have been regular tennis players and/or users of the recreational space. This continues to this day, with the owners of dwellings within the Appian Way also shareholders of the recreational area and club house. However, the site does not meet the criteria as there is no evidence of historically important people being a part of the group.</p> <p>The landscape elements and overall streetscape do not meet the <u>threshold for Social significance.</u></p>
<p>Research Potential</p> <ul style="list-style-type: none"> • potential to yield information that will contribute to an understanding of Burwood's cultural or natural history 	<p>There is research potential within the combined landscaped area and grouped heritage dwellings as a rare 'garden city' estate.</p> <p>This is recognised within the Appian Way HCA. However, the potential does not extend to the landscape elements alone. Therefore, <u>they do not meet the threshold for Research Potential.</u></p>
<p>Rarity</p> <ul style="list-style-type: none"> ▪ possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history 	<p>The landscaped elements and overall streetscape is a rare example of a garden city with recreational area for residents only. The unique shape of the streetscape, the central reserve, clubhouse, historic gates and native Brush Box plantings create a rare streetscape.</p> <p>When considered with the surrounding dwellings (which are part of a separate but adjacent listing), it is rare because no two allotments are same shape or size, with complex free standing designs quite different from the average urban street. No two houses are identical, yet are consistent in their overall Federation era form.</p>

	The landscape elements <u>meet the threshold for this criteria.</u>
Representative <ul style="list-style-type: none"> important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments 	<p>It is a representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting with central recreational area.</p> <p>The central reserve, its recreational clubhouse, historic gate all combine with the native Brush Box in the public domain and circular streetscape to be a representative of the Garden City movement of the early 20th Century.</p> <p>The landscape elements and overall streetscape of the Appian Way <u>meet the threshold for representative significance.</u></p>

The following statement of heritage significance is provided in Council's Heritage Advisor's assessment:

A rare Edwardian 'garden city' bungalow precinct surrounded by excellent Federation Queen Anne and at least one Federation Arts and Crafts architectural and landscape detail. The landscape elements and streetscape are largely intact incorporating significant elements, around an unusual and beautifully landscaped oval, containing a resident-owned recreational and sporting facility.

The design and construction of the estate, including its unique organic street layout, was based on a vision of suburban utopia of its owner George Hoskins who was instrumental in developing the steel industry in NSW.

The concept for the design was based on 'Garden City' ideas being developed in England and USA at the time, for example, "Riverside" in Chicago by Frederick Law Olmstead and Vaux and "Bedford Park", "Port Sunlight" and "Letchworth" in England designed by Barry Parker and Raymond Unwin springing from the 'Picturesque Landscaping Movement' of the 18th Century in England.

The landscape elements and streetscape of the Appian Way (especially when considered with the surrounding group heritage item dwellings), have local significance for their ability to demonstrate early and unique subdivision pattern within Burwood (and more broadly NSW), their unique yet consistent Federation aesthetic, their rarity as a garden city suburb, for their association with George Hoskins and for their representative value as fine planning example of its type.

The assessment by Council's Heritage Advisor is included as **Attachment 1**. The Heritage Inventory Sheet is included as **Attachment 2**.

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

The planning proposal is the only means of listing the subject lands as a group heritage item of local significance and ensuring their protection within the Appian Way HCA.

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 subject lands 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 LSPS was endorsed by the former 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.

The Burwood 2036 Community Strategic Plan (CSP) set the vision as follows:

Burwood is a welcoming and inclusive community that is defined by our diversity of people, liveable places and progressive ideas. We acknowledge and celebrate our history and place, protect our heritage and environment and share a quality of life that is equitable, sustainable and supports each other to thrive and prosper.

The CSP further states:

Our places are built around people, protecting our heritage and are well planned and liveable with housing, transport and infrastructure that meet the diverse and changing needs of our community.

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

SEPP	Comment
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)	<p>Not relevant.</p> <p>This SEPP contains the definition of heritage development, and provides that heritage development may be carried out only with development consent. This planning proposal would not contravene the SEPP in any way.</p>
Resilience and Hazards (2021)	<p>Not relevant.</p> <p>There is no indication that previous uses at the subject sites would trigger site remediation requirements.</p> <p>The subject lands are not located within the coastal areas identified by this SEPP.</p>
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	Not relevant.
Precincts – Central River City	Not relevant.
Precincts – Western Parkland City	Not relevant.
Precincts – Regional	Not relevant.
Exempt and Complying Development Codes (2008)	<p>Not relevant.</p> <p>The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on those lands, but all lands in Appian Way are currently included in the HCA. This planning proposal would not contravene the SEPP in any way.</p>
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
Focus area 1: Planning Systems		
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.

Direction		Comment
1.4	Site Specific Provisions	Not relevant.
Focus area 1: Planning Systems – Place based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not relevant. The subject lands 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.
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.
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
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.
Focus area 4: Resilience and Hazards		
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 lands 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.
Focus area 5: Transport and Infrastructure		

Direction		Comment
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.
Focus area 6: Housing		
6.1	Residential Zones	The Appian Way central reserve is zoned RE2 Private Recreation and the entire Appian Way public domain encompassing the roadway and paths is zoned R2 – Low Density Residential under the Burwood LEP 2012. The planning proposal does not seek to amend the zoning or range of permissible uses for the subject lands.
6.2	Caravan Parks and Manufactured Home	Not relevant.
Focus area 7: Industry and Employment		
7.1	Business and Industrial Zones	Not relevant.
7.2	Reduction in non-hosted short-term rental	Not relevant.
7.3	Commercial and Retail Development along the Pacific Highway, North	Not relevant.
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
Focus area 9: Primary Production		
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
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,	Council's Heritage Advisor has conducted an assessment of the subject lands and concluded that the lands possess sufficient historical, associative, aesthetic, rarity, and representative values to warrant their listing as a group heritage item of local significance.

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	This PP seeks to list the subject lands as a group heritage item. Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these lands. This clause seeks to conserve the environmental heritage of Burwood.
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 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.	The heritage investigation conducted by Council's Heritage Advisor does not encompass any Aboriginal assessment.

The planning proposal is consistent with Direction 3.2 Heritage Conservation.

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, landslip, 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, as it will enhance the protection and retention of local heritage, and will ensure best practice urban

design and development that retains character and is sympathetic to adjoining heritage properties and/or the HCA.

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 the subject sites as a group heritage item in Schedule 5 of the Burwood LEP 2012. As a result, it 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

In response to the public exhibition of the planning proposal to list approximately 30 properties within the Appian Way HCA as a group heritage item, submissions were received requesting the inclusion of additional lands. These lands consist of the central reserve owned by the Appian Way Recreation Club, which contains tennis courts and a pavilion, as well as the trees and streetscape along the Appian Way public roadway and footpaths. Council's Heritage Advisor, however, considered that these lands have distinct characteristics that differentiate

them from other residential properties, suggesting that they should be considered separately for heritage listing.

Burwood Council did not consult with the Appian Way Recreation Club or residents of the Appian Way HCA prior to preparing this planning proposal. Instead, the views expressed by the community during the previous planning proposal's consultation were taken into account. The subject lands are already part of the Appian Way HCA, and this planning proposal aims to provide greater protection by listing the central reserve and the entire Appian Way public domain encompassing the roadway and paths as a group heritage item.

It is proposed that the Appian Way Recreation Club, as well as all owners within and adjacent to the HCA, will be consulted during the exhibition of the planning proposal. The specific timeframes for this consultation will be outlined in the Gateway Determination. The public exhibition will encompass the following:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE planning proposal tracker.
- Letters to the Appian Way Recreation Club and all land owners within and adjacent to the HCA.
- 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 DPE, to finalise the LEP is a period of 9 months.

Table 6: Project Timeframe

Submit to DPE seeking a Gateway Determination	Early October 2023
Receive Gateway Determination	November 2023
Consult with State/commonwealth agencies	November- mid December 2023
Commencement and completion dates for the public exhibition period	November- mid December 2023
Dates for public hearing	Not applicable
Review of Public Submissions and preparation of report to Council	February 2024
Seek Parliamentary Counsel Office's (PCO) opinion	February 2024
Submit maps for DPE review	February 2024

Gazettal of LEP amendment	March 2024
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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 group heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed item number 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	Appian Way central reserve and public domain associated with the Appian Way Heritage Conservation Area	Central Reserve, Appian Way, Burwood Public domain, Appian Way, Burwood	Lot 44 in DP 12249 Public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	Local	I227

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:

Burwood Local Environmental Plan 2012 (Amendment No 25)

Address of Land (if applicable):

Appian Way central reserve and public domain encompassing the roadway and paths

Intent of draft LEP:

To amend Schedule 5 Environmental heritage of the Burwood LEP 2012 to list sites within the Appian Way Heritage Conservation Area as a group heritage item of local heritage significance

Additional Supporting Points/Information:

Please refer to the Planning Proposal.

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			
Minor Mapping Error Amendments	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			
Heritage LEPs	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		
Reclassifications	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		
Spot Rezoning	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		
Section 73A matters				
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? (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).		N/A		
NOTES <ul style="list-style-type: none"> 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. 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. 				

Supporting Documentation

**Heritage assessments and other supporting documents are provided
under separate cover**

Enclosure No.	Description
1	Burwood Council – The Appian Way Central Reserve and Public Domain - Heritage Assessment, undertaken by Council's Heritage Advisor (Version 3 – 16 November 2023)
2	Burwood Council – Inventory Sheet (16 November 2023)

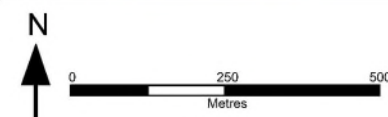
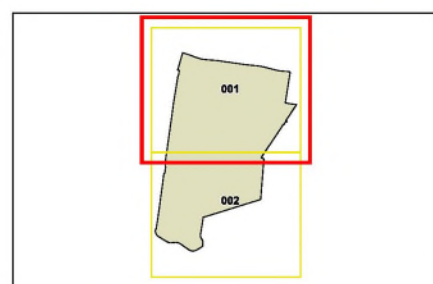
Mapping



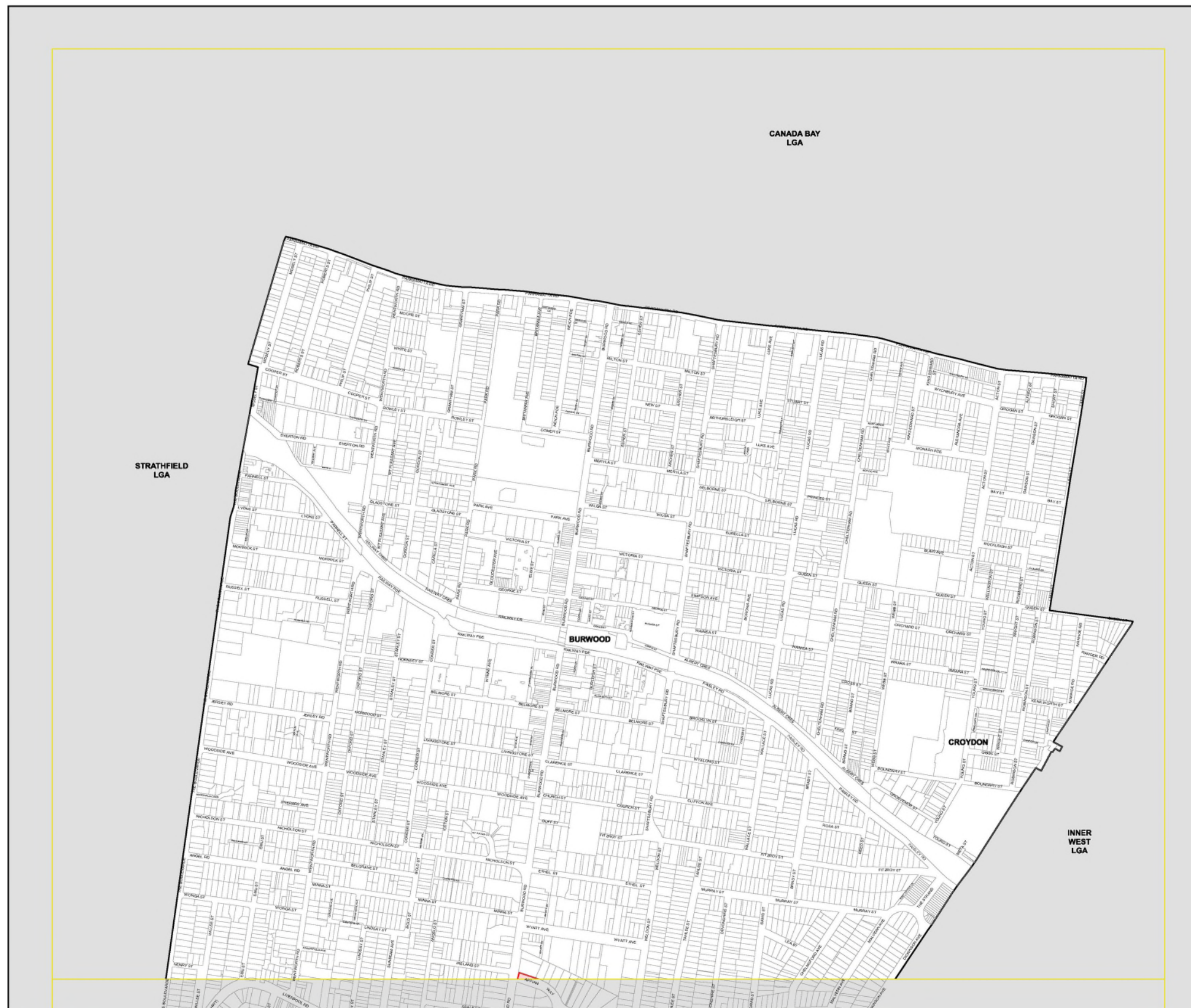
Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_001

-  Subject Land
-  Cadastre 17/07/2023 © Burwood Council



Map Identification Number:
1300_COM_SIM_001_010_20230717

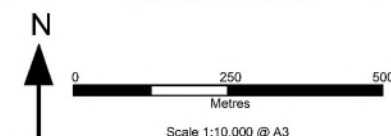
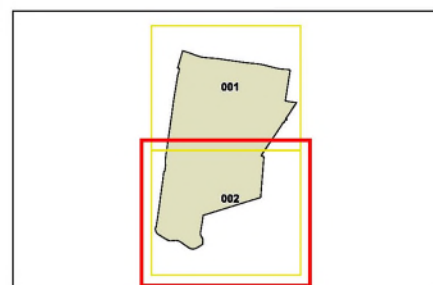




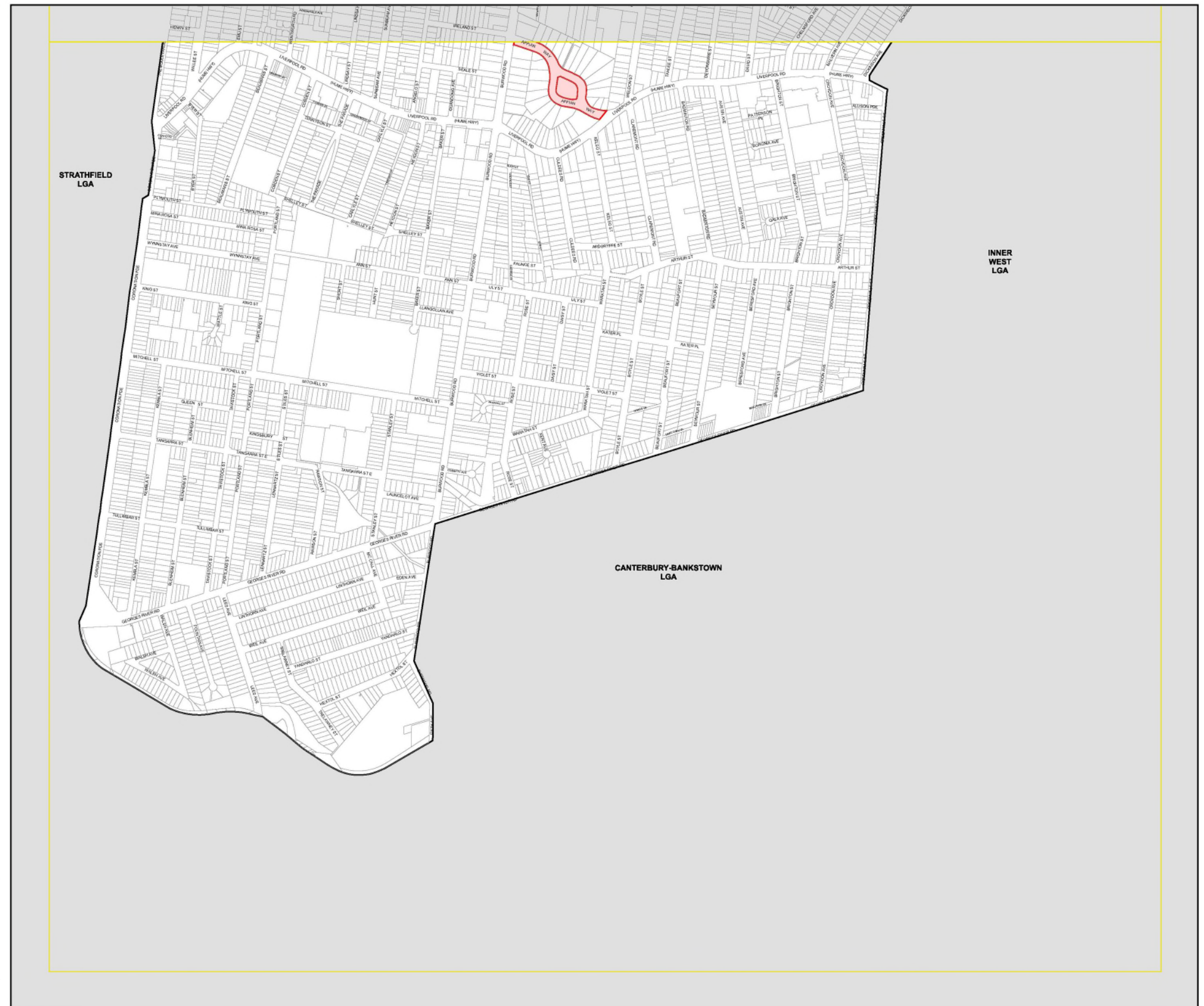
Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_002

-  Subject Land
-  Cadastre 17/07/2023 © Burwood Council





Projection GDA1984
Zone 56
Map Identification Number:
1300_COM_SIM_002_010_20230717



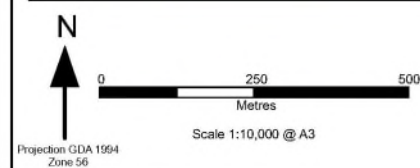
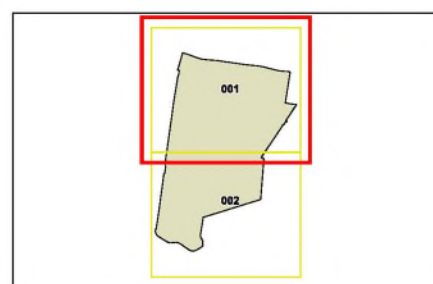
Heritage Map
- Sheet HER_001

Heritage

-  Conservation Area - General
 Item - General

Cadastre

- ☐ Cadastre 17/07/2023 © Burwood Council



Map Identification Number:
1300_COM_HER_001_010_20231707

