

Greater Sydney, Place and Infrastructure

IRF19/7681

Gateway determination report

LGA	Inner West
PPA	Inner West Council
NAME	Inner West Council consolidated LEP
NUMBER	PP_2020_IWEST_001_00
LEP TO BE AMENDED	Ashfield Local Environmental Plan 2013 (ALEP 2013), Leichhardt Local Environmental Plan 2013 (LLEP 2013) and Marrickville Local Environmental Plan 2011 (MLEP 2011)
ADDRESS	Inner West LGA
DESCRIPTION	Consolidation of three local environmental planning instruments (LEPs) into a single new LEP for Inner West Council
RECEIVED	3 December 2019
FILE NO.	IRF19/7681
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to consolidate three environmental planning instruments (Ashfield Local Environmental Plan 2013 (ALEP 2013), Leichhardt Local Environmental Plan 2013 (LLEP 2013) and Marrickville Local Environmental Plan 2011 (MLEP 2011) into a single new LEP – Inner West Local Environmental Plan (IWLEP) for the amalgamated Inner West local government area.

The planning proposal is primarily a consolidation and is not a comprehensive review of planning provisions.

1.2 Land description

The planning proposal applies to the land within the Inner West LGA identified in Figure 1. Areas of land within the Inner West LGA that are not the subject of this planning proposal (also identified in Figure 1) are as follows:

- Callan Park – this land is subject to the provisions of Callan Park (Special Provisions) Act 2002 No. 139;

- The Bays Precinct – this land is subject to the provisions of Sydney Regional Environmental Plan No 26 (City West); and
- Land identified as “Deferred matter” – this refers to land known as the Balmain Tigers site where Leichhardt Local Environmental Plan 2000 continues to apply.

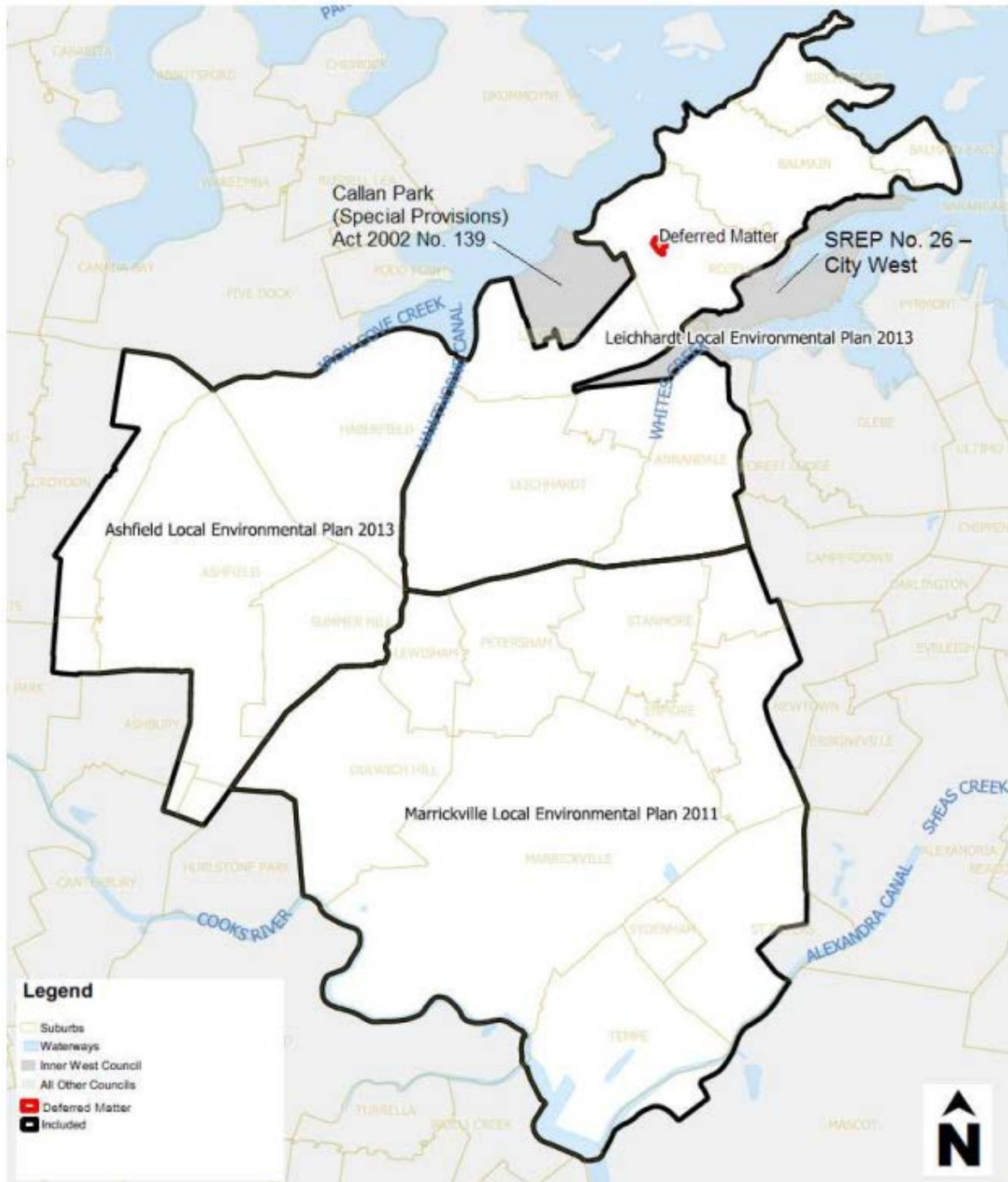


Figure 1 – Land to which the planning proposal applies, indicating the coverage of the three existing LEPs and areas within the Inner West LGA that are not the subject of the planning proposal (source: Inner West Council)

1.3 Existing planning controls

The existing planning controls are those set out in the current ALEP 2013, LLEP 2013 and MLEP 2011. A more detailed study of existing planning controls will be given in this report where changes to planning controls are proposed (refer **Appendix A** and **Appendix B**).

1.4 Background

In March 2018, amendments were undertaken to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) to require all metropolitan councils to review and amend their LEPs and give effect to the relevant District Plan. Inner West was identified as a priority council by the Greater Sydney Commission based on assessment of housing supply and demand, planned infrastructure, opportunities for renewal and the need for more housing diversity in the area. A timeline of two years has been provided for Inner West to complete their LEP review.

Council notes that the consolidated Inner West Local Environmental Plan (IWLEP) that is the subject of this planning proposal is the first step in the process of preparing a comprehensive LEP for the entire local government area (LGA). Council states that the new IWLEP is not a comprehensive review of all planning controls, but a consolidation, harmonisation and alignment of the three principal LEPs applicable across the LGA.

Council states that the consolidated instrument will provide the basis for the next stage - the future, comprehensive review of planning controls across the LGA. This will be informed by state strategies, local evidence based strategies, plans and the Inner West Local Strategic Planning Statement.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions because the planning proposal:

- has strategic merit and is required to respond to the requirement under the EP&A Act 1979 to update its LEP to give effect to the Eastern City District Plan;
- is consistent with relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- will provide a new consolidated LEP for the Inner West LGA that:
 - provides clarity and consistency for community members through the provision of a unified set of development standards and decreased amount of associated documentation;
 - provides a consistent planning framework across the LGA and thus greater certainty for landowners and new development;
 - enables the future implementation of broad LEP policies across the LGA, removing the need for amendments to multiple LEPs and simplifying the planning process; and
- will remove discrepancies and anomalies from the legacy LEPs.

2. PROPOSAL

2.1 Objectives or intended outcomes

Council identifies the following objectives for the planning proposal:

- Consolidate land use tables, to provide a single land use table for each zone;
- Retain existing development standards, including floor space ratio, height of buildings, and minimum lot size;
- Provide one set of aims and rationalise controls;
- In cases where simple consolidation cannot be undertaken, retain former LEP provisions based on an area map;
- Remove redundant controls and inconsistencies;
- Provide a framework for the future comprehensive LEP;
- Provide a consistent approach to zone objectives and application across the local government area; and
- Ensure consistency in permissible land uses across similarly zoned lands within the former Ashfield, Leichhardt and Marrickville LGAs.

With regard to the above, the Department agrees that the overall objective of the planning proposal is harmonisation. However, the Department notes that there are also some changes to development standards for certain land as described in **Appendix A**. The second item in the list of detailed objectives should be clarified in this regard, this is reflected in the Gateway conditions.

2.2 Explanation of provisions

Broadly, the planning proposal seeks to translate the existing planning controls for the three former council areas within the amalgamated Inner West LGA into a single, consolidated plan.

The planning proposal (**Attachment A**) contains detailed documentation of how Council has undertaken the consolidation process. This includes 11 guiding principles that were developed to compare and assess the three LEPs currently in force in the Inner West LGA (Table 1). The planning proposal also provides a draft of the proposed provisions (**Attachment A1**) for reference.

The documentation of this consolidation process and explanation of the proposed provisions is generally adequate.

A high level summary of each of the provisions proposed under IWLEP is provided at **Appendix A**. The table at **Appendix A** also indicates where existing identical and/or similar provisions are contained in each of the legacy LEPs or otherwise. A more detailed discussion of the provisions proposed under IWLEP that differ in some way from the provisions set out in one or more of the three current LEPs is provided in the table at **Appendix B**.

Table 1 – Inner West Councils key principles that have guided the draft IWLEP development

Principle	Details
Principle 1 – Consistency with Standard Instrument	Ensure consistency with the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP).
Principle 2 – Zone retention	Retain the full set of land use zones, which are already identified in Ashfield Local Environmental Plan 2013, Leichhardt Local Environmental Plan 2013 and Marrickville Local Environmental Plan 2011. This principle is applied throughout.
Principle 3 – Alignment	Harmonise the aims, objectives, clauses and land use tables of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011.
Principle 4 – Permissibility retention	Retain the permissibility of land uses within the respective zones, where the three LEPs are already consistent.
Principle 5 – Consistency with objectives and strategic directions	In cases where there is incompatibility between clauses or land uses between two or three existing LEPs, adopt those standards, provisions, or uses that are consistent with the intent and objectives of the zone; that are closest to best practice; and/or are in line with the Eastern City District Plan and the draft LSPS.
Principle 6 – Clarification	Clarify provisions which may be ambiguous, or which require minor amendment to clarify the intent of the clause.
Principle 7 – Removal of redundancy	Remove clauses that duplicate provisions of relevant State Environmental Planning Policies (SEPPs) or which have no relevance to the Inner West LGA.
Principle 8 – Consistency with SEPPs	Generally permit land uses already permissible under State Environmental Planning Policies (SEPPs), with the exception of those land uses prohibited by one or more of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011, but permissible under SEPP (Infrastructure), where it is considered that further investigation is required.
Principle 9 – Support sustainability outcomes	Support land uses that will improve sustainability outcomes in relation to energy, water and waste.
Principle 10 – Matters for future investigation	Identify matters that will require more detailed consideration in a future review.
Principle 11 – Conformity with Marrickville LEP 2011 Amendment 4 / Ashfield LEP 2013 Amendment 8	Ensure conformity with land use permissibility and local provisions already established by Marrickville LEP 2011 Amendment 4 and Ashfield LEP 2013 Amendment 8.

2.3 Mapping

The planning proposal seeks to provide a single, combined set of consolidated maps for the new IWLEP. The proposed approach for each map along with the Department's assessment is summarised in Table 2. In this table, where a proposed IWLEP map is currently contained in a legacy LEP, it is shown highlighted green. Where a legacy LEP does not currently contain the proposed IWLEP map, it will be shown highlighted red.

The planning proposal states that draft proposed maps will be provided as part of the exhibition period following Gateway determination. This will take into account any amendments required as part of the Gateway determination.

A Gateway condition is included requiring mapping to be prepared for the purposes of the exhibition period.

Table 2 – Retention and consolidation of maps overview

Map Type	ALEP 2013	LLEP 2013	MLEP 2011	Proposed IWLEP	Department Comment
Acid Sulfate Soils Map (ASS)	X	✓	✓	Single consolidated Acid Sulfate Soils Map, combining the LLEP 2013 and MLEP 2011 mapping and newly mapping the former Ashfield council area but with no other changes.	Considered acceptable.
Foreshore Building Line Map (FBL)	X	✓	✓	Single consolidated Foreshore Building Line Map, with no change to the building line.	Considered acceptable.
Floor Space Ratio Map (FSR)	✓	✓	✓	Single consolidated Floor Space Ratio Map, with no changes to FSR.	Considered acceptable.
Heritage Map (HER)	✓	✓	✓	Single consolidated Heritage Map with new numbering system applied (refer Attachment A1 , page 36).	Considered acceptable.
Land Application Map (LAP)	✓	✓	✓	Single consolidated Land Application Map, no changes (refer Figure 1 in Attachment A1)	Considered acceptable.
Land Reservation Acquisition Map (LRA)	✓	✓	✓	Single consolidated Land Reservation Acquisition Map. Proposed to be consolidated and updated by excluding those areas acquired since the most recent amendment of the legacy LEP maps.	Considered acceptable.
Lot Size Map (LSZ)	✓	✓	X	Single consolidated Lot Size Map. As MLEP 2011 did not include clause 4.1 Minimum subdivision lot size, there will be no lot sizes for that area shown on the map.	Considered acceptable. Council state that appropriate minimum lot sizes for the whole LGA will be considered in a future planning proposal.
Land Zoning Map (LZN)	✓	✓	✓	Single consolidated Land Zoning Map.	Considered acceptable.
Height of Buildings Map (HOB)	✓	✓	✓	Single consolidated Height of Buildings Map, with no change to building heights.	Considered acceptable.

Map Type	ALEP 2013	LLEP 2013	MLEP 2011	Proposed IWLEP	Department Comment
Key Sites Map (KYS)	✓	✓	✓	Single consolidated Key Sites Map. The lands relevant to clauses 4.3C; 5.4(10); 5.6(2); 6.11(2); 6.17(2a); 6.17(2b); 6.18(2); and 6.24(2) and 4(b) in the draft IWLEP (Attachment A2) are proposed to be added to allow these clauses to continue to apply only to the areas covered by the relevant legacy LEPs.	Considered acceptable
Land Reclassification (Part Lots) Map	X	✓	X	Retain Land Reclassification (Part Lots) Map, which currently has no listed sites.	Considered acceptable.
Additional Permitted Uses Map (APU)	X	✓	X	Retain Additional Permitted Uses Map and include sites listed in the legacy LEP Schedules of ALEP 2013 and MLEP 2011, not currently reflected in a map.	Considered acceptable.
Flood Planning Map (FLD)	X	X	✓	Remove Flood Planning Maps, relying on the maps in the DCPs instead.	Considered acceptable. Council states that while the Map Index to MLEP 2011 includes a Flood Planning Map, this map is not referred to in the LEP and is addressed in Marrickville DCP. As this represents a discrepancy, Council do not propose to carry this map forward. The Department considers that flood planning maps are appropriate to be referenced in the DCPs. Council states that a new consolidated DCP will be developed for the Inner West LGA at which time development of a combined map can be considered.

Map Type	ALEP 2013	LLEP 2013	MLEP 2011	Proposed IWLEP	Department Comment
Natural Resource - Biodiversity Map (NRB)	X	X	✓	Retain Natural Resource - Biodiversity Map.	Considered acceptable. Council states that the update of this map to include terrestrial biodiversity within the other parts of the LGA will be investigated as part of a future planning proposal.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal responds to the need for Councils to update their LEPs as stipulated in the EP&A Act 1979. It is supported by a range of research including the draft Inner West Local Housing Strategy, draft Local Housing Strategy and draft Employment and Retail Lands Strategy.

The planning proposal is the best and most appropriate means of achieving the Council's intended outcomes of creating a new, consolidated LEP.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal is consistent with the relevant Premier's Priorities, which are to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space, and to increase the tree canopy and green cover across Greater Sydney.

4.2 District

The Greater Sydney Commission released the Eastern City District Plan (ECD Plan) on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan.

The planning proposal seeks to harmonise planning controls as 'Phase 1' of the implementation of the ECD Plan. Further planning proposals are identified through Council's draft Local Strategic Planning Statement (LSPS) to implement and strengthen the line of sight between the ECD Plan and the LEP. The harmonisation enables the future implementation of broad LEP policies across the LGA to simplify the planning process and remove the need for amendments to multiple LEPs.

The planning proposal gives effect to the Eastern City District Plan (ECD Plan) and is consistent with its directions. Of particular relevance are the following priorities:

Planning Priority E1 – Planning for a city supported by infrastructure

This planning priority seeks to align future growth with infrastructure. This planning proposal seeks to consolidate the existing LEPs and does not propose to rezone any land which seeks to increase density. This will provide a base for further work to be undertaken to align future growth with infrastructure.

Planning Priority E3 – Providing services and social infrastructure to meet people's changing needs

This planning priority seeks to deliver integrated and targeted delivery of services and infrastructure to support growth and take account of existing levels of provision and use.

The planning proposal seeks to generally permit educational establishments, home based child care, recreation facilities and community facilities. This will assist in providing for the needs of the community.

The proposal also seeks to retain all currently identified SP2 zones and increase the permissibility of seniors housing across the LGA.

Therefore, the planning proposal is consistent with this planning priority.

Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected communities

Planning Priority 4 aims to foster healthy, resilient and socially connected communities with diverse neighbourhoods through promoting active lifestyles and the arts.

Council propose to extend the application of a clause (proposed clause 6.15 under IWLEP, discussed at no. 42 of **Appendix B**) that would serve to protect land in the IN2 Light Industrial and B7 Business Park zones for creative purposes.

In addition, Council proposes to expand the land within the LGA's business zones where light industrial uses are permitted which would support creative industries in these areas.

The above is aligned with this priority.

Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and transport

Planning Priority 5 aims to provide greater housing supply, diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life.

The amendments put forward in the planning proposal will both expand and reduce some land within the LGA where certain residential land uses are currently permitted. It is acknowledged that the relevant land use tables within each of the three legacy LEPs are inconsistent and so in the process of developing a single land use table for each zone to form the consolidated IWLEP, some changes are unavoidable/requisite. Council states that where changes have been proposed to existing land uses, the 11 guiding principles set out in the planning proposal (Table 1) have been drawn on. This approach is considered acceptable.

The key permissibility changes include:

- reduction in land where dual occupancies are currently permitted within the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones;
- expansion of land where attached dwellings are currently permitted within the R2 Low Density Residential zone;

- expansion of land where dwelling houses are currently permitted within the R3 Medium Density Residential zone;
- expansion of land where hostels are currently permitted within the R2 Low Density Residential and R3 Medium Density Residential zones;
- reduction in land where residential flat buildings are currently permitted within the R3 Medium Density Residential zone;
- expansion of land where secondary dwellings and semi-detached dwellings are currently permitted within the R3 Medium Density Residential zone;
- reduction of land where shop top housing is currently permitted within the R2 Low Density Residential zone, but an expansion of the land where shop top housing is currently permitted within the R3 Medium Density Residential zone;
- expansion of land where seniors housing is currently permitted within the B1 and B2 zones; and
- reduction of a range of housing types permitted within the business zones.

Council is working to finalise its Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS) which review all land in the Inner West Council LGA. Council's draft LHS (exhibited from 24 June 2019 – 28 July 2019) outlines opportunities and locations for the provision of additional housing and housing typology. Further, the draft LSPS (exhibited from 23 September 2019 to 27 October 2019) identifies Planning Priority 6 '*Provide for a diverse mix of housing typologies, sizes and tenures that cater to the needs of people at all stages of their lives*'. Council states that once complete, this work will inform a future comprehensive planning proposal for the LGA involving a detailed review of development standards.

With regard to dual occupancies specifically, Council states that a future planning proposal will investigate expanding the area where proposed Clause 4.1A (2) of IWLEP would apply. This clause enables semi-detached dwellings on lots with a site area of at least 200 sqm and minimum street frontage of 7 metres.

The proposed changes to residential land uses are considered acceptable for exhibition however the final LEP should be updated where required to have regard to any endorsed LHS and LSPS. A condition of the Gateway determination reflects this.

The planning proposal is consistent with this planning priority.

Planning Priority E6 - Creating and renewing great places and local centres, and respecting the District's heritage

Planning Priority 6 aims to create great places which bring people together and where heritage is identified, conserved and enhanced.

The ECD Plan identifies Ashfield as a local centre and states that locations such as this are the focal point of neighbourhoods, providing essential access to day to-day goods and services close to where people live. The principles the ECD Plan identifies for local centres include:

- protect or expand retail and/or commercial floor space;
- protect or expand employment opportunities;
- integrate and support arts and creative enterprise and expression; and

- support the night-time economy.

The proposed rezoning of part of the Ashfield Town Centre from B4 Mixed Use to B2 Local Centre (refer no. 8b in **Appendix B**), along with the proposed land use changes for the B2 zone (refer no. 7f in **Appendix B**) are aligned with the above principles as:

- the changes would serve to expand permitted employment uses at this location to include light industries, which encompasses uses that would support creative uses such as high technology industries and artisan food and drink industries;
- would ensure that employment generating uses such as tourist and visitor accommodation, vehicle repair stations and sex services premises would continue to remain permissible uses on this land (these uses are proposed to be prohibited uses in the B4 zone in IWLEP); and
- would support the night-time economy through ensuring uses such as tourist and visitor accommodation are retained.

It is noted that some currently permitted uses would become prohibited under the proposed amendments including some storage premises' (self-storage premises would still be permitted), correctional centres, industrial training facilities and research stations, however, these uses are not considered critical to achieving the principles set out for local centres in the ECD Plan.

Under Priority 6, the ECD Plan also advocates for sympathetic built form controls and adaptive reuse of heritage as a means of managing the conservation of heritage significance. The Plan states that 'respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity' (page 51).

Proposed clause 6.12 of the IWLEP seeks to provide for the adaptive reuse of existing buildings as dwellings, the retention of buildings that contribute to the streetscape and character of the Inner West and provide amenity for future residents and existing buildings in the area. Although this clause does not strictly relate to heritage buildings, it does still serve to achieve what is being advocated for in the ECD Plan as outlined above.

Design excellence is also identified under Priority 6 of the ECD Plan as critical to improving liveability and the creation of great places. Council proposes to carry forward a Design Excellence clause from Amendment No. 4 of the MLEP 2011 and extend its application to the former Ashfield and Leichhardt Council areas. This is to assist in ensuring design excellence is adequately considered in the assessment of development with a height of 14m or more across the LGA. The extension of this clause across the council area is in alignment with what is set out under this Priority in the ECD Plan.

The planning proposal is consistent with this planning priority.

Planning Priority E9 – Growing international trade gateways

The planning proposal is aligned with reinforcing the importance of existing industrial land to the operations of the trade gateways. Each industrial zone includes an objective to support and protect industrial land for industrial uses.

The land use tables for the IN2 Light Industrial zone will be consolidated to achieve consistency in light industrial activities across the LGA.

The planning proposal also proposes to retain the legacy LEP clause related to aircraft operations to ensure future development is compatible with Sydney Airport.

Therefore, the planning proposal is consistent with this planning priority.

Planning Priority E10 – Delivering Integrated land use and transport planning and a 30-minute city

Planning Priority 10 aims to both create efficient freight and logistics networks and capitalise on integrated land use and transport to plan towards maximum 30-minute commute times. Harmonisation of the LEP enables Council to holistically plan for their locality through a singular planning instrument. Future transport improvements have been identified through the ECD Plan and Future Transport strategies.

Further, the proposed rezoning of part of the Ashfield Town Centre from B4 Mixed Use to B2 Local Centre along with the proposed land use changes for the B2 zone, (as discussed above in this report under Planning Priority E6) will assist in supporting employment uses at a location that is well serviced by transport infrastructure. The planning proposal is consistent with this planning priority.

Planning Priority E12 Retaining and managing industrial and urban services land

The ECD Plan identifies industrial activity and urban services as important to Greater Sydney's economy and notes that the nature of this economic sector is continuing to evolve.

The ECD Plan states that all existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. It also acknowledges that there will be a need to review the list of appropriate activities within any precinct from time to time, in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans. It states that any review should take into consideration findings of industrial, commercial and centre strategies.

A number of land use changes in the industrial zones are proposed for the former Council areas. These changes are proposed primarily where the permissibility of land uses do not align across the LEPs. Council states that where changes have been proposed to existing land uses in the legacy planning controls, the 11 guiding principles set out in the planning proposal (**Attachment A1**, pages 6 and 7) have been drawn on. This includes Principle 5 which states 'in cases where there is incompatibility between clauses or land uses between two or three existing LEPs, adopt those standards, provisions, or uses that are consistent with the intent and objectives of the zone; that are closest to best practice; and/or are in line with the Eastern City District Plan and the draft LSPS'. This approach is considered acceptable.

Clause 6.15 of IWLEP proposes to restrict the types of business and office premises permitted in the IN2 Light Industrial zone to those associated with creative uses such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions. This clause currently applies in the former Marrickville council area and a similar clause applies in the former Leichhardt Council area. The proposed change would limit the permissibility of some types of business and office premises in industrial zones within the former Leichhardt council area and expand the clause's application to the former Ashfield council area (which is not currently subject to a similar clause). This proposed change is aligned with the ECD Plan as it supports the protection of industrial land for industrial uses.

Council proposes to rezone land in the Moore Street industrial precinct in Leichhardt from IN2 Light Industrial to IN1 General Industrial (refer page 27, **Attachment A1**). Council states that the intention behind this rezoning is to ensure 'general industries' is maintained as a permissible land use within this precinct given it is the only area in the northern part of the LGA suitable for these uses. This land use is currently permitted in the Moore Street precinct under the LLEP 2013 however, in aligning the land use tables, this use is not proposed to be permissible in the IN2 zone under IWLEP.

A number of uses currently permitted in this precinct would become prohibited under the new zoning and a smaller number of new uses permitted. With regard to the uses that would become prohibited, Council states the proposed changes would both help to ensure the precinct is reserved for more general industrial uses as well as facilitate alignment across the land use tables. Council further notes that the uses to be prohibited, which include water supply systems, passenger transport facilities, community facilities, educational establishments, commercial premises and vehicle sales or hire establishments, are permitted in several other zones such as business and residential.

This proposed amendment is aligned with Priority E12 as it will assist in safeguarding the Moore Street precinct for specific types of industrial uses.

It is however noted that the planning proposal does not provide any discussion around why a small parcel of the precinct currently zoned IN2 (at its north eastern corner) will remain so. A condition to provide justification for this also forms part of the Gateway approval.

Planning Priority E13 Supporting growth of targeted industry sectors

This Planning Priority aims to support the growth of key industry sectors such as tourism and to capitalise on the economic opportunities created by changing technologies.

Under this priority, the ECD Plan acknowledges that areas such as Marrickville, Erskineville and the surrounding neighbourhoods are emerging as a focal point for boutique breweries, coffee roasters and other artisans. The proposed expansion of land within the LGA where light industrial uses would be permitted aligns with the aims of this priority as it would support these types of identified visitor economy driving businesses in the area.

Planning Priority E14 – Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways

This Planning Priority seeks to protect and improve the health of Sydney's Harbour and waterways.

The planning proposal does not seek to make changes to land use provisions within the Waterways zones.

It does seek to extend local provisions for Stormwater management (**Attachment C**, no. 32) and Limited development on foreshore area (**Attachment C**, no. 33). It is anticipated that the extension of these clauses will result in positive impacts on the health of waterways within the LGA.

The planning proposal is therefore consistent with this planning priority.

Planning Priority E15 – Protecting and enhancing bushland and biodiversity

This Planning Priority seeks to protect biodiversity whilst enhancing urban bushland and remnant vegetation.

The planning proposal will retain existing biodiversity mapping within the MLEP 2011. Council states that updates to the map to include terrestrial biodiversity within other parts of the LGA will be investigated as part of a future planning proposal.

The planning proposal is consistent with this planning priority.

Planning Priority E17 – Increasing urban tree canopy cover and delivering Green Grid connections

This Planning Priority seeks to increase the urban tree canopy and create a Green Grid which links parks, open spaces, bushland and walking and cycling paths.

It is noted that Council identifies a short term action to develop a Blue/Green Grid Strategy that incorporates habitat and urban forest protection and expansion in its draft LSPS.

The proposal does not include any provisions which are inconsistent with this Planning Priority.

Planning Priority E18 – Delivering high quality open space

This Planning Priority seeks to ensure that public open spaces are accessible, delivered and enhanced. The key considerations of the priority are planning for open space within the District focuses on quality, quantity and distribution. Noting that opportunities for increasing the amount of public open space in the district will be limited.

The planning proposal seeks to permit additional permitted uses such as restaurants, cafes and take away food and drink premises in the RE1 zone. Other proposed uses include research stations, water supply systems, water recycling facilities, water treatment facilities. All new uses are considered to compliment recreational activities and have the potential to enhance the use and enjoyment of open space by the public.

The planning proposal does not seek to rezone any land currently zoned for public open space nor introduce uses inconsistent with the objectives of a public open space zoning.

Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently and Planning Priority 20 Adapting to the impacts of urban and natural hazards and climate change

These priorities aim to create a more efficient and resilient city through; low carbon initiatives, renewable energy, waste management, better locating urban development, managing the heat island effect and managing flooding.

Under Priority 19, the ECD Plan acknowledges that there is significant growth planned for the Eastern City District which will inevitably mean an increase in demand for water and energy and the generation of waste. It further states that without new approaches to using and managing these three sources of environmental pressure, greenhouse gas emissions will likely increase.

One of the 11 key guiding principles Council identify as informing the planning proposal amendments is 'Support sustainability outcomes - Support land uses that will improve sustainability outcomes in relation to energy, water and waste' (Principle 9, **Attachment A1**, page 7). Based on this principle, Council propose to permit resource recovery facilities, water storage facilities, water recycling facilities, environmental facilities, research stations in a number of zones within the former Council areas where they are not currently permitted (**Appendix B**).

This aligns with the aims of this ECD Plan priority as it will provide increased opportunities across the LGA to manage water, energy and waste in a way that improves sustainability outcomes, including the reduction of greenhouse emissions. It will also support protection of the environment.

Further, Council proposes to extend the following local provisions to new land within the LGA: Earthworks (**Appendix B**, no. 28); Stormwater management (**Appendix B**, no.32); and limited development on foreshore area (**Appendix b**, no. 33). It is anticipated that the extension of these clauses will result in positive impacts on water quality, waterways, bushland and on reducing flood risks on adjoining lands.

Additionally, it is proposed to include a number of new and carried forward aims in the consolidated IWLEP that support Priorities 19 and 20 including:

- to ensure development applies the principles of ecologically sustainable development;
- to mitigate the impact of climate change and adapt to its impacts;
- to protect, enhance and sustainably manage biodiversity, natural ecosystems, water resources, ecological processes and urban forest; and
- to identify, protect and conserve environmental and cultural heritage and significant local character.

Planning Priorities E21 and E22

These Planning Priorities seek to ensure the preparation of a Local Strategic Planning Statement and an associated body of studies that give effect to the District Plan at the local planning level.

Inner West Council has prepared a draft Local Strategic Planning Statement which is currently awaiting final endorsement from the Greater Sydney Commission. This is required by the EP&A Act 1979.

Council is also preparing a body of studies which will inform future planning work, including but not limited to LEP amendments, to give effect to the District Plan.

The planning proposal is consistent with these planning priorities.

4.3 Local

There are no endorsed local strategies that apply to the planning proposal, however the following Council documents provide guidance.

Our Inner West 2036 - Council's Community Strategic Plan (2018)

The planning proposal is consistent with Inner West Council's Community Strategic Plan *Our Inner West 2036*, in particular Strategy 2.2(1) 'Provide clear and consistent planning frameworks and processes that respect heritage and the distinct characters of urban village'. The planning proposal would provide a single consistent suite of planning instruments for the whole Inner West LGA.

Our Place Inner West - Draft Local Strategic Planning Statement (2019)

The planning proposal is consistent with Council's draft LSPS which sets out the 20 year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future. The draft LSPS was exhibited from 23 September 2019 to 27 October 2019. The planning proposal states that the priorities, objectives and actions in the draft LSPS have been used to inform certain choices in the consolidation process. The subject planning proposal will provide a basis for future staged planning proposals to implement the actions of the LSPS.

It is noted that the LSPS is currently in draft form and is yet to be finalised and/or receive endorsement. Of particular relevance are the priorities outlined in Table 3.

Table 3 – Consistency with Inner West Councils draft LSPS

Planning Priority	Action	Comment
4. Inner West is a water sensitive city with clean waterways	Incorporate water sensitive urban design objectives and controls into Inner West LEP and DCP...including: <ul style="list-style-type: none"> Encouraging new technology and innovations... Filtering and slowing of urban stormwater run-off 	Council propose to carry forward the stormwater management clause from the LLEP 2013 (Clause 6.4) and expand its application to the entire LGA. This would serve to support this action.
5. Inner West is a zero waste community	5.1 Review Council's waste services and planning controls to maximise resource recovery.	In most instances where there are inconsistencies in the land use tables of the three current LEPs, Council propose to permit uses that support this action.

6. Plan for high quality, accessible and sustainable housing in appropriate locations integrated with infrastructure provision with respect for place, local character and heritage significance.	6.1 Implement the Local Housing Strategy including protecting the heritage and character values of the Inner West. Outcome a: LEP and DCP objectives and controls that achieve design excellence in internal and external amenity, sustainability and universal design in a range of dwelling sizes, typologies and prices ranges	Council propose to carry forward the Design Excellence clause from Amendment No. 4 of the MLEP 2011 and expand its application to the entire LGA. This would serve to support this action.
9. A thriving local economy	Implement the Employment and Retail Lands Strategy, including: <ul style="list-style-type: none"> Harmonising the business zoning and associated land uses to ensure a consistent approach across the LGA that support a clear differentiation between the zones. 	The planning proposal serves to harmonise the business zones across the LGA. Council note that further work will be undertaken in a future planning proposal to further improve clear differentiation.
14. Deliver visionary long term planning and responsible decision making reflective of our Community Strategic Plan	14.1 Consolidate the legacy planning controls and contributions plan into an Inner West LEP, DCP and Contributions Plan applying best practice planning based on evidence, place-making and community input.	The planning proposal achieves the first step in achieving this action through consolidating the three legacy LEPs.

Draft Inner West Local Housing Strategy (2019)

The draft LSPS seeks to implement this strategy which establishes Council's vision for providing housing in the Inner West LGA. Local housing strategies are required to link Council's vision for housing with the housing objectives and targets of the NSW Government and Greater Sydney Commission strategic plans.

Exhibition of the draft strategy occurred from 24 June 2019 to 28 July 2019 and the planning proposal states that it will be considered for finalisation by Council in early 2020. The planning proposal is consistent with Council's draft strategy, in particular the following implementation recommendations:

- harmonise controls to form a consolidated LEP for the Inner West including overall aims of the LEP and zone objectives; and
- review residential and non-residential controls in certain business zones and conversion of warehouse clauses.

It is noted that the LHS is currently in draft form and is yet to be finalised and/or receive endorsement from the Department.

The implementation of the LHS will be via a planning proposal after the consolidated LEP has been prepared.

Draft Employment and Retail Lands Strategy (2019) and supporting Draft Employment and Retail Lands Study (2019)

The draft LSPS seeks to implement the strategy which provides an approach for managing land to maximise productivity and facilitating job growth within the Inner West LGA. Exhibition of the strategy occurred from 23 September 2019 to 27 October 2019 and the planning proposal states that it will be considered for finalisation by Council in early 2020.

The planning proposal is generally consistent with the draft strategy however it is noted that it is currently in draft form.

Council states that as the business zones across the three LEPs are substantially different, the recommendations of the draft strategy have been used to guide the proposed alignment of the LEPs for these zones where differences in permissibility exist. Council further acknowledge that where the uses are consistent, uses have generally been retained irrespective of their alignment with the draft strategy.

Council note that some of these matters will need further consideration in a future planning proposal, to fully align with the strategy. This is considered appropriate given the nature of the planning proposal is one focussed on consolidation and harmonisation.

Going Places - Draft Integrated Transport Strategy (2018)

The draft LSPS seeks to implement this strategy which aims to address transport challenges within the LGA and provide strategies and actions that focus on active and sustainable modes of transport. Exhibition of the strategy occurred from 24 June 2019 to 28 July 2019 and the planning proposal states that it will be considered for finalisation by Council in early 2020.

The planning proposal is generally consistent with this draft strategy however it is noted it is currently in draft form.

Council notes that the recommendations of the Strategy require further work but that there are unlikely to be significant modifications in the LEP required for their implementation.

4.4 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

Direction 1.1 aims to protect industrial and employment lands. The direction applies when land within an existing or proposed industrial or business zone is altered.

The Moore Street industrial precinct in Leichhardt is proposed to be rezoned from IN2 Light Industry to IN1 General Industry. This would result in the precinct maintaining 'general industries' as a permissible land use and serve to protect this industrial use which would otherwise be prohibited if the zoning remained unchanged. Council state that the Moore Street precinct is the only area in the northern part of the LGA suitable for these types of industrial uses.

It is proposed to restrict the types of business and office premises permitted in industrial zones. This would potentially assist in providing increased protection of this land for use for industrial purposes.

It is also proposed to restrict residential uses within the business zones as part of the land use table alignment. This would serve to strengthen the protection of these zones for employment uses while still supporting residential in complimentary forms.

It is therefore considered that the planning proposal is consistent with this direction.

Direction 2.1 Environment Protection Zones

Direction 2.1 aims to protect and conserve environmentally sensitive areas.

The planning proposal includes provisions which facilitate the protection of environmentally sensitive areas through the carrying forward of a terrestrial biodiversity clause from MLEP 2011. It is therefore considered to be consistent.

Council states that the expansion of the associated mapped area to include terrestrial biodiversity within the other parts of the LGA will be investigated as part of a future planning proposal.

Direction 2.2 Coastal Management

Direction 2.2 aims to protect and conserve environmentally sensitive areas.

No increased development or rezoning is proposed on vulnerable coastal areas or land subject to coastal hazards as part of the planning proposal. Further, the proposed IWLEP will carry forward a clause for limited development on foreshore area.

The proposal is consistent with this Direction.

Direction 2.3 Heritage Conservation

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of items, buildings and places of heritage.

All listed heritage items, all Heritage Conservation Areas and Archaeological sites that are listed in the current three LEPs will be retained. The proposal is therefore consistent with this Direction.

Council states that further investigation and amendments to heritage listings will be considered via Targeted Heritage Review studies which will inform a future planning proposal.

Direction 3.1 – Residential Zones

Direction 3.1 aims to encourage a variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands. Direction 3.1 applies where a planning proposal will affect residential land.

As discussed in detail in section 4.2 of this report, the amendments put forward in the planning proposal would see both some expansions and some reductions in the land within the LGA where certain residential land uses would be permitted. As outlined, some changes are unavoidable due to the need to create a single land use table and the relevant land use tables within each of the three legacy LEPs being inconsistent. A key change relevant to this direction is the reduction in land within the LGA where dual occupancies would be permitted. This represents a reduction in potential residential density.

It is noted that Council is currently in the process of finalising a LSPS and LHS which will review all land in the Inner West LGA. Council's draft LHS and LSPS outline opportunities and locations for the provision of additional housing and housing typology. Council states that once complete, this work will inform a future comprehensive planning proposal for the LGA involving a detailed review of development standards. A condition of the Gateway determination requires the final LEP to be updated where required to have regard to any endorsed LHS and LSPS.

With regard to dual occupancies specifically, Council states that a future planning proposal will investigate expanding the area where proposed Clause 4.1A (2) of IWLEP would apply. This clause enables semi-detached dwellings on lots with a site area of at least 200sqm and minimum street frontage of 7 metres.

It is further noted that other dwelling types such as attached dwellings, semi-detached dwellings and secondary dwellings would be permitted in expanded areas within the LGA which would assist in balancing potential impacts. A comparison of all residential land use rationalisations is in the land use matrix (**Attachment A3**).

Although the planning proposal would result in some reductions in the land where certain housing types are currently permissible and thus potentially reduce housing diversity, this is somewhat offset by expansions in land where certain housing types would become newly permissible.

For these reasons, any inconsistency is considered to be of minor significance.

Direction 3.3 Home Occupations

Direction 3.3 aims to encourage the carrying out of low-impact small businesses in dwelling houses.

The planning proposal is consistent with this Direction as it proposes to continue to permit home occupations without consent across all zones where dwelling houses are permitted.

Direction 3.4 Integrating Land Use and Transport

Direction 3.4 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts:

- improve active and public transport access to homes and jobs;
- increase transport choices and reduce car dependency;
- reduce travel demand;
- support the operation of public transport services; and
- provide for the efficient movement of freight.

This direction applies when a planning proposal seeks to create, alter or remove a zone or a provision relating to urban land.

Due to the nature of the planning proposal, being a harmonisation of the controls across three existing LEPs only, no significant changes are proposed in terms of zoning or provisions relating to urban land. The proposed rezoning of the Moore Street industrial precinct in Leichhardt and part of the Ashfield Town Centre, would largely serve to protect current uses following the necessary alignment of land use tables across the three current LEPs.

The consolidated aims proposed for IWLEP would support the provision of access to sustainable transport, social and community infrastructure, services and public open space for existing and future residents, visitors and workers.

The proposal is therefore consistent with this Direction.

Direction 3.5 Development Near Regulated Airports and Defence Airfield

Direction 3.5 aims to ensure the effective and safe operation of regulated airports and defence airfields. It seeks to ensure their operation are not compromised by development and that development incorporates appropriate mitigation measures if situated in noise sensitive land. This direction applies when a planning proposal seeks to create, alter or remove a zone or a provision relating to land near a regulated airport.

The Inner West LGA is located in proximity to Sydney Kingsford Smith Airport. It is proposed to include two clauses – Clause 6.8 Airspace operations and Clause 6.9 Development in areas subject to aircraft noise in the IWLEP to protect airspace operations.

The planning proposal is consistent with this Direction.

Direction 4.1 Acid Sulphate Soils

Direction 4.1 requires an acid sulfate soils study where intensification is likely to occur in an area identified as being affected by acid sulfate soils. No intensification is proposed as part of the planning proposal. It is therefore considered consistent with this Direction.

Direction 4.3 Flood Prone Land

Direction 4.3 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.

The planning proposal does not seek to intensify uses on any flood prone land. Further, it is proposed to adopt a flood planning clause (Clause 6.3) for IWLEP. It is therefore considered consistent with this Direction.

Direction 6.1 Approval and Referral Requirements

This Direction aims to:

- minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority,
- not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the relevant minister and the Secretary (or delegate) of the Department; and
- not identify development as designated development unless the relevant planning authority unless the Secretary (or delegate) of the Department is satisfied.

The planning proposal does not propose to include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

It is therefore considered consistent with this Direction.

Direction 6.2 Reserving Land for Public Purposes

This direction seeks to facilitate the provision and removal of reservations of land for public purposes.

Council proposes to combine the legacy LEP Land Reservation Acquisition Maps into a single updated map that excludes those areas acquired since the most recent amendment of each of the legacy Maps. The planning proposal is therefore considered consistent with this Direction.

Direction 7.3 – Parramatta Road Corridor Urban Transformation Strategy

Direction 7.3 aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016). The direction applies to certain land within the Inner West Council area.

The planning proposal does not seek to rezone or change any height or FSR provisions for land in the corridor. It is therefore considered consistent with this Direction.

4.5 State environmental planning policies (SEPPs)

SEPP No. 55 Remediation of Land

This SEPP relates to the remediation of land where rezoning occurs.

Under the planning guidelines for SEPP 55 (Managing Land Contamination, DUAP, 1998) rezonings that cover a large area, for instance more than one property, are identified as generalised rezonings. This description applies to the planning proposal.

The planning guidelines acknowledge that for generalised rezonings, 'it is difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed use(s) in terms of contamination at the rezoning stage' (page 22). The planning guidelines state that in these cases, the rezoning may proceed as long as measures are in place to ensure the potential for contamination and the suitability of the land for the proposed uses are assessed once detailed proposals are made. These measures are currently in place under *Clause 7 – contamination and remediation to be considered in determining development applications* of SEPP No. 55.

The planning proposal is consistent with this SEPP as it is considered that suitable measures are in place to ensure that contamination and the suitability of land could be considered when detailed proposals are made as development applications.

It is noted that the planning guideline instructs that if the rezoning includes the identification of locations for sensitive uses, such as childcare centres, then it may be appropriate to determine the suitability of the land in those locations at the rezoning stage. The subject planning proposal does not seek to rezone any land to introduce any new sensitive uses that this would apply to at the rezoning stage.

SEPP 70 Affordable Housing

The Planning Proposal does not specifically address the matter of affordable housing. However, an affordable housing study has been commenced as part of the LEP review and recommendations would (if applicable) be progressed as a future amendment to the IWLEP.

SEPP (Exempt and Complying Development Codes) 2008

This SEPP covers a range of standards related to development which is deemed to be exempt or complying and will continue to apply to Inner West LGA. It is noted that it is proposed to remove items that have been identified as being addressed in the SEPP and are therefore redundant. This approach is considered appropriate and will support clarity.

5. ASSESSMENT

5.1 Social

Due to the nature of the planning proposal, being a harmonisation of the controls across three existing LEPs only, it is unlikely it would result in any significant social impacts.

The planning proposal will provide the community with a single Local Environment Plan with a unified set of provisions and decreased amount of associated documentation. This will assist in improving clarity and consistency and will also assist in providing certainty to landowners.

5.2 Environmental

Due to the nature of the planning proposal, it is unlikely it would result in any major environmental impacts.

The proposed consolidated IWLEP includes a number of new and carried forward aims that support positive environmental outcomes (**Appendix B**, no. 1).

Further, Council propose to extend the following local provisions to new land within the LGA: Earthworks (**Appendix B**, no. 28); Stormwater management (**Appendix B**, no. 32); and Limited development on foreshore area (**Appendix B**, no. 33). It is anticipated that the extension of these clauses will result in positive impacts on water quality, waterways, bushland and on reducing flood risks on adjoining lands.

Council also proposes to permit uses such as resource recovery facilities, water storage facilities, water recycling facilities, environmental facilities and research stations in a number of areas within the LGA where they are not currently permitted. This will likely lead to positive environmental outcomes as it will provide increased opportunities across the LGA to manage water, energy and waste in a way that improves sustainability outcomes as well as support protection of the environment.

5.3 Economic

The economic roles of business and industrial zones are supported through the proposed IWLEP. The proposed land use changes to business and industrial zones to achieve land use table alignment would assist in retaining these lands for employment and productive uses.

The new proposed IWLEP would also provide a consistent planning framework across the LGA and thus provide greater certainty for new development.

5.4 Infrastructure

Due to the nature of the planning proposal, it is unlikely it would result in altering the infrastructure requirements for the Inner West. It is noted that no intensification of land uses is proposed.

6. CONSULTATION

6.1 Community

Community consultation is proposed in March 2020. Council will place the planning proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed.

6.2 Agencies

Council propose to consult with relevant public agencies. It is recommended that Council consult with the following:

- Transport for NSW;
- Sydney Airport;
- Civil Aviation Safety Authority;
- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications;
- NSW Land and Housing Corporation;
- Office of Environment, Energy and Science;
- Environmental Protection Agency;
- Sydney Water Corporation;
- NSW Department of Education;
- Canterbury-Bankstown Council;
- City of Sydney Council;
- Bayside Council;
- Burwood Council; and
- City of Canada Bay Council.

7. TIME FRAME

Council's proposed timeframe for completing the LEP is 6 months from the submission of the planning proposal to the Department in December 2019. A 9 month timeframe is recommended to allow for some flexibility following submission of the planning proposal for drafting and finalisation.

8. LOCAL PLAN-MAKING AUTHORITY

Council have not stipulated if they wish to be the local plan making authority. It is considered that, in this case, Council should not be given plan making authority due to the scale of the proposal which affects the entire LGA. The Department also

considers it is best placed to ensure compliance with the Standard Instrument LEP and model clause requirements at finalisation.

9. CONCLUSION

The planning proposal has strategic merit as it responds to the *Environmental Planning and Assessment Act 1979* which requires all metropolitan councils to review and amend their LEPs to give effect to District Plans.

It is considered that this proposal gives effect to the Eastern District Plan as it enables the harmonisation of Council's planning controls to facilitate improved future delivery of jobs, housing and public open spaces within the LGA. The planning proposal will also provide a single Local Environment Plan with a unified set of provisions and decreased amount of associated documentation improving clarity, consistency and certainty for the community.

There are no site-specific concerns which would warrant the proposal not going ahead. The proposal will bring about planning clarity for Inner West Council and the community.

It is recommended that the planning proposal is supported to proceed with conditions. A summary of these conditions and reasons for these conditions is provided below:

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to amend the planning proposal to:
 - a) Clearly state that the draft instrument attached to the planning proposal is for exhibition purposes only and is subject to change as part of the drafting of the final LEP;
 - b) Prepare draft LEP maps to reflect the provisions of the planning proposal;
 - c) Clarify the intent of retaining a parcel of the Moore Street Industrial Precinct currently zoned as IN2 Light Industrial (at its north eastern corner);
 - d) Include a savings provision which will not result in the proposed amendments affecting current development applications or appeal processes.
2. The final LEP should be updated where required to have regard to any endorsed Local Housing Strategy and Local Strategic Planning Statement, should the endorsement of either document occur prior to finalisation.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities and private agencies:
 - TfNSW;
 - Sydney Airport;
 - Civil Aviation Safety Authority;

- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications;
 - NSW Land and Housing Corporation;
 - Office of Environment, Energy and Science;
 - Environmental Protection Agency;
 - Sydney Water Corporation;
 - NSW Department of Education;
 - Canterbury-Bankstown Council;
 - City of Sydney Council;
 - Bayside Council;
 - Burwood Council; and
 - City of Canada Bay Council.
5. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.



Kris Walsh
A/Manager, Eastern and South Districts



Brendan Metcalfe
A/Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure

Assessment officer: Melissa Halloran
A/Senior Planning Officer, Eastern and South Districts
Phone: 82751228

References

Appendix A - Summary of the consolidated IWLEP provisions

Appendix B - Summary of proposed changes to the existing LEPs

Attachment A – Planning proposal documents

- A1 – Planning proposal
- A2 – Draft Inner West Local Environmental Plan
- A3 – Land Use Matrix

Attachment D – MLEP 2011 Housekeeping planning proposal (Amendment No. 4)

- D1 – Final planning proposal (including post exhibition amendments)
- D2 – Summary of post exhibition amendments to the planning proposal

Appendix A

SUMMARY OF THE CONSOLIDATED IWLEP PROVISIONS

The following tables provide a high level summary of what is proposed for each of the new IWLEP provisions. It also indicates where existing identical and/or similar provisions are contained in each of the legacy LEPs. For further detail on those provisions where changes are proposed from what is contained in the existing LEPs, please refer to **Appendix B**.

Part 1 Preliminary

Clause	ALEP 2013	LLEP 2013	MLEP 2011	Proposed Inner West LEP 2020	Department Comment
1.1 Name of Plan	✓	✓	✓	As per Standard Instrument (SI)	Satisfactory
1.1AA Commencement	✓	✓	✓	As per SI, plan to commence on the day it is published on the NSW website.	Satisfactory
1.2 Aims of the plan	✓	✓	✓	As per SI, new consolidated set of aims that seek to capture the intent of the existing aims.	Satisfactory
1.3 Land to which Plan applies	✓	✓	✓	As per SI, carry forward and combine clause wording from the three existing LEPs.	Satisfactory
1.4 Definitions	✓	✓	✓	As per SI – no change from existing.	Satisfactory
1.5 Notes	✓	✓	✓	As per SI – no change from existing.	Satisfactory
1.6 Consent authority	✓	✓	✓	As per SI – no change from existing.	Satisfactory
1.7 Maps	✓	✓	✓	As per SI – no change from existing.	Satisfactory
1.8 Repeal of planning instruments applying to land	✓	✓	✓	As per SI, reference to the three existing LEPs to be repealed, carry forward existing note from LLEP 2013 advising LLEP 2000 will continue to apply to land identified as a 'Deferred matter' on the Land Application Map.	Satisfactory
1.8A Savings provisions	✓	✓	✓	As per SI – no change from existing.	Satisfactory
1.9 Application of SEPPs	✓	✓	✓	As per SI – no change from existing.	Satisfactory

Clause	ALEP 2013	LLEP 2013	MLEP 2011	Proposed Inner West LEP 2020	Department Comment
1.9A Suspension of covenants, agreements and instruments	✓	✓	✓	Not mandated by SI - no change from existing.	Satisfactory

Part 2 Permitted or prohibited development

Clause	ALEP 2013	LLEP 2013	MLEP 2011	Proposed Inner West LEP 2020	Department Comment
2.1 Land use zones	✓	✓	✓	As per SI, carry forward all zones from the legacy LEPs to create a combined list.	Satisfactory
2.2 Zoning of land to which Plan applies	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.3 Zone objectives and Land Use Table	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.4 Unzoned land	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.5 Additional permitted uses for particular land	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.6 Subdivision – consent requirements	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.7 Demolition requires development consent	✓	✓	✓	As per SI – no change from existing.	Satisfactory
2.8 Temporary use of land	✓	✓	✓	As per SI – clause wording is consistent across the existing LEPs with the exception of the maximum time period allowed for temporary uses. Council propose to carry forward the period specified in ALEP 2013 and LLEP 2013 (52 days).	Satisfactory

Land Use Table

Land use zones	ALEP 2013	LLEP 2013	M LEP 2011	Change to land uses proposed?	Department comment
Residential zones					
R1 General Residential	X	✓	✓	Yes	Satisfactory
R2 Low Density Residential	✓	✓	✓	Yes	Satisfactory
R3 Medium Density Residential	✓	✓	✓	Yes	Satisfactory
R4 High Density Residential	X	X	✓	Yes	Satisfactory

Land use zones	ALEP 2013	LLEP 2013	M LEP 2011	Change to land uses proposed?	Department comment
Business zones					
B1 Neighbourhood Centre	✓	✓	✓	Yes	Satisfactory
B2 Local Centre	✓	✓	✓	Yes	Satisfactory
B4 Mixed Use	✓	✓	✓	Yes	Satisfactory
B5 Business Development	X	X	✓	No	Satisfactory
B6 Enterprise Corridor	✓	X	✓	Yes	Satisfactory
B7 Business Park	X	✓	✓	Yes	Satisfactory
Industrial zones					
IN1 General Industrial	X	X	✓	Yes	Satisfactory
IN2 Light Industrial	✓	✓	✓	Yes	Satisfactory
Infrastructure zones					
SP1 Special Activities	X	✓	✓	Yes	Satisfactory
SP2 Infrastructure	✓	✓	✓	Yes	Satisfactory
Recreational zones					
RE1 Public Recreation	✓	✓	✓	Yes	Satisfactory
RE2 Private Recreation	✓	✓	✓	Yes	Satisfactory
Waterway zones					
W1 Natural Waterways	X	X	✓	No	Satisfactory
W2 Recreational Waterways	X	X	✓	No	Satisfactory

Part 3 Exempt and complying development

The clauses contained within this part are consistent across the three existing LEPs and are as per the Standard Instrument. The clauses are all proposed to be carried forward with no changes.

Therefore, proposed Part 3 of the Inner West LEP 2020 is considered satisfactory.

Part 4 Principal development standards

Relevant Clauses	ALEP 2013	LLEP 2013	MLEP 2011	Explanation	Department comment
4.1 Minimum subdivision lot size	✓	✓	X	Combine the clause wording from ALEP 2013 and LLEP 2013 by carrying forward the consistent wording and introducing new wording for the objectives. No new minimum lot sizes will be added to the Lot Size Map so the clause will continue to only apply to land within the former Ashfield and Leichhardt council areas.	Satisfactory
4.1A Exceptions to minimum subdivision lot size for certain residential development	✓	X	X	Retain the existing clause wording with the exception of introducing new objectives.	Satisfactory
4.1AA Minimum subdivision lot size for community title schemes	X	X	X	Not adopted.	Satisfactory
4.2 Rural subdivision	X	X	X	Not applicable.	Satisfactory
4.3 Height of buildings	✓	✓	✓	Replace the existing varying objectives under (1) of this clause with new objectives, retain (2) under this clause from each of the legacy LEPs (which is consistent), and carry forward (2A) and (2B) under this clause from the Ashfield LEP 2013 with some modification.	Satisfactory
4.3A Exception to maximum height of buildings in Ashfield town centre	✓	X	X	Carry this clause forward in its current form, continue to apply only to the land to which it currently applies.	Satisfactory
4.3B Ashfield town centre—maximum height for street frontages on certain land	✓	X	X	Carry this clause forward in its current form, continue to apply only to the land to which it currently applies.	Satisfactory

Relevant Clauses	ALEP 2013	LLEP 2013	MLEP 2011	Explanation	Department comment
4.3C Landscaped areas for residential accommodation in Zone R1	X	✓	X	Carry this clause forward in its current form, continue to apply only to the land to which it currently applies.	Satisfactory
4.4 Floor space ratio	✓	✓	✓	Replace the existing varying objectives under (1) of this clause with new objectives, retain (2) under this clause from each of the legacy LEPs, carry forward (2A) and (2B) from the Leichhardt LEP 2013 with minor modification (to ensure they remain only applicable to the land to which they currently apply), carry forward (2A) and (2B) from the Marrickville LEP 2011 but relabel (2C) and (2D) respectively, and bring forward a subclause proposed as part of the Marrickville LEP 2013 housekeeping planning proposal (Amendment 4).	Satisfactory
4.4A Exception to maximum floor space ratio for active street frontages	X	✓	X	Carry this clause forward in its current form, continue to apply only to the land to which it currently applies.	Satisfactory
4.5 Calculation of floor space ratio and site area	✓	✓	✓	As per SI – no change from existing.	Satisfactory
4.6 Exceptions to development standards	✓	✓	✓	As per SI – no change from existing.	Satisfactory

Part 5 Miscellaneous provisions

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
5.1 Relevant acquisition authority	✓	✓	✓	Combine and carry forward all of the proposed uses that land can be reserved for as listed in the legacy LEPs.	Satisfactory

Relevant Clauses	A\LEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
5.1A Development on land intended to be acquired for public purposes	✓	X	X	Carry this clause forward from Marrickville LEP 2011 (not currently adopted but proposed as part of MLEP 2011 Amendment No 4) and add land reserved for regional open space. Apply to entire LGA.	Satisfactory
5.2 Classification and reclassification of public land	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.3 Development near zone boundaries	X	✓	✓	Carry forward the wording from MLEP 2011 which prescribes a maximum distance near zone boundaries of 25m (LLEP 2013 prescribes 10m) and apply to entire LGA.	Satisfactory
5.4 Controls relating to miscellaneous permissible uses	✓	✓	✓	Where the controls are consistent, they will be carried, for the eight controls that vary, harmonised limits are proposed.	Satisfactory
5.5 (Repealed)	NA	NA	NA	NA	NA
5.6 Architectural roof features	✓	X	X	In order to retain this clauses application to the land to which it currently applies only (within the former Ashfield council area), it is proposed to create a new local provision under Part 6 of IWLEP (clause 6.28) that replicates and replaces the current clause 5.6 of ALEP 2013.	Satisfactory
5.7 Development below mean high water mark	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.8 Conversion of fire alarms	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.9, 5.9AA (Repealed)	NA	NA	NA	NA	NA
5.10 Heritage Conservation	✓	✓	✓	<ul style="list-style-type: none"> – Correct drafting errors; – Update property descriptions; 	Satisfactory

Relevant Clauses	A\LEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
				<ul style="list-style-type: none"> – Harmonise the approach to the listings in the Schedule; and – Clarify or update the identification of state and local listings. 	
5.11 Bushfire hazard reduction	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.12 Infrastructure development and use of existing buildings of the Crown	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.13 Eco-tourist facilities	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.14 Siding Spring Observatory - maintaining dark sky	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.15 Defence communications facility	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.18 Intensive livestock agriculture	✓	✓	✓	As per SI – no change from existing.	Satisfactory
5.19 Pond-based, tank-based and oyster aquaculture	✓	✓	✓	As per SI – no change from existing.	Satisfactory

Part 6 Additional local provisions

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
6.1 Earthworks	✓	✓	✓	Carry forward the wording from LLEP 2013 (clause 6.2), resulting in an objective contained in MLEP 2011 (clause 6.2 (1)) and wording under clause 6.1(1) and (3)(g) within the Ashfield LEP 2013 not being carried forward.	Satisfactory
6.2 Acid sulfate soils	X	✓	✓	Carry forward the wording of the relevant clause (clause 6.1) from MLEP 2011 and apply it to the entire LGA. This would mean slightly modifying the existing clause from LLEP 2013 (clause 6.1) and introducing a new clause to the former Ashfield council area.	Satisfactory
6.3 Flood planning	✓	✓	✓	Carry forward the wording from LLEP 2013.	Satisfactory
6.4 Terrestrial biodiversity	✓	X	X	Carry this clause forward from MLEP 2011 and limit its application (via mapping) to the land to which it currently applies only.	Satisfactory
6.5 Stormwater management	X	✓	X	Carry this clause forward from LLEP 2013 and expand its application to the entire LGA.	Satisfactory
6.6 Limited development on foreshore area	X	✓	✓	Carry forward this clause from LLEP 2013 (clause 6.5) and apply it to the entire LGA. A similar clause is contained in MLEP 2011 (clause 6.7 – Foreshore building line).	Satisfactory
6.7 Development on the foreshore must ensure access	X	✓	✓	Carry forward this clause from LLEP 2013 (clause 6.6) and MLEP 2011 (clause 6.8) and apply to the entire LGA.	Satisfactory

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
6.8 Airspace operations	X	✓	✓	Carry forward this clause from LLEP 2013 (clause 6.6) and apply to the entire LGA. This would result in very minor wording amendments to the current relevant MLEP 2011 clause (clause 6.6).	Satisfactory
6.9 Development in areas subject to aircraft noise	✓	✓	✓	Carry forward this clause from LLEP 2013 (clause 6.8). This would result in some wording amendments to the current relevant MLEP 2011 clause (clause 6.5) and ALEP 2013 clause (clause 6.3).	Satisfactory
6.10 Development on land in Haberfield Heritage Conservation Area	✓	X	X	Carry this clause forward from ALEP 2013 with some minor amendments and continue to apply to only land within the former Ashfield council area.	Satisfactory
6.11 Diverse housing	X	✓	X	Carry this clause forward from LLEP 2013 and limit its application to the land to which it currently applies only.	Satisfactory
6.12 Adaptive reuse of existing buildings for dwellings in residential zones	X	✓	✓	Harmonise existing similar clauses from LLEP 2013 (Clause 6.11) and MLEP 2011 (Clause 6.9) and apply the new clause to the whole LGA.	Satisfactory

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
6.13 Use of existing non-residential buildings in residential zones	X	✓	✓	Harmonise three similar clauses from LLEP 2013 (clause 6.10 – Use of existing buildings) and MLEP 2011 (clause 6.9 - Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones and clause 6.10 Use of existing non residential buildings in residential zones) and apply the new clause to the whole LGA.	Satisfactory
6.14 Dwellings and residential flat buildings in Zone B7 Business Park	X	✓	✓	Harmonise two existing similar clauses from LLEP 2013 (clause 6.12 – Residential accommodation in Zone B7) and MLEP 2011 (clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park) and apply to the whole LGA. The clause would largely carry forward the wording from clause 6.13 under MLEP 2011.	Satisfactory
6.15 Business and office premises in certain zones Zone IN2 Light Industrial and Zone B7 Business Park	X	✓	✓	Harmonise two existing similar clauses from LLEP 2013 (clause 6.9 – Business and office premises in Zone IN2) and MLEP 2011 (clause 6.12 Business and office premises in certain zones) and apply to the whole LGA.	Satisfactory
6.16 Residential accommodation in certain business zones	X	✓	✓	Harmonise two existing similar clauses from the LLEP 2013 (clause 6.11A – Residential accommodation in Zone B1 and Zone B2) and MLEP 2011 (clause 6.15 - Location of boarding houses in business zones) and apply to the whole LGA.	Satisfactory

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
6.17 Location of restricted premises and sex services premises	✓	✓	✓	Harmonise the existing clauses in the legacy LEPs, largely drawing on the relevant clause from ALEP 2013. The IWLEP clause will limit the location of these premises to the land where they are currently permitted under each LEP and the existing separation distances adopted under MLEP 2011 and ALEP 2013 will be retained for the respective areas they currently relate to.	Satisfactory
6.18 Development control plans for certain development	X	✓	X	Carry forward this clause from LLEP 2013 (clause 6.14) but limit its application to the area to which it currently applies.	Satisfactory
6.19 Design Excellence	X	X	✓	Carry forward this clause from MLEP 2011 and extend its application to the former Leichhardt and Ashfield Council areas.	Satisfactory
6.20 Development of land at 141 and 159 Allen Street, Leichhardt		✓		Carry forward from LLEP 2013.	Satisfactory
6.21 Development of land at 168 Norton Street, Leichhardt		✓		Carry forward from LLEP 2013.	Satisfactory
6.22 Development of land at 101–103 Lilyfield Road, Lilyfield		✓		Carry forward from LLEP 2013.	Satisfactory
6.23 Development of land at 17 Marion Street, Leichhardt		✓		Carry forward from LLEP 2013.	Satisfactory
6.24 Residential accommodation as part of mixed use development in certain business zones	X	X	✓	Carry forward from MLEP 2011.	Satisfactory
6.25 Development on certain land at Victoria Road, Marrickville	X	X	✓	Carry forward from MLEP 2011.	Satisfactory
6.26 Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville	X	X	✓	Carry forward from MLEP 2011.	Satisfactory

Relevant Clauses	ALEP 2013	LLEP 2013	M LEP 2011	Explanation	Department comment
6.27 Development at 287–309 Trafalgar Street, Petersham	X	X	✓	Carry forward from MLEP 2011.	Satisfactory
6.28 Architectural Roof features	✓	X	X	Carry forward from ALEP 2013 (currently clause 5.6 under ALEP 2013)	Satisfactory

Schedule 1 Additional permitted uses

This identifies land where uses are permitted in addition to those specified in the land use tables. The proposed schedule for IWLEP:

- Consolidates the schedules of ALEP 2013, LLEP 2013 and LLEP 2011; and
- Retains all existing permitted uses contained in the legacy LEPs, unless alignment of the Land Use table has resulted in the nominated additional use becoming permissible in the zone under the new IWLEP.

Schedule 2 Exempt development

This Schedule lists exempt development that can occur in the LGA in addition to the exempt development listed in SEPP (Exempt and Complying Development Codes) 2008.

It is proposed to retain and combine the existing sections relating to:

- types of advertisements not covered by the SEPP;
- the installation of letter boxes on heritage items;
- external lighting;
- minor routine maintenance of heritage items or land in a heritage conservation area; and
- and public art on footpaths.

Sections that are covered by the SEPP are proposed to be removed. The changes in Amendment 8 of Ashfield LEP 2013 are proposed to be incorporated.

Schedule 3 Complying development

This Schedule lists complying development that can occur in the LGA in addition to the complying development listed in SEPP (Exempt and Complying Development Codes) 2008. It is proposed to combine the existing schedules in Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011 and remove the following from under Part 1 Types of development:

- ALEP 2013: Alterations and additions to residential buildings that are not heritage items or draft heritage items; Bed and breakfast accommodation.
- LLEP 2013: Structural works (other than works to which State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies).
- MLEP 2011: Alterations and additions to residential buildings that are not heritage items or draft heritage items; Bed and breakfast accommodation.

Schedule 4 Classification and reclassification of public land

The Consolidated LEP does not propose to reclassify any land, as such no amendments are proposed.

Schedule 5 Environmental heritage

Council state that a number of issues have been identified in Schedule 5 of each of the legacy LEPs and the following amendments are proposed in response:

- Correct drafting errors;

- Update property descriptions;
- Harmonise the approach to the listings in the Schedule; and
- Clarify or update the identification of state and local listings.

Schedule 6 Pond-based and tank-based aquaculture

This schedule is mandated in the Standard Instrument and is proposed without amendment for the Consolidated LEP.

Dictionary

A single combined dictionary is proposed for the consolidated IWLEP. The dictionary will need to ensure it aligns with the Standard Instrument.



Appendix B

SUMMARY OF PROPOSED CHANGES TO THE EXISTING LEPs

The following table provides an overview and assessment of each the new IWLEP provisions where changes from the existing LEPs are proposed.

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Part 1 – Preliminary					

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
1	Part 1.2 – Aims of the Plan Council propose 12 new consolidated aims (page 8 Attachment A1).	The existing aims of the current legacy LEPs vary in number and detail (page 9 Attachment A1). The MLEP 2011 has 8 aims, the ALEP 2013 has 9 aims and the LLEP 2013 has 23 aims.	The planning proposal states that a consolidated set of aims is proposed that seek to capture the intent of the existing aims of the three legacy LEPs.	The proposed aims are considered acceptable. The aims are consistent with the Greater Sydney and Eastern District Plans as well as the draft Inner West Local Strategic Planning Statement 2019. Also, in accordance with Practice Note 11-001, they do not repeat the objects of the EP&A Act or refer to other documents.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
2	<p>Clause 1.3 – Land to which this Plan applies</p> <p>This clause identifies the land to which the LEP applies, through reference to the Land Application Map. A clause that combines the wording from the legacy LEP's is proposed. A single consolidated Land Application Map is also proposed that identifies the entire LGA and clearly indicates three excluded areas within it, all located in the former Leichardt council area.</p>	<p>Each current legacy LEP contains the Standard Instrument wording for this clause. The LLEP 2013 contains an additional reference to land identified as being a "Deferred matter" on the Land Application Map as being excluded.</p> <p>The current Ashfield and Marrickville Land Application Map's indicate the entire former LGA's as being the land to which the respective Plan's apply. The current LLEP 2013 Land Application Map indicates three areas that are excluded within the former LGA (being the same areas that are proposed to continue to be excluded in the new IWLEP).</p>	<p>The planning proposal explains that the land identified as a "Deferred matter" on the Land Application Map for LLEP 2013 (also known as the Balmain Leagues Club site) will remain a deferred matter, and subject to LLEP 2000 and identified as such in the consolidated Land Application Map. Council state that the land may be incorporated into the new IWLEP as part of a future planning proposal. Council state that there are no plans to change the current controls for this site.</p>	<p>Considered acceptable. Councils approach will bring together the existing clause wording across the legacy LEPs. A single unified map will also be provided.</p>	Satisfactory
3	<p>Clause 1.8A - Savings provision relating to development applications</p> <p>Council propose to carry forward the consistent wording from the legacy LEPs.</p>	<p>All three legacy LEPs have identical wording.</p>	<p>The planning proposal states that this control will be carried forward to IWLEP as it is currently adopted in all three legacy LEPs.</p>	<p>Considered acceptable.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Part 2 – Permitted or Prohibited Development					
4	<p>Clause 2.5 – Additional permitted uses for particular land</p> <p>Clause 2.5 and Schedule 1 identify land where uses are permitted in addition to those specified in the land use tables.</p> <p>Council do not propose any changes to the existing wording from the legacy LEPs. All existing additional permitted uses are proposed to be retained in Schedule 1 of IWLEP, unless alignment of the Land Use table has resulted in the nominated additional use in the legacy LEP becoming permissible in the zone under the new IWLEP.</p>	<p>The wording of clause 2.5 is consistent across all three legacy LEPs. Refer to clause 2.5 under each LEP on the legislation website.</p> <p>The additional permitted uses in Schedule 1 of the legacy LEPs vary but are specific to locations within each of the legacy LEPs and as such, do not conflict.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
5	<p>Clause 2.8 – Temporary use of land</p> <p>This clause allows a prohibited use to occur in any zone for a temporary period with development consent. Council propose a maximum time period for temporary uses of 52 days for the new IWLEP. This would result in a reduction of the current maximum time period for the former Marrickville council area.</p>	<p>The clause wording is consistent across the three legacy LEPs, with the exception of the maximum time period. The maximum time period that temporary uses can occur differs between 52 days in ALEP 2013 and MLEP 2011 and 106 days in LLEP 2013. Refer to clause 2.8 under each LEP on the legislation website for the existing wording.</p>	<p>The planning proposal states that the maximum time period of 52 days, as per ALEP 2013 and MLEP 2011, is proposed in line with principles stated in the planning proposal (Attachment A1, pages 6 and 7). Council states that it considers that allowing prohibited uses to occur for longer than three months of the year (as per the Leichardt LEP 2013) is not desirable and that if consent is sought for a longer period than 52 days it should be obtained via a planning proposal.</p>	<p>Considered acceptable. There is no requirement with regard to maximum time periods for the temporary use of land however clause 2.8 in the Standard Instrument states the following: <i>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 [or another number] days (whether or not consecutive days) in any period of 12 months.</i> The new IWLEP would therefore be aligned with the Standard Instrument's suggested clause wording.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Land Use Table					
6	<p>Objectives</p> <p>Each zone in the land use table contains objectives. Council proposes to retain the objectives for the following zones as per the existing wording in the legacy LEPs: Zone W1 – Natural Waterways, Zone W2 – Recreational Waterways, Zone SP1 – Special Activities. For all other zones, all mandated objectives from the standard instrument will be brought across, some existing objectives from the legacy LEPs will be brought across with others not, and some new objectives will be added (Attachment A1, pages 13 – 25,).</p>	<p>The objectives for the following zones are consistent across the three legacy LEPs: Zone W1 – Natural Waterways, Zone W2 – Recreational Waterways, Zone SP1 – Special Activities. Refer to the planning proposal (Attachment A1, pages 13 – 25) for the wording of the existing objectives for all other zones which are provided in a comparison table against the proposed objectives.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>
7	<p>Permissibility</p> <p>Each zone in the land use table contains uses permitted without consent, uses permitted with consent and uses that are prohibited. A range of changes are proposed, as shown in Appendix 3 of the planning proposal (Attachment A3). The table provided at Attachment A3 provides a comparison between the current uses under the legacy LEPs with the proposed uses under IWLEP. Where there are exceptions to what is indicated in the Land Use Table as directed through other proposed clauses within the proposed IWLEP, these are discussed under 'Part 5' and 'Part 6' of this table.</p> <p>A Housekeeping planning proposal for MLEP 2011 (Amendment No. 4) has progressed to finalisation which includes some changes to the land use table (Attachment D). To simplify the assessment, we have taken the approach that assumes the proposed changes to the land use tables in MLEP 2011 (Amendment No. 4) have been implemented.</p>				

7a	Zone R1 General Residential	
	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Dual occupancies - Commercial premises - Business premises - Office premises - Food and drink premises - Restaurant and cafes - Take-away food and drink premises - Shops - Information and education facilities - Exhibition homes <i>Permit</i> No change	<u>Former Marrickville council area</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Business premises - Kiosks - Markets - Roadside stalls - Shops - Neighbourhood supermarket - Port facilities <i>Permit</i> <ul style="list-style-type: none"> - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Electricity generating works - Boat sheds - Jetties
	Current wording/mapping	See the Land Use Table's under the LLEP 2013 and MLEP 2011 on the legislation website for current wording.
	Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>Council states that it proposes to prohibit dual occupancies to ensure that it continues to have control over the impacts of medium density development on streetscape, local character and amenity in the zone. Council further states that a future planning proposal will investigate expanding the area where Clause 4.1A (2) of IWLEP 2020 applies; this clause enables semi detached dwellings on lots with a site area of at least 200 sqm and minimum street frontage of 7 metres. Council states that it considers that this would achieve a better planning outcome than permitting dual occupancies – resulting in a form more compatible with the locality while increasing provision of medium density development.</p>
	Department comment	<p>Considered acceptable. With regard to the removal of dual occupancies as a permitted use within the former Leichhardt Council area, it is noted that Council is currently working to finalise its Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS) which review all land in the Inner West Council LGA. Councils draft LHS outlines opportunities and locations for the provision of additional housing and housing typology. Further, the draft LSPS identifies the following objective under Planning Priority 6 'Provide for a diverse mix of housing typologies, sizes and tenures that cater to the needs of people at all stages of their lives'. Council states that once complete, this work will inform a future comprehensive planning proposal for the LGA involving a detailed review of development standards.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>
	Satisfactory / Unsatisfactory	Satisfactory

7b	Zone R2 Low Density Residential	
	<u>Former Ashfield council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Dual occupancies (attached) - Boat launching ramps - Shop top housing - Recreation facilities (outdoor) - Exhibition homes <i>Permit</i> <ul style="list-style-type: none"> - Attached dwellings - Hostels - Home industries - Signage - Building identification signage 	<u>Former Marrickville council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Commercial premises - Shops - Neighbourhood supermarket <i>Permit</i> <ul style="list-style-type: none"> - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Electricity generating works
	Current wording/mapping	See the Land Use Table's under the ALEP 2013 and MLEP 2011 on the legislation website for current wording. LLEP 2013 did not adopt this zone and as such there is no land zoned R2 in the former council area.
	Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>See 9a above in this table for Councils justification for removal of dual occupancies as a permitted use.</p> <p>Council states that the parent term 'Commercial premises' is proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.</p>
	Department comment	<p>Considered acceptable.</p> <p>See 9a above in this table for the Departments comments regarding the removal of dual occupancies as a permitted use from some land within the LGA. It is noted that whilst the land where dual occupancies would be permitted within this zone would be reduced, the land where attached dwellings would be permitted would be increased and serve to somewhat offset impacts to housing diversity.</p> <p>Expanding the land where water recycling facilities would be permitted supports the sustainability related aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>
	Satisfactory / Unsatisfactory	Satisfactory

7c	Zone R3 Medium Density Residential		
	<u>Former Ashfield council</u>	<u>Former Leichhardt council</u>	<u>Former Marrickville council</u>
	<i>Prohibit</i>	<i>Prohibit</i>	<i>Prohibit</i>
	<ul style="list-style-type: none"> - Residential accommodation - Dual occupancies - Dual occupancies (attached) - Residential flat building - Port facilities - Wharf or boating facilities - Boat launching ramp 	<ul style="list-style-type: none"> - Residential flat building - Information and education facilities 	<ul style="list-style-type: none"> - Residential accommodation - Business premises - Roadside stalls
	<i>Permit</i>	<i>Permit</i>	<i>Permit</i>
	<ul style="list-style-type: none"> - Home industries - Signage - Building identification sign - Bed and breakfast accommodation - Electricity generating works 	<ul style="list-style-type: none"> - Dwelling houses - Hostels - Secondary dwellings - Semi-detached dwellings - Shop top housing 	<ul style="list-style-type: none"> - Shop top housing - Sewerage systems - Sewerage reticulation systems
	Current wording/mapping	See the Land Use Table's under the ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.	
	Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>See 9a above in this table for Councils justification for removal of dual occupancies as a permitted use.</p> <p>Council states that the parent terms 'Residential accommodation' and 'Commercial premises' are proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.</p>	
	Department comment	<p>Considered acceptable.</p> <p>See 9a above in this table for the Departments comments regarding the removal of dual occupancies as a permitted use from some land within the LGA. It is noted that whilst the land where dual occupancies and residential flat buildings would be permitted within this zone would be reduced, the land where dwelling houses, secondary dwellings, semi-detached dwellings and shop top housing would be permitted would be increased and serve to somewhat offset impacts to housing diversity. Expanding the land where water recycling facilities would be permitted supports the sustainability related aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>	
	Satisfactory / Unsatisfactory	Satisfactory	

7d	Zone R4 High Density Residential		
	<u>Former Marrickville council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Business premises <i>Permit</i> <ul style="list-style-type: none">- Electricity generating works		
	Current wording/mapping	See the Land Use Table under MLEP 2011 on the legislation website for current wording. ALEP 2013 and LLEP 2013 did not adopt this zone and as such there is no land zoned R4 in the former council area.	
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes.	
	Department comment	Considered acceptable. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).	
	Satisfactory / Unsatisfactory	Satisfactory	
7e	Zone B1 Neighbourhood Centre		
	<u>Former Ashfield council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Hostels- Waste or resource management facilities- Waste or resource transfer stations- Car parks- Port facilities- Wharf or boating facilities- Boat launching ramps- Boat sheds- Jetties <i>Permit</i> <ul style="list-style-type: none">- Veterinary hospitals- Electricity generating works- Signage- Building identification sign- Business identification sign	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Residential accommodation- Attached dwellings- Dual occupancies- Dual occupancies (attached)- Dual occupancies (detached)- Group Homes- Group home (permanent)- Multi dwelling housing- Residential flat building- Secondary dwelling- Semi-detached dwellings- Tourist and visitor accommodation- Farm stay accommodation- Serviced apartments- Retail premises- Cellar door- Garden centres- Hardware and building supplies- Plant nurseries	<u>Former Marrickville council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Advertising structures- Hostels <i>Permit</i> <ul style="list-style-type: none">- Seniors housing- Residential care facilities- Veterinary hospitals- Sewerage systems- Sewerage reticulation systems- Water recycling facilities- Electricity generating works- Recreation facilities (indoor)

	<ul style="list-style-type: none"> - Roadside stalls - Rural supplies - Service stations - Industries - Light industries - High technology industries - Artisan food and drink industries - Boat building and repair facilities - Car parks - Research stations - Advertising structure - Boat launching ramps - Boat sheds - Charter and tourism boating facilities - Environmental facilities - Jetties - Moorings - Water recreation structures - Exhibition homes - Exhibition villages <p><i>Permit</i></p> <ul style="list-style-type: none"> - Public administration buildings - Recreation facilities (indoor)
Current wording/mapping	See the Land Use Table's under the ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.
Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Council states that the parent terms 'Residential accommodation' and 'Commercial premises' are proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.
Department comment	<p>Considered acceptable. It is noted that the land where certain types of residential uses are permitted within the former Leichhardt council area would be reduced. This would serve to bring this land into alignment with the other former council areas within the LGA and would still provide for some forms of residential uses.</p> <p>Expanding the land where water recycling facilities would be permitted supports the sustainability related aims of the District Plan. Expanding the land where Seniors housing and Residential care facilities would be permitted within the LGA supports the provision of facilities for an ageing population and as such aligns with the aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>
Satisfactory / Unsatisfactory	Satisfactory

7f	Zone B2 Local Centre		
	<u>Former Ashfield council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Waste or resource transfer stations <i>Permit</i> <ul style="list-style-type: none"> - Light industries - High technology industries - Home industries - Artisan food and drink industries - Boat building and repair facilities - Water recycling facilities - Resource recovery facilities - Water storage facilities - Electricity generating works - Research stations - Signage - Advertising structure - Building identification sign - Boat launching ramps - Boat shed - Charter & tourism boating facilities - Environmental facilities - Jetties - Moorings - Water recreation structure 	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Residential accommodation - Attached dwellings - Dual occupancies - Dual occupancies (attached) - Dual occupancies (detached) - Dwelling houses - Group homes - Group home (permanent) - Group home (transitional) - Multi dwelling housing - Residential flat building - Rural workers dwelling - Secondary dwelling - Semi-detached dwelling - Home occupation (sex services) - Sex services premises - Industries - Water supply systems - Water reticulation systems - Exhibition villages <i>Permit</i> <ul style="list-style-type: none"> - Wholesale supplies - Self-storage units - Port facilities 	<u>Former Marrickville council</u> <i>Prohibit</i> No changes <i>Permit</i> <ul style="list-style-type: none"> - Seniors housing - Residential care facilities - Light industries - High technology industries - Home industries - Artisan food and drink industries - Boat building and repair facilities - Vehicle repair station - Self-storage units - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Waste or resource management facilities - Resource recovery facilities - Water storage facilities - Electricity generating works - Port facilities - Boat launching ramps - Boat shed - Charter & tourism boating facilities - Environmental facilities - Jetties - Moorings - Water recreation structure - Exhibition homes
	Current wording/mapping	See the Land Use Table's under the ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.	
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Council states that the parent term 'Residential accommodation' is proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate. Council states that permitting light industries in business zones is consistent with the draft Employment and Retail Lands Strategy. It further states that this proposed change would open up these areas to creative industries and is reflective of the changing nature of industry.	

<p>Department comment</p>	<p>Considered acceptable. It is noted that the land where certain types of residential uses are permitted within the former Leichhardt council area would be reduced. This would serve to bring this land into alignment with the other former council areas within the LGA and would still provide for some forms of residential uses.</p> <p>The expansion of land within the LGA where light industries would be permitted aligns with the aims of the District plan as it would support:</p> <ul style="list-style-type: none"> • employment uses in the LGAs local centres; • creative industries; and • identified visitor economy driving businesses. <p>Expanding the land where Waste or resource management facilities, Resource recovery facilities and water storage facilities would be permitted in the LGA supports the sustainability related aims of the District Plan.</p> <p>Expanding the land where Seniors housing and Residential care facilities would be permitted within the LGA supports the provision of facilities for an ageing population and as such, aligns with the aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>
<p>Satisfactory / Unsatisfactory</p>	<p>Satisfactory</p>

79	Zone B4 Mixed Use		
	<p><u>Former Ashfield council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Residential accommodation - Attached dwellings - Dual occupancies (attached) - Dual occupancies (detached) - Dwelling houses - Group homes - Group homes (permanent) - Group homes (transitional) - Multi dwelling housing - Residential flat building - Rural worker's dwelling - Secondary dwelling - Semi-detached dwellings - Tourist and visitor accommodation - Backpackers accommodation - Bed and breakfast accommodation - Sex services premises - Vehicle repair station - Port facilities - Correctional centres - Exhibition homes <p><i>Permit</i></p> <ul style="list-style-type: none"> - Light Industries - High technology industries - Home industries - Artisan food and drink industry - Electricity generating works - Signage - Advertising structure - Building identification sign 	<p><u>Former Leichhardt council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Residential flat building <p><i>Permit</i></p> <ul style="list-style-type: none"> - Industrial retail outlets - Service stations - Wholesale supplies - Light Industries - High technology industries - Artisan food and drink industry - Storage premises - Self-storage units - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Car parks - Industrial training facilities - Recreation facilities (outdoor) 	<p><u>Former Marrickville council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Tourist and visitor accommodation - Backpackers accommodation - Bed and breakfast accommodation - Correctional centres <p><i>Permit</i></p> <ul style="list-style-type: none"> - Storage premises - Self-storage units - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Electricity generating works
	<p>Current wording/mapping See the Land Use Table's under the ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.</p>		

Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>Council states that the parent term 'Residential accommodation' is proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.</p> <p>Council states that permitting light industries in business zones is consistent with the Employment and Retail Lands Strategy. It further states that this proposed change would open up these areas to creative industries and is reflective of the changing nature of industry. Council also notes that by permitting both light industry and industrial retail outlets in this zone, direct sales from light industry premises will be supported which is consistent with the objectives of the zone.</p> <p>Council indicate that further consideration will be given to the removal of tourist and visitor accommodation as a permissible use within this zone. Council state that the permissibility of this use requires more detailed consideration and is to be undertaken in a future review.</p>
Department comment	<p>Considered acceptable. It is noted that the land where certain types of residential uses are permitted within the former Ashfield council area would be reduced. This would serve to bring this land into alignment with the other former council areas within the LGA and would still provide for some forms of residential uses that are appropriate for the zone. Residential flat buildings are proposed to be prohibited within both the former Ashfield and Leichhardt council areas to bring them into alignment with the former Marrickville council area. It is noted that shop top housing would still be permissible however.</p> <p>The expansion of land within the LGA where light industries would be permitted aligns with the aims of the District plan as it would support:</p> <ul style="list-style-type: none"> • employment uses in the LGAs local centres; • creative industries; and • identified visitor economy driving businesses. <p>Expanding the land where Water recycling facilities would be permitted in the LGA supports the sustainability related aims of the District Plan.</p> <p>Expanding the land where Seniors housing and Residential care facilities would be permitted within the LGA supports the provision of facilities for an ageing population and as such, aligns with the aims of the District Plan.</p> <p>The proposed land use table changes are generally in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011). It is noted that PN 11-002 states that tourist and visitor accommodation should be encouraged and that Council propose to reduce the land within the LGA (within the former Ashfield and Marrickville council areas) where this use would be permissible. Council have indicated that more detailed consideration of tourist and visitor accommodation permissibility will be considered in a future review as it requires further investigation This approach is considered acceptable.</p>
Satisfactory / Unsatisfactory	Satisfactory

7h	Zone B5 Business Development	
	Former Marrickville council No change	
	Current wording/mapping	NA
	Council justification	NA
	Department comment	NA
	Satisfactory / Unsatisfactory	NA
7i	Zone B6 Enterprise Corridor	
	Former Marrickville council <i>Prohibit</i> <ul style="list-style-type: none"> - Sex services premises - Heavy industrial storage establishments - Hazardous storage establishments - Liquid fuel depots - Offensive storage establishments - Transport depots - Truck depots <i>Permit</i> <ul style="list-style-type: none"> - Specialised retail premises - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Water or resource management facilities - Resource recovery facilities - Waste or resource transfer stations - Centre-based child care facilities - Respite day care centres 	
	Current wording/mapping	See the Land Use Table's under the ALEP 2013 and MLEP 2011 on the legislation website for current wording. LLEP 2013 did not adopt this zone and as such there is no land zoned B6 in the former council area.
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Council states that the parent term 'Commercial premise' is proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.

	Department comment	Considered acceptable. Expanding the land where Water recycling facilities, Water or resource management facilities, Resource recovery facilities and Waste or resource transfer stations would be permitted in the LGA supports the sustainability related aims of the District Plan. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011). It is noted that PN 11-002 states that 'retail activity needs to be limited to ensure that Enterprise Corridors do not detract from the activity centre hierarchy that has been identified or planned'.
	Satisfactory / Unsatisfactory	Satisfactory
7j	B7 Business Park	
	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Residential accommodation - Dwelling houses - Retail premises - Shops - Neighbourhood supermarket - Industries - Jetties <i>Permit</i> <ul style="list-style-type: none"> - Business premises - Funeral homes - Take-away food and drink premises - Kiosks - Plant nurseries - Industrial retail outlets - Car parks 	<u>Former Marrickville council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Residential flat building - Landscaping material supplies - Markets - Vehicle sales or hire premises - Entertainment facilities - Registered clubs - Service stations - Boat building and repair facilities - Vehicle repair station - Storage premises - Self-storage units - Depots - Transport depots <i>Permit</i> <ul style="list-style-type: none"> - Sewerage systems - Sewerage reticulation systems - Water recycling facilities - Electricity generating works
	Current wording/mapping	See the Land Use Table's under the LLEP 2013 and MLEP 2011 on the legislation website for current wording. ALEP 2013 did not adopt this zone and as such there is no land zoned B7 in the former council area.
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Council states that the parent term. Council states that by permitting both light industry and industrial retail outlets in this zone, direct sales from light industry premises will be supported which is consistent with the objectives of the zone.

	Department comment	Considered acceptable. Expanding the land where Water recycling facilities would be permitted in this zone supports the sustainability related aims of the District Plan. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).
	Satisfactory / Unsatisfactory	Satisfactory
7k	Zone IN1 General Industrial	
	<u>Former Marrickville council</u> <i>Prohibit</i> - Home-based child care <i>Permit</i> - Wholesale supplies	
	Current wording/mapping	See the Land Use Table under MLEP 2011 on the legislation website for current wording. ALEP 2013 and the LLEP 2013 did not adopt this zone and as such there is no land zoned IN1 in these former council areas.
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Home based child care uses have been proposed to be prohibited as residential uses are not permitted in the zone, rendering it redundant. Council states that wholesale supplies have been determined to be an appropriate use to permit within this zone due to alignment with the zones objectives as well as District/local strategic directions.
	Department comment	Considered appropriate. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).
	Satisfactory / Unsatisfactory	Satisfactory

71	Zone IN2 Light Industrial		
	<p><u>Former Ashfield council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Animal boarding or training establishments - Home business - Home occupation - Eco-tourist facilities - Specialised retail premises - Freight transport facilities - Port facilities - Crematoria <p><i>Permit</i></p> <ul style="list-style-type: none"> - Intensive plant agriculture - Horticulture - Turf farming - Viticulture - Markets - Vehicle sales or hire premises - Sex services premises - Veterinary hospitals - Water supply systems - Water reticulation systems - Water storage facilities - Water treatment facilities - Transport depot - Truck depots - Educational establishments - Schools - Community facilities - Charter and tourism boating facilities - 	<p><u>Former Leichhardt council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Agriculture - Aquaculture - Animal boarding or training establishments - Home occupation - Retail premises - Specialised retail premises - Food and drink premises - Small bars - Amusement centres - Function centres - Restricted premises - Rural industries - Agricultural produce industries - Sawmill or log processing industries - Industries - General Industries - Vehicle body repair workshop - Heavy industrial storage establishments - Liquid fuel depots - Sewerage treatment plants - Resource recovery facilities - Freight transport facilities - Passenger transport facilities - Port facilities - Jetties - Recreation facilities (major) - Recreation facilities (outdoor) - Water recreation structures - Extractive industries <p><i>Permit</i></p> <ul style="list-style-type: none"> - Markets - Entertainment facilities - Hospitals - Centre-based child care facilities - Research stations - Respite day care centres - Boat shed 	<p><u>Former Marrickville council</u></p> <p><i>Prohibit</i></p> <ul style="list-style-type: none"> - Home business - Home occupation - Registered clubs <p><i>Permit</i></p> <ul style="list-style-type: none"> - Wholesale supplies - Sewerage systems - Water recycling facilities - Waste or resource management facilities - Waste or resource transfer stations - Water supply systems - Water reticulation systems - Water storage facilities - Water treatment facilities - Boat launching ramps - Boat shed - Charter and tourism boating facilities
	Current wording/mapping	See the Land Use Table's under the ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.	

	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes. Council states that the parent term 'Retail premises' is proposed to be prohibited in order to approach permissibility through the specific child terms as appropriate.
	Department comment	Considered acceptable. Expanding the land where Water recycling facilities, Water supply systems, Water reticulation systems, Water storage facilities, Water treatment facilities and research stations would be permitted in this zone supports the sustainability related aims of the District Plan. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011). It is noted that PN 11-002 states that 'It is important that bulky goods retailing occurs in a business zone and not in an industrial zone. Such an outcome would ease pressure on employment lands.' This is aligned with the proposed prohibition of specialised retail premises within this zone.
	Satisfactory / Unsatisfactory	Satisfactory
7m	Zone SP1 Special Activities	
	<u>Former Leichhardt council</u> No changes proposed	<u>Former Marrickville council</u> <i>Permit</i> - Roads
	Current wording/mapping	See the Land Use Table's under the LLEP 2013 and MLEP 2011 on the legislation website for current wording. ALEP 2013 did not adopt this zone.
	Council justification	Council state that permitting Roads as a use within this zone aligns with the Infrastructure SEPP.
	Department comment	Considered acceptable.
	Satisfactory / Unsatisfactory	Satisfactory

7n	Zone SP2 Infrastructure		
	<u>Former Ashfield council</u>	<u>Former Leichhardt council</u>	<u>Former Marrickville council</u>
	<i>Prohibit</i>	<i>Prohibit</i>	<i>Prohibit</i>
	<ul style="list-style-type: none"> - Kiosks - Markets - Car parks - Community facilities - Centre-based child care facilities - Emergency services facilities - Information and education facilities - Respite day care centres - Building identification sign - Business identification sign - Environmental facilities - Recreation facilities (indoor) - Recreation facilities (outdoor) 	<ul style="list-style-type: none"> - Entertainment facilities - Passenger transport facilities - Community facilities - Centre-based child care facilities - Information and education facilities - Respite day care centres - Recreation facilities (indoor) - Flood mitigation works 	<ul style="list-style-type: none"> - NA
	<i>Permit</i>	<i>Permit</i>	<i>Permit</i>
	NA	- Environmental protection works	Environmental protection works
	Current wording/mapping	See the Land Use Table under ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.	
	Council justification	The guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7) are referred to by Council as justification for the proposed changes.	
	Department comment	<p>Considered acceptable.</p> <p>Expanding the land where Environmental protection works would be permitted in this zone supports the sustainability related aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>	
	Satisfactory / Unsatisfactory	Satisfactory	

70	Zone RE1 Public Recreation		
	<u>Former Ashfield council</u> <i>Prohibit</i> NA <i>Permit</i> <ul style="list-style-type: none"> - Food and drink premises - Take-away food and drink premises - Small bars - Water supply systems - Water reticulation systems - Water treatment facilities - Electricity generating works - Wharf or boating facilities - Marinas - Flood mitigation works 	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none"> - Moorings <i>Permit</i> <ul style="list-style-type: none"> - Food and drink premises - Take-away food and drink premises - Small bars - Electricity generating works - Research stations - Building identification signs 	<u>Former Marrickville council</u> <i>Prohibit</i> NA <i>Permit</i> <ul style="list-style-type: none"> - Water recycling facilities - Water supply systems - Water reticulation systems - Water treatment facilities - Wharf or boating facilities - Centre-based child care facilities - Respite day care centres - Information and education facilities - Boat sheds - Marinas - Flood mitigation works
	Current wording/mapping	See the Land Use Table under ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.	
	Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>Council states the following with regard to specific changes:</p> <ul style="list-style-type: none"> - The parent term 'Food and drink premises' is proposed to be permitted in order to approach permissibility through prohibiting the specific child terms as appropriate. - Restaurants, Cafes and Take away food and drink premises support the use of RE1 zoned land for recreational uses. - Small bars are similar to restaurants and cafes, but care is required to ensure that they do not replace other recreational uses. Allowing them on RE1 lands retains Council control to ensure that such a use is complementary, rather than a replacement for other recreational uses. - Carrying forward permissibility of water treatment facilities from the LLEP provides more opportunities for increased sustainability and resilience, while retaining Council control. - Permitting permitting electricity generating works on RE1 lands carries forward Marrickville's approach, allowing for consideration of larger scale works than those permitted under the ISEPP. - Permitting Water recycling facilities increases opportunities for the incorporation of new and more compact forms of infrastructure, to improve sustainability and resilience. - Water reticulation systems are identified by Council as a proposed permissible use (brought forward from the LLEP 2013) as it aligns with the Infrastructure SEPP and supports sustainability outcomes. - There is no known reason for prohibiting Flood mitigation works, its inclusion need not prevent the intended recreational use of the land. - Permitting uses such as wharf or boating facilities is consistent with the objectives of the zones 	

	Department comment	Considered acceptable. Expanding the land where Research stations, Water supply systems, Water recycling facilities Water treatment facilities would be permitted in this zone supports the sustainability related aims of the District Plan. The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).		
	Satisfactory / Unsatisfactory	Satisfactory		
7p	Zone RE2 Private Recreation			
	<u>Former Ashfield council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Funeral homes- Pubs- Veterinary hospitals- Car parks <i>Permit</i> <ul style="list-style-type: none">- Wharf or boating facilities- Boat launching ramps- Boat sheds- Marinas- Recreation facilities (major)	<u>Former Leichhardt council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Signage- Advertising structure- Moorings <i>Permit</i> <ul style="list-style-type: none">- Recreation facilities (major)- Food and drink premises- Restaurant or cafes- Take-away food and drink premises- Small bars- Entertainment facilities- Water recycling facilities- Water storage facilities- Centre-based child care facilities- Places of public worship- Respite day care centres- Water recreation structures	<u>Former Marrickville council</u> <i>Prohibit</i> <ul style="list-style-type: none">- Funeral homes- Veterinary hospitals- Car parks <i>Permit</i> <ul style="list-style-type: none">- Food and drink premises- Restaurant or cafes- Take-away food and drink premises- Small bars- Water recycling facilities- Wharf or boating facilities- Boat launching ramps- Boat sheds- Jetties- Marinas- Water recreation structures	
	Current wording/mapping	See the Land Use Table under ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for current wording.		

Council justification	<p>The guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7) are referred to by Council as justification for the proposed changes.</p> <p>Council states the following with regard to specific changes:</p> <ul style="list-style-type: none"> - Funeral homes are inconsistent with the key objectives of this zone. - The parent term 'Food and drink premises' is proposed to be permitted in order to approach permissibility through prohibiting the specific child terms as appropriate. The same approach is proposed for Signage. - There are other zones more suitable for pubs and allowing them in this zone could result in the loss of other types of recreational opportunities that cannot be located on other lands. - Restaurants, Cafes and Take away food and drink premises support the use of RE2 zoned land for recreational uses. - Small bars are similar to restaurants and cafes, but care is required to ensure that they do not replace other recreational uses. - Entertainment facilities, Marinas, Jetties, Water recreation structures, Wharf or boating facilities and boat launching ramps are consistent with the objectives of the zone. - Vet hospitals are inconsistent with the key objectives of the zone. - Permitting Water recycling facilities increases opportunities for the incorporation of new and more compact forms of infrastructure, to improve sustainability and resilience. - It is preferred to limit car parks to development that is ancillary to the key land uses and consistent with the objectives of the zone. - Centre-based child care facilities are a complementary use, that supports the main land uses permitted in these zones; - There are a number of existing RE2 sites that contain places of public worship. - Respite day care centres are required by the State Government to be permitted where centre-based child care is permitted. - Recreational facilities (major) include places for large scale events, such as sports stadiums, theme parks and showgrounds. These uses are consistent with the objectives of the zone and no other zones are suitable for these uses.
Department comment	<p>Considered acceptable.</p> <p>Expanding the land where Research stations, Water supply systems, Water recycling facilities Water treatment facilities would be permitted in this zone supports the sustainability related aims of the District Plan.</p> <p>The proposed land use table changes are in line with the Practice Note PN 11-002 <i>Preparing LEPs using the Standard Instrument: standard zones</i> (March 2011).</p>
Satisfactory / Unsatisfactory	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
8	Zoning alignments The planning proposal seeks to rezone two separate areas within the LGA. These are discussed below.				
8a	<i>Moore Street precinct, Leichhardt</i> Council proposes to rezone the majority of the industrially zoned land around Moore Street, Leichhardt (Attachment A1 , page 27) from IN2 Light Industrial to IN1 General industrial.	The land within the Moore Street industrial area that is proposed to be rezoned is currently zoned IN2 Light Industrial (refer Attachment A1 , pages 26 and 27)	The planning proposal states that the rezoning of this land is consistent with the recommendations of the <i>Draft Employment and Retail Lands Strategy</i> (EaRLS). Council states that the intention behind this rezoning is to ensure 'general industries' is maintained as a permissible land use within this precinct given it is the only area in the northern part of the LGA suitable for these uses. This land use is currently permitted in the Moore Street precinct under the LLEP 2013 however, in aligning the land use tables, this use is not proposed to be permissible in the IN2 zone under IWLEP. Council notes that a number of uses currently permitted in this precinct would become prohibited under the new zoning and a smaller number of new uses permitted. With regard to the uses that would become prohibited, Council states the proposed changes would both help to ensure the	Considered acceptable. The proposed amendment is aligned with Priority E12 of the District Plan as it will assist in safeguarding the Moore Street precinct for specific types of industrial uses which have limited alternate opportunities in terms of location. It is however noted that the planning proposal does not provide any discussion around why a small parcel of the precinct currently zoned IN2 (at its north eastern corner) will remain so.	Satisfactory subject to conditions – provide clarification regarding why a small parcel will be retained as IN2

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
			precinct is reserved for more general industrial uses as well as facilitate alignment across the land use tables. Council further notes that the uses to be prohibited, which include water supply systems, passenger transport facilities, community facilities, educational establishments, commercial premises and vehicle sales or hire establishments, are permitted in several other zones such as business and residential.		

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
8b	<p><i>Ashfield Town Centre</i></p> <p>Council proposes to rezone the central portion of the Ashfield Town Centre (Attachment A1, page 31) to B2 Local Centre.</p>	<p>The portion of the Ashfield town centre proposed to be rezoned is currently zoned B4 Mixed Use (Attachment A1, pages 27 - 29)</p>	<p>The planning proposal states that LLEP 2013 and MLEP 2011 zone the town centres as B2 General Business. It further states that the draft LSPS and Draft EaRLS recommend aligning the zone of the Ashfield Town Centre to B2 Local Centre to harmonise the LEP zones.</p> <p>Council notes that over 70% of the permissible uses (or otherwise) of the land in the B2 Local Centre zone is consistent between the current Ashfield B4 Mixed Use zone and the proposed B2 Local Centre zone. Council provides a comparison between what would be permissible under the proposed B4 land use table against the proposed B2 land use table on pages 29 and 30 of Attachment A1.</p>	<p>Considered acceptable</p> <p>The alignment would increase permitted uses within Ashfield town centre to include light industries and would ensure that uses such as tourist and visitor accommodation, sex services premises and vehicle repair stations continue to remain permissible uses on this land, as these uses would become prohibited uses in the B4 zone in IWLEP.</p> <p>It is noted that some currently permitted uses would become prohibited under the proposed amendments including some storage premises' (self-storage premises would still be permitted), correctional centres, industrial training facilities and research stations, however, these uses are not considered critical to the centre.</p> <p>The proposed changes are aligned with the District plan's aims for local centres as they would serve to expend permitted employment uses and support the night time economy.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Part 3 - Exempt and Complying Development					
The clauses within Part 3, together with Schedule 2 and Schedule 3, identify the circumstances in which development may be undertaken without consent (exempt development) and as complying development. The clause wording within each of the legacy LEPs is consistent, adopted from the Standard Instrument, and so will remain unchanged. The proposed changes to Schedule 2 and Schedule 3 are discussed following.					
9	<p>Schedule 2 – Exempt development</p> <p>This Schedule lists exempt development that can occur in the LGA in addition to the exempt development listed in SEPP (Exempt and Complying Development Codes) 2008. Council state that they propose to retain and combine the existing sections relating to:</p> <ul style="list-style-type: none"> - types of advertisements not covered by the SEPP; - the installation of letter boxes on heritage items; - external lighting; - minor routine maintenance of heritage items or land in a heritage conservation area; - and public art on footpaths. <p>Sections that are covered by the SEPP are proposed to be removed. The changes in Amendment 8 of ALEP 2013 are proposed to be incorporated.</p>	See Schedule 2 of each of the legacy LEPs on the legislation website.	The planning proposal states that the items proposed for removal have been identified as being addressed in the SEPP and are therefore redundant.	Approach considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
10	<p>Schedule 3 – Complying development</p> <p>This Schedule lists complying development that can occur in the LGA in addition to the complying development listed in SEPP (Exempt and Complying Development Codes) 2008. Council state that it is proposed to combine the existing schedules in ALEP 2013, LLEP 2013 and MLEP 2011 in line with principles stated in the planning proposal (pages 6 and 7).</p> <p>According to Appendix 1, the changes will specifically involve the removal of all existing types of development from Part 1 under the Schedule, with the exception of the change of use from a restaurant/café to small bar or vice versa in B2 zoning which would be carried forward from LLEP 2013.</p>	<p>See Schedule 3 of each of the legacy LEPs on the legislation website.</p> <p>Part 1 – Types of development under this Schedule are consistent across the legacy Ashfield and MLEPs and include the following – <i>‘Alterations and additions to residential buildings that are not heritage items or draft heritage items’ and ‘Bed and breakfast accommodation’.</i></p> <p>The LLEP does not include these types of development however does include the <i>‘change of use from a restaurant/café to small bar or vice versa in B2 zoning’ and ‘Structural works (other than works to which State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies).’</i></p>	<p>The planning proposal states that the changes are proposed to provide consistency and clarity in line with the principles outlined in the planning proposal (Attachment A1, pages 6 and 7).</p>	<p>Approach considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Part 4 – Principal development standards					
11	Principle development standard objectives Each of the principle development standards in Part 4 contain objectives. Council propose to bring across all mandated objectives from the standard instrument, retain some existing objectives from the legacy LEPs, remove some of the existing objectives and add some new objectives. A comparison of the existing and proposed objectives (where changes are proposed) is provided in Appendix 2 of the planning proposal (pg. 68 Attachment A1).	See Part 4 of each of the legacy LEPs on the legislation website for the existing objectives.	The planning proposal states that the proposed objectives for the principle development standards have been aligned and updated to ensure they are appropriate for the LGA as a whole.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
12	<p>Clause 4.1 – Minimum subdivision lot size</p> <p>This clause sets out requirements for lot sizes for land identified on the Lot Size Map. This clause was adopted by ALEP 2013 and LLEP 2013 but was not adopted by MLEP 2013. Council propose to combine the clause wording from the two legacy LEPs by carrying over the consistent wording and introducing new wording for the objectives (which are not currently consistent - see Item 13 in this table above for further detail). Council propose that the new IWLEP new Lot Size Map shows minimum lot sizes for only the former Ashfield and Leichhardt Council areas.</p>	<p>The wording of (2), (3) and (4) of this clause in the ALEP 2013 and LLEP 2013 is consistent. The objectives, (1), vary. See Clause 4.1 of ALEP 2013 and LLEP 2013 on the legislation website for the existing objectives.</p>	<p>The planning proposal states that the proposed objectives for the principle development standards have been aligned and updated to ensure they are appropriate for the LGA as a whole. It further states that appropriate minimum lot sizes for the whole LGA will be considered in a future planning proposal.</p>	<p>Considered acceptable. The Department are satisfied that work will be undertaken as part of a future planning proposal to determine lot sizes.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
13	<p>Clause 4.1A – Exceptions to minimum subdivision lot sizes for certain residential development</p> <p>This clause is currently only adopted by ALEP 2013. Council propose to retain the existing clause wording generally, however propose to replace the existing objectives with new objectives and to incorporate new, relevant wording from ALEP 2013 Amendment 8 (this amendment was notified on 20 December 2019 and so is now reflected in the current ALEP 2013)</p>	<p>Only ALEP 2013 contains this clause currently. This existing clause in the legacy ALEP relates to two sites within the former Ashfield Council area, refer to Clause 4.1A under the ALEP 2013 on the legislation website for the existing clause wording.</p>	<p>The planning proposal states that the proposed objectives for the principle development standards have been aligned and updated to ensure they are appropriate for the LGAs as a whole. No further specific justification is provided although the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
14	<p>Clause 4.3 – Height of buildings</p> <p>This clause is currently adopted by all legacy LEPs however, the wording varies. Council propose to replace the existing varying objectives under (1) of this clause with new objectives, retain (2) under this clause from each of the legacy LEPs (which is consistent), and carry forward (2A) and (2B) under this clause from the ALEP 2013 with some modification, including extending their application to land in the B2 Local Centre Zone. As no mapping was provided with the planning proposal, it was unclear whether (2A) and (2B) will continue to only apply to the land to which it currently applies within the former Ashfield Council area. Clarification has since been provided by Council that confirmed this is in fact the case.</p>	Each legacy LEP has differing objectives under (1) of this clause, (2) under the clause is consistent across all legacy LEPs and (2A) and (2B) are unique to the ALEP 2013. Refer to Clause 4.3 under each of the legacy LEPs on the legislation website for the existing clause wording.	The planning proposal states that the height of building control has not been widely used within the former Leichhardt council area. It further states that appropriate building heights for the whole LGA will be considered in a future planning proposal, particularly in relation to former Leichhardt and sites along Parramatta Road.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
15	Clause 4.3A – Exceptions to minimum height of buildings in Ashfield town centre This clause provides height incentives for affordable rental housing within part of the former Ashfield Council area. It is proposed to carry the clause forward to the new IWLEP in its current form. It will continue to only apply to the current land areas.	The proposed clause is consistent with the existing clause 4.3A within ALEP 2103 (as shown on the legislation website). This clause does not exist within LLEP 2013 or MLEP 2011.	No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1 , pages 6 and 7) can be said to apply. The planning proposal states that appropriate mechanisms for the provision of affordable housing across the LGA will be investigated as part of a future planning proposal.	Considered acceptable	Satisfactory
16	Clause 4.3C – Landscaped areas for residential accommodation This clause relates to the provision of landscaping for residential development in the R1 – General Residential zone in the former Leichhardt Council area. Council propose to limit the application of this clause by identifying the area where it currently applies on the Key Sites Map to avoid conflict with existing controls relating to the provision of landscaped area in the development controls plans (DCP) for Ashfield and Marrickville.	The current wording under Clause 4.3A in the LLEP 2103 is consistent with the proposed wording, with the exception of the new key sites map reference (as shown on the legislation website). Neither the LLEP 2013 or MLEP 2011 contain this clause.	The planning proposal states that it is important to retain this clause as the Leichhardt DCP does not contain controls relating to the minimum provision of landscaped area. It further states that a future planning proposal will investigate whether to extend this control across the whole LGA.	Considered acceptable	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
17	<p>Clause 4.4 – Floor Space Ratio</p> <p>This clause is currently adopted by all legacy LEPs however the wording varies. Council propose to replace the existing varying objectives under (1) of this clause with new objectives, retain (2) under this clause from each of the legacy LEPs, carry forward (2A) and (2B) from the LLEP 2013 with minor modification (to ensure they remain only applicable to the land to which they currently apply), carry forward (2A) and (2B) from the MLEP 2011 but relabel (2C) and (2D) respectively, and bring forward a subclause proposed as part of the MLEP 2013 housekeeping planning proposal (Amendment 4)</p>	Each legacy LEP has differing objectives under (1) of this clause. Clause 4.4(2) under is consistent across all legacy LEPs. Clause 4.4 (2A) and (2B) of the LLEP 2013 are unique to this legacy LEP as are Clause 4.4 (2A) and (2B) of the MLEP 2013. Refer to Clause 4.4 under each of the legacy LEPs on the legislation website for the existing clause wording.	Clause 4.4(2A) of the LLEP 2013 which is proposed to be carried forward, applies a higher floor space ratio to non-residential development in the R1 – General Residential zone. Council state that the existing clause will be modified to restrict its application to the R1 – General Residential zone in the former Leichhardt Council area to ensure existing development standards are maintained across the LGA. The planning proposal states that a future planning proposal will review application of floor space ratios across the LGA including along Parramatta Road.	Considered acceptable.	Satisfactory
18	<p>Clause 4.4A – Exception to maximum floor space ratio for active street frontages</p> <p>This clause is proposed to be carried forward from the LLEP 2013. It is proposed to only apply to the land to which it does currently. It is proposed to limit the application of this clause by identifying the area where it currently applies on the Floor Space Ratio Map.</p>	This clause currently only exists within the LLEP 2013. Refer to Clause 4.4A under the LLEP 2013 on the legislation website for the existing clause wording.	The planning proposal states that the appropriateness of this clause will be investigated as part of a holistic investigation into floor space ratios, which will inform a future planning proposal.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
19	Clause 4.6 Exceptions to development standards Based on what is shown in Appendix 1 of the planning proposal, this clause is proposed to be carried forward verbatim from the three legacy LEPs.	This clause is consistent across the three legacy LEPs. Refer to Clause 4.6 under the legacy LEPs on the legislation website for the existing clause wording.	No specific justification is provided although the key guiding principles set out in the planning proposal (Attachment A1 , pages 6 and 7) can be said to apply.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
IWLEP Part 5 – Miscellaneous Provisions					
20	<p>Clause 5.1 Relevant acquisition authority</p> <p>This clause identifies the relevant authority to acquire land for certain public purposes. Council proposes to combine and carry forward all of the proposed uses that land can be reserved for as listed in the legacy LEPs. The 'Note under (2) is worded slightly differently in each legacy LEP, according to what is shown in Appendix 1 of the planning proposal, Council proposes to carry forward the wording from MLEP 2011.</p> <p>Council also proposes to combine the legacy LEP Land Reservation Acquisition Maps that are referenced under this clause into a single map and update the map to exclude those areas acquired since the most recent amendment of the legacy Maps.</p>	<p>The wording of this clause is consistent across the legacy LEPs with the exception of the 'Note' under (2). The wording of this note under the ALEP 2013 and LLEP 2013 is as follows:</p> <p><i>Note. When this Plan was made it did not include all of these zones</i></p> <p>Wording of the note under the MLEP 2011 is:</p> <p><i>Note. When this Plan was made it did not include Zone E1 National Parks and Nature Reserves.</i></p> <p>Refer to Clause 5.1 under the legacy LEPs on the legislation website for the existing clause wording.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
21	<p>Clause 5.1A Development on land intended to be acquired for public purposes</p> <p>The planning proposal states it is proposed to carry this clause forward from MLEP 2011 and add land reserved for regional open space. This clause is not currently adopted within MLEP 2011 however a housekeeping planning proposal that is currently at finalisation stage (Amendment 4) proposes its adoption. Although not yet made, the amendments proposed under the housekeeping planning proposal are anticipated to be finalised prior to finalisation of the consolidated IWLEP.</p>	<p>This clause is not in the Standard Instrument and is not currently adopted in ALEP 2013 or LLEP 2013. Please see the previous column with regard to its current status with regard to MLEP 2011.</p> <p>The clause proposed as part of the MLEP 2011 housekeeping planning proposal (Amendment no. 4) does not include reference to land reserved for regional open space however LLEP 2013 includes this item in the Land Reservation Acquisition Map.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
22	<p>Clause 5.2 Classification and reclassification of public land</p> <p>Clause 5.2 and Schedule 4 identify public land proposed to be reclassified in accordance with the provisions of the <i>Local Government Act, 1993</i>.</p> <p>The land identified within Schedule 4 of the legacy LEPs was reclassified at the time of the gazettal/notification of the respective plans. Council states that in accordance with Principle 7 of the planning proposal – Removal of redundancy, these lands have been removed from the tables to the schedule.</p> <p>Council do not propose to reclassify any public land as part of the LEP consolidation. Accordingly, the tables in Schedule 4 are empty in the draft IWLEP.</p>	Refer to clause 5.2 and Schedule 4 under the legacy LEPs on the legislation website for the existing wording.	The planning proposal references Principle 7 – Removal of redundancy as justification for this clause. The planning proposal states the following with regard to this principal – <i>‘Remove clauses that duplicate provisions of relevant State Environmental Planning Policies (SEPPs) or which have no relevance to the Inner West LGA.’</i>	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
23	<p>Clause 5.3 Development near zone boundaries</p> <p>This clause allows flexibility for certain zones to permit a use from an adjoining zone where the objectives of both zones are met. Council proposes to carry forward the wording of clause 5.3 from the MLEP which prescribes a maximum distance near zone boundaries of 25m.</p> <p>This would mean introducing a new clause to the former Ashfield council area .</p>	<p>LLEP 2013 and MLEP 2011 contain similar clauses. Refer to clause 5.3 under each on the legislation website for the existing wording.</p> <p>The key differences between the existing clauses are the maximum distance near zone boundaries which is 10m under LLEP 2013 and 25m under MLEP 2011. ALEP 2013 did not adopt this clause.</p>	<p>The planning proposal states that the larger distance of 25m was chosen to enhance flexibility, particularly on business sites adjoining residential areas.</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	Satisfactory
24	<p>Clause 5.4 Controls relating to miscellaneous permissible uses</p> <p>This clause sets maximum size limits for certain permitted uses. Council states that where the controls are consistent, they will be carried forward into IWLEP. Pages 34 and 35 of the planning proposal (Attachment A1) show the eight controls that vary under this clause between the legacy LEPs and provides the proposed limits along with a comparison to the existing limits.</p>	<p>The wording of this clause under each of the legacy LEPs is largely consistent however the limits associated with eight of the prescribed uses vary. Refer to clause 5.4 under ALEP 2013, LLEP 2013 and MLEP 2011 on the legislation website for the existing wording. Pages 34 and 35 of the planning proposal (Attachment A1) provide a comparison of the uses with inconsistent limits.</p>	<p>The key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) are referenced as justification for the proposed limits for each use. The primary reasons for the determined limits provided by Council are alignment, consistency with objectives and strategic directions and permissibility retention.</p>	<p>Considered acceptable.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
25	Clause 5.6 Architectural roof features This clause allows roof features to exceed the maximum height where it enhances the architectural design of the building. This clause is only currently adopted by the ALEP 2013. In order to retain the clauses application to the land to which it currently applies only, it is proposed to create a new local provision under Part 6 of IWLEP (clause 6.28) that replicates and replaces clause 5.6 of ALEP 2013.	Only ALEP 2013 incorporates this clause, Refer to clause 5.6 under ALEP 2013 on the legislation website for the existing wording.	No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1 , pages 6 and 7) can be said to apply.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
26	<p>Clause 5.10 – Heritage conservation</p> <p>Clause 5.10 and Schedule 5 contain controls relating to heritage, with Schedule 5 being the list of heritage items, heritage conservation areas, archaeological sites and agreed aboriginal heritage sites. Council state that a number of issues have been identified in Schedule 5 of each of the legacy LEPs that it proposes to correct. Council state that these issues are mainly due to changes that have occurred since the drafting of the legacy instruments or lack of clarity and accuracy. Council propose to:</p> <ul style="list-style-type: none"> • Correct drafting errors; • Update property descriptions; • Harmonise the approach to the listings in the Schedule; and • Clarify or update the identification of state and local listings. <p>A new numbering system is also proposed (Attachment A1, page 36).</p>	<p>The wording of clause 5.10 in the legacy LEPs is consistent and will be carried forward to IWLEP.</p> <p>Schedule 5 of each LEP contains a list of Heritage Items, Heritage Conservation Areas and Archaeological sites that is specific to each of the former council areas (refer to Schedule 5 under each of the legacy LEPs on the legislation website).</p>	<p>The planning proposal states that the proposed amendments will provide greater clarity and improved accuracy. It also states that the new numbering system will allow the retention of existing reference numbering to minimise confusion yet still provide for alphabetical listing by suburb.</p> <p>The planning proposal states that further investigation and amendments to heritage listings will be considered via the Targeted Heritage Review studies and will inform a future planning proposal.</p>	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
27	Councils state that clause 5.18 – Intensive livestock agriculture from the ALEP 2013 is not proposed to be carried forward to IWLEP.	This clause is only included within the legacy LLEP 2013. Refer to clause 5.18 under LLEP 2013 on the legislation website for the existing wording.	Council state this land use is not permitted in the LGA and is therefore redundant.	Considered acceptable.	Satisfactory
IWLEP Part 6 – Additional local provisions					
Council propose to retain the intent of the local provisions and remove redundant local provisions that are adequately covered by other legislation.					
28	Clause 6.1 – Earthworks Council propose to carry forward the wording for this clause from the LLEP 2013 (clause 6.2) which will result in an objective contained in MLEP 2011 (clause 6.2 (1) and wording under clause 6.1(1) and (3)(g) within the ALEP 2013 not being carried forward.	All three legacy LEPs contain an earthworks clause, with those of ALEP 2013 (clause 6.1) and LLEP (clause 6.2) 2013 being largely consistent with the exception of a reference to waterways and riparian land under (1) and a reference to riparian land under (3) (g) within the ALEP that are not contained in LLEP 2013. The relevant MLEP 2011 clause (clause 6.2) contains an additional objective, being <i>(1) b) to allow earthworks of a minor nature without requiring separate development consent.</i> Refer to the legislation website for the existing wording.	Council state that objective (1) b) under the relevant clause within MLEP 2011 is proposed not to be carried forward as the works referenced in the objective would be permissible as ancillary. It is therefore considered redundant.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
29	<p>Clause 6.2 – Acid sulfate soils</p> <p>Council proposes to carry forward the wording of the relevant clause (clause 6.1) from MLEP 2011 and apply it to the entire LGA. This would mean introducing a new clause to the former Ashfield council area and slightly modifying the existing clause from LLEP 2013 (clause 6.1). Councils states that the Mapping for Acid Sulfate Soils will be extended to cover lands located in the former Ashfield council area.</p>	<p>LLEP 2013 and MLEP 2011 contain similar clauses relating to acid sulfate soils (clause 6.1 within both) whereas ALEP 2013 does not contain this clause (or associated mapping). The wording of the clause in Marrickville 2011 is the same as the model local provision clause for acid sulfate soils issued by DPIE. The Marrickville clause provides examples of works that would involve the disturbance of less than one tonne of soil which is absent from the Leichhardt clause. Refer to the legislation website for the existing wording.</p>	<p>Council states that it proposes to carry forward the existing acid sulfate soils clause from MLEP 2011 in line with key guiding principles 3, 5 and 7 outlined in the planning proposal (Attachment A1, pages 6 and 7).</p> <p>Council states that the intent of the clause in Marrickville 2011 is the same as the model local provision clause for acid sulfate soils, with minor wording changes and the removal of a redundant subclause. Further Council states that the Marrickville clause provides examples of works that would involve the disturbance of less than one tonne of soil which is absent from the Leichhardt clause.</p>	<p>Considered acceptable. Expanding this clauses application to new land within the LGA will assist in providing clarity and transparency to community members. It is also aligned with Planning Priority E19 of the District Plan as it may assist in improved environmental outcomes.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
30	<p>Clause 6.3 – Flood planning</p> <p>Council propose to carry forward the relevant clause (clause 6.3) from Leichardt LEP 2013 and apply it to the entire LGA. For the legacy Marrickville council area, this would mean that some wording that currently applies to the area under (3)(b) and (d) of clause 6.3 would be updated from 'is not likely to' to 'will not'. It would also mean the introduction of references to projected sea level rise for both the legacy Marrickville and Ashfield council areas. A Flood Planning Map is provided in MLEP 2013 however it is not referenced in the existing clause. It is not proposed to carry this map forward to IWLEP.</p>	<p>All three legacy LEPs contain a local provision relating to flood planning (ALEP 2013 clause 6.2, LLEP 2013 clause 6.3 and MLEP 2011 clause 6.3). The key difference between the clauses is that the Leichhardt clause is the only one that refers to projected sea level rise. The wording of the clause in Leichardt LEP 2013 is the same as the model local provision clause for flooding planning issued by DPIE. Refer to clause 6.3 under MLEP 2011 and LLEP 2013 and clause 6.3 of ALEP 2013 on the legislation website for current wording.</p>	<p>Council states that it proposes to carry forward the existing flood planning clause from LLEP 2013 in line with principle 3 (alignment) and principle 5 (consistency with objectives and strategic directions) outlined in the planning proposal (Attachment A1, pages 6 and 7). Council states that this existing clause has the same intent as the model clause. The planning proposal states that while the Map Index to MLEP 2011 includes a Flood Planning Map, this map is not referred to in the LEP and is addressed in Marrickville DCP. As such, Council do not propose to carry this map forward.</p>	<p>Considered acceptable. Expanding this clauses application to new land within the LGA is aligned with Planning Priority E19 of the District Plan and supports the aims of Direction 4.3 Flood Prone Land.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
31	Clause 6.4 – Terrestrial biodiversity Council propose to carry this clause forward in its current form from MLEP 2011 (clause 6.4). This clause has not been adopted by the ALEP 2013 or LLEP 2013. Council propose to limit the clause's application (via mapping) to the land to which it currently applies only.	This clause is exclusive to MLEP 2011. Refer to clause 6.4 on the legislation website for current wording within the MLEP 2011.	Council states that it proposes to carry forward the existing terrestrial biodiversity clause from MLEP 2011 in line with principle 3 (alignment) as outlined in the planning proposal (Attachment A1 , page 6). Council states that the expansion of the associated mapped area to include terrestrial biodiversity within the other parts of the LGA will be investigated as part of a future planning proposal.	Considered acceptable. The carrying forward of this clause supports the aims of Direction 2.1 Environmental Protection Zones.	Satisfactory
32	Clause 6.5 – Stormwater management Council propose to carry this clause forward in its current form from LLEP 2013 (Clause 6.4). This clause has not been adopted by the ALEP 2013 or LLEP 2013. Council propose to expand its application to the entire LGA and so will newly apply to the former Ashfield and Leichhardt council areas.	This clause is exclusive to LLEP 2013. Refer to clause 6.4 on the legislation website for current wording within the LLEP 2013.	Council states that it proposes to carry forward the existing stormwater management clause from LLEP 2013 in line with the key guiding principles outlined in the planning proposal (Attachment A1 , pages 6 and 7). Council state that this will ensure that new development is carefully designed and constructed in accordance with best practice, throughout the entire Inner West LGA.	Considered acceptable. Expanding the application of this clause to new land within the LGA is aligned with Priorities E19 and E20 of the District Plan as it will likely result in positive impacts on water quality waterways, bushland and on reducing flood risks on adjoining lands.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
33	<p>Clause 6.6 – Limited development on foreshore area</p> <p>Council propose to carry forward the wording of the relevant clause from LLEP 2013 (clause 6.5 – Limited development on foreshore area) and apply it to the entire LGA. A similar clause is contained in MLEP 2011 (clause 6.7 – Foreshore building line). Adoption of the Leichhardt clause would see some changes to what currently applies to the former Leichhardt council area. ALEP 2013 did not adopt a similar clause so the legacy Ashfield council area would become newly subject to the set out provisions.</p>	<p>Similar clauses are contained in LLEP 2013 (clause 6.5) and MLEP 2011 (clause 6.7). Refer to the legislation website for current wording. No relevant clause was adopted within the ALEP 2013.</p>	<p>Council states that it proposes to carry forward the existing relevant clause from LLEP 2013 (clause 6.5) in line with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7). Council states that it considers the legacy Leichhardt clause (clause 6.5) to be the clearest and notes that it refers to sea walls as well as retaining walls.</p>	<p>Considered acceptable. Expanding the application of this clause to new land within the LGA is aligned with Priorities E19 and E20 of the District Plan as it will likely result in positive impacts on water quality and waterways as well as assist in reducing flood risks on adjoining lands.</p>	Satisfactory
34	<p>Clause 6.7 – Development on foreshore must ensure access</p> <p>Council proposes to carry forward this clause from LLEP 2013 (clause 6.6) and MLEP 2011 (clause 6.8). ALEP 2013 did not adopt this clause so the former Ashfield council area would become newly subject to the set out provisions.</p>	<p>Consistent clauses are contained in LLEP 2013 (Clause 6.5) and MLEP 2011 (Clause 6.7). Refer to the legislation website for current wording. No relevant clause was adopted within the ALEP 2013.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1, pages 6 and 7) can be said to apply.</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
35	Clause 6.8 – Airspace operations Council proposes to carry forward this clause from the LLEP 2013 (Clause 6.6). This would result in very minor wording amendments to the current relevant MLEP 2011 clause. ALEP 2013 did not adopt this clause so the legacy Ashfield council area would become newly subject to the set out provisions.	Similar clauses are contained in LLEP 2013 (Clause 6.7) and MLEP 2011 (Clause 6.6). Refer to the legislation website for current wording. No relevant clause was adopted within ALEP 2013.	Council states that it proposes to carry forward the existing airspace operations clause from LLEP 2013 in line with principle 3 (alignment) as outlined in the planning proposal (Attachment A11 , page 6).	Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
36	<p>Clause 6.9 – Development in areas subject to aircraft noise</p> <p>Council proposes to carry forward this clause from the LLEP 2013 (clause 6.8). This would result in some wording amendments to the current relevant MLEP 2011 clause (clause 6.5) and ALEP 2013 clause (clause 6.3).</p>	<p>All three legacy LEs contain a local provision relating to aircraft noise. Refer to the legislation website for current wording.</p>	<p>Council states that it proposes to carry forward the existing clause from LLEP 2013 in line with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7). Council states that the wording of the clause in LLEP 2013 is preferable as it provides flexibility in the application of AS2021-2015 – Acoustics Aircraft noise intrusion – Building siting and construction. Council states that this flexibility would ensure that acoustic reports would not need to be submitted to Council for minor works, saving applicants unnecessary expense while still ensuring that any new dwellings constructed under the flight path include appropriate acoustic measures.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
37	Clause 6.10 – Development on land in Haberfield Heritage Conservation Area Council propose to carry this clause forward from the ALEP 2013 with some minor amendments A comparison of the existing and proposed clauses is provided at Attachment A1 , page 39. This clause is only relevant to land within the legacy Ashfield council area.	This clause is exclusive to ALEP 2013. It has not been adopted within LLEP 2013 or MLEP 2011. Refer to clause 6.5 on the legislation website for current wording within the ALEP 2013.	Councils states that the proposed amendments to the existing clause in ALEP 2013 are proposed for clarification and consistency.	Considered acceptable.	Satisfactory
38	Clause 6.11 – Diverse Housing Council propose to carry this clause forward from the LLEP 2013. As this clause only exists within this legacy LEP, Council propose to limit its application (via the Key Sites Map) to the land to which it currently applies only.	This clause is exclusive to LLEP 2013. It has not been adopted within ALEP 2013 or MLEP 2011. Refer to clause 6.13 on the legislation website for current wording within the LLEP 2013.	Council states that it is important to retain this clause as the Leichhardt DCP does not contain controls relating to the housing diversity. Council further states that a future planning proposal will investigate whether to extend this control across the whole LGA.	Considered acceptable.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
39	<p>Clause 6.12 – Adaptive reuse of existing buildings for dwellings in residential zones</p> <p>Council proposes to harmonise existing similar clauses from the LLEP 2013 (Clause 6.11) and MLEP 2011 (Clause 6.9) and apply the new clause to the whole LGA. Refer Attachment A1, pages 40 and 41 for a table that provides a comparison of the existing clause wording with the proposed new clause. ALEP 2013 does not contain a similar clause so the legacy Ashfield council area would become newly subject to the set out provisions.</p>	<p>Similar clauses are contained in LLEP 2013 (Clause 6.11) and MLEP 2011 (Clause 6.9). A clause of this nature has not been adopted within ALEP 2013. Refer Attachment A1, pages 40 and 41 for a table which provides a comparison of the current clauses along with the proposed new clause.</p>	<p>Council states that this clause is proposed in line with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7).</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	Satisfactory

40	<p>Clause 6.13 – Use of existing non-residential buildings in residential zones</p> <p>Council proposes to harmonise three similar clauses from the LLEP 2013 (Clause 6.10 – Use of existing buildings) and MLEP 2011 (Clause 6.9 - Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones and Clause 6.10 Use of existing nonresidential buildings in residential zones) and apply the clause to the whole LGA. A table that provides a comparison of the existing clause wording with the proposed is provided at Attachment A1, pages 40 and 41. The new proposed clause would see an expansion of land to which the clause would apply within the former Leichhardt council area under the current similar clause (from R1 to all residentially zoned land). It would also see an expansion of the types of uses this clause would apply to within the former Marrickville council area. ALEP 2013 does not contain a similar clause so the former Ashfield council area would become newly subject to the set out provisions.</p>	<p>Similar clauses are contained in LLEP 2013 and MLEP 2011, these are provided at Attachment A1, page 42 – 45.</p> <p>The MLEP 2011 clause only applies to industrial or warehouse buildings or buildings designed and constructed for shops and permits office premises, shops, restaurants or cafes or take away food and drink premises. The LLEP 2013 clause only applies to zone R1 and buildings constructed for a purpose other than residential accommodation. It permits business premises in addition to the uses permitted by the MLEP 2011 clause.</p> <p>A clause of this nature has not been adopted within ALEP 2013.</p>	<p>Council states that this clause is proposed in line with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7).</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	<p>Satisfactory</p>
----	--	--	---	---	---------------------

41	<p>Clause 6.14 – Dwellings and residential flat buildings in Zone B7 Business Park</p> <p>Council proposes to harmonise two existing similar clauses from the LLEP 2013 (Clause 6.12 – Residential accommodation in Zone B7) and MLEP 2011 (Clause 6.13 Dwellings and residential flat buildings in Zone B7 Business Park) and apply the clause to the whole LGA. The new proposed clause, as shown at Attachment A1, pages 42 – 45, would largely carry forward the wording from clause 6.13 under the MLEP 2011. Based on what is shown in this table, the only deviation would be that (4) under this clause which states ‘This clause does not prevent development consent being granted under clause 6.11’ ‘would not be carried forward.</p> <p>The new clause would result in a greater number of conditions needing to be met for development consent to be granted for the former LLEP 2013.</p> <p>ALEP 2013 does not contain a similar clause so the legacy Ashfield council area would become newly subject to the set out provisions.</p>	<p>Similar clauses are contained in LLEP 2013 and MLEP 2011. These are provided at Attachment A1, page 42 – 45.</p> <p>A clause of this nature has not been adopted within ALEP 2013.</p>	<p>Council states that there is a limited amount of B7 zoning in the area covered by LLEP 2013, while approximately 190 properties are zoned B7 under MLEP 2011. Council further states that much of the B7 zoned land in the St Peters triangle (within the former Marrickville council area) has already been developed as mixed use developments incorporating live/work units and residential flat buildings. Council states that it proposes to adopt the Marrickville clause given that more sites would be affected by a change of approach in the former Marrickville council area than the former Leichhardt council area, in alignment with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7).</p> <p>The planning proposal states that clause 6.11 of MLEP 2011 which restricts development of dwelling houses in business and industrial zones is proposed not to be carried forward as it is has been determined to be redundant. For this reason, the reference to this clause is proposed to be removed under the new IWEF</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	<p>Satisfactory</p>
----	--	--	--	---	---------------------

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
42	<p>Clause 6.15 – Business and office premises in certain zones Zone IN2 Light Industrial and Zone B7 Business Park</p> <p>Council proposes to harmonise two existing similar clauses from the LLEP 2013 (Clause 6.9 – Business and office premises in Zone IN2) and MLEP 2011 (Clause 6.12 Business and office premises in certain zones) and apply the clause to the whole LGA. The new proposed clause, as shown at Appendix 1 of Attachment A1, would largely carry forward the wording from clause 6.12 under the MLEP 2011 with the only change being an amended title to specify the applicable zones. The new clause would result in a greater number of conditions needing to be met for development consent to be granted for the former LLEP 2013. ALEP 2013 does not contain a similar clause so the legacy Ashfield council area would become newly subject to the set out provisions</p>	<p>Similar clauses are contained in LLEP 2013 (Clause 6.9) and MLEP 2011 (Clause 6.12). Refer to the legislation website for the existing wording.</p> <p>The only difference between these two clauses is that in addition to applying to the IN2 zone, the Marrickville clause also applies to the B7 – Business Park zone.</p> <p>A clause of this nature has not been adopted within ALEP 2013.</p>	<p>Council states that given the limited amount of B7 zoning in the area covered by LLEP, it considers that adopting the Marrickville clause and thereby restricting business and office use to creative purposes in this zone within this area, will not restrict development.</p> <p>Council also states that this approach is consistent with the draft LSPS and in alignment with the key guiding principles outlined in the planning proposal (Attachment A1, pages 6 and 7).</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
43	<p>Clause 6.16 – Residential accommodation in certain business zones</p> <p>Council proposes to combine two existing similar clauses from the LLEP 2013 (Clause 6.11A – Residential accommodation in Zone B1 and Zone B2) and MLEP 2011 (Clause 6.15 - Location of boarding houses in business zones) and extend the new clause to apply to the whole LGA. This would mean introducing a new clause to the former Ashfield council area</p>	<p>Similar clauses are contained in LLEP 2013 (Clause 6.11A) and MLEP 2011 (Clause 6.15). Refer to the legislation website for current wording.</p> <p>A clause of this nature has not been adopted within ALEP 2013.</p>	<p>The Leichhardt clause only applies to land zoned B1 – Neighbourhood Centre and B2 – Local Centre while the Marrickville clause also applies to land zoned B4 – Mixed Use. Council states that given active street frontages are necessary for these business zones to meet their objectives, it is proposed that the clause include the three business centre zones and apply to all types of residential accommodation permitted in the zone. Following the principles outlined in Part 2 of this report, it is recommended that the clause be merged to prevent residential accommodation on the ground floor of buildings in zone B1, B2 and B4.</p>	<p>Considered acceptable. The introduction of this clause to the former Ashfield council area would assist in achieving alignment and consistency across the LGA.</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
44	<p>Clause 6.17 – Location of restricted premises and sex service premises</p> <p>It is proposed to prohibit sex services premises in all zones in the land use table but to permit the use on the lands where they are currently permitted (refer to the table on page 47 of Attachment A1). Council proposes new harmonised wording for the IWLEP that largely draws on the existing clause within the ALEP 2013, which includes restricted premises in addition to sex service premises. The existing separation distances adopted under the MLEP 2011 and ALEP 2013 clauses are proposed to be retained for the respective areas they currently relate to.</p>	<p>All three LEPs contain a local provision relating to sex service premises. The clause in ALEP 2013 additionally limits restricted premises. Zones where sex services premises are permitted under the current LEPs vary across the LGA. The land use is permitted in B2 Local Centre in Leichardt LEP 2013, B6 Enterprise Corridor in MLEP 2011 and B4 Mixed Use in ALEP 2013. Refer to the legislation website for the existing wording.</p>	<p>Council states that the combined clause retains the current intent of the legacy clauses, while aligning the provisions for a consistent approach across the LGA.</p>	<p>Considered acceptable.</p>	<p>Satisfactory</p>
45	<p>Clause 6.18 – Development control plans for certain development</p> <p>Council proposes to carry forward this clause from the LLEP 2013 (clause 6.14) but limit its application to the area to which it currently applies only through identification on the Key Sites Map.</p>	<p>This clause is exclusive to LLEP 2013 (clause 6.14). Refer to the legislation website for the existing wording.</p>	<p>Council states that a future planning proposal will investigate whether to extend this control across the whole LGA.</p>	<p>Considered acceptable</p>	<p>Satisfactory</p>

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
46	Clause 6.19 – Design excellence Council proposes to carry forward this clause from the MLEP 2011 and extend its application to the former Leichhardt and Ashfield council areas.	This clause is exclusive to MLEP 2011 and will be inserted as Clause 6.20 once the housekeeping planning proposal for this LEP (Amendment No. 4) is finalised.	Councils states that it proposes to carry forward and extend the application of this clause to cover the entire LGA to ensure design excellence is adequately considered in the assessment of development with a height of 14m or more, particularly with respect to the public domain and forms of development not covered by the Apartment Design Guidelines. Council further states that a future planning proposal will investigate whether changes to this clause are required as a result of its expanded application.	Considered acceptable. The extension of this clause to new land within the LGA aligns with Priority E6 of the District Plan which identifies design excellence as critical to improving liveability and to the creation of great places.	Satisfactory

47	<p>Clauses 6.20 – 6.26 – site specific clauses</p> <p>Council proposes to carry forward the following clauses from LLEP 2013 and MLEP 2011 with some updates to terminology, numbering and mapping:</p> <ul style="list-style-type: none"> – 6.20 - Development of land at 141 and 159 Allen Street, Leichhardt (clause 6.17 of LLEP 2013) – 6.21 - Development of land at 168 Norton Street, Leichhardt (clause 6.18 of LLEP 2013) – 6.22 - Development of land at 101–103 Lilyfield Road, Lilyfield (clause 6.19 of LLEP 2013) – 6.23 - Development of land at 17 Marion Street, Leichhardt (clause 6.20 of LLEP 2013) – 6.24 - Residential accommodation as part of mixed use development in certain business zones (clause 6.16 of MLEP 2011) – 6.25 - Development on certain land at Victoria Road, Marrickville (clause 6.17 of MLEP 2011) – 6.26 - Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville (clause 6.18 of MLEP 2011) 	<p>Each of the clauses listed in the previous column are exclusive to their respective LEPs as they relate to specific sites within each of the former council areas. Refer to the legislation website for current wording.</p>	<p>No specific justification is provided however the key guiding principles set out in the planning proposal (pg. 6) can be said to apply.</p>	<p>Considered appropriate.</p>	<p>Satisfactory</p>
----	--	---	--	--------------------------------	---------------------

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
	<ul style="list-style-type: none"> – 6.27 - Development at 287–309 Trafalgar Street, Petersham (clause 6.19 of MLEP 2011) 				
48	<p>The following two site specific clauses contained within MLEP 2011 and ALEP 2013 are not proposed to be carried forward:</p> <ul style="list-style-type: none"> – Clause 6.11 of MLEP 2011: Use of dwelling houses in business and industrial zones – Clause 6.4 of ALEP 2013: Converting serviced apartments to residential flat buildings 	<p>Clause 6.11 of MLEP 2011 is exclusive to this LEP. Clause 6.4 of ALEP 2013 is exclusive to this LEP. Refer to the legislation website for the existing wording.</p>	<p>With regard to clause 6.11 of MLEP 2011, Council states that a clause restricting development of dwelling houses in business and industrial zones would be redundant as dwelling houses are proposed to be prohibited in business and industrial zones (other than B1 – Neighbourhood Centre) in the land use table for IWLEP. With regard to clause 6.4 of ALEP 2013, council as any conversion of a serviced apartment to a residential flat building is required to be assessed under SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide where those documents Apply, this clause is redundant.</p>	Considered appropriate.	Satisfactory

No.	Proposed Change (clause numbers listed are those proposed for IWLEP)	Current wording/ mapping	Council justification	Department comment	Satisfactory / Unsatisfactory
49	<p>Clause 6.28 Architectural roof features</p> <p>This clause allows roof features to exceed the maximum height where it enhances the architectural design of the building. An identical clause is currently adopted by the ALEP 2013 under Part 5 Miscellaneous provisions (clause 5.6). In order to retain the clause's application to the land to which it currently applies only, it is proposed to create a new local provision (this clause) under Part 6 that replicates the current clause wording under clause 5.6 of ALEP 2013. It is proposed to continue to apply the clause to the former Ashfield LGA only via identification on the Key Sites map.</p>	Only ALEP 2013 incorporates a similar clause. Refer to the legislation website for the existing wording.	No specific justification is provided however the key guiding principles set out in the planning proposal (Attachment A1 , pages 6 and 7) can be said to apply.	Considered acceptable.	Satisfactory