



Inner West Council

Planning Proposal

**Consolidated Inner West Local Environmental
Plan**

IWC - PP- 2/2019

Planning Proposal

Consolidated Inner West Local Environmental Plan

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Introduction

Background

As a result of the State-wide Council Boundary Review process, three Local Government Areas in Inner West Sydney, the Ashfield Local Government Area (LGA), the Leichhardt LGA, and the Marrickville LGA were amalgamated in May 2016 to form the new Inner West Council.

The environmental planning instruments of the former Councils remain in force. At the level of the Local Environmental Plan, three principal planning instruments are applicable:

- Ashfield Local Environmental Plan 2013 (Ashfield LEP 2013);
- Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013); and
- Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011).

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 LGA. It will set the framework for future planning proposals to implement the actions of the Eastern City District Plan and the Inner West Local Strategic Planning Statement (LSPS). This document describes the proposal to consolidate the Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011 to create a single Inner West Local Environmental Plan (IWLEP).

The Planning Proposal applies to the land identified in *Figure 1*.

Note:

- Callan Park – is subject to the provisions of *Callan Park (Special Provisions) Act 2002 No. 139*;
- The Bays Precinct – is subject to the provisions of *Sydney Regional Environmental Plan No 26 (City West)*; and
- Land identified as “Deferred matter” refers to land known as the Balmain Tigers site where Leichhardt Local Environmental Plan 2000 continues to apply.

This Planning Proposal is a consolidation of the existing LEPs, aligning the existing controls where necessary but not changing applicable development standards, including floor space ratio and height of buildings. A key principle of the preparation of the Inner West LEP is to ensure that the new plan is consistent with the current NSW Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP).

In accordance with the NSW Department of Planning, Industry and Environment’s (DPIE) ‘*Guidance for Merged Councils on Planning Functions*’ (May 2016), Council has undertaken the necessary review of existing controls and where possible, aligned and harmonised planning policy, controls and standards to inform a Planning Proposal for an Inner West

LEP. A gateway determination is sought from DPIE to proceed with this planning proposal, which includes public exhibition.

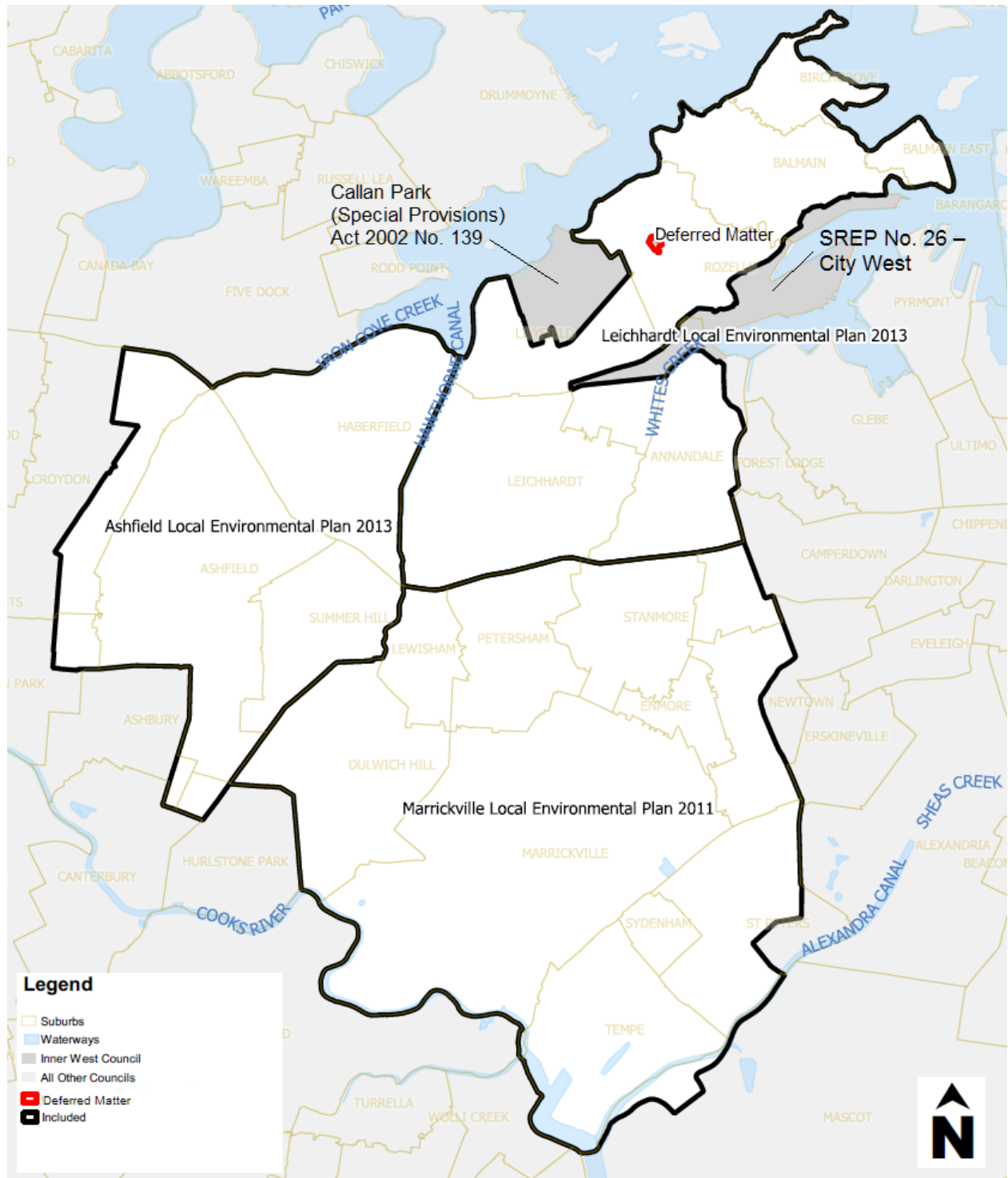


Figure 1: Inner West Council Local Government Area, showing existing LEP coverage

This Planning Proposal has been prepared in accordance with the Department of Planning, Industry and Environment's document 'A Guide to Preparing Planning Proposals'. It includes the following considerations as required:

- Objectives or intended outcomes;
- Explanation of provisions;
- Justification;
- Need for the planning proposal;
- Relationship to strategic framework;
- Environmental, social and economic impact; and
- State and Commonwealth interests.

Description of the LGA and local context

Inner West Council is located about 5 kilometres west of Sydney CBD. The area is bordered by the City of Sydney Local Government area to the east, Parramatta River and Canada Bay Local Government Area to the north, Burwood and Canterbury-Bankstown Local Government Areas to the west and the Cooks River and Bayside Local Government Area to the south.

Inner West Council has an estimated resident population of 199,527 (ABS, 2019) and covers an area of 36 square km from Balmain in the north, Newtown in the east, Tempe in the south and Croydon in the west. It includes the following suburbs:

Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe and parts of: Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

The predominant character of the LGA is medium density housing, supported by industrial areas, 24 local centres of varying scales and open space provided unevenly across the LGA.

Staging

Council's land use planning project, *Our Place Inner West*, will develop a new Local Environmental Plan (LEP) and Development Control Plan (DCP) for the Inner West, supported by a consolidated Local Development Contributions Plan. The new LEP and DCP will replace the planning frameworks used by the former Ashfield, Leichhardt and Marrickville Councils.

The 2018 update to the *Environmental Planning and Assessment Act 1979*, requires Council to prepare a Local Strategic Planning Statement that will guide development and use of the Local Environment Plan and Development Control Plan. Council's draft LSPS, was on public exhibition until 27 October 2019, and will be considered by Council for submission to the Greater Sydney Commission early in 2020. As the key aim of this Planning Proposal is to consolidate the LEPs of the former Leichhardt, Marrickville and

Ashfield LGAs into one new planning instrument, it does not seek to implement the short term actions of the LSPS. Future staged planning proposals will address these matters. However, the priorities, objectives and actions in the draft LSPS have been used to inform certain choices in the consolidation process.

A planning proposal for amendments to the Marrickville LEP 2011 (Amendment 4) received gateway determination on 26 October 2017 to proceed subject to conditions, and is currently at Post Exhibition stage (PP_2017_IWEST_013_01). The proposal seeks to make housekeeping amendments to Marrickville LEP 2011 to correct misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls, or improve the clarity of controls.

It is anticipated that this proposal will be finalised within the timeframe for the completion of the consolidated IWLEP. Therefore the IWLEP has been drafted to ensure it is consistent with the recommended provisions of Marrickville LEP 2011 (Amendment 4).

On 12 November Council resolved to progress the draft amendments to the Ashfield LEP 2013 (Amendment 8) to notification (gazettal). The two changes that result from Amendment 8 have been incorporated into this planning proposal for the IWLEP and relate to heritage controls.

The staging for the LSPS, associated strategies and the Planning Proposals for the first LEPs is summarised in brief in the table below:

Activity	Completion Date
LSPS exhibition	End 27 October 2019
Consolidated IWLEP to DPIE for gateway consideration	December 2019
LSPS Adopted	March 2020
Public Exhibition of consolidated IWLEP	March-April 2020
Council adoption of Housing Strategy	Early 2020
Council adoption of Integrated Transport Strategy	Early 2020
Council adoption of Employment and Retail Land Strategy	Early 2020
Preparation of Stage 2 LEP	Late 2020
Review of Inner West DCP	2020 - 2021

Part 1 Objectives and intended outcomes

The objective of this proposal is to prepare a Local Environmental Plan (LEP) which will consolidate the provisions of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011, consistent with the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP).

A single Inner West LEP (IWLEP) will simplify the planning process by reducing the number of planning instruments applicable to land in the Inner West Local Government Area, removing duplication of planning controls and aligning, wherever possible, the land uses and controls within the current instruments. This LEP is not a comprehensive review of all planning controls, but a consolidation, harmonisation and alignment of the three principal LEPs applicable across the LGA. This will remove confusion and complication for the community and provide greater certainty to landowners.

This first stage will seek to consolidate the LEPs, while minimising changes. No changes are proposed to the FSR, Height of Buildings or Minimum Lot Sizes. Importantly, the consolidated instrument will provide the basis for the next stage- the future, comprehensive review of planning controls across the LGA, informed by state strategies, local evidence based strategies and plans and the Local Strategic Planning Statement.

The detailed objectives of this Planning Proposal are to:

- 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.

Part 2 Explanation of provisions

This Planning Proposal is for a single Inner West Local Environmental Plan (IWLEP), which consolidates the planning controls within the three principal LEPs currently in force across the Inner West Local Government Area (LGA).

Key Principles

Key principles were developed to compare and assess the three LEPs. These principles, outlined below, have guided the drafting of the consolidated IWLEP.

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.

Inner West Local Environmental Plan

The existing LEPs were prepared in the Standard Instrument LEP format. The existing planning instruments include objectives and clauses additional to those mandated in the *Standard Instrument (Local Environmental Plans) Order 2006* (SILEP) and have not made the same decisions regarding adoption of optional clauses. This results in three standard instrument LEPs, which nevertheless differ in a number of ways as outlined below.

The following section outlines the differences between the existing plans, as well as key matters and issues relevant to producing a single consolidated LEP. **Appendix 1** provides a draft written instrument for the IWLEP, for more detailed reference.

IWLEP Part 1 - Preliminary

It is proposed that Part 1 of IWLEP will adopt Standard Instrument clauses with the following exceptions:

Part 1.2 – Aims of the Plan. The Standard Instrument does not specify what the aims of the Plan should be. The existing aims of the legacy LEPs vary in number and detail, from eight to twenty-three specific aims. A consolidated set of aims is proposed that seeks to capture the intent of the existing aims, as follows:

- (a) to ensure development applies the principles of ecologically sustainable development,
- (b) to mitigate the impact of climate change and adapt to its impacts,
- (c) to protect, enhance and sustainably manage biodiversity, natural ecosystems, water resources, ecological processes and urban forest,
- (d) to ensure that the risk to the community in areas subject to urban and natural hazards is minimised,
- (e) to ensure that existing and future residents, visitors and workers have access to sustainable transport (including walking and cycling), social and community infrastructure, services and public open space,
- (f) to retain, protect and increase industrial and employment land and enhance the function and vitality of centres,
- (g) to promote accessible and diverse housing types to support people at all stages of life, including the provision and retention of affordable housing,
- (h) to identify, protect and conserve environmental and cultural heritage and significant local character,
- (i) to achieve a high-quality urban form and open space in the public and private domain by ensuring new development exhibits architectural and urban design excellence,
- (j) to protect and enhance the amenity, vitality and viability of Inner West for existing and future residents, workers and visitors,
- (k) to protect and enhance significant views and vistas from the public domain and promote view sharing from and between private dwellings,
- (l) to prevent adverse social, economic and environmental impacts, including cumulative impacts.

For reference, a comparison of the existing LEP aims is provided below:

Clause 1.2 Aims of Plan – legacy clauses		
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011
<p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment,</p> <p>(b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres,</p> <p>(c) to identify and conserve the environmental and cultural heritage of Ashfield,</p> <p>(d) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,</p> <p>(e) to strengthen the viability and vitality of the Ashfield town centre as a primary centre for investment, employment, cultural and civic activity, and to encourage a majority of future housing opportunities to be located within and around the centre,</p> <p>(f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres while providing opportunities for small-scale, infill development that enhances the amenity and vitality of the centres,</p> <p>(g) to encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas,</p> <p>(h) to ensure that development has proper regard to environmental</p>	<p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to ensure that development applies the principles of ecologically sustainable development,</p> <p>(b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,</p> <p>(c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt,</p> <p>(d) to promote a high standard of urban design in the public and private domains,</p> <p>(e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,</p> <p>(f) to maintain and enhance Leichhardt's urban environment,</p> <p>(g) to ensure that land use zones are appropriately located to maximise access to sustainable transport, community services, employment and economic opportunities, public open space, recreation facilities and the waterfront,</p> <p>(h) to promote accessible and diverse housing types, including the provision and retention of:</p> <p>(i) housing for seniors or people with a disability, and</p> <p>(ii) affordable housing,</p> <p>(i) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases the use of active transport through walking, cycling and the use of</p>	<p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses,</p> <p>(b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity,</p> <p>(c) to protect existing industrial land and facilitate new business and employment,</p> <p>(d) to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling,</p> <p>(e) to promote accessible and diverse housing types including the provision and retention of affordable housing,</p> <p>(f) to ensure development applies the principles of ecologically sustainable development,</p> <p>(g) to identify and conserve the environmental and cultural heritage of Marrickville,</p> <p>(h) to promote a high standard of design in the private and public domain.</p>

Clause 1.2 Aims of Plan – legacy clauses		
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011
<p>constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms,</p> <p>(i) to require that new development incorporates the principles of ecologically sustainable development.</p>	<p>public transport,</p> <p>(j) to ensure an adequate supply of land and housing to facilitate:</p> <p>(i) employment and economic opportunities, and</p> <p>(ii) the provision of goods and services that meet the needs of the local and subregional population,</p> <p>(k) to protect and enhance:</p> <p>(i) views and vistas of Sydney Harbour, Parramatta River, Callan Park and Leichhardt and</p> <p>(ii) Balmain civic precincts from roads and public vantage points, and views and view sharing from and between private dwellings,</p> <p>(l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,</p> <p>(m) to ensure that development provides high quality landscaped areas in residential developments,</p> <p>(n) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scientific and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, and of surface rock, remnant bushland, ridgelines and skylines,</p> <p>(o) to prevent undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items,</p> <p>(p) to provide for effective community participation and consultation for planning and</p>	

Clause 1.2 Aims of Plan – legacy clauses		
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011
	<p>development,</p> <p>(q) to promote opportunities for equitable and inclusive social, cultural and community activities,</p> <p>(r) to promote the health and well being of residents, business operators, workers and visitors,</p> <p>(s) to ensure that development applies the principles of crime prevention through design to promote safer places and spaces,</p> <p>(t) to ensure that development responds to, conserves, protects and enhances the natural environment, including terrestrial, aquatic and riparian habitats, bushland, biodiversity, wildlife habitat corridors and ecologically sensitive land,</p> <p>(u) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design,</p> <p>(v) to ensure that existing landforms and natural drainage systems are protected,</p> <p>(w) to ensure that the risk to the community in areas subject to environmental hazards is minimised,</p> <p>(x) to ensure that the impacts of climate change are mitigated and adapted to.</p>	

Clause 1.3 – Land to which this Plan applies - will identify the land to which the new Inner West LEP applies, by reference to the Land Application Map. A single consolidated Land Application Map will identify the entire LGA, clearly identifying the excluded areas, as noted in Section 1.2 of this Planning Proposal.

The land identified as a “Deferred matter” on the Land Application Map for Leichhardt LEP 2013 will remain a deferred matter, and subject to Leichhardt LEP 2000 and identified as such in the consolidated Land Application Map.

The Balmain Leagues Club site may be incorporated into IWLEP as part of a future planning proposal. There are no plans to change the current controls for this site.

Clause 1.8 – Repeal of planning instruments applying to land. The new IWLEP will repeal the existing LEPs: Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011. The existing note from Leichhardt LEP 2013 will remain as Clause 1.3 (1A) advising that Leichhardt LEP 2000 will continue to apply to the land identified as “Deferred matter” on the Land Application Map.

All three legacy LEPs adopt **Clauses 1.8A – Savings provision relating to development applications** and **1.9A – Suspension of covenants, agreements and instruments**; thus these controls will be carried forward to IWLEP.

IWLEP Part 2 – Permitted or Prohibited Development

The Planning Proposal seeks to retain all zones in the existing LEPs, consolidating the zone objectives, updating the zoning table, and ensuring zones are consistently applied across the LGA.

Clause 2.5 – Additional permitted uses for particular land – Clause 2.5 and Schedule 1 of IWLEP identify land within the Inner West Local Government Area (LGA), where uses are permitted in addition to those specified in the land use tables. 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 becoming permissible in the zone.

Clause 2.8 – Temporary use of land - This clause allows a prohibited use to occur in any zone with development consent. The maximum time period that temporary uses can occur differs between 52 days in Ashfield LEP 2013 and Marrickville LEP 2011 and 106 days in Leichhardt LEP 2013.

Following the principles outlined earlier in this report, it is recommended that the maximum time period of 52 days in Ashfield LEP 2013/Marrickville LEP 2011 be used. It is considered that allowing prohibited uses to occur for longer than three months of the year is not desirable and that if consent is sought for a longer period than 52 days it should be obtained via a planning proposal.

Land use table – each zone in the land use table contains objectives, uses permitted without consent, uses permitted with consent and uses that are prohibited. It is proposed to retain the objectives for the following zones as per the existing LEPs: Zone W1 – Natural Waterways, Zone W2 – Recreational Waterways, Zone SP1 – Special Activities. The following table compares the existing objectives for each zone with the proposed objectives. Certain objectives are mandated in the standard instrument and are included in **bold**, while objectives from the legacy LEPs are standard text and new objectives (or substantially reworked objectives) are underlined.

Zone R1 – General Residential			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
No land zoned R1	<ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To improve opportunities to work from home. • To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas. • To provide landscaped areas for the use and enjoyment of existing and future residents. • To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area. • To protect and enhance the amenity of existing and future residents and the neighbourhood. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for retail premises in existing buildings designed and constructed for commercial purposes. • To provide for office premises in existing buildings designed and constructed for commercial purposes or as part of the conversion of existing industrial or warehouse buildings. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas. • To provide landscaped areas for the use and enjoyment of existing and future residents. • To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area. • To protect and enhance the amenity of existing and future residents and the neighbourhood.

Zone R2 – Low Density Residential			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	No land zoned R2	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for multi dwelling housing and residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings. • To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes. • To provide for retail premises in existing buildings designed and constructed for commercial purposes. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas. • To provide landscaped areas for the use and enjoyment of existing and future residents. • To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area. • To protect and enhance the amenity of existing and future residents and the neighbourhood.

Zone R3 – Medium Density Residential			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To permit increased residential density in accessible locations so as to maximise public transport patronage and to encourage walking and cycling. • To ensure that a high level of residential amenity is achieved and maintained. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for residential flat buildings but only as part of the conversion of existing industrial and warehouse buildings. • To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes. • To provide for retail premises in existing buildings designed and constructed for commercial purposes. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide housing that is compatible with the <u>desired future</u> character of the locality. • <u>To ensure that lots are of adequate size and shape to facilitate the appropriate balance between built form and high quality landscape outcomes.</u> • To protect and enhance the amenity of existing and future residents and the neighbourhood.

Zone R4 – High Density Residential			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
No land zoned R4	No land zoned R4	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes. • To provide for retail premises in existing buildings designed and constructed for commercial purposes. • To provide for well-connected neighbourhoods that support the use of public transport, walking and cycling. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • <u>To provide housing that displays quality architectural, urban and landscape design, consistent with the desired future character.</u> • <u>To ensure that lot consolidation creates lots that are of sufficient size to facilitate the appropriate balance between built form and high quality landscape outcomes.</u> • To protect and enhance the amenity of existing and future residents and the neighbourhood..

Zone B1 Neighbourhood Centre			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas. 	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To ensure that development is appropriately designed to minimise amenity impacts. To allow appropriate residential uses to support the vitality of neighbourhood centres. 	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood. To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts. To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house. 	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. <u>To encourage employment opportunities for local residents.</u> <u>To provide for services and employment within walking distance of residences</u> <u>To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy.</u> <u>To allow residential accommodation while maintaining active retail, business or non-residential land uses at street level.</u>

Zone B2 Local Centre			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. 	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. 	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. 	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in

Zone B2 Local Centre			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To maximise public transport patronage and encourage walking and cycling. • To encourage residential accommodation as part of mixed use development. 	<ul style="list-style-type: none"> • To maximise public transport patronage and encourage walking and cycling. • To ensure that development is appropriately designed to minimise amenity impacts. • To allow appropriate residential uses to support the vitality of local centres. • To ensure that uses support the viability of local centres. • To provide a mixture of compatible land uses. • To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres. • To integrate suitable business, office, residential, retail and other development in accessible locations. 	<ul style="list-style-type: none"> • To maximise public transport patronage and encourage walking and cycling. • To provide housing attached to permissible non-residential uses which are of a type and scale commensurate with the accessibility and function of the centre or area. • To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts. • To constrain parking and reduce car use. 	<p>accessible locations.</p> <ul style="list-style-type: none"> • To maximise public transport patronage and encourage walking and cycling. • To reinforce and enhance the role, function and identity of local centres as the primary commercial and retail centres in Inner West and provide for residential development that supports, and does not detract from, that function. • To strengthen the viability and vitality of the Ashfield town centre as the primary centre for investment, employment, cultural and civic activity.¹ • <u>To promote building use and design that creates open and lively facades and invites people to interact at a street level.</u> • <u>To generally conserve and enhance the unique sense of place of local centres by ensuring that new development displays architectural and urban design quality and integrates with the desired character and cultural heritage of these places.</u>

Zone B2 Local Centre			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
			¹ This objective is taken from the aims of the Ashfield LEP.

Zone B4 Mixed Use			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield. • To encourage the orderly and efficient development of land through the consolidation of lots. 	<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To support the renewal of specific areas by providing for quality medium density residential and small-scale retail and commercial uses. • To ensure that development is appropriately designed to enhance the amenity of existing and future residents and the neighbourhood. • To constrain parking and restrict car use. 	<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design. • To promote commercial uses by limiting housing. • To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house. • To constrain parking and restrict car use. 	<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To support the renewal of specific areas by providing for a broad range of services and employment uses <u>without adversely impacting on the role or viability of nearby centres.</u> • <u>To facilitate a high standard of urban design and pedestrian amenity that creates open and lively facades, contributes to achieving a sense of place for the local community and caters for the needs of all ages and abilities.</u>

Zone B5 Business Development			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
No land zoned B5	No land zoned B5	<ul style="list-style-type: none"> • To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. • To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house. • To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network. 	<ul style="list-style-type: none"> • To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. • <u>To encourage innovative businesses and light industries to respond to changing markets.</u> • <u>To maintain the productivity and operation of nearby industrial areas, by promoting a pattern of land uses in the zone that provides a buffer between the industrial activities and uses such as residential, that are sensitive to amenity impacts.</u> • <u>To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.</u>

Zone B6 Enterprise Corridor			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. 	No land zoned B6	<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). <p>To maintain the economic strength of centres by limiting retailing activity.</p> <ul style="list-style-type: none"> To provide for residential uses, but only as part of a mixed development. To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house. 	<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. <u>To encourage urban services and other development types requiring large floor areas.</u> <u>To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.</u>

Zone B7 Business Park			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
No land zoned B7	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day 	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day 	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to

Zone B7 Business Park			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
	<p>needs of workers in the area.</p> <ul style="list-style-type: none"> • To provide for limited residential development in conjunction with permissible active ground floor uses. • To provide for certain business and office premises and light industries in the arts, technology, production and design sectors. 	<p>needs of workers in the area.</p> <ul style="list-style-type: none"> • To provide for limited residential development in conjunction with permissible active ground floor uses. • To provide business and office premises for the purposes of certain art, technology, production and design sectors. • To enable a purpose-built dwelling house to be used in certain circumstances as a dwelling house. 	<p>day needs of workers in the area.</p> <ul style="list-style-type: none"> • To provide business and office premises for the purposes of certain art, technology, production and design sectors. • <u>To ensure that development in the zone does not detract from the function of centres.</u> • <u>To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.</u>

Zone IN1 – General Industrial			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
No land zoned IN1	No land zoned IN1	<ul style="list-style-type: none"> • To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To protect industrial land in proximity to Sydney Airport and Port Botany. • To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house. 	<ul style="list-style-type: none"> • To provide a wide range of industrial and warehouse land uses. • To encourage employment opportunities. • To minimise any adverse effect of industry on other land uses. • To support and protect industrial land for industrial uses. • To protect industrial land in proximity to Sydney Airport and Port Botany <u>and the Greater Sydney Commission's Eastern Economic Corridor.</u>

Zone IN2 – Light Industrial			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. 	<ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. • To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community. • To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities. • To retain and encourage waterfront industrial and maritime activities. • To provide for certain business and office premises and light industries in the arts, technology, production and design sectors. 	<ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. • To provide business and office premises for the purposes of certain art, technology, production and design sectors. • To enable a purpose-built dwelling house to be used in certain circumstances as a dwelling house. 	<ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. • To retain existing and employment uses and foster a range of new industrial uses to meet the needs of the community. • To retain and encourage waterfront industrial and maritime activities.

Zone SP2 – Infrastructure			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	<ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. • To ensure the adequate provision of public, community and social infrastructure. 	<ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. • To protect and provide for land used for community purposes. 	<ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure. • To protect and provide for land used for community purposes. • To provide for public, community and social infrastructure.

Zone RE1 – Public Recreation			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms. • To allow land to be used for a limited range of facilities that are compatible with or will complement the specific recreational use for which it is zoned. 	<ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To maximise the quantity and quality of open space areas to meet the existing and future needs of the community. • To ensure the equitable distribution of, and access to, open space and recreation facilities. • To retain, protect and promote public access to foreshore areas and to provide links between open space 	<ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To provide for a range of community facilities, services and compatible land uses. 	<ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To retain, protect and promote public access to foreshore areas and to provide links between open space areas • To conserve, maintain and enhance biodiversity and the natural environment, including terrestrial, aquatic and riparian habitats and natural land forms. • To provide for a range of community facilities and compatible land

Zone RE1 – Public Recreation			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
	<p>areas.</p> <ul style="list-style-type: none"> • To provide opportunities in open space for public art. • To conserve, protect and enhance the natural environment, including terrestrial, aquatic and riparian habitats. 		<p>uses <u>are ancillary to the public open space and recreational use of the land.</u></p>

Zone RE2 – Private Recreation			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<ul style="list-style-type: none"> • To enable land to be used for private open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. 	<ul style="list-style-type: none"> • To enable land to be used for private open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. 	<ul style="list-style-type: none"> • To enable land to be used for private open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To provide for a range of community facilities, services and compatible land uses. 	<ul style="list-style-type: none"> • To enable land to be used for private open space or recreational purposes • To provide a range of recreational settings and activities and compatible land uses • To protect and enhance the natural environment for recreational purposes • To provide for a range of community facilities, services and compatible land uses.

The uses permitted and prohibited in each zone have been updated in accordance with the principles outlined earlier in this report. The draft land use tables are included in the Draft IWLEP at **Appendix 1**. For more detailed understanding of the proposed changes, the land use matrix for each zone is attached as **Appendix 3**. This compares the uses under the legacy LEPs with the proposed IWLEP. Where the permissibility of uses is inconsistent between LEPs, the relevant principle used in selecting whether the use would be permissible or prohibited is listed in the column to the right of the matrix. Where there is no reason for change shown in this column, Principle 4 (Permissibility retention) has been applied, as there is no change necessary.

The major alignments can be summarised as follows:

- Restricting residential uses in the B7 – Business Park zone to dwelling houses and residential flat buildings. The addition of residential flat buildings as a permissible use in B7 land in former Leichhardt is likely to have minimal impacts given the FSR is restricted to 1:1 on these sites and Clause 6.14 requires 60% of the floor space to be used for non-residential purposes. This clause is further discussed later in this report.
- Dual occupancies will be prohibited in all zones, consistent with Marrickville LEP 2011. This will ensure that Council continues to have control over the impacts of medium density development on streetscape, local character and amenity in the low density residential zone. 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. It is considered that this will 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.
- Permissible uses in business zones have been widened to include:
 - Light industries in B1, B2, B4, B5, B6 and B7; and
 - Industrial retail outlets in B2, B4, B5, B6 and B7.

This change is consistent with the recommendations of the Draft Employment and Retail Lands Strategy which are discussed in further detail in Part 3 of this report.

Zoning alignments - To ensure zones are consistently applied across the whole LGA, the Planning Proposal seeks two zoning realignments, namely to the Moore St. industrial area and Ashfield town centre.

1. Industrial zoning alignment for Moore Street precinct, Leichhardt

It is proposed to rezone the majority of industrially zoned land around Moore Street, Leichhardt from IN2 – Light industrial to IN1 – General industrial (see Figure 2 for map of affected land). This is consistent with the recommendations of the *Draft Employment and Retail Lands Strategy* which are discussed in further detail in Part 3 of this report.

A consequence of the alignment of the Land Use tables for the IWLEP is that ‘general industries’ become a prohibited use on land zoned IN2 – Light industrial. The Leichhardt LEP currently allows ‘general industries’ in IN2, which would no longer be the case under the IWLEP.

The industrially zoned land around Moore Street, Leichhardt is of sufficient size and appropriate configuration to accommodate general industries without adversely impacting upon surrounding residential areas; indeed it is the only area in the northern part of the LGA that could do so viably for the long term. Therefore, zoning the land IN1 is appropriate and will maintain the current land use permissibility.

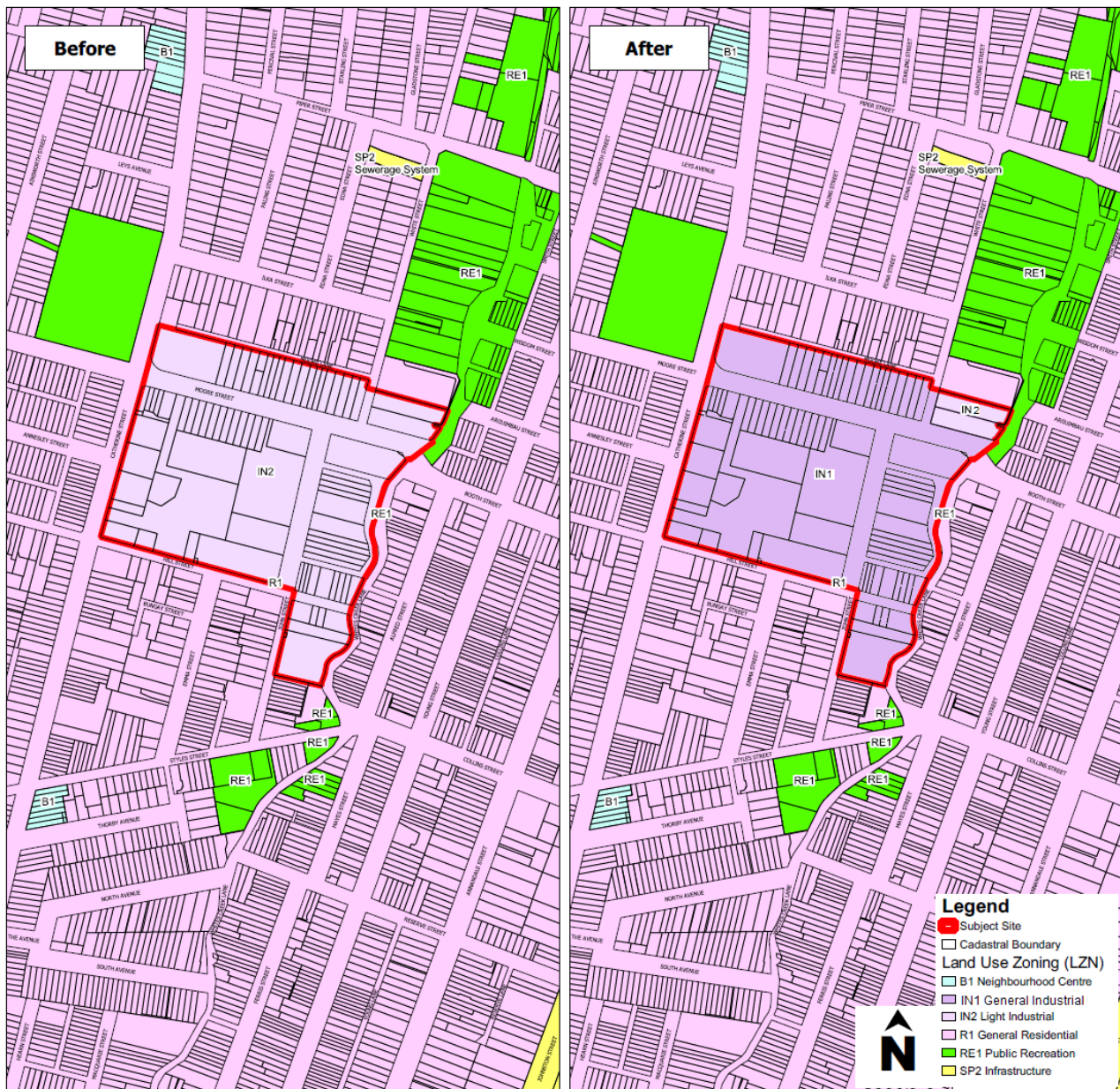


Figure 2: Proposed rezoning of land within the Moore Street industrial precinct (i.e. land currently zoned IN2 – Light Industrial, east of Catherine Street and west of Whites Creek, Leichhardt, with the exception of land at 1-5 White Street, Leichhardt) from IN2 – Light Industrial to IN1 – General Industrial

2. Business zoning alignment for Ashfield Town Centre

Leichhardt LEP 2013 and Marrickville LEP 2011 zone the town centres as B2 – General Business. Ashfield town centre is zoned B4 – Mixed Use (see Figure 3 below for siting of existing B4 and B2 zonings). The draft LSPS and *Draft Employment and Retail Lands Strategy* recommend aligning the zone of the Ashfield Town Centre to B2 – Local Centre to harmonise the LEP zones.

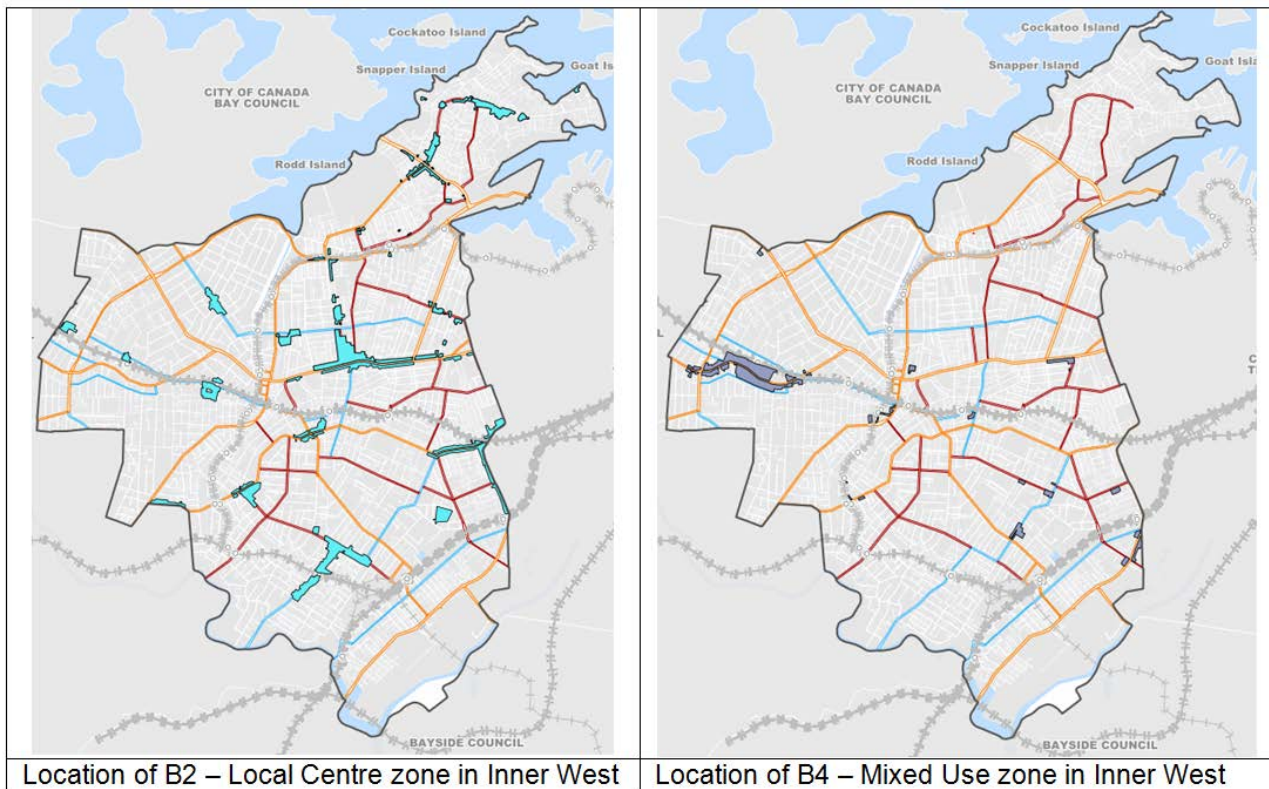


Figure 3: Location of B2 – Local Centre and B4 – Mixed use zones within the LGA

The draft *Employment and Retail Lands Study* notes that a consistent role of the B4 – Mixed Use zone should be to ‘accommodate a mix of out of centre commercial uses and residential accommodation’ whereas the role of the B2 – Local Centre should be to ‘provide a collection of shops and health, civic and commercial services’. The latter better fits the existing and desired future function of Ashfield Town Centre. From a strategic perspective this approach is also consistent with the intended ‘retail hierarchy of centres’ in Inner West as outlined by the *Draft Employment and Retail Lands Strategy* and the Draft LSPS.

The character and intent of the B4 zones elsewhere in the LGA is quite different to that of Ashfield town centre land zoned B4. Examples of land zoned B4 elsewhere in the LGA include:

- Two small precincts on Addison Rd Marrickville, made up of 7 to 11 sites each and separated by industrial and business development zones;
- A single large site on Upward St Taverners Hill;
- Scattered small collections of sites in Lewisham West near the light rail; and
- Lands along the Princes Highway St Peters with B6 Enterprise zone opposite.

Over 70% of the permissibility (or otherwise) of the land uses in the B2 Local Centre zone is consistent between the Ashfield B4 zone and the proposed B2 Local Centre zone. The alignment will increase permitted uses within Ashfield town centre to include light industries and ensure that uses such as tourist and visitor accommodation 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.

The table below outlines the rationale for the proposed permissibility between land uses that are inconsistent between the existing B4 Mixed Use zone in Ashfield town centre and the uses proposed for the B2 Local Centre zone in the draft IWLEP.

Discussion of the uses that are inconsistent between the existing B4 Mixed Use zone in Ashfield town centre and the uses proposed for the B2 Local Centre zone.		
B4 Mixed Use - Ashfield	B2 Local Centre – Draft IWLEP	Rationale
Residential accommodation		
Various types of residential accommodation are permitted, including dwelling houses, attached and semi-detached dwellings, multi dwelling housing, residential flat buildings, boarding houses, seniors housing and shop top housing	Only forms of residential accommodation that support the intent of the zone are permitted, or those that are mandated in the SI LEP – i.e.: shop top housing, seniors housing, boarding houses	Housing that is located at ground floor level is inappropriate in a town centre as it reduces the activation of the street, with flow on effects to the viability of businesses in the centre.
Tourist and visitor accommodation		
The uses under this term are all currently permitted with the exception of farm stay accommodation.	This is a mandated permissible use in B2	No practical change
Light industries		
Prohibited	Permitted with consent	In harmonising this use in the B2 zones it is proposed to permit light industries, consistent with the recommendations of the <i>Draft Employment and Retail Lands Strategy</i> . Light industries, by definition, cannot interfere with the amenity of the neighbourhood. Permitting them provides both opportunities for such industries, where industrial land is in scarce supply, as well as other options for the occupation of vacant premises. They are permitted in B2 zones in Leichhardt LEP 2013.
Storage premises (parent term), including self storage premises (child)		
Permitted with consent	Parent term prohibited, self storage premises permitted.	None of the LEPs currently permit the parent term, storage premises in the B2 local centre zone. It is considered adequate to permit self storage premises in town centres. They may play a complementary role, but are not a key

Discussion of the uses that are inconsistent between the existing B4 Mixed Use zone in Ashfield town centre and the uses proposed for the B2 Local Centre zone.		
B4 Mixed Use - Ashfield	B2 Local Centre – Draft IWLEP	Rationale
		use that supports the intent of the zone.
Resource recovery facilities, Water storage facilities and Electricity generating works		
Prohibited	Permitted with consent	These three uses are currently prohibited in the Ashfield B4 – Mixed Use zone and it is proposed to permit these uses in the IWLEP B2 – Local Centre zone. This will allow the uptake up new technologies that support more localised approaches to waste, energy and water which will improve sustainability outcomes, including the reduction of greenhouse emissions. The appropriateness of any particular proposal will still be considered on merit as part of a DA.
Correctional centres, industrial training facilities and research stations		
Permitted with consent	Prohibited	Prohibiting these uses in B2 is consistent with the principle on harmonisation. Correctional centres are most unlikely in Ashfield town centre. Further investigation may warrant re-consideration in regard to industrial training facilities and research stations.
Signage		
Prohibited	Permitted with consent	Ashfield prohibited signage in the zoning table only permitting signage under SEPP (<i>Exempt and Complying Development</i>) 2008. The other two LEPs did not prohibit the use, therefore allowing signage beyond the scope of the SEPP, with consent. This more flexible approach is reasonable for the town centre, especially for a centre proposed to be at the top of the centres hierarchy.
Boat launching ramps, boat shed, Charter and tourism boating facilities, jetties, mooring water recreation structures		
Prohibited	Permitted with consent	These water based uses are not relevant to Ashfield town centre, but are permitted due to the presence of a B2 Local Centre zone on the water under the Leichhardt LEP.

The affected land is shown in *Figure 3* below. Note: Only the central portion is recommended to be B2 Local Centre, with peripheral areas retaining their B4 - Mixed use zoning, consistent with the existing situation and the proposed retail hierarchy.

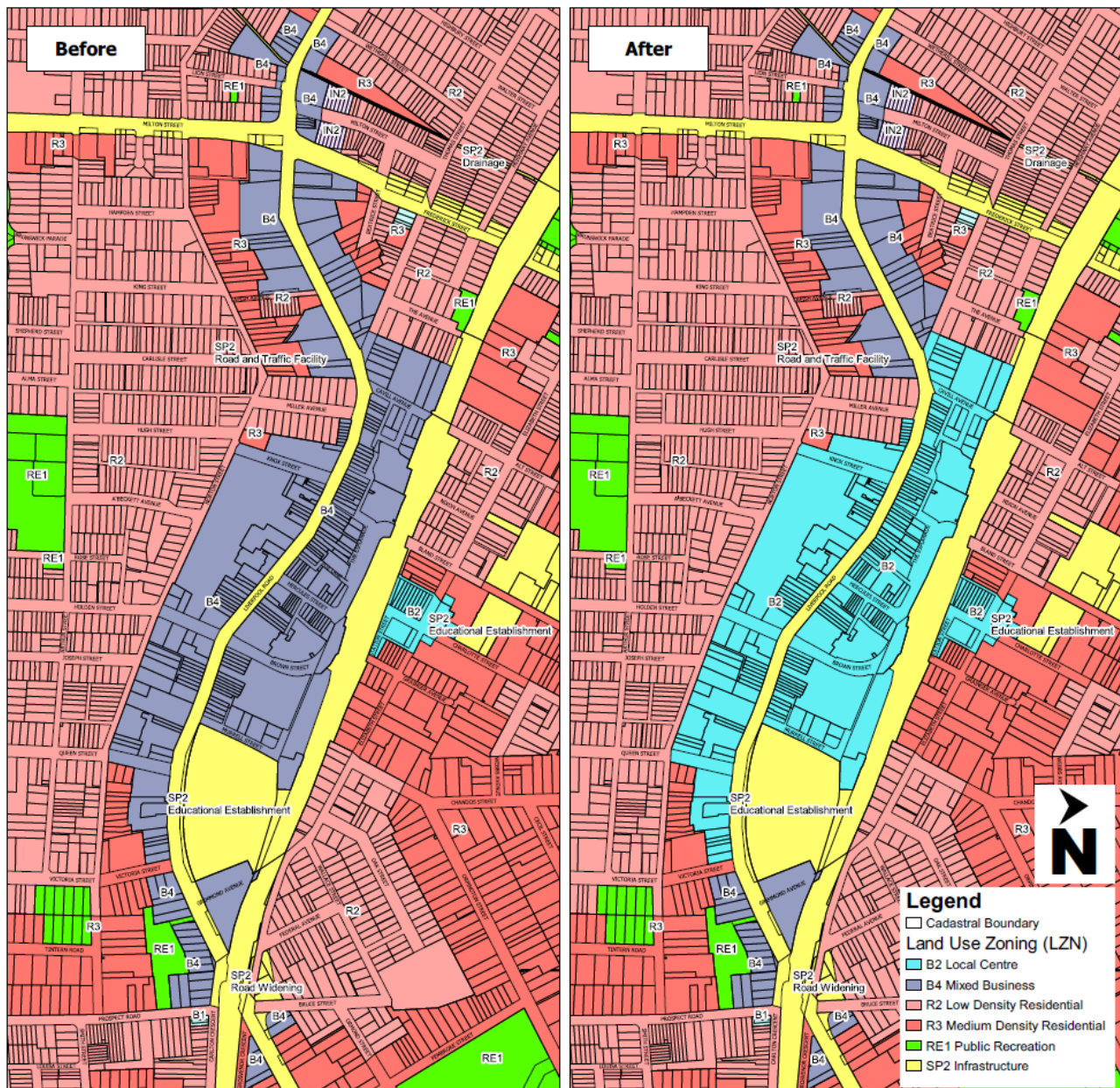


Figure 4: Proposed zoning amendment - B4 Mixed Use land predominately adjacent to Liverpool Road under Ashfield LEP 2013 to B2 Local Centre.

IWLEP Part 3 - Exempt and Complying Development

Part 3, Schedule 2 and Schedule 3 of the consolidated Inner West Local Environmental Plan (IWLEP) identify the circumstances in which development may be undertaken without consent (exempt development) and as complying development.

Schedule 2 – Exempt development lists exempt development that can occur in the LGA in addition to the exempt development listed in SEPP (Exempt and Complying Development Codes) 2008 which applies to the state. 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 public art on footpaths.

A number of sections (e.g. in relation to advertisements) have been removed, as they are now addressed in the SEPP, and are therefore redundant. The changes in Amendment 8 of Ashfield LEP 2013 have also been incorporated.

Schedule 3 – Complying development lists complying development that can occur in the LGA in addition to the complying development listed in SEPP (Exempt and Complying Development Codes) 2008 which applies to the state. It is proposed to combine the existing schedules in Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011, to provide consistency and clarity in line with the principles outlined in Part 2 of this report. Change of use from a restaurant/café to small bar or vice versa in B2 zoning would remain complying development.

IWLEP Part 4 – Principal Development Standards

No change to the numerical specifics of the development standards is proposed; with the currently applicable floor space ratio, height of buildings and minimum lot size figures being carried forward to the IWLEP.

It is proposed to carry forward the wording of Clauses 4.1 – 4.6 from the legacy LEPs / Standard Instrument.

Objectives for all the development standards will be aligned and updated to ensure they are appropriate for the LGA as a whole. A comparison of the existing and proposed objectives is given in **Appendix 2**.

Clause 4.1 – Minimum subdivision lot size to be retained. As this clause was not adopted by Marrickville LEP 2013 the Lot Size Map will not show minimum lot sizes for the former Marrickville area. Appropriate minimum lot sizes for whole LGA will be considered in a future planning proposal.

Clause 4.1A – Exceptions to minimum subdivision lot sizes for certain residential development – relates to two sites within former Ashfield. This will remain and the relevant wording from Ashfield Amendment 8 is incorporated within the clause.

Clause 4.1AA – Minimum subdivision lot size for community title schemes was not adopted in any of the existing LEPs and it is proposed not to be adopted in the IWLEP.

Clause 4.2 – Rural subdivision is not relevant as the LGA does not contain rural zones.

Clause 4.3 – Height of buildings to be retained. The height of building control has not been widely used within former Leichhardt. Appropriate building heights for whole LGA will

be considered in a future planning proposal particularly in relation to former Leichhardt and sites along Parramatta Road.

Clause 4.3A – Exceptions to minimum height of buildings in Ashfield town centre – provides height incentives for affordable rental housing within part of former Ashfield. This will remain as part of this planning proposal including the associated maps. Appropriate mechanisms for the provision of affordable housing across the LGA will be investigated as part of a future planning proposal.

Clause 4.3C – Landscaped areas for residential accommodation - relates to the provision of landscaping for residential development in the R1 – General Residential zone in former Leichhardt. It is proposed 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 for Ashfield and Marrickville. It is important to retain this clause as the Leichhardt DCP does not contain controls relating to the minimum provision of landscaped area. A future planning proposal will investigate whether to extend this control across the whole LGA.

Clause 4.4 – Floor Space Ratio – Clause 4.4(2A) which applies a higher floor space ratio to non-residential development in the R1 – General Residential zone, will be mapped to restrict its application to the R1 – General Residential zone in former Leichhardt to ensure existing development standards are maintained across the LGA. A future planning proposal will review application of floor space ratios across the LGA including along Parramatta Road.

Clause 4.4A – Exception to maximum floor space ratio for active street frontages – This clause will remain as part of this planning proposal. It is proposed to limit the application of this clause by identifying the area where it currently applies on the Floor Space Ratio Map. 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.

IWLEP Part 5 – Miscellaneous Provisions

It is proposed to carry forward the following clauses that are consistent across Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011 in their current form:

- 5.7 Development below mean high water mark;
- 5.8 Conversion of fire alarms;
- 5.11 Bush fire hazard reduction;
- 5.12 Infrastructure development and use of existing buildings of the Crown ;
- 5.13 Eco-tourist facilities [not applicable];
- 5.14 Siding Spring Observatory—maintaining dark sky [not adopted];
- 5.15 Defence communications facility [not adopted];
- 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [not applicable];
- 5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [not applicable]; and
- 5.19 Pond-based, tank-based and oyster aquaculture (including the associated schedule 6).

It is proposed to harmonise the other clauses in Part 5 as follows:

Clause 5.1 Relevant acquisition authority - This clause identifies the relevant authority to acquire land for certain public purposes. It is proposed to combine the proposed uses that land can be reserved for and update the Land Reservation Acquisition Map into a single map. This will be updated by excluding those areas acquired since the most recent amendment of the Map.

Clause 5.1A Development on land intended to be acquired for public purposes - This clause is not in the Standard Instrument, Ashfield LEP 2013 or Leichhardt LEP 2013. It is proposed to carry this clause over from Marrickville LEP 2013 and include land reserved for regional open space.

Clause 5.2 Classification and reclassification of public land - Clause 5.2 and Schedule 4 of the Inner West Local Environmental Plan (IWLEP) identify public land, proposed to be reclassified in accordance with the provisions of the *Local Government Act, 1993*.

- The land identified within Schedule 4 of the legacy LEPs was reclassified at the time of the gazettal/notification of the respective plans. In accordance with the redundancy principle, these lands have been removed from the tables to the schedule.
- It is not proposed to reclassify any public land as part of the LEP consolidation. Accordingly the tables in Schedule 4 are empty in the draft IWLEP.

Clause 5.3 Development near zone boundaries – This clause allows flexibility for certain zones to permit a use from an adjoining zone where the objectives of both zones are met. Ashfield LEP 2013 did not adopt this clause. The relevant distance near zone boundaries in Leichhardt LEP 2013 is 10m in Marrickville LEP 2011 is 25m. It is proposed to provide for a relevant distance of 25m in the consolidated IWLEP. The larger distance of 25 m was chosen to enhance flexibility, particularly on business sites adjoining residential areas.

Clause 5.4 Controls relating to miscellaneous permissible uses – This clause sets maximum size limits for certain permitted uses, where permitted under the LEP. These limits vary across the three existing LEPs. Where the controls are consistent these will be carried forward into IWLEP. The table below compares the 3 existing LEPs for those uses with inconsistent limits.

Clause 5.4 – Miscellaneous permissible uses – maximum floor area limits					
Use	Ashfield	Leichhardt	Marrickville	Proposed	Reason
Home businesses	50m ²	30m ²	50m ²	50m ²	3 - Alignment

Use	Ashfield	Leichhardt	Marrickville	Proposed	Reason
Home industries	50m ²	30m ²	30m ²	50m ²	5 – Consistency with objectives and strategic directions
Kiosks	100m ²	20m ²	30m ²	30m ²	5 – Consistency with objectives and strategic directions
Neighbourhood shops - retail floor area	100m ²	80m ²	100m ²	100m ²	3 – Alignment 5 – Consistency with objectives and strategic directions
Roadside stalls	10m ²	8m ²	8m ²	10m ²	5 – Consistency with objectives and strategic directions
Secondary dwellings	The greater of 60m ² or 35% of the total floor area of the principal dwelling	The greater of 60m ² or 30% of the total floor area of the principal dwelling	The lesser of 60m ² or 35% of the total floor area of the principal dwelling	The greater of 60m ² or 35% of the total floor area of the principal dwelling	5 – Consistency with objectives and strategic directions
Industrial retail outlets	40% GFA of the industry or 400m ²	The lesser of 20% GFA of the industry or 100m ²	The lesser of 11% GFA of the industry or 400m ²	The lesser of 20% of GFA or 100m ²	5 – Consistency with objectives and strategic directions
Artisan food and drink industry - retail sales GFA (not including any cafe or restaurant area)	The lesser of 40% GFA of the industry or 400m ²	The lesser of 20% GFA of the industry or 100m ²	The lesser of 11% GFA of the industry or 400m ²	Retain existing controls, to be identified on the Key Sites Map. Further investigation is required to inform a future planning proposal to align this use	4 – Permissibility retention

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. Only Ashfield LEP incorporates this clause. It is proposed to continue to apply the clause to the former Ashfield LGA only, via the Key Sites map.

Clause 5.10 – Heritage conservation – Clause 5.10 and Schedule 5 of IWLEP contains controls relating to heritage with Schedule 5 being the list of heritage items, heritage conservation areas, archaeological sites and agreed aboriginal heritage sites in the LGA. No changes to this clause are proposed.

All listed Heritage Items, all Heritage Conservation Areas and Archaeological sites will be retained. These are currently included in the Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011, amended through Marrickville LEP Amendment 4 where relevant.

A number of issues have been identified in the Schedule that the consolidated LEP will seek to remedy. These are mainly due to changes that have occurred since the drafting of the instruments, or to improve clarity and accuracy in accordance with the Principles outlined earlier in Part 2 of this report. It is proposed to:

- Correct drafting errors: these include matters such as inaccurate descriptions of the item; incorrect suburbs or spelling;
- Update property descriptions; where the Lot and DP, or the address is now incorrect, or where the maps and property descriptions do not align;
- Harmonise the approach to the listings in the Schedule, by incorporating all heritage types across the LEPs; namely Heritage Items; Heritage Conservation Areas; and Archaeological sites. Landscape items will be shown on the map in a separate colour, but will still be identified in the Schedule as 'Items';
- Clarifying or updating the identification of state and local listing.

In combining the Schedules across the legacy LEPs, a new numbering system is proposed as follows: Example 'I - 01- 23' where:

- The first letter (in this case I) relates to the type of listing – I for Item, C for conservation area and A for archaeological site;
- The second set of numbers (in this case 01) refers to the suburb, with a number allocated for each suburb;
- The third set of numbers (in this case 23) is the reference number used in the legacy LEP.

This approach allows the retention of existing reference numbering to minimise confusion yet still provides for alphabetical listing by suburb.

The detailed review, consolidation, harmonisation and correction of these tables is still underway. It is important to ensure these tables and the accompanying maps are as accurate as possible, therefore the Schedule is not included in the draft written instrument at

this stage. It is not required at the planning proposal stage. The Schedule will be available as part of the post-gateway exhibition.

Further investigation and amendments to heritage listings will be considered via the Targeted Heritage Review studies to inform a future planning proposal.

Clause 5.18 – Intensive livestock agriculture - This clause was included as part of Leichhardt LEP. It is not proposed to carry this clause forward to IWLEP as the land use is not permitted in the LGA and is therefore redundant.

IWLEP Part 6 – Additional local provisions - It is proposed to retain the intent of the local provisions and remove redundant local provisions that are adequately covered by other legislation. The following section will detail the proposed local provisions (including a comparison to the existing provisions) and outline existing local provisions that are redundant.

Clause 6.1 – Earthworks - All three of the existing LEPs contain an earthworks clause, with those of Ashfield LEP 2013 and Leichhardt LEP 2013 being identical. The Marrickville clause contains an additional objective “*b) to allow earthworks of a minor nature without requiring separate development consent*”, however as such works would be permissible as ancillary this objective is considered redundant. The earthworks clause in Ashfield LEP 2013/Leichhardt LEP 2013 contains a requirement for appropriate measures proposed to avoid, minimise or mitigate the impacts of the development to be considered in the assessment of any application involving earthworks. Following the principles outlined earlier in this report, it is recommended that the existing earthworks clause in Ashfield LEP 2013/Leichhardt LEP 2013 be used in IWLEP.

Clause 6.2 – Acid sulfate soils - Leichhardt LEP 2013 and Marrickville LEP 2011 contain similar clauses relating to acid sulfate soils whereas Ashfield LEP 2013 does not contain this clause. 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. Following the principles outlined in Part 2 of this report, it is proposed that the existing acid sulfate soils clause in Marrickville 2011 be adopted.

Clause 6.3 – Flood planning - All three LEPs contain a local provision relating to flood planning. The difference between them is that the Leichhardt clause is the only one that refers to projected sea level rise. The wording of the clause in Leichhardt LEP 2013 is the same as the model local provision clause for flooding planning issued by DPIE. Following the principles outlined in Part 2 of this report, it is recommended that the existing flood planning clause in Leichhardt LEP 2011 be adopted.

While the Map Index to Marrickville LEP 2011 includes a Flood Planning Map, this map is not referred to in the LEP and is addressed in Marrickville DCP. Accordingly, it is

recommended that a flood planning map does not form part of IWLEP (see Part 4 of this report for further discussion of recommendations regarding mapping).

Clause 6.4 – Terrestrial biodiversity - This clause is exclusive to Marrickville LEP 2011. Following the principles outlined earlier in this report, it is proposed that the existing clause in Marrickville LEP 2011 be brought forward to IWLEP. As this clause did not exist in Ashfield LEP 2013 or Leichhardt LEP 2013, the Natural Resource – Biodiversity Map will not show affected land for those areas. Expanding the associated mapped area to include terrestrial biodiversity other parts of the LGA will be investigated as part of a future planning proposal.

Clause 6.5 – Stormwater management - This clause is identical to Clause 6.4 of Leichhardt LEP 2013 and exclusive to that document. Following the principles outlined earlier in this report, to ensure that new development is carefully designed and constructed in accordance with best practice it is proposed that the existing clause in Leichhardt LEP 2013 be brought forward to IWLEP and its application expanded to include the entire LGA.

Clause 6.6 – Limited development on foreshore area - Similar clauses are contained in Leichhardt LEP 2013 and Marrickville LEP 2011. The Leichhardt clause is considered to be clearer and refers to sea walls as well as retaining walls thus, following the principles outlined in Part 2 of this report, it is recommended that the Leichhardt clause be included in IWLEP.

Clause 6.7 – Development on foreshore must ensure access - The clause related to foreshore access is the same in both Leichhardt LEP 2013 and Marrickville LEP 2011 and will be carried forward into IWLEP.

Clause 6.8 – Airspace operations - Similar clauses are contained in Leichhardt LEP 2013 and Marrickville LEP 2011. In accordance with the principles outlined in Part 2 of this report, it is recommended that the Leichhardt clause be carried forward into IWLEP clause, which is the same as the model clause.

Clause 6.9 – Development in areas subject to aircraft noise - All three LEPs contain a local provision relating to aircraft noise. The wording of the clause in Leichhardt LEP 2013 is preferable as it provides flexibility in the application of AS2021-2015 – Acoustics Aircraft noise intrusion – Building siting and construction. This flexibility will ensure Council will not need an acoustic report to be submitted for minor works, saving applicants unnecessary expense while still ensuring that any new dwellings constructed under the flight path include appropriate acoustic measures. Following the principles outlined earlier in this report, it is proposed that the existing aircraft noise clause in Leichhardt LEP 2013 be used.

Clause 6.10 – Development on land in Haberfield Heritage Conservation Area – this clause is exclusive to Ashfield LEP 2013. It has been brought across with minor changes for clarification and consistency. A comparison of the existing and proposed clauses is given below with changes underlined.

6.10 Development on land in Haberfield Heritage Conservation Area	
Ashfield LEP 2013	Clause 6.10 - IWLEP
<p>6.5 Development on land in Haberfield Heritage Conservation Area</p> <p>(1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.</p> <p>(2) This clause applies to land identified as “C42” on the Heritage Map.</p> <p>(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) if the development involves an existing building:</p> <p>(i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and</p> <p>(ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and</p> <p>(b) the development will not involve excavation in excess of 3 metres below ground level (existing), and</p> <p>(c) the development will not involve the installation of dormer or gablet windows, and</p> <p>(d) at least 50% of the site will be landscaped area.</p>	<p>6.10 Development on land in Haberfield Heritage Conservation Area</p> <p>(1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.</p> <p>(2) This clause applies to land identified as “<u>C-12-42</u>” on the <u>Heritage Map</u>.</p> <p>(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) if the development involves <u>alterations or additions above the ground floor level of the existing dwelling</u>:</p> <p>(i) <u>the development will be contained entirely within the roof space of the dwelling, and</u></p> <p>(ii) the development will not involve the installation of dormer or gablet windows; <u>and/or</u></p> <p>(b) <u>if the development involves alterations or additions below the existing ground floor level of the dwelling</u>:</p> <p>(i) the floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and</p> <p>ii) the development will not involve excavation in excess of 3 metres below the existing ground floor level of the dwelling, and</p> <p>(c) at least 50% of the site will be landscaped area.</p>

Clause 6.11 – Diverse Housing - this clause is exclusive to Leichhardt LEP 2013 (Clause 6.13). It has been brought across to IWLEP, however it is proposed to limit the application of this clause by identifying the area where it currently applies on the **Key Sites Map**. It is important to retain this clause as the Leichhardt DCP does not contain controls relating to the housing diversity. A future planning proposal will investigate whether to extend this control across the whole LGA.

Clause 6.12 – Adaptive reuse of existing buildings for dwellings in residential zones -

Similar clauses are contained in Leichhardt LEP 2013 and Marrickville LEP 2011 and are included in the following table for comparison purposes. Following the principles outlined in Part 2 of this report, it is recommended that the proposed IWLEP clause be adopted.

6.12 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>6.11 Adaptive reuse of existing buildings in Zone R1</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to provide for the adaptive reuse of existing buildings for residential accommodation, (b) to retain buildings that contribute to the streetscape and character of Leichhardt, (c) to provide satisfactory amenity for future residents of the area, (d) to ensure that development does not adversely affect the quality or amenity of existing buildings in the area. <p>(2) This clause applies to land in Zone R1 General Residential.</p> <p>(3) Development consent must not be granted to the change of use to residential accommodation of a building on land to which this clause applies that was constructed before the commencement of this clause unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) the development will not adversely affect the streetscape, character or amenity of the surrounding area, and (b) the development will retain the form, fabric and features of any architectural or historic feature of the existing building, and 	<p>6.9 Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones</p> <p>(1) The objective of this clause is to permit multi dwelling housing, office premises and residential flat buildings in residential zones where they are part of an adaptive reuse of existing industrial buildings or warehouse buildings.</p> <p>(2) This clause applies to land in the following zones:</p> <ul style="list-style-type: none"> (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential. <p>(3) Development consent must not be granted to development for the purpose of office premises on land to which this clause applies unless the development relates to a building that was designed and constructed for an industrial or warehouse purpose, and was erected before the commencement of this Plan.</p> <p>(3A) Development consent must not be granted to development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential for the following purposes unless the</p>	<p>6.12 Adaptive reuse of existing buildings for dwellings in residential zones</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to provide for the adaptive reuse of existing buildings as dwellings (b) to retain buildings that contribute to the streetscape and character of Inner West, (c) to provide satisfactory amenity for future residents of the area, (d) to ensure that development does not adversely affect the quality or amenity of existing buildings in the area. <p>(2) This clause applies to a building that was lawfully constructed for a non-residential purpose in the following zones:</p> <ul style="list-style-type: none"> (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential <p>(3) Despite any other provision of this Plan, development consent for the purpose of:</p> <ul style="list-style-type: none"> (a) multi-dwelling housing or a residential flat building is permitted with consent for the use of a building to

6.12 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>(c) any increase in the floor space ratio will be generally contained within the envelope of the existing building.</p>	<p>development relates to a building that was designed and constructed for an industrial or warehouse purpose, and was erected before the commencement of this Plan:</p> <p>(a) if the building is on land in Zone R2 Low Density Residential—multi dwelling housing,</p> <p>(b) if the building is on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—a residential flat building.</p> <p>(3B) In determining whether to grant development consent under this clause, the consent authority must consider the following:</p> <p>(a) the impact of the development on the scale and streetscape of the surrounding locality,</p> <p>(b) the suitability of the building for adaptive reuse,</p> <p>(c) the degree of modification of the footprint and facade of the building.</p> <p>(4) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map.</p>	<p>which this clause applies if the building is on land in Zone R2 Low Density Residential; and</p> <p>(b) residential flat buildings is permitted with consent for the use of a building to which this clause applies if the building is on land in Zone R3 Medium Density Residential.</p> <p>(4) In determining whether to grant development consent under this clause, the consent authority must be satisfied that:</p> <p>(a) the development will not adversely affect the streetscape, character or amenity of the surrounding area, and</p> <p>(b) the development will retain the form, significant fabric and features of any architectural or historic feature of the existing building, and</p> <p>(c) any increase in the floor space ratio will be generally contained within the envelope of the existing building.</p> <p>(5) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map.</p>

- Clause 6.13 – Use of existing non-residential buildings in residential zones -**
 Similar clauses are contained in Leichhardt LEP 2013 and Marrickville LEP 2011 and provided in the table below. The Marrickville 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 Leichhardt clause applies to buildings constructed for a purpose other than residential accommodation and also permits business premises in addition to the uses permitted by the Marrickville clause. Following the principles outlined in Part 2 of this report, it is recommended that the proposed IWLEP clause be used.

6.13 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
6.10 Use of existing buildings in Zone R1 (1) The objective of this clause is to provide for the adaptive reuse of existing buildings for purposes other than residential accommodation. (2) This clause applies to land in Zone R1 General Residential. (3) Development consent must not be granted to development for the purposes of business premises, office premises, restaurants or cafes, shops or take away food and drink premises on land to which this clause applies unless: (a) the development is a building that was constructed (wholly or partly) for a purpose other than residential accommodation and was erected before the commencement of this Plan, and (b) the consent authority is satisfied that: (i) the development will not adversely affect the	6.9 Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones (1) The objective of this clause is to permit multi dwelling housing, office premises and residential flat buildings in residential zones where they are part of an adaptive reuse of existing industrial buildings or warehouse buildings. (2) This clause applies to land in the following zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential. (3) Development consent must not be granted to development for the purpose of office premises on land to which this clause applies unless the development relates to a building that was designed and constructed for an industrial or warehouse purpose, and was erected before the commencement of this Plan. (3A) Development consent must not be granted to development	6.13 Use of existing non-residential buildings in residential zones (1) The objective of this clause is to provide for the adaptive reuse of existing buildings for purposes other than residential accommodation. (2) This clause applies to land in the following zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential. (3) Despite any other provision of this Plan, development consent for the purpose of business premises, office premises, restaurants or cafes, shops, small bars or take away food and drink premises is permitted with consent for a building to which this clause applies. (4) Development consent must not be granted to development for the purpose of business premises, office premises, restaurants or cafes, shops, small bars or take away food and drink premises on

6.13 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>amenity of the surrounding area, and the development will retain the form and fabric of any architectural features of the existing building, and</p> <p>(iii) the building is suitable for adaptive reuse, and</p> <p>(iv) any modification of the footprint and facade of the building will be minimal, and</p> <p>(v) the gross floor area of any part of the building used for the purpose of a restaurant or cafe or take away food and drink premises will be less than 80 square metres.</p>	<p>on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential for the following purposes unless the development relates to a building that was designed and constructed for an industrial or warehouse purpose, and was erected before the commencement of this Plan:</p> <p>(a) if the building is on land in Zone R2 Low Density Residential—multi dwelling housing,</p> <p>(b) if the building is on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—a residential flat building.</p> <p>(3B) In determining whether to grant development consent under this clause, the consent authority must consider the following:</p> <p>(a) the impact of the development on the scale and streetscape of the surrounding locality,</p> <p>(b) the suitability of the building for adaptive reuse,</p> <p>(c) the degree of modification of the footprint and facade of the building.</p> <p>(4) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map.</p> <p>6.10 Use of existing non-residential buildings in residential zones</p> <p>(1) The objective of this clause is to permit office premises,</p>	<p>land to which this clause applies unless:</p> <p>(a) the development is a building that was constructed (wholly or partly) for a purpose other than residential accommodation and was erected before the commencement of this Plan, and</p> <p>(b) the consent authority is satisfied that:</p> <p>(i) the development will not adversely affect the amenity of the surrounding area, and</p> <p>(ii) the development will retain the form and fabric of any architectural features of the existing building, and</p> <p>(iii) the building is suitable for adaptive reuse, and</p> <p>(iv) any modification of the footprint and facade of the building will be minimal, and</p> <p>(v) the gross floor area of any part of the building used for the purpose of a restaurant or cafe or take away food and drink premises will be less than 80 square metres.</p>

6.13 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
	<p>shops, restaurants or cafes or take away food and drink premises in residential zones where the development relates to the reuse of an existing building that was designed and constructed as a shop.</p> <p>(2) This clause applies to land in the following zones:</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential.</p> <p>(2A) This clause applies to the use of an existing building that the consent authority is satisfied was designed and constructed as a shop.</p> <p>(3) Development consent must not be granted to development for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises on land to which this clause applies unless:</p> <p>(a) the development relates to a building that was designed and constructed for the purpose of a shop and was erected before the commencement of this Plan, and</p> <p>(b) the consent authority has considered the following:</p> <p>(i) the impact of the development on the amenity of the surrounding locality,</p> <p>(ii) the suitability of the</p>	

6.13 Adaptive reuse of existing buildings for dwellings in residential zones		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
	building for adaptive reuse, (iii) the degree of modification of the footprint and facade of the building.	

Clause 6.14 – Dwellings and residential flat buildings in Zone B7 Business Park -

Similar clauses are contained in Leichhardt LEP 2013 and Marrickville LEP 2011 and are provided in the table below. There is a limited amount of B7 zoning in the area covered by Leichhardt LEP 2013, while approximately 190 properties are zoned B7 under Marrickville LEP 2011. Much of the B7 zoned land in the St Peters triangle (former Marrickville) has already been developed as mixed use developments incorporating live/work units and residential flat buildings. Given that more sites would be affected by a change of approach in former Marrickville than former Leichhardt, following the principles outlined in Part 2 of this report, it is recommended that the Marrickville clause be adopted as the basis for the IWLEP.

6.14 - Dwellings and residential flat buildings in Zone B7 Business Park		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
6.12 Residential accommodation in Zone B7 (1) The objective of this clause is to provide for ancillary residential accommodation for small-scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones. (2) This clause applies to land in Zone B7 Business Park. (3) Development consent must not be granted to development for the purpose of a dwelling on land to which this clause applies unless the consent authority is satisfied that: (a) the dwelling is part of a mixed use development that includes office	6.13 Dwellings and residential flat buildings in Zone B7 Business Park (1) The objective of this clause is to provide for limited residential development in association with non-residential uses permitted in Zone B7 Business Park, including small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones. (2) This clause applies to land in Zone B7 Business Park. (3) Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that:	6.14 Dwellings and residential flat buildings in Zone B7 Business Park (1) The objective of this clause is to provide for limited residential development in association with non-residential uses permitted in Zone B7 Business Park, including small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones. (2) This clause applies to land in Zone B7 Business Park. (3) Despite any other provision of this Plan, development consent for the purpose of a dwelling house or residential flat building is permitted with consent on land to which this clause applies.

6.14 - Dwellings and residential flat buildings in Zone B7 Business Park		
Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>premises or light industries on the ground floor, and</p> <p>(b) the dwelling and ground floor premises will be occupied by the same person or persons.</p>	<p>(a) the development is part of a mixed use development that includes a non-residential use permitted in Zone B7 Business Park, and</p> <p>(b) no part of the ground floor of the building that fronts a street will be used for residential purposes (excluding access, car parking and waste storage), and</p> <p>(c) not less than 60% of the total gross floor area of the building will be used for non-residential purposes, and</p> <p>(d) in the case of development for the purpose of a dwelling—the dwelling will be on the same lot of land as a non-residential use (including in the case of a lot in a strata plan or community title scheme).</p> <p>(4) This clause does not prevent development consent being granted under clause 6.11.</p>	<p>(4) Despite any other provision of this Plan, development consent for the purpose of a dwelling or a residential flat building must not be granted on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is part of a mixed use development that includes a non-residential use permitted in Zone B7 Business Park, and</p> <p>(b) no part of the ground floor of the building that fronts a street will be used for residential purposes (excluding access, car parking and waste storage), and</p> <p>(c) not less than 60% of the total gross floor area of the building will be used for non-residential purposes, and</p> <p>(d) in the case of development for the purpose of a dwelling, including a dwelling in a residential flat building—the dwelling will be on the same lot of land as a non-residential use (including in the case of a lot in a strata plan or community title scheme).</p>

Clause 6.15 – Business and office premises in certain zones Zone IN2 Light Industrial and Zone B7 Business Park - Similar clauses are contained in Leichhardt LEP 2013 (Clause 6.9) and Marrickville LEP 2011 (Clause 6.12); the only difference being while both clauses apply to the IN2 zone, the Marrickville clause also applies to the B7 – Business Park zone. Given the limited amount of B7 zoning in the area covered by Leichhardt LEP 2013 it is considered that restricting business and office use to creative purposes will not restrict development and is consistent with the draft LSPS. Following the principles outlined in Part 2 of this report, it is recommended that the Marrickville clause be used with the title updated to specify the applicable zones.

Clause 6.16 – Residential accommodation in certain business zones - Similar clauses are contained in Leichhardt LEP 2013 (Clause 6.11A) and Marrickville LEP 2011 (Clause 6.15) and it is proposed these clauses be replaced with a combined clause in IWLEP. 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. Given that 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.

Clause 6.17 – Location of restricted premises and sex service premises - All three LEPs contain a local provision relating to sex service premises. The clause in Ashfield LEP 2013 also 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 Leichhardt LEP, B6 Enterprise Corridor in Marrickville LEP and B4 Mixed Use in Ashfield LEP. It is also permitted in the industrial zones in all three of the legacy LEPs. It is proposed to continue to permit sex service premises in industrial zones in the land use table and to prohibit sex services premises in all other zones. Sex services premises would be permitted in certain business zones under IWLEP Clause 6.17, on the lands where they are currently permitted, as identified on the Key Sites Map as shown in the table below:

6.17 – Permissibility of sex services premises	
Current LEP	IWLEP <u>Key sites map</u>
Ashfield LEP 2013	Land zoned B4 Mixed Use within Area 3, and Land zoned B2 Local Centre within Areas 1* and 17*
Marrickville LEP 2011	Land zoned B6 Enterprise Corridor in Area 4
Leichhardt LEP 2013	Land zoned B2 Local Centre within Area 2

*These areas are the lands in Ashfield town centre proposed to be zoned B2 Local Centre, where the use is currently permitted.

New wording for IWLEP Clause 6.17 is proposed to retain the current intent, while aligning the provisions for a consistent approach. The consolidated clause will have a single objective: *‘to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, restricted premises, specified land uses and places regularly frequented by children’.*

Section 3 of the new clause will provide a single, consolidated set of matters for consideration for development consent, which will apply to the whole LGA.

The existing separation distances in the three LEPs will be retained. In order to translate these provisions to the consolidated IWLEP:

- The separation distances and requirement for the sex services and restricted premises not to be at ground level under Ashfield LEP 2013 Clause 6.6(2), and those for sex services premises under Marrickville LEP 2011 Clause 6.14(2) will be retained by limiting the application of each to the lands identified on the Key Sites Map shown in the table above;
- Note that Leichhardt LEP 2013 does not include any separation distances.

Clause 6.18 – Development control plans for certain development - this clause is exclusive to Leichhardt LEP 2013 (Clause 6.14). It has been brought across to IWLEP however it is proposed to limit the application of this clause by identifying the area where it currently applies on the **Key Sites Map**. A future planning proposal will investigate whether to extend this control across the whole LGA.

Clause 6.19 – Design excellence- This clause is exclusive to Marrickville LEP 2011 (Amendment 4) and will be inserted as Clause 6.20. It has been brought across to IWLEP and is proposed to be extended 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. A future planning proposal will investigate whether changes to this clause are required as a result of its expanded application.

Clauses 6.20 – 6.26 – site specific clauses – These clauses have been brought across from Leichhardt LEP 2013 and Marrickville LEP 2011. These clauses have been consolidated in terms of terminology, numbering and mapping.

The following clauses are redundant and thus have not been carried across the IWLEP.

- **Clause 6.11 (Marrickville LEP 2011) – Use of dwelling houses in business and industrial zones**– This clause is exclusive to the Marrickville LEP 2013. A clause restricting development of dwelling houses in business and industrial zones is redundant as dwelling houses are prohibited in business and industrial zones (other than B1 – Neighbourhood Centre) in the proposed land use table for IWLEP.
- **Clause 6.4 (Ashfield LEP 2013) – Converting serviced apartments to residential flat buildings**– This clause is exclusive to the Ashfield LEP 2013. Following the principle related to redundant clauses, it is proposed that this clause not be brought forward to IWLEP 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.

Dictionary

It is proposed that the Dictionary of the IWLEP will provide a single consolidated list of definitions, applicable to the new instrument.

- The proposed definitions in the Dictionary are those of the Standard Instrument LEP.

- Definitions of LEP maps will be updated to refer to the appropriate Inner West LEP Map.
- Definitions that are not contained within the Standard Instrument Dictionary and apply to specific clauses are contained within the clause itself.

Part 3 Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal has been initiated to consolidate the LEPs of Ashfield, Leichhardt and Marrickville Councils into the LEP for the Inner West Council.

The Department of Planning, Industry and Environment's (DPIE) '*Guidance for Merged Councils on Planning Functions*' provides guidance to maintain efficient land use planning functions and recommends the harmonisation of local planning controls.

The Planning Proposal gives effect to the *Inner West Community Strategic Plan 'Our Inner West 2036'*, which Council endorsed in June 2018.

During the development of the Inner West Community Strategic Plan, the Delivery Program and the Operational Plan, the preparation of a consolidated LEP was identified as a significant and important project for Council. To this end, funding to implement the project was provided over four years commencing 1 July 2018. The Inner West Council Delivery Program 2018-22 identifies preparation of an Inner West LEP as an initiative to implement Action 2.1.1: 'Pursue integrated planning and urban design across public and private spaces to suit community and local environment needs'. Initiative 2.1.1.3 of the Delivery Program is to 'Prepare an Inner West Local Environmental Plan (LEP) and Development Control Plan (DCP)'.

Council completed a review of the Inner West Planning Frameworks in October 2018. This informed Council's exhibited draft Local Strategic Planning Statement (LSPS). The draft LSPS identifies the need to consolidate the LEPs and DCPs that apply to Inner West LGA. The Draft LSPS itself has been informed by a number of Council studies and draft strategies, discussed later in the Planning Proposal.

The Planning Proposal is as far as possible consolidation of the three existing LEPs. The strategies referred to above seek changes well beyond the scope of a consolidation LEP. However, where there are inconsistencies between the three instruments, these strategies have been used to guide the recommended approach.

This is a Consolidated IWLEP that will consolidate, simplify and align where possible the controls within the Ashfield Local Environmental Plan 2013 (Ashfield LEP), Leichhardt Local Environmental Plan 2013 (Leichhardt LEP) and Marrickville Local Environmental Plan 2011 (Marrickville) into a single environmental planning instrument (EPI).

It will enable the future development of the LEP that will further harmonise the controls and start to implement the short-term actions in the LSPS, taking into consideration LGA wide

studies and investigations. This was outlined under *Staging* in the Introduction to this proposal.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

All the matters covered by the Planning Proposal relate to achieving a single environmental planning instrument (EPI) and as such are statutory issues under Part 3 of the *Environmental Planning and Assessment Act, 1979*.

In this regard, a Planning Proposal is the only mechanism for achieving the intended outcomes.

Section B – Relationship to strategic framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Regional Plan: A Metropolis of Three Cities

The Plan sets a 40 year vision (to 2056) and a 20 year plan to manage growth and change. It sets an overarching strategic planning policy to align land use, transport and infrastructure outcomes for Greater Sydney concurrently with Future Transport 2056 (Transport for NSW) and State Infrastructure Strategy (Infrastructure NSW). The Plan provides a set of objectives under the 10 Directions set out in Directions for a Greater Sydney 2017-2056.

The broad directions of the plan are carried forward with more detailed objectives and actions into the relevant District Plan and are therefore discussed below.

The relevant actions for which councils are the lead agencies, or one of the lead agencies, relate to:

- The preparation of housing strategies;
- Development of 6-10 year housing targets;
- Implementation of affordable rental housing targets;
- Development of performance indicators to measure the 10 directions;
- Monitoring and reporting of housing and employment.

As previously outlined, this Planning Proposal is the first stage of a two-stage process. Following the creation and gazettal of a consolidated Inner West LEP, the second stage will be to review and update the consolidated LEP to ensure the Inner West planning framework commences to give effect to *Our Place Inner West: Local Strategic Planning Statement*, which has been drafted to guide planning in line with the actions above.

Eastern City District Plan (March 2018)

The Planning Proposal does not seek to comprehensively implement the *Eastern City District Plan*, due to its limited scope. However, it nevertheless plays an important role in addressing barriers to the implementation of the Plan and establishes a framework for further work that is being carried out to implement the District Plan. The table below outlines the consistency of the Planning Proposal with the District Plan.

Consistency with the <i>Eastern City District Plan</i>	
Direction	Response
A city supported by infrastructure	The Planning Proposal will not result in changes to the current infrastructure situation, as it is a process of aligning the existing principal LEPs. As such, it does not provide for more intense development or growth and therefore does not result in the need for additional infrastructure.
A collaborative city	The Planning Proposal will make it easier for the future planning of collaboration areas, as it will bring all the provisions under one LEP. For instance, the provisions for the Inner West part of the Parramatta Rd corridor are currently found across the three LEPs. The new consolidated LEP will mean that the same land uses will be permissible in the same zones no matter where they occur in the corridor.
A city for people	Inner West has a diverse demographic and neighbourhoods that reflect this diversity. The planning proposal will result in a larger range of zones applicable across the LGA; will not result in increased growth beyond that already permitted; will retain local clauses that support creative industries and will retain provisions relating to social infrastructure, such as open space, community facilities, educational establishments and our many local centres. This Strategy and the draft LSPS have also been used to guide the choice of permissible land uses where incompatibilities exist across 2 or 3 of the LEPs.
Housing the city	As this is the first step in updating the planning framework for the whole Inner West LGA, it is a consolidation process that sets in place a structure to build on, following the work undertaken by Council in its Housing Strategy and for the LSPS. This Strategy identifies that the existing zonings provide adequate capacity to meet housing demand for up to 10 years. Future steps will increase housing supply and diversity, in line with those strategies.
A city of great places	The Planning Proposal seeks to retain the diversity of places in Inner West, and minimises LEP changes to reflect this. It retains the heritage provisions of the standard instrument and seeks to clarify and to correct errors in the listing of heritage items, conservation areas, archaeological sites and landscape items.
A well connected city	While there are key public and road based transport links through Inner West, it does not yet achieve the objectives of a 30 minute city or 10 minute

	walkable neighbourhoods. Work on identifying the needs of the LGA to improve outcomes in this area has commenced, in conjunction with state agencies and adjoining councils, and will continue during the next stage of land use planning.
Jobs and skills for the city	A draft Employment and Retail Lands Strategy has been prepared to guide planning related to this direction into the future. This Planning Proposal retains important local provisions from the 3 LEPs that provide flexibility to enable employment uses in residential areas in existing purpose built structures that reflect the diverse built form of the LGA. This Strategy and the draft LSPS have also been used to guide the choice of permissible land uses where incompatibilities exist across 2 or 3 of the LEPs. This is particularly the case for employment lands, including those that support the trade gateway, local manufacturing, creative industries, and urban services, but also to support the intent of centre zones.
A city in its landscape	As this is the first step in updating the planning framework for the whole Inner West LGA, it is a consolidation process that sets in place a structure to build on, following the work undertaken by Council in its Open Space and Recreation Needs Study and for the LSPS. In addition, the current Planning Proposal extends local clauses, such as the Stormwater Management and Earthworks provisions from one or two LEPs to the three as outlined in Part 2 of the proposal.
An efficient city & A resilient city	The draft LSPS has been guided by Council's <i>Draft Climate and Renewables Strategy</i> . While this Planning Proposal mostly seeks only to align the provisions of the 3 LEPs, in cases where there are incompatibilities, this strategy has been used to guide the provisions and/or permissible land uses.
Implementation	The LEP Review and the Draft LSPS recognise that the different planning frameworks applying across Inner West are a barrier to the implementation of the Eastern City District Plan, and clearly identify the need to consolidate the LEPs (and DCPs) applying to Inner West LGA.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

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

The Planning Proposal gives effect to Strategy 2.2(1) of the endorsed Plan, in that it provides clear and consistent planning frameworks and processes that respect heritage and the distinct characters of urban villages. The first stage of this process is to create a single consistent suite of planning instruments for the whole Inner West LGA, starting with an Inner West LEP, followed by a DCP and a Development Contributions Plan.

Our Place Inner West Draft Local Strategic Planning Statement

The Planning Proposal takes the first step in implementing the following planning priorities and actions as shown in the table below.

Consistency with the Draft Local Strategic Planning Statement	
Planning Priority	Action
4. Inner West is a water sensitive city with clean waterways	<p>4.1 Incorporate water sensitive urban design objectives and controls into Inner West LEP and DCP...including</p> <ul style="list-style-type: none"> • Encouraging new technology and innovations... • Filtering and slowing of urban stormwater run-off <p><i>The harmonisation includes carrying the stormwater management provision across the 3 LEPs, and where there are incompatibilities in land use table, permitting uses that support this action.</i></p>
5. Inner West is a zero waste community	<p>5.1 Review Council's waste services and planning controls to maximise resource recovery</p> <p><i>Where there are incompatibilities in land use table, the Planning Proposal generally permits uses that support this action.</i></p>
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.	<p>6.1 Implement the Local Housing Strategy including protecting the heritage and character values of the Inner West</p> <p>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</p> <p><i>The Design Excellence clause from Marrickville 2011 Amendment 4 will be carried over to the IWLEP as the first step in this process, as outlined in Part 2 of this proposal.</i></p>
9. A thriving local economy	<p>9.1 Implement the Employment and Retail Lands Strategy, including:</p> <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. <p><i>Further work will be required in stage 2 to ensure existing zonings are consistent with their objectives and further improve the differentiation.</i></p>
14. Deliver visionary long term planning and responsible decision making reflective of our Community Strategic Plan	<p>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.</p> <p><i>The first step is the consolidation of the legacy LEPs.</i></p>

The Draft LSPS was informed by a number of strategies. The strategies listed below are the most relevant to the preparation of a consolidated LEP.

Draft Inner West Local Housing Strategy

The Draft LSPS seeks to implement this strategy. Exhibition of the strategy is complete and will be considered for finalisation by Council early in 2020. This proposal is consistent with the following implementation recommendations:

- Harmonise controls to form a consolidated LEP for the Inner West including overall aims of the LEP and zone objectives
- Review residential and non-residential controls in certain B zones and conversion of warehouse clauses.

Many of the other recommendations of the Strategy require further work, such as place based studies, or commitments to infrastructure, prior to implementation through the LEP.

Draft Employment and Retail Lands Strategy

The Draft LSPS also seeks to implement this strategy. The exhibited strategy will be considered for finalisation by Council early in 2020.

As outlined in Part 2 of this proposal, Principle 5 has been applied more extensively, where there is incompatibility between clauses or land uses between two or three existing LEPs. The business zones across the 3 LEPs are substantially different. Consistent with the Draft LSPS, the recommendations of the *Draft Employment and Retail Lands Strategy* have therefore been used to guide the proposed alignment of the LEPs for the business zones, where differences in the permissible uses in the Business zones occur. Where the uses are consistent Principle 4 has still been applied, however, it is noted that some of these matters will need further consideration in a future planning proposal, to fully align with the Strategy.

A summary of the key changes that are consistent with the *Draft Employment and Retail Lands Strategy* and *Draft Employment and Retail Lands Study* is provided below. Note that the Strategy and Study include specific consideration of how to harmonise the business zones across the LGA. **Appendix 3** (Land Use Matrix) provides detailed information and rationale on the proposed permissibility of individual land uses in the Business zones.

- Permitting light industry in B2 Local Centre, B4 Mixed Use, B5 Business Development and B6 Enterprise Corridor zones;
- Permitting local distribution premises in B2 Local Centre zones;
- Prohibiting all forms of residential accommodation and tourist and visitor accommodation in industrial and B5 and B6 zones (with the exception and hotel and motel accommodation in B6, which is mandated in the Standard Instrument and for the time being of serviced apartments in B5);
- Prohibiting specialised retail premises in industrial and B7 Business park zones;

- Generally prohibiting retail premises from in B5 zones, while allowing markets and food and drink premises;
- Prohibiting neighbourhood supermarkets in B5, B6, B7 and industrial zones;
- Harmonise the B2 and B4 zones by amending the Ashfield centre B4 Mixed Use zoning to B2 Local Centre;
- Retain the permissibility of general industrial uses in the Moore St industrial precinct, by amending the zoning from IN2 Light Industrial to IN1 General Industrial, to retain opportunities for these uses in the north of the LGA; and
- Adoption of the alignment recommendations of the upper limits for miscellaneous uses in Clause 5.4 except for industrial retail outlets and kiosks.

Going Places Draft Integrated Transport Strategy

The Draft LSPS seeks to implement this strategy. Exhibition of the strategy is complete and will be considered for finalisation by Council early in 2020.

The recommendations of the Strategy require further work, such as the development of an active transport plan, road safety action plan, pedestrian and mobility plan, parking plan and freight, delivery and servicing movement plan.

A number of the above plans are unlikely to require significant modifications in the LEP for their implementation, for example separated bicycle infrastructure, public domain improvements and parking controls (if implemented through the comprehensive Inner West DCP). However, the plans may identify the need for acquiring land for transport infrastructure which may require changes in the LEP.

Further, land use changes as previously discussed through the *Draft Local Housing Strategy* and *Draft Employment and Retail Lands Strategy* will require transport infrastructure improvements and commitment by Council and State Government, as identified in the Strategy, before implementing through the LEP. An example would be the need for dedicated mass public transit on Parramatta Road prior to the implementation of the Parramatta Road Corridor Urban Transformation Strategy.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with and does not contradict nor hinder application of the following key State Environmental Planning Policies (SEPPs) and deemed SEPPs that are applicable to the LGA.

- SEPP 19 - Bushland in Urban Areas
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal Management) 2018

- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- Sydney REP (Sydney Harbour Catchment) 2005

A full checklist analysis of the proposal's consistency with these policies is provided in **Appendix 4**. A summary of this checklist is in the table below.

Consistency with State Environmental Planning Policies (SEPPs) and deemed SEPPs (Regional Environmental Planning Policies) that apply to the LGA	
SEPP	Comment on consistency
1 - Development Standards	Not relevant at the Planning Proposal stage.
19 – Bushland in Urban Areas	Consistent
21 – Caravan Parks	Not relevant
33 – Hazardous and Offensive Development	Not relevant
50 - Canal Estate Development	Consistent
55 - Remediation of Land	Consistent
64 - Advertising and Signage	Not relevant
65 - Design Quality of Residential Apartment Development	Not relevant
70 - Affordable Housing (Revised Schemes)	Not relevant
(Affordable Rental Housing) 2009	Consistent
(Building Sustainability Index - BASIX) 2004	Not relevant
(Coastal Management) 2018	Consistent
(Concurrences) 2018	Not relevant at this stage.
(Educational Establishments and Child Care Facilities) 2017	Consistent
(Exempt and Complying Development Codes) 2008	Consistent
(Housing for Seniors or People with a Disability) 2004	Consistent
(Infrastructure) 2007	Consistent

Consistency with State Environmental Planning Policies (SEPPs) and deemed SEPPs (Regional Environmental Planning Policies) that apply to the LGA	
SEPP	Comment on consistency
(Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
(Miscellaneous Consent Provisions) 2007	Not relevant to this Planning Proposal
(State and Regional Development) 2011	Not relevant to this Planning Proposal
(State Significant Precincts) 2005	Not relevant to this Planning Proposal
Primary Production and Rural Development 2019	Consistent
(Vegetation in Non-Rural Areas) 2017	Consistent

Deemed SEPP (Sydney Regional Environmental Plans)	Comment on consistency
(Sydney Harbour Catchment) 2005	Consistent
26 - City West	Consistent

Draft SEPPs	Comment on consistency
(Short-term Rental Accommodation) 2019 under (Exempt and Complying Development Codes) 2008	Consistent

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Section 9.1 directions are directions to councils from the Minister for Planning, Industry and Environment that need to be considered or given effect to in the preparation of draft LEPs.

The planning proposal has been assessed against each Ministerial direction. The consistency of the planning proposal with these directions is shown in the table below.

Consistency with Ministerial Directions

The following table identifies Section 9.1 Directions that apply to Inner West LGA, and outlines the Planning Proposal's consistency with those directions. A full assessment against all ministerial directions is given at **Appendix 4**.

Consistency with Ministerial Directions that apply to the LGA	
Directions under s.9.1	Consistency
1.1 Business and Industrial Zones	Yes
1.3 Mining, Petroleum Production and extractive Industries	Not relevant
1.4 Oyster aquaculture	Yes
2.1 Environment Protection Zones	Yes
2.2 Coastal Management	Yes
2.3 Heritage Conservation	Yes
2.4 Recreation Vehicle Areas	Not relevant
3.1 Residential Zones	Yes
3.2 Caravan Parks and Manufactured Home Estates	Not relevant
3.3 Home Occupations	Yes
3.4 Integrating Land Use and Transport	Yes
3.5 Development near Regulated Airports and Defence Airfields	Yes
3.6 Shooting Ranges	Not relevant
4.1 Acid Sulfate Soils	Yes
4.2 Mine Subsidence and Unstable Land	Yes
4.3 Flood Prone Land	Yes
4.4 Planning for Bushfire Protection	Not relevant
5.1 Implementation of Regional Strategies	N/A
5.10 Implementation of Regional Plans	Yes
6.1 Approval and Referral Requirements	Yes
6.2 Reserving Land for Public Purposes	Yes
6.3 Site Specific Provisions	Yes
7.1 Implementation of a Plan for Growing Sydney	Not relevant

7.3 Parramatta Road Corridor Urban Transformation Strategy	Consistent
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Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Any significant issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats were taken into account in the making of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011. The planning proposal does not include any proposed amendments to those controls, other than to consolidate them into a single LEP. Consequently there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As the Planning Proposal is for the consolidation of the existing 3 legacy LEPs into a single IWLEP, there will be minimal environmental effects resulting from this process. The proposal does not seek to make any changes to built form or heights, urban character, public domain, development intensity or the provision or proximity of open space. It does not provide for growth beyond existing permissibility, and therefore will not change existing needs for infrastructure, or have any additional adverse effect on transport, access or traffic, or on ecological habitat, natural areas, or waterways.

It is anticipated there will be positive impacts on water quality, waterways, bushland and on reducing flood risks on adjoining lands from the proposal to extend the following local provisions across the LGA: *Earthworks*; *Stormwater management*; and *Limited development on foreshore area*, outlined in Part 2 of this proposal.

Aboriginal and European cultural heritage

Since the Planning Proposal does not seek to amend existing heritage controls, but only to consolidate them into a single LEP, it is unlikely there will be any impacts on existing items of heritage significance and on existing Heritage Conservation Areas as a result of the proposal.

The IWLEP seeks to retain all heritage items and Heritage Conservation Areas listed within Ashfield LEP 2013, Leichhardt LEP 2013, and Marrickville 2011 (including Amendment 4).

It is proposed to retain the existing provisions in relation to management and development of heritage items as provided within Clause 5.10 Heritage conservation, and to provide a consolidated Schedule 5 and consolidated Heritage Map.

The itemisation or listing number of the respective heritage items within the existing instruments will need to be amended to allow a single schedule and a single consolidated set of maps.

Hazards and risk management

Avoidance of hazards and management of associated risks are discussed below:

- As the proposal is to harmonise existing provisions, IWLEP will not result in development beyond that already permitted in the legacy LEPs in areas of hazard. Future planning proposals may make amendments to further reduce risk in this regard;
- Land contamination is discussed in this report in relation to SEPP 55;
- Acid sulphate soil mapping is proposed to be extended to increase protection, as outlined in Part 2 of this proposal;
- The continuation of flood management provisions is outlined in Part 2 of this proposal.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Any significant issues in relation to social and economic effects were taken into account in the making of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville 2011. As this Planning Proposal is a consolidation of these existing LEPs, it is considered that social and economic impacts will be minimal. Where draft strategies recommend changes to improve social or economic outcomes, and the existing LEPs are inconsistent with one another, the strategies have been used to guide the provisions outlined in this Planning Proposal.

Social impacts

The Planning Proposal provides an opportunity to consolidate the three current local planning instruments applicable within the Inner West LGA to reduce the number of documents to one single Local Environmental Plan. This will help to provide greater certainty to landowners, resolve any errors and align controls and land uses where possible.

As the proposal is only for harmonisation of the three LEPs, no adverse impacts are likely as a result of IWLEP.

Economic impacts

The Inner West Local Environmental Plan (IWLEP) encompasses land which is zoned for development purposes, including business, industrial and residential zones.

The IWLEP will align the objectives and land use permissibility between the three existing LEPs and will create a harmonised planning framework across the Inner West, promoting greater certainty for new development.

Proposed land use changes to business and industrial zones, especially those to B5 Business Development, B6 Enterprise Corridor and B7 Business Park, IN1 General Industrial and IN2 Light Industrial zones, will assist in retaining these lands for employment and productive uses, including but not limited to: urban services; local manufacturing; transport and logistics significant at the metropolitan scale; and creative industries significant at the district scale.

The potential adverse impacts of the removal of 'General industries' as a permissible use in the IN2 Light Industrial zone in the former Leichhardt LGA, is mitigated through the proposed amendment of the zoning of the Moore St IN2 precinct to IN1, as this is the only remaining industrial area of sufficient size and suitable configuration to enable general industries to survive over the long term.

Note that the largest area of industrial zoning within former Ashfield applies to the former flour mills at Summer Hill which have been converted to a mixed use precinct and are no longer industrial land. Conversion of this area to more appropriate zonings will be investigated in a future planning proposal.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The IWLEP is a consolidation of the existing provisions of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011. The implementation of the IWLEP is not therefore expected to alter the infrastructure requirements for the Inner West. No intensification of land uses is proposed as part of this Planning Proposal.

Consequently it is considered that there is adequate public infrastructure for the Planning Proposal.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State Government agencies and stakeholder groups will take place as required by the Gateway Determination.

It is proposed to refer the planning proposal to the following agencies:

- Adjoining Councils;

- Civil Aviation Safety Authority;
- Department of Education;
- Department of Family and Community Services;
- Department of Industry (Crown Lands);
- Department of Industry (Water);
- Department of Planning, Industry and Environment (Office of Environment and Heritage);
- Department of Primary Industries (Fisheries);
- Greater Sydney Commission;
- Energy Australia;
- Metropolitan Local Aboriginal Land Council;
- NSW Health;
- Sydney Airport Corporation Limited;
- Sydney Water;
- Transport for NSW (including Roads and Maritime Services).

Part 4 Mapping

Key Principles

It is proposed that the Key Principles adopted for the IWLEP Parts 1 –6 and the Schedules are reflected in the IWLEP mapping layers.

Key Issues

- Map layers pertaining to zones, development standards (e.g. height of buildings and floor space ratios), additional local provisions etc. will be required to consolidate the existing provisions of Ashfield LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011.
- It is not proposed to alter map layers for Foreshore Building Line apart from any changes specifically required to ensure consistency with the drafting requirements for an SI LEP and application of the plan to the Inner West Local Government Area.
- It is proposed to amend item numbering and map legends where necessary, to allow presentation of a single, consistent set of maps for the Inner West LGA;
- The mapping will take into account amendments notified (gazetted) between now and the exhibition.

Mapping will be provided as part of the exhibition following gateway determination. The table below identifies the proposed amendments to the map layers as a result of the IWLEP.

Retention and Consolidation of Maps

Map Type	Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	Proposed Inner West LEP 2020
Acid Sulfate Soils Map (ASS)	NO	YES	YES	Single consolidated Acid Sulfate Soils Map, adding the Ashfield area (former Ashfield LGA) to the map, but with no other changes
Foreshore Building Line Map (FBL)	NO	YES	YES	Single consolidated Foreshore Building Line Map, with no change to the building line
Floor Space Ratio Map (FSR)	YES	YES	YES	Single consolidated Floor Space Ratio Map, with no changes to FSR
Heritage Map (HER)	YES	YES	YES	Single consolidated Heritage Map, as outlined in Part 2 of this proposal
Land Application Map (LAP)	YES	YES	YES	Single consolidated Land Application Map, based on Figure 1 of this Planning Proposal

Map Type	Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	Proposed Inner West LEP 2020
Land Reservation Acquisition Map (LRA)	YES	YES	YES	Single consolidated Land Reservation Acquisition Map, referred to in Clause 5.1 Relevant acquisition authority. This will be consolidated and updated by excluding those areas acquired since the most recent amendment of the Map.
Lot Size Map (LSZ)	YES	YES	NO	Single consolidated Lot Size Map Since Marrickville LEP 2011 did not include clause 4.1 Minimum subdivision lot size, there will be no lot sizes for that area shown on the map
Land Zoning Map (LZN)	YES	YES	YES	Single consolidated Land Zoning Map
Height of Buildings Map (HOB)	YES	YES	YES	Single consolidated Height of Buildings Map, with no change to building heights
Key Sites Map (KYS)	YES	YES	YES	Single consolidated Key Sites Map. Add 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) to allow these clauses to continue to apply only to the areas covered by the relevant legacy instrument.
Land Reclassification (Part Lots) Map	NO	YES	NO	Retain Land Reclassification (Part Lots) Map, which currently has no listed sites
Additional Permitted Uses Map (APU)	NO	YES	NO	Retain Additional Permitted Uses Map and include sites listed in the legacy Schedules, but not shown on the map
Flood Planning Map (FLD)	NO	NO	YES	Remove Flood Planning Maps, relying on the maps in the DCPs instead.
Natural Resource - Biodiversity Map (NRB)	NO	NO	YES	Retain Natural Resource - Biodiversity Map

Part 5 Community Consultation

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on any gateway determination issued. The consultation will take place in accordance with the gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

A 28-day public exhibition is recommended with notification:

- On the Inner West Council website;
- Social media and other channels; and
- In newspapers that circulate widely in the Inner West Local Government Area.

It is proposed that the documents will be available in selected public libraries and Council service centres throughout the Inner West Council area, and on Council's website.

Part 6 Project timeline

The anticipated timeframe for planning proposal is shown in the table below.

Anticipated timeframe for planning proposal		
Action	Period	Date
Submit Planning Proposal to DPIE for Gateway consideration		20 December 2019
Anticipated Gateway determination	8 weeks	24 February 2020
Complete any changes required by Gateway Determination		3 March 2020
Public exhibition & government agency consultation	28 days	9 March 2020 to 5 April 2020
Consideration of submissions	5 weeks	By 8 May 2020
Council meeting to consider outcomes of exhibition (Date to be confirmed)		late May 2020
Update LEP in line with Council resolution		16 June 2020
Submission of Planning Proposal to the Secretary of DPIE to arrange for the drafting of the updated LEP.		By 30 June 2020

Appendices

Appendix 1 Draft Inner West LEP – written instrument

Appendix 2 Comparison of objectives for Part 4 - Development standards

4.1 Minimum subdivision lot size			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>(a) to maintain the existing pattern of subdivision within heritage conservation areas in terms of lot size and lot dimensions,</p> <p>(b) to provide opportunities for infill small lot subdivision in areas close to transport and amenities in a manner that does not adversely impact on the streetscape or amenity of residential areas,</p> <p>(c) to provide for small lot subdivision in certain areas close to public transport as an alternative to redevelopment for the purpose of multi dwelling housing in order to retain the scale and character of the area,</p> <p>(d) to ensure that lot sizes allow development to be sited to protect and enhance riparian land.</p>	<p>(a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,</p> <p>(b) to ensure that lot sizes are capable of supporting a range of development types.</p>	<p>[Not adopted]</p>	<p>(a) to ensure that lot sizes <u>cater for a variety of development</u>,</p> <p>(b) <u>to ensure that lot sizes do not result in adverse amenity impacts</u>,</p> <p>(c) <u>to ensure that lot sizes deliver high quality architectural, urban and landscape design</u>,</p> <p>(d) <u>to provide a pattern of subdivision that is consistent with the desired future character</u>,</p> <p>(e) to ensure that lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.</p>

4.1A Exceptions to minimum subdivision lot size for certain residential development			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>1) to encourage housing diversity without adversely affecting residential amenity.</p>	<p>[Not Adopted]</p>	<p>[Not Applicable]</p>	<p><u>(a) to encourage a diversity of lot sizes without adversely affecting residential amenity; and</u></p> <p><u>(b) to achieve planned residential density in certain areas.</u></p>

4.3 Height of Buildings			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>a) to achieve high quality built form for all buildings,</p> <p>b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,</p> <p>c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,</p> <p>d) to maintain satisfactory solar access to existing buildings and public areas.</p>	<p>(a) to establish the maximum height of buildings,</p> <p>(b) to ensure that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight, (baa) Zone RU3 Forestry,</p> <p>(c) to nominate heights that will provide an appropriate transition in built form and land use intensity.</p>	<p>a) to establish the maximum height of buildings,</p> <p>b) to ensure building height is consistent with the desired future character of an area,</p> <p>c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,</p> <p>d) to nominate heights that will provide an appropriate transition in built form and land use intensity.</p>	<p>(a) <u>to ensure building height is consistent with the desired future character,</u></p> <p>(b) <u>to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation areas and heritage items,</u></p> <p>(c) to provide an appropriate transition in <u>height to</u> heritage items, <u>heritage conservation areas and differing built forms.</u></p>

4.4 Floor Space Ratio			
Ashfield LEP 2013	Leichhardt LEP 2013	Marrickville LEP 2011	IWLEP
<p>a) to establish standards for development density and intensity of land use,</p> <p>b) to provide consistency in the bulk and scale of new development with existing development,</p> <p>c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,</p> <p>d) to protect the use or enjoyment of adjoining properties and the public domain,</p> <p>e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.</p>	<p>(a) to ensure that residential accommodation:</p> <p>(i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and</p> <p>(ii) provides a suitable balance between landscaped areas and the built form, and</p> <p>(iii) minimises the impact of the bulk and scale of buildings,</p> <p>(b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.</p>	<p>a) to establish the maximum floor space ratio,</p> <p>b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,</p> <p>c) to minimise adverse environmental impacts on adjoining properties and the public domain.</p>	<p>(a) <u>to appropriately regulate the density of development, built form and land use intensity based on the capacity and location of existing and planned infrastructure,</u></p> <p>(b) <u>to ensure that development is compatible with the desired future character,</u></p> <p>(c) to provide an appropriate transition between development of different densities,</p> <p>(d) to minimise adverse environmental and amenity impacts on adjoining properties, the public domain, heritage conservation areas and heritage items,</p> <p>(e) <u>to provide a suitable balance between landscaping, open space, and built form to increase the tree canopy and to protect the use and enjoyment of private properties and public domain.</u></p>

Appendix 3 Draft land use matrices

Appendix 4 Consistency with SEPPs and Ministerial Directions

Consistency with State Environmental Planning Policies (SEPPs) and deemed SEPPs (Regional Environmental Planning Policies) that apply to the LGA

SEPP	Comment on consistency
1 - Development Standards	Not relevant at the Planning Proposal stage.
19 – Bushland in Urban Areas	Consistent The Planning Proposal does not seek to intensify development in any area affected by this SEPP.
21 – Caravan Parks	Not relevant The Planning Proposal is a consolidation of LEPs which do not permit this type of development.
33 – Hazardous and Offensive Development	Not relevant The Planning Proposal is a consolidation of LEPs which do not permit this type of development.
50 - Canal Estate Development	Consistent Any proposal for Canal Estate Development will need to be considered under the SEPP at DA stage.
55 - Remediation of Land	Not relevant SEPP 55 requires a planning authority to give consideration to contamination issues when rezoning land which allows a change of use that may increase the risk to health or the environment from contamination. The SEPP requires consideration of a report on a preliminary investigation where a rezoning allows a change of use that may increase the risk to health or the environment from contamination. The Planning Proposal only seeks to re-zone two areas: <ul style="list-style-type: none"> Core land within the Moore Street industrial precinct i.e. core lands within 87 – 111 Moore Street, Leichhardt) which are proposed to be rezoned from IN2 – Light industrial to IN1 – General Industrial. Under Leichhardt LEP 2013, general industrial uses are permitted in the IN2 zone, while Ashfield and Marrickville LEPs prohibit general industries in the IN2 zone. Given the retention of the industrial nature of the Moore Street precinct, no preliminary site investigation for contamination is required at this stage.

	<ul style="list-style-type: none"> The Planning Proposal also proposes to rezone B4 Mixed Use land predominately adjacent to Liverpool Road under Ashfield LEP 2013 to B2 Local Centre. While the zone would change, the uses of the land will continue to be predominantly a mix of commercial and residential. This change would not result in additional uses that would be vulnerable to contamination. <p>In view of the above, the Planning Proposal does not contravene the SEPP. However, the SEPP will continue to apply to future DAs, in the same way as they do now.</p>
64 - Advertising and Signage	<p>Not relevant</p> <p>Should the Planning Proposal proceed, future development must comply with the requirements of this SEPP.</p>
65 - Design Quality of Residential Apartment Development	<p>Not relevant</p> <p>Should the Planning Proposal proceed, future development must comply with the requirements of this SEPP.</p>
70 - Affordable Housing (Revised Schemes)	<p>Not relevant</p> <p>Inner West LGA has recently been included in the SEPP 70 application area to secure affordable housing. To apply Inner West's <i>Affordable Housing Policy</i> under SEPP 70 Council will need to prepare an affordable housing contribution scheme to support each new Planning Proposal where contributions for affordable housing are required. This work has not started.</p>
(Affordable Rental Housing) 2009	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
(Building Sustainability Index - BASIX) 2004	<p>Not relevant</p> <p>Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
(Coastal Management) 2018	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
(Concurrences) 2018	<p>Not relevant at this stage.</p> <p>It is currently unforeseen that the Planning Secretary would need to elect to act in the place of the person acting as a Concurrence Authority for the Planning Proposal. However, should this be required, the</p>

	provisions of this SEPP will be applicable.
(Educational Establishments and Child Care Facilities) 2017	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
(Exempt and Complying Development Codes) 2008	<p>Consistent</p> <p>The Planning Proposal includes exempt and complying provisions. These provisions do not duplicate those in SEPP (Exempt and Complying Development Codes) 2008.</p>
(Housing for Seniors or People with a Disability) 2004	<p>Consistent</p> <p>Should the Planning Proposal proceed, future development must comply with the requirements of this SEPP.</p>
(Infrastructure) 2007	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p> <p>Should the Planning Proposal proceed, future development must comply with the requirements of this SEPP.</p>
(Mining, Petroleum Production and Extractive Industries) 2007	<p>Not relevant</p> <p>The Planning Proposal is a consolidation of LEPs which does not permit extractive industries. There is no area of coal, minerals, petroleum or other extractive materials that would be restricted by this Planning Proposal.</p>
(Miscellaneous Consent Provisions) 2007	<p>Not relevant to this Planning Proposal</p> <p>Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
(State and Regional Development) 2011	<p>Not relevant to this Planning Proposal</p> <p>Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
(State Significant Precincts) 2005	<p>Not relevant to this Planning Proposal</p> <p>There are no State Significant Precincts listed in Schedule 3 of the SEPP that are applicable to, or impacted by this Planning Proposal.</p>
Primary Production and Rural Development 2019	<p>Consistent</p> <p>Should the Planning Proposal proceed, future development must</p>

	comply with the requirements of this SEPP.
(Vegetation in Non-Rural Areas) 2017	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>

Deemed SEPP (Sydney Regional Environmental Plans	Comment on consistency
(Sydney Harbour Catchment) 2005	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
26 - City West	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>

Draft SEPP	Comment on consistency
(Short-term Rental Accommodation) 2019 under (Exempt and Complying Development Codes) 2008	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>

Consistency with Ministerial Directions

The following table identifies Section 9.1 Directions that apply to Inner West LGA, and outlines the Planning Proposal's consistency with those directions.

Directions under s.9.1	Consistency
<p>1.1 Business and Industrial Zones</p> <p><i>The objectives of this direction are to:</i></p> <p>a) <i>Encourage employment growth in suitable locations,</i></p> <p>b) <i>protect employment land in business and industrial zones,</i></p> <p><i>and</i></p> <p>c) <i>support the viability of identified strategic centres</i></p>	<p>Yes</p> <p>As the Planning Proposal will retain the areas and locations of existing business and will not reduce the total potential floor space area for employment uses and related public services in business zones.</p>
<p>1.3 Mining, Petroleum Production and extractive Industries</p>	<p>Not relevant</p> <p>There is no area of coal, minerals, petroleum or other extractive materials that would be restricted by this Planning Proposal.</p>
<p>1.4 Oyster aquaculture</p>	<p>Yes</p> <p>The Planning Proposal will not hinder Oyster Aquaculture and adopts the standard instrument Pond-based, tank-based and Oyster aquaculture clause.</p>
<p>2.1 Environment Protection Zones</p> <p><i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i></p>	<p>Yes</p> <p>The Planning Proposal will consolidate the provisions of the 3 legacy LEPs to protect and conserve environmentally sensitive areas. No development or increased intensity of land uses are proposed on environmentally sensitive land. The LEP will adopt standard and model clauses for Development below mean high water mark, Earthworks, Terrestrial biodiversity, Stormwater management and Limited development on foreshore area.</p>
<p>2.2 Coastal Management</p>	<p>Yes</p> <p>The LEP will consolidate the provisions</p>

<p><i>The objective of this direction is to protect and manage coastal areas of NSW.</i></p>	<p>of the 3 legacy LEPs to protect and conserve coastal areas. No increased development or rezoning is proposed on vulnerable coastal areas or land subject to coastal hazards. The LEP will adopt a model clause for Limited development on foreshore area. Should the Planning Proposal proceed, future development must continue to comply with the requirements of this SEPP.</p>
<p>2.3 Heritage Conservation</p> <p><i>The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.</i></p>	<p>Yes</p> <p>The LEP will consolidate the provisions of the 3 legacy LEPs to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This will take the form of the standard instrument heritage conservation clause. The items and conservation areas will be carried over to Schedule 5 of the new LEP.</p>
<p>2.4 Recreation Vehicle Areas</p>	<p>Not relevant</p>
<p>3.1 Residential Zones</p> <p><i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <i>a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> <i>b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> <i>c) to minimise the impact of residential development on the environment and resource lands.</i> 	<p>Yes</p> <p>The Planning Proposal seeks to consolidate the existing residential zones under the legacy LEPs while maintaining the existing residential densities on these sites.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Not relevant</p>
<p>3.3 Home Occupations</p> <p><i>The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.</i></p>	<p>Yes</p> <p>The Planning Proposal will permit home occupations to be carried out in dwelling houses without the need for development consent.</p>

<p>3.4 Integrating Land Use and Transport</p> <p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>d) supporting the efficient and viable operation of public transport services, and</i> <i>e) providing for the efficient movement of freight.</i> 	<p>Yes</p> <p>The Planning Proposal is largely a consolidation exercise and will not create, alter or remove a zone or a provision relating to urban land.</p> <p>The LEP contains aims to ensure that existing and future residents, visitors and workers have sufficient access to sustainable transport, social and community infrastructure, services and public open space</p> <p>The Planning Proposal maintains the existing zones that generally permit mixed uses and higher density residential uses that are located around public transport nodes and centres.</p>
<p>3.5 Development near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <i>a) to ensure the effective and safe operation of regulated airports and defence airfields;</i> <i>b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i> <i>c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i> 	<p>Yes</p> <p>The Planning Proposal includes model airspace operations and development in areas subject to aircraft noise clauses in the LEP to protect airspace operations. The Planning Proposal is proposed to be referred to the Sydney Airport Corporation Limited.</p>
<p>3.6 Shooting Ranges</p>	<p>Not relevant</p>
<p>4.1 Acid Sulfate Soils</p> <p><i>The objective of this direction is to avoid significant adverse environmental impacts from</i></p>	<p>Yes.</p> <p>Mapping of land that has a probability of containing acid sulfate soils will be rolled</p>

<p><i>the use of land that has a probability of containing acid sulfate soils.</i></p>	<p>over from 2 of the legacy LEPs. Ashfield LEP did not have such a map, however it is proposed to include a map for this area in Inner West LEP 2020.</p> <p>The Planning Proposal does not propose an intensification of land uses on this land.</p>
<p>4.2 Mine Subsidence and Unstable Land</p> <p><i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i></p>	<p>Yes.</p> <p>The LGA does not contain land within a mine subsidence area.</p>
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) <i>to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> b) <i>to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land</i> 	<p>Yes</p> <p>It is not proposed to intensify uses on any floodprone land. The LEP will adopt the model provision Flood Planning clause.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>Not relevant</p> <p>There are no bushfire prone areas in Inner West LGA.</p>
<p>5.1 Implementation of Regional Strategies</p> <p><i>(2) This direction applies to land to which the following regional strategies apply: (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA)</i></p> <p><i>(b) Sydney–Canberra Corridor Regional Strategy</i></p>	<p>N/A</p>
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>Yes</p> <p>The Planning Proposal is largely a consolidation exercise of 3 existing LEPs. However, it contains clauses that mandate that land use achieves the</p>

	<p>goals and directions of the <i>Greater Sydney Regional Plan – A Metropolis of Three Cities</i> including; preserving heritage, mandating ecologically sustainable development and retaining industrial land.</p> <p>The second Planning Proposal will seek further amendments to the LEP to strengthen the planning directions of the Regional Plan at a local level.</p>
<p>6.1 Approval and Referral Requirements</p> <p><i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>Yes.</p> <p>The Planning Proposal does not seek to incorporate additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, or identify development as designated development. However, should any referral requirements or concurrences be required, the Planning Proposal will comply with this SEPP.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p><i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <i>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition</i> 	<p>Yes.</p> <p>The Planning Proposal does not propose to alter or reduce existing zonings or reservations of land for public purposes.</p>
<p>6.3 Site Specific Provisions</p> <p><i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p>	<p>Yes</p> <p>The Planning Proposal does not include new site specific provisions (other than what is included in the current legacy LEPs) to allow a particular development, nor refer to drawings of a development proposal.</p>
<p>7.1 Implementation of a Plan for Growing Sydney</p>	<p>Not relevant</p> <p>This plan has been replaced with the <i>Greater Sydney Regional Plan – A Metropolis of Three cities</i>, discussed above.</p>

<p>7.3 Parramatta Road Corridor Urban Transformation Strategy</p> <p><i>The objectives of this Direction are to:</i></p> <ul style="list-style-type: none"> a) <i>facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation ToolKit,</i> b) <i>provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</i> c) <i>guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</i> 	<p>Consistent</p> <p>As the Planning Proposal is essentially a consolidation of existing LEPs, it will not make zoning, FSR or height changes proposed in the <i>Parramatta Road Corridor Urban Transformation Strategy</i>.</p> <p>However, the new consolidated LEP will enable a more efficient and orderly process for its implementation in a future Planning Proposal by removing the regulatory barriers and inconsistencies of 3 different LEPs that currently have effect over the existing corridor.</p> <p>A key requirement of the <i>Parramatta Road Corridor Urban Transformation Strategy</i> is the completion of traffic and transport studies to support the implementation of the Strategy. The study covering Inner West in relation to the Strategy is still underway, in a process that has involved collaboration between DPIE, the consultants, Inner West and other affected councils. No zoning or standards identified in the Strategy can be implemented until this work is complete.</p> <p>Note that strategies affecting the Corridor, including the LSPS, Housing, Employment and Retail Lands, and Integrated Transport Strategies are either at exhibition stage or being prepared for finalisation.</p> <p>There is a commitment from Council to the carrying out of place based studies for the Corridor in the coming 12 months, to guide more detailed planning outcomes to implement the Strategy in line with the outcomes of the required traffic and transport study outcomes, the LSPS and its associated strategies.</p>
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