

Item No: 1

Subject: Report to the Inner West Local Planning Panel (IWLPP) for a Planning Proposal for the Consolidated Inner West Local Environmental Plan (IWLEP)

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RECOMMENDATION

That the IWLPP endorse the Planning Proposal for the consolidated IWLEP 2020 for the consideration of Council

DISCUSSION

Council currently has three principal Local Environmental Plans (LEPs) that apply within the LGA, which relate to the areas of the former councils that now make up Inner West. The draft *Inner West Local Environmental Plan 2020* (IWLEP 2020) will consolidate these three LEPs into one document to improve clarity and consistency in the planning framework.

The timing of the submission of the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) is linked to the provision of funding to support the overall project. Milestone four of the funding agreement with the DPIE requires submission of this planning proposal by 31 December 2019. Attached to the completion of milestone four on time is funding of \$625,000.

To meet this timeframe the scope of the LEP has been limited to consolidation of the three LEPs into one. Only alignments of clauses, zones and permissibility necessary to achieve consolidation have been included in this proposal. All existing development standards and controls, apart from redundant controls will be retained. This will ensure the current floor space ratio, building height and minimum lot size standards will continue to apply. The draft Planning Proposal is provided at **Attachment 1**.

The principal alignments to be made to the existing LEP clauses to form IWLEP 2020 are:

- 1) Objectives - combining the aims and objectives of the three existing plans, development standards and zones, with some being rewritten to avoid repetition and to better relate to the larger LGA.
- 2) Permissibility Alignment – main alignments of significance are:
 - Prohibiting dual occupancies in all zones, consistent with Marrickville LEP 2011 – this avoids dual occupancies occurring as complying development;
 - Prohibiting most forms of residential accommodation in B1 – Neighbourhood Centre, B2 – Local Centre and B4 – Mixed Use zones in IWLEP 2020 with only:
 - boarding houses, dwelling houses, seniors housing and shop top housing remaining permissible in B1; and
 - boarding houses, hostels, seniors housing and shop top housing remaining permissible in B2 and B4;
 - Allowing residential flat buildings as well as dwelling houses in the B7–Business Park zone. Residential flat buildings are currently not permitted in the Leichhardt B7

zone (see discussion regarding Clause 6.14 of **Attachment 2** for further details); and

- Permissible uses in business zones being maximised to include:
 - Light industries in B2 and B4; and
 - Industrial retail outlets in B4 and B7;to ensure supply of employment lands and combat loss of industrial lands.

3) Zoning alignment – required due to the need to establish a common land use table and ensure zones are consistently applied across the LGA:

- Moore Street Industrial Area, Leichhardt from IN2–Light Industry to IN1–General Industry. This alignment will enable a consistent application of land uses in the IN2 zones, which would prohibit ‘*general industries*’ in this zone in Leichhardt, consistent with Marrickville LEP 2011 and Ashfield LEP 2013. Amending the Moore St industrial precinct to IN1 –General Industry would provide a location where ‘*general industries*’ are permissible within the northern part of the LGA. Such an alignment is recommended in the *Draft Employment and Retail Lands Study* to maintain permissibility of industrial uses while preventing the incursion of business, office and retail uses onto industrial land.
- Ashfield town centre from B4–Mixed use to B2–Local Centre. This is consistent with the zoning of other town centres in the LGA such as Balmain, Leichhardt and Marrickville and the role of B2 zones outlined in the *Draft Employment and Retail Lands Study* to ‘provide a collection of shops and health, civic and commercial services’. It is noted that the B4 Mixed Use zone is used elsewhere in the LGA for quite a different purpose, and generally consists of lands unsuitable for a town centre. The alignment will increase permitted uses within Ashfield to include light industries and ensure that uses such as tourist and visitor accommodation, sex services premises and vehicle repair stations continue to remain permissible uses on this land, as these uses would become prohibited uses in the B4 zone in IWLEP 2020. Note that the eastern and western most parts of the land zoned B4 Mixed use in Ashfield town centre would retain their current zoning.

4) Harmonisation of numerical controls in Part 2 – Permitted or Prohibited Development, Part 5 – Miscellaneous Provisions, Part 6 - Local Provisions and the Schedules where possible. A comparison table of key harmonised controls / schedules is provided as **Attachment 2 – Table 1**.

Note: Where there are differences between the controls that require more detailed investigation, the current control has been maintained and the application of the clauses has been limited with an associated map (see **Attachment 2 – Table 2** for a list of these clauses). These clauses will be investigated in further detail and harmonised through a later planning proposal.

Once a single consolidated LEP has been prepared, the next phase will be local area place-based planning to inform detailed amendments to the new LEP and the creation of a comprehensive Inner West Development Control Plan. This will implement the recommendations / actions of the draft *Local Strategic Planning Statement (LSPS)* and the draft Housing, Integrated Transport and Employment and Retail Land strategies. This work has commenced and will progress into 2020 and beyond.

This report is presented to the Inner West Planning Panel for endorsement. This endorsement will be submitted to Council for a decision on whether to submit the Planning Proposal to the Minister for Planning for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. A report on the planning proposal will be considered at a Council meeting on 26 November 2019, recommending that Council:

1. *Endorses the Planning Proposal considered by the Inner West Local Planning Panel (IWLPP) for submission to DPIE for a Gateway Determination;*
2. *Requests the Minister for Planning and Public Spaces to delegate the plan making functions for the Planning Proposal to Council;*
3. *Following receipt of a favourable Gateway Determination for the Planning Proposal and compliance with any conditions, places the Planning Proposal on public exhibition and consults with public authorities;*
4. *Prepare and publicly exhibit amendments to each Development Control Plan (DCP) to enable the DCPs to be consistent with the consolidated LEP:*
 - a. *Marrickville Development Control Plan 2011;*
 - b. *Leichhardt Development Control Plan 2013; and*
 - c. *Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP); and*
5. *Be provided with a report on submissions received during the public exhibition period and from consultations with public authorities.*

ATTACHMENTS

1. Planning Proposal (IWC-PP-2/2019) – Consolidated Inner West LEP
2. Harmonised controls and retained controls that differ in the former council areas
3. Appendix 1 of IWC-PP-2/2019 – *Draft Inner West Local Environmental Plan 2020* – written instrument
4. Appendix 3 of IWC-PP-2/2019 - Draft land use matrices – in Plan Booklet