



Australia's property industry

## Creating for Generations

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27 April 2020

Mr Michael Deegan  
The General Manager  
Inner West Council  
PO Box 14  
PETERSHAM NSW 2049

Attention: Our Place Inner West Team

Dear Mr Deegan

### Inner West Local Environmental Plan 2020 (IWLEP2020)

The Property Council welcomes the opportunity to provide comments to Council on its draft local environmental plan (IWLEP2020).

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes. We are pleased to provide the following comments on the draft Strategy for your consideration.

The Property Council understands that Council is one of eighteen (18) councils in Greater Sydney that are participating in the Accelerated LEP Review Program. The identification of certain local government areas for accelerated translation of the relevant District Plan during 2020 (one year ahead of the remaining 15 councils in Greater Sydney) was appropriate. Inner West Council's participation in this program is also appropriate.

Council has been given financial assistance from the NSW Government to complete a number of milestones under the program. The completion of this Planning Proposal (PP\_2019\_IWEST\_001\_00) is one such milestone. Finalisation of Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) being other important steps.

We note that page 1 of Council's Planning Proposal states "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". The Planning Proposal goes on to say "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".

Section 3.8 of the *Environmental Planning and Assessment Act 1979* requires a Planning Proposal Authority, when preparing a planning proposal under section 3.33, to give effect to any district strategic plan applying to the local government area to which the planning proposal relates. Also as soon as practicable after a district strategic plan is made, the relevant council must review its local environmental plan for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.

It is disappointing that more than two years since the Regional Strategic Plan and Eastern City District Plan were endorsed by the NSW Government and six months since the public exhibition of Council's draft LSPS, it is not in a position to exhibit a planning proposal that will "give effect" to the important need to boost housing supply in the Inner West. Council should set out its planned timeframe for completion of the next phase of the LEP, being the implementation of its adopted Local Housing Strategy.

### Housing Targets

The Greater Sydney Commission (GSC) issued Council with a letter of support on 25 March 2020 which included a 6-10 year housing target between 5,000 and 5,700 dwellings. This involves the production of more than 1,000 new dwellings annually.

The Eastern City District Plan imposed a 0-5 year housing target upon Council of 5,900 dwellings from 2016/17 to 2020/21 (being production of about 1,180 new dwellings each year). In the first three years of this period (2016/17 to 2018/19) there has been 3,417 dwellings completed in the Inner West LGA). Council should take necessary action to ensure that its policy settings are appropriate for the continuation of new housing supply at or above this level.

The Property Council acknowledges the substantial effort Council has made towards the preparation of this Planning Proposal. Harmonisation of the planning controls of three separate councils is very complex and can be controversial.

### General Comments on Planning Proposal

The intent of the current Planning Proposal is to:

- Consolidate land use tables, to provide a single land use table for each zone,
- Retain existing principal development standards, including FSR, building height and minimum lot size,
- Provide one set of aims and rationalise controls,
- Remove redundant controls and inconsistencies,
- Provide a framework for the future comprehensive LEP,
- Provide a consistent approach to zone objectives and application across the LGA, and
- Ensure consistency in permissible land uses across similarly zoned lands within the former Ashfield, Leichhardt and Marrickville LGAs.

These actions are generally considered to be appropriate and, in most cases, supported.

The current Planning Proposal should not intentionally or unintentionally undermine the availability of land for medium density housing or the diversity of housing types and tenures. It is important that the planning controls that are subject to change in this Planning Proposal do not have any unintended consequences to currently permissible land uses.


The proposed rezoning of land within the Ashfield CBD along Liverpool Road from B4 Mixed Use to B2 Local Centre is not supported. This action will remove a significant area of land that has potential to supply housing within the LGA. The loss of this land without any commensurate replacement supply location cannot be supported.

The proposed prohibition on dual occupancy development is also not supported as it will reduce housing diversity in the Inner West and in turn also reduce housing affordability. Dual occupancy development is a legitimate form of medium density housing that is currently permissible in parts of the Inner West LGA under the Ashfield LEP 2013 and Leichhardt LEP 2013. With the blanket deferral of the Low Rise Medium Density Housing Complying Development Code due to end on 1 July 2020, the proposed prohibition will further reduce housing supply in one of Sydney's most unaffordable areas.

It is understood a separate Planning Proposal to make minor amendments to Marrickville LEP 2011 is nearing finalisation. That proposal will for the first time insert a design excellence clause into that instrument. The current IWLEP proposal will extend that design excellence clause across the entire Inner West LGA. The proposed drafting of the design excellence clause should generally reflect the initial Marrickville LEP clause which requires the consent authority to be satisfied of certain matters before granting development consent to new buildings over 14m in height. In some cases design excellence clauses can add significant cost to development projects without a great deal of additional benefit. Council should have regard to the additional development costs that are associated with complying with its design excellence clause before proceeding with this aspect of the proposal.

Should you have any questions or require more information, do not hesitate to contact Troy Loveday, Senior Policy Advisor, on 0414 265 152 or [tloveday@propertycouncil.com.au](mailto:tloveday@propertycouncil.com.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Fitzgerald', with a stylized, looping flourish at the end.

**Jane Fitzgerald**  
**NSW Executive Director**  
**Property Council of Australia**