

Planning Proposal

Secondary Dwellings in Rural Zones

Fairfield Local Environmental Plan 2013

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- A.** Council Report – Outcomes Committee 14 May 2013
- B.** Rural Lands – Secondary Dwellings Study

Preliminary Information

1.1 Context

This Planning Proposal has been drafted in accordance with section 55 of the Environmental Planning and Assessment Act 1979, and seeks to amend Fairfield LEP 2013.

1.2 Background Information

In February 2007 Council began preparation of its Standard Instrument LEP, now known as Fairfield LEP 2013. For the majority of the LGA, Council undertook relevant studies and strategies to provide the basis for new zonings, land use permissibility and development standards. However due to the State Governments ongoing and unresolved studies and investigations into the Western Sydney Employment Lands, and the associated implications on the rural areas of Fairfield City, Council was not able to complete a Rural Lands Study to guide any zoning changes for the rural areas.

Consequently, Council's LEP 2013 is merely a transition LEP for all rural land within the Fairfield LGA. As secondary dwellings were not permissible under the provisions of the preceding Fairfield LEP 1994, Council did not permit this land use in the rural zones under LEP 2013.

During the public exhibition process for Fairfield LEP 2013, submissions from property owners in the rural areas requested Council permit secondary dwellings as an alternative means of affordable housing to support an aging population in the rural zones.

Under consideration of the LEP (draft at the time) Council at its meeting of the 24 April 2013 resolved as follows;

A study (ahead of and independent from the Rural Land Study) be initiated to determine whether a Planning Proposal should be prepared to permit secondary dwellings (granny flats) in any of the rural zones other than RU1.

Council has prepared a Rural Lands – Secondary Dwellings Study relating to this issue and resolved at its meeting of 28 May 2013 to prepare a Planning Proposal to amend Fairfield LEP 2013 to allow secondary dwellings with consent in the RU2 Rural Landscape and RU4 Primary Production Small Lot zones.

The issues associated with the proposal are outlined in the following sections of this document as well as in the attached Rural Lands – Secondary Dwellings Study and Council report dated 14 May 2013.

1.3 Subject Land

The Planning Proposal will seek to amend the land use tables applying to the RU2 Rural Landscape and RU4 Primary Production Small Lot zones. These areas are shown in Appendix A in the attached Study.

1.4 Current Planning Provisions for Secondary Dwellings

State Environmental Planning Policy (Affordable Rental Housing) 2009 currently permits secondary dwellings as complying development in all residential zones. Certain development standards and requirements specified under the SEPP must be met if the development is to be assessed as complying development.

Where a proposal for a secondary dwelling falls outside of the provisions of the SEPP (ARH) 2009, Council's LEP 2013 permits secondary dwellings with consent only in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones provided the development meets the requirements of *Clause 5.4 Controls relating to miscellaneous permissible uses*. These being:

That the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling.*

Council does not currently permit secondary dwellings in any other zones other than residential zones.

A recent review of the SEPP (ARH) 2009, undertaken in December 2010, recommended that secondary dwellings be permitted in certain rural zones, including the RU2 and RU4 zones. To date this review and associated recommendations have not progressed.

1.5 Planning Provisions for Secondary Dwellings in Adjoining Local Government Areas

In order to support Council's proposal to permit secondary dwellings in the rural areas of the LGA (with the exception of the RU1 Primary Production zone) Council reviewed the permissibility of secondary dwellings in rural areas of adjoining LGAs or similar Sydney urban fringe LGAs. The following table shows the results of this review.

Local Government Area	Permissibility of Secondary Dwellings	
	RU2 Rural Landscape	RU4 Primary Production Small Lots
Penrith	Yes	Yes
Liverpool	No	Yes
Camden	Yes	Yes
The Hills (draft LEP 2010)	Yes	Yes
Hornsby (draft LEP 2011)	Yes	Yes

As can be seen from the above table, all adjoining or similar fringe Councils already permit secondary dwellings to some extent under their existing or proposed planning provisions.

1.6 Part 1 – Objectives

The purpose of the planning proposal is to:

- Ensure that secondary dwellings provide an alternative form of housing within the rural areas of the Fairfield Local Government Area without changing subdivision patterns.
- To provide an alternative form of low cost housing in rural areas to assist an aging population.

In summary, the objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 2013 to allow secondary dwellings as a land use that is permitted with consent in the RU2 Rural Landscape and RU4 Primary Production Small Lots zones.

The planning proposal applies to the following land:

All land that is zoned RU2 Rural Landscape and RU4 Primary Production Small Lots within the Fairfield Local Government Area, as shown in Appendix A of the attached Study.

The planning proposal is in accordance with Council's decision at its meeting on 28 May 2013 (see attached report).

Part 2 – Explanation of provisions

To achieve the objectives mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013) as follows:

1. Insert the land use "*secondary dwellings*" in alphabetical order into *Item 2 Permitted with Consent* of the land use tables applying to the RU2 Rural Landscape and RU4 Primary Production Small Lots zones.

Part 3 – Justification

Section A – Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

A Rural Lands – Secondary Dwellings Study has been prepared by Council which investigates issues relating to the proposal to allow secondary dwellings as an additional form of residential accommodation in zones RU2 – Rural Landscape and RU4 – Primary Production Small Lots.

- Assess the housing need for secondary dwellings in the rural area
- Examine the relationship and consistency of allowing secondary dwellings against key State and local Strategy
- Determine the impact of allowing secondary dwellings in the rural area on agricultural production
- Investigate environmental and infrastructure constraints relevant to the provision of secondary dwellings in the rural area
- Assess the need for controls to regulate secondary dwellings in the rural area

The conclusions of the Study (Part 9) found that there was sufficient justification to allow secondary dwellings as an additional form of residential accommodation in the rural areas of Fairfield City as;

1. The proposal to allow secondary dwellings is generally consistent with relevant Council and State Government Strategies and Policy aimed at promoting housing diversity and to address current and future housing needs of residents in Horsley Park and Cecil Park.
2. There is likely to be no significant increase in population as a result of introducing secondary dwellings (granny flats) to the rural lands. This is mainly due to the fact that it will accommodate the changing demographics of the area (the changing household size and type).
3. Given the relatively small size and scale of secondary dwellings, there are no major environmental or infrastructure constraints to the provision of this form of housing in the rural area.
4. Similarly the size of these structures and controls on the location of secondary dwellings will mitigate potential impacts on agricultural production in the area.
5. Given the lack of public transport available to the area it is recommended that secondary dwellings are required to include a parking space.
6. The proposal to permit secondary dwellings in the rural area will not generate a significant increase in residential density of the area and is considered consistent with the Ministerial s.117 Direction 1.2 – Rural Zones

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

Yes. Until such time as the DP & I legislate the recommendations contained in the Affordable Housing SEPP Review 2010, to achieve the intended outcome of permitting secondary dwellings in the RU2 and RU4 zones, the land use tables for these 2 zones under Fairfield LEP 2013, must be amended.

Is there a net community benefit?

Yes, Council believes that in the short term, until such time as the future direction of these fringe rural communities is decided, the existing community will benefit from the option of secondary accommodation on rural properties. These benefits may be in the form of:

- Allowing affordable retirement solution and/or aging in place
- Providing affordable housing solutions
- Providing accommodation for persons to assist in property management or agricultural activities, particularly for aging property owners

- Maintains existing subdivision patterns.
- Encourages legitimate occupation of secondary dwellings and eliminates opportunities for illegal/unauthorised occupation and housing forms in rural areas.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

As outlined under Part 3 of the Study the proposed amendment is consistent with the provisions of the draft Metropolitan Plan for Sydney 2031 specifically directions associated with *A Liveable City* and the draft West-Central Sub-regional Strategy.

Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Yes, as detailed under Part 3(C) of the Study, the proposed amendment is consistent with directions and themes contained in the Fairfield City Plan 2010 – 2020 aimed at providing a mix of housing and tenure types for all sectors and in providing more affordable rental housing.

Is the planning proposal consistent with the applicable state environmental policies?

The relevant State Environmental Planning Policies are outlined in the table below:

SEPP Title	Relevant	Consistency of Planning Proposal
SEPP 1 – Development Standards	NO	
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	NO	
SEPP 6 – Number of Storeys in a Building	NO	
SEPP 14 – Coastal Wetlands	NO	
SEPP 15 – Rural Landsharing Communities	NO	
SEPP 19 – Bushland in Urban Areas	NO	
SEPP 21 – Caravan Parks	NO	
SEPP 22 – Shops and Commercial Premises	NO	
SEPP 26 – Littoral Rainforests	NO	
SEPP 29 – Western Sydney Recreation Area	NO	
SEPP 30 – Intensive Agriculture	NO	
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	
SEPP 33 – Hazardous and Offensive Development	NO	
SEPP 36 – Manufactured Home Estates	NO	
SEPP 39 – Spit Island Bird Habitat	NO	

SEPP Title	Relevant	Consistency of Planning Proposal
SEPP 41 – Casino Entertainment Complex	NO	
SEPP 44 – Koala Habitat Protection	NO	
SEPP 47 – Moore Park Showground	NO	
SEPP 50 – Canal Estate Development	NO	
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NO	
SEPP 55 – Remediation of Land	YES	Yes, as detailed under Part 6(E) of the attached Secondary Dwelling Study. Future secondary dwellings would need to address the requirements of Council's City Wide DCP 2013 and SEPP 55 in relation to potential for contaminated lands.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	NO	
SEPP 60 – Exempt and Complying Development	NO	
SEPP 62 – Sustainable Aquaculture	NO	
SEPP 64 – Advertising and Signage	NO	
SEPP 65 – Design Quality of Residential Flat Development	NO	
SEPP 70 – Affordable Housing (Revised Schemes)	NO	
SEPP 71 – Coastal Protection	NO	
SEPP (Affordable Rental Housing) 2009	YES	Yes, the planning proposal is consistent with the aim of facilitating delivery of affordable housing in response to growing community needs in NSW.
SEPP (Building Sustainability Index: BASIX) 2004	NO	
SEPP (Exempt and Complying Development Codes) 2008	NO	
SEPP (Housing for Seniors or People with a Disability) 2004	NO	
SEPP (Infrastructure) 2007	NO	
SEPP (Major Development) 2005	NO	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	Yes, as detailed under Part 7(F) of the attached Secondary Dwelling Study. Future secondary dwellings in proximity of extractive industries in Horsley Park and Cecil Park would need to address relevant acoustic requirements for housing within 500m of an existing quarry.
SEPP (Rural Lands) 2008	NO	
SEPP (Sydney Drinking Water Catchment) 2011	NO	
SEPP (Sydney Region Growth Centres) 2006	NO	
SEPP (Temporary Structures) 2007	NO	
SEPP (Urban Renewal) 2010	NO	
SEPP (Western Sydney Employment Area) 2009	NO	
SEPP (Western Sydney Parklands) 2009	NO	

The relevant Sydney Regional Environmental Plans are outlined in the table below:

SREP Title	Relevance	Consistency of Planning Proposal
SREP 9 – Extractive Industry (No 2 – 1995)	NO	
SREP 18 – Public Transport Corridors	NO	

SREP Title	Relevance	Consistency of Planning Proposal
SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)	YES	Yes, the smaller scale of the secondary dwellings mitigates the potential for impacts on the environmental qualities of the Hawkesbury – Nepean Catchment. In addition, existing and proposed DCP controls will help mitigate the potential impacts of secondary dwellings (including discharge of waste water and stormwater) on the natural environment including water quality.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 are outlined in the table below:

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- Encourage employment growth in suitable locations - Protect employment land in business and industrial zones - Support the viability of identified strategic centres.	N/A	N/A
1.2 Rural Zones	Protect agricultural production value of rural land.	Parts 4 and 5 of the Rural Lands – Secondary Dwellings Study (Attached) provides a detailed analysis of issues relevant to agricultural production in the rural areas, concluding that the proposal to allow secondary dwellings in the RU2 and RU4 will have negligible impact on agricultural production of the area. This is particularly attributable to the small scale of secondary dwellings and controls proposed by Council which require secondary dwellings to be integrated with new or existing housing including infrastructure and services associated with this housing	YES
1.3 Mining, Petroleum Production and Extractive Industries	Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	It is not anticipated that the proposal to allow secondary dwellings in the rural area will generate a significant increase in residential density adjoining existing extractive industry sites in Horsley Park and Cecil Park. In addition, under existing DCP requirements, Council needs to be satisfied proposed residential development in the rural area will not adversely impact the economic viability of nearby extractive industry. This includes the requirement that any any residential development within 500m of extractive industry site needs to submit a report detailing measures to mitigate the potential impacts of noise and vibration from extractive industry.	YES
1.4 Oyster Aquaculture	Protect oyster aquaculture areas.	N/A	N/A

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	As detailed under Part 6 of the Secondary Dwellings Study riparian Lands and areas with conservation significance in the rural area have been identified in the Fairfield Biodiversity Strategy. The Strategy forms the basis for zoning of land E2 – Environmental Protection (along creek lines) and application of LEP (overlay) clauses and maps requiring an assessment of riparian and biodiversity issues relevant to development. The planning proposal for secondary dwellings in the rural area does not propose to alter these requirements that may be relevant to development.	YES
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The planning proposal does not propose to alter provisions applying to heritage conservation under cl.5.10 of the Fairfield LEP 2013. Secondary dwellings located on or within proximity to heritage items in the rural area would need to address the provisions of the above clause of the Fairfield LEP.	YES
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	- Encourage a variety and choice of housing types to provide for existing and future housing needs - Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services - Minimise the impact of residential development on the environment and resource lands.	N/A	N/A
3.2 Caravan Parks and Manufactured Home Estates	- Provide for a variety of housing types - Provide opportunities for caravan parks and manufactured home estates.	N/A	N/A
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	N/A
3.4 Integrating Land Use and Transport	- Improve access to housing, jobs and services by walking, cycling and public transport. - Increase choice of available transport and reducing car dependency. - Reduce travel demand and distance (especially by car) - Support the efficient and viable operation of public transport services - Provide for the efficient movement of freight	N/A	N/A

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
3.5 Development Near Licensed Aerodromes	- Ensure effective and safe operation of aerodromes - Ensure aerodrome operation is not compromised by development - Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.	N/A	N/A
3.6 Shooting Ranges	- Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, - Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land - Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	There are no known areas in the Rural Area which have the potential for acid sulfate soils.	YES
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	N/A
4.3 Flood Prone Land	- Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. - Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Parts of the Rural Area are affected by both mainstream and overland flooding which has been identified in various studies conducted by Council. The potential for overland flooding is assessed on a case by case basis and having regard to Council flood maps and site investigations. Development is required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments Flood Planning Development Manual 2005. The minimum subdivision requirements for the RU2 (10ha) and RU4 (1ha) zones means that existing and proposed lots in the rural area affected by flooding issues would generally allow ample site area to facilitate construction of a secondary dwelling above the high flood risk precinct. In addition, flooding issues for existing residential accommodation in the area have also previously been taken into account by Council at DA stage.	YES
4.4 Planning for Bushfire Protection	- Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. - Encourage sound management of bush fire prone areas.	As detailed in Part 6 of the attached Secondary Dwellings Study and associated Appendix F, parts of rural area are identified on the Fairfield Bushfire Prone Land Map as being affected by bushfire hazard risk.	YES

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
		Secondary dwelling proposals in the area would be assessed against the provisions of the Rural Fires Service guidelines <i>Planning for Bushfire Protection 2006</i>. Under the Fairfield LEP 2013 secondary dwellings cannot be subdivided and represent a form of smaller scale infill development.	
5. Regional Planning			
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	N/A	N/A
5.2 Sydney Drinking Water Catchments	To protect water quality in the hydrological catchment.	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	- Ensure that the best agricultural land will be available for current and future generations to grow food and fibre - Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning - Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into Ofarming areas	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	- Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route - Prevent inappropriate development fronting the highway - Protect public expenditure invested in the Pacific Highway - Protect and improve highway safety and efficiency - Provide for the food, vehicle service and rest needs of travellers on the highway - Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns.	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	Draft LEPs shall not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport at Badgerys Creek	Parts of Horsley Park and Cecil Park within zone RU4 fall within the 20 Australian Noise Exposure Forecast (ANEF) contours associated with the proposed second airport site at Badgerys Creek Airport. Dwelling houses on 1ha lots are already permissible with consent in the zone and the proposal to allow small scale secondary dwellings (up to 60m² or 10% (whichever is greater) of the floor area of the principal dwelling or would not hinder the potential for development of the Badgerys Creek airport site. Under Council's City Wide DCP, and advisory note is provided regarding the potential for an airport at Badgerys Creek and relevant Australian	YES

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
		Standards regarding acoustic measures to protect against aircraft noise.	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development	N/A	N/A
6.2 Reserving Land for Public Purposes	- Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes - Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls	N/A	N/A
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Planning proposal shall give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy.	At the time this planning proposal was being prepared, the draft Metropolitan Strategy for Sydney 2031 had been placed on public exhibition. As detailed in the attached Secondary Dwellings Study, the proposal to allow secondary dwellings in the RU2 and RU4 zones is consistent with Actions contained in the draft Strategy of preparing strategies which providing housing mix and local affordable housing opportunities.	YES

Section C – Environmental, social and economic impact

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

The Planning Proposal aims to permit an alternative form of lower scale affordable housing in the rural areas of the Fairfield LGA. As with any other form of development permitted in the rural zones, consideration will be given to the potential effects on threatened species populations and/or ecological communities at the Development Application stage.

Under the provisions of Council's LEP 2013, several methods have been established to minimise the effects of future development on critical habitat or threatened species communities. These include zoning the areas with a high conservation significance along creek lines in the rural areas as E2 - Environmental Conservation.

As this Planning Proposal does not apply to the E2 zone, there will be no impact from secondary dwellings on areas with high conservation significance along creeklines. Council has also introduced Local Provisions which apply to land identified and mapped as having biodiversity significance or comprising riparian land.

These local clauses require that any development proposed in these mapped environmentally sensitive areas, must be sited and designed to minimise environmental impacts.

Given the very small scale of secondary dwellings and the fact that many may well be contained within the existing dwelling structure or outbuildings, it is extremely unlikely that this proposed form of affordable housing will adversely affect identified critical habitat or threatened species, populations or ecological communities or their habitats.

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

There are not considered to be any other significant environmental effects as a result of permitting secondary in the RU2 and RU4 zones of the LGA, however there are a number of operational developmental effects which will need to be managed appropriately in order to minimise the impact of the development on the environment. These include:

- Effluent/Waste Management - Increasing loads on existing effluent disposal systems (may require modifications) or requiring multiple systems to manage waste.
- Bushfire Management;
- Access;
- Proximity to existing dwelling;
- Buffers to reduce land use conflicts etc.

The effective management of all these issues will be addressed under the provisions of Council's City Wide Development Control Plan.

How has the planning proposal adequately addressed any social and economic effects?

Social and economic effects of the Planning Proposal (both negative and positive) cannot be dealt with via Council's LEP provisions.

By merely implementing the provisions of the proposed LEP amendment and allowing secondary dwellings as a form of housing in the rural areas, there will be social and economic benefits such as:

- Allowing affordable retirement solution and/or aging in place
- Supplementary income for property owners
- Providing affordable housing solutions
- Providing accommodation for persons to assist in property management or agricultural activities, particularly for aging property owners
- Encourages legitimate occupation of secondary dwellings and eliminates opportunities for illegal/unauthorised occupation and housing forms in rural areas.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

As is detailed under Part 7 of the attached Secondary Dwellings Study, the proposal is unlikely to place a level of demand on existing public infrastructure that could not be managed satisfactorily by Council.

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

As part of Public Exhibition, the following State Agencies will be consulted:

- Hawkesbury-Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Trade and Investment – Minerals and Petroleum
- NSW Rural Fire Services (S117 Direction 4.4 Planning for Bushfire Protection)
- Endeavour Energy
- Telstra
- Adjoining Councils: Blacktown City, Liverpool City and Penrith City Councils

Part 4 – Community Consultation

The community consultation strategy endorsed by Council includes the following;

- Letter to all property owners in the rural area
- Notice in the local newspapers
- If timing required for public exhibition under the gateway determination permits and does not delay processing of the planning proposal, information to be included Councils newsletter 'City Life'.
- Letters to adjoining Councils (Blacktown City, Liverpool City and Penrith City Councils)

In addition consultation will be undertaken with relevant State Government Agencies and utility providers as specified in the Gateway determination issued by the NSW Department of Infrastructure and Planning.

Part 5 – Project Timeline

The below project timeline is intended to be as a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Step	Process content	Timeframe
1. s.56 – request for Gateway Determination	Prepare and submit Planning Proposal to DP&I	5 June 2013
2. Gateway Determination	- Assessment by DP&I (including LEP Panel) - Advice to Council	1 month: 1 July 2013
3. Completion of required technical information and report (if required) back to Council	- Prepare draft controls for Planning Proposal - Update report on Gateway requirements	1 month: August 2013
4. Public consultation for Planning Proposal	Notice in local paper and letters to all property owners in RU2 and RU4 zoned lands in Horsley Park and Cecil Park	28 days notification period: August - September 2013
5. Government Agency consultation	Notification letters to Government Agencies as required by Gateway Determination	August – September 2013
6. Public Hearing (if required) following public consultation for Planning Proposal	Under the Gateway Determination issued by DP&I public hearing is not required.	
7. Consideration of submission	Assessment and consideration of submissions	1 month
8. Report to Council on submissions to public exhibition and public hearing	Includes assessment and preparation of report to Council	1 month
9. Possible re-exhibition	Covering possible changes to draft Planning Proposal in light of community consultation	Minimum 1 month
10. Report back to Council	Includes assessment and preparation of report to Council	1 month
11. Referral to PCO and notify DP&I	- Draft Planning Proposal assessed by PCO, legal instrument finalised - Copy of the draft Planning Proposal forwarded to DP&I.	1 month
12. Plan is made	Notified on Legislation web site	1 month
Estimated Time Frame		12 months