

Amendment to Fairfield Local Environmental Plan 2013 to allow secondary dwellings in RU2 and RU4 zones.

Proposal Title :	Amendment to Fairfield Local Environmental Plan 2013 to allow secondary dwellings in RU2 and RU4 zones.		
Proposal Summary :	The proposal seeks to amend Fairfield Local Environmental Plan 2013 to allow 'secondary dwellings' in the RU2 Rural Landscape and RU4 Primary Production Small Lot zones.		
PP Number :	PP_2013_FAIRF_002_00	Dop File No :	13/09624

Proposal Details

Date Planning Proposal Received :	07-Jun-2013	LGA covered :	Fairfield
Region :	Sydney Region West	RPA :	Fairfield City Council
State Electorate :	FAIRFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	All RU2 Rural Landscape and RU4 Primary Production Small Lot zones in Horsley Park and Cecil Park.		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Rachel Cumming
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	988
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 19 June 2013 and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **DELEGATION OF PLAN-MAKING FUNCTIONS**
Council currently has delegation to make a plan. Council has resolved to seek to utilise the delegation of the plan-making functions for this planning proposal (refer to Council's resolution of 28 May 2013).

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October, 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal

External Supporting Notes :

Adequacy Assessment

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Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to:**

- amend Fairfield Local Environmental Plan 2013 to allow 'secondary dwellings' as a land use that is permitted with consent in all RU2 Rural Landscape and RU4 Primary Production Small Lots zones within the Fairfield Local Government Area (LGA);
- ensure that secondary dwellings provide an alternative form of housing within the rural areas of the Fairfield LGA without changing subdivision patterns; and
- provide an alternative form of low cost housing in rural areas to assist an ageing population.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposed outcome will be achieved by amending the Fairfield LEP 2013 through insertion of 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.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.8 Second Sydney Airport: Badgerys Creek

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Direction 1.2 Rural Zones

Consistent

Council's Secondary Dwelling Study estimates the potential for up to 950 secondary dwellings in the RU4 zones and 38 secondary dwellings in the RU2 zones by 2031 (refer to pages 37-38 of Council's 'Rural Lands - Secondary Dwellings Issues Paper').

The actual numbers of secondary dwellings are likely to be far lower. The maximum floor area of the dwellings would be 60m², with the total maximum 'footprint' estimated at 180m², to include open space, access and parking provisions. The dwellings must be constructed within 10 metres of existing dwellings or attached to a new principal dwelling.

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Due to the small scale of secondary dwellings and proximity to primary dwellings, the proposal will have a negligible impact on agricultural practices. The amendment may encourage sustainability of agriculture and promote diversity and employment opportunities due to the provision of low cost housing close to areas of primary production. The proposal is considered to be of minor significance.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Consistent

Council's Secondary Dwellings Study found that the proposal to allow secondary dwellings will not generate a significant increase in residential density adjoining existing extractive industry. Under Council's City Wide DCP 2012, all residential development within 500m of extractive industry requires a report detailing measures to mitigate potential impacts of noise and vibration from extractive industry.

Direction 2.1 Environmental Protection Zones

Consistent

Secondary dwellings are likely to cause minimal impacts on riparian lands and biodiversity areas due to the following:

- Fairfield Biodiversity Strategy identified key riparian lands in Horsley Park and Cecil Park and included a Conservation Significance Assessment of remnant vegetation;
- E2 Environmental Conservation zones providing the highest level of protections for environmental lands. A riparian area, zoned E2, runs through areas of the RU4 zones; and
- Local Clauses in Fairfield LEP 2013 and City Wide DCP 2012 apply controls to areas of riparian land and biodiversity and restrict tree removal.

Direction 2.3 Heritage Conservation

Consistent

Secondary dwellings located on or within proximity to heritage items would need to address the provisions of Clause 5.10 Heritage conservation of Fairfield LEP 2013.

Direction 4.1 Acid Sulfate Soils

Consistent

Council has stated that there are no known potential or actual acid sulfate soils in the subject lands.

Direction 4.3 Flood Prone Land

Consistent

Potential for flooding in the subject lands has been identified in studies conducted previously by Council. All development is required to meet the provisions outlined in Council's City Wide DCP 2012: Chapter 11 Flood Risk Management and the NSW Government's Flood Prone Land Policy and Floodplain Development Manual 2005. Council considers that the minimum subdivision requirements of 10ha for RU2 zones and 1ha for RU4 zones should provide ample site area for accommodating secondary dwellings on land that is not in the high risk flood risk precinct. This is considered to be acceptable.

Direction 4.4 Planning for Bushfire Protection

Consistent

Appendix F of Council's Secondary Dwellings Study identifies parts of the subject lands as being affected by bushfire hazard risk. Secondary dwelling proposals in the area would be assessed against the provisions of the Rural Fire Service's Planning for

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Bushfire Protection 2006 guidelines.

Direction 5.8 Second Sydney Airport: Badgerys Creek

Consistent

Parts of the RU4 subject lands fall within the 20 Australian Noise Exposure Forecast (ANEF) contours associated with the proposed Badgerys Creek Airport. Due to the small scale of secondary dwellings, potential for development of the Badgerys Creek site would remain unaffected. An advisory note regarding the airport site and associated acoustic measures to protect against aircraft noise are already contained in Council's City Wide DCP 2012.

Direction 6.1 Approval and Referral Requirements

Consistent

The proposal does not introduce provisions requiring concurrence, consultation or approval, nor does it nominate any site as designated development.

Direction 6.1 Site Specific Provisions

Consistent

The provisions of the planning proposal are of minor significance and will allow the land use of secondary dwellings without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Consistent

The proposal is consistent with the strategic directions, policies and actions contained in the 'Metropolitan Plan for Sydney 2036' and the 'draft Metropolitan Strategy for Sydney to 2031', as the proposal seeks to provide for a range of housing types, sizes and affordability levels to accommodate the needs of a growing and ageing population, as well as balancing land use on the city's fringe.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Consistent

The proposal supports the aims of this SEPP by facilitating new affordable rental housing by way of expanded zoning permissibility.

The review of the SEPP (2010) made a recommendation to make secondary dwellings generally more permissible in urban zones. Further, consideration is being given to expanding the permissibility of secondary dwellings to rural areas (Zones RU1, RU2, RU4, RU5, RU6 and E4 and their equivalents) but to date this has not occurred, therefore this planning proposal is required.

SREP 20 - Hawkesbury-Nepean River (No. 2 - 1997)

Consistent, but with recommendations.

The small scale of the secondary dwellings minimises potential impacts on water quality within the Hawkesbury-Nepean Catchment. Council has indicated that secondary dwelling applications must demonstrate adequate arrangements for the disposal of waste water in accordance with Council's On-Site Sewage Management Policy. Although the proposal is consistent with SREP 20, it is recommended that the Hawkesbury-Nepean Catchment Authority be consulted with regard to the planning proposal.

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Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : Some localised mapping was provided as part of the Secondary Dwellings Study. Whilst the Planning Proposal does not require a map amendment, the exhibition should be clear as to the localities to which the amendments apply.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council's proposed consultation includes:

- A letter to all property owners in the rural area;
- A notice in the local newspapers;
- Inclusion of information in the Council's newsletter 'City Life', if time permits; and
- Letters to adjoining Councils (Blacktown, Liverpool and Penrith).

Council has not specified an exhibition timeframe, but has indicated that it will comply with the Gateway Determination.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Fairfield Local Environmental Plan (LEP) 2013 was gazetted on 17 May 2013. This LEP came into effect on 31 May 2013.

This planning proposal is seeking to amend the Fairfield LEP 2013.

Assessment Criteria

Need for planning proposal : In response to public submissions during public exhibition of Fairfield LEP 2013, Council resolved to prepare a Rural Lands (Horsley Park and Cecil Park) Secondary Dwelling Study to assess the potential for secondary dwellings in the RU2 and RU4 zones in the Horsley Park and Cecil Park areas.

The Study determined that permitting secondary dwellings will accommodate the changing demographics of the area by providing affordable, small scale housing.

The secondary dwellings will allow for provision of affordable accommodation for:

- the ageing population, as retirement solutions or to provide 'age in place' care;
- younger age groups, lone person households and couples without dependants households; and
- local employees, particularly to assist in agricultural activities or providing property management for ageing property owners.

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Consistency with strategic planning framework :

It is considered that this planning proposal is generally consistent with the existing strategic planning framework (including the Metropolitan Plan for Sydney 2036; Draft Metropolitan Strategy for Sydney 2031 and Draft West Central Subregional Strategy) as it seeks to provide for future housing mix and affordable housing opportunities within Fairfield's rural zones.

The proposal also supports the objectives and themes contained within the Fairfield City Plan 2010-2020, including:

- Providing more affordable housing;
- Addressing changing requirements relating to different cultures and an ageing population; and
- Recognising that over 65.8% of our population have an income (less than \$600 per week).

Fairfield City Council's Rural Lands Study has been placed on hold at this time.

Environmental social economic impacts :

Environmental

Due to the small scale of the potential secondary dwellings, the proposal is unlikely to have any significant environmental impact. The proposal does not apply to E2 Environmental Conservation zones and local environmental provisions contained within Council's City Wide DCP 2012 will apply to all development applications.

Social

The proposal is likely to have a positive social impact. By permitting low cost, small scale dwellings to be developed, the proposal provides potential accommodation for the ageing population (including 'age in place' care), sole person and small households and accommodation for agricultural workers.

Economic

The economic impact of the proposal is likely to be of minor significance. Secondary dwellings may assist agricultural production by providing accommodation for workers. Rent from tenants may also assist local land-based businesses by supplementing income. Secondary dwellings may assist the ageing community by negating the financial burden of aged care facilities and allowing aged relatives to remain close to their families.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter_June 2013.pdf	Proposal Covering Letter	Yes
Attachment A - Rural Lands (Horsley Park and Cecil Park) Secondary Dwellings Study.pdf	Study	Yes
Attachment B - Secondary Dwellings Draft Planning Proposal.pdf	Proposal	Yes
Council Officers Report_May 2013.pdf	Study	Yes
Council Resolution_28 May 2013.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.8 Second Sydney Airport: Badgerys Creek
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

1. Consultation with:

- Hawkesbury-Nepean Catchment Authority;
- Office of Environment and Heritage;
- NSW Department of Primary Industries - Agriculture;
- NSW Department of Primary Industries - Minerals and Petroleum;
- NSW Rural Fire Services; and
- Endeavour Energy
- Telecommunication carrier.

2. The Director General's delegate agrees that any inconsistencies with Section 117 Direction 1.2 Rural Zones, 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions are justified and/or of minor significance.

3. Community consultation is required for a period of 28 days.

4. The plan-making powers be delegated to Council in respect of this planning proposal.

5. The planning proposal is to be completed within 12 months from the week following the date of the Gateway Determination.

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Supporting Reasons :

Council's Rural Lands (Horsley Park and Cecil Park) - Secondary Dwellings Study supports the need for affordable, small scale housing in the subject lands. The Study indicates that the impact on agricultural and environmental land will be minimal, while the social and economic impact could be positive. The proposal supports strategic state and local policies by providing low cost homes, encouraging a mix of housing types and supporting an ageing population.

In light of the above, this planning proposal is considered to have merit for progression.

Signature:

R. Cumming

Printed Name:

Rachel Cumming

Date:

21 June 2013