ATTACHMENT A

Rural Lands
(Horsley Park and Cecil Park)

Secondary Dwellings Study

Fairfield City
Celebrating diversity

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1. Introduction

This study originates from a resolution of Fairfield City Council in light of submissions to public exhibition of the Fairfield LEP 2013, to investigate issues relevant to permitting secondary dwellings (referred to as 'granny flats' under Fairfield LEP 1994) as an additional form of residential accommodation in the Rural Lands of the City located in Horsley Park and Cecil Park.

Under the NSW Standard Instrument (Standard LEP) a secondary dwelling is defined as:

> ***secondary dwelling*** *means a self-contained dwelling that:*
>
> *(a) is established in conjunction with another dwelling (the* ***principal dwelling****), and*
> *(b) is on the same lot of land as the principal dwelling, and*
> *(c) is located within, or is attached to, or is separate from, the principal dwelling.*
>
> ***Note.*** *See clause 5.4 for controls relating to the total floor area of secondary dwellings.*

In addition, pursuant to the provisions of Clause 5.4(9) of the Fairfield LEP 2013, the following specific LEP controls would automatically apply to any future secondary dwellings in the area.

> *Secondary dwellings*
> *If development for the purposes of a secondary dwelling is permitted under this Plan, 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.*

The rural lands covered by this study comprise the non-urban zoned lands located in the western section of Fairfield LGA (Appendix A) and includes land zoned RU2 – Rural Landscape (known as the Keyhole Lands) and RU4 – Primary Production Small Lots (located west of the M7 Orbital) under Fairfield LEP 2013.

Should Council endorse the findings of this study it will form the basis for preparation of a planning proposal to consider allowing secondary dwellings as an additional permitted use in the RU2 and RU4 zones in Horsley Park and Cecil Park. The planning proposal would require further endorsement from the Dept of Planning and Infrastructure (DP&I) under the LEP Gateway process before it could be placed on public exhibition and referred to State Government agencies for further feedback and consultation.

This study covers the following key issues:

- 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

ABS Census data, existing State and local studies/strategies, aerial photographs and survey material were utilised to help inform this study.

2. Need for Secondary Dwellings

The following section provides an overview of how the need for secondary dwellings (granny flats) in the rural areas of Horsley Park and Cecil Park has emerged. It includes an overview of current and forecast demographic features of the rural lands which highlight the need for this form of housing in the area.

A. Background

I. Fairfield LEP 2013

In April 2012 Council endorsed the Fairfield LEP 2013 (draft at the time) and when this study was being prepared it was due to be gazetted by the Minister for Planning. The new LEP replaces the former Fairfield LEP 1994 and provides a transition to the provisions of the NSW Standard LEP Template. The following table shows the zones applying under Fairfield LEP 1994 to the study area and the new zones applying under transition to the new Standard LEP zones:

Locality	Fairfield LEP 1994 (previous zone)	Fairfield LEP 2013 (new zone)
Horsley Park and Cecil Park (west of the M7 Motorway)	Zone 1(a) Non Urban Residential	RU4 – Primary Production Small Lots
Horsley Park ('Keyhole' lands between the M7 and Cowpasture Rd and bounded by the Western Sydney Parklands)	Zone 6(d) Recreation Tourism	RU2 – Rural Landscape

Planning circulars and advice issued by the Department of Planning and Infrastructure helped inform Councils decision in transitioning to the Standard LEP zones RU2 and RU4 in Horsley Park and Cecil Park. Further details and background information in relation to Council's this issue to the Council's LEP Committee (17 August 2010) available on Council's website www.fairfieldcity.nsw.gov.au under 'Quicklinks', Business Papers'.

Land uses permitted in the RU2 – Rural Landscape and RU4 – Primary Production Small Lots zones are listed in Appendix B. 'Dwellings' are currently the principle form of residential accommodation permitted in both the RU2 and RU4 zones and 'secondary dwellings' are currently prohibited in both zones.

II. Submissions to public exhibition and Council resolution

During the public exhibition period of the LEP (running from January to March 2012), Council received 25 submissions relating to the rural lands (RU4 Primary Production Small Lots), a number of which specifically requested that granny flats (secondary dwellings) be made a permissible use within the area.

In considering these submissions, Council subsequently resolved as follows:

2.6 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.

III. Rural zones covered by the study

As detailed in Council's resolution, under this study the RU1 – Primary Production Zone has been excluded from consideration for secondary dwellings, this is due to the fact that this zone applies to extractive industry (i.e. existing and proposed quarries) sites in the LGA which are generally not intended for residential development.

In addition, the RU5 – Village zone applying to Horsley Village has also been excluded for the following reason;

- The primary function of the RU5 zone is to preserve Horsley Village for the provision of commercial services to the surrounding rural residential area.
- The size and scale of Horsley Village area would not provide a significant strategic benefit for the provision of secondary dwellings. Rather existing commercially zoned land in the centre should be preserved to meet the potential need for existing and future commercial uses to service the surrounding rural-residential lands.
- Under the Standard LEP, although 'dwellings' are a compulsory permitted use in the RU5 zone there are currently no stand alone dwellings in the Village.
- The form and character of secondary dwelling accommodation is in not ideally suited to the nature and configuration of existing development within a commercial centre
- Council has excluded secondary dwellings as a permitted use in other business centres of the City.
- Shop top housing has been permitted as the principle form residential accommodation in Horsley Village and provides greater scope for integration with future commercial development in the centre.

B. Rural Lands Demographics

I. Existing Population and Population Forecast

In 2011, the population within Horsley Park/Cecil Park was approximately 2,748. The rural lands (inclusive of the 'Key Hole lands' located within the Western Sydney Parklands) have a total area of approximately 2,824 hectares, giving rise to a population density for the area of approximately 1 person per hectare.

Over the past few years the population within the area has essentially been static or has had an insignificant increase.

The table below outlines the current population of the rural lands as well as number of households, average number of people per household, number of dwellings and the forecast for all of these demographic categories.

Horsley Park - Cecil Park	Forecast year					
	2006	2011	2016	2021	2026	2031
Population	2,702	2,748	2,691	2,750	2,804	2,856
Change in Population (5yrs)		46	-57	59	54	52
Average Annual Change (%)		0.34	-0.42	0.43	0.39	0.37
Households	760	797	814	849	879	909
Average Household Size (persons)	3.53	3.43	3.29	3.22	3.17	3.13
Dwellings	795	813	831	867	897	927
Dwelling occupancy rate	95.6	98.03	97.95	97.92	97.99	98.06

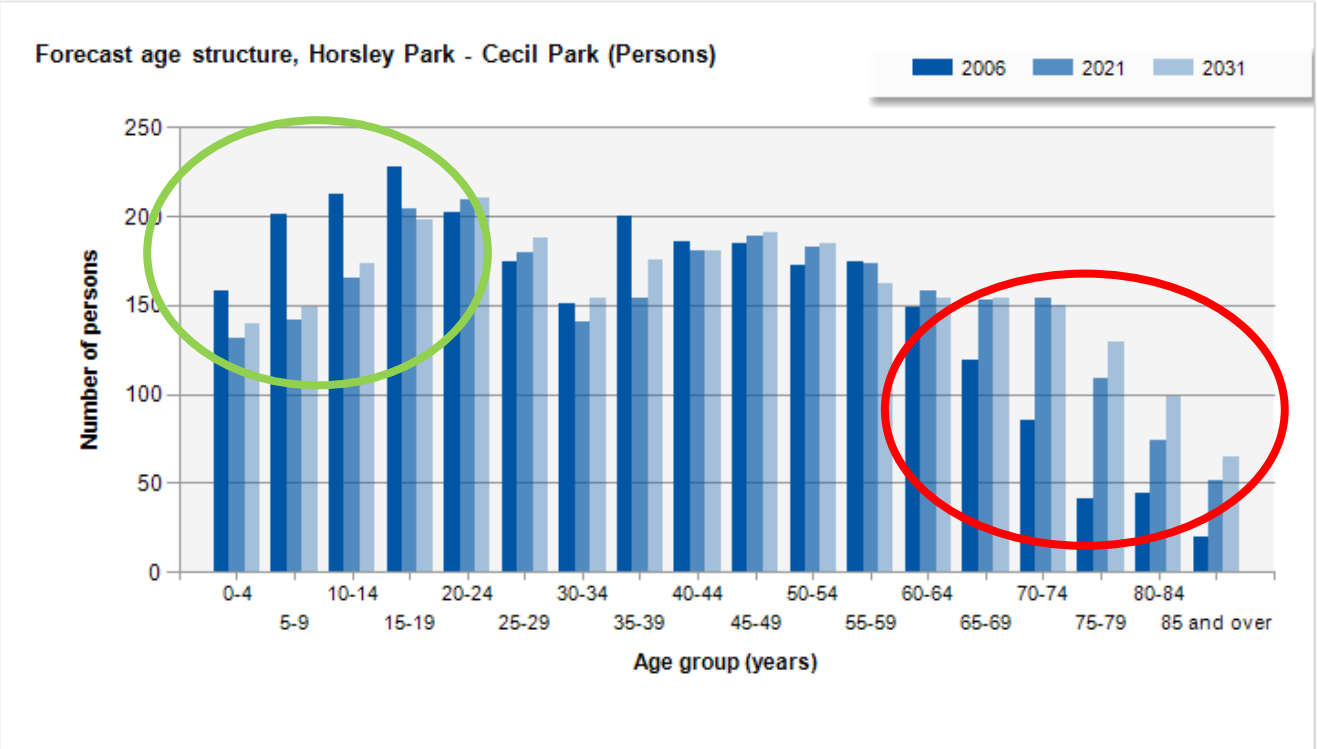
The population forecast for the next 20 years to 2031 indicates that there will be a slight increase in population of 108 residents; that is an anticipated increase of 4%. The data also indicates that the household size will gradually decrease over the next 20 years.

The dwelling occupancy rate identified in the table above also indicates that there are minimal residential vacancies within the rural area. This indicates that the rural area is an area of high demand and introducing secondary dwellings will provide a greater mix of housing and greater housing choice for people within the area.

The forecast population is established by using a base population figure (ABS Census), then calculating the birth and death rates as well as the household demographics (i.e. household types, size, etc.). Along with analysis of all the above data, more accurate assumptions are finally made and tested by the demographic consultants (Informed Decision ID) in consultation with Council as to the future forecast population.

II. Existing Age Structure and Age Structure Forecast

Currently, Fairfield City along with the rest of Sydney Metropolitan area has an ageing population. This ageing population has an impact on many areas, including housing demand. The forecast age structure for the area is shown on the following graph.



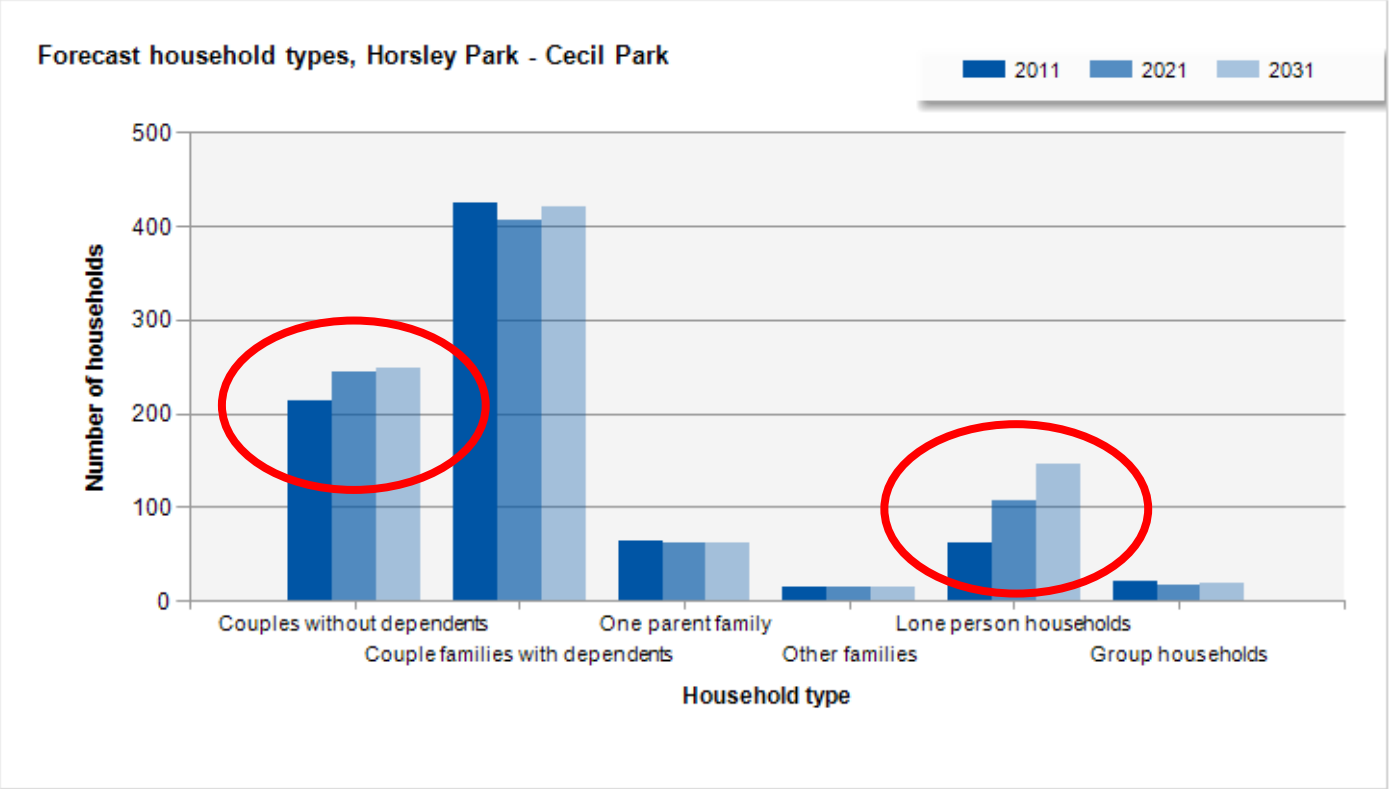
The above graph clearly identifies that there is a forecast ageing population in the Horsley Park/Cecil Park suburbs. The largest increase over the next 20 years is identified for people aged between 65-69 to 85 and over (red circle above right). The graph also indicates that there will be a declining younger population, generally between the ages of 0-4 and 15-19 (green circle above left).

The forecast change in household types indicates a requirement for smaller dwelling types to cater for the lone person and couples without dependents households. The trends also indicate a decrease in households of couple families with dependents and an overall ageing population. Generally, larger homes are harder to maintain as residents get older, and accordingly, the potential for elderly to move from their large dwelling to a smaller secondary dwelling (granny flat) is an option that would be beneficial for both the ageing and younger family members.

The permissibility of secondary dwellings will assist the ageing population "age in place" without having to find other small dwellings in other areas to accommodate their needs.

III. Household Types and Household Structure

The forecast change in household types (below) indicates a requirement for smaller dwelling types to cater for the lone person and couples without dependents households. The trends also indicate a decrease in households of couple families with dependents and an overall ageing population. Large homes are harder to maintain as residents get older, and accordingly, the potential for elderly to move from their large dwelling to a smaller secondary dwelling (granny flat) is an option that would be beneficial for both the ageing and younger family members.



The above graph identifies an increase in households of couples without dependants and lone person households. Additionally, it shows an overall decrease in households of couples with dependents.

3. Key Strategies and Policies

The following section outlines key land use strategies/policies relevant to the consideration of the proposal to allow secondary dwellings in the rural zones and specifically the consistency of this proposal with these issues.

A. Draft Metropolitan Strategy for Sydney 2031

The draft Metropolitan Strategy 2031 was released by the State Government in April 2013. The new Strategy will replace the former Metropolitan Plan for Sydney 2036 as the key land use planning blueprint guiding Sydney's growth up to 2031.

Under the draft Metro Strategy 2031 Fairfield City Council has been incorporated into the Sydney South West Subregion which has been allocated a preliminary regional housing target of 141,000 dwellings by 2031. More detailed (local) housing targets and issues relevant to Fairfield City will eventually be determined under a new Sub-Regional Strategy.

The following table provides a summary of key objectives and actions of the draft Metro Strategy 2031 relevant to the provision of secondary dwellings in the RU2 and RU4 zones.

METROPOLITAN PLAN FOR SYDNEY 2036				
STRATEGY	**OBJECTIVE**	**COMMENT**	**ACTION**	**COMMENT**
A LIVEABLE CITY	**OBJECTIVE 6:** **Deliver a mix of well designed housing that meets the needs of Sydney's population**	The introduction of secondary dwellings into zone RU2 and RU4 will increase the variety of dwellings within the area These smaller dwelling types will help meet the requirements of the ageing population and to provide greater housing choice for the rural areas.	**ACTION 6.1** **Prepare housing strategies to provide for future housing mix and identify local affordable housing opportunities** **ACTION 6.3** **Plan for the inclusion of affordable housing in Sydney**	The introduction of secondary will allow older people to "age in-place" at the family home. Additionally secondary dwellings are single storey which will ensure easy accessibility to the dwelling for the ageing population. The introduction of secondary dwellings will provide an affordable option for residents of the rural area as well as their extended families. The provision of secondary dwellings in the rural lands would provide opportunities for moderately priced rental housing.

B. West Central Sub-Regional Strategy

As referred to above, release of the draft Metro Strategy 2031 will also lead to the preparation of new Sub-Regional Plans for the Sydney Metropolitan Area. As part of this process under the draft Metro Strategy 2031 Fairfield City has been transferred from West Central Subregion (under the previous Metro Plan 2036) to the South West Subregional area.

Although new Subregional planning strategies and plans will prepared, provisions of the current West Central Sub-Regional Strategy relevant to the proposal for secondary dwellings in the RU2 and RU4 zones are outlined in the following table.

DRAFT WEST CENTRAL SUBREGION STRATEGY				
STRATEGY	**OBJECTIVE**	**COMMENT**	**ACTION**	**COMMENT**
HOUSING SYDNEY'S POPULATION	**C2 Plan for housing mix near jobs, transport and services**	The principles behind this objective are to ensure that the subregion can accommodate the additional dwellings required by the Subregional Strategy while providing greater housing choice and mix. The proposal to allow secondary dwellings in the rural lands increases the housing choice and mix for the area.	**C2.2 Provide self-care housing for seniors and people with a disability** **C2.3 Provide a mix of housing**	The introduction of secondary dwellings will provide a viable option for seniors to remain at home, close to family while still maintaining their independence. These smaller dwelling types are required to meeting requirements of the ageing population and to provide greater housing choice to accommodate the smaller household size.

C. **Fairfield City Plan 2010 -2020**

The Fairfield City Plan has been adopted by Council following extensive community consultation. The plan sets out what City residents want for the long term future of the City. It represents a key strategic document for the LGA in terms of informing and guiding the provision of services across the City and development of policy to address community needs.

Housing information contained within the Strategy highlights that a large number of households in the City are experiencing housing stress with a significant number of residents paying more than 30% of their gross income on housing.

Feedback from the community reflected the above situation with residents indicating the following key needs:

- A major issue for Fairfield residents is affordable and accessible housing across the City.
- Council needs to enabling housing types that meet residents' present and future needs

In response to the above, the Fairfield City Plan contains the following specific directions relevant to the consideration of secondary dwellings in the Rural area.

THEME: COMMUNITY WELLBEING		
Goal	**Outcomes**	**Strategies**
Enjoying a good standard of living and enhanced quality of life We can satisfy our needs to meet our changing life requirements and ambitions	3.3 A range of housing types that caters for different life stages, family needs and levels of affordability	• Providing a mix of housing and tenure types for all sectors • Providing more affordable rental housing

The proposal to allow secondary dwellings in the rural area is a key initiative that would support the above directions as:

- Secondary dwellings would provide a new housing typology for the rural area and enhance housing choice.
- The Standard LEP controls applying to secondary dwellings limits the size and scale of these structures which is likely to translate to the level of 'affordability' in terms of reducing the costs of construction that this form of housing would attract.
- Compared to larger scale dwellings, the reduced construction costs have the potential to flow onto reduced rental costs for this form of housing.
- Demographic trends (referred to previously) for the area provide a case for provision of secondary dwellings that would help to meet an emerging housing need in the area.

D. Draft Fairfield Rural Lands Study

In 2007, as a result of the State Government commencing a study into the *Western Sydney Employment Lands Investigation Area* (WSELIA), Council deferred preparation of a Rural Lands Study (covering the area to the west of the M7 in Horsley Park and Cecil Park), until the findings of the WSELIA Study had become available.

The WSELIA Study investigates the potential for expansion of the Western Sydney Employment Area (which includes land in Horsley Park just south of the Sydney Water Pipeline) and has significant implications for the Fairfield Rural Area in terms of land use planning directions, provisions of roads and infrastructure for the area.

In 2012, the DP&I recommenced work on the WSELIA Study, renaming it the *Broader Western Sydney Employment Area* (WSEA) *Structure Plan.* At the time the Secondary Dwellings Study was being prepared the WSEA Structure Plan study was due for public exhibition around April/May 2013. Further information regarding the Structure Plan can be obtained from the DP&I website www.planning.nsw.gov.au/employment-lands

Although the Fairfield Rural Lands has been placed on hold, land use survey work associated with the previous study has been utilised to provide a comparison with a recent land use survey of the area, as detailed under part 4 (below) of this study.

Once the Structure Plan is available Council will need to determine the timetable for the progress of the Rural Lands Study.

E. Draft Fairfield Residential Development Strategy 2009

It is noted above in relation to the Sydney Metropolitan – draft Sub-Regional Strategy, Fairfield City is required to accommodate an additional 24,000 dwellings by 2031. Unlike many adjoining Local Government Areas, Fairfield City LGA no longer contains any Greenfield release areas, such as those within the North West or South West Growth Centres, with the final release areas in the City (in Abbotsbury) being developed for residential housing in the late 1990s.

Accordingly, the draft Fairfield Residential Development Strategy (RDS) focuses on established, older areas of the LGA in the eastern half of the City, east of the Cumberland Highway. These areas already contain medium and high density developments close to significant town centres and public transport (railway/ bus routes).

The draft Fairfield RDS adopts a 'centres and corridors' approach to identifying areas for increased residential densities.

The draft Fairfield RDS does not identify an increase in residential density within the western half of the City and/or the rural lands, with opportunities for future residential development in this area to be reviewed at a later stage.

Notwithstanding the above, an important finding of the RDS (Chapter 5, p.58) is that:

> *"Significant increase in older people plus increases in lone person households and couples without children households will drive demand for smaller housing formats which are currently in limited supply within Fairfield LGA".*

In light of the above finding a key strategy identified in the RDS is:

> *A.2.3 Provide an adequate range and diversity of housing types to meet the future needs of the Fairfield LGA population*

In this regard the proposal to allow secondary dwellings in the rural zones is consistent with directions contained in the RDS and is supported by demographic characteristics of the area (Part B above) that show secondary housing would provide an alternative house option for the ageing population and reduced household sizes in the rural area.

F. SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009. Its main aims are to facilitate the effective delivery of new affordable rental housing in response to growing community needs in New South Wales.

The SEPP (ARH) provides objectives, requirements and controls for a number of development types, including Secondary dwellings. The SEPP permits secondary dwellings within certain residential zones including the R1 - General Residential, R2 - Low Density Residential, R3 - Median Density Residential and R4 - High Density Residential zones or zones equivalent to any of these zones. The above requirements of the SEPP have been incorporated into the Fairfield LEP 2013.

The SEPP does not permit secondary dwellings within RU2 Rural Landscape and RU4 Primary Production Small Lots, applicable to Horsley Park and Cecil Park under Fairfield LEP 2013. As such under current LEP/SEPP arrangements Council has discretion to consider permitting secondary dwellings in these zones.

The SEPP also allows secondary dwellings to be carried out as complying development in residential zones. The specified complying development standards for secondary dwellings include the following:

- A minimum allotment size of 450m²;
- No basement or roof terrace is permitted;
- The land shall only contain a principal dwelling and a secondary dwelling, no other dwelling;
- The secondary dwelling is restricted to a maximum of 60m² floor area, either attached or detached to the principal dwelling;
- Subdivision of the land is prohibited;
- Secondary dwellings do not required car spaces;
- Maximum permitted building height is 8.5m;
- 4.5m - 10m setback from roads, 3m - 10m setback from rear boundaries and 0.9m - 2.5m setback from side boundaries, depending on size of allotment; and
- A minimum private open space of 24m² with a minimum 4m dimension, and required landscaping is 20% - 45% of the site, depending on allotment size.

If in the event that Council endorses secondary dwellings as an additional form of residential accommodation in the rural area the current provisions of the SEPP (ARH) would not mean secondary dwellings would automatically become a new form of complying development in the area. This is due to the fact that under the SEPP secondary dwellings are not permitted as complying development in the rural areas of the State.

It is understood that the DP&I is currently reviewing this issue but at the time this study was being prepared there was no timeline on when the DP&I will make any decision on possible changes to the SEPP.

G. Advice from NSW Department of Planning and Infrastructure (DP&I)

Following Council's resolution to commence this Study, clarification was sought from the Regional office of the NSW DP&I on issues that would need to be addressed in relation to the proposal to permit secondary dwellings in the rural area having regard to existing State Government Strategy and requirements relating to this matter.

Advice from the DP&I is included in Appendix C and in summary highlighted the following key issues;

- Assess the impact on the agricultural production value of rural land
- Demonstrate consistency with Ministerial Direction 1.2 Rural Zones that states an LEP proposal must *"not contain provisions which will increase the permissible density of land within a rural zone (other than land within an existing town or village)".*
- If in the instance density is increased the DP&I must be satisfied the proposal will comply with relevant regional and sub-regional strategy

The advice from the DP&I also indicates that the State Government is currently considering amendments to the SEPP (Affordable Rental Housing) that would consider permitting secondary dwellings as complying development in rural zones in the State. However, as referred to previously there was no indication on when the findings of the review would become available.

4. Land Use Characteristics

A. Current Land Use

I. Description

Horsley Park and Cecil Park can be described as rural-residential in character. The area is made up of a mix of non-urban residential, agricultural and extractive land uses. The area contains a number of creeks and pockets of natural vegetation. Due to past agricultural activities and recent housing development, a significant proportion of the natural vegetation in the area has been cleared.

The predominant form of agricultural pursuits in the area is generally low intensive agricultural activities, such as market gardens and flower growers. These are scattered throughout the Study area. The area also contains state significant shale and clay extractive industries and brick manufacturing sites. In 2006 under the SEPP (Western Sydney Employment Area) three of these sites were rezoned for future employment lands.

Following the introduction of a minimum 1 hectare allotment in 1994, the area comprising zone RU4 – Primary Production Small Lots (west of the M7 orbital) has been the subject to extensive re-subdivision for the construction of large homes. Further details in relation to this issue are detailed in Part B of this Chapter.

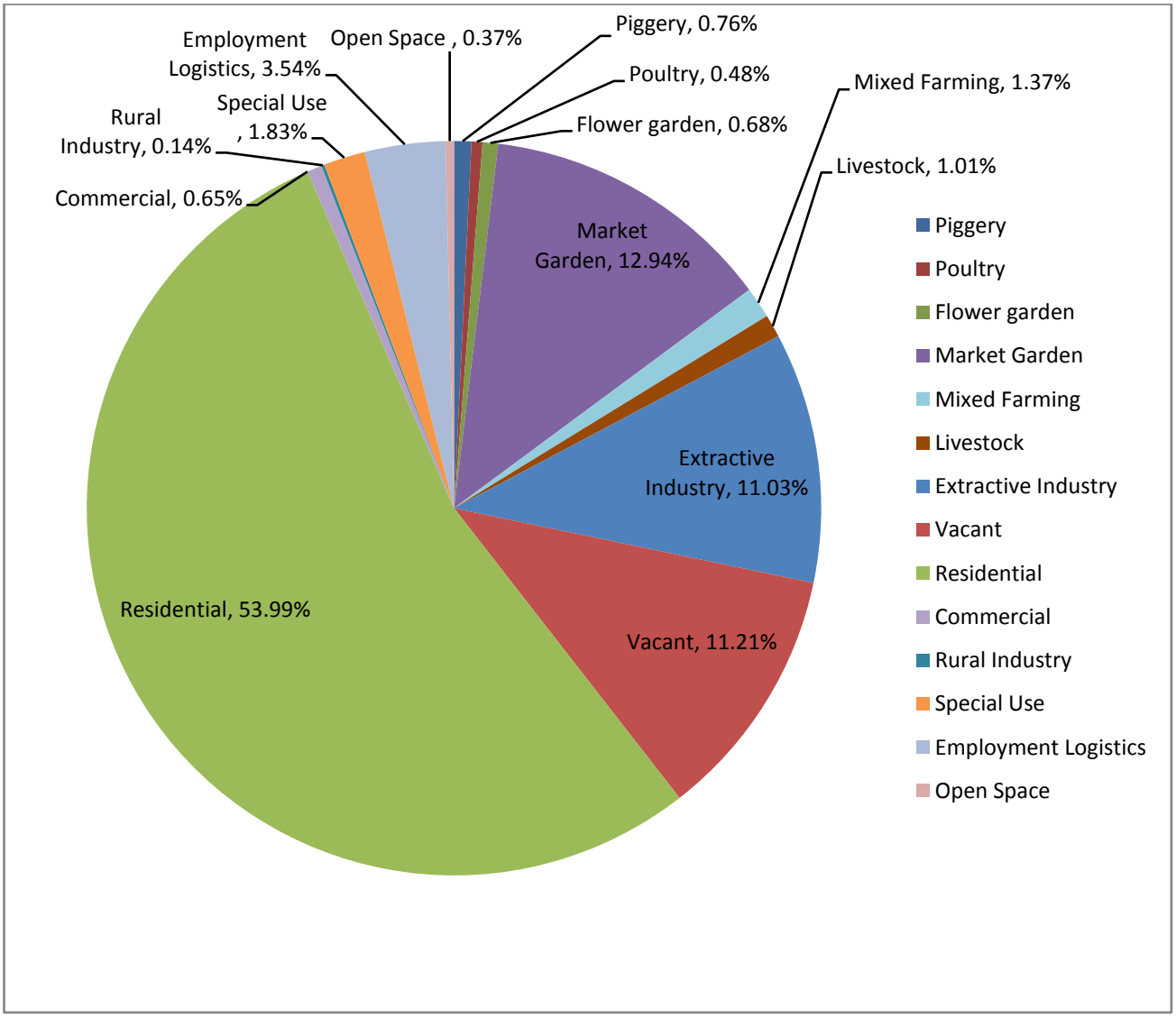
Horsley Village is the principal neighbourhood centre located in the area that services the day to day commercial of the surrounding area. Located close to the Village is the Horsley Park Showground, community hall, place of worship, schools and a child care centre.

The area zoned RU2 – Rural Landscape (keyhole lands) contains 38 privately owned lots and has a total area of approximately 82.5 hectares. The area is surrounded by the Western Sydney Parklands and has a more diverse range of land uses, including clubs, service station and a major recreation facility (golf driving range). The diverse character of the area is attributable to the more contained nature of the keyhole lands, historic zoning of these lands (previously 6(d) Tourism) and diverse uses permitted in the area.

II. Land Use Survey Zone RU4 – Primary Production Small Lots (Horsley Park and Cecil Park)

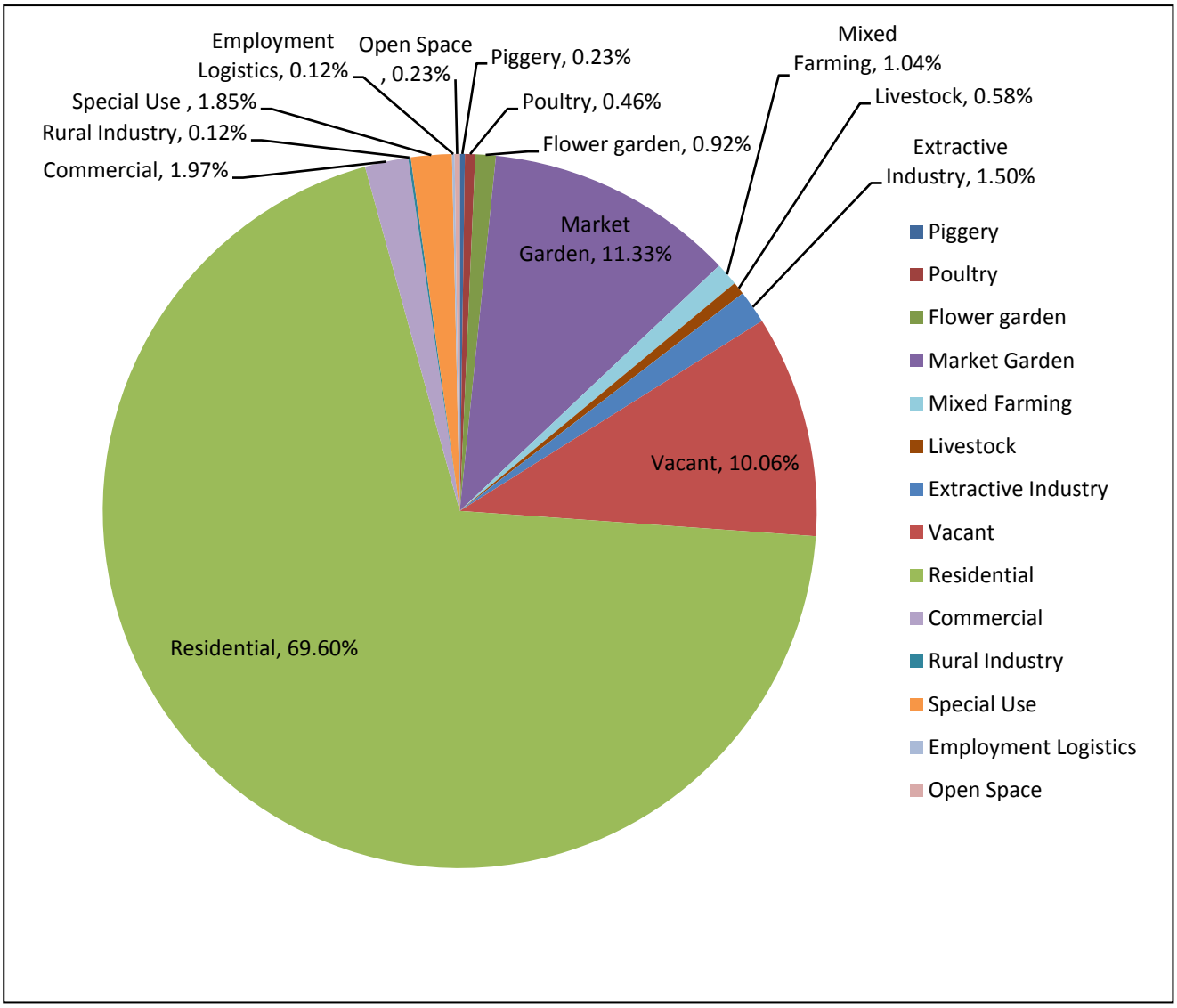
As part of the current secondary dwellings study, land uses in the RU4 zone were surveyed between January and February 2013 with results shown in Appendix D. This data is important in understanding the agriculture values of the area which is an issue the DP&I requires Council to address.

The following diagrams show the breakdown of current land uses (by type of use and land area) in the RU4 zone, as extracted from the land use surveys.



Zone RU4 Primary Production Small Lots - Distribution of Land Uses by number of Lots

Note: 'Special Uses' comprises places of worship, community facilities and clubs



Zone RU4 Primary Production Small Lots - Distribution of Land Uses by area

Note: 'Special Uses' comprises places of worship, community facilities and clubs

III. Comparison of Land Uses 2006-2013

The following table (over page) provides a comparison of the land uses in the RU4 – Primary Production Small Lots between 2006 and 2013.

Comparison of Land Use Lots in 2006 to 2013				
Land Uses	Total Number of Lots		Net Change in lots	Percentage change
	2006	2013		
Piggery	2	2	0	0%
Poultry	5	4	-1	-20%
Flower garden	7	8	1	14%
Market Garden	110	98	-12	-11%
Mixed Farming	7	9	2	29%
Livestock	12	5	-7	-58%
Extractive Industry	12	13	1	8%
Vacant	87	87	0	0%
Residential	523	599	76	14%
Commercial	20	19	-1	-5%
Rural Industry	2	2	0	0%
Special Use	14	16	2	14%
Employment Logistics	0	1	1	-
Open Space	2	2	0	0%
TOTALS	803	865	62	13%

It is noted that since the 2006, the State Government introduced the SEPP (Western Sydney Employment Area) which rezoned a number of the extractive industry sites south of the Sydney Water Pipeline in Horsley Park as employment lands.

The first employment lands uses (logistics centre) has subsequently been established on a site at the western end of Old Wallgrove Road opposite the Austral Bricks site in the north western corner of the study area.

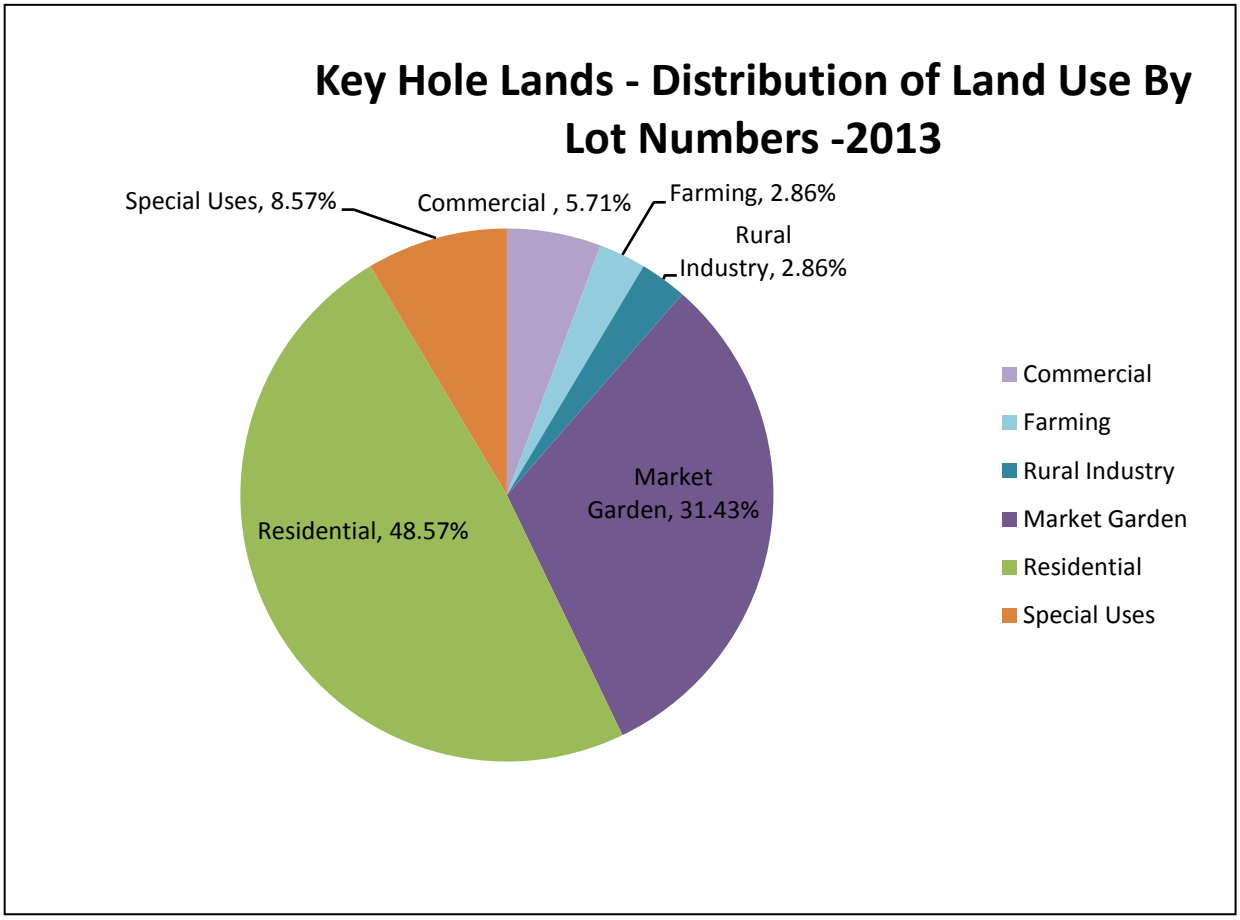
The above diagrams and table illustrate that although rural residential uses represent a significant proportion of total lots (69.5%) in the area, in terms of total land area, activities associated with primary production still represent a significant amount of the total land mass of the rural area (40%).

In this regard, the combination of land uses are not only critical in defining the character of the Rural - RU4 zone, but also in terms of assessing the value of agricultural/primary production of the area.

These latter issues are considered in more detail under Part 5 (below) of this study

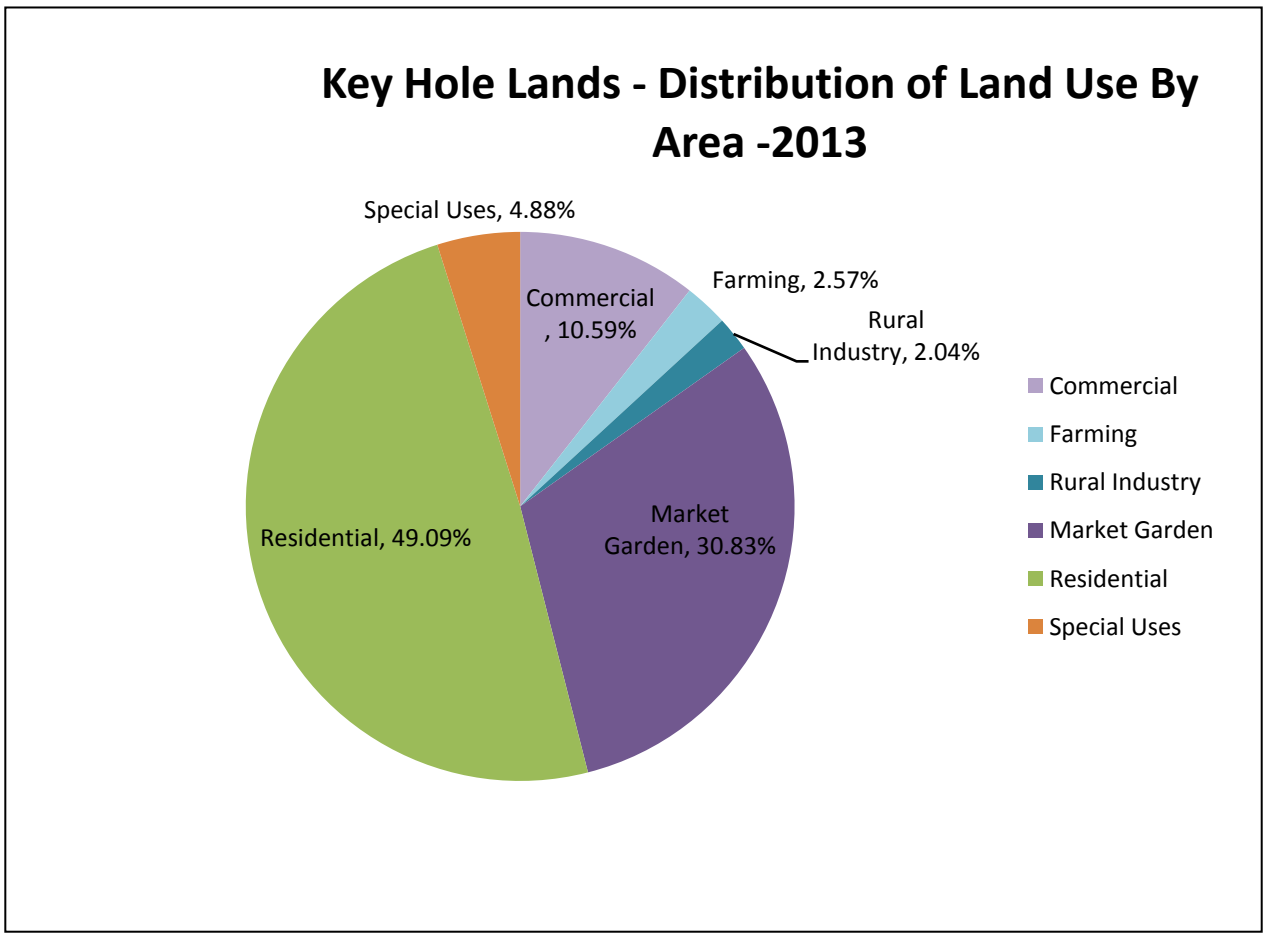
IV. Zone RU2 – Rural Landscape (Horsley Park)

A survey of the area carried out for the RU4 Zone under this Study is included in Appendix E. In addition, the following diagrams show the breakdown of uses in the area.



RU2 – Rural Landscape Zone

Note: 'Special Uses' comprises places of worship, community facilities and clubs



RU2 – Rural Landscape Zone

Note: 'Special Uses' comprises places of worship, community facilities and clubs

The above data indicates that as with the RU4 zone, a significant proportion (i.e. 35%) of the land associated with the RU2 Zone is being currently being utilised for agricultural uses. At this stage, there are no State Government or Council strategy's which mean there will be any immediate change in land use patterns or types of land uses permitted in the RU2 zone.

Important considerations in relation to strategic land use planning directions for the Keyhole lands that would need to be addressed for any change in directions for the area are as follows;

- The location of the Keyhole lands within the Western Sydney Regional Parklands and lack of access to infrastructure (in particular reticulated sewerage and stormwater drainage services).
- The undulating terrain of the area and presence of major power line easements through the area which restrict the development potential of a number of lots
- Vehicular restrictions on access to The Horsley Drive and high traffic volumes along this designated State arterial road.

- The need to achieve uniform agreement amongst various landowners of the area in regard to its future direction to ensure consistent land use planning outcomes (including the ability to address infrastructure needs) for the Keyhole lands.

In November 2012, the Western Sydney Parklands Trust released an Urban Farming Masterplan for land in the Western Sydney Parklands surrounding the RU2 zone. This Plan pays particular emphasis on promoting and consolidating agricultural pursuits (greenhouses, market gardens, orchards and groves) in the Parklands area immediately surrounding the Keyhole lands.

In addition to the above, in December 2012 a new industrial business park was approved by the DP&I in the Western Sydney Parklands approximately 800 east of the Keyhole lands at the corner of Cowpasture Road and The Horsley Drive directly opposite Wetherill Park industrial area.

Unlike the Keyhole lands, the business park has direct access to key infrastructure required to service industrial uses, incorporates a purpose built service road, directly adjoins the Wetherill Park Industrial area, is not affected by major transmission line easements or topographical constraints relevant to the Keyhole lands.

B. Housing Issues

I. Existing Character

In addition to dwelling houses and dual occupancy development, 'other' forms of residential accommodation currently permissible within the rural zones include:

- Farm stay accommodation
- Group homes

Council records indicate that currently there have been no previous approvals for the above forms of residential accommodation.

Existing housing stock in the study area is relatively varied. The older dwelling houses are generally modest single storey detached, fibro or brick, construction with tile roofs positioned toward the front of allotments with some form of low intensive agricultural pursuit(s) and outbuildings at the rear/sides.

Newer dwelling houses in the RU4 zone are generally located on 1 hectare allotments. These are large, modern, predominantly single storey dwellings, positioned toward the front of allotments and surrounded by well maintained manicured garden and landscaping. These large homes are principally being used for residential purposes generally with no associated agricultural pursuit.

Whilst the new modern homes are large prominent structures, they have similar bulk and scale, are of brick construction with large verandas, at the front or wrap around, and are crowned with traditional hipped and gabled roofs.

II. Subdivision Issues

(a) Zone RU2 - Rural Landscape (Keyhole lands Horsley Park)

Under Fairfield LEP 2013, the minimum subdivision requirement for land within the RU2 Rural Landscape zone ('Key hole' lands) is 100,000m^2 or ten (10) hectares, which is the same as that permitted under the previous Fairfield LEP 1994 for the 6(d) Tourism Zone formerly applying to the area.

The current lot sizes in the Keyhole lands range from approximately 1 to 5 hectares, and accordingly, there is no current potential for further subdivision of sites in the area.

Applications for dual occupancy can be considered on lots with a minimum area of 2 hectares.

(b) Zone RU4 – Primary Production Small Lots (Horsley Park and Cecil Park)

Under Fairfield LEP 2013, the minimum subdivision requirement for land within the RU4 Primary Production Small Lots is 10,000m^2 or one (1) hectare, which is the same as that permitted under the previous Fairfield LEP 1994 for the 1(a) Non Urban Residential Zone formerly applying to the area.

As with the RU2 zone, applications for dual occupancy can be considered on lots with a minimum area of 2 hectares.

(c) Zone RU4 - Subdivision trends (2006-2010)

Separate to this Study, as part of a previous review of Section 94 (developer contribution) issues relevant to the City, an analysis was undertake of subdivisions in the RU4 zone over a five (5) year period. This analysis identified that there were approximately 55 additional lots created through subdivision in the RU4 zone area between 2006 and 2010. This equates to an average of approximately 11 additional lots per year. See table below:

Year	2006	2007	2008	2009	2010
No. Applications	7	10	5	8	2
No. Additional Lots	14*	12	6	20*	3

* It is noted that in 2006 and 2009 there were two large subdivision applications which created an additional 7 and 11 lots respectively, which have resulted in a spike in the number of additional lots created in the rural lands.

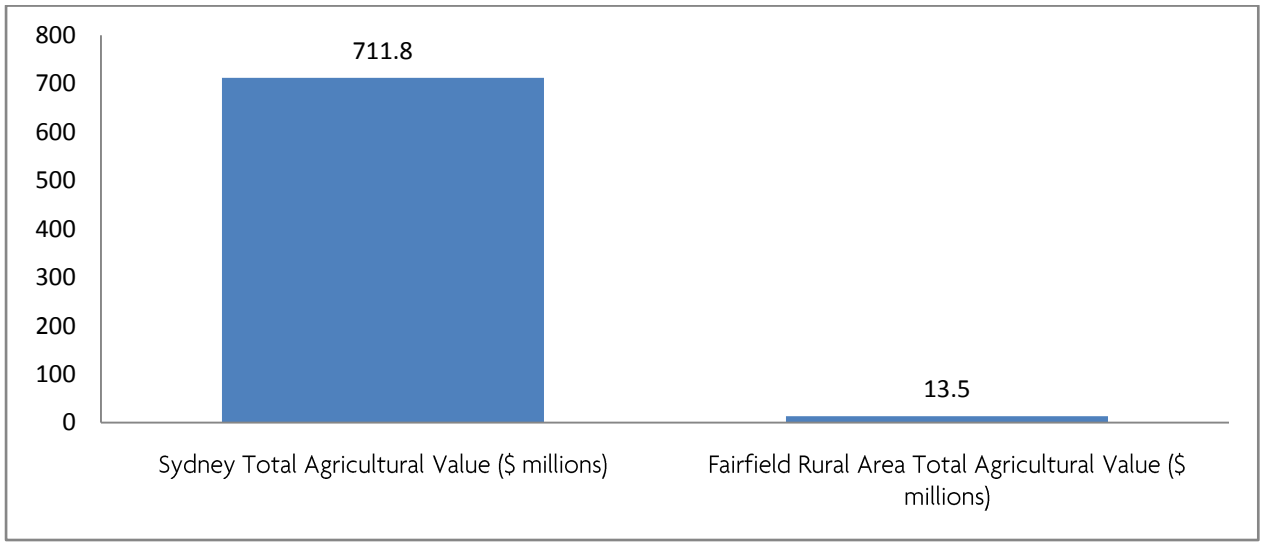
The analysis of s.94 issues also revealed that a large proportion of sites remaining in the RU4 zone available for subdivision are 2 hectare lots. Based on this data it is anticipated that a relatively smaller number of subdivision applications will be received by Council in coming years as the number of remaining sites available for 1ha subdivision declines.

This data has been utilised in the further analysis of infrastructure needs for future housing yields under Part 7 of this Study in relation to the proposal to allow secondary dwellings in the Rural Area.

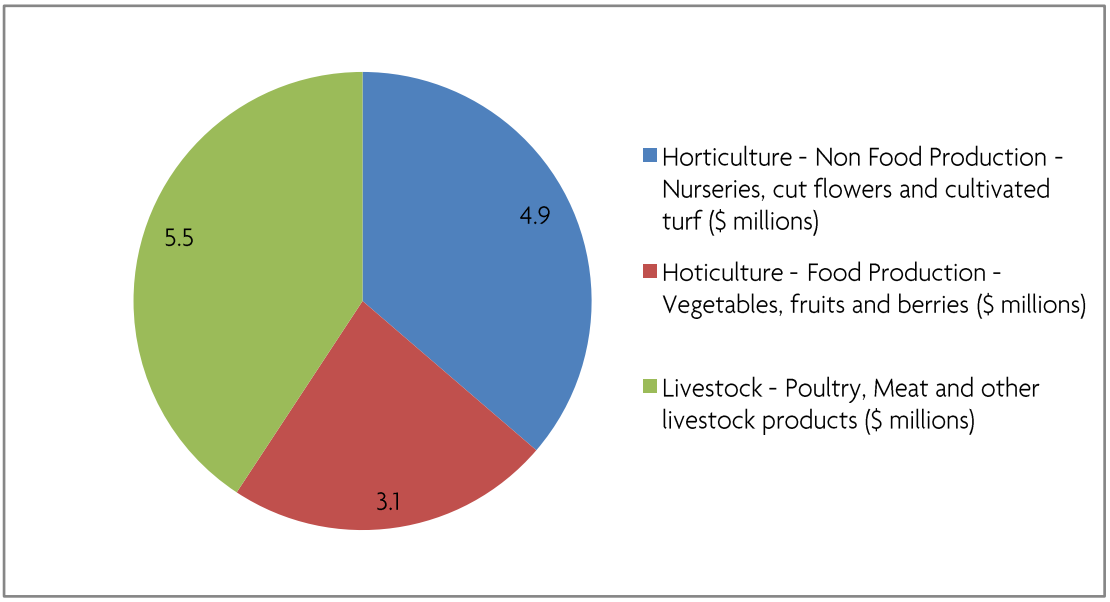
5. Potential Impact on Agricultural Production in the Rural Area

A. Value of agricultural production for the rural area

The following data (originating from the Australian Bureau of Statistics) provides a breakdown of the local value of agricultural commodities for the rural lands in Horsley Park and Cecil Park for the period 2010-2011.



Fairfield Rural Area Total Agricultural Value – Breakdown from land uses (expressed in $ millions)	
Horticulture - Non Food Production - Nurseries, cut flowers and cultivated turf ($ millions)	4.9
Horticulture - Food Production - Vegetables, fruits and berries ($ millions)	3.1
Livestock - Poultry, Meat and other livestock products ($ millions)	5.5



Breakdown of Value of Agricultural Production in Rural Area

In terms of the contribution to the overall value of agricultural production in the Sydney Region, the value of production from the rural area is not high. However, when considered at a local scale, agricultural production in Horsley Park and Cecil Park makes an important contribution to the local economy of the City.

At the time this Study was being prepared, figures relating to employment generation from agricultural production in the rural area were not available, however, this would also be an important aspect of the contribution of agriculture to the local economy.

B. Significance of impact of secondary dwellings on agricultural production

As outlined in the introduction to this study, under the provisions of clause 5.4(9) of Fairfield LEP 2013, secondary dwellings across Fairfield City (including the rural areas) must not exceed whichever is the greater of 60 square metres or 10% of the total floor area of the principal dwelling.

More established housing in the area constructed from the 1960's to early 1990's ranges in size from approximately 150 – 250 m^2. A review of recent approvals for housing in the rural area reveals that new dwellings have an average total floor area of approximately 700m^2. In addition, there have been restricted instances of approvals for dwellings with a floor area of approximately 1,000m^2.

Based on the above, under the current LEP controls it is anticipated that the average size of secondary dwellings associated with new or recently constructed principal dwellings would be approximately 70m^2, with the possibility of a limited number of applications for secondary dwelling with a maximum total floor area up to of approximately 100m^2.

Otherwise, secondary dwellings associated with the more established housing would have a maximum total floor area of 60m^2.

On balance it is unlikely that this scale of secondary residential development would have a significant impact on the capacity for agricultural production in the rural area. This view is based on the following rationale:

I. Relationship with subdivision proposals in the Rural Area

The major driver for new subdivision in the rural area (in particular Horsley Park and Cecil Park west of the M7) has and will continue to be associated with proposals for construction of new dwellings on 1 ha allotments. Under the requirements of the Fairfield LEP 2013, a secondary dwelling can only be constructed in conjunction with an existing or proposed principle dwelling.

In this regard, the introduction of secondary dwellings as an additional permitted form of residential accommodation is unlikely to generate significant pressure for new subdivision proposals in the rural area.

II. Potential footprint of secondary dwellings.

As detailed above, a minimum subdivision requirement of 10 ha and 1ha applies to land zoned RU2 and RU4 respectively. In addition, under clause 5.4 of the Fairfield LEP 2013, the floor area of secondary will be restricted to 60m^2 or no more than 10% of total floor area.

The above analysis indicates that secondary dwellings in the rural area are likely to range in average size from 60-70m^2. In addition, there is limited potential for secondary dwelling proposals associated with new or recent housing with a maximum floor area of up to 100m^2.

The potential upper (average) limit in the size of secondary dwellings of 70m^2 of total floor area represents 0.7% of site area in zone RU4 and 0.07% of site area (in zone RU2) of the minimum site area required for new subdivision. On larger sites in the rural area, the potential average size of secondary dwellings would represent an even smaller proportion of site area.

As detailed under Part 8 (below) of this study, although there are restrictions on maximum gross floor area, secondary dwellings in the rural area are also likely to require further site area for provision of car parking and open space.

Under the current controls of the Fairfield City Wide DCP applying to secondary dwellings, a minimum of 24m^2 is required for opens space, with carparking being restricted to a maximum area of 25m^2.

Accordingly, a total potential maximum 'footprint' for a secondary dwelling is estimated at approximately 180m^2. This equates to 0.18% of site area in the RU2 zone and 1.8% of site area in the RU4 zone.

In this regard, on a site by site basis it is considered that the total potential footprint of secondary dwellings in the rural area would be insignificant and unlikely to have a major impact on land available for agricultural production in the rural areas.

III. Proposed controls on Secondary Dwellings

Part 8 of this report provides an assessment of the need for controls on secondary dwellings in the rural area arising from the constraints and other factors considered under this study.

A key recommendation outlined under Part 8 is that secondary dwellings will need to be either integrated under the same roof area of the principal dwelling (where a new dwelling and secondary dwelling are proposed at the same time) or be located in relatively close proximity (maximum 10 metres) to an existing principal dwelling.

The key basis for this recommendation is that it would help maximise the level of efficiency for future secondary dwellings in gaining connection and use of infrastructure provided for the principal dwelling, particularly on site drainage, sewerage services and driveway access. It would also help reduce the environmental impacts of secondary dwellings as a result of the need for additional earthworks, discharge/storage areas for separate stormwater and sewerage services.

It is noted that there would still be scope for applications for a separate septic tank for secondary dwellings. This would need to be considered on a case by case base having regard to the constraints of a site and merits of the proposal. However in the first instance the key recommendation of this Study is to promote use of existing site infrastructure based on the issues and constraints referred to above.

This arrangement will not only help maximise efficient use of site infrastructure but also help to further reduce the footprint of secondary dwellings and minimise impacts on the area available for agricultural production on a site.

C. Potential to Increase Density

As referred to under Part 3G (above) the Ministerial 117 Direction 1.2 Rural Zones indicates that any LEP proposal to allow secondary dwellings must not increase "the density of land within a rural zone".

The analysis and findings of this section (above) in relation to subdivision issues in the rural area, potential development footprint of secondary dwellings and proposed site integration/proximity controls indicates that secondary dwellings will have a negligible impact in increasing overall density of site development in the rural area for this form of residential accommodation.

Although secondary dwellings have the potential to house additional people on top of current and future housing stock, the demographic characteristics of the area (detailed under Part 2 of this study) indicate that secondary dwellings will not have a significant impact on the overall population density of the area.

In addition, as detailed further in this study, secondary dwellings are unlikely to generate significant demand for additional infrastructure in the rural area and as detailed under part 6 of this study, existing controls are in place to ensure the impacts on the natural environment from this form of housing are minimised.

In this regard, the proposal to allow secondary dwellings in the rural area is considered to be generally consistent with the requirements of the s.117 Direction 1.2.

6. Environmental Constraints

The following sections provide an overview of key environmental constraints relevant to the consideration of rural-residential development and proposed secondary dwellings in the rural areas of Fairfield City.

This information is based on previous research and investigations undertaken by Council into these issues (e.g. Fairfield Biodiversity Strategy 2010, flood studies) or information available from State Government Agencies (e.g. NSW Rural Fire Service,)

A. Bushfire prone land issues

Sections of Horsley Park and Cecil Park are identified on the Fairfield Bushfire Prone Land Map - 2003 (Appendix F) as being affected by bushfire hazard risks.

The amount of land in the rural area of Fairfield City affected by bushfire risks is not extensive, however this issue can still be a critical issue for development on a number of sites and requires assessment under s.79BA of the Environmental Planning and Assessment Act 1979.

Under s.79BA development the subject of bushfire risks needs to satisfy the specifications and requirements of the *Planning for Bush Fire Protection 2006 (PBP)* policy issued by the NSW Rural Fire Service (RFS). This process includes the preparation of bush fire report by a qualified consultant and referral to the RFS for comment.

Under the PBP requirements, secondary dwellings would qualify as a form of "infill development" (as referred to in PBP) as they are smaller scale form of residential development and will not be separately subdivided. As such subject to preparation of a bush fire report secondary dwellings could be considered directly under the provisions of s.79BA of the EP&A Act.

In this regard this study does not include any more detailed investigations into bushfire hazards relevant to the secondary dwellings in the rural area. Under preparation of the associated planning proposal for secondary dwellings in the rural area further consultation will be undertaken with the RFS in relation to this matter.

B. Biodiversity Issues and Riparian Lands

Under this environmental category, potential constraints for rural residential development and secondary dwellings are as follows;

Biodiversity: includes native flora and fauna associated with the Cumberland Plain Woodland, listed as a Critically Endangered Ecological Community under the NSW *Threatened Species Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act*

Riparian lands: incorporates land immediately adjoining creeklines which supports indigenous flora and fauna adapted to the environment of the creekline.

The Fairfield Biodiversity Strategy involved a comprehensive review of biodiversity issues in Fairfield City (incorporating Horsley Park and Cecil Park). The Strategy relied on maps prepared under the Fairfield Vegetation Mapping Update (2007) and included a Conservation Significance Assessment of remnant vegetation in the area. The Update also identified key riparian lands in Horsley Park and Cecil Park.

The Fairfield Biodiversity Strategy forms the basis for LEP maps identifying where local controls covering biodiversity constraints and riparian land apply in the rural areas.

Based on a minimum subdivision requirement of 1 hectare the majority sites in the rural area have the potential of accommodating a secondary dwelling with minimum impacts on riparian lands and biodiversity issues. This outcome is also supported by previous recommendations of this study that secondary dwellings be constructed within 10 metres of existing dwellings or where proposed as part of a new principal dwelling the secondary dwelling be attached.

I. E2 - Environmental Conservation Zone

The E2 zone applies to land with ecological, scientific, cultural or aesthetic values. This zone provides the highest level of protection for management and restoration of such lands. In the rural area the E2 zone applies to the main creeklines on private properties due to the existence of endangered species, ecological communities and habitat.

Uses in the E2 zone are more restricted than surrounding zones. Generally, a higher level of assessment is required for development on land zoned E2 or immediately adjoining land zoned E2.

II Local Clauses (LEP and DCP)

In addition to land zoned E2, Clause 6.5 – Terrestrial biodiversity and 6.6 – Riparian land under the Fairfield LEP 2013 and Chapter 3 of the Fairfield City Wide DCP 2013, set out detailed criteria that need to be taken in account for development on land that contains Cumberland Plain Woodland or is in close proximity to creeks.

In many cases the above controls apply to land that is zoned E2 – Environmental Conservation. The controls can also be applicable to land outside the E2 zone as they have been indentified on LEP maps associated with clauses 6.5 and 6.6 as having biodiversity significance or within a riparian corridor.

In addition to the above, Cl.5.9 of Fairfield LEP requires a permit for the removal of trees (not associated with a development application) in the rural area. Certain trees (listed under Chapter 3 of the City Wide DCP) are excluded from this requirement. As part of a tree permit application, Council may also require more detailed investigations into the potential impacts on threatened species under the EP& A Act known as a '7 Part Test'.

In conclusion, preparation of the Fairfield Biodiversity Strategy, the Fairfield LEP 2013 and the City Wide DCP 2013 involved extensive investigations into biodiversity and riparian land issues relevant to Fairfield City, including the rural areas of Horsley Park and Cecil Park. Existing LEP/DCP controls ensure that development for secondary dwellings will need to take into account issues relating to biodiversity significance and riparian lands.

C. Flood Liable Land

Flood liable land in Horsley Park and Cecil Park incorporates land which has the potential to be impacted by flooding as a result of both mainstream (water overflowing from creeks or a stream) and overland flooding. Pursuant to the provisions of the NSW Floodplain Development Manual, flood liable land includes land susceptible to flooding up to and including the probable maximum flood (PMF) which is the largest flood that could conceivably occur at a particular location.

Properties affected by flooding in Horsley Park and Cecil park have been identified in previous studies carried out by Council in the 1990s with formal advice in relation to the potential for flooding of a land in the area (based on current information and to the best of Council's knowledge) being provided on s.149 certificates.

In 2012, Council commenced a study to review the nature and extent of flood liable land in the Horsley Park and Cecil Park (west of the M7 Orbital) which is due for completion around mid 2013. The results of this study will be used to update information in relation to flood liable land in Horsley Park and Cecil Park.

Clauses 6.3 – Flood Planning and 6.4 – Floodplain Risk Management of the Fairfield LEP 2013 and associated provisions of Chp. 11 – Flood Risk Management of Fairfield City Wide DCP provide the statutory and policy framework for assessing the impact of flooding on rural-residential development.

This framework contains existing controls that would be applicable to secondary dwelling development in the rural area having regard to the current and upcoming findings of flood studies regarding the extent of flood liable land in the area.

D. Topography and Soils

Key topographic and soil characteristics relevant to the consideration of secondary dwelling in the area are as follows:

I. Topography

The prevailing landscape of Horsley Park and Cecil Park is characterised by a gently undulating terrain associated with the 'rolling' hills of the Cumberland Plain. For land in the study area west of the M7 Orbital, the change in elevation from the lowest natural ground point (approximately 60m Australian Height Datum), along the north western boundary to the highest point (approximately 130m Australian Height Datum), toward the north eastern boundary of the study area is 70m.

In the Keyhole lands the maximum change in the elevation of land is approximately 40m. The lowest natural ground point (approximately 66m Australian Height Datum) along the north western boundary near Redmayne Road, with the highest natural ground point (approximately 100m Australian Height Datum) along the south eastern boundary adjoin the Western Sydney Parklands.

This approximately 70m change in elevation for the area is not considered extensive. To date the prevailing topography has not represented a major obstacle for consideration of existing rural-residential development in the study area and would not preclude consideration of secondary dwellings in future.

Existing controls are contained in Chp.4 – Development in the Rural Zones, of the City Wide DCP 2013 that require rural-residential development to minimise impacts on the landscape elements of the area including siting development away from ridge lines, blending buildings in with the natural topography, retaining existing vegetation and provision of additional landscaping measures in new development.

Provisions are also contained under cl.6.2 – Earthworks and Chp.4 of the City Wide DCP which require an assessment of the impacts of earthworks from new development on the surrounding natural and built environment and provision of measures to mitigate any impacts.

II Salinity

Areas of Western Sydney are susceptible to the impacts from urban salinity. Salts naturally occur in the Wianamatta shales that comprise the main rock types that are found in the area. Salts are also further deposited onto the landscape by rain.

As a result of urban development, these salts can become concentrated in the landscape and can cause damage to buildings and structures containing concrete.

In December 2004, in response to a *Salinity Hazard Map (*published by the former NSW Department of Land and Water Conservation), Council adopted the policy – Building in a Saline Environment.

The policy requires a range of construction measures (including provision of exposure class bricks below a damp proof course) to help protect buildings from the impacts of urban salinity. These controls would be applicable to future secondary dwellings in the area.

III Landslip Risk

Based on information currently available to Council there is no land in the study area that is subject to the potential for landslip risk.

The only areas of the City that Council is aware of that are subject to this risk are located to the east of the Study area in the Western Sydney Parklands (along steeper sloping ridgelines) and sections of residential land in Abbotsbury to the south of the Keyhole Lands.

Under Council requirements any development in proximity to know areas of landslip would need to prepare a geotechnical report, outlining any measures required to address landslip issues.

III Acid Sulfate Soils

The only known areas of Fairfield City that have the potential to contain acid sulfate soils are located well to the east of the study area in and around the Lansvale Peninsula adjoining the Georges River, Prospect Creek and Cabramatta Creek. In this regard, acid sulphate soils are not an issue of relevance to consideration of secondary dwellings in the rural area.

E. Contaminated Lands

Due to the history of agricultural uses in the area, land in Horsley Park and Cecil Park has the potential for the presence of contaminated soils. In general this includes harmful substances originating from certain land uses, in excess of normal background levels that can have a debilitating effect on human health and/or the environment.

Issues in relation to potential contaminated land in the area are covered by the provisions of SEPP 55 – Remediation of land. In addition, more detailed provisions and processes relating to the consideration of potential contamination land are set out under Chp.3 Environmental Management and Constraints of the City Wide DCP 2013.

The existing SEPP and DCP provisions/processes provide a comprehensive assessment framework for the consideration of contaminated land issues where secondary dwellings are proposed in Horsley Park and Cecil Park.

In general, new secondary dwellings would need to submit a report addressing the potential for contaminated lands. In some instances a proponent may be able to rely on a previous report or upgraded report on contaminated lands prepared for a site. This issue will be considered on a case by case basis.

F. Aboriginal and European Heritage

Existing controls covering the protection of Aboriginal and European Heritage are contained in the Fairfield LEP 2013 and Chp.3 of the City Wide DCP 2013.

There are two items of environmental heritage area listed under Schedule 5 of the Fairfield LEP 2013 being:

Item: I00030 (State Significance) – Horsley Park Homestead (1900-1904 The Horsley Drive)
Item: I43 (Local Significance) – House (41-51 Warana Road)

Any future development for secondary dwellings in the rural areas of the City would need to have regard to the LEP and DCP controls. In particular under cl.5.10(5) of the LEP, before granting consent Council would need to the impact of development (including secondary dwellings)

(a) on which a heritage item is located or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

As part of the development assessment process preparation of a heritage impact assessment would be required and before granting consent Council may require preparation of a heritage conservation management plan to ensure long term conservation of a heritage item.

7. Infrastructure Issues

This section of the study outlines infrastructure issues associated with the rural area of Horsley Park and Cecil Park and discusses the potential implications, including on-site sewage management system, traffic impacts and aircraft noise, for secondary dwellings.

A. On-site sewerage disposal

Horsley Park and Cecil Park are not connected to the Sydney Water reticulated sewerage system. Council's current DCP controls in relation to new dwellings in the rural area require an on-site sewage management system dealing with waste water and human wastes to be provided on site.

The controls require a minimum area of 1600m² to be dedicated for the disposal of waste water arising from the on-site system as well as stipulate certain buffer distances between the disposal area and the boundaries of the dwellings, swimming pools, driveways, outbuildings and from drainage reserve or flood liable land.

A fundamental issue in relation to on-site sewerage disposal is whether the existing on-site sewage management system for the existing dwelling has sufficient loading capacity to accommodate the additional load generated by the secondary dwelling and the position of secondary dwelling away from the dedicated disposal of waste water zone.

Although a secondary dwelling is only likely to occupy a minor proportion of an allotment in the rural area Council's Community Health Section has indicated that secondary dwelling applications would need to be submit a report (prepared by a relevant consultant) demonstrating that adequate arrangements have been made for the disposal of waste water in accordance with Council's On-Site Sewage Management Policy.

With respect to the position of secondary dwellings, the existing buffer distance between the dedicated waste disposal area and structures should be maintained to prevent waste water from the system causing harm to human, animal health or the environment.

B. Stormwater discharge

New development within the rural area is required to be designed to comply with the provisions of Council's Rural Area On-Site Detention Guidelines with respect to stormwater discharge.

Any proposal for a secondary dwelling would require the submission of a stormwater drainage concept plan demonstrating that stormwater generated from the proposal is discharged into an On-Site Detention system, and minimises surcharging of the local drainage system and avoiding downstream flooding problems.

C. Traffic Generation

There is no requirement to provide car parking spaces for secondary dwellings in the main urban (residential) areas of Fairfield City under Council's current LEP and DCP and State Environmental Planning Policy (Affordable Rental Housing), where secondary dwellings are permitted. Also, the Roads and Maritime Services *'Guide for Traffic Generating Developments'* does not stipulate a parking requirement for secondary dwellings.

A review of NSW Transport Information website revealed that Horsley Park and Cecil Park are served by Bus Route 813 that only provides 7 outbound and 5 inbound services per day between Horsley Park/Cecil Park and Fairfield Station during weekdays. There are only 2 bus services on weekends. On the basis of the low levels of public transport accessibility as well as the geographic factors of Horsley Park and Cecil Park, it would not be unreasonable to require the provision of a minimum of 1 car space for a secondary dwelling. This approach is consistent with the parking requirement for dwelling houses in accordance with the Roads and Maritime Services Guide to Traffic Generating Development.

I RU4 Zone

In zone RU4 – Primary Production Small lots, Horsley Park and Cecil Park currently contains approximately 865 allotments. As detailed under Part 4 of this study, an average of 5 new lots is currently being produced in the RU4 zone associated with rural/residential developments. Based on this trend approximately 85 new lots would be generated in the RU4 zone by 2031, giving rise to a total of approximately 950 lots in the area by 2031.

In an extreme scenario, as each of these allotments would have the capacity to accommodate a secondary dwelling there is the potential for 950 secondary dwellings in the RU4 zone by 2031.

Based on the *RMS Guide to Traffic Generating Developments*, requiring secondary dwelling to be provided with 1 car space and applying the extreme scenario (on the assumption that traffic generation for secondary dwellings is similar to that of dwelling houses) results in a potential peak hour level of vehicle trips of 0.85 per dwelling.

This leads to a potential total peak hour traffic generation from 950 additional secondary dwellings of 808 vehicles. It is likely this traffic would be distributed across the road network. Council's traffic planning section advises that the current road network and intersections have sufficient capacity to absorb this level of traffic generated from secondary dwellings.

In addition to the above Council (Built Systems, Natural Systems and Assets Sections) is currently undertaking a review of the condition of local roads and associated drainage system within the rural area (west of the M7). One of the proposed recommendations of the study is the upgrading and possibly widening of the collector roads, especially those affected by the increase in "out of area" heavy traffic (trucks) on the local road network.

The above study of the road network and drainage facilities is anticipated to be completed by later this year. Should the proposed works be endorsed, the recommended improvements are likely to assist in mitigating the impacts of the additional growth in heavy traffic on the rural road network.

II RU2 Zone (Keyhole Lands)

In the RU2 zone there are currently 38 allotments. Each of these sites already has a driveway access to one of the three main roads traversing the area (The Horsley Drive, Redmayne Rd and Chandos Rd). The potential addition of 38 secondary dwellings on these allotments would be dispersed across these roads and would not generate significant levels of traffic for the area.

It is noted that any proposal located on The Horsley Drive (classified as a State Road) that alters access provisions to a site would also constitute integrated development and require concurrence from the NSW Roads and Maritime Service.

Further consultation on traffic issues would be undertaken with the RMS as part of a planning proposal for secondary dwellings.

D. Power and Water

Electricity and reticulated water supply are available in Horsley Park and Cecil Park. Existing controls apply requiring water and electricity connections for secondary dwellings to be made in accordance with the requirements of relevant service providers.

E. Easements (e.g. Transgrid power line easements)

There are six major electricity transmission line easements traversing the rural area of Horsley Park and Cecil Park. Transgrid does not allow habitable buildings or swimming pools to be constructed within these easements, nor does it allow flammable materials to be stored within these easements.

On the basis of such restrictions, secondary dwellings would need to be sited clear of these transmission easements, as similar restrictions are applied to dwelling houses.

F. Acoustic Issues

In 2009, the Federal Government issued the *National Aviation Policy White Paper.* From a Federal policy perspective the White Paper indicated that Badgerys Creek was "no longer an option" as Sydney's Second Airport site.

The issue of an alternative site for the airport in the Sydney Basin is still under consideration, however, in light of the above Federal policy decision, Council amended the provisions of the Fairfield City Wide DCP changing Council's requirements for measures to mitigate against the potential impacts aircraft noise on housing in The Horsley Park and Cecil Park from being a compulsory to 'advisory' measure.

In addition, under Chapter 4 of the City Wide DCP, new housing development within 500m of an existing quarry is required to submit an acoustic report and incorporate relevant measures to mitigate against potential noise impacts from quarry activities in the rural area.

The above DCP provision controls would also apply to secondary dwellings in rural area.

8. Need for Development Controls

The following section of this Study draws on the issues and research contained in this study, determines the scope and need for development controls for secondary dwellings in the rural area.

A. Key Issues

I. Site and gross floor area requirements

Under Fairfield LEP 2013 there are no minimum site area requirements applying to secondary dwellings in the urban (residential) areas of the City. This arrangement will also apply to secondary dwellings in the rural area.

However, as detailed above, there already is an overriding minimum subdivision requirements that apply to zones RU2 (10 ha) and RU4 (1 ha) where it is proposed to permit secondary dwellings. In addition to these requirements and pursuant to the requirements of the NSW Standard LEP secondary dwellings could only be considered where it is:

- Established in conjunction with another dwelling (i.e. the principal dwelling),
- Is on the same lot of land as the principal dwellings, and
- Is located within, or is attached to, or is separate from, the principle dwelling.

The critical 'dimension' requirement for secondary dwellings is the maximum gross floor area requirement contained in clause 5.4(9) of the Fairfield LEP 2013 that restricts the area of secondary dwellings to 60m^2 or 10% (whichever is greater) of the total area floor area of the principal dwelling. Potential site development issues relating to this requirement are set out under Part 5(B) of this study where it was concluded that secondary dwellings will not have a significant impact on the amount of land available for agricultural production in the rural area.

It is noted that under Part 4 of the City Wide DCP, enclosed rural ancillary structures (including an awning, carport, garage, outbuilding or rural shed) are restricted to a maximum accumulative size of 250m^2. As part of consideration of controls relevant to secondary dwellings, it is not proposed that secondary dwellings be included as a 'rural ancillary structure', as secondary dwellings are;

- Primarily a form of residential accommodation,
- The above LEP controls place sufficient restrictions on the size of secondary dwellings, and
- Proposed built form and location controls (detailed below) on secondary dwellings will help to further minimise the footprint of secondary dwellings.

II. Built form, design, location

In order to ensure that secondary dwellings' presentation to the public domain is sub-ordinate to the principal dwelling, the location, built form, bulk and scale, and general appearance of secondary dwellings should be regulated to be sympathetic with the principal

dwelling, protect the amenity of neighbouring properties and the rural character of the locality including the potential of the area for agricultural purposes.

It is proposed that the controls for secondary dwellings contained in Chapter 5B of Fairfield City Wide DCP be adopted for the proposed secondary dwellings in the rural area so as to maintain a consistent approach and achieve a similar built form outcome of providing supporting residential accommodation. These controls limit the height of detached secondary dwellings to single storey only and require the building to be designed to complement the built form and scale of the principal dwelling.

Under the DCP controls it is proposed that secondary dwellings associated with a new dwelling need to be attached or incorporated under the same roof as the main part of the principle dwelling as:

- It will result in greater integration of a secondary dwelling proposal with the design and appearance of the principle dwelling,
- It provides for more efficient utilisation of site infrastructure, particularly on site sewerage disposal (septic tanks), drainage services and driveway areas,
- It will result in a more 'compact' residential building footprint and site development area, and
- It provides greater scope for the occupants of the secondary dwelling to receive care and support from the occupants of the principal dwelling.

III. Setback and location controls

General existing front and side setback controls of Chapter 4 – Development Principles for Rural Land would apply to secondary dwellings in the rural areas.

As referred to in the previous section, where a secondary dwelling is proposed in conjunction with a new principal dwelling it is recommended that the secondary dwelling be incorporated under the same roof as the principle dwelling.

In the case of existing detached (principle) dwellings it is acknowledged that the issue of incorporating the secondary dwelling under the same roof or attaching to the principal dwelling is more complex and harder to achieve a satisfactory built form outcome.

In this regard, where there is an existing principal dwelling on a site, the secondary dwelling could be detached as long as it is no greater than 10m from the principle dwelling and positioned away from designated sewage irrigation zones for the principal dwelling house.

A 10m 'proximity' requirement will still assist in the provision of some degree of integration between the principal and secondary dwellings and promotes greater scope for the secondary dwelling to utilise services and infrastructure (particularly on-site septic systems and drainage) provided for the principal dwelling.

Furthermore, the requirement that a detached secondary dwelling be located no greater than 10m from the principal dwelling is also to ensure that secondary dwellings would have minimal

impact upon the open space areas at the rear of the allotment and thus would not prejudice the potential of the open space to be used for agricultural purposes.

IV. Car parking and access

As outlined earlier in this study, it is proposed that a minimum of 1 car parking space be provided for a secondary dwelling, having regard to the limited availability of public transport in the rural area.

The secondary dwelling shall utilise the existing driveway for the principal dwelling, where possible, in order to minimise the extent of hard paved surface on site and maintain opportunities for a roadside planting and paths.

V. Infrastructure

As detailed above, the requirement for integration or attachment of any proposed secondary dwelling with new housing and 10m proximity requirement where there is an existing principal dwelling on a site increases the scope to integrate secondary dwellings with existing or proposed site drainage and sewerage services in the rural area.

The Fairfield City Wide DCP already contains comprehensive provisions relating to the provision of site infrastructure and services. This study has not identified the need to extend or modify these requirements in relation to the proposal to permit secondary dwellings in the rural area.

VI. Open space and landscaping issues

The purpose of secondary dwellings is to provide supporting accommodation for an ageing population or relatives and/or affordable rental housing without having significant adverse impact upon open space and landscaping.

It is noted that in urban areas of the City secondary dwellings are required to provide a minimum open space/landscaped area of 24m^2. In the rural areas of the City housing is contained on larger allotments (minimum 1 ha) and has a much different landscape setting (i.e. backdrop of rural lands). In this regard specifying a minimum requirement for open space/landscaping becomes somewhat arbitrary.

Rather, for the secondary dwellings in the rural area it is proposed that design and performance measures be applied to secondary dwellings to achieve the following outcomes;

- Include an area capable of being utilised for the open space requirements of occupants of secondary dwellings
- Provides adequate separation and screening from the principal dwelling
- Include landscape measures that are consistent with the landscape context of the rural areas

VII. Amenity

An analysis of various secondary dwellings proposals lodged in the past few years in the residential zones of the City indicates that in a number of instances inadequate regard has been given to the level of residential amenity provided in some proposals for secondary dwellings.

In particular, some proposals provide very small internal areas, featuring combined living, dining and kitchen areas. Often no direct connection is provided between these areas and the outdoor private open space, resulting in sub-optimal residential amenity.

The above issue is due to be considered with an upcoming review of the City Wide DCP for the residential zones. However, in terms of any potential controls for secondary dwellings in the rural area, it is proposed to formulate controls requiring the living areas (living and dining rooms, kitchen area) of secondary dwellings to have a minimum area of $30m^2$, with a minimum dimension of 4m. This requirement would still leave sufficient space for service areas and bedrooms up to $30m^2$.

There should also be a direct connection between the living area and the private open space area. In addition, a minimum floor to ceiling height of 2.7m should be provided to assist natural ventilation.

VIII. Environmental Constraints

Section 6 of this report provides an overview of environmental constraints relevant to any future proposals for secondary dwellings in the rural area. In all instances, there are already a range of controls contained in the Fairfield LEP, City Wide DCP and State Government guidelines to ensure development is designed and constructed to address environmental constraints that may affect a site.

IX. S.94 Contributions

Currently there is no specific s.94 Contribution Plan applying to the rural areas of the City, with new (including residential) developments in excess of $100,000 in capital value being required to pay a flat S.94A 1% levee.

As outlined in this study, the proposal to permit secondary dwellings does not generate the potential for a significant increase in population of the area or need for additional infrastructure. In this regard, the proposal to permit secondary dwellings does not require review of Indirect/Section 94A Development Contributions applicable to new development in the rural area.

There would be scope for Council to review the above issue further should there be a major change if development issues relevant to rural area or need to review infrastructure needs.

9. Conclusions

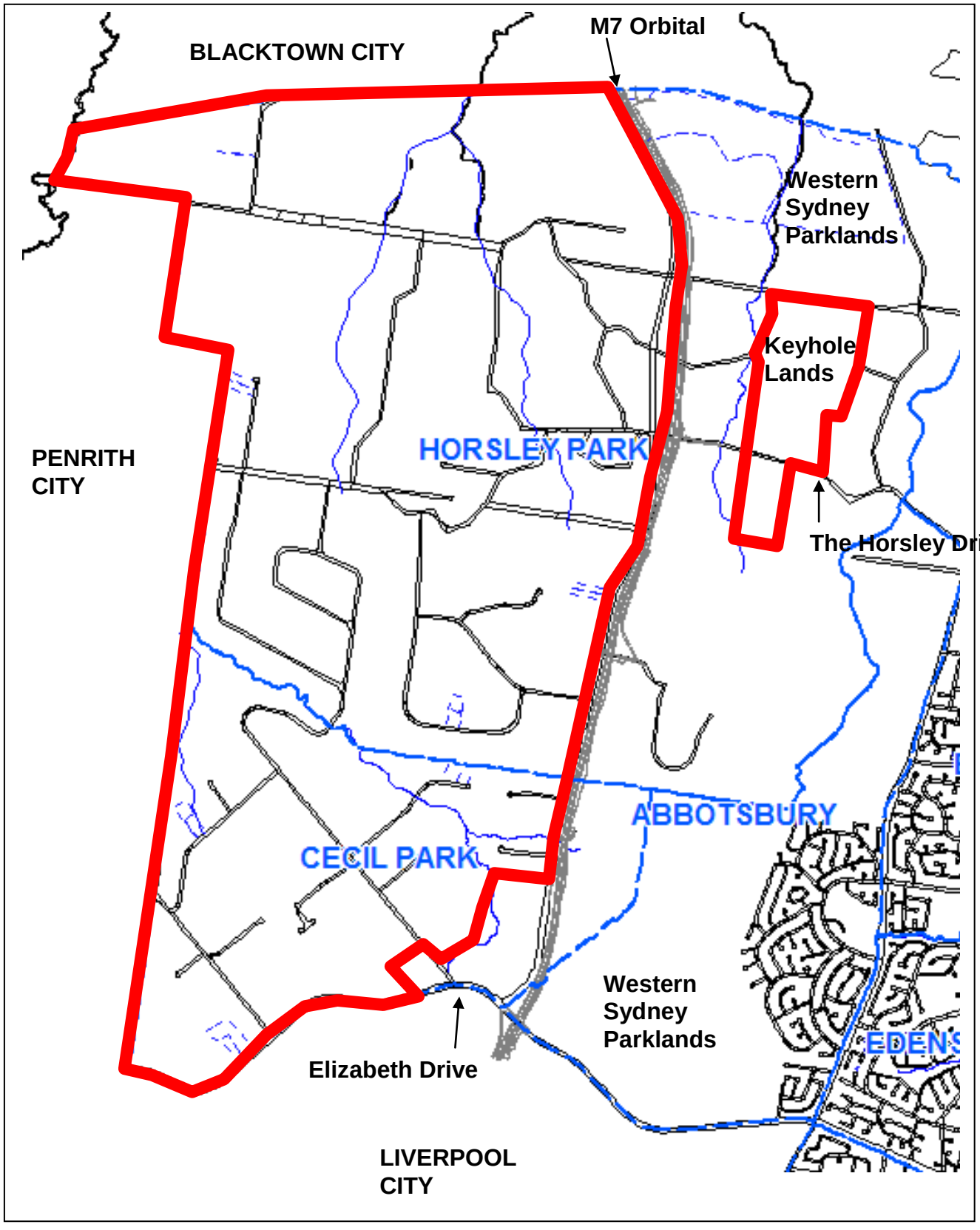
Key findings of this Study which support the provision of secondary dwellings as an additional form of residential accommodation in the RU2 – Rural Landscape and RU4 – Primary Production Small Lots are as follows:

- 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.
- 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).
- 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.
- Similarly the size of these structures and controls on the location of secondary dwellings will mitigate potential impacts on agricultural production in the area.
- Given the lack of public transport available to the area it is recommended that secondary dwellings are required to include a parking space.
- 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

On the basis of the findings of this study, it is recommended that Council proceeds with the preparation of a planning proposal to amend the Fairfield LEP 2013 to permit secondary dwellings as an additional form of residential accommodation in zone RU2 – Rural Landscape and RU4 – Primary Production Small Lots.

APPENDICES:

A - Study Area
B - Land Use Tables
C - Advice from Department Planning and Infrastructure
D - Land Use Survey RU4 zone
E - Land Use Survey RU2 zone
F - Bushfire Prone Land (extract)


BLACKTOWN CITY
M7 Orbital
Western Sydney Parklands
Keyhole Lands
PENRITH CITY
HORSLEY PARK
The Horsley Drive
ABBOTSBURY
CECIL PARK
Western Sydney Parklands
Elizabeth Drive
LIVERPOOL CITY

Study Area

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development is sympathetic to the rural environment and minimises risks from natural and man-made hazards.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Cellar door premises; Child care centres; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Group homes; Home-based child care; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural supplies; Veterinary hospitals; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development is sympathetic to the environment and minimises risks from natural and man-made hazards.
- To encourage a diverse range of recreation, entertainment and tourism related land uses that are supportive of the facilities and services provided by the surrounding Western Sydney Parklands.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Function centres; Group homes; Home-based child care; Hostels; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

NSW GOVERNMENT Planning & Infrastructure

Mr A Young
The General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Our ref:12/11565
Your ref: qA126882

Attn: Robert Cologna

Dear Mr Young

Future permissibility of secondary dwellings in the rural areas in Fairfield LGA.

I refer to your letter dated 19 June, 2012 concerning a proposed future planning proposal which seeks to amend the *Draft Fairfield LEP 2011*, to permit secondary dwellings as an affordable housing option in all rural zoned land in the Fairfield LGA.

I understand that the intent of the Planning Proposal is to allow secondary dwellings in the rural zones as a result of submissions received during the exhibition of the draft Fairfield Local Environmental Plan (LEP) 2011 and you have proposed a range of studies to support this. Furthermore, you are seeking preliminary advice in relation to how Section 117 Local Planning Direction 1.2 Rural Lands would apply to this proposed planning proposal and whether the matter might be considered as of minor significance.

As you are aware, Ministerial Direction 1.2 *'Rural Zones'* has the objective to protect the agricultural production value of rural land and states that *'a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)'*. Departure from the terms of Direction 1.2 is permitted, *inter alia*, if the Director-General of the Department of Planning and Infrastructure can be satisfied that the provisions of the planning proposal comply with the relevant regional and sub-regional strategy prepared by the Department which gives consideration to the objectives of the s117 Direction or if the matter is of minor significance.

As you would also be aware the current Metropolitan Plan 2010 and the draft Subregional Strategy identify the need to both increase dwelling availability in the metropolitan area and also identify the need to protect agricultural land. In addition, the government has made secondary dwellings more generally permissible in urban zones via the *Affordable Rental Housing SEPP*. The Department is currently reviewing the *Affordable Rental Housing SEPP* and consideration is being given to expanding this permissibility to also apply in rural areas.

Department of Planning & Infrastructure, Sydney West Region
Level 5, 10 Valentine Avenue Parramatta NSW 2150 | GPO Box 39 Sydney NSW 2001 | T 02 9860 1560 | www.planning.nsw.gov.au

In this light our response to your specific questions is as follows:

- Comment can not be made on whether or not the proposal is of minor significance until Council undertakes further studies and assesses this information.

- The proposed future planning proposal is, however, broadly consistent with the existing metropolitan and subregional strategies and, subject to your studies assessing the impact on the agricultural production value of rural land, there appears to be no reason why Council will not be able to provide a justification to the Director-General that the proposal is (or is not) consistent with the implementation of these strategies as part of the plan-making process, or if indeed the variation is of minor significance. In this light, as long as any planning proposal received by the Department includes proposals to undertake studies that report on the impact on the agricultural production value of rural land the planning proposal will be able to proceed to Gateway Determination. The formal decision regarding consistency with the s117 Direction can be determined in light of the studies and exhibition comments during the finalisation process.

I trust that you find this information of assistance and should you have any further questions in relation to this above mentioned matters please do not hesitate to contact Claire Mirow on (02) 9860 1125 or Rachel Cumming on (02) 9860 1556.

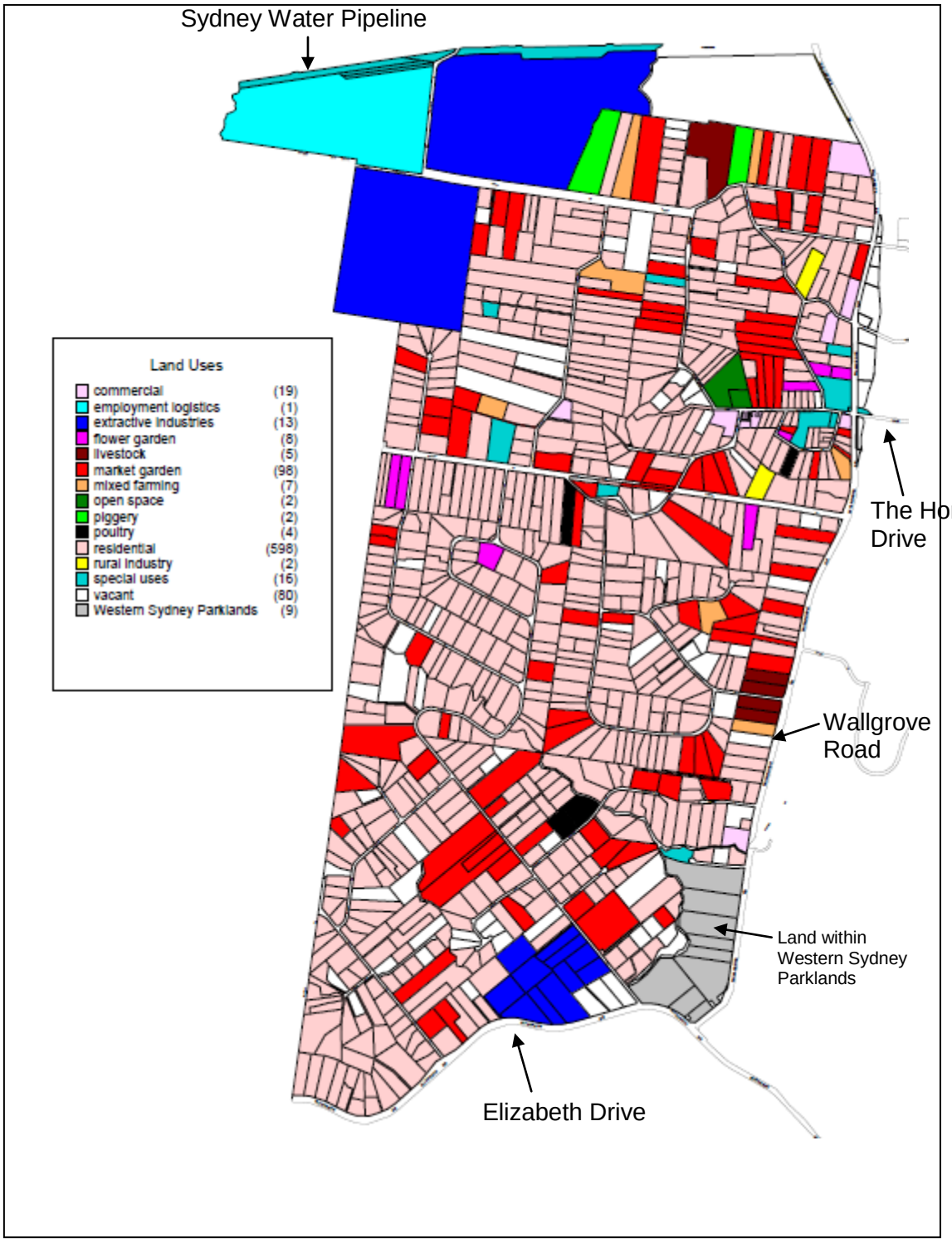
Yours sincerely

8/8/12

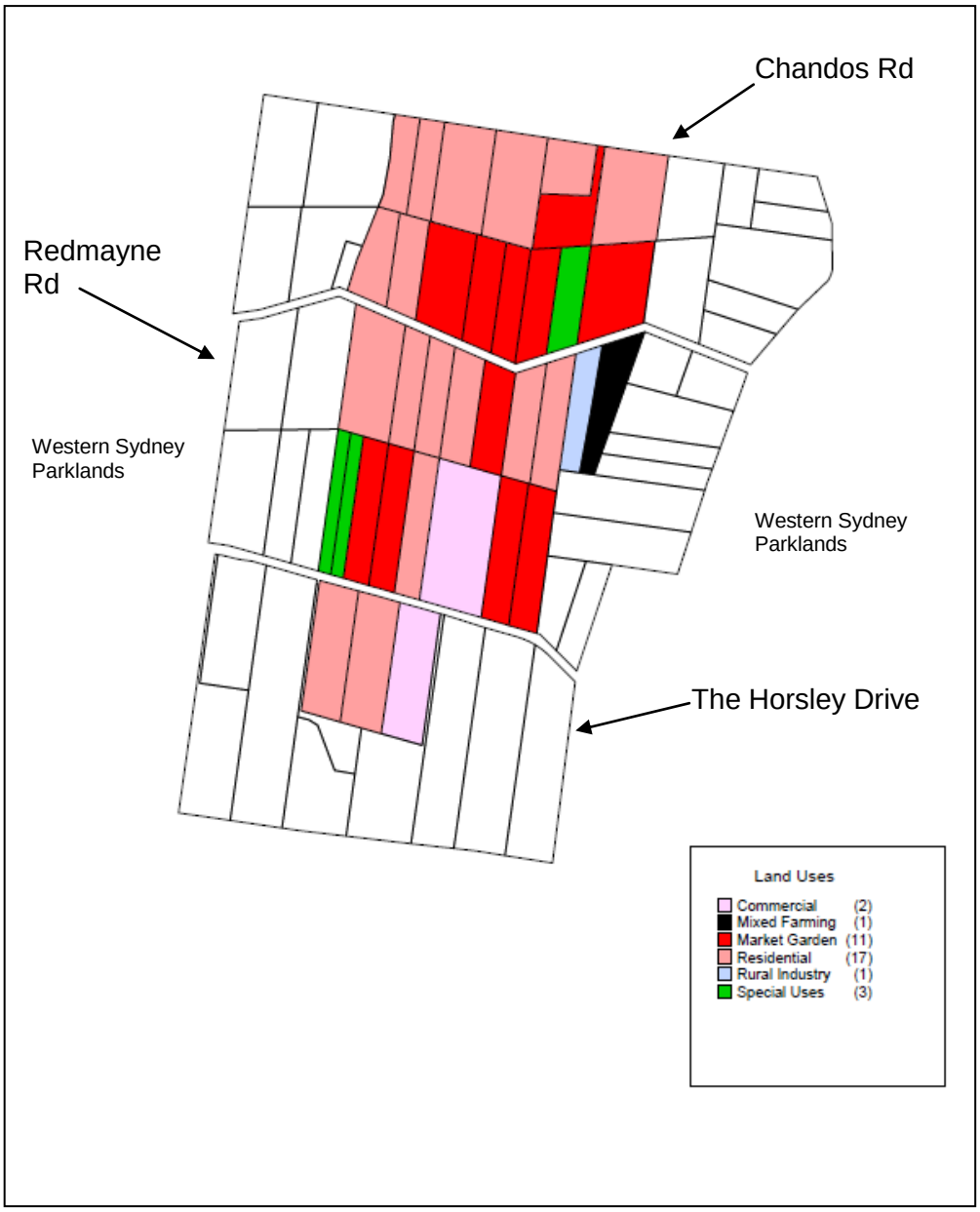
Peter Goth
Regional Director
Sydney West Region

APPENDIX D

LAND USE SURVEY 2013 – RU4 Zone



LAND USE SURVEY 2013 – RU2 Zone



Bushfire Prone Land (extract)