



Office of the Mayor Frank Carbone



16 June 2022

The Hon. Catherine King
Minister for Infrastructure, Transport,
Regional Development & Local Government
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 26001

Dear Minister,

HORSLEY PARK & CECIL PARK URBAN INVESTIGATION AREA – UNFAIR AIRCRAFT NOISE RESTRICTIONS

Firstly, I wish to congratulate you on your appointment as Minister and to extend my congratulations to your party for its election to Government. I look forward to working closely with you in your vital portfolio for the benefit of the City of Fairfield.

I am writing to respectfully request your urgent review of the unfair and inequitable aircraft noise restrictions that, under instructions from the former Federal Government, were imposed by the NSW State Government on landowners in Horsley Park and Cecil Park in 2020. These restrictions resulted in the removal of development rights that has created unnecessary hardship for over 300 landowners in the area.

Specifically, the restrictions were brought into force by the State Government in November 2020 under the former *State Environmental Planning Policy (SEPP) - Western Sydney Aerotropolis* (now known as the *SEPP – Precincts Western Parkland City – Chp.4 Western Sydney Aerotropolis*) that prohibits 'noise sensitive development' (that includes all forms of residential development) or subdivision for the purposes of noise sensitive development, on all land in Horsley Park and Cecil Park affected by the 20-25 ANEC aircraft noise area associated with the Western Sydney Airport at Badgerys Creek. I want to emphasise here that the "noise impacts" are associated with the proposed future second runway that has not yet been designed and will not be built until sometime beyond 2060, if ever!

It is alarming to Council and landowners that these restrictions were imposed without any prior consultation or adequate forewarning to the affected landowners. The only concession offered was that landowners who had a registered vacant lot could apply to have a single residential dwelling constructed, however this measure is tokenistic given that nearly all of the existing properties located under the 20-25 ANEC already had some form of residential accommodation on them.

These changes are both unfair and inequitable given that similar land adjoining airports across Australia (including Kingsford Smith), affected by the 20-25 ANEC aircraft noise contour, do not suffer from the same restrictions.

In 2021, Council engaged independent noise experts (Marshall Day Acoustics) to undertake a review of the SEPP provisions affecting Horsley Park and Cecil Park that confirmed that the restrictions are inconsistent with the relevant Australian Standard (*AS 2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*) that can permit new houses and other forms of residential development within the 20-25 ANEC contour with appropriate noise attenuation measures.

Since the introduction of the restrictions, Fairfield City Council has been comprehensively urging both the current State and former Federal Governments to undertake a review of the controls, but at this stage has not succeeded in having the interests of the affected landowners addressed. Your Ministerial colleague and the local Federal Member for this area, Chris Bowen MP, and I addressed a public meeting in March 2021 and have had many discussions with the affected local residents about the inequity of these restrictions and the need for a review.

I believe that the reintroduction of the allowance to have granny flat housing (that was in place previously) in the affected area, is of greatest importance and would address an important housing need for many of the landowners to have an alternative housing option available on their land. Under NSW planning provisions, granny flat housing is small in scale (maximum floor area of 60m²) and cannot be subdivided. Allowing this form of secondary housing would not result in any significant increase in the population of the area affected by the 20-25 ANEC, but rather would provide an affected landowner, and perhaps their extended family, an additional housing option available to them.

Extensive information regarding the above can be viewed on Council's website via the following link:

<https://www.fairfieldcity.nsw.gov.au/Planning-and-Building/Planning-and-Policies/Airport-Information>

This website includes copies of correspondence with various representatives and agencies of the NSW State and former Federal Governments, as well as details of community meetings and a copy of the Marshall Day Acoustics Study.

In light of the above, I would greatly appreciate if you would provide your earnest consideration to my request regarding the land rights of the community of Horsley Park and Cecil Park that have been unfairly treated by the former Federal Government.

Yours faithfully,

A handwritten signature in black ink, reading "Frank Carbone". The signature is written in a cursive style with a large, stylized 'F' and 'C'.

Frank Carbone
MAYOR OF FAIRFIELD CITY

cc: The Hon. Chris Bowen MP, Member for McMahon
The Hon. Dai Le MP, Member for Fowler