

OUTCOMES COMMITTEE

Meeting Date 14 September 2021

Item Number. 86

SUBJECT: Fairfield Rural Lands Urban Investigation Area - Update

FILE NUMBER: 14/01576

PREVIOUS ITEMS: 95 - State Environmental Planning Policy (SEPP) (Western Sydney Aerotropolis) - Outcomes Supplementary Reports - 22 Sep 2020

REPORT BY: Andrew Mooney, Executive Strategic Planner

RECOMMENDATION:

That:

1. Council advise the Western Sydney Aerotropolis Independent Community Commissioner, Minister for Planning and the State and Federal Members for Horsley Park and Cecil Park that:
 - 1.1 The report (Attachment A) issued by the Commissioner does not identify that the Western Sydney Airport 20 Australian Noise Exposure Concept (ANEC) noise contour restrictions have been placed on landowners in Horsley Park and Cecil Park located outside of the Aerotropolis precinct.
 - 1.2 The terms of reference and future work of the Commissioner needs to be expanded to include issues relevant to residents of Horsley Park and Cecil Park located under the 20 ANEC who have been disadvantaged by the provisions of the SEPP (Western Sydney Aerotropolis).
 - 1.3 Any future communications regarding the SEPP (Western Sydney Aerotropolis) or Western Sydney Airport from the State or Federal Governments should also be sent to affected landowners in Horsley Park and Cecil Park.
2. Council endorse the findings and recommendations of the Marshall Day Aircraft Noise Strategy to support further submissions to the State Government in relation to aircraft noise issues and planning investigations relating to the Fairfield Rural Lands Urban Investigation Area.
3. Council continue discussions with State agencies to identify the preferred location for a possible railway station in Cecil Park on the proposed Parramatta to Western Sydney Airport passenger rail line and agree to support a more central location for a future rail station than that currently shown on Council's adopted Structure Plan.

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4. Investigations into the housing densities/population that would support a rail station at Cecil Park form part of the Business Case for the proposed Parramatta to Airport (East-West) Rail line.
5. The State Government provide funding for the Business Case for the Parramatta to Airport (East-West) Rail line in accordance with Future Transport 2056 and, further, that the local community and Council be actively engaged in the preparation and consideration of that Business Case.
6. Council's website be updated regarding the above matters to notify landowners in Horsley Park and Cecil Park accordingly.

SUPPORTING DOCUMENTS:

AT-A	Independent Commissioner's Report - Western Sydney Aerotropolis	26 Pages
AT-B	UIA Marshall Day Aircraft Noise Strategy	24 Pages

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

This report provides an update on key planning issues relevant to the Fairfield Rural Lands Urban Investigation Area (UIA) in Horsley Park and Cecil Park.

This includes a recent report (Attachment A) released by the Aerotropolis Independent Community Commissioner to the Minister for Planning and Public Spaces regarding concerns raised by landowners concerning land that has been rezoned for acquisition in the Aerotropolis and by aircraft noise restrictions under the State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis.

The Commissioner's report outlines a number of important recommendations to the State and Federal Governments in regard to aircraft noise issues. However, at this stage it is unclear whether the recommendations applying to these restrictions also apply to properties located in the Fairfield Local Government Area (LGA).

Since the last report to Council in September 2020 regarding the aircraft noise restrictions, Council has continued to advocate with the State Government for the removal of the planning noise restrictions and to allow consideration of future 1 acre (4,000m²) subdivision in the area as identified under the UIA Structure Plan. In March 2021, Council convened a public meeting with residents of Horsley Park and Cecil Park and confirmed that it would continue to lobby for changes in these rules.

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Over the last 12 months, progress has also occurred in relation to a number of major planning and infrastructure projects that are required to support future development in the Western Sydney Aerotropolis and new airport. This includes recent approval of the M12 Motorway project, progress in investigations for the East/West Passenger Rail, upgrade of The Horsley Drive (between the M7 and Cowpasture Road), provision of the Western Sydney Advanced Water Recycling Facility to service the Western City and new Southern Link (state arterial) Road through the northern section of Horsley Park.

These projects have a significant bearing on future planning for the Fairfield UIA. To this end, Council Officers have continued to have discussions with representatives from the Greater Sydney Commission (GSC) and State agencies through the UIA Steering Committee.

This report provides further background on the above and recommendations to progress investigations and planning matters relevant to the UIA.

REPORT

A. Aerotropolis Independent Community Commissioner's Report

The report (Attachment A) to the Minister for Planning was prepared by the Aerotropolis Community Commissioner on 27 August 2021 and focusses on concerns raised by landowners in the Western City Aerotropolis (comprising Liverpool and Penrith City Councils) regarding:

- Access to independent expert advice, such as planning, valuation and development processes.
- Advising on actions to assist people on environmentally constrained land and those who need support on compassionate grounds.
- Making recommendations regarding strategic land acquisitions that may also address community concerns.
- Connecting landholders with other agencies and relevant government stakeholders to provide clarity and support where necessary.

The report's focus is on land owners in the Aerotropolis whose properties have been rezoned primarily for 'green space' and are affected by acquisition provisions of the SEPP (Aerotropolis).

The report also refers to land that is located under the Western Sydney Airport 20 ANEC corridor and is affected by the aircraft noise restrictions (ie. prohibiting subdivision for residential purposes, construction of dwellings, secondary dwellings and dual occupancy).

However, the report does not include any specific reference to approximately 340 rural/residential properties located in Horsley Park or Cecil Park, but contains the following important statement and recommendation for properties affected by the ANEC aircraft noise restrictions:

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- “*The NSW Government should urge the Commonwealth to investigate acquisition for properties within the ANEC 20 and above contours.*” (Page 16)
- “*Recommendation 27: The Commonwealth Government provides information to small landowners as soon as possible clarifying the acquisition and remediation available for those impacted by the ANEC contours.*” (Page 21)

In relation to potential acquisition of land, at this stage there is no official Federal Government policy or position applying to land affected by the Western Sydney Airport 20 ANEC. However, in the past the Federal Government has acquired some residential properties affected by aircraft noise impacts in close proximity to the Kingsford Smith Airport.

The Commissioner’s report includes a range of recommendations aimed at enhancing communication with residents affected by the restrictions contained in the SEPP to improve their understanding of issues such as ‘existing use rights’ and ability to still develop land.

Again, there is no reference to properties located in Horsley Park and Cecil Park, where to date the State Government has failed to undertake any direct consultation or provide support to landowners impacted by the SEPP aircraft noise restrictions, with this being left to Council to undertake.

As well as meeting directly with landowners in Penrith and Liverpool, the Commissioner has recommended a Community Consultative Committee be established for further discussions regarding the report’s recommendation, with membership of the Committee being restricted to landowners based in the Aerotropolis, thus excluding the community of Horsley Park and Cecil Park.

These outcomes highlight major deficiencies in the report which fails to acknowledge the scope of impacts on landowners in Horsley Park and Cecil Park that have also had their property development rights removed.

In this respect, as is detailed in the recommendations to this report, it is proposed that Council write to the Commissioner, Minister and Local Members of Parliament requesting the shortcomings of the report and associated recommendations be addressed.

B. UIA Steering Committee

In late 2019, the Minister for Planning announced that the Council would be the lead agency for the Fairfield UIA project with support being provided by the GSC and various state agencies. To this end, the Committee is now being co-chaired by the City Manager and Western City District Commissioner and comprises representatives from the State agencies as well as Council Officers to enable discussion of planning issues relevant to the UIA.

In summary, at the most recent meeting (held on 29 July 2021) the following matters were discussed.

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1. M12 Motorway and Elizabeth Drive upgrade

- The environmental impact statement (EIS) for the M12 was approved in April 2021; detailed designs are currently being prepared and will be referred to Council for comment. Construction of the Motorway is due to commence in 2022.
- The design of the M12 has been amended to provide for direct (toll free) access via Cecil Road from the UIA to the Western City Airport.
- Design plans are currently being prepared for widening of Elizabeth Drive from the M7 to Mamre Road. At this stage there is no funding available for the upgrade works.

2. Southern Link Road (SLR)

- TfNSW is finalising corridor options for the new SLR (to be a state arterial road) from Mamre Road in Penrith through the northern section of Horsley Park to a new signalised intersection at Wallgrove Road.
- The SLR will also provide an important corridor for road based freight movements to the proposed new intermodal facility near Mamre Road in Penrith. At this stage the detailed business case for provision of the intermodal is under consideration by the State Government.
- Council Officers have requested that TfNSW undertake further investigations into extension of the SLR further to the east to the Wetherill Park industrial estate to relieve pressure on the existing industrial road network, as well as creating a direct road freight corridor from the Fairfield employment lands to the proposed intermodal and Aerotropolis.
- The SLR corridor also provides opportunities to service future urban development directly to the south in the Fairfield Rural Lands UIA.
- At this stage it is anticipated that the design options for the SLR will be placed on public exhibition toward the end of 2021 or early 2022.
- Council Officers have requested that TfNSW provide a briefing to Councillors once the timing for the public exhibition is confirmed.

3. East West Passenger Rail

- Preliminary investigations into corridor and station options for the East West Passenger Line from Parramatta to the Western Sydney Airport have been undertaken.
- The SEPP (Aerotropolis) identifies land to be acquired for a train stabling/storage facility at Kemps Creek. However, at this stage the State Government has not commissioned the preparation of a detailed business case for preservation of the remainder of the corridor and possible railway stations between Parramatta and the new airport site.
- TfNSW has advised that the current location for a proposed Cecil Park town centre (as shown on the UIA Structure Plan) and potential rail station over the PGH Quarry site next to the M12 is not ideal. This is due to it not aligning to their preferred rail corridor and being too close to the M12, thus restricting the area required to accommodate a town centre and higher residential densities to support the business case for a rail station.

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- The current location shown in the UIA Structure Plan will also be impacted by significant levels of traffic noise levels associated with the 24 hour operation of the airport and represents a further constraint for residential development next to the M12.
- TfNSW recommends that Council consider alternative locations for the potential town centre in Cecil Park, further to the north of its current location that would be less constrained and provide for a minimum radius of 800m around a potential rail station for high density residential development. This issue is addressed in a recommendation to this report.

4. Western Sydney Freight Line

- A preferred corridor for the freight line through the northern section of Horsley Park (north of Burley Road and west of the M7), was first identified in 2019 and gazetted for acquisition by the State Government in mid-2020.
- Since this time, TfNSW have been liaising with staff representatives from a range of agencies and surrounding councils regarding potential corridor options from the Western Sydney Parklands (in Fairfield LGA) to Leightonfield in Canterbury-Bankstown LGA
- As part of this process, Fairfield City Officers have consistently raised concerns regarding the potential impacts on public open space, residential and employment lands in the City and have requested briefings to Councillors prior to the corridor options being placed on public exhibition, expected to occur sometime in 2022.

5. Advanced Water Recycling Facility

- Sydney Water is in the process of preparing an EIS for the provision of the facility at Kemps Creek, approximately 5km to the west of the UIA.
- The agency has advised that the facility would have capacity to service future urban development in the UIA, but also advised that there may also be other options for servicing the UIA via existing regional facilities.
- Sydney Water has indicated its ongoing support to work with Council and other agencies to investigate water supply and waste management options for the UIA.

6. Western City Blueprint 2020 and draft Development Control Plan (DCP)

- The NSW Department of Planning, Industry and Environment (DPIE) and Western City Authority are currently developing a new framework of planning controls to guide future development in both the Aerotropolis and more broadly within the Western City.
- These controls are likely to be relevant to further planning investigations for the UIA, including the provision of any new employment lands and is relevant to a recent planning proposal submitted by Frasers Property (as reported to the July Outcomes Committee – Item 74) for rezoning of the Keyhole lands in Horsley Park.
- Councillors will be kept updated on further developments with these documents and implications for the UIA.

The GSC and State representatives indicated their commitment to continue to work with Council to progress investigations for the UIA and will provide further feedback on potential

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options for this work at the next meeting (yet to be scheduled). Councillors will be kept updated on the potential next steps for the UIA as information becomes available.

C. Aircraft Noise Strategy – Marshall Day Acoustics

Following the introduction of the SEPP (Western Sydney Airport), in September 2020, Council engaged the services of Marshall Day Acoustics to prepare an Aircraft Noise Strategy (Attachment B) for the UIA concerning the planning controls for noise sensitive development.

The purpose of the Strategy was to provide a framework to support the preferred structure plan for the UIA and potentially a planning proposal allowing the subdivision and residential development on lots of a minimum size of 1 acre.

Included within the Strategy is a literature review of Australian and State Government policies concerning land use planning and development requirements in the vicinity of airports affected by aircraft noise. The findings of the literature review identified inconsistencies in the approach taken in the SEPP when compared with existing, long-established planning policies for development in areas around Australian airfields that experience aircraft noise.

The primary recommendations of the Aircraft Noise Strategy are:

- (a) To adopt an endorsed Western Sydney Airport Aircraft Noise Exposure Forecast (ANEF) (once finalised and published) and provisions of Australian Standard 2021 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction (AS 2021) as the primary assessment tool for assessing new noise sensitive development in the vicinity of the Western Sydney Airport;
- (b) The land use planning control boundary shall be based on the endorsed 20 ANEF contour for Western Sydney Airport to be used in conjunction with Section 2 of AS 2021; and
- (c) Development applications for the construction of a dwelling or other noise sensitive development within the ANEF should be accompanied by an acoustic report prepared by a qualified consultant to demonstrate the proposed use can be designed to achieve the indoor design sound levels in AS 2021.

ANEF noise contours are significantly more refined than ANECs and are generated based on the final approved flight path design. ANEF contours are published for all federally-leased airports and provide certainty for land owners regarding the future implications of aircraft noise and development potential of properties. At this stage, there is no clear indication from the Federal Government on when the ANEF contours for the Western City Airport will be made available for public comment.

The Strategy also concluded there was no precedence to support the use of an Obstacle Limitation Surface (OLS) for aircraft noise land use planning. Aircraft noise is typically centred around flight tracks, due to the directionality and high level of attenuation at sideline locations to flight tracks. The proposed 13km OLS buffer under the SEPP was therefore too

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conservative and a significant constraint on development in areas north and south of the Western Sydney Airport site.

The Aircraft Noise Strategy was completed in March 2021 coincidentally around the time the State Government removed onerous development controls from the SEPP for new dwellings or extensions to existing dwellings to include unnecessary and costly acoustic measures for land located under the OLS but outside of the 20-25 ANEC.

It is recommended that Council endorse the findings and recommendations of the Marshal Day Strategy as part of further Council representations to the State and Federal Governments and planning for the UIA in relation to aircraft noise issues.

D. Public Meeting and Advice to Residents

On Saturday 27 March 2021, a public meeting was held for residents of Horsley Park and Cecil Park to discuss aircraft noise and subdivision restrictions for land and new housing development in areas of Horsley Park and Cecil Park located under the 20 ANEC aircraft noise corridor associated with the State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis.

The Federal Member, Chris Bowen attended, whilst the NSW Minister for Planning and the Local State Member, Tanya Davies, were invited but did not attend.

At the meeting, residents were encouraged to continue to write to the State and Federal Governments for removal of the unreasonable restrictions placed on subdivision and residential development in areas affected by the 20 ANEC restrictions.

To assist this process, details have been sent to affected residents regarding information on Council's website that includes copies of Council correspondence to the State and Federal Governments regarding Council's resolutions/advice on the aircraft noise issues, as well as advice on how residents can make further submissions to relevant Ministers and Members of Parliament.

CONCLUSION AND NEXT STEPS

Over the past 12 months there has been significant progress in relation to planning for major infrastructure projects to support future development within the Aerotropolis and at the Western City Airport site, that are also relevant to further investigations for the Fairfield Rural Lands UIA.

Council is now awaiting further advice from the GSC and other State agencies on the potential timing and scope of these major infrastructure investigations, with further updates to be provided to Councillors and the community as appropriate.

At this stage, a critical issue is to acknowledge feedback from TfNSW that the proposed location for a new town centre in Cecil Park (as shown in the UIA Structure Plan) next to the M12, is unlikely to be supported as the location for a possible rail station at Cecil Park. This

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is due to the close proximity of the current location to the M12 and constraints placed on achieving sufficient residential densities to support the business case for a rail station.

This report also includes a range of recommendations that relate to the recent report released by the Aerotropolis Community Commissioner regarding the impact of the SEPP (WS Aerotropolis) on landowners in Penrith and Liverpool LGAs that fails to have regard to or respond to the detrimental impacts of the SEPP on landowners in Horsley Park and Cecil Park.

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Outcomes Committee - 14 September 2021

File Name: OUT14092021_6.DOCX

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