

Office of the Mayor Frank Carbone

**FairfieldCity**
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The Hon. Gladys Berejiklian MP
GPO Box 5341
SYDNEY NSW 2001

Dear Premier,

I refer to the recently notified State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis (WSA) that will commence operation on 1 October 2020 and my previous correspondence dated 17 July 2020.

I am very disappointed that no regard was paid to the issues raised in my previous letter and I remain deeply troubled by your government's disregard for the rights of the people of Horsley Park. Further, I am concerned with the addition of a new provision that has been added that was not part of the draft and will unreasonably impact on the private property rights of many more affected landowners.

The provision I refer to is clause 19 (5) which provides as follows:

Development consent must not be granted to noise sensitive development on the following land unless the consent authority is satisfied the development will meet the indoor design sound levels—

- (a) land shown on the Land Application Map that is not in an ANEF or ANEC contour of 20 or greater,*
- (b) land shown on the Obstacle Limitation Surface Map.*

This provision will see many property owners having to pay for superfluous acoustic reports and building materials when they seek development consent to build or extend their homes.

Fundamentally, what this clause is requiring is that any development application for a dwelling house or an extension to a dwelling house (or any other 'noise sensitive development') will need to submit an acoustic report demonstrating how the building will meet the acoustic requirements of the relevant Australian Standard. Quite incredibly, it applies in a radius some 13km from the runway as defined by the Obstacle Limitation Surface (OLS) Map, which has no relationship to aircraft noise.

The OLS is a height control measure that relates to the height of structures and the potential for them to impact on the flight paths of aircraft. The measure is not related to aircraft noise and I am mystified as to how this technical measure can be used to impose standards for acoustic purposes.

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Specifically, the SEPP is requiring property owners within the OLS affected areas (this includes land as far afield as Abbotsbury, Bonnyrigg Heights and Edensor Park) to have acoustic reports prepared as part of DAs for uses including dwellings and extensions. This will require them to provide treatment/insulation for their properties as if they were within the 20+ ANEC/F.

My planning officers advise me that this is likely to add up to \$10,000 to the cost of an application and far more to the cost of future building works. This is an entirely unsatisfactory outcome as the affected properties will never be subject to even low levels of aircraft noise as they are well outside even the 20 ANEC contour. In this regard, I will be ensuring that all of the residents of the affected areas (expected to be in the thousands) are informed that this is not a Council policy but another example of inappropriate State government planning requirements.

I note that Council is currently in the process of engaging consultant's to undertake an Aircraft Noise Strategy for the Horsley Park Urban Investigation Area. As part of this work, we are seeking a review of the approach that has been taken by the State government for the Western Sydney Airport in seeking to balance the interests of landowners surrounding the airport with those of the airport.

Unfortunately, I fully expect that this will find that in the case of the Western Sydney Airport the interests of landowners have been severely neglected.

I encourage you to review this SEPP to ensure the right, fair and equitable outcomes are provided for people in Western Sydney and that common sense prevails.

Yours sincerely,



Frank Carbone

MAYOR OF FAIRFIELD CITY

15 September 2020

CC: The Hon Rob Stokes, MP
The Hon. Stuart Ayres, MP
The Hon Alan Tudge, MP