

10 October 2020

Central Coast Airport Resistance Group Inc.
216 Yarramalong Rd
Wyong Creek
NSW 2259

Central Coast Airport RESISTANCE GROUP INC.

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces
52 Martin Place
Sydney 2000

**Comments regarding Warnervale Airport (Restrictions) Repeal Bill 2020 Second reading
Speech, an attack on democracy and proper process**

Dear Minister,

On behalf of the Central Coast Community, the Central Coast Airport Resistance Group (CCARG) request that Warnervale ALA and its operations be modelled off those at Lake Macquarie Airport, just 28km away. Lake Macquarie Airport has no limit on movements, does not allow touch and goes or facilitate night flying.

Lake Macquarie Airport has a 730m runway take off distance available (TODA) after deducting displaced thresholds from the 880m runway.

This distance is just 21m longer than Warnervale ALA with the new thresholds in place at 709m although a simple application under the EP&A Act to slash a minimal area at the southern end of Warnervale ALA would increase the runway available by 86m to 795m.



- TODA – 730m
- Runway Lighting not operational
- No touch and go's

Document tendered by	Laurie Eyer
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Resolved to publish	Yes

Lake Macquarie airport and Warnervale ALA are just 28km apart yet it may as well be light years when the attitude of the two Council's staff members toward their respective communities and their airports are concerned. Lake Macquarie City Council CEO Morven Cameron has an airport his Council controls in the manner the CCARG seek for our community and Warnervale ALA. The CEO supports the Act and has requested that it be strengthened to include Wyee in the notification radius.

Lake Macquarie has a population of about 200,000 and the CEO, speaking on behalf of that population has requested that the Act be retained.

Greg Piper Member for Lake Macquarie, representing many of the same residents has also requested of the Review Team that the Act be retained, stating:

As the State Member for Lake Macquarie I am strongly of the opinion that sections of the Act which serve to protect surrounding communities from aircraft operations and noise should be retained.

The Central Coast Aero Club membership of 190 (2018 financial statement) and other AOPA member pilots, who want the Act repealed, pale into insignificance when the weight of 200,000 residents supporting Lake Macquarie City Council and Greg piper MP to retain the Act, is considered.

- Should consideration be given to amending the Act, we recommend the panel consider the amendments tabled in Attachment 1 (in addition to minor and technical amendments such as omitting "Wyong Council" and inserting "Central Coast Council"). Any amendments to the Act need to be considerate to the rights and interests of residents and businesses in both the Central Coast and Lake Macquarie City local government areas.

Should you require further information, please contact Manager Integrated Planning on

Yours sincerely

Chief Executive Officer

The CCARG agree with the Lake Macquarie CEO, that the Act should be retained and also request that a panel be formed with the CCARG included, to discuss amendments to the Act.

Lake Macquarie City Council has been treated with the same contempt that the Central Coast community has in relation to Wyong and then Central Coast Council's various airport plans. To the knowledge of the CCARG, Lake Macquarie City Council has never been consulted about any of the airport plans despite the original 2013 LEP Wallarah airport plan physically penetrating Lake Macquarie LGA properties and all with flight paths over Wyee and Morisset Park.

Following a 2015 application to repeal the Act by Wyong Council Mayor Eaton and a very fair review and assessment process, the Act was retained by former Planning Minister Anthony Roberts in August 2017. In September 2018 minister Roberts wrote to Wyong MP David Harris saying the planning Department would uphold the 88 movement limit, the law in NSW. Only 12 months later, new Planning Minister Stokes embarked on a fresh review of the Act. Half the Review Team was selected by Council staff and the terms of reference favoured repeal, specifically ruling out consideration of airport economic issues, alternative uses for the land or the future use of the airport, all considered matters for the airport owner.

The Act is unique legislation for a unique circumstance. Unique legislation to control Council staff that does not appear to comply with the law or proper process when it comes to developing and running Warnervale ALA.

The repeal of the Act is sought by airport proponents purely to facilitate the expansion of Warnervale ALA in accordance with the discredited and rejected Master Plan, an expansion the Act prevents by way of legislated independent environmental assessment and comprehensive community consultation. All that was required to allow unfettered legal use of the ALA was the removal of the 88 movement limit and yet the entire Act was requested to be repealed exposing the true purpose of the review.

Introduction

The Act protects the interests of residents and ratepayers of the Central Coast and Lake Macquarie from Council staff and airport promoters who appear to have little regard for the law, the facts or the cost of their airport antics. The Act simply ensures that environmental assessments and noise studies are conducted independently of Council staff and that all residents within 7.5km of the runway are notified and given the opportunity to comment on any expansion proposal. It is the community consultation that causes most angst for airport proponents, because unlike what has occurred with the Act Review, the Aero Club members and the national Aircraft Owners and Pilots Association (AOPA) cannot use their lobbying power and membership to over ride the facts, interests and opinions of the affected local community, who under the Act would have a guaranteed say.

Following the AOPA charting declining General Aviation (GA) pilot numbers, aircraft registrations and avgas consumption, Executive Director Ben Morgan is quoted in The Australian newspaper on August 12, 2016 saying *"These charts tell a story of catastrophic decline"* and yet the AOPA seeks to foist a GA airport on the residents and ratepayers of the broke Central Coast.

AOPA executive director Ben Morgan said the charts were made in response to a challenge by CASA aviation safety director Mark Skidmore to prove that the industry was in decline.

"These charts tell a story of catastrophic decline. CASA has

Ben Morgan and the AOPA are not alone. Dick Smith also sees "a totally dying GA industry" as quoted in Flying Australia Magazine of March 2016



Dick Smith urges Aviators to Quit

10 March 2016

By APOLLO

Aviation change advocate Dick Smith has urged operators and pilots to leave general aviation before they lose large amounts of money trying to keep it a floating industry.

Smith made his plea yesterday in an on-line forum and in a phone call to Australian Flying.

"There is no light on the horizon and many tens of millions of dollars more is going to be lost in general aviation in this country before anything is done about it," he said.

"I've just returned from a trip in the Catalina from Bankstown to Mornington Island and back. Basically every airport is dead. I see a totally dying GA industry."

"Take my advice now and get out before you lose even more."

Aircraft movements were down over 50% at Bankstown since the 1980's according to then AOPA President Marc De Stoop in an April 2016 article in The Australian newspaper.

"The statistics prove this undeniably. Bankstown Airport, the centre of the Australian GA industry in the 1980s, was the busiest airport in the southern hemisphere with over 550,000 aircraft movements per annum. It

is now below 180,000," the report said.

Importantly, despite the collapse in GA movements, there is no threat to the existing Warnervale Aeroplane Landing Area (ALA). In fact Council has spent well over \$10m in ratepayers funds on the Warnervale ALA since 2015 and not a single job created. The Aero Club, its operations and those of the very limited emergency services that occasionally use Warnervale ALA are under no threat whatsoever, indeed the Aero Club has specific support via a resolution from Councillors and from the Member for Wyong David Harris. Now that the 88 movement limit has been removed, the Aero Club can legally fly as they wish and no longer have to break the law of NSW to enjoy themselves.

Some basic facts you may not be aware of and should consider

1973 Wyong Shire Council (WSC) ignores objections from NSW Secretary of Planning Department and builds an aerodrome at Warnervale

2008 WSC does deal with Mirvac to develop airport as industrial estate, Aeroclub to go to Belmont/Lake Macquarie

2013 Kiar Ridge 2,600m airport approved by WSC

2013 December Transport minister Gladys Berejiklian releases Central Coast Transport plan containing no airport.

2014 Kiar Ridge site and Bio offset land purchased from Terrace Tower Group for \$17m. VG only \$7.5m. No independent valuation carried out by WSC. The Kiar Ridge airport portion cost \$10m.

2015 Nov, WSC dump Kiar Ridge airport and approve a Warnervale 1800m jet airport, for \$48m.....now \$396m in 2017 Master Plan.

2015 May, WSC request that NSW Planning Minister Stokes repeal Warnervale Airport (Restrictions) Act 1996 (ACT)

2015 August, without consent under the EP&A Act or Councillor approval, WSC staff build a new 1196m long x 10m wide x 12,000kg capacity runway at Warnervale under guise of repairing pot holes. WSC Mayor denied lengthening runway from 970m to 1196m.

2015 Warnervale Airport loses \$265,000 in 2014/15 financial statement

2016 Planning NSW finds and advises WSC they lengthened runway from 970m to 1196m. Advising 88 movement limit per day and 10pm to 6.30am curfew applies. Council ignores 88 movement limit.

2016 Minister Stokes approves Central Coast regional Plan after removing Warnervale airport.

2016 Planning fines WSC \$3,000 for damaging wetland vegetation during new runway construction. Planning asks Council to rehabilitate vegetation, it is not rehabilitated.

2016 NSW Government announces independent review of ACT under Minister Stokes.

2016 Lake Mac Council objects to airport in Central Coast Regional Plan

2016 Kiar land put on market EOI's requested. Still not sold by October 2020.

2016 July, Central Coast Council (CCC) with Terrigal MP Adam Crouch present, signs 40 year lease agreement for 5 hectares of airport land at zero cost to Amphibious Aerospace Industries (AAI) to refurbish 60 year old and build new Albatross amphibious aircraft

2016 Express Advocate newspaper finds AAI is \$120 company that has never built an aircraft and formed only months before the deal signed

2016 CCC approves \$6m to be spent on Warnervale Airport in 2016/17 operational plan.

2016 May Newcastle Airport submission to CC Regional Plan identifies Central Coast as core catchment.

2016 Warnervale Airport loses \$635,000 in 2015/16 financial statement

2016 Minister Stokes approves Central Coast Regional Plan with airport excluded from Plan.

2016 Lake Mac Council requests Act remains and is strengthened

2016 December. Community are told planning Minister to retain Act.

2017 NSW Cabinet reshuffle. New Planning Minister Anthony Roberts appointed. Act review result delayed.

2017 Feb CCC briefs NSW Cabinet, lobbies for Act repeal, threatens Planning NSW with legal action if curfew and 88 movement restrictions are applied

2017 March Illawarra Regional Airport manager advises his airport has 60-80 jobs

2017 CCC approves another \$6m to be spent on Warnervale Airport in 2017/18 operational plan

2017 August NSW Planning Minister Anthony Roberts announces Warnervale Airport Restrictions ACT to be retained

2017 Airport loses \$921,000 on \$11,000 revenue in 2016/17 financial statement

2017 November CCC resolves to not exhibit Council staff Aviation Hub Master Plan, but to retain existing runway and support Act. Councillors told 438 jobs from stages 1 and 2. Deloitte studies 109 - 116 jobs in Master Plan not revealed to Councillors. Fortunately Councillors read the Master Plan and did not accept the misinformation provided by Council staff.

2017 \$450,000 Aviation Hub Master Plan on display on Council web site reveals:

- Council consultant tpg. finds Master Plan exhibition has no statutory standing in planning process. In our words, nothing but a PR exercise. Master Plan Attachment 11 P25
- Intended airport N65 noise contour affects 18,366 properties, 10,870 on Central Coast 7,496 in Lake Mac. Attachment 8 P189
- 40, B737/A320 flights per day by 2030 Attachment 7 P163
- CASA exemption that allows B737/A320 flights off Warnervale 1800m runway detailed Attachment 4 P219
- Approximately 80ha of SEPP 14 and E2 environmental Conservation land to be cleared including Wyong Employment Zone (WEZ) designated fauna corridors, all trees south and north of runway to go
- Stage 2 requires new airport to be constructed. Operations can not be expanded within Act. Aero Club to get new HQ and have current site purchased by Council as part of Stage 2 to replace rusted sheds of current HQ.
- N65 noise contour 30km long and up to 5km wide. From Ourimbah in the south to Morisset Park and Brightwaters on Lake Macquarie, from Wyong and Warnervale to Jilliby. Attachment 8 P186
- Deloitte Access Economics state \$274m 1200m airport has potential for 109 jobs. Attachment 10 P223
- Deloitte Access Economics state \$396m 1800m airport has potential for 116 jobs. Attachment 10 P223
- Deloitte Access Economics cite BITRE Employment Generation and Airports study suggesting 105 - 225 jobs can be expected for Warnervale Airport. Attachment 10 P223
- Deloitte Access Economics debunk Council job claims of 700 to 950 FTE jobs at Aviation Hub stating their economic modelling indicates closer to 150 FTE jobs. Attachment 10 P207
- CAPA Consulting instructed to ignore Restrictions Act for the purposes of their passenger study. Attachment 4 P183

2018 Lake Macquarie City Council writes to Central Coast Council expressing concern over proposed airport expansion.

2018 May. Council diverts all movements to west over Jilliby without community consultation. Movements back to sharing east/west within 4 weeks after Jilliby community outrage.

2018 June 30. Illawarra Regional Airport loses \$576,000 on \$936,000 revenue.

2018 July 30, Planning NSW meets with CEO Murphy asking Council to comply with the 88 movement limit. Council stops counting and recording movements on July 31 the day after meeting Planning and resumes counting on March 1 2019.

2018 Warnervale Airport loses \$581,000 2017/18 financial statement

2019 March 1, Council resumes counting movements after nine months cessation, following legal advice saying Part 2 of Act, 88 movement limit triggered and foregoing revenue as ALA itinerant users can not be invoiced for activity not recorded. Despite the legal advice, the 88 movement limit continues to be exceeded 1,439 times over 36 days from March 1 to June 30, for a total of over 6,000 offences over two years, according to Council movement records.

2019 Warnervale loses \$562,000 in 2018/19 financial year. Revenue down \$11,000 on 2017/18, probably due to Council not recording movements for nine months.

2019 June, the last of Cr Best's six rescission motions, supported by the liberals to exhibit the Aviation Hub Master Plan is rejected by a majority of Councillors.

2019 August Majority of Councillors resolve to support Aero Club.

2019 October Minister Stokes announces another review of the Act to begin in December.

2019 December Council staff put 5,000 to 12,000 airport job claims for Warnervale in public domain in presence of Terrigal MP Adam Crouch and business community at Mingara Club.

2020 February Cessnock Council advise there are 40 jobs at their airport.

2020 February Newcastle Aero Club advise there are 12 jobs at Maitland/Rutherford Airport.

2020 1st weekend July, Council staff constructs a new taxiway on top of the old one at Warnervale ALA under the guise of maintenance. Staff were told money was no object and all work was done on a weekend.

Repeal of Act a repudiation of the Democratic process

The attempted repeal of the Act is in fact a repudiation of the democratic process and an over riding of the resolutions of the duly elected representatives of the Central Coast community. In the frankest of terms, the Act repeal is a dummy spit by airport proponents who have been unsuccessful in having their airport expansion plans approved by the majority of Councillors, despite at least six attempts to rescind the resolution of Council to not exhibit the staff's Aviation Hub Master Plan and despite the fact that the Master Plan sits on two Council web sites for viewing. A majority of Councillors resolved to support the Act and to comply with the Act. Airport proponents needed to repeal the Act because it protects the Central Coast community from Council staff who have shown little regard for the law, the facts, proper process, the cost, or the expressed opinions and desires of the Central Coast and Lake Macquarie Communities that demonstrate no real support for an airport.

Background

NSW planning legislation and the law will not deter the airport proponents. In August 2015 just months after applying to Minister Stokes to repeal the Act for the first time, Council staff built a new 1196m long x 10m wide x 12,000kg capacity runway at Warnervale under guise of repairing pot holes. Councillors voted to maintain the pot holes in the runway, however staff built the new runway at a cost of \$1.38m. This new runway, clearly longer than the existing 970m runway in the Act triggered the 88 movement limit in the Act, although the Wyong Council Mayor denied lengthening runway from 970m to 1196m. While the Act, the law in NSW, did not suit the Council staff or the Aero Club, both entities broke the law of NSW by exceeding the movement limit on thousands of recorded occasions. This total disregard for the law is good enough reason on its own to retain the Act, particularly when the movement limit has now been so easily removed with agreement from all concerned.

On the first weekend of July 2020 Council staff and contractors built a new taxiway at Warnervale ALA, again under the guise of maintenance. Contractors were told money is no object and work was carried out at all hours over a weekend. This construction coincided with the exact weekend that all Councillors were attending a weekend workshop to discuss the Operational Plan for the upcoming financial year.

Discussion regarding Warnervale Airport needs to be considered in the context of the airport fixated Central Coast Council being broke, with a probable \$100m plus deficit this financial year. Warnervale Airport contributes over \$500,000 to this deficit each and every year, totalling \$3m over the past five years alone. Council has wasted over \$10m on various failed Warnervale Airport developments over the past five years, with not a single job created. The developments include the failed deal with AAI, a company that had never built an aircraft, signed up by Council to refurbish or build 24 Grumman Albatross amphibious aircraft per year on a site leased from Council at no cost. The Central Coast community still own but can not find a buyer for the Kiar Ridge land purchased in 2014 by Wyong Council for \$10m, over twice the Valuer General's valuation, for the intended construction of a Sydney Second Airport, with an initial 2,600m \$250m airport protruding into Lake Macquarie City Council properties and all with no consultation.

It is two years since Councillors resolved to sell the 15.7ha vacant industrially zoned site adjacent to the airport, known as the Chappy Pie site. Council staff has ensured it is not on the market. This valuable site was purchased in 2013 from Council for \$10m on a \$10,000 deposit by Chinese interests for a proposed \$500m Chinese Theme Park. The Theme Park never came off and the land deal which ultimately cost the ratepayers about \$2m, was never finalised. Following the Theme Park failure, the site was incorporated into the 2017 Aviation Hub Master Plan, contributing 15.7Ha to the expansion of the airport from the current 31Ha to about 110Ha. In the Master Plan, the Theme Park site is proposed as the new home for the Council provided Central Coast Aero Club, clubhouse, hangars and aircraft apron. Despite Central Coast Council's serious financial constraints, this 15.7Ha site worth \$10m is an integral part of the Aviation Hub and despite Council's resolution to sell it, is yet to be placed on the market.

Councillors reject November 2017 Aviation Hub Master Plan

The current Council have every right to reject the staff and airport proponents 2017 Master Plan. The Planned exhibition Master Plan held no planning status and as such was little more than a PR stunt. The Plan provided poor job outcomes, noise affected 18,366 properties, cost over \$396m and had massive direct and indirect environmental impacts on E2 protected EEC vegetation and protected wetlands. The \$450,000 Master Plan consultant Deloitte Access Economics said there was potential for 109 FTE jobs from the 1200m, \$274m airport 116 FTE jobs from the \$396m 1800m airport. omitted this vital information from Council's 2017 Master Plan Business Papers and instead inserted a claim that 438 jobs would be created in the first two stages of the seven stage airport development. Since then Council staff has put into the public domain claims that the airport would provide 5,000 to 12,000 jobs. This misinformation was given by staff in the face of the Deloitte 109 to 116 job number which Deloitte supported citing airport employment data from the Federal BITRE Employment Generation and Airports study suggesting 105 - 225 jobs can be expected for Warnervale Airport.

hubs, or have signed an agreement for lease or letter of offer with Council will result in a total of 438 new jobs being created upon completion of stage 1 and 2 of the proposed aviation hub upgrade.

In fact it would have been delinquent of Councillors to support the staff proposal for an airport costing \$396m but providing just 116 FTE jobs at best, with a noise impact on 18,366 properties and resulting in the destruction of about 80Ha of protected native vegetation. These facts have not deterred the airport proponents who need the Act repealed to proceed with their ridiculous plans. Indeed the environmental constraints on Warnervale ALA were highlighted on page 38 of the review below. Constraints Council staff and airport proponents have always been fully aware of but treat as a mere inconvenience in their pursuit of a larger airport.

2.3 Clarify the process required for any change of use and development application

The process for any change of use and development application should be clarified in relation to the airport and clearly communicated for the community and stakeholders. As Council has not followed this process in the past, they should also be reminded of procedural requirements, noting that these are set out in the EP&A Act 1979, and that thorough assessment of environmental and social factors is an essential prerequisite of any except the most minor of applications.

In this regard, the inherent limitations of the site should be highlighted for all stakeholders, noting that many are still of the impression that expansion of the airport is feasible when it is in actuality, highly constrained.

Second Reading Speech comments

Below the CCARG comment on the Ministers Second Reading Speech, pointing out numerous errors and providing information that should change the Ministers mind from the current position of repeal, to one of retaining the Act.

1. *"Concerns raised by the Central Coast Council, by the Hon. Taylor Martin and by community members at Community Cabinet late last year"*

There appear to be two Central Coast Councils referred to as one in the speech. The first is the Central Coast Council pro airport staff driving the repeal of the Act so they can expand the airport according to their Aviation Hub Master Plan (Master Plan) which was rightly rejected by resolution of a majority of Councillors in November 2017. The second "Central Coast Council" is the democratically elected Councillors who represent 350,000 residents and who have resolved to support the Act, to maintain the runway as it currently is, to support the Central Coast Aero Club, but reject the airport expansion plans of Council staff.

The Community members that raised concerns are essentially the approximately 4,000 member AOPA, Aero Club and airport proponents.

2. *"to invite Central Coast Council.....to partner with the NSW government on an independent review...."*

The Review failed to be independent as soon as the unelected Council staff recommended Peter Fiegehen was made part of a two person Review Team. The bias this appointment has resulted in is made clear with the totally incorrect "Urgent Safety Recommendation" inserted into the Review recommendations, despite the consideration of safety being outside the Review Terms of Reference. the recommendation contravenes the findings of the review regarding the EP&A Act offering protection from development and protection for EEC vegetation, which Peter Fiegehen's recommendation must destroy.

3. *"Face- to-face presentations occurred, public meetings were held, and written and verbal submissions were invited from any interested individual or entity."*

There was just one opportunity given to the public to address the Review Team at the public forum on 28 February 2020. This statement appears to indicate that other entities were given additional unofficial access to the Review Team. Indeed Council staff and perhaps the Aero Club were given additional access via the Review Team attending the Warnervale ALA site during the review process. Access the wider community was denied.

4. *"The review team and the Department of planning met with Central Coast Council at the beginning and end of the review to discuss the outcomes and recommendations."*

Central Coast Council staff are the problem. Discussions with Council staff within the review process was inappropriate as they are the proponent and the drivers of the repeal of the Act. Council staff should have been granted no more access to the Review Team than any other entity including the community. Council staff failed to make a presentation at the review forum and apparently failed to make a written submission to the review like every other community member or organisation.

5. *"939 unique written and verbal submissions were received, 75 per cent of which supported the Act being repealed."*

The CCARG suggests that the bulk of submissions supporting the Act repeal came via the influential lobby group, the national Aircraft Owners and Pilots Association (AOPA) and Aero Club members and the bulk of submissions requesting the retention of the Act were from the local community, including Mp's David Harris, Greg Piper and Lake Macquarie City Council, whose submissions would count as one submission, but represent nearly 300,000 residents, far outweighing the pilots lobby. Central Coast community opinions on the future of the Central Coast and hence the airport were sought through the 18 month Community Strategic Plan consultation process, which found NO support for an airport. Indeed there is no airport included in the final Community Strategic Plan. In answer to the question *"imagine the Central Coast in 10 years....what would you like it to be?"*, 1.26% of 1267 respondents said an airport and 0.7% said no airport. Similar responses below 1.86% in relation to airport support came from other questions. Council also conducted an independent phone poll of 1012 residents, asking *"thinking of the next 10 years, what do you believe will be the highest priority issue within the Central Coast area?"* An airport was not mentioned by respondents. It is clear from these Council staff surveys, an airport is not supported by the 350,000 residents of the Central Coast and yet Council staff and airport proponents press on with the Master Plan proposal.

On council's web site *One-Central Coast*, Council say of the Central Coast Community Strategic Plan *"It is Council's contract with the community"*. On behalf of the Community, the CCARG calls on Council to honour that contract and desist with plans to expand Warnervale ALA, which in the Plan has no community support.

One - Central Coast



It is important to know how Council operates, plans and spends the budget and how this connects to what the community has told us is important.

Our key plans outline how we'll identify and plan funding priorities, manage regional challenges and plan for a sustainable future.

One - Central Coast Community Strategy 2018-2028 is a 10 year plan developed by Council and it's our Council plan. It was developed through engagement with the community to help set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future.

It's Council's contract with the community.

Submissions to the review from Lake Macquarie City council and Lake Macquarie MP Greg Piper, representing 200,000 residents, both requested the Act be retained and in the submission from Lake Macquarie Council, that the Act be expanded to include consultation with the residents of the rapidly expanding Wyee, who live directly under the Warnervale flight path. The interests and opinions of these 200,000 residents have been ignored in favour of the Central Coast Aero Club with a membership of 190 (2018 financial statement) and other AOPA member pilots, who want the Act repealed.

6. *"The Reviewers agreed that the Act was no longer necessary and had little relevance as it did not alleviate or allay community uncertainty and concern about the future operations of the airport."*

The Act kept Warnervale ALA at 970m with no restrictions whatsoever until Wyong Shire Council illegally built a new 1196m runway. Council then sought to avoid the 88 movement limit the Act imposed as a disincentive to any runway extension. There were no restrictions under the Act if the runway was not lengthened and the Act was designed to keep Warnervale as a 970m ALA. From 2015, Council staff and their consultants worked at great financial cost to the ratepayers toward a much larger 1200m and 1800m airport, culminating in the Aviation Hub Master Plan, voted down by Council in November 2017. The Master Plan was impossible to implement with the Act in place. Council staff and airport proponents have worked tirelessly for the repeal of the act ever since. So the Act was successfully sabotaged and assaulted by staff and airport proponents, inducing a fake crisis in order to get rid of the Act and build the Master Planned Airport. Now these cynical efforts are being rewarded with the repeal Bill.

7. *"The number of daily take-offs and landings in section 6 of the Act be suspended immediately"*

"The future operation of Warnervale Airport needs to be clarified and assured for the Central Coast Community and other stake holders"

Central Coast Councillors through numerous resolutions have made the operation and future of Warnervale clear. The 1200m and 1800m Aviation Hub Master Plan is not to be exhibited and is not proceeding. The runway is to stay at 1196m x 10m x 12,000kg capacity, although limited to 5,700kg as an ALA under CAAP 92-1. Warnervale is recognised as the ALA it is. The Aero Club and its operations are supported.

The 550,000 strong Central Coast and Lake Macquarie communities expect this to be the future of Warnervale ALA.

The solution to the unlawful use of Warnervale ALA was as simple as suspending the movement limit in section 6. There was a path to the removal of the 88 movement limit through the Act, however Council staff chose the repeal route instead.

8. *"Countless discussions have occurred in Council and a way forward is long over due. It is now time for the Central Coast Council, which owns and operates the airport, to put in place a stated position and strategy, or business plan, for future operations. Crucially certainty is also needed for the operator of the airport, the Central Coast Aero Club, whose licence expires later this year"*

There is confusion in the above statement regarding who operates the airport. On one line Central Coast Council owns and operates the airport and on the next line the operator is the Aero Club. The entity that is the operator should be clarified.

Councillors decided a way forward in November 2017 when it rejected Council staff's Aviation Hub Master Plan, resolving to support the Act, not alter the position, length, width, thickness or strength of the current runway. Councillors resolved to support the Aero Club in 2019 and to rename Warnervale as the ALA it is, thereby defining its future as an ALA complete with the implied requirement to comply with CASA CAAP 92-1.

Deloitte Access Economics produced, *The economic impact of developing the Central Coast Aviation Hub* as part of the Master Plan, sinking any ideas of the 5,000 or 12,000 jobs spruiked by Council staff with the possibility of just 109 jobs for \$274m and 116 jobs for \$396m, plus the \$40m of land holdings required for the 110Ha Master planned 1200m airport. Surely this is the end of the business plan and future operations and the Councillors position supported.

There have been countless discussions, but only because Councillor Greg Best bought on at least six rescission motions over three years. Councillor Best, Council staff and the airport promoters would not accept the democratic resolutions of Councillors, which is why we are now discussing the Act repeal.

In fact there is a lot more time available for any decision, as the Aero Club licence expires in August 2021, not *later this year*. Certainty already exists for the Aero club. An overwhelming majority of Councillors have resolved to support the Aero Club. They have a longer, wider, stronger runway than prior to 2015 and Council have resolved to retain that runway. In July 2020 Council constructed a new taxi way for them and the 88 movement limit has already been suspended, not that they ever complied with it.

9. *"unnecessary and complex, created uncertainty...."*

The Act is necessary to control the misbehaviour of Central Coast Council staff and Master Plan proponents. With the 88 movement restriction suspended the Act simply ensures legislated independent environmental assessment and comprehensive community consultation all of which Council staff have avoided to date, with their Master Plan to go on exhibition despite having no statutory function.

10. *"Since the 1970s, there has been concern about the development of Warnervale Airport beyond what the community originally envisaged."*

On June 25, 1973 the secretary of The State Planning Authority of New South Wales wrote to the Shire Clerk, Wyong Shire Council, objecting to the construction of an airfield at Warnervale:

Dear Sir,

- Lot 51, Portion 54, Lots 10 and 11,
Portion 58, off Sparks St., Warnervale.

I refer to the Council's letter of 15th March, 1973, concerning the proposed establishment of an aerodrome for light aircraft on the above site.

2. Consideration has been given to this matter and the Authority has decided to raise objection to the construction of an airfield in this location for the reasons that:-

- (a) the proposal may have an adverse effect on the strategic studies of the Wong area; and
- (b) the likely effect of the proposal on the creek system in this area cannot be determined at this stage.

Therefore any airport is beyond what the community expected. The objections of the Planning Department should have been accepted and there should be no airport at Warnervale, however it is there now and must be lived with. Those strategic studies have now come to fruition. Thousands of homes and several schools are under the flights paths and the creek and wetland systems are now under attack from Council staff and airport proponent expansion plans. Council ignored the Planning Department in 1973 and allowed the construction of Warnervale ALA with the adverse environmental, planning and governance consequences we see today.

11. *"uncertainty among stakeholders" "extension of the runway....in 2015" "it was an unwitting effect" "affected the financial viability of the Aero Club and other users of the site"*
The extension of the runway in August 2015 followed an application by then Mayor Eaton to have the Act repealed in May of that year. *"Unsurprisingly"*, according to Hansard, but very surprisingly to the community. The construction of a new longer, wider, higher capacity runway under the guise of maintenance was to accommodate the 8,800kg empty, Grumman Albatross aircraft Council had signed up to produce with AAI. The AAI deal, new runway and proposed airport expansion were supported by the Aero Club and airport proponents. Terrigal MP Adam Crouch attended the AAI contract signing in 2016, along with former Premier Mike Baird. Then it all predictably fell over. AAI are long gone, having not built a single aircraft or even refurbished the demonstration aircraft they purchased in Perth and flew to their Avalon hangar in 2016. The new runway with numerous direct and indirect environmental impacts, was constructed without development consent as required under the EP&A Act. Council were fined by Planning NSW for damaging protected wetland vegetation during the unapproved runway construction.

The triggering of the Act has never affected the viability of the Aero Club or other users of the site as neither the Aero Club or other users complied with the 88 movement limit imposed by the Act.

12. *"The review found the Act adds complexity for pilots and, as a result, presents potential operational, compliance and safety risks. We cannot, therefore, in good conscience allow the continued operation of an Act that in any way jeopardises the safety of pilots or passengers."*

This claim appears to be incorrect. The Act has no bearing whatsoever on safety at Warnervale ALA. The Act controls future extension of the runway. That is all.

The only complexity was imposed by Council staff in order to create a crisis, that of itinerant pilots having to pre register 24 hours in advance if they wanted to use Warnervale, a requirement imposed in mid 2019, when the 88 movement restriction had been in place since 2015. Pilots were still allowed to use Warnervale in an emergency without registering.

Despite this contrived 24 hour restriction, Council aircraft movement records show the 88 movement limit was not adhered to in any case.

Of greater safety concern is the behaviour of pilots not complying with CASA requirement CAAP 92-1. Warnervale is an ALA and falls under CAAP 92-1. As an ALA, pilots are not to be trained prior to the General Flying Progress Test level. Night flying is not to be carried out off the Warnervale 10m runway. Only single engine centre thrust aircraft are to use the 10m runway. Flying is not to be carried out in stronger than no to light cross- winds. Aircraft over 5,700kg are not to use Warnervale. Pilots are in control of safety at an ALA. CAAP 92-1 says "8.2- A pilot should not use a landing area without taking all reasonable steps to ensure the physical characteristics and dimensions are satisfactory."

Flying has never stopped at Warnervale ALA, in fact according to a recent social media post by the Aero Club saying "It's the busiest we've been in our history" and they have never been busier "reporting business is up 200% in recent months". Clearly there are NO safety issues at Warnervale and pilots believe "the physical characteristics and dimensions are satisfactory", otherwise the pilots would not fly as per 8.2. Neither is the facility inhibiting business in any way, in fact the existing ALA is booming, it has never been busier.

This is a great success for the Aero Club. The CCARG congratulate them, and all done without ratepayers having to spend additional tens of millions of dollars on the ALA, decapitate protected E2 EEC trees, or for the Act to be repealed.



IT'S THE BUSIEST WE'VE BEEN IN OUR HISTORY

The number of locals keen to take up flying has reached new heights, with Central Coast Aero Club reporting business is up 200% in recent months.

While the nation's travel industry remains at a standstill due to the coronavirus pandemic, regional flight schools like the one at Warnervale Airport say they've never been busier.

The Aero Club's general manager Andrew Smith says additional pilots and engineering staff have been recruited, and new aircraft purchased to try to keep up with demand.

Mr Smith attributes the new found interest to business people seeking alternative ways to commute, as well as those who want to fulfil a lifelong dream of being a pilot.

ABC Central Coast News

13. "The third recommendation was for the Council to undertake urgent works to modify vegetation height to the north of the runway that pose safety risks and limit the useable length of the runway."

Recommendation 3.0 Urgent safety recommendation is totally incorrect. It shows the bias of the Review Team and also points to Council staff interference in the supposedly independent review process.

The full submission from the CCARG to the CEO of Central Coast Council objecting to the unjustified and unnecessary destruction of the E2 protected EEC north of the runway is

available if required. Essentially we submit that the current runway is adequate for all aircraft permitted to fly from the ALA during daylight hours.

Act Review Team errors

The CCARG believes the Warnervale Airport (Restrictions) Act 1996 (Act) Review Team and Central Coast Council staff have made a number of significant errors in recommending the drastic height reduction of EEC trees to the north of Warnervale Aeroplane Landing Area (ALA). As stated above, the Act has nothing to do with safety or the presence of trees on private property on the opposite side of Sparks road from the ALA, trees which were noted in the 1993 EIS as obstacles to the north, shortening the effective runway from 960 metres to 850 metres.

The Act Review Team which includes Council staff's representative, Peter Fiegehen, makes an urgent safety recommendation in relation to EEC trees on Sparks Road on no less than nine pages of the Act Review. The CCARG believes this safety recommendation is in error, is not supported by the facts as detailed below and should be withdrawn.

The Act Review states under 3.0 on page 38

Recommendation 3.0: Urgent safety recommendation

While unrelated to the Terms of Reference for the Review, the issue of the EEC trees at the northern end of the aerodrome along Sparks Road, which intrude into the OLS, is a safety matter which the Reviewers believe requires urgent resolution. This is so that a stable and reliable effective operational runway length can be provided for landing and take-off, and the potential for impact with the current tree hazard is reduced.

Because the trees continue to grow, this risk will increase if not resolved. The Review Team notes that the CASA Airspace Change Process states that 'there are no airspace/aircraft operation implications for

Environment Protection and Biodiversity Conservation Act 1999 Matters of National Environmental Significance, noting that aviation safety is always the top priority.'

The Act Review states under 2.4.2 on page 22

and flow-control. For example, Warnervale ALA is currently permitted to operate only during daylight Visual Meteorological Conditions (VMC) because it does not have instrument approach systems or lighting for flying after daylight ends or begins.

The Review Team recognise that *"Warnervale ALA is currently permitted to operate only in daylight"* which is correct under CASA CAAP 92-1, where night operations are not recommended off the 10m runway at Warnervale. Therefore a 5% clear slope OLS applies. Despite this statement, the Review Team do not apply the correct 5% slope to their OLS calculations. The *"stable and reliable effective operational runway length can be provided for landing and take-off"* desired by the Review Team can be provided by simply moving the displaced threshold further south, as has subsequently been done by Council staff, while still safely accommodating the needs of aircraft using Warnervale ALA.

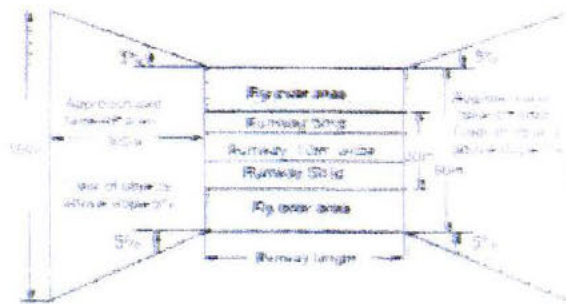


Figure 2A - Single engine and Centre-Line Thrust Aeroplanes not exceeding 2000 kg MTOW (day operations)

10m runway 5% slope day operations only above.

CAAP 92-1(1)

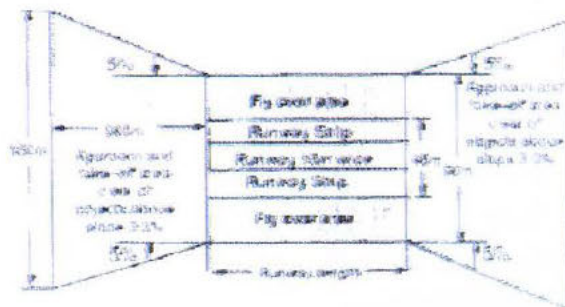


Figure 3 - Dimensions (night operations)

CAAP 92-1 requires a 15m wide runway for night operations above. Warnervale has a 10m wide runway. The 3.3% slope requirement appears to have been superseded with the 2.86% requirement in Fig 1 below.

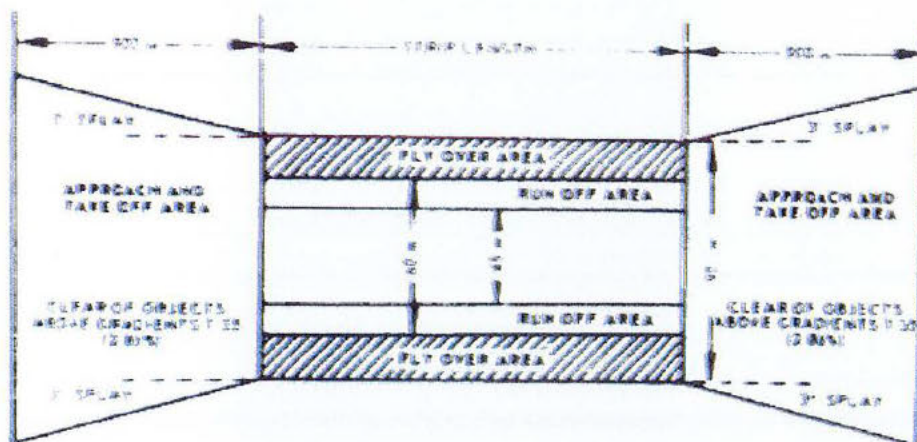


Fig 1 DIMENSIONS

1:35 or a 2.86% slope required for night operations Civil Aviation Amendment Order (R22) 2004 above

From the above, it appears that in using a 3.3% slope for night operations clearance calculations, Council are also in error.

The Act Review states under 2.4.3 on page 22

2.4.3 Man-made and environmental limitations

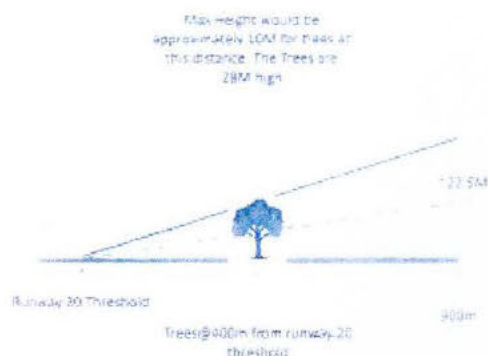
The major physical boundaries to the Airport include the M11 motorway to the west, Sparks Road to the north, and protected wetlands to the south. There is a line of trees on private land north of Sparks Road that are identified as an ecologically endangered community (EEC) under the NSW Biodiversity Conservation Act 2016. These trees are up to 28m high, and intrude approximately 18m into the Obstacle Limitation Surface (OLS) on the approach path for the runway, as illustrated overleaf. The trees pose an aviation hazard and effectively reduce the runway length to 900 metres, creating a safety risk. Council, the Aero Club and airport users are keenly aware of this intrusion.

The Act Review presents the diagram below on page 23

Obstacle Limitation Surface (OLS) in relation to existing trees, February 2020.

Obstacle Limitation Surface (OLS) in relation to existing trees, February 2020

Rough Approximation. For indicative use only.
Not validated. Not to be used for navigation.



The above diagram does not comply with the CASA 2004 Amendment Order recommended slope of 1:35, 2.86%, nor the 3.3% or 5% CAAP 92-1 clear slope requirements. The maximum tree height 400m from the runway threshold as shown should in fact be 20m at 5% slope for the day only operations and not 10m as stated by the Review Team above.

The trees actually penetrate the OLS by 8m at 5% slope from the former 210m threshold used by the Review Team and not the 18m stated.

It is difficult to believe the experienced and Council staff selected Peter Fiegehen was unaware that a typical training aircraft used at Warnervale ALA such as the Cessna 150 requires a mere 1897 feet (578m) for take-off and less for landing, ensuring there is no hazard presented by the trees even if the trees "effectively reduce the runway length to 900 metres..." as stated by the Act Review Team. The Review Team also fail to consider the obvious solution, that is to displace the threshold further south to achieve the required slope, while still allowing sufficient runway for safe light aircraft use.

The presence of the trees and their height is noted in the pilot's guides to Warnervale ALA.

The CCARG offer the possibility that the Review Team has inadvertently confused CASA Regular Public Transport (RPT) aircraft OLS requirements of 2.5% with those of CAAP 92-1 as an explanation for the errors made above.

14. "As the review notes, the current limit of 88 aircraft movements appears arbitrary and without explanation"

The Review Team do not appear to have read the submission provided by the CCARG. In our submission we explained that the 88 movement limit was derived directly from the 1993 Warnervale Airport EIS, below. The 88 movement figure included an allowance for 10 years growth in movements from the 1993 figure. The CCARG are disappointed to see that our submission was not read or at least not thoroughly.

Table 13.1 - AIRCRAFT MOVEMENTS: STAGE 1 RUNWAY

Aircraft Type	Total Movements Per Day	Total Movements Per Annum
Single Engined Propeller	70	25,550
Twin Engined Propeller	12	4,380
Small Executive Jet	6	2,190
TOTAL	88	32,120

The above scenario has been taken to represent a ten year horizon and projects a similar growth rate to that which occurred during the period 1984-1993 although the mix of aircraft is different.

Warnervale Airport - Draft Environmental Impact Statement

2. "And there is nothing in the provision that allows for an increase in movements to be applied for...."

The Act clearly allows for an increase in movements under Part 2 (4). In our submission in response to the Review Terms of Reference, *2.3 Matters to be investigated*, we detailed the path via the Act for Council to remove or modify the movement limit. This path was also outlined in our verbal submission to the Review Team at the community forum of 28 February 2020.

- (4) If the maximum length for any runway at Warnervale Airport is increased under section 8, the Minister may, by order published in the Gazette, change the number 88 referred to in subsection (1) to any other number. The number as changed has effect in place of the number 88 in subsection (1).

Again it is disappointing to see that the Review Team failed to read the CCARG submission and just as disappointing that Ministerial staff failed to understand the Act. This is also the path that should have been taken in 2015 when the new 1196m runway was constructed, just under 1200m so Part 4 of the Act and its independent review of studies were not triggered. Rather than cheating the EP&A Act, proper process and the Warnervale Airport Restrictions Act, an honest application would have avoided hundreds of thousands of dollars in costs and the need for the current Repeal Bill. The CCARG speculate that the process was cheated because Council staff knew their proposal would not stack up and would be refused. This abuse of process again highlights why Council staff can not be trusted and why the Act should remain in place.

The CCARG submission to the Review Team below.

2.3 Matters to be investigated

"Consistent with the 2017 review recommendations the review should generally include consideration of legislative amendments required to facilitate the operations of the Airport in a manner consistent with that prior to when the flight movement restrictions were triggered."

No amendments are required to facilitate the operations of the Airport in a manner consistent with that prior to when the flight movement restrictions were triggered. The Act accommodates the return to conditions prior to the restriction trigger via the simple application by Council to the Minister for a 1201m runway under Part 3 of the Act. On approval of the application for the 1201m runway, the Minister can implement Part 4 of the Act. Following the independent assessment of any environmental impact study, independent noise studies and assessment of the submissions from residents within 7.5km of the runway the Minister may grant approval. Following approval, Council may apply for an increase in the 88 movement limit under Part 2 of the Act.

This process allows the return to pre trigger movements without legislative amendments and is fair to all parties.

15. *"A two year time frame is deemed reasonable to allow for appropriate local planning control, and business and operations plans to be prepared for the airport, prior to the Act being repealed."*

In view of the fact that Central Coast Council appears incapable of running the finances of the Central Coast as seen by their predicted \$100m 2020 deficit, they can not be expected to complete the LEP task inside two years, perhaps five years is more realistic, such is the incompetence of Council staff. Council staff are said to be currently divesting themselves of contractors and part time staff. Besides, as previously stated, the future of Warnervale ALA has already been decided by the communities elected Councillors. Central Coast Councillors through numerous resolutions have made the operation and future of Warnervale clear.

Deloitte Access Economics has carried out *The economic impact of developing the Central Coast Aviation Hub* and found the 1200m \$274m airport provides just 109 jobs and the 1800m \$396m airport provides just 116 jobs, if 300,000 passengers per year can be taken off Sydney, Badgerys Creek and Newcastle Airports. This Master Planned airport is a disastrously poor business and should not be considered.

Deloitte Access Economics study, Master Plan Attachment 10 page 223 below.

- The 1200m runway aviation hub has the potential to increase employment by around 109 full-time-equivalent (FTE) jobs, in average annual terms over the period from 2017-18 to 2039-40; and
- The 1800m runway aviation hub has the potential to increase employment by around 116 full-time-equivalent (FTE) jobs, in annual average terms over the period from 2017-18 to 2039-40.

The employment impacts of the main aviation hub's operations are however broadly consistent with recent research from the Bureau of Infrastructure, Transport and Regional Economics¹¹, which suggests that low density aviation hubs generate 350-750 jobs per million passengers per annum. As the Central Coast aviation Hub is expected to receive around 300,000 passengers per annum¹², this would suggest that the Central Coast Aviation Hub should generate around 105-225 jobs.

Cessnock Airport lost \$205,000 in 2017/18 and \$241,000 in 2018/19. Cessnock Council confirmed in February 2020 that Cessnock Airport has 40 jobs. Newcastle Aero Club,

owners and operators of Maitland Airport confirmed in February 2020 they had 12 jobs at their airport. In 2016 Maitland Airport was on the verge of closing due to losses.

The Illawarra Regional Airport represents the airport that Council staff and airport proponents desire with an 1800m main runway and a 1300m cross runway. This airport had just 60-80 jobs in 2017 and lost \$576,000 on \$936,000 revenue in 2017/18.

It is estimated that approximately 60-80 staff are employed by various businesses at Illawarra Regional airport.

Shellharbour Council does not comment specifically on individual business operators at the airport. HARS has approximately 500 volunteers however to answer your question on HARS you will need to contact them directly.

The depreciation costs for the airport are available on the Council website under the annual reports.

Regard



www.shellharbour.nsw.gov.au



This is all public information and demonstrates conclusively the poor job creation and financial reality of GA airports while highlighting Council staff claims of 438, 5,000 and 12,000 airport jobs as ridiculous and far from frank.

15. *"I note this month's decision by AirMed, which is an independent medivac specialist service operating on the Central Coast, to cancel all flights to Warnervale Airport owing to safety concerns caused by the current height of trees near the runway"*

Virtually all medical evacuation and indeed all emergency services including fire fighting on the Central Coast is undertaken by helicopter. Warnervale ALA is suited to helicopter use as are numerous other facilities throughout the coast.

As the Aero Club publicise the AirMed use of Warnervale on social media, their use, just twice in two years is known. AirMed used Warnervale in mid 2019. The trees were there then and have not grown to any degree since, so there is no change in safety issues that were not there last year or the year before. The CCARG has requested information from the AirMed CEO regarding their use of Warnervale, the aircraft used, the runway lengths required, the number of times used over the past five years, however no information has been forthcoming.

The CCARG has presented most of this information to the Review Team by way of submissions, which are available on line. In view of the above the CCARG ask that you withdraw the repeal of the entire Act and replace it with the removal of the 88 movement limit, thereby satisfying both the Aero Club and the 550,000 strong Central Coast and Lake Macquarie communities.

In making a decision as to whether to repeal the Act, please consider the certainty the Act provides to the community, the wider community who pay the bills and not just the 190 Aero Club members or their AOPA and Council staff backers. Certainty the wider community and majority that do not support an airport, deserve certainty, that their rates

are not going to be continually squandered on an ever larger airport and never ending consultants reports. Certainty that more and larger aircraft are not going to fly over their homes. Certainty that the Porters Creek Wetland is going to be preserved and protected. Certainty that the E2, EEC Wildlife corridors are going to be preserved intact. Certainty that the ratepayer subsidy paid to operate Warnervale ALA is not going to increase and certainty that the Warnervale debacle will be brought to an end right now, with the ALA and the Act left as they are now.

Yours sincerely

Central Coast Airport Resistance Group Inc.