

**INQUIRY INTO WARNERVALE AIRPORT  
(RESTRICTIONS) REPEAL BILL 2020**

**Organisation:** Central Coast Airport Resistance Group Inc

**Date Received:** 26 October 2020

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Partially  
Confidential

**Central Coast Airport**  
**RESISTANCE GROUP**  Inc.

**Submission to the Inquiry into the**

**Warnervale Airport  
(Restrictions) Repeal  
Bill 2020**

22 October 2020

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



Ms Cate Faehrmann  
Chairperson  
Inquiry into the Warnervale Airport (Restrictions) Repeal Bill 2020  
Parliament house  
Sydney

### **Inquiry into the Warnervale Airport (Restrictions) Repeal Bill 2020**

Dear Ms Faehrmann,

Thank you for the opportunity to make submissions and present to your committee. This is only the second opportunity the Central Coast Airport Resistance Group (CCARG) has had to present the arguments for retention of the Warnervale Airport restrictions Act 1996 (Act) to an independent body, in person. The previous occasion was to the Review team at the community forum on 28 February 2020. The CCARG are sure that in any proper independent forum the facts would ensure Act would be retained.

The CCARG's overall submission comes in the form of our main 38 page submission with attachments, our response to Minister Stokes Repeal Bill second reading speech, our response to Mr Crouch's Repeal Bill debate speech, our letter to the Central Coast Council CEO regarding the proposed decapitating of E2 protected EEC trees to the north of the runway, our submission to the Central Coast Council Local Strategic Planning Statement 2020 and our submission to the Central Coast Council Long Term Economic Development Strategy.

The CCARG apologise for any repetition in these documents.

Many members of the CCARG were formerly members of the Central Coast Airport Action Group who fought for eight years to limit the expansion of Warnervale Airport. We were present when the Act was drawn up and observed its passage through parliament. Interestingly, the Liberal opposition tried to have the Bill sent to a transport committee in the Upper house.

The Act was drawn up quickly to stop Council bulldozing the Porters Creek Wetland to construct the 1800m runway for which they had given themselves consent, consent the CCARG believe is still valid and could be enacted if the Act is repealed. The Act was always intended to keep the Warnervale ALA as it was in 1996, a 970m x 6m wide airstrip for local use. However in May 2015 the Mayor applied to the minister to repeal the Act and in August 2015 Council staff constructed a new 1196m x 10m heavier capacity runway under the guise of maintenance, thereby triggering the 88 movement limit in the Act.

Council staff could have applied for a 1200m runway and to have the 88 movement limit varied or removed under the Act, but chose to go for repeal. In 2017 Minister Roberts upheld the Act.

There is no justification for any increase in the length, width or strength of the current runway, as resolved on at least six occasions by the majority of Central Coast Councillors, who also resolved to support and comply with the Act. However there are two Councils on the Central Coast, the Council staff who want a large airport and the elected representatives of the community who want the Warnervale ALA it to stay as is.

The community is going through this Act repeal because Council staff, a minority of Councillors and some in government would not accept the democratic decision of the majority of Councillors.

The CCARG do not object to the removal of the movement limit in the Act, however we request that otherwise the Act remains intact. The community need the protection of the Act against incompetent Council staff that can not be trusted, have proven to be prepared to break the law in relation to the airport, who will not follow proper planning process, who delay and block the implementation of Council resolutions, who mislead Councillors, who do not declare important and relevant information to Councillors and show total disregard for publicly available facts.

The CCARG believe the attached submissions support these contentions. Probably the most glaring deception of Councillors is in the job numbers staff touts for an enlarged Warnervale Airport. Councillors were told in the November 2017 Aviation Hub Business Papers there would be 438 jobs from Stages 1 and 2 while Council consultant Deloitte Access Economics predicted just 109 jobs for the 1200m \$274m stage 5 airport and 116 jobs for the 1800m \$396m airport. These job numbers were confirmed from a BITRE study of actual airports, with 105-225 jobs predicted for the Central Coast Aviation Hub. This information was not declared to Councillors and remained buried in the 500 page Aviation Hub Master Plan until discovered by the CCARG.

Recently the job claims for Warnervale have risen to 5,000, claimed in a business forum in December 2019 and reiterated by the Aero Club. Considering that Illawarra Regional Airport had 60-80 jobs in 2017, Cessnock airport 40 jobs in 2020 and Maitland airport 12 jobs in 2020, Camden Airport just 135 on-airport jobs in their 2020 Master Plan with a total of 528 in the wider community and that the “Australian Airports Association Regional Airport Infrastructure Study” has a 300,000 passenger Warnervale size regional airport providing just 80 jobs with a multiplier of 1.6, the Council staff 5,000 job claim is ridiculous and yet politicians and business people are making pro airport decisions and pronouncements based on the 5,000 job claim.

The CCARG offer a solution to the Warnervale Airport fiasco. The Warnervale site can be developed in accordance with Layouts 2 and 3 of Wyong Council’s “Warnervale Airport Development Opportunities Feasibility Study” of 2013. The layouts show a two stage industrial development of the site with stage one leaving the runway as it is, and the IN1 industrial zoned land on the west and east side of the runway subdivided for industrial or aviation use. The west side land would be incorporated into the former Chinese Theme Park site, already resolved by Councillors to be sold. There is up to 20ha of industrial land to be developed on the airport site, which, using Wyong council’s 2013 SGS Economics “Wyong employment lands study” employment number of 20 jobs per ha would provide up to 400 direct industrial jobs and millions of dollars in revenue from land sales for the broke Central Coast Council, while kick starting the long delayed Wyong Employment Zone.

This plan should go hand in hand with a SEPP for the Warnervale airport site. The SEPP would protect the Aero Club’s future, protect the environment and native vegetation and protect the amenity of residents while providing an actual, real 400 industrial jobs.

As a sensible compromise and win, win solution, the CCARG suggest the Warnervale Airport (Restrictions) Repeal Bill 2020 be amended to say:

**4 Repeal of Warnervale Airport (Restrictions) Act 1996 No 57.**

*The Warnervale Airport (Restrictions) Act 1996 is repealed, to be replaced by a SEPP stating: Warnervale Airport will remain an Aeroplane Landing Area under CASA CAAP-92-(1) with a 1196m long x 10m wide runway and all development and any physical environmental impacts contained within the existing 31 ha fenced site.*

The CCARG believes the Act review contains significant errors, is biased in favour of repeal and is not independent, as Central Coast Council staff put Peter Fiegehen up as their representative. Council staff, the airport proponents, also had extensive access to the Review Team, access not available to the community.

The CCARG believes there is no justification for repealing the entire Act although we support the removal of the movement limit. Should the repeal proceed, then the CCARG suggest a SEPP be developed as above, to contain the development of Warnervale Airport, provide security for the Aero Club, allow the long intended industrial development of land either side of the runway, create industrial jobs, protect the environment, protect the long term amenity of the residents and inject much needed funds into Council coffers through airport land sales and rate revenue.

I look forward to appearing before your committee to present our case for retaining the Act and leaving Warnervale ALA as it is.

Yours sincerely

Central Coast Airport Resistance Group Inc.

# Central Coast Airport RESISTANCE GROUP Inc.

## Submission to the Inquiry into the Warnervale Airport (Restrictions) Repeal Bill 2020

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#### Introduction

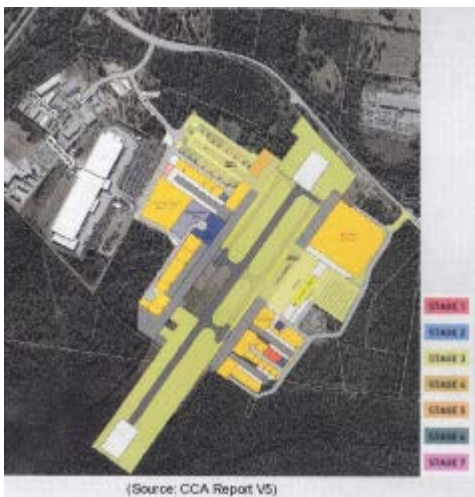
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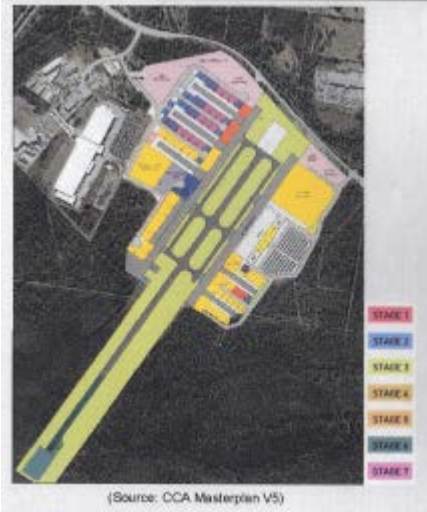
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1200m runway 200m into Porters Creek Wetland



### 13. Aviation Hub Development - Stage Six Development Zone (2033)



1800m runway 800m into Porters Creek Wetland

Stage 5 1200m runway. Protected trees north and south to be decapitated. New Aero Club HQ top right.



#### **Introduction**

The Central Coast Airport Resistance Group (CCARG) requests that the Warnervale Airport (Restrictions) Act 1996 remain in place, with the exception of the 88 movement limit. The CCARG objects to the findings of the Warnervale Airport (Restrictions) Act 1996 Review and believe they are biased, confused, incorrect and derived from a process lacking in transparency.

The appointment of Peter Fiegehen, Central Coast Council staff's selected member of the Warnervale Airport (Restrictions) Act 1996 Review Team, ensured the Review was never going to be independent. Not only did Council staff have their man on the review Team, but they had extensive access to the Review Team including access before during and after the review and at the airport site, access denied to the community. Central Coast Council staff, as the proponents of the proposed Central Coast Aviation Hub Master Plan and the driving force behind the Act Review should have been excluded from externally influencing the review process. Council staff had their opportunity as did the community to make a submission and present at the Community Forum. Council staff did neither of these things. The Act Review recommendations regarding the incorrect urgent safety issue of the EEC trees and the supposed safety issue of the movement limit in the Act which is exempt the restrictions as an emergency, confirm a bias in the Review.

The Review made it clear the community distrusted Council with good reason, summarised below:

The Review exposed considerable distrust among community members, originating primarily from historically poorly prepared and managed Council-led proposals for the airport, and Council failure to follow due planning process in relation to these ideas, for example by undertaking environmental assessments, prior to publicising them in the media. It also appears that Council failed to follow due process in relation to extension of the runway.

Taking away the Act, the only real protection the community had against untrustworthy, incompetent Council staff that are prepared to break the law and ignore proper process, to be replaced by an LEP developed by the very same untrustworthy Council staff, is a ridiculous proposition.

The CCARG submissions to the Inquiry demonstrate the reasons the community distrusts Council staff and why any decisions on Warnervale Airport must be taken out of Council staff hands entirely as the Act does.

The time and money Central Coast Council staff and a minority of Councillors have wasted on Warnervale Airport and its predecessors, is one of the prime reasons the finances of Central Coast Council are in the current state of disarray. The development of Warnervale Airport and its various proposals is a perfect example of the systemic failings of Council staff.

The Warnervale Airport (Restrictions) Act Review and current Repeal Bill 2020, the second Act Review in two years, are just further examples of the failings of Council staff and the abject waste of public funds on the airport.

Council paid \$17m in about 2014, over twice the Valuer General's valuation for the Kiar Airport and environmental offset land from Terrace Tower Group, without undertaking an independent valuation. The General Manager of Terrace Tower at the time of the land sale, \_\_\_\_\_ was subsequently employed as a Director of Council and immediately became an airport advocate. Council has not been able to sell this land since listing it some four years ago.

Following a Council resolution to sell the former Chinese Theme Park site adjoining Warnervale airport to the west, Council staff have used various methods to hold up the sale of the land, which despite having a value of \$10m, its former sale price, is still not for sale. This land forms a major component of the Council staff proposed 1200m \$274m and 1800m \$396m Aviation Hub and is the site for the new Council provided Aero Club facilities, hangars and aircraft apron.

Since 2015 Council has spent over \$12.5m at Warnervale airport with more to come, as consultants and staff waste money working on the projected \$100,000 decapitation of the E2 protected EEC trees north of the runway. Council staff spent over \$17,000 line marking the Warnervale runway with the new displaced thresholds just last month.

Currently nearly \$40m is tied up in airport land and has been wasted on works and subsidies at Warnervale Airport.

In the Mayor's media release of 21.10.20 below she speaks of "her loss of confidence in Central Coast Council's CEO....structural problems...Councillors and the Mayor have been provided with inadequate information....In light of the long term problems that have been allowed to grow unchecked within the

operational division of Council.....it is unacceptable that the elected Councillors and I were not given information about.....”

The Mayor could well be speaking about Warnervale Airport which is a prime example of a structural problem, as Councillors have been misled, deprived of vital information and provided incorrect information and staff have blocked and delayed action in response to Councillors resolutions.

### **Mayor has lost confidence in Central Coast Council's CEO in the wake of financial woes**

Central Coast Mayor Lisa Matthews has today taken the extraordinary step of publicly announcing her loss of confidence in Central Coast Council's CEO Mr Gary Murphy in the wake of revelations about long term, structural problems with the Council's finances.

Councillors and the Mayor have been provided with inadequate information about the financial position of Council and discovered the full extent of the problem only last night when it was revealed that Council would struggle to pay its own staff.

“In light of the long-term problems that have been allowed to grow unchecked within the operational division of Council, the only course of action now available is to insist on a new CEO to manage the day to day operations,” Mayor Lisa Matthews said.

“It is unforgivable for council staff to be left in a position where they might not be paid and it is unacceptable that the elected Councillors and I were not given information about the precariousness of Council's finances until yesterday.”

The repeal of the Warnervale Airport (Restrictions) Act 1996 (Act) is unnecessary as the stated aims of the review have already been accomplished.

The objective of the review *“is to remove the current uncertainty created when the airport runway was extended thereby triggering the flight movement restriction provision of the Act.”*

*“The review is to make recommendations to the Minister for Planning and Public Spaces on necessary legislative amendments to remove the current uncertainty.”*

The community had certainty following the 2017 determination by former NSW Planning Minister Roberts to retain the Act intact and in September 2019 to enforce the Act. This was the position of the NSW Government as expressed by the Minister.

In early 2015 Council applied to the Minister for the repeal of the Act. In June 2015, on the basis of a Mayoral Minute requesting approval to undertake maintenance works, without the knowledge or consent of Councillors and without applying for development consent, Council staff extended the Warnervale runway from 970m to 1196m and widened and strengthened the runway, all under the guise of the maintenance approval. The new runway was completed in September 2015, the date from which the 88 movement limit applied under the Act.

While Council staff and the Mayor maintained the runway had not been extended it clearly had been. Council staff claimed to possess legal advice that the runway had not been extended, however it has since been admitted by the Council CEO that no external legal advice ever existed to this effect.

Council management did not comply with the EP&A Act. Council staff should have applied for consent for their new runway, designed and intended to carry larger, heavier, noisier aircraft and of necessity require the destruction of protected native vegetation to construct and utilise the full length of the new runway. In undertaking this unapproved work, Council staff pushed material excavated for the new runway into the E2 protected wetland and failed to install silt fencing. Council staff should also have applied a 1201m runway and gone through the proper process laid down under the Restrictions Act to achieve approval of the runway and then approval to raise or eliminate the 88 movement limit.

The deceitful method used to build a new longer runway succeeded in avoiding proper process and has to date successfully avoided the community and environmental protections contained within the EP&A Act and Part 4 of the Restrictions Act.

Council could have applied to the Minister through the Act for a longer wider thicker higher capacity runway and more movements and apply for development consent with all environmental impacts independently assessed in the form of an EIS. So far, the latter approach of proceeding through proper process to a development application has not occurred and therefore has failed the environment and community.

The Central Coast Airport Resistance Group request that any development proposals of any description at Warnervale Airport are assessed independently of Council staff, as evidence has shown time and time again that Council staff in particular can not be trusted in relation to anything connected with Warnervale Airport. Retention of the Act with a defined process incorporating best Planning NSW practice incorporated into Part 4 while retaining the community input for all residents within 7.5km of the runway would be preferred.

### **1. Councillors resolve to Support Warnervale Airport (Restrictions) Act 1996 and retain existing runway**

Central Coast Councillors, the democratically elected representatives of Central Coast residents, resolved on 27 November 2017 to fully support the Warnervale Airport (Restrictions) Act 1996 (Act) and to not approve any development that is inconsistent with the Act (2). Councillors also resolved to retain the existing runway, to protect the Porters Creek Wetland and for Staff to prepare a report to protect the wetland. The wetland protection report has still not been prepared, two years later.

Council's resolution supporting the Act with a 9 to 5 vote, has been tested by way of rescission motions five times since 2017, with Councillors voting 8 to 6 to support the Act on 11 June 2019, the most recent of the rescission motions. The rescission motion duplicates many of the provisions of the Act. (3) For example it asks for community consultation, wants to engage with the community for the first time of this issue through an independent survey and then consider whether to exhibit the central coast airport draft master plan. All of these requirements are enshrined in Part 4 of the Act.

### **2. Councillors resolve to support the Aero Club.**

On 12 August 2019 Councillors resolved to support the Aero Club, fast track the license agreement with the Aero Club and arrange a meeting with the Minister, "*with a view to working through the key issues at hand.*" (4) There was no mention of lobbying to have the 88 movement limit overturned in the resolution. The Aero Club and their use of the airport is under no threat. Neither is the use of the airport by emergency services such that they are.

### **3. Warnervale runway extended under the guise of maintenance without Councillors consent or knowledge, without submitting a Development Application and in an effort to avoid Part 2 and Part 4 of the Act.**

In May 2015 Wyong Shire Council applied to the NSW Planning Minister to repeal the Warnervale Airport (Restrictions) Act 1996.

*On a Mayoral minute introduced in the 10 June 2015 Wyong Shire Council meeting it was resolved unanimously*

- *That Council authorise the urgent undertaking of maintenance works on the runway, taxiways and other infrastructure at its airport land at Warnervale.*
- *That the maintenance works be funded from restricted funds that accumulated from airport fees.*
- *That Council authorise the Mayor and the General Manager to negotiate and execute agreements that will enhance and promote better utilisation of the airport.(5)*

Work to build a new 1196m runway began on 10 August 2015.

On 26 August 2015 Councillors were given a progress report on the works (6). The report said *“The pavements suffer from potholing, surface seal erosion, loss of shape and edge fretting, and the maintenance work are required to restore operational safety.”* The briefing paper also said *“The pavement strength in many areas was confirmed by geotechnical investigations to be unsuitable and unsafe for the continued operation of aircraft.”*

Any fund of accumulated airport fees could not have had more than \$100,000 in it as the fees per year up to 2015 were of the order of \$5,000 per year according to Council’s 2013 Warnervale Airport Feasibility Study. So Councillors were misled on the funding issue.

A new runway was rebuilt from a 5,700kg capacity to a 12,000kg capacity according to Attachment 1 of the Aviation Hub Master Plan attached (7), widened to 10m and lengthened from 970m to 1196m, all without Councillors knowledge or consent.

The report says the airport will reopen *to aircraft operations by 4 September 2015*. Councillors were to inspect the site of 2 September 2015, with the new runway complete. Any Councillor that made the inspection would be unlikely to realise that the runway had been lengthened, thickened and widened, even if they had visited the airport previously and so would be none the wiser for the inspection.

On 15 July 2015 Consultant Cardno produced the traffic study for the Proposed Buddhist Temple which included under committed Developments Warnervale Regional Airport. So prior to 15 July 2015, Council had plans for a Regional Airport at Warnervale and it appears the new 1196m runway was the first step in the development of that airport (8).

In the 28 October 2015 Confidential session, Council voted to endorse the concept Masterplan for Warnervale Airport, attached (9). Council management reiterated the maintenance of the runway statements saying *“The pavements have been reconstructed with a cement stabilisation process which reuses the existing pavement materials by mixing the gravels and cement together to provide a uniform pavement strength. The pavements are designed for small general aviation aircraft up to 5,700kg.”* However Council management now included *“The works included rehabilitation of the existing unsealed runway sections at each end to provide a sealed and uniform strength pavement 1,194m in length to improve the safety of aircraft operations. The runway pavement is a uniform 10m in width which is the CASA minimum for light aircraft operations up to 2,000kg.”* Attached (10)

In fact the pavement had been rebuilt with a new layer on top of the original runway with completely new excavated runway 1.5m on either side of the existing runway and approximately 112m at each end.

The report also remarked on the tree issue, saying *“Tree growth on the northern side of Sparks Road has infringed the approach flightpath for existing small general aviation aircraft. Trimming of the trees and the installation of high viz coloured ball on the existing power lines is required and is currently being actioned.”*

Councillors were misled regarding the existing unsealed runway which never was runway and not told even in confidential session that the runway had been upgraded from sub 5,700kg to 12,000kg capacity. The entire new runway rebuilding process was photographed. Some of which are attached. Roller on runway. Note thickness of new material (11) 1.5m wide trench dug on each side of the existing runway to widen new runway.(12) Truck at northern end extension. Gable markers for existing 970m runway in background. (13)

Only in the past 12 months, nearly five years later, has Council done any work towards this tree trimming approval.

The report said *“With incremental development of the airport it will be important to work towards CASA certification to allow commercial airline operations in the future.”*

Clearly the intention was and is to develop Warnervale for commercial airlines and the new runway was a first step in this process.



The “*Warnervale Airport update*”, listed on Council’s document release site on 26 July 2019 figure 2 shows the new 1196m runway penetrating at least 50m into the 100m buffer around the SEPP 14 Porters Creek Wetland attached (14). The end of the runway is about 20m from the SEPP 14 boundary. Knowing this, Council should have applied under the EP&A Act for approval to build their new 1196m runway in August 2015.

During the construction of the new 1196m runway, Council destroyed protected vegetation in the SEPP 14 wetland. Planning NSW advised Council on or about October 2016, advising Council of the damage cause and fining Council \$3,000, with Council asked to formally undertake to rehabilitate the area attached (15). The area to be rehabilitated is covered in sedges, not close to the runway and not interfering at all with safe operations. Council eventually paid the fine, however they did not enter into an undertaking to rehabilitate the area.

The site was never rehabilitated so on 8 July 2019 Councillors were forced to pass a resolution to have the damage remediated, while placing a provision on Council management to ensure development applications were made for any activities as defined under the EP&A Act within 200 metres from the northern boundary of Warnervale Airport and from the southern end of the runway attached (16).

In the process of building the new runway, Council relocated the material excavated from the runway widening and lengthening to a site adjacent to the E2 protected wetland on the eastern side of the airport site (17) (18). Material piled up and spread over a wide area and was pushed into the E2 wetland. All of this material was left without silt fencing (19) (20).

Despite the above, all of this work with its environmental and future impacts was carried out with development consent.

#### **4. Deloitte says 109-116 airport jobs, Council Management says 438 airport jobs, were Councillors misled in the 2017 Airport Business paper? Council management now say 5,000 to 12,000 jobs,**

Deloitte Access Economics say in the Economic Impact Study of the Central Coast Aviation Hub Executive summary attached, (25) their modelling is based on data supplied by the Council. This immediately brings any findings into question. Deloitte say the hub is projected to increase employment by 109 jobs for the 1200m runway scenario and 116 jobs for the 1800m scenario it is not apparent that the job number is a total and not a multiple until page 223 of the report is read. In the summary Council suggest 700 to 950 FTE jobs, however Deloitte reduce this to a net 150 FTE jobs.

Deloitte Access Economics distance themselves from Council on page 208 saying CGE modelling for the two aviation scenarios were based on three main inputs provided by the Council. In their airport economic impact study, on page buried on page 223 Attachment 10 of Council’s Business Papers.(26) According to Deloitte these numbers are confirmed at 105-225 jobs using Bureau of Infrastructure Transport and Regional Economics (BITRE) employment numbers from low density aviation hubs (27). Even this paltry number of jobs from a \$396m environment destroying Warnervale airport are dependent on 300,000 passengers, which according to BITRE research would entail every domestic Central Coast passenger flying out of Warnervale attached (28). Not Newcastle. Not Sydney. Not Badgerys Creek...Warnervale.

Councillors were told by Management in the 2017 Central Coast Aviation Hub Business Papers there would be *"438 new jobs being created upon completion of stages 1 and 2 of the proposed aviation hub upgrade."* Attached (29)

The Illawarra Regional Airport Manager said in 2017 there are 60-80 jobs at his airport, the same distance from Sydney as Warnervale, but without the competing airports. This casts further doubt on Council’s Business Paper job numbers.

The question is why were Councillors not informed of the Deloitte study in the Business Papers and the potential 109-116 jobs on offer rather than the 438 jobs touted by Management?

In December 2019 in a business presentation at which the Member for Terrigal Adam Crouch and the Council CEO were present, Council management answered a question from an airport proponent and Councillor on airport employment. The manager said employment from Warnervale would be 5,000 in 10 years and 12,000 in 20 years, with multiplier. It is not possible to multiply 109 jobs or 116 jobs into 5,000 and 12,000.

In a speech to Council on June 22, 2020, Central Coast Aero Club President Andrew Smith confirms the 5,000 job claims but does not mention Deloitte's 109 job study, saying *"The figure quoted in the report and by senior staff is 5,000 jobs if stages 1-5 of the Airport Hub Master Plan are realised."*

All of the above brings into question the governance of the entire airport development its promotion and Council staff roll in that process.

## **5. Illawarra Regional Airport had just 60-80 jobs in 2017.**

The real world airport employment numbers are confirmed by the manager of Illawarra Regional Airport who says in 2017, there are just 60-80 jobs at his a fully developed double tarmac runway general aviation airport (30). Illawarra is the same distance from Sydney as Warnervale, but without the competing airports.

How is it then that Central Coast Council management put to Councillors there will be 438 jobs from just Stages 1 and 2 of their Aviation Hub? The 300,000 passenger terminal building and aprons are proposed for Stage 3 at a cost of about \$80m according to Council's Aviation Hub spread sheet.

This 438 job claim does not appear credible, particularly when Deloitte Access Economics say in the Aviation Hub Master Plan, there is the potential for just 109-116 jobs at a 300,000 passenger \$396m Warnervale Airport.

The problem for Council management and airport proponents is that the airport site is good for 1,200 industrial jobs and should return \$30m to ratepayers if sold for the industrial use it is zoned for. Its sale removes the need to subsidise the Aero Club to the tune of \$600,000 per year and the industrial site will pay rates of \$500,000 per year as opposed to zero rates from the site today, it is clear why the airport job numbers have to be artificially inflated.

Cessnock Airport with a 1097m runway and 43 minutes drive north west of Warnervale is probably as apt a comparison as Illawarra Airport. Cessnock Airport, situated in a thriving tourist area lost \$198,658 in 2015/16 with \$508,198 in costs against a mere \$309,540 in income (31) and has been haemorrhaging cash for many years. Council are hoping to break even by 2026/7. The current Cessnock Airport Operations Coordinator has advised there are now 40 jobs at Cessnock Airport.

## **6. Illawarra Regional Airport loses \$576k on just \$936k income in 2018-No hope for Warnervale**

The fully developed 70 year old Illawarra Regional Airport with 1800m and 1300m tarmac runways, lost \$576,000 on just \$936,000 of income in 2018 (32).

Wyong Shire Council's Warnervale Airport Cost Benefit analysis of 2015 projected income of \$5.3m for a general aviation Warnervale Airport in 2026.

The likely hood of this income being realised, considering the Illawarra Airport's income of \$936,000, is nonexistent. In fact one could consider the \$5.3m income projection as simply fiction.

## **7. Warnervale Regional Airport \$48m and 600 jobs in 2015-\$396m and 109-116 jobs in 2017**

The \$48m, 600 job Warnervale Regional Airport development was announced by former Wyong Shire Council Mayor Doug Eaton announced on 28 October 2015 (33). By November 2017 when the Central Coast Aviation Hub was put to Councillors, the cost had escalated 8 fold to \$396m and the job numbers had

plummeted to as few as 109 to 116 according to Council consultant Deloitte Access Economics Attachment 10 from the Central Coast Aviation Hub Plan.

Former Mayor Eaton said of the \$48m Warnervale cost " *It will slash \$217 from the airport development bill, which we would have struggled to fund ourselves.....*" Now the bill is \$400m including land purchases and the Chinese Theme Park site value and the job potential just 109 to 116, yet Council staff, Terrigal MP Adam Crouch, the Central Coast Aero Club and a minority of Central Coast Councillors push on with an airport that is clearly not viable desirable or necessary.

## **8. Lake Macquarie City Council maintain their objection to Warnervale Airport in 2018**

Lake Macquarie City Council maintained their objection to Warnervale Airport in a 2018 letter to Central Coast Council CEO Brian Glendenning. (34)

Lake Macquarie City Council supports the retention of the Act and has objected to the expansion of Warnervale Airport since on numerous occasions in the form of letters to Planning NSW and Central Coast Council while also requesting the retention and strengthening of the Act (35).

Lake Macquarie City Council said, they write to Central Coast Council to reconfirm concerns previously expressed to the former Wyong Shire Council, that "*any future expansion to the Warnervale Airport is likely to have unreasonable impacts on residents of Lake Macquarie.*"

## **9. Plan to protect SEPP14 Porters Creek Wetland has not been developed or presented after two years of delays**

On 27 November 2017 Council resolved to produce a plan to protect the SEPP14 zoned Porters Creek Wetland by 26 February 2018.(2 ) Despite four subsequent Council resolutions to have Council staff prepare a report to protect the wetland, staff have continued to defy the resolutions of Council and no protection plan has been developed or presented to Council.

Following two years with no progress towards the wetland protection plan, Councillor Smith proposed a further motion to protect the wetland. The motion includes an account of the ten resolutions that have been passed by Councillors on this issue. (36)

Protection of the SEPP14 Porters Creek Wetland hinders the development of the proposed Central Coast Aviation Hub as the 1198m Stages 1-5 runway requires wetland clearing to satisfy CASA safety Obstacle Limitation Surface (OLS) requirements for general aviation and passenger aircraft as shown in Attachment 13 of the Aviation Hub Master Plan showing the proposed 1198m runway. The trees to be cleared for OLS requirements can be clearly seen (37). The proposed 1799m Stage 6 and 7 runway protrudes some 600m plus into the SEPP 14 wetland.

It is not possible to build the 1198m runway or 1799m runway proposals and protect the wetland, as both would require the bulk of protected trees in the northern part of the wetland to be eliminated. The 1799m runway would require some 10 hectares of the wetland to be filled in, reducing its flood retention capacity and inhibiting natural flows into the wetland.

Council staff will not allow the wetland to be protected while ever there is a chance they could have their airport approved.

## **10. GIPA letter Confirms legal advice received before 1 March 2019. Councillors notified July 2019.**

On 12 November 2018 Council resolved to obtain legal external advice to clarify:

- a) *statements that Council's position is that "certain provisions of the Warnervale Airport (Restrictions) Act 1996 do not apply" with such advice to specifically refer to resolution 756/17 and advise whether "Council's position" is consistent with this resolution. (756/17 is Council's 27*



November 2017 resolution to fully support the Act and to not approve any development which is not consistent with the Act.)

- b) *statements that the proposed development of Stages 1-5 of the CCAH proposal do not trigger/invoke/offend/breach/activate the Warnervale Airport (Restrictions) Act 1996.*
- c) *Whether the Act is being complied with. Attached (38)*

A 23 January 2019 statement from Dick Smith's get out of aviation now blog attached (39) quotes a Central Coast Council email as saying "*It is highly unusual to process a landing request at this short notice, due to the Warnervale Airport Restrictions act we need to actively manage the scheduling of all movements. As per conversation earlier today with Airport Manager Peter Stockdale future requests without 24 hours notice will not be approved.*" This statement indicates Council had their legal advice as early as 23 January 2019. Could it be that Council went shopping for alternative legal opinions but failed to get the opinion they wanted and so eventually had to admit to contravening the Act?

Councillors and the Aero Club were not notified of the legal advice until July 2019, at least five months after the legal advice was received according to Council's Update-Warnervale Airport.

Council had certainly received their legal advice before 1 March 2019 according to the following aircraft movement GIPA (40).

Councillors are under confidentiality with regard to all legal advice, so the community do not know if the legal advice is that stages 1-5 contravene the Act. The CCARG request that the Act Review panel views the legal advice, if only to ascertain when the advice or advices were received.

#### **11. No Fire Fighting from Warnervale-all out of Charmhaven RFS HQ by helicopter-medivac by helicopter**

The Central Coast Aero Club constantly raises emergency service use as a reason for the existence of Warnervale Airport. The reality is there was no fire fighting undertaken out of Warnervale Airport during the recent Gaspers Mountain emergency. Fires burnt to Kulnura and Mangrove Mountain, but apart from tankers, all fire fighting was by helicopter off the three helipads at RFS Headquarters in Charmhaven.

The airport proponents and Aero Club have always maintained Warnervale Airport was necessary for fire fighting. This is clearly NOT the case.

While fixed wing fire fighting spotter aircraft are used and one was refuelled at Warnervale during the recent fires, they can fly out of Lake Macquarie Airport, just 5 minutes flying time from Warnervale on the rare occasions they need refuelling.

Medical evacuations and transfers are undertaken by helicopter to and from the various hospitals on the Central Coast, Sydney and the Hunter. Fixed wing aircraft are not used for this purpose.

#### **12. Resolution to sell Chinese Theme Park site not actioned by management**

The 15.7ha former Chinese Theme Park site adjacent to Warnervale Airport has been incorporated into the Central Coast Aviation Hub Master Plan. Councillors resolved to sell the former Chinese Theme Park site on 8 October 2018. To date there has been no action on this sale just excuses as to why it has not occurred.(41) The newly found attitude of Council management to flora and fauna on the Theme Park site is commendable but inconsistent with their destructive intentions for flora and fauna at either end of the Warnervale runway. It is also inconsistent considering the site was sold for the Theme Park development in 2013/14 with none of these studies in place.

Further this attitude contradicts the lack of a development application and appropriate environmental studies for the new runway at Warnervale constructed in 2015.

The failure by management to sell this valuable industrial site is to be expected as they can not sell this land, which sold for \$10m in 2013 and have the Aviation Hub as per the Master Plan.

### **13. Council management lobby Office of Regional Development to support airport and assist in rescission motion.**

Central Coast Council's \_\_\_\_\_ requested a letter of support from the Office of Regional Development on 17 November 2017, ten days prior to the Councillors vote to not proceed with the exhibition of the Central Coast Aviation Hub Master Plan. (42) The letter was for presentation at a Councillor briefing on 20 November 2017. The letter \_\_\_\_\_ (43), was waved around in Council by a Director at the 27 November 2017 Council meeting accompanied by words to the effect of, "the State Government supports the airport".

Senior Manager Business and Economic Development is listed as Manager development.

The Central Coast Aviation Hub Concept Plan Business Paper is Authorised by \_\_\_\_\_ Director Assets Infrastructure and Business.

On 11 December 2017 Central Coast Council manager \_\_\_\_\_ advised \_\_\_\_\_ the Office of Regional Development by email "This is great to hear about the airport. There is a rescission motion going before the council on the 18<sup>th</sup> so any State Government level pressure which can be applied before this date would be extremely helpful." (44)

Unit Manager Economic Development and Project Delivery is listed as the author of the Central Coast Aviation Hub Concept Plan Business Paper (45).

The Rescission Motion (3) was lost.

The CCARG believe the actions of \_\_\_\_\_ to be totally inappropriate. In particular \_\_\_\_\_ lobbying for support for a motion to rescind a resolution of Council that does not support the Aviation Hub Master Plan he authored.

### **14 Central Coast Council and Aero Club break the law (Act)**

The Central Coast Airport Resistance Group Inc. (CCARG) believe Central Coast Council has broken the law of NSW in contravening Part 2 of the Warnervale Airport (Restrictions) Act 1996 (Act) on 173 occasions since Planning NSW advised Central Coast Council that the Warnervale Airport (WVA) runway had been extended from 970m to 1196m in October 2016. Central Coast Council records obtained under GIPA confirm there were 61 contraventions between 1 April 2017 and 31 December 2017, 76 contraventions between 1 January 2018 and 31 July 2018 and a further 36 contraventions between 1 March 2019 and 30 June 2019 (3a).

### **15. Council contravenes Act according to August 2019 GIPA determination letter and aircraft movement data.**

Under GIPA, on 14 August 2019 Council determined to provide only some of the WVA aircraft movement data for the period 1 January 2018 to 30 June 2019 requested. (4a).

Central Coast Council (Council) determined to provide movement data for the period 1 January 2018 and 31 July 2018 and for the period 1 March 2019 to 30 June 2019. This gap in information meant that there was no movement data for the days of 20 May 2018 and 26 May 2018, the two days in which movements were counted and logged by the community.

The reasons for the decision to not provide all of the movement data requested are as follows;

*Up until 31 July 2018 a company called Avdata supplied us with aircraft movements which was the format that you received in your last formal GIPA application regarding aircraft movement at Warnervale Airport on 4 July 2018. As of 1 August 2018 we used our current system AIMM and have been informed by our Airport Operations Officer that worked under the Business Unit, that it was Council's view, that they were not required to keep movements of aircraft as Part 2 of the Warnervale Airport (Restrictions) Act 1996, did not apply at the time. As of 1 March 2019, the airport operations section moved to the Business Enterprise Section and a decision was made by Council, that Part 2 of the Act may apply and Council would now compile a record of daily and monthly movements from that date.*

*A beta test was run on AIMM with another staff member where to produce these figures from 1 August – 28 February 2019, would take a minimum of 78 hours. The average time it took to drill down, line by line varies as the number of movements particularly on Saturday and Sunday are the busiest days and can have well over 100 movements. Overall the test week took them 2 hours and 34 minutes (154 minutes) per 30.5 weeks = 4,697 minutes ie 78.28 hours of data on average, with a cost of \$2,348 to retrieve this amount of data. This would require an unreasonable and substantial diversion of Council's resources.*

The foregoing raises a number of concerning issues.

1. Planning NSW met with Council CEO Gary Murphy on 30 July 2018 according to planning NSW 6.8.18 letter (5). **Council ceased recording aircraft movements at WVA on 31 July 2018, the day after being advised that Council had contravened the Act.**

*Thankyou for meeting with the Department on 30 July 2018 in relation to a complaint we received alleging exceedances of the daily aircraft movement limit stipulated in Part 2 of the Warnervale Airport (Restrictions) Act 1996 (the Act).*

2. Despite the 20 May and 26 May 2018 contraventions of the Act being confirmed by Planning NSW by letter on 6 August 2018 in which Council were informed they were contravening the Act, Council decided to not record any movement data from 31 July 2018 to March 2019, on the basis *that it was Council's view, that they were not required to keep movements of aircraft as Part 2 of the Warnervale Airport (Restrictions) Act 1996, did not apply at the time.*

Planning had advised Council that Part 2 of the Act DID apply at the time, however despite the Planning letter, Council did not reinstate the recording of movements until 1 March 2019.

3. Central Coast Council did not reinstate the recording of movements even after the CEO confirmed to on 10 October 2018 that Council had no legal advice to say the WVA runway had not been extended and the Act was not in force, refer section 7.

4. Council decided, *As of 1 March 2019, the airport operations section moved to the Business Enterprise Section and a decision was made by Council, that Part 2 of the Act may apply and Council would now compile a record of daily and monthly movements from that date.*

Having made this decision Council then exceeded the 88 movement limit on 36 days and 1,439 times according to their record of aircraft movements obtained under GIPA, attached.

5. Council do not have the detail required to invoice the Aero Club or other users of WVA without undertaking the \$2,348 of work required to obtain the movement information as stated. *Overall the test week took them 2 hours and 34 minutes (154 minutes) per 30.5 weeks = 4,697 minutes ie 78.28 hours of data on average, with a cost of \$2,348 to retrieve this amount of data. This would require an unreasonable and substantial diversion of Council's resources.* The CCARG will not be wasting \$2,348 paying for work that must be undertaken by Council as part of their financial due diligence and to complete their financial statements for the 2018/19 financial year.

Council's system of charges for WVA depends on movement data (11). Charges are levied based on yearly use of certain aircraft subject to various maximum takeoff weight (MTOW) categories, 20 minute blocks for circuits subject to various MTOW categories, itinerant aircraft on a per landing basis, adventure sports and tie down fees. However for the period 1 August 2018 to March 2019 there is no movement data. The question is, how does Council invoice airport users if it has no data on movements?

The foregoing demonstrates the problem the community has with Central Coast Council management and their dishonest and deceptive behaviour.

## **16. Act contraventions since Planning NSW wrote to Central Coast Council informing the CEO Part 2 of the Act was in force**

There have been 36 days of Central Coast Council documented movement contraventions of the Act for 1,439 excess movements that have occurred since Planning NSW wrote to Central Coast Council CEO Gary Murphy on 6 August 2018, stating;

*Thankyou for meeting with the Department on 30 July 2018 in relation to a complaint we received alleging exceedances of the daily aircraft movement limit stipulated in Part 2 of the Warnervale Airport (Restrictions) Act 1996 (the Act).*

*The Department considers that the Warnervale Airport (the Airport) runway has been extended from 970m to 1197m after the commencement of the Act. Accordingly, the daily aircraft movement limits and other provisions of Part 2 of the Act apply. Consequently, the allowable number of daily take offs and landings at the Airport are limited to 88 take offs and landings (added together) occurring between the end of the curfew period on a day at 6.30am and the start of the next curfew period on that day at 10pm.....*

*The Department has received a complaint alleging aircraft movements at the Airport exceeded the limits in the Act on several dates, specifically the complainant counted:  
A total of 217 aircraft movements on 20 May 2018; and  
A total of 141 aircraft movements on 26 May 2018.*

*The Department would appreciate if you could please investigate this matter and advise the Department of the outcome of this investigation.(5a)*

As previously stated, Central Coast Council ceased recording movements at WVA on 31 July 2018, the day after Planning NSW met with the CEO and just 6 days before Planning NSW confirmed to the CEO by letter the contraventions of the Act and that the Act was in force. Council did not resume recording movements until 1 March 2019.

## **17. Movement records and analysis 1 January 2018 to 31 July 2018. 76 days in excess of 88 movements**

The movement records for the period 1 January 2018 to 31 July 2018 show that of the 76 days where movements exceeded 88, an average of 74.8% of movements are attributed to touch and go and stop and go, in other words circuit training. This leaves the Central Coast Aero Club (CCAC) responsible for just 25.2% of movements, assuming all circuits are undertaken by Andrew Smith's Warnervale Air Pty Ltd as stated on the CCAC web site.

The analysis also shows that CCAC activities only exceeded the 88 movement limit on two days, being 150 movements on Saturday 24 February 2018 and 99 movements on Saturday 30 June 2018. The remaining 74 contraventions were circuit training touch and go, stop and go movements.

The Council records supplied under GIPA show that on the two days covering the community complaint that movements exceeded the 88 movement limit, there were 176 movements on 20 May 2018 and 124 movements on 26 May 2018. The community believe the movements recorded and submitted to Planning NSW by way of complaint were correct. Regardless of the disparity in records, Council were in contravention of the 88 movement limit on May 20 and May 26 by their own records (6a).

## **18. Movement records and analysis 1 March 2019 to 30 June 2019. 36 days in excess of 88 movements**

The movement records for the period 1 March to 30 June 2019 (3a) show that of the 36 days where movements exceeded 88, an average of 63% of movements are attributed to touch and go and stop and go, in other words circuit training. This leaves the Aero Club responsible for just 37% of movements, assuming all circuits are undertaken by Andrew Smith's Warnervale Air Pty Ltd as stated on the CCAC web site.

The analysis also shows that Aero Club activities only exceeded the 88 movement limit on one day, being 89 movements on Saturday 10 March 2019. The remaining 35 contraventions were circuit training touch and go, stop and go movements.

### **19. Central Coast Council Acting General Counsel Martin Ball's response to Planning NSW**

On 18 October 2018 Council's Acting General Counsel Martin Ball responded to Planning NSW Acting Director Compliance and Investigations, Lauren Sims August 2018 letter re the WVA aircraft movements, a copy of which was obtained under GIPA (7a).

In his letter Mr Ball makes a number of statements on behalf of Council.

Mr Ball's letter begins with,

*As you are aware I act for the Council. I refer to your letter dated 6 August 2018. I have been instructed to respond to that letter as follows.*

While Mr Ball would have been aware Council had no legal advice contradicting Planning NSW determination the 88 movement limit had been contravened, he covered himself by saying *I have been instructed....* Mr Ball's letter is a response the Planning NSW letter to Council CEO Gary Murphy. The question is who instructed Mr Ball and who signed off on the contents of this letter internally?

Mr Ball's letter is commented on below.

*1. The Council does not admit that Part 2 of the Warnervale Airport (Restrictions) Act 1996 (WAR Act) applies or is in force. This is because the Council does not admit that the existing runway as a 1 June 1997 has been extended since that date, within the meaning of those provisions. There is doubt about that proposition, a doubt which underlies the position that the former Wyong Shire Council and this Council has consistently taken to date on that question.*

From the email correspondence between CEO Murphy and \_\_\_\_\_ we now know that there was never any independent legal advice or otherwise to substantiate Council's claim that it had not extended the WVA runway as was put to Council by Planning NSW in their letters of May 2016, in the LEP Determination of October 2017 and reiterated in August 2018.

At the time Mr Ball wrote to Ms Sims he was Acting General Counsel for Council and as such should have been aware that there was NO independent legal advice supporting Council's claim that they had not extended the WVA runway.

*3. Council does not admit that a total of 217 aircraft movements occurred on 20 May 2018; or that a total of 141 aircraft movements occurred on 26 May 2018.*

From Council movement records supplied under GIPA there were 176 movements on 20 May 2018 and 124 movements on 26 May 2018. The community believe the movements recorded and submitted to Planning NSW by way of complaint were correct. This calls into question the recording methods used by Council. However if we accept Council's movement numbers, Council were in contravention of the 88 movement limit on May 20 and May 26 by their own records.

*5. Preliminary discussions with the Club indicate that if aircraft movements were restricted to 88 each day the Club would become unviable. This would have a detrimental effect on the many members of the Club and potentially expose the Council to action by the Club.*

From Council's movement records it appears circuit training is the main source of movements at WVA, to the extent that they account for in excess of 60% of movements. It is also apparent from Council records that the Aero Club appears to have exceeded the 88 movement limit on only four occasions in the 18 months of movement records Council have provided. Therefore the 88 movement limit appears to have little detrimental impact on the Aero Club. However from feed back received from the community, the 88 movement limit which is now being adhered to, is having a profoundly positive impact on the lives and amenity of residents under the WVA circuit flight paths.

On 12 July 2019 the Acting Central Coast Council CEO Julie Vaughan out a media release, stating that Part 2 of the Act, being the 88 movement limit had probably been triggered.

*6. This is because the use of the airport is, and has for many years been, significantly greater at weekends than during the week. Fridays and Saturdays in particular, and to a lesser extent, Sundays generally see more aircraft movements than Monday through Thursday.*

The bulk of movements at WVA occur on Saturdays and Sundays according to residents and Council's movement records.

These are the days the residents recuperate from their working week, or try to, with aircraft buzzing their homes throughout the day.

*7. This existing and long standing pattern of usage of the airport by the Club and other parties should be able to continue. There are few if any amenity complaints about this pattern of usage of the airport. It is something that the local community is used to, and something that airport users are accustomed to enjoying.*

Evidence contradicts Mr Ball's statements. There are many amenity issues with WVA and the Council knows it and admits it in the following emails.

On 20 June 2018, just three weeks after the flight paths were all turned to the west, Council acting CEO Brian Glendenning instructed staff to reverse the flight paths back to those prevailing prior to the 26 May 2018 changes.

Mr Glendenning said, ***I formed the view the safety issues were overstated and there was a failure to consider alternatives...***

*The circuit direction for flights from runway 20 will revert to the previous left hand direction (so turns from upwind leg after take-off will be to the left east), with some additional directions to deal with terrain clearance and noise mitigation.*

***I have directed that staff communicate directly with complainants\_(8a)***

Clearly noise is a problem and there are complaints as recognised by the Acting CEO. Movements over Jilliby and Alison are now back to about 30% of movements depending on wind direction, however Council's Central Coast Aviation Hub Master Plan has all movements over the west in their future plans.

An FOI for correspondence between CASA and Council revealed that aircraft noise was in fact a major reason for the circuit change. In a 19 January 2018 email to CASA, Council stated;

*As discussed **the training aircraft** are turning into the Watanobbi hill at or below 250 feet on QNH and flying very close to houses. In the event of any engine or other malfunction this does not allow much time for the PIC to attempt a safe emergency landing.*

***Additionally, there are numerous new developments that are under construction or due to commence construction to the east of the airfield which is adding to the noise problems in the local area.(9a)***

On 29 May 2018, Council emailed CASA again stating

*The (sic) "due to noise abatement" was my typo/oversight and councils (sic) senior management and myself would appreciate it if a NOTAM could be raised to rectify this.(10a)*

This email attempting to have "due to noise abatement" removed was sent three days after Council changed all flight paths to the western side of WVA and demonstrates Council's desire to not disclose in the public domain the noise issue resulting mainly from training circuits at WVA. This move by Council contradicts the statements made by Mr Ball.

## **20. Planning NSW Gateway Determination for 2018 LEP includes updated obstacle and noise mapping to reflect the lengthened runway at Warnervale.**

Council were again reminded on 26 October 2017 with Greg Sullivan Director Operations Central Coast asking Council to "Determine if updated obstacle and noise mapping is required to reflect the lengthened runway at Warnervale (12a). Despite this advice in the Determination, Council failed to comply with the 88 movement limit at WVA, the obstacle and noise mapping was updated for much larger aircraft and longer runways in the form of the Aviation Hub Master Plan.

## **21. Competition, not CASA, is to blame for general (GA) demise The Australian 24 October 2019.**

Further to points made in the CCARG submission of 30 September 2019 regarding the decline of GA in Australia, Peter Cromarty, former air traffic controller, commercial pilot and safety regulator with UK CAA and CASA writing in the Aviation Section of The Australian on 24 October 2019 in an article on General Aviation (13a) sums up the reasons for the demise of GA in Australia. ***“Today what’s killing general aviation is competition, and it’s coming from all quarters”..... “CASA isn’t killing general aviation; it’s dying of old age”.....*** *“CASA may be a contributory factor in the gradual demise of general aviation but GA must look to the changing world around it for the main reasons people no longer choose to fly in light aircraft.”..... And nowadays the aircraft could easily be 40 years old”*

*The Sector Review calls for Airservices sale, article supports those of AOPA president Marc De Stoop in the Aviation Section of The Australian on Friday 8 April 2016, except the AOPA is blaming CASA for the demise of GA (14a) Mr De Stoop gets one thing right in saying, “.....Bankstown Airport, the centre of the Australian GA industry in the 1980’s, 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.*

*Red tape a drag on sector in The Australian 24 October 2019 also supports statements made by AOPA executive director Ben Morgan in The Australian 12 August 2016 (15a). Data collated by the AOPA shows the number of general aviation pilots in Australia has plummeted 34 percent (by about 8,000 licensees) since 2000. In the same period, aviation gas consumption has fallen 35 percent and aircraft registrations are down 13 percent since 2000 but down 53 percent since 2007.....”These charts tell a story of catastrophic decline.....Mr Morgan told the Australian.*

In the Wyong Regional Chronicle article Aero Club and Council to meet with Planning Minister over airport, Executive Director of the Aircraft Owners and Pilots Association (AOPA) Ben Morgan, the same Mr Morgan that said ***“.....These charts tell a story of catastrophic decline...”***. ***Mr Morgan told the Australian.*** Mr Morgan failed to mention the catastrophic decline of GA in Australia in his address to Council and his comments to the newspaper (16a). There is more to be concerned about than just the OLS at WVA as the ALA and its operations fail to comply with eleven clauses of the CASA ALA Guidelines.

Executive Director of the AOPA Ben Morgan obviously had not read the 27 November 2017 Central Coast Aviation Hub Master Plan as it clearly deals with the OLS issues Mr Morgan is complaining about in his address to Council.

An article in Australian Flying magazine, Dick Smith Urges Aviators to Quit says *“Aviation change advocate Dick Smith has urged operators and pilots to leave general aviation before they lost large amounts of money trying to exist in a flagging industry.”* Mr Smith said *“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.”* *“Take my advice now and get out before you lose even more”* This is not an industry to invest in. In fact it is an industry to avoid or in the words of Mr Smith *“Take my advice now and get out before you lose even more”* (17a)

Warnervale Air Pty Ltd aircraft are over 40 years old, supporting claims made by Peter Cromarty in The Australian. The attached ownership records show Warnervale Air Pty Ltd Cessna 150M was manufactured in 1976 and Cessna 150L manufactured in 1974 (20a). The use of these vintage aircraft is not the sign of a healthy vibrant business.

WVA is clearly not a viable as a GA airport according to the above information and neither is its use of valuable industrial land proposed to create thousands of industrial jobs under the Wyong Employment Zone. As Peter Cromarty said ***“Today what’s killing general aviation is competition, and it’s coming from all quarters”..... “CASA isn’t killing general aviation; it’s dying of old age”***

## **22. Former Minister Roberts letter to David Harris MP re aircraft movements at Warnervale Airport.**

On 10 September 2018 Former Planning Minister Anthony Roberts wrote to Wyong MP David Harris (18a)

Former Minister Roberts said

*I am advised the Department received a complaint on 27 May 2018 that aircraft movements at the airport were beyond the limit prescribed by the Warnervale Airport (restrictions) Act 1996. As my delegate, the Department administers the Act while Central Coast Council, the airport's owner, has a duty to comply with the Act.*

Council records obtained under GIPA show that the Act was not complied with on 173 days over an 18 month period.

Former Minister Roberts went on to say

*In response to the complaint, the Department met with Council on 30 July 2018 and requested it to investigate the matter. It also wrote to Council shortly after this meeting to formalise its request. I enclose a copy of this letter for your reference.*

*I understand the Department expects to receive Council's investigation report by the end of September 2018.....*

A copy of the letter is attached and referred to above.

The day after the 30 July 2018 meeting Council stopped recording movements at WVA. Despite receiving the letter on 6 July 2018 Council did not resume recording movements at WVA until 1 March 2019.

The investigation report is Mr Ball's letter to the Acting Director Compliance commented on above. However it is clear from Council records that the movement limit was exceeded on 20 May 2018 and again on 26 May 2018 as per the complaint sent to Planning NSW by the community. It is only the number of movements that is at issue. Mr Ball should have admitted to the contravention of the Act in his letter and not said. *Council does not admit that a total of 217 aircraft movements occurred on 20 May 2018; or that a total of 141 aircraft movements occurred on 26 May 2018.*

While this legalese response is not untrue, it is not true either, as the movements were, from Council movement records supplied under GIPA, 176 movements on 20 May 2018 and 124 movements on 26 May 2018.

It appears Mr Ball and Council knew the complaint was in essence correct, but sought to deceive the former Minister and the Department in their response.

Former Minister Roberts finished with these encouraging words

*I can assure you and your constituents that the Department is serious in enforcing compliance of developments under its purview. In the 2017/2018 financial year, the Department's compliance team undertook 859 inspections, responded to 761 complaints, conducted 329 investigations and issued more than \$800,000 in fines.*

In the case of Council exceeding the 88 movement limit at WVA, Council's records are an admission of contravention on 173 days. Even while writing to the Department in response to two complaints from the community, Council were well aware that they had contravened the Act from their own records.

Council ceased recording movements on 31 July 2018, the day after the meeting with the Department.

Given the opportunity to discuss raising the 88 movement limit at WVA in response to the complaints and not enforcing the Act, former Minister Roberts said, *I can assure you and your constituents that the Department is serious in enforcing compliance of developments under its purview.*

### **23. Non existent legal advice that the WVA runway was not extended**

The CCARG believes the process from extending the WVA runway in 2015 to where we are today, with Council, the CCAC and others seeking the repeal or raising of the 88 movement limit, should be examined. This process goes toward the honesty of Council and whether their words can be relied upon at all regarding WVA.



In August and September 2015 WSC extended the WVA runway from 970m to 1196m. In October 2015 WSC Mayor Eaton announced that WVA would become a regional airport over time (3b). Subsequently the Community Environment Network Chairman John Asquith said *Council's upgrade of the airstrip appeared to be in breach of the Warnervale Airport Restrictions Act (1996)*. In response Cr Eaton said *the length of the runway was not in dispute. "At the end of the day [the runway] is under 1200 metres long which is the trigger for the Warnervale Airport Restrictions Act"....The argument really comes down to whether there was historically a longer runway than was asphalted"....There had been grass run-offs at either end of the runway, which may have confused the matter....(4b)*

In October 2016 Planning NSW wrote to Council stating *The works have resulted in the runway being extended from 970 metres to 1196 metres and widening the runway.(5b)* This advice should have been sufficient for Council to begin complying with the 88 movement limit imposed if the existing runway was extended. The community certainly expected compliance.

The remediation requested by Planning NSW has not occurred.

In February 2017 Council presented the attached briefing note regarding the repeal of the Act to the NSW Cabinet meeting on the Central Coast (6b). Council said, *If the curfew and limits of take-offs and landings apply then current and planned future use of the Airport will be significantly affected. Central Coast Council's position is that those restrictions are not currently operative, but the NSW Department of Planning and Environment has advised that it has the view those restrictions currently apply. There is a real prospect of litigations between the Department and Council on that issue.*

In August 2018 Planning NSW wrote to Central Coast Council CEO Gary Murphy in a letter obtained under GIPA stating,

*The Department has received a complaint alleging aircraft movements at the Airport exceeded the limits in the Act on several dates, specifically the complainant counted:*

*A total of 217 aircraft movements on 20 May 2018; and*

*A total of 141 aircraft movements on 26 May 2018.*

*The Department considers that the Warnervale Airport (the Airport) runway has been extended from 970m to 1197m after the commencement of the Act. Accordingly, the daily aircraft movement limits and other provisions of Part 2 of the Act apply. Consequently, the allowable number of daily take offs and landings at the Airport are limited to 88 take offs and landings (added together) occurring between the end of the curfew period on a day at 6.30am and the start of the next curfew period on that day at 10pm.....*

*The Department would appreciate if you could please investigate this matter and advise the Department of the outcome of this investigation.(7b)*

Council did not comply with the 88 movement limit and Council movement numbers from 2017 show Council breached the limit on 61 occasions between 1 April 2017 and 31 December 2017.

On 4 October 2018, a Councillor emailed Council CEO Gary Murphy following a failed request for a copy of WVA legal advice that claimed the Act did not apply to WVA. The Councillor said *Mr Glendenning (Council's Counsel) always maintained that Council's position is that certain provisions of that Act don't apply. He said many times but notably during the term of this council in an Ordinary Meeting of Council on 18 December 2017. He has also said that there is external legal advice in support of his position.*

*Therefore on 2 February 2018, I requested staff to provide a copy of this advice (given that I have written confirmation from the Department of Planning & Environment that the Act does apply)...*

*The response I received from Mr Glendenning was:*

*"I decline to provide you with the requested information. I consider that you have at least a significant non-pecuniary interest, and will not aid and abet a breach by you of the local Government Act 1993. The interest arises from your involvement in matters concerning the airport when a prominent member of CEN [a local NFP environment group] and your close association with Mr Laurie Eyes. (8b)*

On 8 October Mr Murphy emailed *I am not aware of the external legal advice that you refer to. Can you please confirm when Mr Glendenning made this statement to you about this external legal advice? I have asked staff to check the recording of the 18 December 2017 council meeting.*(9b)

On 10 October 2018 the CEO emailed the Councillor, *Based on my research, I wish to advise that Council does not have any external legal advice relating to the matter as requested below.*(10b)

On October 10 2018 a Councillor emailed Mr Murphy saying, *Mr Glendenning has spoken of the “external legal advice” on many occasions over a long time period. It refers to Council’s position that the runway was never lengthened and therefore the Warnervale Airport Restrictions Act does not apply. As you were able to see from his emails, he never denied the advice existed, he just said he “declined” to provide it to me. I am quite disturbed that you have thus far been unable to find it. Are you making any further searches or are you indicating that such legal advice actually doesn’t exist?*(11b)

On October 10 2018 Mr Murphy emailed a Councillor again with, *I am indicating that we do not have any written external legal advice.*(12b)

On 12 November 2018 Council resolved and requested *the CEO to obtain legal advice to clarify:*

- a) *Statements that Council’s position is that “certain provisions of the Warnervale Airport Restrictions Act 1996 do not apply” with such advice to specifically refer to resolution 756/17 and advise whether Council’s position’ is consistent with this resolution.*
- b) *Statements that the proposed development of stages 1-5 of the CCAH proposal do not trigger/invoke/offend/breach/activate the Warnervale Airport Restrictions Act 1996.*

On 12 July 2019 the Acting CEO Julie Vaughan put out a media release stating that Part 2 of the Act had probably been triggered.

On 18 October 2018 Council’s Acting General Counsel Martin Ball responded to Planning NSW Acting Director Compliance and Investigations August 2018 letter re the WVA aircraft movements, a copy of which was obtained under GIPA.

Mr Ball said, *The Council does not admit that Part 2 of the Warnervale Airport (Restrictions) Act 1996 (WAR Act) applies or is in force. This is because the Council does not admit that the existing runway as a 1 June 1997 has been extended since that date, within the meaning of those provisions. There is doubt about that proposition, a doubt which underlies the position that the former Wyong Shire Council and this Council has consistently taken to date on that question.*(13b)

We now know that Mr Ball wrote this letter to Planning NSW 8 days after Mr Murphy admitted there is no external written legal advice supporting Council’s contention that the runway at WVA was not extended from 970m to 1197m. With no legal advice, there was no excuse for not complying with the 88 movement limit from the September 2015 completion of the runway extension.

The threat made to the NSW Cabinet in February 2017, *There is a real prospect of litigations between the Department and Council on that issue* was an empty threat as Council had no legal advice to use in any litigation. In other words it appears to be a bluff with the aim of having the Act repealed.

The fact that the CEO advice to \_\_\_\_\_ that there was no external legal advice on the runway length extension on the 10 October 2018, eight days prior to Mr Ball writing his letter to the Acting Director, Lauren Sims, calls into question the honesty of Council in this matter.

#### **24. Council email to CASA acknowledges Warnervale Airport aircraft noise problem**

On 26 May 2018, with no community consultation or warning, Council changed the circuit flight paths at WVA from left turning when taking off south and north to left turning when taking off to the north and right turning when taking off to the south. This change of flight path put all circuits over the western suburbs of Jilliby and Alison. Less than one month later, following a swift and outraged response from residents living

to the west of WVA, the circuit flight paths were returned to the left turning noise sharing arrangement that had prevailed for over 40 years.

An FOI for correspondence between CASA and Council revealed that aircraft noise was in fact a major reason for the circuit change. In a 19 January 2018 email to CASA, Council stated;

*As discussed the training aircraft are turning into the Watanobbi hill at or below 250 feet on QNH and flying very close to houses. In the event of any engine or other malfunction this does not allow much time for the PIC to attempt a safe emergency landing.*

*Additionally, there are numerous new developments that are under construction or due to commence construction to the east of the airfield which is adding to the noise problems in the local area.(14b)*

On 29 May 2018, Council emailed CASA again stating

*The (sic) “due to noise abatement” was my typo/oversight and councils (sic) senior management and myself would appreciate it if a NOTAM could be raised to rectify this.(15b)*

This email attempting to have “due to noise abatement” removed was sent three days after Council changed all flight paths to the western side of WVA and demonstrates Council’s desire to not disclose in the public domain the noise issue resulting mainly from training circuits at WVA.

The Council email to CASA also highlights the fact that it is the *training aircraft* that are the safety issue.

The hills to the western side of WVA are higher than those on the eastern side with Mount Alison the highest at 124m, therefore the western circuits are more of a safety hazard than those to the east.

On 20 June 2018, just three weeks after the flight paths were all turned to the west, CCC acting CEO Brian Glendenning instructed staff to reverse the flight paths back to those prevailing prior to the 26 May 2018 changes.

Mr Glendenning said, *I formed the view the safety issues were overstated and there was a failure to consider alternatives...*

*The circuit direction for flights from runway 20 will revert to the previous left hand direction (so turns from upwind leg after take-off will be to the left east), with some additional directions to deal with terrain clearance and noise mitigation.*

*I have directed that staff communicate directly with complainants (16b)*

The CCAC insist incorrectly that there are no noise complaints regarding WVA operations. The CCARG are reliably informed that nearly every home door knocked by a political party in Watanobbi during the lead up to the 2019 Federal election complained about aircraft noise and conversations with home owners had to stop when an aircraft flew over due to the noise interference.

## **25. Aero Club comfortably operates below 88 movement limit**

From Council documents and analysis of 2017 Council movement records for Warnervale Airport, obtained under GIPA it appears that the CCAC operates well below the 88 movement limit specified in Part 2 of the Warnervale Airport (Restrictions) Act 1996 (Act) and now in force at WVA. CCAC activities account for only 32.4% of movements on the 61 days movements were over the limit legislated under the Act in 2017. It is the training circuits that exceed the 88 movement limit. However this limit has now been removed.

## **26. Central Coast Aero Club to benefit from Central Coast Aviation Hub Master Plan**

Attachment 1 page 18 of the CCAH Master Plan says of the CCAC, *Current development is limited to the 2.25ha CCAC property holding. CCAC buildings include a clubhouse, offices, amenities, carpark and hangars of various sizes. CCAC also own and operate an Avgas aviation fuel storage and dispensing facility.*

*CCAC have a deed of agreement (DoA) with CCC that provides for the following:*

*.....In turn CCC has certain rights under the DoA which include:*

*Ability to purchase the CCAC property up until 2021 when the condition that a similar sized parcel of land would be provided, and that CCC relocate or replace in kind the existing buildings to the new site.(22b)*

The Central Coast Aviation Hub (CCAH) Master Plan relocates the Central Coast Aero Club to the western side of the CCAH precinct as per page 65 Attachment 1, onto the Council owned land that was the Chinese Theme Park site and is now subject to a Council resolution that it be sold. (23b)

There are no details regarding the extent of compensation to be provided to the CCAC for their 2.25ha of land, nor is there any mention of a cost for the replacement land. In view of the deal Council struck with AAI where there was no cost to AAI for at least 10 years, a similar or better deal could be on offer to the CCAC where they have their 2.25ha purchased at a generous price, the replacement land is at no cost and new facilities are provided at no cost. This would go some way towards explaining the comprehensive and vicious campaign run by the CCAC in defence of WVA, its continuation, its future expansion and the immediate renewal of the CCAC lease, even though it is active until August 2021.

The CCAH Master Plan spread sheet obtained under GIPA (24b) has Stage 2-CCAC and General Aviation Airpark at a total of \$54, 909,059, of which Preparatory works are \$4,357,966, Aprons and Taxi Ways are \$20,432,064 and Other works \$11,848,924. Within these costs it is conceivable that the CCAC facilities could cost \$10m plus.

## **27. Aero Club to relocate to Belmont/Lake Macquarie Airport in 2010**

In 2010 the Australian Financial Review revealed that Mirvac was interested in purchasing the WVA site in a deal worth more than \$20m. The CCAC president said *“As far as we’re concerned, if Mirvac can do a deal with Council and buy our land we’ll move to Belmont”* . . . . . *Greg Best, an independent councillor at Wyong Shire Council, said if Mirvac’s offer turned out to be market value, he would vote to sell and thinks it would go a long way to convince other councillors who were “precariously sitting on the fence”. We have taken the positive step of getting that valuation, so if that evaluation stacks up I believe this will go forward,” Mr Best said.* (25b)

There is nothing standing in the way of the CCAC relocating to Lake Macquarie or other airports in the interests of community amenity and safety, in the interest of the industrial development of WVA, in the interest of producing over 1,000 direct industrial jobs, in the interest of generating over \$20m in capital gain, in the interest of the ratepayers receiving rates on the airport land and in the interest of stopping the perpetual financial losses the ratepayer incurs on behalf of the CCAC.

Over the past two years, Councillor Best who was all set to sell the site in 2010, has attempted five times to rescind Council’s 27 November 2017 resolution to cease development of WVA and instead now leads the push, supported by the CCAC, to have the \$400m 1800 metre runway, 40 B737 movements per day Central Coast Aviation Hub Master Plan exhibited with a view to construction.

## **28. Lake Macquarie Airport operational restrictions support Warnervale ALA limits**

Lake Macquarie Airport, just 28km and 33 minutes drive from Warnervale has numerous noise abatement procedures according to the En route ERSA (26b). These procedures, designed to minimise negative impacts on surrounding properties include, no circuit training, avoid all built up areas, noise sensitive area and that night operations are for emergency purposes only. The noise abatement procedures are also detailed in the airport operation procedures available on line.

The maintenance of the 88 movement limit at WVA affords the thousands of residents living under the training circuits some measure of the protection, similar to that granted to the residents surrounding Lake Macquarie Airport. As the CCAC are responsible for only 32.4% of movements at WVA and mostly do not undertake circuits, essentially flying straight in and straight, out the 88 movement limit serves mainly to limit circuits by Warnervale Air Pty Ltd which are the major producers of noise over the homes in more than seven suburbs in the Wyong area.

## **29. Non compliance with CASA Aeroplane Landing Area Guidelines**

CASA contacted Council regarding the safety issues at Warnervale ALA on 5 March 2019, with the presence of the trees to the north and south and their interference with night flying OLS among the issues to be considered.

Reading the CAAP 92-1 referred to in the CASA letter to Mayor Smith, which are the Aeroplane Landing Area (ALA) Guidelines, it appears Council do not comply with 11 of the requirements, including training pilots prior to their attaining General Flying Progress Test on an ALA, night flying off a 10m runway and not complying with OLS requirements.

The trees to the north have been recognised as an issue along with the power lines since the Wyong Shire Council EIS of 1993 and have come up for attention in council's 1998 application to the Minister for a 1,600m runway, in former Mayor Best's 2003 study and again in another Council study in 2010. At no stage has the issue been addressed with these trees, a critical component of the Regional Wildlife Corridor, an EEC, E2 zoned and riparian vegetation being appropriately preserved, performing their wildlife corridor function as intended in the 2008 WEZ SSS. These trees can remain intact if the current displaced runway threshold is moved further south.

The trees to the south of the runway Council and the CCAC are intending to decapitate are E2 and SEPP14 zoned. Again ostensibly the decapitation is required for night flying, however with the aircraft currently using WVA, displacing the threshold at the southern end of the runway will make for safe operation.

CASA also raised the runway width as an issue as the Warnervale runway is only 10m wide and a 15m wide runway is required for night flying.

### **30. Night flying**

While the CCAC say they require the decapitation of trees to the north and south of WVA for night flying, this activity has rarely occurred in the past decade. From the writer's observations and those of the community living under the flight paths, there has been no night flying from WVA for the past decade apart from about two months around October 2018. The community believes the night activity in 2018 was an attempt to claim night flying was usual rather than rare. Night flying is the main justification for clearing trees at the northern and southern ends of the runway as these flights require a lower approach angle of 3.3% as opposed to daytime flying which only needs a 5% angle of approach according to the CASA ALA Guidelines that apply to WVA. The interference of these trees with approaches and any proposal to decapitate them would have been included in a Development Application for the runway extension in 2015 or would have been highlighted by the community in a consultation under Part 4 of the Act as a major issue.

The sudden reappearance of night flying prompted adverse reaction from the community and a question of Council management from Councillor Greenaway about airport lighting being installed for night flying. On October 23, 2018 Council Director Boris Bolgoff responded to Cr Greenaway's question "*Council has not installed any lighting to facilitate night flying. It is understood Central Coast Aero Club manually install temporary runway lighting as required to meet CASA requirements when undertaking night training. It is understood this lighting is removed at the conclusion of the night flying training.*"

This email confirming night flying was taking place is attached to the Terms of Reference Submission.

The Aero Club now says they need the trees north and south of the runway trimmed to allow night flying and Council management have recommended this trimming (actually decapitation) occurs in a report to Council of 12 August 2019. The Aero Club claims are clearly not correct as they had trained at night off the 970m runway for decades and after a decade hiatus were night training again in October 2018.

### **31. Ratepayers subsidise Aero Club and Warnervale Air Pty Ltd as WVA loses \$2.964m over five years**

The fact that Warnervale Airport is a loss generating operation is consistent with the findings of various independent studies including the Warnervale Airport Feasibility Study that stated on page 25, *the airport will continue to be a financial liability to WSC until such time the site is developed or disposed.*(48b)

Council financial statements attached (30b) show losses of \$265,000 in the 2015 financial year, \$635,000 in the 2016 financial year, \$921,000 in the 2017 financial year, \$581,000 in the 2018 financial year and \$562,000 in the 2019 financial year for total losses of \$2.964m over five years.

### **32. Over \$12.5m in Ratepayers funds wasted on Warnervale Airport since 2015**

Not a single job has been generated from over \$12.5m spent on WVA since 2015 as listed below.

2015 \$1.31m (new 1196m runway)

2016 \$6m (Survey, levee bank, clearing, AAI roads)

2016 \$1.6m (further AAI site works)

2017 \$450,000 (Central Coast Aviation Hub Master Plan)

2015-2019 \$2.964m operating losses

2020 \$100,000 plus spent on new taxi way under guise of maintenance July.

#### Total \$12.5m

In addition, staff time and the payout to Amphibian Aerospace Industries (AAI), said in the local media to be \$50m, following the failure of the aircraft factory venture, should be added to the total cost.

The opportunity cost of WVA per year is approximately \$2m, comprising direct subsidies (losses), lost rate revenue and interest on land sale capital gain.

### **33. Planning objected to Warnervale Airport in 1973**

The CCAC and sympathetic Councillors claim that WVA was there before the houses and while that is correct to a degree, in 1973 The State Planning Authority of New South Wales objected *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 Wyong area; and*
- (b) *the likely effect of the proposal on the creek system in this area cannot be determined at this stage.(31b)*

The objections of Planning in 1973 have been proven valid as the developments around WVA proceed as planned and the *adverse effect* of the airport on residential development becomes ever clearer, with aircraft noise and safety being paramount concerns.

While there is more to the aquatic environment around WVA than just the creek system, the adverse effect of the airport on the environment is now being felt as vegetation was destroyed when the runway was extended in 2015, the CCAC and Council now want to decapitate EEC, E2 protected riparian wildlife corridor trees and SEPP14 vegetation for the benefit of the airport users.

### **34. Central Coast 2036 Regional Plan WEZ makes no progress in a decade due to airport**

The 2036 Regional Plan contains no airport and the WVA site is included in the Wyong Employment Zone (WEZ) as *Existing industrial zone (32b)*. The Plan has the WEZ as *the main economic gateway for the northern half of the Central Coast region....(33b)* *Direction 2.6 of the Plan Enhance the Warnervale employment lands says The draft Plan builds on the NSW Government and Wyong Shire Council's plans for the proposed Warnervale Town Centre and the Wyong Employment Zone as a priority corridor for future jobs, services and business growth.....The Wyong Employment Zone and surrounds will be able to capitalise on proximity to the M1 Motorway, growing nearby labour markets, and as the northern economic gateway for the region.(34b)*

Training circuit flight paths are directly over the proposed Warnervale Town Centre and associated residential developments.

According to the May 2010 WEZ public announcement by Wyong Shire Council attached (35b), The rezoning process for the WEZ commenced in late 2005. In July 2006 the WEZ was declared a State Significant Site under Part 3 of the EP&A Act 1979 and the rezoning gazetted in November 2008.

In respect of Warnervale Airport the WEZ brochure says,

*The Warnervale Airport operates on land leased from Wyong Shire. It is a permissible use in the new IN1 Zone and will continue for the time-being under the current lease and new zoning.*

The WVA site was rezoned from 5a Special Uses Aerodrome to IN1 industrial with the sole purpose of redeveloping the land for industrial use and *the time-being* should times up, in August 2021 when the Council, Aero Club lease agreement expires.

Despite the WEZ having been in existence for a decade, not a single one of the much touted 6,000 jobs have been created. WVA and the former Chinese Theme Park sites are the only fully serviced industrial shovel ready development sites in the WEZ and yet their development is being blocked by the retention of WVA and its proposed future \$400m development into an Aviation Hub/Regional Airport. The failure to develop these sites into their long planned industrial use is blocking 1000's of jobs, costing over \$30m in capital gain, costing lost rate income and has cost \$2.33m over four years in Aero Club subsidies with subsidies to be provided forever if the Aero Club remain on the site. Further, WVA threatens the environment with protected native vegetation and the regional wildlife corridor to be destroyed to facilitate the unviable, undesirable and unnecessary continuation and expansion of WVA.

### **35. Wyong Employment Zone State Significant Site Study recommends against retention of WVA**

In January 2008, Wyong Shire Council produced the State Significant Site Study (SSS) of the Wyong Employment Zone (WEZ) attached (36b). As WVA forms a significant portion of the WEZ the site was studied in depth with the SSS stating:

*A survey was conducted by Council staff to identify the types of services and employment provided by existing airports within an hour drive of the Warnervale Aerodrome..... Table 6.7 clearly demonstrates that there are a number of airports within an hour drive of Warnervale Aerodrome which provide a similar range of services to Warnervale Aerodrome. Hence the region would not be disadvantaged by the possible future closure of the Warnervale Aerodrome. Indeed, most of the same services are provided at Cessnock Airport which is 45 minutes drive from Warnervale Aerodrome.*

Since the 2008 survey was conducted, Lake Macquarie Airport, not included in the survey has come back into service. The survey does not include Somersby Aerodrome, less than 30 minutes from WVA which provides Microlight and limited GA facilities. The Mangrove Mountain Soaring Club also around 30 minutes from WVA provides basic pilot training in gliders.

WVA is an Aeroplane Landing Area (ALA), Cessnock Airport is CASA certified and Warnervale Air Pty Ltd could train their pilots legally up to the General Flying Progress Test level at that airport. According to CASA ALA Guidelines, pilot training prior to the attainment of the General Flying Progress Test which takes 19 hours should not be undertaken on an ALA, however Warnervale Air Pty Ltd do undertake such training at WVA.

Newcastle Airport, also the Central Coast Regional Airport is also included in the survey and at the time provided 600 jobs with 1800 flights per week.

*As part of the SSS Study for the WEZ Council staff investigated the feasibility of retaining the existing Warnervale landing strip. The retention of the landing strip is not recommended due to the following problems:*

*The developable industrial land in the WEZ would be reduced if Warnervale Aerodrome was to be retained.....*

*The retention of the Obstacle Limitation Surface (OLS) restrictions around the existing landing strip would also impose development restrictions on the adjoining industrial development. The current OLS limitations means that the necessary tree heights within proposed wildlife corridors would be impaired. Areas that need to be targeted for tree planting would need to be kept close to ground height. Meaning the proposed regional wildlife corridor strategy would not be able to be realised.....*

The WEZ Development Concept Plan attached (37b) shows the proposed main roads through the former Chinese Theme Park site and the WVA site as an integrated development.

The importance of the wildlife corridor from Porters Creek Wetland to the Wallarah Creek catchment are discussed on page 114 of the SSS (38b), stating *This wildlife corridor is extremely important for maintaining The Shire's biodiversity and threatened species as it forms the only major north-south wildlife corridor which is located to the east of the F3 - Freeway.*

*Option 1 is located to the east of the existing Warnervale Airport.....it provides high quality habitat for a suite of fauna species, riparian dispersal routes and habitat. It also contains extensive areas supporting endangered ecological communities.....*

Figure 6.5 of the SSS, Planned Corridor Networks shows the corridor on Sparks Road opposite the WVA runway as Option 1 and a Primary Regional Corridor (39b). Figure 4.8 shows the Composite Threatened Species Map and the Sparks Road E2 Fauna Corridor opposite the WVA runway as an EEC Swamp Sclerphyll Forest (40b).

WVA and the wildlife corridor are incompatible as the Council and Aero Club want to decapitate these trees now and they must essentially be removed for CASA certification and passenger (RPT) use.

Central Coast Council are currently seeking to decapitate EEC, E2 zoned trees to the north of the Warnervale runway on Sparks road, designated as a wildlife corridor under the WEZ SSS. Council are also seeking to decapitate E2 and SEPP14 zoned trees to the south of the Warnervale runway on the pretext of safety. The trees to the north have been present and noted as limiting the effective Warnervale runway length to 850m by way of a displaced runway threshold in the Wyong Shire Council 1993 Regional Airport EIS and numerous subsequent documents.

These protected trees are seen as a reason why, *The retention of the landing strip is not recommended...* WVA is the problem not the trees.

*The loss of 35ha of potential industrial land amounts to a loss of 525 local jobs after applying a relatively conservative multiplier of 15 jobs/ha. In comparison the current facility currently operated by the Central Coast Aero Club at Warnervale only provides 7 jobs.*

Supporting the industrial development of WVA is the WSC December 2014 application to the NSW Government for \$26m to begin the industrial development of the airport site (41b). Further Council studies have even found larger job numbers and more benefits from industrial development of the airport site, with a 2013 SGS Economics report predicting 626 direct industrial jobs from the WVA site, or 2,504 jobs including multiplier of three for indirect jobs. (42b) Using the SGS 626 industrial jobs for 35ha, the CCAH Master Plan site of 60ha would generate 1,073 direct industrial jobs, or 4,292 jobs including multiplier of three indirect jobs.

### **36. Warnervale Airport Development Opportunities Feasibility Study recommends industrial development of WVA site**

In February 2013 Wyong Shire Council completed the Warnervale Airport Development Opportunities Feasibility Study. The study was not released to the Councillors or the public. After a year long battle with Council, the Feasibility Study was finally released under GIPA law in February 2017 following a hearing in the NSW Administrative Tribunal. As the Feasibility Study recommends the industrial development of the airport site and not the airport use, it is easy to see why it was kept secret from Councillors when they voted in October 2015 to develop a Regional Airport at Warnervale.

The Feasibility Study Executive Summary asks the question of WVA, *should such a valuable asset be limited to a small sector of the community (43b).* The Feasibility Study answers the question with a resounding NO as it supports the industrial development of the WVA site with a value twice that of an airport.

The introduction says:



*Since the 1970's, Wyong Shire Council has committed extensive resources and expenditure towards the airport site with little financial return.....If the airport is to continue in its present guise, Wyong Shire Council will need to continue subsidising the operation. (44b)*

The Recommended Option says: *the study site is a key gateway location to the Wyong Shire and provides WSC with excellent opportunities to increase revenue to Council. (45b)* The actual recommended option is redacted, however it is apparent within the Study that Option is Option 3 or 4 if Council can raise the funds. Options 3 and 4 both have ROIs three times those of Option 1, do nothing, or Option 2 develop the airport and overall scores 60% and 90% higher than Options 1 and 2 (46b).

The study says on page 24, *Cessation of airport operations would be beneficial to development of the study site and surrounding properties.....However, in the path of future population growth and its actual social and economic benefit to the community undetermined, the airport's future is now in the community spotlight.....WSC identified the site for potential development prior to the State Significant Site application. A key redevelopment factor is the rezoning that occurred as a result of the SEPP approval.(47b)*

While it is an obvious benefit, the study says cessation of operations would be beneficial to surrounding properties and that the site was identified for development prior to the SSS with the rezoning a key development factor.

On page 25, *the airport will continue to be a financial liability to WSC until such time the site is developed or disposed.(48b)*

With losses of \$2.33m over the past four years the airport is most certainly a liability.

*Option 2. Upgrade of the Warnervale Airport is not considered to be a viable option. The costs are prohibitive and significant efforts to lure associated businesses to the airport would be required.*

In Council's own words, upgrading Warnervale is not a viable option and the costs are prohibitive.

*.....Edwards also admitted that the Warnervale site has specific constraints. These include difficult landing during inclement weather to the extent that Edwards will not land there.*

Despite the extension and widening of the Warnervale runway in 2015, it still does not comply with CASA guidelines for the uses it is put to.

On page 26, Option 3 provides the highest return on investment at minimal cost to WSC (49b).

The author of the WVA Feasibility Study was surprised by the sale of the Chinese Theme Park land and as a result a review of the industrial development of the WVA site was required (50b). Now the Theme Park is not proceeding and the land is again available for inclusion in the airport industrial development, as intended in the WEZ SSS. This allows the SSS planned double road access to the industrial estate and the inclusion of Layouts 2 (51b) and 3 (52b), which were obtained under GIPA law and are attached. The full 1073 (SGS) direct job industrial development potential of the 60ha CCAH airport site can be realised with Layouts 2 and 3 which incorporate the 15.7ha former Theme Park site.

Layout 3 includes a heliport, which overcomes a number of the CCAC claims regarding retaining WVA. The heliport facilitates helicopter use for fire fighting, medivac, sight seeing and transport to other centres. There is an existing heliport at Wyong Hospital.

### **37. Central Coast Regional Airport Investigation and Cost Benefit Analysis shows Warnervale General Aviation, General Aviation/Passenger airport not viable**

The non viability of Council's CCAH Master Plan proposal is highlighted in WSC's October 2015 Central Coast Regional Airport Investigation and Cost Benefit Analysis, not releasing it into the public domain by keeping it confidential. A copy of the Central Coast Regional Airport Investigation and Cost Benefit Analysis was however given to the CCARG by a member of the media.

The writer has already critiqued the Cost Benefit Analysis as part of the Central Coast Regional Plan 2036 submission, however the estimated cost of the seven stages of the Central Coast Aviation Hub Master Plan are now known, with the cost spread sheet obtained under GIPA.

The only reference to the Warnervale Airport Development Opportunities Feasibility Study (43-52) is contained on the attached page of the Cost Benefit Analysis. Had this document not been noticed and obtained under GIPA then non of the Feasibility Study findings would never be known.

The total cost of the Stage 7, 1800m airport proposal is \$386m plus land purchases. The cost to Stage 5, a 1200m runway GA and passenger airport is estimated at approximately \$330m plus land purchases. Of this \$330m, approximately \$102m appears to be allocated to the Terminal Aprons and Taxiways in Stage 3.

Therefore the 1200m Warnervale GA only airport cost is approximately \$228m and the Warnervale 50% pax 1800m airport \$386m.

The Financial Performance Indicators on page 45 of the confidential CCRA investigations paper (53b) show: A Warnervale GA airport at \$39m cost has a Cost/Benefit Ratio of 0.69 for an internal rate of return of 10.06%. However we know from the CCAH spread sheet that the capital cost for a GA only Warnervale Airport is at least \$228m, not \$39m, or 500% greater. While interest rates are now lower, the Cost/Benefit Ration would be only a fraction of the 0.69 with an internal rate of return a fraction of the 10.06%, based on the CCAH spread sheet costs.

A Warnervale 50% pax airport at \$60m cost has a Cost/Benefit Ratio of 1.06 for an internal rate of return of 15.85%. However we know from the CCAH spread sheet that the cost for the Stage 7 Warnervale 50% pax airport, stated in former Mayor Eaton's media release attached (54b) at 450,000 passengers is not \$60m but at least \$386m or 600% greater. Again, while interest rates are now lower, the Cost/Benefit Ration would be only a fraction of 1.06 with an internal rate of return a fraction of the 15.85%, based on the CCAH spread sheet costs.

From Council's own Cost/Benefit calculations, which comprise over 30 pages of computer calculations and spread sheets and their CCAH spread sheet costs, WVA is clearly not viable as a GA, 450,000 passenger or an unlimited capacity airport that has to compete with many other domestic, international and GA airports just and hour or so drive away.

### **38. Collapse in Warnervale Airport movements from 48,000 in 1998 to 26,353 in 2018**

Wyong Shire Council's 1998 application to the NSW Government for a 1,600 metre runway at Warnervale, their once only opportunity to apply under the Act for a runway longer than 1,200 metres, was refused by NSW Planning Minister Andrew Refshauge in 2001.

The application states, *Current (1998 estimated) traffic levels at Warnervale Airport are about 48,000 aircraft movements per year. Based on details provided by Warnervale Air Pty Ltd, the bulk of this traffic, 27,000 movements is for flying training purposes (56% of the total)*

The total aircraft movements at WVA for the 2018 Calender year from Council records provided under GIPA was 26,353, a fall of 21,647 or 45% since 1998.

The fall in movements at WVA is typical of the General Aviation (GA) airports listed in the Council 1998 report as can be seen in the Airservices Australia Movements at Australian Airports report for the 2018 Calender year (55b).

Bankstown	405,000 movements in 1997	269,646 movements in 2018	33% reduction.
Camden	122,100 movements in 1997	103,904 movements in 2018	15% reduction
Jandacott	378,000 movements in 1996/7	206,966 movements in 2018	45% reduction
Archerfield	254,500 movements in 1996/7	188,866 movements in 2018.	26% reduction

It appears WVA has suffered a reduction in movements equal to Jandacott, the worst performer of the major airports listed, with a 45% fall in movements.

These figures do not point to a vibrant GA industry, with activity at WVA falling 45% over 20 years.

Recent movement numbers at Warnervale ALA have increased markedly.

### **39. Warnervale Airport weekend movement collapse evidenced from 2003 Business Paper**

Aircraft movements at WVA have not just collapsed overall, they have collapsed on weekends, the busiest period for touch and go circuit training.

Wyong Shire Council (WSC) Business Papers signed by then Mayor now Councillor Greg Best from February 2003 (56b) state

*Resolved on the motion of Councillor Best*

*2 That Council not proceed with plans to develop Warnervale Airport as a Central Coast Regional Airport.*

*3 That no capital funding be allocated to the airport.*

Councillor Best now leads the push, supported by the CCAC, to have the 1800 metre runway, 40 B737 movements per day Central Coast Aviation Hub (CCAH) Master Plan exhibited with a view to construction of this airport.

*Mr Officer QC has advised, inter alia, as follows*

*2 Placement of the existing power lines to the north underground and removal of trees to increase the operational length of the existing runway should not require approval under the Act. [While the existing runway has a length of 970 metres the operational length is restricted by the power lines and trees.]*

CCC are intending to decapitate EEC, E2 protected WEZ designated wildlife corridor trees to the north of WVA in the name of pressing safety. In 2003 the then Mayor, now Councillor Best was fully aware of the impact of trees and power lines to the north of the runway and yet along with the CCAC only now regards them as an issue.

*.....the Act restricts the number of movements (a movement being a take off or landing) to a maximum of 88 each day. The current operation from the existing 970 metre runway regularly exceeds this and can be up to 300-400 movements per day on weekends.*

In 2003 Council says there are 300-400 movements on weekends. In the nine months of 2017 covered by detailed Council movement numbers, 200 movements were only exceeded twice, demonstrating the dramatic collapse in airport use.

### **40. Warnervale Airport weekend movement collapse reinforced in 2010 Business Paper**

The WSC April 2010 Warnervale Airport and Associated Lands report (57b ) says

*Due to the presence of power lines and trees on Sparks Road, the current operational length is significantly less than the full 970m runway.*

This statement again acknowledges the presence of the power lines and trees limiting the effective runway length in 2010. In August 2019, Council resolved to obtain a report with a view to decapitating the trees to allow night flying, although all flying can be undertaken with displaced thresholds in place, without interfering with the trees.

*The current operation from the existing 970 metre runway regularly exceeds this and can be up to 200-300 movements per day on weekends.*

In this report, the number of movements on weekends has fallen from 300-400 per day in 2003 to 200-300 movements in 2010, reinforcing the decline in airport use.

#### **41. Bankstown staying open, with plans for expansion despite Council claims of closure**

The CCAC, their speakers and Cr Best have claimed in their presentations to Council during the Cr Best sponsored rescission motions that Bankstown Airport is to close once Badgerys Creek Airport is in operation. However the very CCAH Master Plan that Cr Best and the CCAC want exhibited states on page 35 Attachment 5 attached (58b) *Bankstown Airport will operate as presently, with some restrictions to IFR traffic developing as Western Sydney Airport grows in operation.* Lee De Winton, CEO of Sydney Metro Airports, owner of Bankstown has told the writer that Bankstown is not closing, indeed the airport is going from strength to strength, recently attracting several more pilot training organisations and increasing movements as is maintained in the Bankstown Airport 2019 Master Plan.

#### **42. Central Coast is the best served region in Australia for air passenger transport and General Aviation**

The Central Coast is now one of the best served regions in Australia for air passenger transport and General Aviation (GA) facilities without including Warnervale Airport and is soon to become the best served region for passenger air transport.

Sydney Kingsford Smith, Newcastle and Western Sydney Nancy-Bird Walton Airports will all be about an hours virtually traffic light free drive from most parts of the Central Coast once the Northconnex tunnel is in use next year.

Newcastle Airport is now the thirteenth busiest airport in Australia flying 1.261m passengers in the year ending July 2019. Newcastle Airport CEO Peter Cock writes in his submission to the Central Coast Regional Plan 2036, *Newcastle Airport strongly identifies the Central Coast as being its core catchment and is working hard to support this community* (59b). The fact is that Newcastle Airport, built with tens of millions of dollars in State and Federal grants is already the Central Coast Regional Airport and a major high tech aviation hub, being just over 50 minutes drive from WVA.

Cessnock GA and Maitland GA airports are both under an hours drive from Warnervale Airport, with Lake Macquarie GA and Somersby microlight airport under 30 minutes drive north and south of Warnervale Airport. Bankstown Airport is according to google currently less than 1.5 hours drive from Warnervale with that travel time to reduce once the Northconnex is operative.

The Central Coast is also served by a vibrant soaring club at Mangrove Mountain.

#### **43. Australian Airports Association Infrastructure Study GA Airports lose 45%**

ACIL Allen Consulting for the Australian Airport Association found revenue shortfalls for regional non RPT airports are on average 45.6% and for regional airports 3.4% (60b) The non RPT revenue shortfall is less than the WVA revenue short fall which is over 80%.

#### **44. Former Chinese Theme Park site, 15.7ha of industrial zoned land adjacent to WVA**

The Chinese Theme Park development on 15.7ha originally proposed in the WEZ to be part of the WVA industrial development finally collapsed in mid 2018 after much hype from 2012 onward, following the purchase of the site by Australia China Theme Park (ACTP) for \$10m on a \$10,000 deposit. Council never received the \$10m and the deal was terminated after nearly 6 years of delays. ACTP eventually paid \$650,000 of the \$10m however Council spent \$2.3m preparing the site and so lost a minimum of \$1.65m of Ratepayers money on the deal.

The Theme Park land sale effectively stopped the orderly industrial development of the WVA and adjacent site, blocking any development of the WEZ and the industrial jobs that would have flowed to the community. The site is now available again, so the WEZ plans can be reactivated.

The Chinese Theme Park land adjacent to WVA is now included in the CCAH Master Plan.

Despite a resolution being passed by Council in November 2018 to sell the 15.7ha, industrially zoned former Chinese Theme Park site, the land is not on the market. The Theme Park site has been incorporated into the CCAH plans with the new CCAC hangars and club house having been sited on this land as per the attached pages from the CCAH Master Plan. Should the Theme Park land be sold then the CCAH site would be reduced to 35ha Warnervale Airport site plus 10ha of industrial zoned land on the east side of Jack Grant Avenue, costing the CCAC their new facilities.

A resolution of Council in 2018 to sell the Theme Park site has effectively been ignored by Council staff.

#### **45. Plan to protect SEPP14 Porters Creek Wetland has not been developed or presented**

In November 2017 a resolution was passed by Council to produce a plan to protect the SEPP14 zoned Porters Creek Wetland by 26 February 2018. To date, 18 months after the due date, no protection plan has been developed or presented to Council. As with the sale of the Theme Park land, protection of the SEPP14 wetland hinders the development of the proposed CCAH as the 1198m Stages 1-5 runway requires wetland clearing for OLS purposes and the 1800m Stage 6 and 7 runway protrudes some 600m plus into the wetland. It is unlikely this plan will be presented prior to the next Council election in 2020.

#### **46. Emergency use exempt in the Act**

The CCAC and some Councillors claim the 88 movement limit at WVA will affect emergency services and intend bringing representatives of those services to a meeting with the Minister. However emergency services are exempt the restrictions under Part 2 (7) of the Act.

#### **47. Amphibian Aerospace Industries, the aircraft manufacturer that cost ratepayers millions of dollars.**

While not directly related to the 88 movement limit, Council's failed deal with Amphibian Aerospace Industries (AAI) was fully supported by the CCAC and was yet another attempt to justify the expansion of WVA.

AAI were supposedly going to rebuild 60 year old Grumman Albatross amphibious aircraft with turbo prop engines and new avionics in a \$100m factory on 2ha of land leased from Council at WVA. While the proposal appeared implausible from the outset, Council and the CCAC insisted it was going to happen and AAI submitted plans to Council for Stage 1 of the aircraft factory along with much media hype, including former NSW Premier Mike Baird being at the contract signing ceremony.

A few months after the contract with Central Coast Council was signed, the Daily Telegraph printed an article claiming that AAI had never built an aircraft, a surprise to Council GM Rob Noble (61b).

A GIPA enquiry that ended up in mediation at the Administrative Tribunal found that Council's Due Diligence on AAI was a single A4 sheet written by AAI and that at least the first ten years of the land lease were at no cost to AAI. In the lease agreement, AAI accepted the Act and the runway as it is now. Further, the CEO of AAI who was present at the first day of mediation said AAI considered they had control of the entire WVA site for the 40 year lease term.

Spending millions of dollars in Ratepayers funds, Council cleared E2 Environmental land and built roads for the AAI factory, only to have Central Coast Council refuse their own DA to clear the AAI site and E2 land, despite the clearing and road construction having already been undertaken prior to the DA being made.

Finally AAI requested Council undertake measures to allow AAI to lower their hangar floor level by 500mm. Council built a levee bank along the entire northern boundary of WVA to divert flood waters away from the AAI site.

AAI finally pulled out of the deal and in 2018 and settled with Council for an undisclosed amount, said in the media to be \$50m.

In total, some \$10m of Ratepayers funds plus the settlement amount was wasted on the AAI deal and all with the strong support of the CCAC in presentations to Council meetings and in the media.

#### **48. Decapitation of protected trees.**

When Council exhibit their DA or proposal to decapitate the protected trees to the north and south of Warnervale Airport, the CCARG and the community will object. On the basis of the facts the decapitation proposal should not succeed and the plan should be defeated at Council level. However with Council being the proponent and consent authority and judging from Council's past performance in relation to the airport, the community finds it hard to believe the assessment process will be unbiased.

The decapitation proposal is complicated by the fact that Council do not own the land to the north that contains the EEC, Wildlife Corridor trees.

Should Council approve the decapitation process, the community requests that The NSW Government and Department of Planning protect the trees and prevent the unnecessary destruction of the trees and the EEC of which they are an integral component.

#### **49. Central Coast Aero Club President article in Wyong Regional Chronicle 5 February**

Central Coast Aero Club President Andrew Smith wants to "*clear up any confusion*" and point out the "*easy, fair solution*" for the future of the airport at Warnervale.(46c)

Mr Smith talks of the airport use being better than an industrial estate. However Council has prepared an "*Integrated Water Cycle Management (IWCM) Strategy*" for the Wyong Employment Zone (WEZ) to recycle and reuse most of the run off water. The airport site is included in this Strategy as part of the proposed industrial development of the airport site under the WEZ. (47c)

Mr Smith talks of an airport action group and a scare campaign that there would be 24 hour Boeing 747 operations. In fact the B747 scare came from Australian Aviation magazine (48c) and had nothing to do with the action group.

Mr Smith says "*Jets can not and will never land at Warnervale. The runway is 1200 metres long.*" Council's Aviation Hub Master Plan is for jet use, from the 1198m runway with the Master Plan lists 8 jets among the 21 listed aircraft and on up to the 1799m runway which lists 27 jets among the 42 listed aircraft. The new Master Planned 1198m runway extends 80m south of the existing 1196m runway and require an application under the Act as a 1276m runway, longer than the 1200m maximum under the Act.

Mr Smith says "The smallest jet airliner in use in Australia, which requires the smallest runway length for take off or landing, is the Airbus A320. It requires 2058m"

Council's Central Coast Aviation Hub Master Plan Attachment 1 lists many passenger jets smaller than the A320 in use in Australia (marked), a number of which are rated for use on a 1799m runway.(49c)

B737 and A320 jets use the 1,797m Sunshine Coast Airport all day every day. The intended 1,799m Warnervale runway will be no different. That is why the impact of these aircraft is studied in Council's Aviation Hub Master Plan and the CASA exemption under which A320 and B737 aircraft is featured on page 219 attachment 4 of the Master plan (55c), including B737's using the 1,797m, 30m wide Sunshine Coast Airport

Airport proponents are not in the least bit concerned with these facts. They want an airport. The airport will provide a maximum of 116 jobs according to Council consultant Deloitte Access Economics, at a cost of \$396m for the completed 1,799m runway. The SEPP 14 Porters Creek Wetland and Regional wildlife corridor will be effectively destroyed by the proposal. There will be 18,366 N65 noise affected properties from the intended 40, B737 and A320 jets per day. Information all available from Council's Aviation Hub Master Plan on Council's web site.

The Aviation Hub Master Plan airport site of about 110ha is able to and would provide over 2,000 direct industrial jobs or 12,000 jobs with multiplier as zoned and intended under the Wyong Employment Zone. The site could be sold for over \$30m for industrial use and would generate over \$500,000 a year in rates while stopping the annual haemorrhage of \$600,000 in airport losses while saving the SEPP14 Porters Creek wetland into the bargain. None of this information is provided to Councillors by staff to allow Councillors to make fully informed decisions.

Mr Smith says in 2019, Council informed the Aero Club the movement clause had probably been triggered. That Council put the onus on the Aero Club to self limit their operations and that the Aero Club asked for proof that the club was required to degrade their operations.

Council's Update-Warnervale Airport states in relation to the license agreement with the Aero Club (51c)

- “The Aero Club must comply with all reasonable directions given by or on behalf of the Council in respect to the movement of people and aircraft on the Airport land”
- “The Aero Club must ensure that all Permitted Activities undertaken by or for the Aero Club on the Airport Land are conducted in full compliance with all laws.”
- Clause 3.1.5.2 states specific reference to the Warnervale Airport (Restrictions) Act 1996 as one of these laws.

The license agreement appears to indicate that once the runway was extended in 2015 the Aero Club should have automatically complied with their License and the Act.

Mr Smith says Council voted to vegetate parts of the runway. In fact the low sedges that Planning NSW asked Council to rehabilitate in 2016 are not on the runway but well away from it to the west as shown in Figure 1. (52c) and do not interfere with operations at all. The issue of the trees interfering with approach paths is only a recently raised issue prompted by CASA writing to Council regarding safety at their ALA. Council have ecologists working on justifying the decapitation of the EEC, riparian, E2 wildlife corridor that impacts only on the use of the full 1196m runway but should require a DA under the EP&A Act as it allows a change of use for Warnervale.

Mr Smith says “Twin engine aircraft are now having to pass within metres of the tree line to effect a safe landing.” Twin engine aircraft are not supposed to use the Warnervale 10m wide runway under the CASA ALA Guidelines CAAP-92. While the final safety decision is up to the pilot it appears from Mr Smith's comments that twin engine aircraft should not use Warnervale.

Mr Smith claims “A light training aircraft can do around 10 of these circuits per hour.....” From observed data logged by the community a training session last one hour, with the first 15 minutes or so taken up with pre flight checks and run up etc. Circuits have been timed and recorded at approximately 5 minutes each and the number of circuits per training session is generally seven and very rarely eight or 14 to 16 takeoffs and landings. Circuit training can not and does not hit 88 movements in one or two hours

Mr Smith claims he is unable to find where the 88 figure came from. In fact the 88 movement figure came from the 1993 Warnervale Airport EIS (53c) and gave airport users a 10 year horizon before they hit the 88 movement limit. The 32,120 movements ten years hence from the 1993 EIS date, is still 5,767 above the 26,353 Warnervale movements recorded by Council in 2018.

The community are not well served by Mr Smith's various statements. Nor is the community well served by the Wyong Regional Chronicle newspaper which despite being in possession of all the independent facts listed above, fail to print any of them to correct the record.

**50. Camden Airport Master Plan 2020 has 135 direct employment at Camden with 528 total in NSW including induced jobs.**

Camden Airport had over 104,000 movements plus gliders in 2019 according to Airservices Australia. **Camden has 135 direct jobs on-airport**, 74 direct jobs off- airport for a total of 209 jobs. In the Camden Region a further 200 induced jobs and 319 induced jobs in NSW. **Total direct and induced jobs in NSW 528.** (57c)

The Central Coast Aviation Hub Master Plan has General Aviation movements at Warnervale by Stage 5 in 2024 at 48,000 per year (61c), less than half those at Camden today. Council staff say there will be 5,000 jobs from Warnervale.

This is implausible. Camden, with over double the movements of Warnervale at Stage5 has just 10% of the 5,000 total jobs being spruiked by Council staff.

The Central Coast Council staff's 5,000 job claim when compared with Camden's 528 jobs amounts to deception on a grand scale!

**51. Australian Airports Association Regional Airport Infrastructure Study finds 80 jobs at 300,000 passenger Regional Airports**

The 2018 Australian Airports Association Regional Airport Infrastructure Study (63c) provides a guide to employment at Regional Airports, with a 300,000 passenger airport providing around 80 jobs. ACIL Allen found 1 FTE employed at a Regional Airport results in additional 1.1 FTE's induced employment in the state/territory in which the airport is located and an additional 0.5 FTE in induced employment in the rest of Australia. This information again shows the Council staff 5,000 jobs for the Central Coast Aviation Hub to be fanciful at best.

**52. Andrew Smith President Central coast Aero Club Board address to Council 22 June 2020. confirms Council staff 5,000 airport job claims.**

Andrew Smith says: (56c)

*"The Central Coast Aero Club has always maintained it is of paramount importance that the Airport environment at Warnervale not move outside of the current fenced boundary"*

None of the Master Plan stages can be completed without moving outside the fenced boundary, refer marked up Stage 2 Master Plan.(59c) The new Aero Club HQ is outside the fenced boundary.

*"We believe that the protection of the Porters Creek wetlands and surrounding environmental conservation lands is very important, and should be recognised in future planning by council."*

The E2 protected, EEC Regional Wildlife Corridor that the Aero Club want to have decapitated falls into "environmental conservation lands". This decapitation is unnecessary and unjustified with Mr Smith's Cessna 150 training aircraft requiring just 576m for take-off with at least 709m of runway available without touching the protected trees.

*"The figure quoted in the report and by senior staff is 5,000 jobs if stages 1-5 of the Airport Hub master plan are realised."*

Council's consultant Deloitte Access Economics say there may be just 109 jobs from the 1200m \$276m airport which is stage 5. Camden Airport 135 jobs on site, 528 with induced in NSW (57c). Illawarra Regional Airport 60-80 jobs. Cessnock Airport 40 jobs.



*“It is our understanding that Stages 1-5 can be completed with no expansion outside the current fenced airport boundary.”*

None of the Master Plan stages can be completed without moving outside the fenced boundary, refer marked up Stage 2 Master Plan.(59c) The new Aero Club HQ is outside the fenced boundary as is well over 50% of just the Stage 2 airport.

*“The Master Plan expression of interest period generated 137 expressions of interest.....”*

Expressions of interest were sought in March 2017 and assumed the Act was repealed. While there were apparently 137 expressions of interest only seventeen signed offers were received. (58c)

*“The Central Coast Aero Club has nothing to gain from this submission itself...”*

Except a brand new club house, hangars and apron on the Chinese Theme Park land Council staff will not sell. Refer (59c)

*“The terrible COVID-19 crisis which has brought the world to a standstill....”*

COVID has destroyed any plans for general aviation and pilot training world wide for probably the next decade. There would not be an industry more exposed to the ravages of COVID than the aviation industry with hundreds of thousands in the industry out of work permanently, including hundreds of pilots in Australia alone. The aviation writer in The Australian (60c) quotes Ansett Aviation Training manager John Holmes as saying *Flying schools were in a worse situation and there were concerns the end result would be devastating for the industry.*

### **53. Your Central Coast Airport advertisement**

In their full page Central Coast Newspapers sponsored advertisement in the Wyong Regional Chronicle (54c) on Tuesday 25 February, the Aero Club members and associates, Your Central Coast Airport (YCCA) said *“7000 new jobs have been estimated for the region, serviced through aviation and other businesses.”* While this is fanciful considering the 109-116 Deloitte jobs, it fits with Council staff’s job claims of 5,000 and 12,000 jobs. The statement from Dick Smith, made when he and John Singleton flew in a helicopter into Warnervale to open the new 1196m runway, is at odds with Mr Smith’s statements in Australian Flying Magazine *“urging operators and pilots to get out of general aviation before they lost large amounts of money trying to exist in a flagging industry.”*

The CCARG are very disappointed in the Chronicle for publishing such an advertisement in itself, but to sponsor the advertisement confirms their continuing bias in this matter.

### **54. Central Coast Airport Resistance Group Inc.**

The Central Coast Airport Resistance Group Inc. has been recently formed to protect the amenity and interests of the community in relation to Warnervale Airport, with the objects of the organisation to *resist any expansion of Warnervale Airport/Central Coast Airport and encourage future industrial subdivision and use of the airport site as per the Wyong Employment Zone (WEZ) designation of the site.*

After a successful 8 year campaign opposing the expansion of Warnervale Airport, the original Central Coast Airport Action Group Inc. was disbanded in 2003, following a meeting between its senior office holders and Wyong Shire Council Mayor Greg Best and General Manager Kerry Yates. In the meeting Mr Best and Mr Yates undertook to close the airport and sell the site off for industrial development. The Action Group disbanded as part of the agreement with Mayor Best and in 2003 Mayor Best’s Council resolved to not proceed with and to spend no more money on a Warnervale Regional Airport.

Council moved further down the path to selling the airport site in 2008 when the State Significant Site Study for the WEZ included a recommendation that the airport not be retained. In 2010 it was announced that

Mirvac were to purchase the airport site for industrial use and the Aero Club were set to relocate to Belmont Airport, with Councillor Best supporting the airport site sale. In May 2010 the WEZ was announced with the airport to *continue for the time being under the current lease and new zoning*, according to the WEZ media release and public information brochure. Council then produced the Warnervale Airport Feasibility Study in 2013 recommending the industrial development of the site, although the community only became aware of this recommendation in 2017. Finally in December 2014 as part of *Transforming The NSW Central Coast – 39 steps to a sustainable future for Wyong Shire and the NSW Central Coast*, Council applied to the NSW Government for \$26m to begin the industrial development of the airport site.

Following a promising decade in which all the signs were that the airport site would be developed for industrial use as promised, Council failed to honour the agreement. In October 2015 Council began developing Warnervale Airport again and with the support of Councillor Best, Council extended the runway from 970m to 1196m. In November 2017 Council staff recommended Council vote to proceed with the Central Coast Aviation Hub Master Plan, however the proposal was rejected by a majority of Councillors.

The sore that is Warnervale Airport will now continue festering in the community for decades to come, so the reformation of a community group remains a necessity, particularly if the Act is repealed.

#### **55. Warnervale ALA success. Warnervale industrial jobs created. Warnervale land sold. Warnervale environment preserved. Warnervale residents amenity protected. The win, win proposal.**

The CCARG offer a solution to the Warnervale Airport fiasco. The Warnervale site can be developed in accordance with Layouts 2 and 3 of Wyong Council's "Warnervale Airport Development Opportunities Feasibility Study" of 2013. The layouts show a two stage industrial development of the site with stage one leaving the runway as it is, in place and the IN1 industrial zoned land on the west and east side of the runway subdivided for industrial or aviation use. The west side land would be incorporated into the former Chinese Theme Park site already resolved by Councillors to be sold. There is up to 20ha of industrial land to be developed on the site (64c) (65c) which, using Wyong council's 2013 SGS Economics "Wyong employment lands study" (66c) employment number of 20 jobs per ha would provide up to 400 direct industrial jobs and millions of dollars in revenue from land sales for the broke Central Coast Council while kick starting the long delayed Wyong Employment Zone.

This plan should go hand in hand with a SEPP for the Warnervale airport site. The SEPP would protect the Aero Club's future, protect the environment and native vegetation and protect the amenity of residents while providing an actual, real 400 industrial jobs.

#### **56. SEPP amendment to Bill proposal**

The CCARG suggest the Warnervale Airport (Restrictions) Repeal Bill 2020 be amended to say:

##### ***4 Repeal of Warnervale Airport (Restrictions) Act 1996 No 57.***

*The Warnervale Airport (Restrictions) Act 1996 is repealed, to be replaced by a SEPP stating:*

*Warnervale Airport will remain an Aeroplane Landing Area under CASA CAAP-92-(1) with a 1196m long x 10m wide runway and all development and any physical environmental impacts contained within the existing 31ha fenced site.*

#### **Conclusion**

Council's 5,000 job claim for Warnervale is unsustainable when other real airport jobs are considered. For example, Camden Airport, with over double the projected Warnervale movements has just 135 on airport jobs with 528 in the broader community. The Australian Airports Association Regional Airport Infrastructure study of 2018 shows a 300,000 passenger regional airport could provide around 80 direct jobs, supporting the 109, \$274m 1200m airport jobs predicted by Deloitte.

Council aircraft movement records appear to show a blatant disregard for the law of NSW in the form of the Warnervale Airport (Restrictions) Act 1996, with the movement limit breached over 6,000 times. Further, it appears Council has sought to mislead the former NSW Minister for Planning and the Department of

Planning in their response to complaints regarding movement contraventions and sought to avoid excess aircraft movement detection by stopping recording movements between August 1 2018 and March 1 2019.

Claims made by Council's Acting Counsel regarding the impact of WVA on the community are at odds with the facts as stated by Council in their Email to CASA, admitting to aircraft noise being a problem and in the email from Acting CEO directing staff to communicate directly with complainants in relation to aircraft noise to the west of WVA.

The CCARG are disappointed in the 180 degree change in attitude to the Act from one Minister to the next and cannot help but think that had the Minister not changed, this Act Review would not have occurred. While In September 2018, former Planning Minister Roberts said in his letter to Wyong MP David Harris, *I can assure you and your constituents that the Department is serious in enforcing compliance of developments under its purview.* Less than a year later the Act is about to be repealed.

Supporting data in the 30 September 2019 Central Coast Airport Resistance Group inc. submission regarding the decline in GA, Peter Cromarty writing in the Aviation Section of The Australian said, ***"Today what's killing general aviation is competition, and it's coming from all quarters"..... "CASA isn't killing general aviation; it's dying of old age"*** and Executive Director of the AOPA, Ben Morgan saying of the GA study undertaken by his organisation ***".....These charts tell a story of catastrophic decline..."*** These statements reinforce our contention in the long term, rather than the community subsidising an airport in decline, the Wyong Employment Zone plan to develop Warnervale Airport as an industrial estate will provide the best jobs, environmental, amenity, safety, income and capital gain outcome for Council and the community. However in the current circumstances we believe that no more ratepayers funds should be sunk into Warnervale ALA and it should be legislated to stay as it is, a small viable Aeroplane Landing Area the community can live with.

The Central Coast Airport Resistance Group Inc. request that the Minister is mindful of the words of former Planning Minister Roberts in his Warnervale Airport Act August 2017 media release....*the government would consider whether additional controls on future development at Warnervale Airport might be needed to ensure any further proposals are subject to community consultation, rigorous environmental assessment and are determined by an appropriately impartial body* (19a) The Central Coast Airport Resistance Group Inc. believe Minister Roberts was correct in his decision to retain the Act and that consistent with his statements, the Warnervale Airport Restrictions Act 1996 should be retained without the limit on movements.

The CCARG offer a win, win solution to the Warnervale Airport fiasco with a SEPP that protects the runway, environment, amenity and creates real jobs.

Central Coast Airport Resistance Group

( ) Designates an attachment.