

Michael J. Allsop
18A Albert St
Wagstaffe, NSW 2257

11 February 2020

Review of the Warnervale Airport (Restrictions) Act 1996

I would like to add my support to the Review of the Warnervale Airport (Restrictions) Act 1996 (WAR Act). It is my belief that this Act is totally unnecessary, has been cited under false pretenses by opponents of the airfield, and now poses a substantial risk to the current and future operations at this airfield and the businesses and communities which it serves.

There are several grounds which the Review should address.

Uniqueness and Intent

I believe this Act is unique in Australia as a State Act addressing operations of an airfield. Airfields in regional areas are largely operated by local councils following Federal regulations. These are seen as substantial economic assets to the areas they serve, whether or not regular public transport (RPT) or freight air services are available. The Act was introduced under political circumstances to discourage a variety of proposals for air transport services and facilities in the region which were being considered at the time. These are no longer a factor given the Badgerys Creek development.

The economic opportunities for general aviation services (ie not airlines) at this airfield are currently being stymied by uncertainty generated by this Act. This uncertainty is now being used on spurious grounds by those with other motives for the closure of the airfield not related to its current operations.

The intent to thwart a now non-existent development proposal for a major airport is no longer valid, and should be grounds for revocation of the Act.

Trigger Point

The key trigger point for the invocation of the various restrictions in the Act is the notion of "lengthening of the runway". This was a simplistic device to describe the potential for introduction of heavy aircraft operations, and completely ignored the wholesale requirement for major pavement strengthening, runway widening and lengthening and ground handling facilities etc which would enable the introduction of RPT or freight operations.

The Act did not describe the act of "lengthening" as comprising substantial works. As it stands, a claim of "lengthening" may be made if the bitumen at the end was re-laid through maintenance or the paint markings were renewed a metre or so further along. It is exactly this claim that is now being made by the various airport opponents in order to apply the operational restrictions of the Act.

Consequences

"General Aviation" operations involve training, private flying, light charter, EMS etc and are undertaken to no fixed schedule. These involve the basic freedom to fly in accordance with the rules of the air and in accordance with local "fly neighbourly" policies regarding flight paths, altitudes etc.

The operational restriction of 88 movements per day under the Act (if triggered) was originally intended to limit the attractiveness of the airfield for RPT or freight operations, especially high intensity regional and longer distance air traffic. The number 88 was arbitrary. It paid no heed to general aviation operations which comprise the primary activity of this airfield. These operations are low impact and have been a feature of this airfield for over 40 years.

The number of movements per day at a general aviation airfield is entirely variable as a function of weather, customer or user preference and social need. A "movement" is a take off or a landing. One 2 seat aircraft in one hour of local training may conduct 10 takeoffs and landings (20 movements). With two or three aircraft involved in training on a day with favourable conditions, the movement cap would be met before mid morning and the airfield would need to close under the 88 movement cap. This is before any consideration is given to local airfield tenants who might wish to fly somewhere or visiting aircraft arriving and departing. It is a ridiculous figure when applied to light aircraft operations.

The recent imbroglio surrounding limits to current operations being triggered under this Act is a direct consequence of blind application of an Act no longer fit for its intended purpose and which may be used on spurious grounds to cause harm to current operations.

A further consequence of having the threat of the cap in place has been the insistence by the airfield operator (Central Coast Council) to require 24 hour prior notice for any aircraft operation by non-resident aircraft. This is a direct discouragement to visiting aircraft and completely unnecessary. A review of Airservices Australia publications shows that the only airfields in the country with such restrictions are those owned by mine sites or private individuals, where considerations of blasting works or movement of livestock (respectively) are the main driver for prior permission to undertake a general aviation operation.

Relevance

The Review should consider the relevance of the Act as written against both the historical and current operations of the airfield. In this context the movement restriction and other provisions would be seen as superfluous and of no relevance.

As to future operations at the airfield, there are no circumstances currently prevailing which would require retention of the Act given its lack of relevance, its focus on non-existent proposals for operations by heavy aircraft and consideration of real physical constraints to the implementation of the major complex intimated in the "lengthening" reference.

Further, consideration should be given to standard planning processes which should apply in conjunction with any proposal to invest in this asset, whether improving ground services, tenancies runway access etc. Given the existence of these processes and the approvals associated with them, this Act should be seen as irrelevant.

Desired Result

In my view the desired result following this review is the complete revocation of the Act. This would provide certainty to current and future tenants for general aviation related activities.

In the event that the Act were to remain, I would wish to see clarifications to note that its provisions only apply to the operations of heavy aircraft, and do not apply to general aviation operations. This would also need to note that such heavy aircraft operations would have to have been enabled by substantial works to the airfield, subject to approval through processes outside this Act. The trigger of "lengthening" alone would need to be removed.

Specific Commentary by Part

Part 2 Restrictions on Aircraft Movements

- This Part was intended to limit or prohibit operations of aircraft requiring the use of a hypothetically extended runway. The underlying implication was to create an operating environment unsuited to commercial operations, especially airline operations.
- The number of movements restriction is triggered by any assertion of increase in runway length, including any trivial markings unrelated to earthworks to physically lengthen the runway. This is a nonsense provision, poorly drafted.
- The limiting value of 88 movements can be triggered trivially as above despite no physical works. This is a severe handicap on the attractiveness and viability of the airfield and should be seen as an unintended consequence of manner in which the Act was written. Unfortunately, this consequence is now being exploited by those in favour of closing down the airfield entirely.
- The subsequent requirement introduced by the airport operator (local council) for 24 hours prior notice to conduct a take off or landing at the airport is a blatant mis-use of these same consequences of the Act.

Recommendations (if this Act were to remain)

- Clarify that the existing runway length has not been subject to "lengthening" for the purposes of this Part, and therefore these restrictions do not apply.
- If kept, the movement restriction should be amended to only apply to heavy aircraft. The Civil Aviation Act and its international peers set a category weight figure of 5700kg and above for this purpose.

Part 3 Restrictions on Length and Site of Runway

- The notion of runway extension for the purposes of triggering the restrictions in the Act was not defined as to its extent or basis of measurement, whether trivial (eg 10m or so due to repainting of runway markings on existing bitumen), or substantial (eg by 1000m or more required for airline style operations).
- There is provision in this Part for the existing 1200m notional length to be extended by 1800m with Ministerial permission. This would result in a 3000m runway, which is clearly a ridiculous proposition given the constraints on the site.
- As a facility dedicated to "General Aviation" operations (eg training, private flying, light charter, EMS etc), a runway length of 1200m is perfectly adequate provided the full length is not impeded by obstructions in the approach paths (eg trees outside the airfield boundary).

Recommendations (if this Act were to remain)

- Note that the baseline length of the usable runway as surveyed to airport standards between threshold markings is 1200m. This should very clearly exclude any lengths of access paving or grading leading to the runway threshold.
- Note that the airport operator is to ensure that no obstacles are permitted to infringe on the approaches to the runway which have the effect of limiting the available runway length below the baseline measure, following standards set in the Civil Aviation Act.

Part 4 Review of Proposal to expand Operations at Warnervale Airport

- This part was intended to take effect only after a written submission was made by the local council (now Central Coast Council) to seek an "increase in the maximum length for an existing or proposed runway at Warnervale Airport".
- In such an event, the Act was to serve as a brake on the fear that substantial lengthening could occur sufficient to permit operations of regular public transport (RPT) aircraft, and specifically "jet airliners".
- Such a proposal is entirely fictitious as the site constraints are such that aircraft of that type could never be accommodated in the land available.
- The current surveyed operational length (ie for take-off and landing) of 1196m is perfectly sufficient for light general aviation operations. Even if another 100m or so were added for additional safety margin for (eg) Flying Doctor or Air Ambulance aircraft, it would still be entirely inadequate for RPT operations, jet or otherwise. This would be limited in any case by site boundaries (major road at one end, wetlands at the other).

Recommendations (if this Act were to remain)

- Clarify that "increase in length" pertains to substantial works only, not to trivial replacement of paint markings or bitumen maintenance.
- Clarify that this Part only pertains to length of runway and not to any changes in tenancy or conduct of business at the airport.

From: Anthony Tavela on behalf of DPE PS ePlanning Exhibitions Mailbox
Sent: Tuesday, 11 February 2020 5:00 PM
To: DPE PSVC Central Coast Mailbox
Subject: FW: Webform submission from: Review of Warnervale Airport (Restrictions) Act 1996

Categories: Reply Sent

From: noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 11 February 2020 4:47 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Review of Warnervale Airport (Restrictions) Act 1996

Submitted on Tue, 11/02/2020 - 16:44

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: Michael

Last Name: Allsop

Name Withheld: No

Email: mjallsop@optusnet.com.au

Suburb/Town & Postcode: Wagstaffe

Submission file:

[war-act-review-submission.docx](#)

Submission: I support the Review and hope that its findings may result in recommendations to rescind the Act as being irrelevant to prevailing circumstances and harmful to General Aviation operations by light aircraft.

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/review-warnervale-airport-restrictions-act-1996>