

[Act 1996 No 57]



New South Wales

Warnervale Airport (Restrictions) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for restrictions on aircraft movements at Warnervale Airport in the event that the existing runway at Warnervale Airport is extended or a new runway is constructed, and
 - (b) to limit the length of any runway at Warnervale Airport, and
 - (c) to prevent construction of a new runway at Warnervale Airport, except at a site approved by the Minister, and
 - (d) to provide for the review of a proposal to expand operations at Warnervale Airport.
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Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 defines certain words and expressions used in the proposed Act. *Warnervale Airport* is any airport situated on certain land at Warnervale (near Wyong) and the *airport operator* is the person who operates Warnervale Airport. *Aircraft* means any machine that can derive support in the atmosphere from the reactions of the air but does not include a glider. An *aircraft operator* is a person who conducts an aircraft operation using aircraft.

Part 2 Restrictions on aircraft movements

Clause 4 provides that Part 2 does not apply to take offs and landings on an existing runway at Warnervale Airport, as long as the runway is not extended.

Clause 5 provides for a curfew on aircraft take offs and landings at Warnervale Airport. The curfew period starts at 10 pm on each day and ends at 6.30 am the next day. If the airport operator causes or permits an aircraft to take off or land in contravention of that curfew, the operator will be guilty of an offence. An aircraft operator who causes or permits aircraft to take off or land in contravention of the curfew will also be guilty of an offence. The curfew will not apply in certain emergency situations (see clause 7). The Minister may vary the curfew period if the Minister approves the length of any runway at Warnervale Airport being extended beyond 1 200 metres (see clause 8).

Clause 6 limits the number of movements of aircraft in and out of Warnervale Airport (that is, take offs and landings) to a total of 88 per day. If the airport operator causes or permits an aircraft to take off or land in contravention of that limit, the operator will be guilty of an offence. Emergency take offs and landings (see clause 7) are not to be counted towards the limit. The Minister may change the maximum number of aircraft movements per day if the Minister approves the length of any runway at Warnervale Airport being extended beyond 1 200 metres (see clause 8).

Clause 7 provides that the curfew, and the limit on the number of daily take offs and landings of aircraft, do not apply to aircraft that take off or land in certain emergency situations (for example, where an aircraft is being used for search and rescue operations or where an aircraft has insufficient fuel to be diverted to another airport).

Part 3 Restrictions on length and site of runway

Clause 8 provides that the maximum length for any runway (existing or proposed) at Warnervale Airport is 1 200 metres. It will be an offence for the airport operator to cause or permit an aircraft to take off or land on a runway that exceeds the maximum length. The maximum length for a runway may be increased to up to 1 800 metres by the Minister. Wyong Council may apply for such an increase. The increase may be granted only after the review and noise study provided for by Part 4 have been carried out.

Clause 9 prevents any person from carrying out work for the construction of a runway at Warnervale Airport unless the site of the runway has been approved by the Minister.

Part 4 Review of proposal to expand operations at Warnervale Airport

Clause 10 makes it clear that the review procedure and noise study provided for by Part 4 are to be carried out only if Wyong Council applies for the grant of an increase in the maximum length for an existing or proposed runway at Warnervale Airport.

Clause 11 requires the Minister to appoint an independent person or persons to conduct a review, with community input, of any studies relating to a proposal to extend the runway at Warnervale Airport or construct a new one.

Clause 12 requires the Minister to make arrangements for the carrying out of a noise study with respect to aircraft noise arising from proposed operations of Warnervale Airport.

Part 5 Miscellaneous

Clause 13 allows the Supreme Court to grant an injunction against a person who has engaged in, or is proposing to engage in, conduct that contravenes the proposed Act that restrains the person from engaging in that conduct or requires the person to do any act or thing.

Clause 14 provides that in proceedings against a person for an offence against the proposed Act, or for an injunction (referred to in clause 13), if it is established that an aircraft took off or landed in contravention of the restrictions imposed by the Act, it is to be presumed (in the absence of evidence to the contrary adduced by the person) that the person caused or permitted the aircraft to take off or land.

Clause 15 provides for the summary disposal of proceedings for offences against the proposed Act.

Clause 16 is a general regulation making power.

Clause 17 provides for review of the proposed Act by the Minister.