



Australian Government

Civil Aviation Safety Authority

NOTICE OF FINAL CHANGE

Aerodromes

Amendments to Part 139, Manual of Standards (MOS),
Chapter 11

Readers should note that this Notice of Final Change (NFC) contains the Summary of Responses (SOR) and CASA's summary disposition in response to the Notice of Proposed Change (NPC) 139/07. This NFC also contains the detailed comments received by CASA (Annex A) and CASA's agreed policy and intended legislative changes (Annex B).

This NFC finalises the public consultation process in respect of the NPC.

Audience

This Notice of Final Rule Making will be of interest to:

- aerodrome owners and operators
- Airservices Australia, as the national provider of air traffic services and facilities.

Foreword

Chapter 11 of the Part 139 Manual of Standards (MOS) includes standards for siting and clearance areas for airways facilities on airports. Airways facilities at an airport include aeronautical telecommunication and radionavigation facilities for communication, navigation and surveillance (CNS). These airways facilities are used for aircraft guidance and for air traffic control and thus are classified as safety critical services. Some of the facilities, in particular those for precision approach navigation, need to be in positioned in precise geometric relativity to runways. Most of the CNS facilities have an associated site clearance area surrounding the site location to ensure proper operation of the facility.

This standard prevents an aerodrome operator from proceeding with an aerodrome development if it intrudes on the clearance requirements for the particular CNS facility, unless the Civil Aviation Safety Authority (CASA) issues a specific exemption for each proposed development.

On 19 March 2013, CASA published NPC 139/07—Proposed Amendment to Part 139 MOS - Aerodromes - Chapter 11. In NPC 139/07, CASA proposed an amendment to paragraph 11.1.4 of the Part 139 MOS to permit any proposed development to proceed if the aerodrome operator had the written agreement of an approved service provider (the ‘Part 171 service provider’)¹ of aeronautical telecommunication and radionavigation services for the aerodrome. The proposal meant that the requirement for CASA to issue an exemption would not have been necessary.

By the time comments closed on 15 May 2013, three (3) responses to the NPC had been received. CASA has taken note of the comments and modified the original proposal. The revised proposal is explained in the body of this NFC and the actual Part 139 MOS amendment schedule is provided at Annex B. The main change is that CASA will, on the basis of advice provided by the Part 171 service provider (currently Airservices Australia), decide whether the proposed aerodrome development can proceed and inform the aerodrome operator accordingly in writing. No formal legal exemption will be necessary.

CASA would like to thank those who participated in the consultation on the issues addressed in the NPC. The input of stakeholders who are directly or indirectly affected by change proposals is appreciated and valued in our regulatory development process.



Peter Boyd
Executive Manager
Standards Division

11 December 2013

¹ Issued under Part 171 of the *Civil Aviation Safety Regulations 1998 (CASR)*.

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1 Reference material

1.1 Acronyms and abbreviations

Acronym / abbreviation	Description
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CNS	Communication, Navigation and Surveillance
DME	Distance Measuring Equipment
MOS	Manual of Standards
NFC	Notice of Final Change (closes MOS amendment consultation)
NPC	Notice of Proposed Change (for consultation on proposed MOS change)
SOR	Summary of Responses

1.2 References

Regulations are available on the ComLaw website <http://www.comlaw.gov.au/Home>

Part 139 MOS

Manual of Standards Part 139 Amendment instrument 2013 (No. 1)

<http://www.comlaw.gov.au/Details/F2012C00280>

2 Introduction

2.1 Objectives of the proposed change

The purpose of this NFC is to provide:

- background information on the consultation undertaken
- details of comments received in response to NPC 139/07
- analysis of the submissions
- CASA's response and disposition to those comments
- discussion of the impact and an explanation of the changes
- a list of the final changes to be made to Part 139 MOS – Aerodromes – Chapter 11, resulting from the NPC consultation process.

2.2 Previous consultation

The consultation on NPC 139/07 included the following proposals:

- Non-compliance with, or infringement of, a MOS siting standard for any airways navigation, communication or radar facility included in paragraphs 11.1.6–11.1.15.3 (inclusive) of the Part 139 MOS would be permitted, so long as the aerodrome operator had received prior written agreement from the Part 171 service provider for each aerodrome development proposed by the aerodrome operator.
- The aerodrome operator would be required to retain the written agreement of the Part 171 service provider, in keeping with statutory requirements for records retention, and provide it to a CASA aerodrome inspector at their request.
- If the preceding proposals in the NPC were accepted, the direct involvement of CASA would be unnecessary.

3 Summary of Responses

3.1 Respondents

At the closing date for comments CASA received three (3) external submissions to the NPC from the following organisations:

- Sydney Airport Corporation Limited
- the Department of Infrastructure and Transport
- Airservices Australia.

The comments received mainly related to the following issues:

- the requirement to reference the relevance of the *Airports (Protection of Airspace) Regulations 1996* in the proposed revision to paragraphs within Chapter 11 of the Part 139 MOS
- the requirement to reference the relevance of Runway Transverse Slope standards at paragraph 6.2.22 of Chapter 6, in relation to the siting of airways facilities
- the approval of compliance or determination of non-compliance with regulations and associated MOS is a regulatory function that should be retained by CASA.

The disposition of responses to this proposal is summarised as follows:

Disposition of Responses	No. of Responses
Acceptable without change	0
Acceptable, changes would improve it	3
Not acceptable but would be acceptable if changed	0
Not acceptable under any circumstances	0
No Comment	0
Total	3

The comments received have been evaluated by CASA. A list of the comments received, together with the CASA response and disposition, are provided in **Annex A** to this NFC.

4 Conclusion

4.1 CASA's disposition

CASA has accepted the three comments received from the respondents and has revised the final Part 139 MOS amendments to fully address the comments. The main effect is that CASA will, on the advice provided by the Part 171 service provider, decide whether the proposed aerodrome development can proceed and inform the aerodrome operator accordingly in writing. No formal legal exemption will be necessary. The change will provide a more flexible approach to approval of proposed aerodrome developments, obviating the need for instruments of exemption in normal cases.

5 Implementation and review

5.1 Implementation timeframe

The amendments to Part 139 MOS-Part 139 have been authorised by a CASA Miscellaneous Legislative Instrument signed by the Director of Aviation Safety. The amendments were effective from 23 September 2013.

The final MOS amendments notified herein apply only in the case of new aerodrome developments occurring after the amendment became effective.

5.2 Future changes

CASA expects that the standards contained in the MOS will change from time to time to meet changes in safety needs, technology, and international standards and practices. Therefore, the MOS must be maintained to accurately reflect these changes and will be subject to ongoing monitoring, review and, as necessary, amendment.

Additionally, Airservices Australia has informed CASA of the importance of updating the siting requirements in Chapter 11 of MOS 139, to protect safety-critical airways facilities in the medium-to-long term while ensuring regulatory clarity for airport infrastructure developments. Airservices Australia will provide technical support to the review and update of these MOS standards; CASA will action such reviews under a new project.

Additional information is available from:

Part 139 MOS Project Leader

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