



Australian Government

Civil Aviation Safety Authority

NOTICE OF PROPOSED CHANGE NPC 139/07

Proposed Amendment to Manual of Standards (MOS) Part 139 – Aerodromes – Chapter 11

This NPC will be of interest to

Operators of certified and registered aerodromes; Airservices Australia as the aeronautical telecommunication and radionavigation service provider under Part 171 of CASR.

Issued as part of the process of public consultation by
CASA's Standards Development Branch

Document NPC 139/07 – March 2013

PROJECT NUMBER: AS 12/38

Foreword

Background

Part 139 of the *Civil Aviation Safety Regulations 1998 (CASR)* currently prescribes the rules and procedures for aerodromes that are used for air transport operations. The regulations are supported by a Manual of Standards (MOS), which sets out the necessary technical standards for aerodromes, and a series of Advisory Circulars (ACs) which help facilitate compliance. The current version of the MOS is 1.10 dated May 2012.

In Chapter 11, there are 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 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.

Issue

The present requirement in Chapter 11 of the Part 139 MOS prevents an aerodrome operator 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 an individual exemption for each proposed development. In this Notice of Proposed Change (NPC), CASA proposes to amend Chapter 11 of the Part 139 MOS to permit any proposed development to proceed if the aerodrome operator has the written agreement of the CASR Part 171 approved service provider, Airservices Australia (CASR Part 171 service provider) of aeronautical telecommunication and radionavigation services for the aerodrome. The involvement of CASA in the issue of an exemption would not be necessary.

Purpose

The purpose of this NPC is to initiate formal public consultation on changes to paragraph 11.1.4 of Chapter 11 of the Part 139 MOS relating to:

- Non-compliance with or infringement of a MOS siting standard for any airways navigation, communication or radar facility included in the Part 139 MOS at paragraphs 11.1.6 to 11.1.15.3 inclusive may be permitted with the prior written agreement of the CASR Part 171 service provider having been received by the aerodrome operator for each aerodrome development proposed by the aerodrome operator.
- The aerodrome operator must retain the written agreement of the CASR Part 171 service provider in keeping with statutory requirements for records retention and provide the written agreement to a CASA aerodrome inspector at the request of the inspector.
- The direct involvement of CASA would be unnecessary under the approach proposed herein.

How you can help us

CASA is responsible under the *Civil Aviation Act 1988*, amongst other functions, for developing and promulgating appropriate, clear and concise aviation safety standards. In the performance of this function and the exercise of its powers, CASA must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations.

Civil Aviation Act 1988 Paragraph 9(1)(c) and Section 16

To ensure clear and relevant safety standards, we need the benefit of your knowledge as an aviator, aviation consumer and/or provider of related products and services **by completing the Response Form** (in this NPC or online) **and returning it to CASA by 15 May 2013**.

I would like to thank you for expressing interest in this proposal and emphasise that no rule changes will be undertaken until all NPC responses and submissions received by the closing date **15 May 2013** have been considered.



Peter Boyd
Executive Manager
Standards Division

14 March 2013

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<p>A web-based online response form is offered as an alternative to the printed form in this NPC. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type casa.gov.au/newrules/ors into your web browser and follow the links for this NPC.</p>	
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Acronyms

CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CNS	Communication, Navigation and Surveillance
MOS	Manual of Standards
NFC	Notice of Final Change
NPC	Notice of Proposed Change
OBPR	Office of Best Practice Regulation
SCC	Standards Consultative Committee
SMS	Safety Management System

Definitions

Manual of Standards means the document called ‘Manual of Standards (MOS) Part 139 – Aerodromes, issued by CASA, as in force from time to time.

The Proposed Changes

1. The MOS Consultation Process

1.1 CASA is committed to working cooperatively with the aviation community to maintain and enhance aviation safety. The CASA Standards Consultative Committee (SCC) is a joint industry/CASA forum that brings together CASA staff and representatives from a diverse range of aviation industry organisations, to jointly develop regulatory change material. The SCC examines proposed regulatory changes to determine if they are worth pursuing and assists CASA in establishing and servicing change projects. The SCC process has been followed in the development of the proposals in this NPC.

1.2 Subpart 11.J of CASR specifies the procedures for consultation on a MOS or amendments to a MOS.

1.3 A NPC is CASA's preferred method of articulating all proposed changes to a MOS for aviation community/stakeholder comment in accordance with Regulation 11.280 of CASR. The NPC is published on the CASA website and its availability is notified through the CASA website and to affected stakeholders.

1.4 Consultation on proposed changes to a MOS will generally be directed to a particular body or organisation that sufficiently represents, or combinations of particular bodies or organisations that together sufficiently represent, the interests of most persons likely to be affected by the proposed changes to the MOS.

1.5 All comments to proposed MOS changes should be submitted in writing to CASA, preferably by using the Online Response Form, by email or by facsimile. Details of how to submit comments can be found on the NPC Response Form at the end of this NPC.

What CASA does with your comments

1.6 At the end of the response period, all submissions will be analysed, evaluated and considered by the CASA project leader.

1.7 CASA is required to register each comment and submission received, but will not individually acknowledge a response unless specifically requested.

1.8 A consolidation of all comments received, CASA's response and disposition actions, and the final amendments will be prepared and provided to all respondents to the NPC. This information will be published in a document called a Notice of Final Change (NFC) and will close the consultation on the changes proposed by the NPC. The NFC will be published on the CASA website.

2. Purpose of the Change

2.1 Background

2.1.1 Regulation 139.165 of CASR provides that the operator of a certified aerodrome must ensure that the physical characteristics of the movement area (of an aerodrome) comply with the standards set out in the Part 139 MOS.

2.1.2 Paragraph 11.1.4 of the Part 139 MOS establishes the general requirements applicable to airways facilities for the assurance of the acceptable performance of each particular facility. Sub-paragraph 11.1.4.1 of the Part 139 MOS also provides that any potential infringement by an aerodrome operator on the siting criteria for existing or planned facilities is to be referred to Airservices Australia (the approved provider of Aeronautical Telecommunication and Radionavigation services under Part 171 of CASR) by the aerodrome operator. The responsibility of the aerodrome operator in that respect is further amplified in sub-paragraph 11.1.4.3 of the Part 139 MOS, including the responsibility to ensure that Airservices Australia is consulted on proposed aerodrome works, developments or temporary constructions which may affect such airways facilities.

2.1.3 Paragraphs 11.1.6 to 11.1.15.3 inclusive of the Part 139 MOS set out the standards for siting requirements, including the clearance areas and the dimensions of restricted areas around the sites for airways facilities at certified or registered aerodromes. The types of airways facilities covered under the siting standards are navigation aid facilities, terminal area radar facilities and communication facilities used for aircraft control, guidance and for Air Traffic Control. They take the form of specified siting requirements and the dimensions of restricted areas around the sites necessary to ensure that radio transmissions are not unacceptably affected by other aerodrome infrastructure, buildings, hangars, vehicles or personnel.

2.1.4 The relevant standards in the Part 139 MOS are generic in that they are based on acceptable operation at all locations under normal conditions. However, it is known by Airservices Australia that depending on the location and the type of facility and the proposed aerodrome development, the dimensions of some of the restricted areas may be infringed without leading to unacceptable technical and/or operational affect to the functional performance of the facility.

2.1.5 There have been some occasions where an aerodrome operator has requested CASA for an exemption to the site clearance requirements in the Part 139 MOS that were acceptable to Airservices Australia, but were not in compliance with the Part 139 MOS. This means that in order to approve a development, CASA is forced to provide an exemption under Part 11 of CASR for every individual development.

2.1.6 Airservices Australia possesses the capability to make technical and operational impact assessments of proposals by aerodrome operators that impact on the standard siting criteria for particular airways facilities. CASA does not have that capability itself and therefore must rely on Airservices Australia for the advice.

2.2 Proposed change

2.2.1 CASA intends to retain the relevant standards of the Part 139 MOS as they preserve a conservative approach to protection of safety related services. However, where an aerodrome operator has consulted with and received the written agreement of the CASR Part 171 service provider at the aerodrome, the availability of a general approval in the Part 139 MOS would mean that CASA does not have to make individual exemptions for every aerodrome development proposed by an aerodrome operator which may intrude on the standards but which has been agreed by the CASR Part 171 service provider.

2.2.2 This provision is proposed to be included in an amendment to paragraph 11.1.4 of the Part 139 MOS, as set out in Annex A to this NPC, and will be subject to the following conditions:

- Non-compliance with or infringement of a MOS siting standard for any airways navigation, communication or radar facility included in paragraphs 11.1.6 to 11.1.15.3 of the Part 139 MOS inclusive may only be permitted with the prior written agreement of the CASR Part 171 service provider having been received by the aerodrome operator for each aerodrome development proposed by the aerodrome operator.
- The aerodrome operator must retain the written agreement of the CASR Part 171 service provider in keeping with statutory requirements for records retention and provide the written agreement to a CASA aerodrome inspector at the request of the inspector.

2.3 Project objective

2.3.1 The objective is to amend paragraph 11.1.4 of the Part 139 MOS to provide that an aerodrome operator may proceed with an aerodrome development that infringes a MOS siting standard for any airways communication, navigation or surveillance (radar) facility included in paragraphs 11.1.6 to 11.1.15.3 inclusive of the Part 139 MOS with the written agreement of the CASR Part 171 service provider for the aerodrome.

2.4 Current CASA exemption instrument

2.4.1 CASA recently made Instrument number CASA EX159/12 Exemption — certified aerodrome operators to provide a temporary means of providing a general standing exemption to aerodrome operators pending the promulgation of the Part 139 MOS amendment as proposed in this NPC. Instrument number CASA EX159/12 expires at the end of May 2013 and it is expected that the change proposed in this NPC will be finalised by that time.

3. Persons Affected

3.1 The persons possibly affected by the proposed change are aerodrome operators of certified and registered aerodromes and Airservices Australia as the aeronautical telecommunication and radionavigation service provider authorised under CASR Part 171.

4. Detail of the Proposed Change

4.1 The detail of the proposed amendment to Chapter 11 of the Part 139 MOS together with an explanation is provided in Annex A to this NPC.

5. Synopsis of Change Proposals

5.1 The process that CASA has adopted for the categorisation of MOS changes is that each proposed change is divided into one of three categories:

- E (Editorial/correction/clarification);
- O (Omission); and
- S (Changes made to existing standard).

As well, the reasons for each change are set out alongside each proposed change.

5.2 Proposed changes are shown as new text added (in orange or grey-scale) and or original text deleted (struck through) in respect of each affected paragraph.

6. Impact of Changes

6.1 The Office of Best Practice Regulation (OBPR) will determine if a Regulation Impact Statement is required for the amendments to the Part 139 MOS in due course. Further consultation on the Part 139 MOS amendments will include an update on the OBPR review or determination when available.

6.2 CASA expects there to be minimal cost impact (if any) as a result of the proposed change, as it represents a less demanding process than the present process. Currently CASA is required to issue an exemption for every individual aerodrome development that intrudes on the published site clearance standards but has the agreement of Airservices Australia that it can proceed without causing significant operational or safety impact.

6.3 Safety impact

6.3.1 CASA acknowledges that the existing standards in the Part 139 MOS are based on historically proven guidance material intended to allow development up to a defined boundary and known to not have a significant impact on the operation of the airways facilities.

6.3.2 Having this material as a standard provides good protection of the integrity and safety of the airways facility.

6.3.3 However, the actual impact of any particular development can be ascertained by an appropriate engineering and operational analysis or by measurement with suitably qualified people/tools. The proposed amendment will give the CASR 139 certificate holder the ability to proceed with a development that may infringe the standards provided it has the written agreement of the CASR Part 171 service provider (Airservices Australia) on the basis of evidence that the operational impact (if any) is acceptably safe.

6.3.4 The sole CASR Part 171 service provider (Airservices Australia) has an approved Safety Management System (SMS) to assure the integrity of the process followed and CASA routinely audits Airservices Australia's compliance with its SMS.

NPC Response Form

PROPOSED AMENDMENT TO MOS PART 139 – AERODROMES – CHAPTER 11

Please complete your response by **15 May 2013**
and return it by one of the following means:

Online (preferred method*) casa.gov.au/newrules/ors

Fax 1800 653 897 (free call in Australia)

Post (no stamp required in Australia)

CASA Regulatory Development Management Branch
Reply Paid 2005, Canberra ACT 2601, Australia

E-mail (use the response format in this NPC)

npc139_07@casa.gov.au

* A web-based online response form is offered as an alternative to the printed form in this NPC. Online submission is the preferred method of sending your comments to CASA. If you are connected to the Internet, type casa.gov.au/newrules/ors into your web browser and follow the links for this NPC.

Your Details

Please provide relevant information and indicate your acceptance or otherwise of the proposal presented in this Notice of Proposed Change by ticking [✓] the appropriate box below.

Your name (optional): _____ ARN* (if known): _____

Organisation: _____ ARN* (if known): _____

* Aviation Reference Number, usually your CASA-issued licence or certificate number

Address: _____

Your telephone number (optional): (to enable the Project Manager to contact you as necessary)

Do you consent to have your name published as a respondent to this NPC? YES [] NO []

Signed: Date:

How are you responding to this questionnaire/proposal, i.e. whose views are represented in your response?

- | | | | | | |
|---|---|--|---|---|--------------------------------|
| <input type="checkbox"/> Private individual | <input type="checkbox"/> Aviation industry body/association | <input type="checkbox"/> Staff association/union | <input type="checkbox"/> Government agency/authority/department/council | <input type="checkbox"/> Aviation business owner/service provider | <input type="checkbox"/> Other |
|---|---|--|---|---|--------------------------------|

Please advise your main involvement in aviation:

- | | | | | | |
|---|---|---|--|---|---|
| <input type="checkbox"/> Passenger/public consumer of aviation services | <input type="checkbox"/> Air crew for passenger-carrying activities | <input type="checkbox"/> Ground support for passenger-carrying activities | <input type="checkbox"/> Product or Service Provider | <input type="checkbox"/> Ground support for non-passenger carrying activities | <input type="checkbox"/> Other (specify below*, e.g. parachutist) |
|---|---|---|--|---|---|

Key Change Proposals

Your Response to the proposed amendments to the Part 139 MOS, Chapter 11 and Advisory Circular

CASA invites you to advise your acceptance, or otherwise, for the proposed changes to the standards contained in this NPC by indicating your preference and commenting below.

Refer to Annex A for details of the proposed amendment.

MOS Part 139, Chapter 11, paragraph 11.1.4

- proposal is acceptable without change
- changes would improve it, but it is acceptable (please provide details below)
- changes would make it acceptable (please provide details below)
- not acceptable under any circumstances

Comments or suggested changes (including an estimate of additional costs/impacts if applicable): _____

Any Additional Comments

A large rectangular area with a dotted grid pattern, intended for providing additional comments.

Your response ensures balanced consideration by CASA of the interests of the industry and consumers.

Thank you

Additional information is available from:

Brian Harris, Project Leader

Post (no stamp required in Australia) Reply Paid 2005

Airways and Aerodromes Branch

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