



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX 155/21

I, ADAM ANASTASI, Branch Manager, Advisory and Drafting, Legal, International Relations and Regulatory Affairs Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed Adam Anastasi]

Adam Anastasi
Branch Manager, Advisory and Drafting
Legal, International Relations and Regulatory Affairs Division

25 November 2021

CASA EX 155/21 — Use of Terminal Instrument Flight Procedures for Wolgan Valley (Elstone Pty Ltd) Exemption 2021

1 Name

This instrument is *CASA EX 155/21 — Use of Terminal Instrument Flight Procedures for Wolgan Valley (Elstone Pty Ltd) Exemption 2021*.

2 Duration

This instrument:

- (a) commences on 1 December 2021; and
- (b) is repealed at the end of the earlier of the following days:
 - (i) 30 November 2024;
 - (ii) the day Wolgan Valley HLS becomes a certified aerodrome.

3 Definitions

Note In this instrument certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **certified aerodrome**, **officer**, **Part 139 Manual of Standards** and **terminal instrument flight procedure**.

In this instrument:

AIP-ERSA means the document titled *En Route Supplement Australia (ERSA)*.

Note AIP-ERSA is freely available online at www.airservicesaustralia.com/aip/aip.asp.

CAAP 92-2 (2) means Civil Aviation Advisory Publication 92-2 (2) – *Guidelines for the establishment and operation of onshore Helicopter Landing Sites*, issued by CASA in February 2014.

certified designer has the meaning given by regulation 173.015 of CASR.

HLS means helicopter landing site.

HLS operator means Elstone Pty Ltd, ARN 786187, in its capacity as the operator of Wolgan Valley HLS.

ICAO Doc. 8168 (PANS-OPS) has the meaning given by regulation 173.010 of CASR.

TIFP means terminal instrument flight procedure.

TIFP designer means certified designer Global Airspace Solutions Pty Ltd, ARN 826936.

Wolgan Valley HLS means the Wolgan Valley helicopter landing site (YWVR).

4 Exemption

(1) The HLS operator is exempt from compliance with regulation 139.025 of CASR in relation to a helicopter point in space TIFP that:

- (a) was designed by the TIFP designer; and
- (b) is for Wolgan Valley HLS.

Note Wolgan Valley HLS is an uncertified aerodrome for which the TIFP designer has developed a TIFP. Under subregulation 139.025 (1) of CASR, the operator of an aerodrome must hold an aerodrome certificate for the aerodrome if:

- (a) there is a terminal instrument flight procedure for the aerodrome; and
- (b) the procedure is not only for use in a specialised helicopter operation.

(2) The exemption is subject to the conditions mentioned in Schedule 1.

Schedule 1 Conditions

1 The HLS operator must comply with the guidelines in CAAP 92-2 (2) that are relevant to the use of Wolgan Valley HLS by the HLS operator.

Note CAAP 92-2 (2) is available on the CASA website.

2 The HLS operator must, in writing, notify the TIFP designer at least 30 days before no longer operating Wolgan Valley HLS.

3 For clause 2, in the notice given to the TIFP designer, the HLS operator must request that the TIFP designer withdraw all TIFPs for Wolgan Valley HLS.

4 The HLS operator must, in writing, notify CASA at least 30 days before no longer operating Wolgan Valley HLS.

5 The HLS operator must not transfer operation of Wolgan Valley HLS to another operator unless the HLS operator has:

- (a) given CASA at least 30 days written notice of the proposal to transfer operation; and
- (b) received CASA's written approval of the transfer.

6 If the HLS operator receives CASA written approval to transfer operation of Wolgan Valley HLS, the HLS operator must immediately notify the TIFP designer in writing of the following:

- (a) the date on which the HLS operator is transferring operation of Wolgan Valley HLS;
- (b) contact details of the new operator.

7 The HLS operator must comply with Subpart 175.D of CASR in relation to Wolgan Valley HLS as if it were an aeronautical data originator.

Note Compliance with Subpart 175.D of CASR includes, but is not limited to, compliance with

- (a) paragraph 175.445 (1) (b), which requires an aeronautical data originator to appoint a single senior manager within the originator's organisation as the AIP responsible person for the originator; and

- (b) paragraph 175.445 (4) (b), which requires an aeronautical data originator to appoint a person in the originator's organisation as a NOTAM authorised person for the originator.
- 8 Subject to clause 9, the HLS operator must publish the following information regarding Wolgan Valley HLS in the AIP-ERSA:
- (a) the name of the HLS;
 - (b) the name, address and contact details of the HLS operator;
 - (c) the State or Territory in which the HLS is located and the latitude and longitude coordinates;
 - (d) the elevation of the HLS;
 - (e) the magnetic variation at the HLS;
 - (f) the Coordinated Universal Time (UTC) time zone in which the HLS is located;
 - (g) the International Civil Aviation Organization aerodrome code for the HLS, being YWVR;
 - (h) that the HLS is uncertified;
 - (i) that the HLS is a private HLS;
 - (j) charts covering the HLS;
 - (k) if applicable — air traffic services or other communication facilities at the HLS and their availability for use;
 - (l) if applicable — the types of aviation fuel available and contact details for fuel suppliers;
 - (m) if applicable — the contact details for local weather information;
 - (n) if applicable — the details of any universal communication system;
 - (o) if applicable — special procedures that pilots are required to observe or follow;
 - (p) if applicable — the presence and location of obstacles or other hazards, including animals and birds;
 - (q) if applicable — noise abatement procedures.
- 9 The HLS operator must advise Airservices Australia as soon as practicable in writing of any change that results in information published in accordance with clause 8 being inaccurate or out of date.
- 10 The HLS operator must establish and document procedures in relation to the operation of Wolgan Valley HLS that describe the following matters:
- (a) how the operator will comply with the conditions mentioned in this instrument;
 - (b) how the operator will ensure the safe operation of Wolgan Valley HLS, including:
 - (i) conducting regular ground inspections of Wolgan Valley HLS to ensure the HLS remains safe for use, including inspection of surface condition of the HLS, obstacles and other hazards; and
 - (ii) before a helicopter operation is conducted from another location to Wolgan Valley HLS — conducting a check of the HLS to ensure it is safe for use before the helicopter departs the other location; and

- (iii) determining whether the final approach and take-off (FATO) area and touchdown and lift-off (TLOF) area are safe for use;

Note Wolgan Valley HLS is a private HLS and each helicopter operation being conducted, whether by the HLS operator or by another operator on behalf of the HLS operator, will be known to the HLS operator.

- (c) monitoring and reporting to the TIFP designer any obstacles or proposed obstacles in the vicinity of the HLS, the ICAO Doc. 8168 (PANS-OPS) areas and any other area identified by the TIFP designer;
- (d) conducting, and recording the particulars of, at least 1 detailed ground inspection of Wolgan Valley HLS in every 12 month period to ensure that the HLS remains safe for use;
- (e) for paragraph (d), each detailed ground inspection must use a checklist that includes review of:
 - (i) surface condition of the HLS, including cleanliness and usability of unsealed areas in wet conditions; and
 - (ii) if applicable — markings, markers, wind direction indicators and lighting systems; and
 - (iii) any obstacles which may infringe on the obstacle limitation surface or other surfaces nominated by the TIFP designer; and
 - (iv) animal and bird activities in the vicinity of Wolgan Valley HLS; and
 - (v) fencing or other devices that prevent encroachment by persons, vehicles and animals; and
 - (vi) the accuracy of any published NOTAMS;
- (f) for subparagraph (b) (i) and paragraph (d), if defects are discovered during an inspection — recording the defects and reporting them in writing to the HLS operator’s chief pilot for rectification to ensure safe operation of the HLS.

Note Subregulation 92 (1) of CAR provides that a person must not land an aircraft on, or engage in conduct that causes an aircraft to take off from, a place that does not satisfy one or more particular requirements. Those requirements include, relevantly at paragraph (d), a place (other than a certified aerodrome or an aerodrome for which an arrangement under section 20 of the Act is in force) that is not suitable for use as an aerodrome for the purposes of the landing and taking-off of aircraft. Subregulation 92 (1) also provides that a person must not land an aircraft on, or engage in conduct that causes an aircraft to take off from, a place unless, having regard to all the circumstances of the proposed landing or take-off (including the prevailing weather conditions), the aircraft can land at, or take-off from, the place in safety.

- 11 The HLS operator must conduct instrument surveys of the HLS approach and take-off climb surfaces and transitional surfaces, using the slope design category guidance mentioned in paragraph 7.2.21 of CAAP 92-2 (2) that is appropriate to the types of helicopters operating at Wolgan Valley HLS.
- 12 For clause 11, the HLS operator must ensure that:
 - (a) an instrument survey is conducted by the end of 30 November 2022 and then at intervals of not more than 12 months from the day the previous survey was conducted; and
 - (b) the person conducting each instrument survey has the technical qualifications and experience mentioned in paragraph 12.10.(2) (c) of the Part 139 Manual of Standards.

13 The HLS operator must assess any penetrations of the approach and take-off climb surfaces and transitional surfaces to:

- (a) determine if the penetrations pose a risk to safety; and
- (b) ensure any identified risks are safely mitigated.

Note Mitigations may include marking an obstacle, lighting an obstacle, removing an obstacle or charting an obstacle.

14 The HLS operator must comply with any written instruction given by CASA in relation to a matter mentioned in clause 10.

15 The HLS operator must, at CASA's written request, give an officer access to the documentation referred to in clause 10 for inspection.

Note Paragraph 305 (1) (a) of CAR also provides that an authorised person must have access at all times to an aerodrome for the purpose of inspecting the aerodrome.
