From:	Ken Stenning
To:	Dean Hosking
Cc:	Phil Annable; Andrew Lissenden; Robert Russell; Keith.Snell@sma.com.au
Subject:	Shoalhaven RA/13/1003 - Submission to the Southern Joint Regional Planning Panel
Date:	Saturday, 7 June 2014 11:30:38 PM
Attachments:	9D131DB5-43D3-40B1-B0EA-C673FBFFF301.png A02FFD82-0DE0-47E0-A506-A1F9316E660A.png 54920C3C-9684-49B3-87EA-F2CA189C2CEE.png RA 13-1003 SMA JRPP Presentation.pdf

Dean – as discussed on Friday, SMA submission for the JRPP is provided below and attached. I have also copied SCC planning personnel. Thank you for assistance.
Regards Ken S

To the members of the JRPP,

SMA, a neighbour on both sides of the proposed development, has made number of submissions in relation to:

Aviation Support Facilities – Lot 1 DP 1069677 & Lot 19 DP 1094151 Wugan Street, Yerriyong (2014STH003 – Shoalhaven RA/13/1003)

While we appreciate quite few of our original concerns have been addressed, some concerns remain. Attached is a presentation pack that provides summary details related to SMA's ongoing concerns. Additionally, further details, relevant references (extracts) and comments on the Assessment Report are provided below.

V/r
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Further Details:

SMA has safety and commercial concerns that proposed development will not comply with the CASA standards for taxiway strip clearance. The April 2000 CASA standard that introduced the addition taxiway strip clearance states:

"8.10 TAXIWAY STRIP

8.10.1 – *A taxiway strip is the area surrounding a taxiway, kept free of obstacles except for visual aids which meet the CASA frangibility requirements. It is provided to minimise the possibility of serious damage to aeroplanes accidentally leaving the taxiway pavement and to provide room for maintenance, firefighting and rescue equipment under normal (dry) conditions."*

All neighbouring developments currently comply the 2000 standard and, SMA sought and obtained S96 approval to adjust a building location to comply with latest requirement back in 2002. The council also adjusted the fence line on the base side of the taxiway to comply back when the taxiway was constructed (around 2001). Council, the developer and consultants seem to have changed the answers to SMA concerns from original indicating the development complied to subsequently stating it is "not mandatory", and referring to the "now" requirement (which has been in place since 2000).

SMA believes:

- The CASA safety standards should observed and that the development should not proceed without complying with the 43m taxiway strip clearance. This should be a condition of the development consent.
- A non- compliant taxiway also diminishes the utility and value of the land purchased on the basis of fronting a CASA compliant taxiway. Most aviation operators and even Defence expect and observe contemporary standards, particularly where safety is concerned, and may not wish to use facilities that do not comply with current standards.
- The development could readily comply as has the neighbouring properties, and the existing Development Consent on the property.

Further to the above, SMA has reviewed the council Assessment Report and draft Development Consent conditions and provides further details for the consideration of the JRPP. It incorporates extracts of the report and other references with highlighting and comments as considered appropriate.

Page 21 from Assessment Report:
"Taxiway Clearances: Concern has been raised about the setback of the development on Lot 1 to the adjoining taxiway and compliance with CASA requirements. Specifically, the hardstand apron, fence and water tanks on Lot 1 DP 1069677 infringe the taxiway strip requirement by approximately 2 metres. The submission received indicating that the clearance for a Category B taxiway should be 21.5m. Council staff, based on advice received, have formed the opinion that the CASA standard (Chapter 1) is clear as the standards are for "the travelling public" (1.1.1.1) and for conducting air transport operations under CASR Part 121A and Part 121 B (1.1.1.2). As the taxi way is used for aircraft moving to a maintenance facility and those aircraft are engaged for defence purposes they are not passenger aircraft so the standards are not mandatory.
In addition, the Restriction as to User (DP 1069677) on Lot 1 is 5 wide. When added to the distance of property to centreline of Taxiway (14.5m) becomes 19.5m. This is 50% of the 39m CASA standard to which this taxiway was built for a Category B aircraft. The standard has been upgraded to now require a 43m wide taxiway (or 21.5m from centreline as referenced by the objector). CASA has advised that as the taxiway was built under the former standard it is compliant (refer to Manual of Standards Part 139 – Aerodromes, Section 2.1: General, Clause 2.1.22)."

SMA comments on the above:
"defence purposes" - It is believed that some of the Air Ambulance work and PELAIR work at Air Affairs is not strictly Defence purposes. Raytheon may also perform some work that may not meet this definition either. In the early days of the AATP development, a commuter service was being considered but Defence were not keen. SCC provided Development Consent in 2002 to SMA's development at 39 Wugan Street which still includes a commuter terminal as a future stage. This would require Defence approval for access to the runways, but this is not impossible as

other Defence bases integrate with significant commercial operations (e.g. Williamtown near Newcastle).
"not mandatory" - agreed it is not required by the law for the current operations from the AATP. However SCC, in keeping with being a responsible organisation that adheres to appropriate duty of care and standards, chose to designed and build the taxiway in accordance with the CASA standards at considerable expense. This was also the understanding for the purchase of the lots at the AATP. If these standards were applicable then why would the standards not be reasonably continued, instead of being declared "not mandatory". The follow on paragraph above in the Assessment Report seems then indicate that standard (even if a quite older version) should be applicable.
"now" - CASA's predecessor to the Manual of Standards Part 139 - Rules and Practices for Aerodromes (RPA) Chapter 7 has the taxiway strip width at 43m and it was in place from at least April 2000 (see extracts at the bottom + amendment records and dates for the relevant pages). Perhaps SCC should advise on the following:

- When was taxiway built ("first introduced") and why did SCC move the Base fence to meet the "now" requirement?
- Has SCC made a mistake with it's 5m easement? It should be noted that the proponent's consultant (S. Dixon, believed to be a former SCC manager) first response indicated the taxiway 5m easement complied with the 43m clearance and noted the Base fence was also moved to comply on the other side of the taxiway.
- The SCC Assessment Report (once it was measured as suggested by SMA and/or realised the 5m easement was insufficient) is stating it is "not mandatory" and referring back to the pre-2000 standard. The proposed development will be the only development along the taxiway that impinges on the "new"-"now" standard that has been in place since 2000. If there is an incident this record will not help any defence SCC puts up against any claims.

Extract from Manual of Standards Part 139 – Aerodromes, Section 2.1.2:

"2.1.2 Standard Changes and Existing Aerodrome Facilities

2.1.2.1 Standards are subject to change from time to time. In general, unless specifically directed by CASA, subject to Paragraph 2.1.2.3, existing aerodrome facilities do not need to be immediately modified in accordance with the new standards until the facility is replaced or upgraded to accommodate a more demanding aircraft.

2.1.2.2 Unless otherwise directed by CASA, an existing facility that does not meet the standard specified in this Manual must continue to comply with the standard that was applicable to it.

2.1.2.3 At a certified aerodrome, an existing aerodrome facility that does not comply with this MOS must be identified and recorded in the Aerodrome Manual. Information must include the date or period when that facility was first introduced or last upgraded and an indication from the aerodrome operator of a plan or timescale to bring the facility into compliance with the MOS. As part of the CASA audit, evidence to demonstrate efforts to implement the plan or timescale may be required.

2.1.2.4 This MOS applies to a new facility that is brought into operation, and to an existing facility that is being replaced or improved. Subject to agreement by the relevant CASA office, changes to an existing facility of a minor or partial nature may be exempted."

Page 25 from Assessment Report:

"Restriction as to user (DP1063290): This restriction runs along the lot's eastern boundary and is 5 metres wide. It relates to placement of buildings, structures, improvements (including fencing) and vegetation exceeding the height requirements of the Civil Aviation Safety Authority within the part of the lot burdened by the restriction. This restriction relates to CASA requirements and in summary makes the area of the restriction part of the adjoining taxiway. The submitted application proposes no buildings within the area of the restriction. However, the amended plans show improvements (including fencing) and therefore, does not comply with the requirements of this restriction as to user. Any consent issued will be conditioned to require compliance with the requirements of this restriction as to user (i.e. relocation of the fencing clear of the restriction as to user, retaining wall height within the area of the restriction complying with CASA requirements or being relocated clear of the area of the restriction)."

Page 34 – DC condition # 9:

"Fencing

9. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.
Furthermore, any fencing and structures located adjacent to the eastern property boundary of Lot 1 DP1069677 must be positioned so as not to encroach upon the 5 metre wide Restriction as to User registered under DP1063290."

SMA Comment: SMA believes the council restriction is an error and it should be 7metres, to meet the CASA 2000 safety clearance standards, and as has been readily achieved by all the adjacent developments.

Page 43 – DC condition # 44:

"Easements/Restrictions as to User – 88b

44. The applicant shall comply with the requirements of the easements and restrictions-as-to-user placed over the title at the time of subdivision and as amended. (i.e. relocation of the fencing on Lot 1 DP 1069677 clear of the restriction as to user that runs along the site's eastern boundary, retaining wall height within the area of the restriction as to user that runs along the sites eastern boundary complying with CASA requirements or being relocated clear of the area of the restriction)."

Extract from CASA's RPA Chapter 7 - bottom of page 7-41 & top of page 7-42

8.10 TAXIWAY STRIP

8.10.1 – A taxiway strip is the area surrounding a taxiway, kept free of obstacles except for visual aids which meet the CASA frangibility requirements. It is provided to minimise the possibility of serious damage to aeroplanes accidentally leaving the taxiway pavement and to provide room for maintenance, firefighting and rescue equipment under normal (dry) conditions.

8.10.2 – A taxiway strip is to be provided for each taxiway, extending symmetrically on each side of the centreline of the taxiway throughout the length of the taxiway. The overall taxiway strip width is to be not less than that specified in Table 7–15:

Table 7–15. Taxiway Strip Width

Reference Code Letter	Taxiway Strip Width
A	32.5 m
B	43 m
C	52 m
D	81 m
E	95 m

Extract from bottom of CASA RPA Amendment Checklist – see highlighted entry showing last changes to the above pages – this means they were changed in April 2000 or before

RPA VOLUME 1 AMENDMENT CHECKLIST
APRIL 2001

AMENDMENT RECORD
(pp i-ii) ..... NOV 00
(pp iii-iv) ..... APR 01
AMENDMENT CHECKLIST (pp v-vii) ..... APR 01
CONTENTS (pp ix-xii) ..... APR 01
INTRODUCTION (pp xiii-xv) ..... NOV 00

CHAPTER ONE (contents sheet) ..... NOV 00
(pp 1-2) ..... NOV 00

CHAPTERS TWO TO SIX ..... APR 90

CHAPTER SEVEN (contents sheet) ..... AUG 99
(pp 1-4) ..... NOV 00
(pp 5-16) ..... AUG 02
(pp 17-18) ..... AUG 99
(pp 19-20) ..... NOV 00
(pp 21-22) ..... APR 01
(pp 23-24) ..... AUG 99
(pp 25-26) ..... APR 01
(pp 27-28) ..... AUG 99
(pp 29-32) ..... NOV 00
(pp 33-34) ..... AUG 99
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(pp 37-40) ..... AUG 99
(pp 41-42) ..... APR 00
(pp 43-44) ..... NOV 00
(pp 45-46) ..... APR 01
(pp 47-48) ..... APR 00
(pp 49-50) ..... AUG 99
(pp 51-52) ..... NOV 00
(pp 53-54) ..... APR 00
(pp 55-62) ..... NOV 00
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(pp 67-68) ..... NOV 00
(pp 69-71) ..... AUG 99

CHAPTER EIGHT (contents sheet) ..... NOV 00
(pp 1-2) ..... NOV 00
Appendix I cover sheet ..... OCT 98
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(Appendix III cover) ..... NOV 00
(Appendix III pp 1-7) ..... OCT 00