Wells Environmental Services

APPLICATION TO MODIFY DEVELOPMENT APPLICATION NO 8/2008/828/1 INVOLVING THE TEMPORARY USE OF HOPE ESTATE AS A PARACHUTIST DROP ZONE.

Wells Environmental Services act on behalf of Just Jump Skydive in seeking the support of Cessnock City Council to modify the development consent granted on 14 November, 2008 pursuant to the provisions of Section 96 (1A) of the Environmental Planning and Assessment Act, 1979.

Pursuant to Clause 115 of the Environmental Planning and Assessment Regulations 2000 the following information is provided to assist officers and elected Councillors of Cessnock City Council make its determination.

1. **Name and Address of Applicant**
   Wells Environmental Services (on behalf of Just Jump Skydive),
   P.O Box 205,
   East Maitland. NSW. 2323.

2. **A description of the development to be carried out under the consent.**
   The temporary use of Hope Estate grounds for Just Jump Skydive as a parachutists drop zone.

3. **The address and formal particulars of title of the land on which the development is to be carried out.**
   Lots 1/2 in Deposited Plan 545331 and Lot 12 in Deposited Plan 809322, No’s 2213 and 2289 Broke Road, Pokolbin, Parish of Rothbury, County of Northumberland.

4. **A description of the proposed modification to the development consent.**
   Condition 7 of the consent states:
   "7. This consent is limited to a twelve (12) week temporary period, commencing from November 15th 2008 through until 1st February 2009. Skydiving operations are only to take place on weekends and selected public holidays during this twelve week period and is limited to the hours of 7.00am – 7.00pm pending weather, daylight and safety conditions".

The proposed modification involves extending the operations for a further twelve (12) week period, or until Cessnock City Council has determined a Development Application for the Hope Estate grounds to be used on a permanent basis as a parachutist drop zone. In addition, Council approval is sought to modify the starting time from 7.00am to 8.00am.
The modified condition would read as:

"7. This consent is limited to a twelve (12) week temporary period commencing from 2 February, 2009 until 26 April or until Cessnock City Council has determined a Development Application for the Hope Estate grounds to be used on a permanent basis as a parachutist drop zone. Skydiving operations are only to take place on weekends and public holidays and be limited to the hours of 8.00am to 7.00pm pending weather, daylight and safety conditions."

5. **The modification is intended to have some other effect.**
   The proposed modification will have no other effect or outcomes other than that previously assessed and approved by Cessnock City Council on 14 November, 2008.

6. **A description of the expected impacts of the modification.**
   The proposed modification to Condition 7 of the consent granted by Cessnock City Council on 14 November, 2008 will have a positive benefit to occupants and users of land the vicinity of Cessnock Airport as skydiving activities will occur 1 hour later each day. The latter starting time of 8.00am reduces the potential of noise nuisance associated with the taking off and landing of the aircraft used in the activity.

   In addition, the further twelve (12) week extension of time enables Cessnock City Council, the host community and the recently instigated Cessnock Airport Users Group to observe and understand how the operations occur, and, whether the operations are appropriate for continuation at the Hope Estate.

7. **Undertaking that the development (as to be modified) will remain substantially the same as the development that was originally approved.**
   Just Jump Skydive and Wells Environmental Services give an understanding that the development will be conducted in accordance with the approval granted by Cessnock City Council on 14 November, 2008 as subsequently modified and will remain substantially the same.

8. **A statement by the owner of the land to the effect that the owner consents to the making of the application.**
   The owner of the lands is Redstone Ridge Vineyards Pty Ltd. Please see signed "application to modify Consent" form.

9. **Other issues raised by Council officers.**
   Other issues raised by Council officers have been addressed under separate cover.
APPENDIX 4:
DROP ZONE EXCLUSION AREA
Minutes of Cessnock Airport Users Group meeting
held 1700hrs 28th January 2009
at Wine Country Motel - Cessnock

Attendees:

Lyndon Baker – ALC – Chairman
Peter Roberts – MD of ALC and Manager Hunter Valley Airport Cessnock
Albert Fleming – CASA
Teraya Miller – CASA
Phil Miles – Cessnock City Council
Chris Eddy – Cessnock City Council
John Carey – Cessnock City Council
Richard Leszczyński – Hunter Valley Aviation
Catherine Harding – Hunter Valley Aviation
Brenton Pugh – Hunter Valley Aviation
Garry Fraser – Avondale College
Josh Ferry – Avondale College
Tony Moore – Avondale College
Warwick Dann – Vintage Aviation
Jason Oliver – Hunter Valley Wine Helicopters
Bob Whalen – Hunter Valley Wine Helicopters
Simon Jamison – Slattery Helicopter Charters
Keith Rule – Hunter Recreational Flying Club
Phil Jones Hope – Just Jump Sky Dive
Dee Watkins – Just Jump Sky Dive
Sean Walsh – Just Jump Sky Dive
Michael Hope – Hope Estate
Mark Pracy (Senior) – Jet Ride
Mark Pracy (Junior) – Jet Ride
Michael Bridge – Cessnock Aircraft Maintenance
Robert Murnay – Murnay’s Air Repair

Preamble

The meeting was opened at 1700 hrs. The Chairman, Lyndon Baker, thanked Albert Fleming from CASA for hosting the venue for the meeting including provision of tea, coffee and food.

The Chairman outlined the planned proceedings.

1. Because of the immediate interest in discussing the future of parachute operations at Hope Estate near the airport and the invitation by several parties present at the meeting for CASA to comment on this situation, it was agreed to combine a CASA planned gathering with the regular user group meeting.

2. Discussion on the usual airport user group “housekeeping items” would therefore be kept to a minimum.
3. Peter Roberts, as MD of Aviation & Leisure Corporation Pty Ltd (ALC) would open by outlining the role of ALC as the “designated airport operator” and the responsibilities related to that role.

4. Albert Fleming would assume the Chair for discussion on parachute operations.

**ALC Role**

Peter Roberts advised:

1. Cessnock City Council has confirmed that ALC, under its lease and management agreements regarding Cessnock Airport is the designated “airport operator”

2. The “airport operator” has responsibility to designate training circuit procedures and

3. Update ERSA in this and other operational respects

4. ALC would therefore participate in the process of definition of training circuit procedures but would do so in conjunction with Cessnock City Council policies.

**Minutes of 10 December 2008 meeting**

Minutes of the inaugural “user group” meeting on 10 December 2008 were agreed as an accurate representation of discussions at that meeting.

**Matters arising**

1. FOD removal – a trial “FOD sweeper” unit has been received and trials are being conducted to ascertain the suitability of the unit. To date the trials seem to have been successful and negotiations are proceeding for the purchase of a similar unit for use at Cessnock Airport.

2. New cones have been ordered to replace damaged cones and to redefine parking areas etc.

3. Weed spraying – proceeding subject to wind conditions

4. Whipper snipping progressing as required

5. Terminal toilets – an upgrade of the door closers has been completed. Increasing incidents of graffiti within the toilets has been noted and members are requested to instruct employees, students etc to respect the facilities.
6. Fuel facilities – new facilities have been commissioned by Skyfuel (one pump with card facilities awaiting parts). Significant degradation of the tarmac is already apparent due in part to fuel spillage and pilots disposing of fuel drains on the tarmac. The fuel provider advises that the drum provided for drains is not being used.

This matter will require further discussion between ALC, Skyfuel and airport tenants prior to next meeting.

7. Reflective vests – due to time constraints and the desire to give maximum time for discussion with CASA representatives over airspace utilisation this matter was not discussed.

ALC sees this as an important issue with OH&S implications and will recontact users prior to next “user group” meeting on proposed policy.

Drug & Alcohol policy for airports

The following email exchange on this matter was reported to the meeting:

Good morning Albert

In my role as the Operations Manager at Cessnock Airport I have been asked by the Airport Users Committee to seek clarification on the application of the new Government policy on alcohol exclusion on airports. I understand that during your recent presentation attendees asked for an interpretation of the boundaries for the exclusion of alcohol. As the next meeting of the Committee is scheduled for the 18th January your clarification would be appreciated.

Regards
Lyndon Baker

From: FLEMING, ALBERT [mailto:ALBERT.FLEMING@casa.gov.au]
Sent: Friday, 16 January 2009 8:28 AM
To: lyndon baker
Cc: MILLER, TERAYA
Subject: RE: Aviation alcohol policy for airports [SEC=UNCLASSIFIED]

Hi Lyndon,

Part 99 only requires organisations approved by CASA that carry out safety sensitive aviation activities (SSAA) to have drug and alcohol management plans (DAMP). It also permits CASA to carry out random testing of people carrying out or available to carry out SSAs. SSAA include most “operational aviation tasks” but also include any task airdside on a registered or certified airport. As Cessnock is not registered or certified the airport will
not require a DAMP and CASA will not be testing other than at approved organisations e.g. Flying schools, maintenance organisations.

Below is the link to CASA AOD site where you can find all the details.


Regards
Albert

Airspace management

This component of the meeting was chaired by CASA representatives, Albert Fleming and Teraya Miller. Albert emphasised that Teraya and he were CASA safety advisors – not compliance officers.

A map of proposed circuit dimensions and distances from Hope Estate was put on the screen for discussion. It is understood this map, copy attached, was prepared by Hope Estate based on Visual Flight Guide pages 40-41 and submitted to CASA for comment.

CASA said that these proposed circuits complied with AIP Circuit 1.1.56 page 80.

It was suggested by CASA that the facts be established first, followed by defining responsibilities, hazards and a process to mitigate such hazards.

CASA asked the flying school representatives present to confirm if they instructed their students to operate such circuits. Representatives of the flying schools offered reasons why it was difficult to conform to such circuit patterns, particularly with asymmetric twin training. Comments included that no two circuits are the same because of type of aircraft, wind, temperature, other aircraft, different pilots etc.

Avondale said that parachutes at Hope Estate have moved uncomfortably close to the circuit area in the view of the Cessnock based flying school.

Just Jump Skydive emphasised they did not want to dominate use of the airspace. They explained their operating procedures, including the requirement that a class A licence holder must be capable of landing within 25 metres of a designated landing spot.

Concern was expressed by the flying schools that in future use of Hope Estate may expand to 7 days a week and include less qualified parachute licence holders.

There was some discussion regarding circuit operations at Cessnock, issues that would be relevant regardless of the parachute question, e.g. joining the circuit, airmanship, radio procedures.

As precursor to the discussion of airspace usage, CASA pointed out that all current operators and users of airspace in the Cessnock area are operating legally and are
entitled to use the airspace equally. "User A" should not expect that other users, operating legally, should be asked to cease operations because of hazards perceived by "user A".

CASA emphasised that it was the primary responsibility of each air space user to identify all perceived hazards and then have a risk management plan to mitigate these perceived hazards.

Hunter Valley Aviation's CFI was asked by Albert Fleming if they had carried out a risk analysis and if this was documented. He said they had not.

Such airspace hazards in the airport area of Cessnock would include:

- Crowded airspace
- 15 degree joining downwind leg
- Communication
- Increased activity – radio procedure
- Parachute operations

Requirements for successful and safe operations include:

- Mutual respect
- Communicate
- Do not look to others – it is your responsibility
- Risk assessment – develop strategies to mitigate risk
- Airmanship – seek to define and operate best practices.

CASA recommended that ALC, as airport operator, provide guidelines only for the circuit procedures as an overly prescriptive approach inevitably leads to frequent requests for exemptions.

CASA also mentioned changing circuit direction of RWY 35 to right circuits H24 could be considered and placing the drop zone on all maps and charts as possible risk mitigations.

Updating ERA to reflect the importance of a high density traffic area combined with a high density drop zone within 2 nm of the aerodrome would be necessary and part of the risk mitigation process.

**Next Meeting**

Date to be advised

Prepared by ALC – 6 February 2009
Modification to Existing Consent Development Application. 8/2008/828/2

Dear Madam

My professional opinion has been sought in regards to parachute operations at Cessnock Airport.
As in most modern day airports parachutes operation co-exist with all other aviation users and operators. The drop zone at Hope Estate is approx 1.9 miles from the airport and with all the aircraft we operate from the L39 Jet to the lesser performance aircraft the drop zone is outside of our circuit pattern.

I believe in the current climate of accountability. It is all Pilots & Operators responsibility to conduct an informal Risk Assessment before any operation is to take place and to use all methods of communication. See and avoid techniques will keep the airport a safe place to fly. Standardization is required at the airport in regards to conducting circuit operations and I believe the parachute operation is outside this boundary.
In my opinion the parachute operation at Cessnock Airport is very informative and conduct there operation with the same professionalism as one would hope. I have no reason to object to the proposed extension of consent for Parachute Operations out of Cessnock Airport into Hope Estate.

Yours Faithfully.
11th February 2009

General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2335

Dear Sir,

Re: Development Application 8/2008/32872
Extension to Skydiving at Hope Estate

I refer to the above and write as adjoining owner of [situated at] Pokolbin.

Having reviewed the application, and considering operations to date, I fully support the application for an extension by Just Jump Skydive.

The skydiving operations have been professional and unobtrusive to the adjoining landowners and their activity adds some colour to wine country.

Regards
Main Identity

From:
To: 
Sent:  Wednesday, 11 February 2009 4:32 PM
Subject: FW: Helicopter Operation Cessnock Area

-original message-
Subject: Helicopter Operation Cessnock Area
From: 
Date: 11/02/2009 15:43

Dear Philip,

Our brand based at Sydney Airport has been operating into the Hunter Valley and in particular the Pokolbin area for over 15 years. We average two Hunter Valley Luncheons or transfers every week.

My pilots have never had any difficulties or separation issue's with any other aircraft or parachutes in that time, we wish your operation every success and are happy to advise you when we will be operating in the area.

Regards,
11 February 2008

Dear Resident / Owner

Dear Sir/Madam

Re: Development Application No. 8/2008/823/2
Modification to consent for extension of skydiving activities
Property: DP 545331 Lot 2, 2213 Brooke Rd Pokolbin

Just Jump Skydive has been operating tandem skydiving operations at Hope Estate on weekends and public holidays under a temporary development consent. Hope Estate now seeks to extend the consent until 26th April 2008 to continue operations until a permanent application can be determined.

Your support to this venture would be appreciated.

[Signature]
_ owner/resident of_
_at_ (property address) support the extension of temporary period of skydiving operations at the Hope Estate.

_Signed_
_Name_
_Date_
10th Feb, 2009

Attn: JUST JUMP

On behalf of [name], and asking all the members, we have had no reason for concern of the operation of "Just Jump" since the commencement of the temporary D.A. at the Hope Estate. None of our members have reported any incidents.

Operation of the jump plane is very professional. We do realise the jump zone is very close to the airstrip and caution must be exercised at all times by all parties.
11th February 2009

General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2335

Dear Sir,

Re: Development Application 3/2008/828/2
Extension to Skydiving at Hope Estate

I refer to the above and write as being the subject land situated at Broke Rd, Pokolbin.

The applicant, Just Jump Skydive, has our full support as landowners.

During the initial period of consent the operations of Just Jump Skydive have been totally professional and have complied with all DA, CASA and APP requirements as far as we are aware.

During the initial operations there has been much community discussion that we have been involved in. The positive benefits to tourism and visitation numbers, as well as the “theatre” of skydiving, have been praised by many. The only negative feedback has revolved around noise and safety issues.

These have been addressed as follows:

Noise

We requested that Just Jump Skydive seek an acoustical assessment which has now been undertaken. This has been provided to Council already and we have seen a copy. In our opinion this demonstrates that the skydiving aircraft (ZVM) does not contribute greatly to the aircraft noise issue in Wine Country. Comment from other airport users was that the skydiving aircraft was not the noisiest operating out of Cessnock. Those locals that complained about noise had issues with all aircraft, including helicopters, and not just the skydiving plane.

It was recommended to Just Jump that they alter their flight path to minimise noise and this has been done.

Safety

Given the high level of ill informed comment being made with respect to safety wrote to CASA and requested that they review all operations at Cessnock.
Airport. This included circuit operations and potential safety impacts of skydiving at Hope Estate.

Not being aviation experts we have sought information and comment from the following:

1. Experts report provided by MJG Aviation
2. Meetings with A.C. Cessnock Airport operators
3. Meetings with CASA – electronic, by phone and on site 10th Feb 2000
4. Airspace users meetings held at 2 (twice) and 1 (once)

The message repeated from CASA is that the operations are compliant with airspace regulations and they have no difficulty with them. All users were reminded that they have a responsibility to manage their own safety.

As we specifically asked CASA during a site meeting at Hope Estate, yesterday if they had a problem with the DZ being located at Hope Estate. The answer from Mr Malcolm Campbell, Acting Team Leader-Flight Operations, was an emphatic no. He said “I have no problem with Hope Estate as a DZ”.

Having witnessed the operations to date, and reviewed the noise and safety reports, we fully support the application for an extension by Just Jump Skydive.

The direct benefits to us have been increased patronage through the cellar door and our restaurant. This has been most welcome in these difficult economic times and I encourage Council to permit the operations to continue. We need all activities that add to the experiences of visitors to Wine Country.
Wednesday, 11 February 2009

Bernie Mortomore  
General Manager  
Cessnock City Council  
PO Box 152  
Cessnock NSW 2325

Dear Bernie,

Re: Just Jump Skydive at Hope Estate

I am writing this letter in support of the future development of Just Jump Skydive. Just Jump Skydive has been operating tandem skydiving operations at Hope Estate on weekends and public holidays under a temporary development consent.

Hope Estate now seeks to extend the consent until 26th April 2008 to continue operations until a permanent application can be determined.

...supports all new tourism initiatives which will benefit the Hunter Region and in this case the Hunter Valley following approval by Cessnock City Council.

This is a great opportunity for the Hunter Region to grow further into the adventure tourism market.

It would be a wonderful opportunity to continue this relationship between Hope Estate and Just Jump Skydive as it has been very effective in promoting the region and the new development’s taking place at Hope Estate.

Kind regards
11 February 2009

Mr Bernie Mortimore
General Manager
Cessnock City Council
P.O. Box 152
CESSNOCK NSW 2325

Dear Mr Mortimore,

Development Application No. 8/2009/828/2 – for a modification to consent comprising the extension of the temporary period of use from 2.02.09 to 26.04.09 for Just Jump Sky Dive Zone on DP. 545331, Lot 2, 2213 Broke Road, Pokolbin

I write to thank Council's Planning Assessment Officer, Kristen Swan, for meeting with myself and I yesterday in regard to the above mentioned development application.

I wish to advise that the Association does not have any objection to this temporary development proposal, however we may not be in a position to support a proposed permanent drop zone unless all LEP/DCP planning regulations are adhered to.

If you require any further clarification, please do not hesitate to contact the undersigned.
Miss K.F. Swan  
Cessnock City Council  
PO Box 152  
Cessnock, NSW 2325

Reference: 8/2008/828/2

Re: MODIFICATION TO EXISTING CONSENT DEVELOPMENT  
APPLICATION NO. 8/2008/828/2

Dear Madam,

I am writing on behalf of, which operates an adventure flight business from Cessnock airport using an I-39 Jet aircraft and a T-28 Trojan large propeller aircraft. I am a current serving RAAF fighter pilot and fighter instructor and I am the most experienced fighter instructor currently serving with the RAAF. I am also chief pilot of and in this role I have studied the subject DA and I can find no reason to object in any way to the proposed extension of consent. The operation of our high performance aircraft during parachute descents into Hope Estate is possibly the most likely to be impacted by such activities. However, the excellent working relationship that exists with the parachute operators and ourselves in combination with the professional coordination procedures that are set in place, whenever parachute activities are planned, minimise any impact on our flying activities.

It is my professional opinion that any operator from Cessnock airport who sees fit to object to this proposal is unable to apply the principles of air discipline and airmanship to their own operation and would therefore bring the safety of their own operation into question. I believe that a standing objection to the proposed parachute activity is that flying school students are unable to be guaranteed not to stray into the drop zone during parachute activities. I find this to be a disturbing revelation as I cannot comprehend how a flying training institution can permit student pilots to operate aircraft solo when they are not capable of total control of their aircraft and it's positioning in relation to ground features. I have been told by the Chief Instructor of one of these flying training institutions that, in fact, some of their students are unable to properly comprehend or speak English and yet they are being released into the Cessnock circuit on solo flights. This to me is totally unacceptable and presents a much more serious danger to air activities at Cessnock airport than parachuting and therefore I believe that any objections to parachute activities from Hope Estate based on these premises are invalid.

Should you require further comment or information from me I would be happy to provide any assistance in regard to this matter.
AIRCRAFT MAINTENANCE • AIRCRAFT REPAIRS

Cessnock City Council
P.O. Box 152
CESSNOCK 2325

7th February, 2009

RECEIVED

09 FEB 2009

FORMAL OBJECTION
TO: DA 8/2008/828/1
PARACHUTE DROPS IN THE VICINITY OF CESSNOCK AERODROME

We object to the development application on the following grounds:

1. CONTRAVENES CESSNOCK DEVELOPMENT CONTROL PLAN.
   The DCP states there be an exclusion zone for parachute drops which is 10 nautical miles radius from the aerodrome. (It was 5nm and now is 10nm because of CTAF changes) (Chapter: E.7-Appendix 4 – E.7.22)
   Hope Estate is within that radius and with parachute jumps continuing to be allowed to drop within the 10 nautical mile radius presents a high risk to aircraft and parachute jumpers. It is extremely dangerous and it's an accident waiting to happen.

2. Unsafe operations around airports.
   The DCP states that "Protection around airports is necessary to ensure a safe and predictable environment for aeroplane, and also to protect surrounding land uses from noise and other nuisance" (Chapter: C4-4.3.16-Category C). The dropping of parachutist so close to the aerodrome is dangerous and should not be allowed.

3. Dropping parachutist within CTAF
   In Cessnock Aerodrome Operational Policy & User Guideline it states that all 'All parachutists are to be landed off the airport and outside the airport CTAF'. Also all parachute drop aircraft are to conform to the fixed wing aircraft traffic pattern in accordance with CASA.
   Cessnock Aerodrome is a CTAF aerodrome. The CTAF is defined in the Civil Aviation Act 1988, Civil Aviation Amendment regulations
(2005) No. 3 Item (2) Regulation 166 – “Operating in the vicinity on a non-controlled aerodrome” as airspace other than controlled airspace, within a distance of 10 nautical miles horizontally from the aerodrome and at any height above the aerodrome that an aircraft could conflict with other aircraft operating at the aerodrome.

4. No notice of original development to public for submission.

At Cessnock Aerodrome there are two flying schools with some students having poor understanding of english, two Jet operators, vintage aircraft joy flights, aircraft tour operators coming here from Sydney and other regional areas for wine tours, helicopter joy flights, ultralight aircraft and private pilots. Cessnock aerodrome is becoming very busy. With this much air traffic we do not want parachutists to be involved in any air accident. We have no problem with parachute drops as long as it is outside the 10nm radius of Cessnock Aerodrome away from aircraft which are in the circuit area.

If Cessnock City Council seeks to ignore it’s own DCP then it must take responsibility for it’s actions.

We are concerned about safety and compliance of all uses of the aerodrome.
DEVELOPMENT APPLICATION NO. 8/2008/828/2
FOR A MODIFICATION TO CONSENT COMPRISING THE EXTENSION OF THE
TEMPORARY PERIOD OF USE FROM 02/02/2009 TO 26/04/2009 FOR JUST JUMP SKY DIVE
ZONE
PROPERTY: DP 545331 LOT 2, 2213 BROKE ROAD POKOLBIN

Dear Sir/Madam

As to the above application as a company pilot of [Company Name], I wish to put forward an objection to the above parachute operations. It stipulates on the council web site under Aerodrome procedures SECTION 8- PARACHUTE DROP AIRCRAFT. All parachutists are to be landed off the airport AND OUTSIDE THE AIRPORT CTAF. As they are operating 1.7NM to the NW of Cessnock airport I feel that is a safety hazard within the CTAF area of SNM and also as I have lodged two safety incidents with CASA with in their last 12 week trial period for jumping over top of the helicopter. I feel that there is an increased risk of a fatal accident if the operation is to continue at the present location.
RESPONSE TO DEVELOPMENT APPLICATION
DEVELOPMENT APPLICATION NUMBER 8/2008/82872
PARACHUTING OPERATIONS - HOPE ESTATE
Submitted 11 Feb 2009

We would respectfully lodge our opinion as an objection to the proposed extension of the DA to permit
parachuting operations into the Hope Estate property.

We think that Council should not approve the operation because

It is in contravention of the Council’s Development Control Plan,

It contravenes Council’s Aerodrome Operational Policy and User Guidelines,

It would impose an unnecessary and significant safety risk to aerodrome users,

It would cause Council an unnecessary liability exposure.

Contravention of Council’s Development Control Plan
The CCC Development Control Plan (DCP) requires an exclusion zone of 5 nm around the aerodrome within
which parachuting operations are not permitted (Ch E.7 App 4 – E.7.22) The proposed jump zone is 1.7 nm from
the runway.

Contravention of Council’s Aerodrome Operational Policy and User Guidelines
The CCC Aerodrome Operational Policy and User Guidelines (AOPUG) require that parachutes are to be landed
outside the CTAF (Sect 8.1) The proposed jump zone is well within all definitions and agreed understandings of
the CTAF.

An unnecessary and significant safety risk to aerodrome users
The proposed jump zone is within the circuit area of the Cessnock aerodrome. When flying over the Hope
Estate area pilot’s are usually very busy trying to identify other aircraft flying in, joining, or departing the regular
circuit pattern. The location of the proposed jump zone is unacceptable to the operators associated with the
aerodrome because of its safety implications for circuit operations. These operations include regular flying
training, circuit training, the departure of aeroplanes from Cessnock aerodrome and the arrival of aircraft at the
Cessnock aerodrome.

An unnecessary liability exposure.
Aviation incidents and accidents are matters of significant interest for Council because of the associated liability
that may be established. We believe that it is reasonable to assume that the owner and operator of the aerodrome
(CCC) would be responsible for any compliance issues associated with the parachuting approval. Parachuting
accidents do sometimes occur and we believe it would be a significant issue for Council should an accident
occur in the future at the Hope Estate location. This would be particularly relevant if the matter was related more
or less directly to a development application, which it approved. And this especially, if Council did have specific
safety concerns brought to its attention prior to the processing of such an application.

CONCLUSION

We therefore request that this application be not approved because; it is in contravention of the Council’s
Development Control Plan, it contravenes Council’s Aerodrome Operational Policy and User Guidelines, it
would impose an unnecessary and significant safety risk to aerodrome users, and it would cause Council an
unnecessary liability exposure.

Thankyou for receiving this submission from the

of the various

at the Cessnock Aerodrome.
RESPONSE TO DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION NUMBER 8/2008/82872

PARACHUTING OPERATIONS - HOPE ESTATE

I would like to lodge an objection to the proposed extension of the Development Application which permits parachuting operations into the Hope Estate property.

This objection is based on the following.

An unacceptable safety risk for Council and the public

Quality of information provided in support of the Site

Contravention of Council’s Development Control Plan

Contravention of Council’s Aerodrome Operational Policy and User Guidelines

An unacceptable safety risk for Council and the public

The proposed jump zone is surprisingly adjacent to one of the most critical areas of the circuit pattern — the turn from crosswind to downwind. Pilots’ attention is frequently diverted by a number of factors at this point in the circuit. It would be a time when pilots are least likely to be able to identify and avoid parachutes. The area of the proposed site is one that is often flown by, or directly over, when aircraft are either practising standard circuit patterns or arriving and departing from Cessnock aerodrome. Standard Operating procedures are used in many situations to maximise safety and minimise risk. Changes to Standard Operating Procedures are sometimes very difficult to communicate effectively to all involved. It is difficult to gain compliance with non-standard procedures. Any changes to the standard circuit patterns and standard operating procedures cannot be guaranteed to improve safety around the aerodrome. It would not seem to be in the interests of the Public, CCC or aerodrome operators that an approval be given in this case which could result in an avoidable aviation safety related occurrence and the subsequent liability issues rather than identifying and using another safer site.

Quality of Information provided in support of the Site

Much of the discussion that I have heard regarding this application has been around a diagram of the circuit on which are placed yellow, blue and red markings. I have tried to identify the producer of the diagram but have been unsuccessful in doing so. The diagram is unhelpful and misleading in the discussion. It presents a concept of the circuit pattern that is impractical, unhelpful and in contravention of standard circuit requirements. For example, the base leg of the circuit should be depicted approximately three times the distance from the runway further out. Additionally, and very importantly, the inference is that all planes and all pilots and all circuits will fly an identical path over the ground. This is misleading and unhelpful to the discussion.

Contravention of Council’s Development Control Plan

The CCC Development Control Plan (DCP) requires an exclusion zone of 5 nm around the aerodrome with respect to parachuting operations (Ch E.7 App 4 – E.7.22) The proposed jump zone is 1.7 nm from the runway.

Contravention of Council’s Aerodrome Operational Policy and User Guidelines

The CCC Aerodrome Operational Policy and User Guidelines (AOPUG) require that parachutes are to be landed outside the CTAF (Sect B.1) The proposed jump zone is well within all definitions and agreed understandings of the CTAF.

CONCLUSION

I would respectfully request that this application be not approved because it would result in an unacceptable increase in safety risk, an unacceptable increase in Council Liability, a Contravention of the CCC Development Control Plan and a contravention of the CCC Aerodrome Operator Policy and User Guidelines.

Thankyou for considering this response to the Development Application.

9 February 2009
I would like to submit my comments in regard to the proposal to permit parachute operations at Cessnock in accordance with the development application 8/2008/828/2. As a senior instructor with the above company and as a long term operator out of Cessnock airport there are a number of issues that cause me concern.

My primary concern is that the proposal as it stands guarantees conflict between parachutes descending into the drop zone and aircraft that I fly at Cessnock. The issue is the proximity of the drop zone to the downwind leg of the circuit as it is flown from runway 35.

Confusing this issue was miss-information that was presented at a recent meeting convened by CASA at which representatives of Cessnock Council were present. At this meeting a diagram depicting a circuit at Cessnock was displayed. The origins of this diagram were not identified by anyone present at this meeting and nobody was able to vouch for its authenticity.

Having been a pilot at Cessnock for more than 20 years I can honestly say that for most of the general aviation aircraft flying at Cessnock it is without a doubt impossible to fly the circuit as depicted on this diagram. Without going into too much detail the downwind leg as depicted on this diagram is ludicrously close to the runway and an attempt to follow this path would place many of the aircraft that I fly in an unsafe position to land from, the problem being that the aircraft would be too close to the runway and therefore too high to successfully land.

I believe that any observation of actual aircraft tracks being flown would support my assertion and I am happy to explain in more details this point if necessary.

It is my hope that in making this submission anyone who was present at the above meeting might have a more accurate appreciation of where aircraft actually fly while conducting a circuit at the aerodrome.

As an aside I was present when this inaccurate diagram was shown to a senior CASA official and he confirmed that in his belief the diagram was not a true reflection of what could be achieved.

Unfortunately even when circumstances dictate that aircraft are operating on runway 17, and therefore operating in the circuit to the east of the airfield, there is the potential for conflict with aircraft that would be joining the circuit pattern in accordance with CASA’s instructions as they currently stand, as this would require these aircraft to fly in close proximity to the drop zone.

In conclusion I would like to say that my over riding concern is one of safety for myself and students/paasengers that I have aboard and I feel that the proposal as it stands would negatively impact on the safety of operations at Cessnock aerodrome.
Dear Sir/Madam

Re: Development application Number 8/2009/828/2

I would like to express concerns related to the proposed development plan that would allow parachuting to occur on to a site in close proximity to Cessnock aerodrome. There are a number of issues that arise if parachuting is allowed to proceed.

The first and most important issue is that if parachutes are allowed to be dropped in the proposed area they will present a danger to aircraft in the circuit at Cessnock aerodrome. A diagram (origin unknown) was presented at a recent meeting at which a council representative was present. I believe the diagram presented at the meeting was flawed and presented inaccurate information to the council representative. The diagram showed a circuit drawn around Cessnock aerodrome and was based on single engine piston aircraft as stated in AIP ENR 1.1 paragraph 57.1.5. The diagram failed to take into account AIP ENR 1.1 paragraph 57.1.1 which makes allowances for the circuit to be different, and in most cases much larger than the diagram presented, depending on aircraft type and preceding traffic. It is my opinion as an experienced flight instructor, from observations and analysis of GPS track information, that the diagram presented at the meeting is not an accurate representation of the circuits flown at Cessnock, rather that the circuits flown by the majority of aircraft at Cessnock would place them in much closer proximity to the proposed drop site than suggested by the diagram.

The second issue is that the parachuting would directly conflict with traffic joining the circuit as recommended by CASA in AIP ENR 1.1 paragraph 54.5.1. This paragraph recommends that one of the appropriate methods for joining the circuits is to fly a leg 45° to the downwind leg and then turn to fly downwind. This traffic conflict will occur even if circuits are flown as close to the runway as represented in the previously mentioned diagram. At the recent meeting I brought this to the attention of the CASA representatives who agreed that this would pose a safety issue.

As I am sure you are aware Councils own development control plan prohibits parachute drop zones within 5 nautical miles of the Aerodrome. It appears from this that council is aware of dangers to aircraft caused by parachuting occurring in close proximity to the aerodrome. I would also like to bring to your attention the fact that at other aerodromes where parachuting occurs, such as Wilton aerodrome south of Sydney, there is a danger area with a diameter of 4 nautical miles which pilots are instructed to avoid. If a danger area of this size were to be placed around the proposed drop zone at Cessnock it would not only encompass the circuit area for runway 35 but the runway itself.

In Section 5.2.15 of the Australian Parachute Federation operational regulations it states that radio calls will be made prior to the drop if the drop will enter a CTAF. These calls are to alert traffic in the CTAF of the parachutists. However as a radio is not required to operate in the CTAF at Cessnock there are aircraft that would not be able to hear these broadcasts and may be unaware of parachutists in their vicinity.

It is on these grounds that I oppose the plan to allow parachutes to be dropped in such close proximity to Cessnock aerodrome.

11/2/2009
3 February 2009

Bernie Mortomore  
General Manager  
Cessnock City Council 
P.O. Box 152 
CESSNOCK NSW 2325

Dear Mr Mortomore,

A number of members of the have expressed their strong concern in regard to the recent operation of the Just Jump Sky Dive company, which has been allowed to start again at Cessnock Airport with a drop zone some 1.6 – 1.9 nautical miles from the airstrip.

The members understood that this practice was prohibited two years ago after complaints about the excessive noise of the aircraft, which was undoubtedly upsetting visitors to the wine area. I understand a limit of at least 5 nautical miles from the airstrip was set by Council for any future parachute drop. It now appears that the company has been given a provisional development application to fly from the airstrip and land at Hope Estate in Pokolbin, and that they have now applied for a further extension of two months. The volume of noise caused by the aircraft at the weekend is most detrimental to the ambience of the Hunter Valley Wine Area, and it is difficult to understand why a drop zone further from the Cessnock airstrip is not being used.

It is more disturbing for me to hear, personally, that a number of pilots are avoiding using Cessnock Airport because of the safety situation. It is also difficult to understand why Cessnock Council would not give stronger support to the air schools who have invested heavily in the airport, and who train over 70 pilots at any one time. This must be of some financial significance to the Area, and with young pilots continually circuiting the runway, it is obvious that they are flying over Hope Estate, and that Cessnock Council must take some responsibility for safety, if this practice is to continue.

I understand that a tight circuit of less than one nautical mile from the airstrip has been requested, but is not practical for students, and that some breaches of safety occurred two Sundays ago when complaints were made about the parachute plane, and that no further action could be taken without the presentation of photographs for proof.
It is difficult to understand why the five nautical miles rule was changed without consultation with the public considering the previous consultation practices, or that the air school is being asked to consider changing flight plans to ensure a greater degree of safety for the parachuters.

May I request that Council does not allow this practice to continue over the Pokolbin area when there are obviously many safer and quieter options towards Branxton, Maitland or other areas.
23rd January 2009

Mr Bernie Mortimer
General Manager
Cessnock City Council
Vincent Street
CESSNOCK NSW 2320

RE: SAFETY CESSNOCK AIRPORT

Dear Bernie,

We wish to raise several issues concerning Cessnock Airport.

1. Firstly we note that commercial skydiving has again commenced operations from the airport with the drop zone being Hope Estate.

Could you advise if a DA was submitted & what consultation with residents & airport users took place prior to approval.

As a pilot who is a frequent user of Cessnock Airport, I find the drop zone to be totally inappropriate & dangerous as it infringes the circuit area when runway 35 is active. The risk to other aircraft, parachutists, residents, businesses, their staff & clients is unacceptable. I have watched drops take place through cloud obscuring vision of landing points & other aircraft. Frankly it is an accident waiting to happen. The operator should return to Elderslie or a more appropriate location.

2. Secondly as a resident in close proximity to the airport we have found the noise from aircraft activity has significantly increased in the past 12 months. The biggest contributor is circuit training by the flying schools which we request Council to review & implement restrictions.

Do you realise Cessnock Airport is the 4th busiest airport in NSW. It has aircraft movement numbers behind Bankstown, Sydney International & Tamworth. These airports have controlled airspace, control towers & multiple runways. Cessnock Airport has 75,000 aircraft movements per year, figures supplied by previous Cessnock Airport Manager Alan Pope. This makes Cessnock Airport far busier than many regional centres eg Albury, Coffs Harbour & Dubbo. Dubbo is considered a busy regional airport having 12 to 14 regular public transport flights per day delivering 193,000 passengers per year. Dubbo's aircraft movements for the year total 18,532 which is one quarter of the traffic landing at Cessnock Airport.
Circuit training is a large percentage of the aircraft movements & noise problems at Cessnock Airport. This training takes place 7 days a week from 7.00am to 10.00pm & sometimes later. On a regular basis we have aircraft overhead every minute, sometimes the intervals are as little as 20 seconds. The constant noise has become unbearable. Most of the flying students, approximately 80% are from foreign countries. English is not their first language which creates misunderstanding with radio calls. These calls are a primary means of separation for aircraft. Many students fly too low & too close in aircraft that is old & noisy. We have witnessed many incidents of poor airmanship & unsafe actions that have put people at risk.

Some of the training organisations do not have a good safety record with a mid air collision occurring in Sydney towards the end of last year. Two people were killed when their aircraft crashed into a house. Fortunately the owners of the house were out at the time avoiding injury or possible death. The flying schools operating out of Cessnock Airport are not locally owned businesses & the majority of students are actively recruited from overseas, where they return once training is complete. Given these facts there is no real benefit to the local community. The impact in noise pollution to residents, businesses & millions of tourists is unwarranted & damaging.

Yours sincerely,

Some of those affected include:
FORMAL OBJECTION

TO

DEVELOPMENT APPLICATION

NUMBER 8/2008/828/1

HOPE ESTATE / JUST JUMP SKYDIVE

ON BEHALF OF

9TH FEBRUARY 2009
FORMAL OBJECTION

DEVELOPMENT APPLICATION NUMBER 8/2008/228/1
HOPE ESTATE / JUST JUMP SKYDIVE

The objection to this development application is based on the following grounds, with references to Cessnock Council Regulations, Policies, and Civil Aviation Regulations.

The proposed location of the parachute drop zone is in contravention of Council’s Development Control Plan (DCP), and Aerodrome Operational Policy & User Guidelines (AOPUG). The exposure of aircraft and the traveling public to the risk of collision with a parachutist in close proximity to the Councils aerodrome and circuit area is unacceptable. With risk there is consequence, the result of a collision between a skydiver and an aircraft would be catastrophic, and expose Council to liability.

The objections are as follows:

1. The application breaches the Cessnock Council Development Control Plan. The plan states that “Protection around airports is necessary to ensure a safe and predictable environment for aeroplanes and also to protect surrounding land uses from noise and other nuisance” (Chapter: C4 – 4.3.16 –Category C).

The ad hoc dropping of parachutists in close proximity to the circuit area has an unacceptable high level of risk and is unsafe due to the unpredictable environment.

2. Breach of Cessnock council Development Control Plan. The plan states that there is a “Parachute Drop zone exclusion area of 5 nautical miles radius from the aerodrome.” (Chapter: E.7 - Appendix 4 - E.7.22)

Hope Estate drop zone is 1.7 miles from Cessnock Aerodrome, well within the stated exclusion zone.

3. The application breaches the Cessnock Council Aerodrome Operational Policy & User Guidelines. The guidelines state “All parachutists are to be landed off the airport and outside the airport CTAF.” (Parachute Drop Aircraft Operations Conditions of Use: Section 8.1) The guidelines also state that “All parachute drop aircraft are to conform to the fixed wing aircraft traffic pattern in accordance with all Civil Aviation regulations and associated documents, and Airservice Regulations for operation in a Common Traffic Advisory Frequency Zone, particularly CAR 166 (1): Operations on and in the vicinity of an airport, AIP ENR 1.1-57, Subsection 52: Selection of Circuit Direction, Separation, Minima and Height and Councils (Section 8.1.1)”

The CTAF is defined in the Civil Aviation Act 1988, Civil Aviation Amendment regulations 2005 (No 3) item {2} regulation 166 “Operating in the vicinity of a non controlled aerodrome.” The airspace is specified as, “Airspace other than controlled
airspace, within a distance of 10 nautical miles horizontally from the aerodrome and at any height above the aerodrome that an aircraft could conflict with other aircraft operating at the aerodrome. The proposed drop zone is situated well within the CTA.


The original development application failed to meet Council guidelines i.e. no Notice of Proposal was given or opportunity for public submission offered.

5. The applicant (Just Jump Skydive) has already breached Condition 7 of the Development Application Temporary Consent. This condition states “This consent is limited to a twelve (12) week temporary period commencing from November 15th 2008 through until 1st February 2009. Skydiving operations are only to take place on weekends and selected public holidays during this twelve week period and is limited to the hours of 7.00am – 7.00pm pending weather, daylight and safety conditions”.

Just Jump Skydive conducted parachute operations continually on the 7th and 8th February 2009 in direct contravention of condition 7.


“An aircraft in flight, or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.”

On the 7th February 2009 at about 10am Just Jump Skydive aircraft VH-ZVM entered runway 35 for take off, at the time VH-EEI (a solo student) was on short final for runway 35. (This event is now subject to an air safety incident report).

These last two actions display a flagrant disregard for the regulatory process and indicate the level of distain Just Jump Skydive shows for rules and regulations.

I trust you will consider my objections in the interests of the safety of all who use and live in the area of Cessnock Aerodrome.
FORMAL OBJECTION
DEVELOPMENT APPLICATION NUMBER 8/2009/028/1
HOPE ESTATE/JUST JUMP SKYDIVE

The objection to this development application is based on the following grounds with references to Cessnock Council Regulations, Policies, Civil Aviation Regulations and the Civil Aviation Safety Authority Day VFR Syllabus for Aeroplanes.

The proposed location of the parachute drop zone is in contravention of Council’s Development Control Plan (DCP) and Aerodrome Operational policy & User Guidelines (AOPUG). The exposure of aircraft and the travelling public to the risk of collision with parachutist in close proximity to the Council’s aerodrome and circuit area is unacceptable. With risk there is consequence, the result of a collision between a skydive and an aircraft would be catastrophic and expose Council to liability.

The Objections are as follows:

1. The CCC DCP requires an exclusion zone of 5nm around the aerodrome within which parachuting operations are not permitted (Ch E.7 App 4 – E.7.22). The proposed jump zone is 1.7nm from the runway.

2. The CCC Aerodrome Operational Policy and Users Guide (AOPUG) require that parachutes are to be landed outside the CTAF (Section 8.1). The proposed jump zone is well within all definitions and agreed understandings of the CTAF.

3. The proposed drop zone is within the circuit area of the Cessnock Aerodrome. When flying over Hope Estate area pilot’s are usually very busy trying to identify other aircraft flying in, joining, or departing the regular circuit pattern. The location of the proposed jump zone is unacceptable to the operators associated with the aerodrome because of its safety implications for circuit operations. These operations include regular flying training, circuit training, the departure of aeroplanes from Cessnock aerodrome and the arrival of aircraft at the Cessnock aerodrome.

4. Day VFR syllabus issued by CASA describes numerous reasons why the drop zone impacts the safety of all operators at Cessnock aerodrome. Significant flying training activity is conducted at Cessnock airport. Almost all operators follow the rules, regulations and guidelines set out by CASA in official publications. The Visual Flight Rules Guide is only a guide. Operators set up their training in accordance with the CASA’s official Syllabus and are governed by the rules and regulations set by CASA.
a. ERSA states that a standard approach profile for an aircraft is 3 degrees.

b. CAR 166 (g) states "that all aircraft have to be established on final approach no closer to 500m for the perimeter fence of the aerodrome."

c. CASA Day VFR Syllabus 1.12 A3.6 states aircraft on final approach must be set up in approach configuration not below 500 ft AGL

d. CASA Day VFR Syllabus 1.12 A3.6 states all climbing turns shall be at rate one or 20 degrees AOB

Based on the above an aircraft must be on final approach 2.99km's from the airport perimeter fence, turn crosswind at 500 ft at rate 1 and then continue a rate one turn onto downwind. Given various aircraft performance the circuit area can be defined as an area that encompasses up to 2.5nm from the Runway centerline. It is important to note that ERSA has set the limit for circuits in its operating procedures for Cessnock at 2nm.

5. Bankstown is arguably the busiest General Aviation Airport in the country. Cessnock Airport now has more than 70,000 movements per year. This equates to % of the amount of movements than Bankstown. However Cessnock is not a certified aerodrome nor does it have a tower.

a. Bankstown basic circuit dimensions are 1.1nm from the runway centre line. This is based on the publication "The Sydney Basin Guide" issued by CASA.

b. Bankstown is bordered by the Sydney control zone. The southern circuit is closest to this border at approx 2.2nm.

Aircraft regularly using this circuit in a busy environment often stray into the Sydney control zone and an Electronic Safety Incident Report is generated. If aircraft manage to stray up to 2.2 nm from the circuit i.e. 1.1nm from standard then at Cessnock with a 1.82nm drop zone it can be concluded that we can expect aircraft within the area of the drop zone regularly.

6. Circuit spacing is up to the judgment of the Pilot in Command (PIC). It is NOT feasible for anyone to fly around a local area using physical features on the ground as a reference point. Training has to encompass all aerodromes and therefore a reference point to the aircraft based on performance is essential. Hunter Valley Aviation uses the guide for students as 2/3 wing strut for a c152. To put this in context this takes aircraft out to 1.12nm from the RWY centerline. For a PA28 the reference used is the "2nd row of rivets". This equates to 1.26nm from the RWY centerline. For a PA30 the reference point is "inside the tip tank mount". This equates to 1.72nm from the RWY centerline.

All this is inside the proposed drop zone, however this is standard and often at Cessnock Aerodrome standard is increased due to traffic. Aircraft have to have ways to avoid others. In a
busy environment aircraft often fly wider than normal to permit adequate spacing from other traffic in order to avoid a collision. If parachuting was occurring at the same time, this would limit a pilot’s ability to maneuver an aircraft to avoid another or the parachutists.

7. “Student Pilot’s” training heavily at Cessnock Aerodrome. Their ability to assess risk is a lot lower than an instructor’s say. More than 50% of the time undergoing training by a student pilot is conducted solo.

With parachuting occurring and large volumes of traffic, the required situational awareness for a student pilot is extremely high and would normally cause students to avoid risk by widening or extending legs of the circuit. If parachuting was occurring then the risk of a student flying into the drop zone unintentionally is increased.

8. Drop zone skydive engaged Mike Gahan to provide a risk analysis. This risk analysis has identified some crucial issues, however it is inaccurate for the following reasons;

a. Section 2.1 states “with the concurrence of other airspace users”. It was clear at the meeting of December 10 of “airport users” that most operators had serious concerns about the skydiving activities. Mr. Frawley took a moderators role and did not express a negative or supportive role. With the exception of Air Action, all Airport Users expressed serious concerns about the skydiving activities.

b. Section 2.4 lists the consultation that occurred during Mr. Gahan’s research. It must be noted that only a third of operators were consulted. The participants had not received briefing material and initial responses were of limited value. At no time has the author sought to conduct a thorough examination of the activities and opinions of the operators at Cessnock Aerodrome. Noted was the fact that the professional opinions of the Civil Aviation Safety Authorities Flight Operation Inspectors had not been sought.

c. Section 3.2 outlines Mr. Gahan’s extensive experience. The complete CV was NOT attached. There is no evidence of flight operational experience, in particular ab initio flight training, antique aeroplane operation, jet flight training and operations, skydiving and aerobatic operations.

d. Section 6 refers to various assessments of risk. The methodology has not been described. Where there is risk, there is consequence - while it may be true that the risk of collision in a mix of skydiving and flight operational activities is low, the consequence of collision is catastrophic. The resultant risk profile is beyond what can be deemed acceptable for operations. In particular, the mitigation strategies for Runway 35 operations seem particularly naïve. The geographic circuit has been tried on numerous occasions from as far back as 1980 – it has never endured. There is photographic evidence showing 9 aircraft preparing for
departure on runway 35 recently. There were 4 aircraft in the circuit. Traffic volume coupled with vast performance and experience differentials preclude the effective operation of a tight geographic circuit. It was the belief of those at the meeting that the use of the western paddock had not been in evidence when 3 or more aircraft were in the circuit.

e. Section 6.5 refers to fast jet operations. The author fails to discern the point that the arrival of the fast jet has little to do with the skydiving directly (a point he makes) but rather the behaviour of the other aircraft in the circuit. The circuit dynamic is governed by the least experienced pilot with the worst language skills. It is the responsibility of every operator to support and encourage those trainees. It is a reality that the capacity of trainees to deal with a broad range of activities is very limited and that the arrival of the jet is potentially a serious distraction. When I was a student at Cessnock in 1980, the arrival of a Navajo was enough to see the trainees scatter and reform the circuit after the event had occurred. The author refers to one jet operator—we now have two jet operators and, we suspect, the potential for more in the future.

f. Section 6.6 refers to the creation of a single operator situation at Hope Estate. While that may well occur, there is nothing to prevent ‘Last Jump Skydive’ from seeking to fall into Tower Estate or ‘Ripchord Willie’ from seeking to use Tempus Two. Precedent can be a dangerous thing.

g. Section 6.8 refers to the CTAF. The CTAF may well be airspace designer nirvana, but we have yet to meet a pilot who has not been surprised in a CTAF. It is a mistake to assume that all transmissions are accurate, timely, understood and coherent. Every experienced pilot at Cessnock has been involved in a range of ‘events’ that have resulted from less than perfect communication.

h. The consensus at the meeting of the 10th of December was that there would be absolute support for Just Jump Skydive provided they jumped clear of the circuit area. The DCV and operator experience define “clear” as being outside of 5 nm from the aerodrome. Just Jump Skydive has commenced promotion through the Hunter Valley Tourism Association and promotes its office at Hope Estate. Clearly there is a very close link between the winery and the operator and capital has been invested in pushing this through.

i. 7.2 of the report “Runway 17” also has an unacceptable risk analysis as aircraft use the dead side of the circuit up to 3 nm to descend to circuit height and join crosswind for the active runway.
j. 7.3 of the report "Runway 35" also has problems as the risk analysis has not taken into account aircraft performance on hot days and also larger aircraft performance such as PA31's, C414's etc that use a wider circuit. Also twin training is conducted at YCNK extensively and the use of runway 35 when conducting asymmetric circuits requires a wider circuit due to performance. Often the aircraft travels over Hope estate when in this configuration. To say that 1000m is acceptable when 3 aircraft are in the circuit is inaccurate when aircraft lateral separation requirements are often more than 5km.

k. 7.4 "Weekend vs. Weekday Operations" The statement in the report that "the majority of training activity by YCNK......... occurs during the working week" is simply not true. In actual fact more training is conducted on weekends and the airport is a lot busier on weekends as all the weekend pilots come up from Sydney for the day. We also have a lot more inexperienced pilots flying on weekends in ultra light aircraft.

l. 7.8 "CTAF" To say the objection of the CTAF boundary is baseless is simply not true since the CTAF boundary has now gone from 5 nm to 10 nm. Council is now asking for a DZ within 2nm of the aerodrome instead of the agreed safe distance of 5nm. The purpose of this was not the fact that the CTAF boundary was the limiting factor. It was the operators saying they accept that the safe distance for a DZ is 5nm.

m. Also the statement that "carriage of a suitable VHF AM Radio, are mandatory..............YCNK" is not accurate. This is because YCNK is NOT a CTAF(R), and does not require the mandatory use of a radio. There are often times where radios are not used at YCNK and a look out is required. This is primarily an issue with users from other locations other than Cessnock.

n. 8 "Recommendation" We do not believe that a skydiving aircraft would be able to determine if 3 aircraft are in the circuit or not. It is also not feasible to ask all pilots to fly downwind legs contained within certain dimensions let alone using "Len Evans" house as a guide. Are you going to put a sign on his roof and put this instruction in ERSA?

With all the above issues and even with a risk analysis, it is proven that over the last 12 weeks the operations has chosen to ignore the findings for Mr. Mike Gahan. The parachutes have been dropped and it has been recorded when more than 3 aircraft are in the circuit. No 2nd drop zone exists. An incident report was lodged due to the misuse of the airport by VH-ZVIV. All of the above show that even with the best risk analysis
and mitigators, it is up to the operator to put them in practice. Something which has be shown not to be occurring.

It is suggested that should Cessnock City Council seek to ignore it's own DCP and approve a DA for this venture, all operators at Cessnock aerodrome should seek indemnity from the Council should a tragedy occur involving one of their aircraft or personnel. Ultimately it is the Council that must take responsibility for its decisions.

Regarde.
Actual circuits flown by aircraft @ Cessnock Aerodrome.
Banksia Imaging Perimeter for C152 Aircraft
CCT RWY 29R/11L TO HELIPORT 0.96 NM
CCT RWY 29L/11R 1.05 NM
FORMAL OBJECTION

DEVELOPMENT APPLICATION NUMBER 8/2008/828/1
HOPE ESTATE/JUST JUMP SKYDIVE

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3. The proposed drop zone is within the circuit area of the Cessnock Aerodrome. When flying over Hope Estate area pilot's are usually very busy trying to identify other aircraft flying in, joining, or departing the regular circuit pattern. The location of the proposed jump zone is unacceptable to the operators associated with the aerodrome because of its safety implications for circuit operations. These operations include regular flying training, circuit training, the departure of aeroplanes from Cessnock aerodrome and the arrival of aircraft at the Cessnock Aerodrome.

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Aircraft regularly using this circuit in a busy environment often stray into the Sydney control zone and an Electronic Safety Incident Report is generated. If aircraft manage to stray up to 2.2nm from the circuit i.e. 1.1nm from standard then at Cessnock with a 1.82nm drop zone it can be concluded that we can expect aircraft within the area of the drop zone regularly.

6. Circuit spacing is up to the judgment of the Pilot In Command (PIC). It is NOT feasible for anyone to fly around a local area using physical features on the ground as a reference point. Training has to encompass all aerodromes and therefore a reference point to the aircraft based on performance is essential. Hunter Valley Aviation uses the guide for students as 2/3 wing strut for a CL152. To put this in context this takes aircraft out to 1.12nm from the RWY centerline. For a PA28 the reference used is the "2nd row of rivets". This equates to 1.25nm from the RWY centerline. For a PA30 the reference point is "inside the tip tank mount". This equates to 1.72nm from the RWY centerline.

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busy environment aircraft often fly wider than normal to permit adequate spacing from other traffic in order to avoid a collision. If Parachuting was occurring at the same time, this would limit a pilot's ability to maneuver an aircraft to avoid another or the parachutists.

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With Parachuting occurring and large volumes of traffic, the required situational awareness for a student pilot is extremely high and would normally cause students to avoid risk by widening or extending legs of the circuit. If parachuting was occurring then the risk of a student flying into the drop zone unintentionally is increased.

8. Drop Zone Skydive engaged Mike Gahan to provide a risk analysis. This risk analysis has identified some crucial issues, however it is inaccurate for the following reasons:

a. Section 2.1 states "with the concurrence of other airspace users". It was clear at the meeting of December 10 of "airport users" that most operators had serious concerns about the skydiving activities. Mr. Frawley took a moderators role and did not express a negative or supportive role. With the exception of Air Action, all Airport Users expressed serious concerns about the skydiving activities.

b. Section 2.4 lists the consultation that occurred during Mr. Gahan's research. It must be noted that only a third of operators were consulted. The participants had not received briefing material and initial responses were of limited value. At no time has the author sought to conduct a thorough examination of the activities and opinions of the operators at Cessnock Aerodrome. Noted was the fact that the professional opinions of the Civil Aviation Safety Authorities Flight Operation Inspectors had not been sought.

c. Section 3.2 outlines Mr. Gahan's extensive experience. The complete CV was NOT attached. There is no evidence of flight operational experience, in particular ab initio flight training, antique aeroplane operation, jet flight training and operations, skydiving and aerobatic operations.

d. Section 6 refers to various assessments of risk. The methodology has not been described. Where there is risk, there is consequence – while it may be true that the risk of collision in a mix of skydiving and flight operational activities is low, the consequence of collision is catastrophic. The resultant risk profile is beyond what can be deemed acceptable for operations. In particular, the mitigation strategies for Runway 35 operations seem particularly naïve. The geographic circuit has been tried on numerous occasions from as far back as 1980 – it has never endured. There is photographic evidence showing 9 aircraft preparing for
departure on runway 35 recently. There were 4 aircraft in the circuit. Traffic volume coupled with vast performance and experience differentials preclude the effective operation of a tight geographic circuit. It was the belief of those at the meeting that the use of the western paddock had not been in evidence when 3 or more aircraft were in the circuit.

c. Section 6.5 refers to fast jet operations. The author fails to discern the point that the arrival of the last jet has little to do with the skydiving directly (a point he makes) but rather the behaviour of the other aircraft in the circuit. The circuit dynamic is governed by the least experienced pilot with the worst language skills. It is the responsibility of every operator to support and encourage those trainees. It is a reality that the capacity of trainees to deal with a broad range of activities is very limited and that the arrival of the jet is potentially a serious distraction. When I was a student at Cessnock in 1980, the arrival of a Navajo was enough to see the trainees scatter and reform the circuit after the event had occurred. The author refers to one jet operator – we now have two jet operators and, we suspect, the potential for more in the future.

d. Section 6.6 refers to the creation of a single operator situation at Hope Estate. While that may well occur, there is nothing to prevent ‘Last Jump Skydive’ from seeking to fall into Tower Estate or ‘Ripchord Willie’ from seeking to use Tempus Two. Precedent can be a dangerous thing.

e. Section 6.8 refers to the CTAF. The CTAF may well be airspace designer nirvana, but we have yet to meet a pilot who has not been surprised in a CTAF. It is a mistake to assume that all transmissions are accurate, timely, understood and coherent. Every experienced pilot at Cessnock has been involved in a range of ‘events’ that have resulted from less than perfect communication.

f. The consensus at the meeting of the 10th of December was that there would be absolute support for Just Jump Skydive provided they jumped clear of the circuit area. The DCP and operator experience define “clear” as being outside of 5 nm from the aerodrome. Just Jump Skydive has commenced promotion through the Hunter Valley Tourism Association and promotes its office at Hope Estate. Clearly there is a very close link between the winery and the operator and capital has been invested in pushing this through.

i. 7.2 of the report “Runway 17” also has an unacceptable risk analysis as aircraft use the dead side of the circuit up to 3 nm to descend to circuit height and join crosswind for the active runway.
j. 7.3 of the report "Runway 35" also has problems as the risk analysis has not taken into account aircraft performance on hot days and also larger aircraft performance such as PA31's, c114's etc that use a wider circuit. Also twin training is conducted at YCNK extensively and the use of runway 35 when conducting asymmetric circuits requires a wider circuit due to performance. Often the aircraft travels over Hope estate when in this configuration. To say that 1000m is acceptable when 3 aircraft are in the circuit is inaccurate when aircraft lateral separation requirements are often more than 5km.

k. 7.4 "Weekend vs. Weekday Operations" The statement in the report that "the majority of training activity by YCNK.........occurs during the working week" is simply not true. In actual fact more training is conducted on weekends and the airport is a lot busier on weekends as all the weekend pilots come up from Sydney for the day. We also have a lot more inexperienced pilots flying on weekends in ultra light aircraft.

l. 7.8 "CTAF" To say the objection of the CTAF boundary is baseless is simply not true since the CTAF boundary has now gone from 5 nm to 10 nm. Council is now asking for a DZ within 2nm of the aerodrome instead of the agreed safe distance of 5nm. The purpose of this was not the fact that the CTAF boundary was the limiting factor. It was the operators saying they accept that the safe distance for a DZ is 5nm.

m. Also the statement that "carriage of a suitable VHF AM Radio, are mandatory.............YCNK" is not accurate. This is because YCNK is NOT a CTAF(R), and does not require the mandatory use of a radio. There are often times where radios are not used at YCNK and a look out is required. This is primarily an issue with users from other locations other than Cessnock.

n. 8 "Recommendation" We do not believe that a skydiving aircraft would be able to determine if 3 aircraft are in the circuit or not. It is also not feasible to ask all pilots to fly downwind legs contained within certain dimensions let alone using "Len Evans" house as a guide. Are you going to put a sign on his roof and put this instruction in LRSA?

With all the above issues and even with a risk analysis, it is proven that over the last 12 weeks the operations has chosen to ignore the findings for Mr. Mike Gahan. The parachutes have been dropped and it has been recorded when more than 3 aircraft are in the circuit. No 2nd drop zone exists. An Incident report was lodged due to the misuse of the airport by VH-ZVM. All of the above show that even with the best risk analysis
and mitigators, it is up to the operator to put them in practice. Something which has been shown not to be occurring.

It is suggested that should Cessnock City Council seek to ignore its own DCP and approve a DA for this venture, all operators at Cessnock aerodrome should seek indemnity from the Council should a tragedy occur involving one of their aircraft or personnel. Ultimately it is the Council that must take responsibility for its decisions.

Regards,