



Australian Government

Civil Aviation Safety Authority

I, MARK ALAN SKIDMORE, Director of Aviation Safety, on behalf of CASA, make this instrument under subsection 98 (4A) of the *Civil Aviation Act 1988*, subregulation 5 (1), paragraph 157 (4) (b) and subregulation 235 (7) of the *Civil Aviation Regulations 1988*, regulation 11.160 of the *Civil Aviation Safety Regulations 1998*, and subsection 33 (3) of the *Acts Interpretation Act 1901*.

[Signed M. Skidmore]

Mark Skidmore AM
Director of Aviation Safety

5 May 2015

Civil Aviation Order 20.21 Instrument 2015

1A Name of instrument

- (1) This instrument is the *Civil Aviation Order 20.21 Instrument 2015*.
- (2) This instrument may be cited as Civil Aviation Order 20.21.
- (3) A reference in an instrument to section 20.21 of the Civil Aviation Orders is a reference to this instrument.

1B Commencement

This instrument commences on the day of registration.

1C Repeal

Civil Aviation Amendment Order (No. R20) 2004, also known as F2005B00804, including section 20.21 of the Civil Aviation Orders as set out in Schedule 1 of that instrument, as amended, is repealed.

2 Application

This Order applies to rotorcraft engaged in agricultural operations and related inspection flights.

2A Definitions

In this Order:

agricultural operations has the same meaning given by subregulation 2 (1) of the *Civil Aviation Regulations 1988 (CAR 1988)*.

3 Low flying permission

- 3.1 Under paragraph 157 (4) (b) of CAR 1988, permission is granted for the flight of rotorcraft at a lower height than 500 feet over any area other than a city, town or populous area while the rotorcraft is engaged in:
 - (a) agricultural operations authorised by an AOC; and
 - (b) inspection flying related to such agricultural operations; and

- (c) transit flights to a treatment area up to a maximum radius of 5 nautical miles from the aerodrome or agricultural landing area in use when carrying an agricultural payload.
- 3.2 Despite the permission granted in paragraph 3.1, a rotorcraft engaged in agricultural operations and related inspection flights must not be flown over, or in proximity to, a building occupied by persons unless it is operated in a pattern and at such an altitude that in the event of an emergency it can avoid endangering persons or property on the ground. The rotorcraft must not in any event be flown within 100 metres horizontally of an occupied building which forms part of a city, town or populous area, or below 350 feet above terrain within 100 metres horizontally of an occupied building which is situated in any other area, unless:
- (a) a notice in writing of such flight has been given to the occupier of the building not less than 48 hours before the proposed flights and no objection to the flight is made; or
 - (b) if it is not reasonably practical to give a written notice under the preceding subparagraph, a verbal notice of such flights is given to the occupier before the flight and no objection to the flight is made.

Note 1 The distance limits mentioned above are based on operational safety and aircraft noise considerations and do not take into account the possible environmental and health hazards from handling, storage, application or jettisoning of agricultural chemicals. In this respect, operators should ensure that relevant State requirements, particularly those associated with health and welfare, are adhered to. Such requirements may impose stricter limitations than those in this Order.

Note 2 Attention is directed to the fact that the permission granted in this subsection does not confer on an operator any rights, as against the owner of any land over which the operations may be conducted, or prejudice in any way the rights and remedies which any person may have in common law in respect of any injury to persons or damage to property caused directly or indirectly by the operator.

4 Loading area

An operator engaged in agricultural operations must ensure that:

- (a) loading equipment is not located; and
- (b) loading operations are not carried out;

at a distance of less than 30 metres from the manoeuvring area.

5 Operations during scheduled aircraft movements

- 5.1 Subject to paragraph 5.2, a rotorcraft engaged in agricultural operations from an aerodrome used for regular public transport operations must not undertake those operations at a distance of less than 5 nautical miles from the aerodrome during the following periods:
- (a) the period starting 15 minutes before the scheduled arrival of a regular public transport aircraft at the aerodrome and ending when the aircraft has landed at the aerodrome;
 - (b) the period starting when a regular public transport aircraft on the aerodrome starts its engines preparatory to take-off and ending 10 minutes after the aircraft has taken off.
- 5.2 Paragraph 5.1 does not apply:
- (a) to rotorcraft under the control of Air Traffic Control; or
 - (b) if the rotorcraft that is engaged in agricultural operations is in two-way radio contact with the regular public transport aircraft.

6 Exemption

- 6.1 For regulation 11.160 of the *Civil Aviation Safety Regulations 1998* (*CASR 1998*), if the conditions set out in this subsection are complied with, a rotorcraft that is engaged in agricultural operations is exempt from compliance with paragraphs 166A (2) (e) and (f) of CAR 1988.
- 6.2 The exemption given by paragraph 6.1, in relation to a rotorcraft, is subject to the following conditions:
- (a) after take-off, the rotorcraft must not turn at a height that is less than 100 feet above ground level;
 - (b) during take-off, the rotorcraft must not be operated in a manner that causes a danger to persons or livestock;
 - (c) the pilot in command must, before conducting an operation under this exemption, broadcast his or her intention to do so on the local area frequency.
- 6.3 The exemption in paragraph 6.1 expires at the end of August 2017, as if subsection 6 had been repealed by another instrument.

7 Circuit requirements

- 7.1 A rotorcraft that is carrying out agricultural operations from:
- (a) a military aerodrome; or
 - (b) an aerodrome established under CASR 1998; or
 - (c) a licensed aerodrome;
- must, before landing, join the traffic pattern at a height of not less than 500 feet above the elevation of the aerodrome.
- 7.2 The requirement in paragraph 7.1 is in addition to any other requirement specified in CASR 1998 or AIP relating to the operation of rotorcraft within the vicinity of aerodromes.

8 Pilot qualifications

- 8.1 Subject to paragraph 8.2, a pilot in command of a rotorcraft conducting agricultural operations must hold an aerial application rating and an aerial application endorsement in accordance with Part 61 of CASR 1998.
- 8.2 A person may conduct agricultural operations in a rotorcraft when undergoing training in accordance with Part 61 of CASR 1998 and this Order.
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