



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *5th* day of *July* 2004

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

Civil Aviation Rules

Part 1, Amendment 26

Definitions and Abbreviations

Docket 98/CAR/1304

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Consultation Details

Rule objective

The objective of amendment 26 to Part 1 is to:

- Transfer the descriptions of the Auckland Oceanic Flight Information Region and the New Zealand Flight Information Region from Part 71 and include these descriptions as definitions in Part 1.
- Amend the definitions of *Day* and *Night* to define the terms *morning civil twilight* and *evening civil twilight*.
- Add *elevation* as a new definition to clarify that the term refers to a vertical height above mean sea level.
- Transfer the definition *Special VFR flight* from Part 172.
- Amend the definition of *Flight level* to clarify that a flight level is expressed in terms of hundreds of feet.
- Amend the definition of *New Zealand Air Navigation Register* to reflect that it is established under Part 71 rather than under the actual rule number.
- Amend the definition of *Aerodrome traffic* to clarify the reference to traffic **on** the manoeuvring area.
- Delete the definition of *Parachute drop zone*.
- Delete the abbreviation *PDZ*.

These amendments are consequential to the re-issue of Part 71 and associated amendments to other Rule Parts.

Extent of consultation

A Notice of Proposed Rule Making 99-5 was issued for public comment in September 1999. As a result of comments received to this NPRM, and the need to harmonise airspace terminology with Australia, extend the Director's power to designate transponder mandatory airspace to provide for the more effective use of ACAS, and address consequential

amendments to other Parts, a new NPRM 01-04 was issued in October 2003.

Considerable public and industry consultation on various issues had already taken place before and during the development of this new NPRM. This consultation included:

- The public consultation that took place on the original NPRM 99-5 issued in 1999, and the consequential meetings and discussions with Gliding New Zealand and Airways Corporation
- The airspace terminology harmonisation discussions that took place with the Civil Aviation Safety Authority Australia over the period December 2000 to July 2001
- Discussions on transponder mandatory airspace during the Part 121 and Part 125 Airborne Collision Avoidance System rules development projects during 2001 and 2002
- The extensive consultation that took place with various aviation user groups and industry representatives during 2001/02 in association with the Airspace Review conducted by the CAA Aeronautical Services Unit.

A Notice of Proposed Rulemaking, NPRM 04-01, containing the proposed re-issue of Part 71 and the revocation of Part 73 together with the consequential amendments to Parts 1, 77, 91, 101, 105, and 172 was issued for public consultation under Docket 98/CAR/1304 on 16 October 2003.

The publication of this NPRM was notified in the Gazette on 16 October 2003 and advertised in the daily newspapers in the five main provincial centres on 18 October 2003. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule.

Summary of comments

Fourteen written submission was received on the NPRM. One written submission was received in relation to the definition of Flight level questioning why the mb setting in brackets was still used. The submission has been considered and as a result the mb setting has been deleted.

The rules as amended were then referred to Parliament's Regulations Review Committee before being signed by the Associate Minister of Transport.

Examination of comments

Comments may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of existing definitions and insertion of new definitions, the insertion of new definitions, the revocation of an existing definition, and the revocation of an existing abbreviation.

Effective date of rule

Amendment 26 to Part 1 comes into force on 5 August 2004.

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 1 Amendments

1.1 General definitions

The definition of Aerodrome traffic is revoked and the following new definition inserted:

Aerodrome traffic means—

- (1) all traffic on the manoeuvring area of an aerodrome; and
- (2) all aircraft flying in the vicinity of an aerodrome:

The following new definition is inserted after the definition of ATS unit:

Auckland Oceanic Flight Information Region means—

- (1) all that airspace, excluding airspace within the New Zealand Flight Information Region, bounded by a line joining
S 30 00 00.0, W 131 00 00.0, S 90 00 00.0, E 00 00 00.0
(South Pole), S 30 00 00.0, E 163 00 00.0,
S 28 00 00.0, E 168 00 00.0, S 25 00 00.0, E 171 25 00.0,
S 25 00 00.0, 180 00 00.0,
S 15 32 45.1, W 175 40 31.2 (Niuafou'ou),
S 05 00 00.0, W 171 00 00.0, S 05 00 00.0, W 157 00 00.0,
S 30 00 00.0, W 157 00 00.0, S 30 00 00.0, W 131 00 00.0;
with
- (2) an upper limit of flight level 999; and
- (3) the surface of the earth as the lower limit:

The definition of Day is revoked and the following new definition inserted:

Day means the hours between—

- (1) the beginning of morning civil twilight, which is when the centre of the rising sun's disc is 6 degrees below the horizon; and

- (2) the end of evening civil twilight, which is when the centre of the setting sun's disc is 6 degrees below the horizon:

The following new definition is inserted after the definition of Dual flight time:

Elevation means the vertical distance of a point or a level, on or affixed to the surface of the earth, measured from mean sea level:

The definition of Flight level is revoked and the following new definition inserted:

Flight level means a surface of constant atmospheric pressure expressed in terms of hundreds of feet that—

- (1) is related to a specific datum 1013.2 hPa; and
- (2) is separated from other such surfaces by specific pressure intervals:

The definition of New Zealand Air Navigation Register is revoked and the following new definition inserted:

New Zealand Air Navigation Register means the New Zealand Air Navigation Register established under Part 71:

The following new definition is inserted after the definition of New Zealand Air Navigation Register:

New Zealand Flight Information Region means —

- (1) all that airspace bounded by the arc of a circle of 200 nm radius centred on S 37 00 16.7, E 174 48 49.1, (Auckland VOR/DME) from S 39 07 38.1, E 171 33 21.7, clockwise to S 37 32 29.5, E 178 56 08.9, a line joining S 37 32 29.5, E 178 56 08.9, S 38 27 00.0, W 179 44 00.0, S 42 51 30.0, E 175 03 00.0, S 48 09 00.0, E 168 16 00.0, S 45 55 00.0, E 165 18 00.0, S 41 25 27.0, E 170 23 24.0, the arc of a circle of 200 nm radius centred on S 41 20 14.0, E 174 49 01.1, (Wellington VOR/DME) from S 41 25 27.0, E 170 23 24.0, clockwise to S 39 07 38.1, E 171 33 21.7; with

- (2) an upper limit of flight level 999; and
- (3) the surface of the earth as the lower limit.

The definition of Night is revoked and the following new definition inserted:

Night means the hours between—

- (1) the end of evening civil twilight, which is when the centre of the setting sun's disc is 6 degrees below the horizon; and
- (2) the beginning of morning civil twilight, which is when the centre of the rising sun's disc is 6 degrees below the horizon:

The definition of Parachute drop zone is revoked.

The following new definition is inserted after the definition of SIGMET information:

Special VFR flight means a VFR flight cleared by an ATC unit to operate within controlled airspace in meteorological conditions below visual meteorological conditions:

1.3 Abbreviations

The abbreviation PDZ is revoked

Consultation Details

(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 26 to Part 1 are contained in the consultation details of the re-issue of Part 71. The comments and all the background material used in developing the rules are held on the docket and are available to the public. Persons wishing to view the docket should call at the Civil Aviation Authority and ask for docket 98/CAR/1304.