



PURSUANT to Section 30 of the Civil Aviation Act 1990 and having had regard to the matters specified in section 33 of the Act,

I, **CRAIG FOSS**, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 26th day of August 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'CRAIG FOSS', is written over the printed name.

Associate Minister of Transport

Civil Aviation Rules

Part 1, Amendment 49

Definitions and Abbreviations

Docket 14/CAR/3

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Rule objective

The objective of Amendment 49 to Part 1 is to make minor editorial corrections, and align with international convention.

This amendment forms part of the Omnibus 2014 rule project which also contains amendments to the following Parts:

Part 12	Part 101	Part 125
Part 19	Part 102	Part 135
Part 43	Part 108	Part 139
Part 65	Part 115	Part 145
Part 91	Part 119	Part 172
Part 93	Part 121	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 15-01, containing the proposed changes to Part 1 and other rules was issued for public consultation under Docket 14/CAR/3 on 24 March 2015.

The publication of this NPRM was notified in the Gazette on 24 March 2015. The NPRM was published on the CAA web site and emailed to subscribers to the automatic alert service provided by the CAA.

A period of 24 days was allowed for comment on the proposed rule.

Summary of submissions

Two written submissions covering 5 subject areas, and no oral comments were received on the NPRM. Three subject areas related to the definitions of controlled aerodrome, special VFR flight, and TEMPO. The proposed change to the definition of special VFR was withdrawn. Consultation details for controlled aerodrome and TEMPO are shown on page 7.

Examination of submissions

Submissions 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 replacing the existing definitions with the amended definitions; inserting a new definition and abbreviation as noted.

Effective date of rule

Amendment 49 to Part 1 comes into force on 24 September 2015.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

1.1 General definitions

Insert new definition of “controlled aerodrome” after “control area”:

Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic:

Note — the term ‘controlled aerodrome’ indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.

Replace the existing definition of “TEMPO” with the following definition:

TEMPO,—

(a) when used in a TAF, means a description of forecast temporary fluctuations in the meteorological conditions which reach or pass specified values and last for a period of less than one hour in each instance and, in the aggregate, cover less than one-half of the period during which the fluctuations are forecast to occur; or

(b) when used in a TREND, means a description of forecast temporary fluctuations in the meteorological conditions, which reach or pass specified threshold values and last for a period of less than one hour in each instance. Such fluctuations are expected to occur during the 2 hours following the issue time of the METAR, SPECI or METAR AUTO, and to take place sufficiently infrequently for the prevailing conditions to remain those originally reported in the METAR, SPECI or METAR AUTO:

Replace the existing definition of “unmanned aircraft system” with the following definition:

Unmanned aircraft system means an aircraft and its associated elements which are operated with no pilot on board:

1.3 Abbreviations

Insert new abbreviation “UAS” following “TSO”:

UAS means unmanned aircraft system:

Consultation Details

(This statement does not form part of the rules contained in Part 0. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 15-01Omnibus 2014, containing the proposed rules was issued for public consultation under Docket 14/CAR/2 on 24 March 2015.

Three responses to the NPRM were received that were pertinent to the proposed definitions in Part 1:

Definition of “controlled aerodrome”

“Airways does not support the proposed change to the Controlled Aerodrome definition by moving it to Part 1 and adding the note.

The definition of Controlled Aerodrome was amended when Part 71 was amended and the current New Zealand airspace system was introduced.

Part 71 is clear that an air traffic control service can only be provided in a control zone or a control zone. This is in accordance with the policy change made for Part 71 introduction and the current airspace policy/structure.

Airways cannot provide an air traffic control service unless a control zone exists for an aerodrome.

The New Zealand controlled airspace system differs slightly from ICAO and Annex 11 in regard to control zones and controlled aerodromes so aligning the definitions is not appropriate.

Airways believe that the proposed definition of ‘controlled aerodrome’, and in particular the note referring to the definition directly conflicts with the mandatory requirement under Part 71 for the Director to designate that portion of airspace as a control zone.

Rule 71.51 states:

71.51 General

- (a) If the Director determines that an air traffic control service is required in a portion of

airspace within a flight information region, the Director must—

- (1) designate that portion of airspace as a control area or a control zone in accordance with this Subpart; and
- (2) classify that portion of airspace as Class A, B, C, D, or E airspace in accordance with Subpart C.

AIPNZ Definition GEN 2.2 – 34: Airways is concerned that the definition of Controlled Aerodrome in the AIPNZ was amended in September 2014 and is the same as the proposed definition in this NPRM. The AIPNZ definition does not comply with the current Part 1 definition and also contravenes Rule 71.51. No consultation was undertaken on the AIPNZ change and it is a significant change which goes against the New Zealand airspace policy and contravenes Part 71.

Airways recommend that this AIPNZ change is revoked.”

CAA Response

The CAA does not agree with the submission.

The submitter’s own operations manual contains the following definition, at RAC1-14, which reflects the intended change:

“Controlled aerodrome. An aerodrome at which air traffic control service is provided to aerodrome traffic.

Note.— The term “controlled aerodrome” indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists. (ICAO)”

Rule 71.51 comes from ICAO Annex 11. At 2.5.2.2 it states that control areas and control zones relate to a portion of airspace – not a portion of aerodrome. The subsequent entry at 2.5.2.3 - controlled aerodrome has no link with the airspace reference. The CAA considers that rule 71.51 is intended to deal with area control and approach control.

Not all ATC services are necessarily applied in a control zone; but approach control service is, as the control zone is established for the protection of IFR routes and procedures and approach control is an ATC service for arriving and departing controlled flights. Area control and approach control service separate IFR aircraft; aerodrome control service is an ATC service for aerodrome traffic, being all aircraft operating in the vicinity of the aerodrome – the aerodrome traffic circuit (see definition in the Act).

The CAA’s position is that a control zone is not required in order to provide an air traffic control service at an aerodrome. Rule 71.55 specifically deals with an aerodrome control service and indicates that a control zone is a discretionary matter.

Part 71 was revised a decade ago to comply with ICAO standards pertaining to airspace; not aerodromes. Controlled airspace and controlled aerodrome are different things.

Use of the term “TEMPO”

“There is some confusion existing between the use of TEMPO in a TAF and that used in a METAR/SPECI.

The current CAR Part 1 definition already matches the ICAO definition for the use of TEMPO in a TAF. Current rule wording:

TEMPO means a description of temporary fluctuations in the meteorological conditions which reach or pass specified threshold values and last for a period of less than one hour in each instance and, in the aggregate, cover less than one-half of the forecast period during which the fluctuations are expected to occur:

ICAO recommendation for use in a TAF. (Appendix 5 – 1.3.5)

The change indicator “TEMPO” and the associated time group should be used to describe expected frequent or infrequent temporary fluctuations in the meteorological conditions which reach or pass specified threshold values and last for a period of less than one hour in each instance and, in the aggregate, cover less than one-half of the forecast during which the fluctuations are expected to occur.

The proposed rule wording does not make it clear that the TEMPO conditions should be for less than one-half of the forecast period.”

CAA Response

The CAA agrees with the submission and noted that the definition of TEMPO was only partially defined in the NPRM. The CAA also noted that TEMPO has two definitions; one when used in a TAF and another when used in a TREND. Both need to be included in Part 1.

The CAA will recommend amending the definition of TEMPO to the following:

TEMPO (when used in a TAF) means a description of forecast temporary fluctuations in the meteorological conditions which reach or pass specified values and last for a period of less than one hour in each instance and, in the aggregate, cover less than one-half of the period during which the fluctuations are forecast to occur.

(when used in a TREND) means a description of forecast temporary fluctuations in the meteorological conditions, which reach or pass specified threshold values and last for a period of less than one hour in each instance. Such fluctuations are expected to occur during the 2 hours following the issue time of the METAR, SPECI or METAR AUTO, and to take place sufficiently infrequently for the prevailing conditions to remain those originally reported in the METAR, SPECI or METAR AUTO.