



**PURSUANT** to Section 30 of the Civil Aviation Act 1990

**I, Hon Julie Anne Genter, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED at Wellington**

This 24<sup>th</sup> day of August 2020

A handwritten signature in black ink, appearing to read 'Julie Anne Genter'. The signature is written in a cursive, flowing style.

by Hon Julie Anne Genter

**Associate Minister of Transport**

**Civil Aviation Rules**

**Part 77, Amendment 5**

**Objects and Activities Affecting Navigable Airspace**

*Docket 17/CAR/1*

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**Rule objective**

The objective of amendment 5 to Part 77 is to align the definition of an ICAO document specified in the rules with the current ICAO definition, and to make other editorial amendments to align with current drafting style.

**Extent of consultation**

A Notice of Proposed Rule Making NPRM 19-03, containing the proposed amendments to Part 77 and 13 other rule Parts, was issued for public consultation under Docket 17/CAR/1 on 17 May 2019.

The NPRM was published on the CAA web site on 17 May 2019 and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 21 days was allowed for comment on the proposed rule.

**Summary of submissions**

Three written submissions were received on the NPRM, none relating to the proposed amendments to Part 77. These submissions have been considered. No changes were made to Part 77 as a result of the submissions.

Although not part of the original suite of omnibus amendments, two of the proposed editorial amendments in rule 77.3 (described in paragraphs (2) and (3) above) have been included. The CAA considered appropriate to include these two proposed amendments, given this opportunity to tidy up rule 77.3.

A summary of submissions for this NPRM is available on the CAA website.

**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 Part 77 are reflected by revoking and replacing rules 77.3 and 77.19.

### **Effective date of rule**

Amendment 5 to Part 77 comes into force on 1 December 2020

### **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 77 Objects and Activities Affecting Navigable Airspace

*Rule 77.3 is revoked and replaced with the following rule:*

### 77.3 Definitions

**Ground level at its site** means the highest ground within a 600 m radius of the site:

**ICAO Document 8168** means the Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS):

**Navigable airspace** means airspace at or above the minimum flight altitudes prescribed by the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the New Zealand Defence Force:

**NZS/AS 2211** means the New Zealand standards for laser safety approved by the Standards Authority under the Standards Act 1988:

**Obstacle limitation surface** means airspace defined around an aerodrome that enables operations at the aerodrome to be conducted safely and that prevents the aerodrome from becoming unusable by the growth of obstacles around the aerodrome:

*Rule 77.19 is revoked and replaced with the following rule:*

### 77.19 Standards for determining hazards

- (a) The Director must determine a structure to be a hazard in navigable airspace if it is 120 m or higher above ground level at its site.
- (b) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a velocity in excess of 4.3 m per second through the obstacle limitation surfaces applicable to an aerodrome.
- (c) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a

velocity in excess of 4.3 m per second higher than 120 m above ground level.

(d) The Director must determine the use of a light to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.

(e) The Director may determine, based on the circumstances of each proposal, the use of a laser to be a hazard in navigable airspace if its use will produce exposures in navigable airspace exceeding the maximum permissible exposure defined for that laser in NZS/AS 2211.

(f) The Director must determine the use of a weapon to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.

(g) The Director must determine the use of pyrotechnics to be a hazard in navigable airspace if an analysis discloses that their use will constitute a hazard in navigable airspace.

(h) The Director may determine, based on the circumstances of each proposal, a structure to be a hazard in navigable airspace if—

(1) it is located within an instrument flight procedures area that is specified in ICAO Document 8168, including standard arrival routes, initial, intermediate, final, visual and missed approach segment areas, departure areas and standard instrument departure routes, and would result in—

(i) the vertical distance between any point on the structure and an established minimum instrument flight altitude within that area or segment being less than obstacle clearance required for the instrument flight procedure; or

(ii) additional or new ceiling or visibility restrictions or a change in flight procedures applicable to departures within that area; or

- (2) it is located within an IFR en-route obstacle clearance area, including evaluated routes on NZ en-route and area charts but excluding charted routes as published in the AIPNZ, and would necessitate an increase in an existing or planned minimum obstacle clearance altitude; or
- (3) it exceeds the general tree height by 18 m and is located in an area of low level aerial activity or other low flying activity, or in a low flying zone or low level route as prescribed under Part 71; or
- (4) it protrudes through the obstacle limitation surfaces of an aerodrome.