

OC240975

16 September 2024

Tēnā koe

I refer to your email/letter dated 19 August 2024, requesting the following under the Official Information Act 1982 (the Act):

*“all the MOT documents held in relation to the original drafting of Part 93 in relation to Wn airport. I expect this will show that the purpose of the noise abatement area was to protect the residents from aircraft noise in these densely populated suburbs on the slopes of Mt Kaukau. We will get a set of the documents held by the CAA as part of discovery of documents procedures in the case but I would also like to see the MOPT documents as well.”*

You later clarified this as follows:

*“...the original paper work about the policy and reasons for Part 93 when it was developed prior to 1 April 1997 that is of interest including the advice that would have gone to the Minister. We are particularly interested in the reasons for the Wn airport noise abatement area. I expect the subsequent amendments to Part 93 generally would not be of much relevance.”*

Twelve documents fall within the scope of your request and are enclosed. The documents are:

1. Letter from Tim Workman (CAA) to Linda McIver (MOT) “Part 93”, 22 Jan 1997
2. Letter from Glen-Marie Burns (MOT) to the Minister of Transport, “Civil Aviation Rule Part 93”, 11 Feb 1997
3. Letter to Minister of Transport from Kevin Ward (CAA) “Civil Aviation Rules – Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures”, 10 Feb 1997
4. Handwritten notes entitled “Ministers Briefing”, 7 Feb 1997
5. Fax from Tim Workman (CAA) to Peter Davey (MOT): Cover Sheet, 7 Feb 1997
6. Civil Aviation Rules “State of Play”, 29 Jan 1997
7. Letter from Tim Workman (CAA) to Linda McIver (MOT) “Part 93 – Special Aerodrome Traffic Rules”, 19 Dec 1996
8. Page 3 onwards of rule (attachment to above letter)
9. Letter from Emrys Evans (CAA) to Peter Davey (MOT) “Notice of Intention to Present Draft CAR for Industry Informal Consultation”, 14 Dec 1995
10. Letter from Emrys Evans (CAA) to the Civil Aviation Rule Review Group “Civil Aviation Rules – Part 93 Special Traffic and Aerodrome Traffic Rules”, 5 Dec 1995



11. Part 93, Informal Draft No. 1, 29 Jan 1996

12. Civil Aviation Rules Register: Notice of Proposed Rule-Making – Part 93, 5 Jun 1996.

One document in scope of the request, *Part 93: Special Aerodrome Traffic Rules and Noise Abatement Procedures* signed and dated 17 February 1997, is refused under section 18(d) of the Act because the information requested is publicly available. It can be found on the Civil Aviation Authority's website here:

<https://www.aviation.govt.nz/assets/rules/amendments/part-093-amendment-00.pdf>

Documents solely about process (e.g. status reports about progress through approval steps) have not been included because they are out of scope.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Tom Forster  
**Manager, Aviation**



22 January 1997

Linda McIver  
Solicitor  
Ministry of Transport  
PO Box 3175  
WELLINGTON

RECEIVED

23 JAN 1997



CIVIL AVIATION AUTHORITY  
OF NEW ZEALAND

Dear Linda

**Part 93**

Thanks for your comments on this Part. I have the following responses:

93.1(b): The rule has now been restored to its former glory specifying the rules that apply to Defence (see note below).

93.55: Runways are designated according to the compass bearing of the direction of use. Each runway has 2 potential names eg 05 and 23. Depending on the wind this runway has a compass bearing of 50 degrees or 230 degrees. As there are 360 degrees to the compass there are 36 potential runway names. This is explained in Advisory Circular 139.06A.

93.61(1): Agreed. We have amended the rule to require direct action.

93.63: The map has been amended.

93.65(2): A definition of the operating limitations has been included.

93.107(b): Paragraph (b) will not be used for prosecutions. The offence is a breach of paragraph (a). Paragraph (b) simply provides some cases where paragraph need not be complied with.

We have had further consultation with Air Staff at New Zealand Defence Headquarters regarding this Part. They were not happy with Part 93 applying to Defence personnel and aircraft in its entirety. Rule 93.1(b) has consequently been amended to specify which rules do apply. Defence's specific concern was that civil noise abatement procedures should not be binding on Defence aircraft. CAA agrees that noise abatement procedures are not within the parameters agreed between NZDF and CAA for rules to be binding on Defence.

Yours faithfully

Tim Workman  
Legal Adviser

Hilary T.  
Jenny Dickinson has  
read that re aircraft noise  
etc - its OK with her.  
27/1/97





11 February 1997


The Minister of Transport

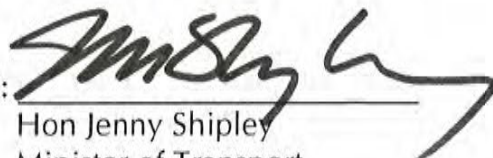
### CIVIL AVIATION RULE PART 93

1. The Director of Civil Aviation, in his letter of 10 February 1997, has forwarded for your consideration and signature the proposed Part 93 of the Civil Aviation Rules.
2. The rule relates to Special Aerodrome Traffic Rules and Noise Abatement Procedures. The rule establishes special aerodrome traffic rules for Auckland, Wellington and Christchurch International Airports, and the aerodromes at Paraparaumu, Ardmore and Matamata. Noise abatement rules are established for Auckland, and Wellington International Airports and for Paraparaumu Aerodrome.
3. This rule is unlikely to be controversial and is considered to meet all the requirements of the Civil Aviation Act relating to the making of ordinary rules.

### Recommendation

4. It is recommended that you:
  - (a) **sign** the attached rule Part 93;
  - (b) **authorise** the notification of the rule in the New Zealand Gazette;
  - (c) **authorise** the laying of the rule before the House.

  
Glen-Marie Burns  
Policy Adviser

Agreed: 

Hon Jenny Shipley  
Minister of Transport

Date: 12/2/1997



10 February 1997

Hon Jenny Shipley  
Minister of Transport  
Parliament Buildings  
WELLINGTON

Dear Mrs Shipley

**Civil Aviation Rules – Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures**

Attached for your consideration and signature is Part 93 of the Civil Aviation Rules provided for under the Civil Aviation Act 1990.

**(a) Introduction**

The purpose of Part 93 is to establish—

- (1) special aerodrome traffic rules where the rules prescribed in Part 91 are inappropriate for the safe and effective use of airspace in the vicinity of certain aerodromes; and
- (2) noise abatement procedures for civil aircraft in the vicinity of certain aerodromes.

**(b) Powers to make Rules and Procedures to be followed**

Section 28 of the Act empowers the Minister of Transport to make ordinary rules for a range of purposes specified in sections 28, 29, and 30 of the Act. Sections 29(b) and 29B provide the specific authority for the making of Part 93.

Section 33 of the Act also requires that any ordinary rules made under section 28 not be inconsistent with those standards of the International Civil Aviation Organisation adopted by New Zealand, and any other international obligations relating to aviation safety and security. Under this section, a number of other matters must be taken into account although there is discretion as to the weight to be accorded each of these. These include ICAO recommended practices adopted by New Zealand, international circumstances in respect of aviation safety and security, the level of risk generally, and in relation to the particular activities or services affected by the proposed rule, the nature of these activities or services, the overall need to maintain aviation safety and security, and the cost.

Before any ordinary rule is finalised, section 34 of the Act requires that a notice of the intention to make the rule is published in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, and in the *New Zealand Gazette*. Interested parties must then be given a reasonable time to make submissions on the proposal and this period must be included in the notice. Consultation must also take place with such persons,



representative groups within the aviation industry or elsewhere, Government Departments, and Crown agencies as are considered appropriate in each case.

Section 32 of the Act requires that every ordinary rule shall:

1. be signed by the Minister; and
2. contain a statement specifying the objective of the rule and the extent of consultation under section 34 of the Act; and
3. set out fully the requirements of the rule (except where this is incorporated by reference under section 36 of the Act).

### (c) Procedures and Consultation

In accordance with the requirements of section 34 of the Act, a Notice of Proposed Rule-Making (NPRM), 1170 NR was issued on 5 June 1996 proposing Civil Aviation Rules Part 93.

In drafting the NPRM the requirements of section 33 were taken into account. The only applicable ICAO requirements are noise abatement climb techniques which are reflected in Part 93.

The cost of implementing the rule is a further matter required to be taken into account by section 33. Part 93 carries over existing requirements from the Civil Aviation Regulations 1953 and the Civil Aviation Safety Orders made pursuant to those regulations.

The Civil Aviation Authority's decision to continue regulation of aircraft noise in relation to aerodromes may incur some administrative costs from increased petitions through the rule amendment process for changes to noise abatement procedures. The Civil Aviation Authority will be working on procedural rules in the near future to deal with this issue. The aim of the new rules will be to minimise the involvement of the Civil Aviation Authority in developing noise abatement procedures other than for aircraft safety purposes.

In the Civil Aviation Authority's assessment no additional costs will be imposed on operators as a result of this rule. Part 93 therefore complies with the requirements of section 33(2)(f) and 14(3) of the Act.

Notices of the availability of the NPRM were published in daily newspapers in the five main provincial centres on 6 June 1996. Copies were mailed to those organisations and individuals who had registered their interest in the rules development process. Copies were also sent to the Parliamentary Library, the Law Commission and other institutions.

A period of 44 days was set for comments. Nine written submissions were received in response to this notice. Details of the submissions received, and comments on these are



included in the consultation details annexed to the attached Part 93 in accordance with the requirements of section 31(1)(b) of the Act.

As a result of these submissions, it was concluded that the majority of industry participants are in favour of the proposed Rules. Specific issues identified in the submissions received were addressed and, where appropriate, a number of changes to the proposed Rule were made to meet the concerns raised.

#### (d) Implementation

In line with the provisions of subsection 34(4) of the Act, if signed, these Rules will come into effect on 1 April 1997. Notification of the making and commencement of the Rules will also be made in the Civil Aviation Rules Register Information Leaflet, a publication issued by the Civil Aviation Authority to some 3,500 recipients to keep the aviation industry informed of any rule-making activity.

#### (e) Issues

As Part 93 essentially carries over existing requirements there were few significant issues arising from the consultation process.

In the area of aircraft noise regulation the Civil Aviation Authority has taken a new, more restricted role than under previous legislation. The restricted scope of noise abatement procedures under Part 93 leaves all noise abatement procedures not relying on airspace or aircraft operating rules to the jurisdiction of the Resource Management Act. The Civil Aviation Authority maintains a role in aircraft noise abatement requirements involving airspace or aircraft operating rules for safety reasons. Those safety reasons centre around the importance of having only one authority prescribing such requirements. Further consultation with airport companies and Airways Corporation has clarified this position.

An additional issue is the application of civil aircraft noise abatement requirements to Defence aircraft at civil airports. Defence Headquarters have opposed such application. While the Civil Aviation Authority does not consider the application of civil aircraft noise abatement requirements to Defence Aircraft at civil airports unreasonable, it has no safety grounds for making compliance mandatory. Hence the noise abatement requirements in Part 93 do not apply to Defence aircraft.

Part 93 has been assessed for compliance with EEO and Maori issues and does not appear to be in conflict.

Part 93 does not conflict with the New Zealand Bill of Rights Act or other statutes.

The Technical Specialist who operated the project was Mr Emrys Evans.



### Conclusion

It is concluded that the attached Rule meets all requirements of the Civil Aviation Act 1990 for the making of ordinary rules.

Yours faithfully



Kevin Ward  
Director of Civil Aviation

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT 1982



## MINISTERS BRIEFING

Total 50 Parts

20 still require signature.

(149, 21, 146, 26, 12, 77, 133, 92, 10, 93,  
119, 66, 119, 19, 129, 172, 103, 104,  
105, 106, 61)

14 will be forwarded for signature this week (we hope)

4 may make it (103, 104, 105, 106)

2 won't make it (172, 61)

61, pilot licensing. Not critical, Arts Intern. Act.

172 ACNZ, Transitional Provisions to ensure continued validity.

103-106 - some difficulties if enforcement reqd.  
- day to day ops presently controlled  
through national bodies -

Offences Regs. - forwarded to Minister next week  
- made by Cabinet Mon 24 Feb 97  
- gazetted Thurs 27 Feb 97.



17-20th  
25th  
Is the available to  
sum rules?

# AGREED POSITION FOLLOWING DISCUSSION

149 New cleared

77. — 11 —

66 TTmRA Issue outstanding

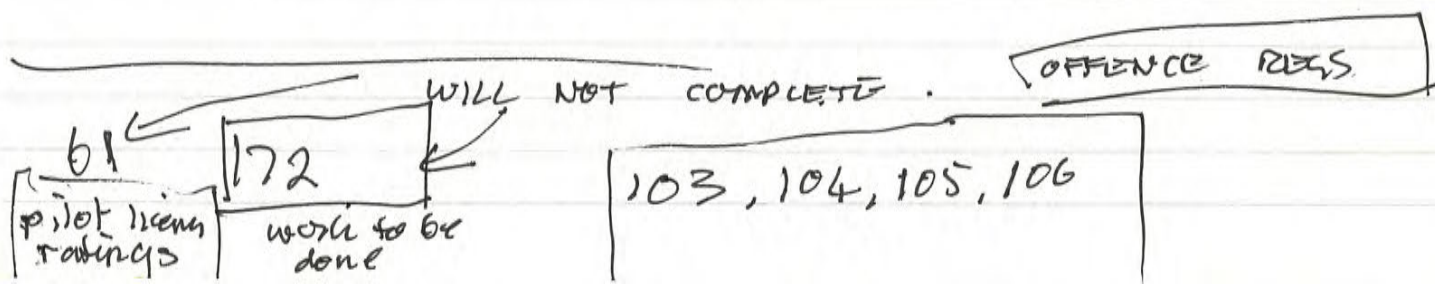
133 - 133

Now OK subject to  
amendments agree with Tim  
re the Hook.

119. CAA will come back to us on  
the issue we raised re 119-161?

129. CAA will come back to us on  
this.

93 Needs to be cleared by me





7 FEB

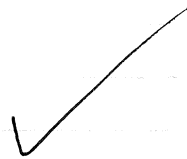


~~BAA~~ focus of 5 Feb (Tim) (2)  
5 " (Arasdeen)

Part 149

comments accepted.

This Part now cleared by Pol & Legal



Part 66

66-9c.

you have described

This arrangement is contrary to the JIMRA  
as we understand it. We are unable to ~~recommend~~ <sup>keep</sup> to the  
minister a rule which is contrary to the court  
agreement. Suggest you ~~with this provision in~~  
Suggest you seek advice from - min of  
Commerce on the issue.

CAA AGREE  
need to change  
PT 43

66-53 (a) (4)

comment

accepted

✓

66-55

accepted

✓

5-55c

noted

✓

66-57

accepted

✓

66-155 (b) (1) and (a)

Accept- The points you have made. On the basis of these  
comments sh. it not be set out in the rule  
that the m/a is for a more limited in scope  
and in term than a licence.

This would have the advantage of making it clear  
that a main. appro is not simply an alternative  
for someone who does not meet the standards  
of the licence



(2)

Noted their comments concerning need for further consultation on the issue ~~at this~~

not now  
Agrees

rule does include ref. to limits of time & scope

66.203 this has we were seeking to make  
D missed the point. Needs further discussion

60 months not necessarily immediately preceding.  
∴ not concern overscan

145:60

accepted.

145 is now cleared by met legal & police

Post 43 amendment

cleared by Pol & Legal

DART

119:55. Accepted. . Sorry we missed it. ✓

119:165

We think there is an issue that the rule has not addressed. Possibly we are reading an intent into the rule that isn't there.  
Consider <sup>hypothetical</sup> situation of Air NZ advertises Auckland to Nelson service as ANZ service & sells ticket accordingly.

Pass find themselves landing & waiting & changing a/c to an Air Nelson flight for journey to Nelson. Is this intended to be caught by the rule? If so, you sh. insert words



something like "of the operator at the whole of the operation" at the end of the sentence  
in sub paper (c)

possibly this is a diff. issue to be consulted on separately -

CAA were attempting to address this issue. Agree that it doesn't. Need to think further [CAA do]

77

Changes in ~~the~~ consultation amendments noted  
Rule now cleared Legal & Policy

133.53, 133.58  
Noted. -11-  
133-59  
Noted.

133.63 / 255  
we don't think your wording ~~answers~~ resolves the problem  
The ~~we~~ suggest ~~wording~~ ~~such~~ ins.  
makes it clear that the approval for use on the indicator etc' applies to the hook as well as the similar device.  
would commas  
after cargo hook & after similar device, would, in our view, make it clearer.

CAA Agree. commas needed.

133.307  
Legal view is that the rule indicates Linda thinks that it is doubtful that the hook is not part of external load equipment & doubtful that it legally it would be included in the defn of helicopter.  
Rule sh. ~~be~~ <sup>expressly state</sup> clear that the hook is part of external load equip. or part of ~~help~~  
CAA Agree will amend 133.303



# Fax Cover Sheet



Date: 7-Feb-1997 16:09  
To: Peter Davey, Ministry of Transport, Wellington  
Fax:  
From: Tim Workman, Legal Adviser  
Fax: 64 4 569 3256  
File Nr: 1  
Subject: Civil Aviation Rules

Number of pages including cover sheet: 4

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## Message

Peter

Attached are briefing notes given to Kevin today. I am forwarding more information to Linda re Offence Regs and their lack later this evening/tomorrow.

Let me know if you need more detail.

Regards

*Tim Workman*

Tim Workman

PS. Part 93 stays as is. No  
noise abatement for Defence.



**CIVIL AVIATION RULES "STATE OF PLAY"**  
As at 29 January 1997

The following is a summary of where I think we are at with the rules, as of today.

Waiting for Minister's signature

121, 135

GMB to do letter.

Waiting on goatskin from CAA

108

Awaiting CAA's response to Peter's final comments. Linda's comments all dealt with

149

Waiting for MOT's final sign off

21, 146, 26

ready to sign off  
Linda will advise CAA

CAA Preparing final response for MOT

119

At MOT for final review (Linda has commented and is negotiating with CAA on some minor points. Peter yet to read and comment)

12, 77, 133, 92, 93, 101

At MOT for final review (Linda and Peter to read and comment)

66

CAA preparing rule for MOT's comment

129, 19, 172, 103, 104, 105, 106, 61

Plus I have a substantial amount of work on the offences regulations.

12 Accidents & Incidents

GMB to read

77 objects

PD "

133 Helo external locus

PD

92 Dang. Goods

DC has commented GMB will write to CAA.

93 aerodrome proced.

PD to read. Jenny is happy with noise issue. Linda will check with HT re defence applicability

101 unmanned a/c

GMB

66 AME LCC.

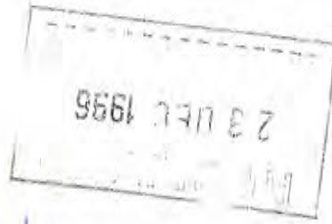
PD



1 TSW

19 December 1996

Linda McIver  
Solicitor  
Ministry of Transport  
PO Box 3175  
WELLINGTON



*Peter*  
*A copy of this rule, for your comment.*  
*Linda*

Dear Linda

**Part 93 – Special Aerodrome Traffic Rules**

Enclosed are 2 copies each of the draft final rule Part 93 and related consultation details.

Part 93 addresses individual aerodromes around the country. It specifies traffic rules that are contrary to the general rules in Part 91 and peculiar to the identified aerodrome, and noise abatement rules that are specific to identified aerodromes. The noise abatement provisions are authorised by a new rule making power under the Act: section 29B.

I look forward to your comments on this Part in the New Year.

Yours faithfully

Tim Workman  
Legal Adviser

Mot.Doc



## Subpart A – General

### 93.1 *Applicability*

(a) This Part prescribes—

- (1) special rules for aerodrome traffic, in addition to the rules for aerodrome traffic prescribed in Part 91;
- (2) exceptions from the rules for aerodrome traffic, prescribed in Part 91;
- (3) aerodrome noise abatement procedures.

(b) Subject to paragraph (c), this Part shall also apply to members of the New Zealand Defence Force and any aircraft operated by the New Zealand Defence Force.

(c) This Part shall not apply to any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—

- (1) any war or other like emergency; or
- (2) the defence of New Zealand and other New Zealand interests; or
- (3) aid to the civil power in time of emergency; or
- (4) the provision of any public service.

### 93.3 *Definitions*

Noise abatement procedures means inflight procedures prescribed for the purpose of abatement of noise within the vicinity of an aerodrome.

### 93.5 *Abbreviations*

TALO means a touchdown and lift-off area located at a heliport.

## Subpart B – Auckland International Airport

### 93.51 *Applicability*

This Subpart prescribes—

- (1) special rules for aerodrome traffic operating in the control zone designated under Part 71 for Auckland International Airport; and



- (2) noise abatement procedures for aeroplanes operating in the vicinity of Auckland International Airport for the purpose of landing at or taking off from Auckland International Airport.

*[Until Part 71 comes into force, control zones are designated under Part 19]*

**93.53 General Rules – Auckland control zone**

Each pilot-in-command of a powered aircraft with an airworthiness certificate operating under VFR in the control zone shall be the holder of a current pilot licence.

**93.55 Aerodrome traffic circuit – Auckland International Airport**

Notwithstanding 91.223, each pilot-in-command of an aircraft shall conduct a right-hand aerodrome traffic circuit when approaching for a landing at or after take-off from runway 05, unless—

- (1) otherwise authorised by ATC; or
- (2) a turn in the opposite direction for an IFR procedure has been prescribed under Part 97.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

**93.57 Restrictions on flight training**

No pilot-in-command shall conduct flight instruction in the aerodrome traffic circuit unless the aircraft is—

- (1) operated by the holder of—
  - (i) an air operator certificate issued under Part 119; or
  - (ii) a foreign air operator certificate issued under Part 129; or
- (2) operated by the New Zealand Defence Force; or
- (3) engaged in IFR training or practice for the issue or extension of an instrument rating; or
- (4) a multi-engined aircraft.

**93.59 Departure noise abatement procedures**

- (a) Each pilot-in-command of a turbo-jet or turbo-fan powered aeroplane shall—



- (1) on departure from runway 23, comply with—
  - (i) the ICAO noise abatement take-off climb – Procedure A or B, defined in ICAO Doc 8168-OPS-611, Volume 1, Part V, Chapter 3; or
  - (ii) the noise abatement departure profile – Procedure C or D, as specified in Appendix D; and
- (2) on departure from runway 05, comply with—
  - (i) the ICAO noise abatement take-off climb – Procedure B defined in ICAO Doc 8168-OPS-611, Volume 1, Part V, Chapter 3; or
  - (ii) the noise abatement departure profile – Procedure C, as specified in Appendix D.
- (b) Each pilot-in-command of a turbo-jet or turbo-fan powered aeroplane on departure from runway 05 shall climb on the extended runway centreline to—
  - (1) at least 3000 feet QNH prior to turning left; or
  - (2) at least 2000 feet QNH prior to turning right; or
  - (3) at least 500 feet QNH and turn right at a position abeam of McLaughlins Mountain (cone shaped hill with water tower and aeronautical ground light occulting red 2.0 sec, 250 ft AMSL) at an angle of bank not less than 15° to change direction by not less than 90°.
- (c) Each pilot-in-command of a turbo-jet or turbo-fan powered aeroplane on departure from runway 23 shall climb on the extended runway centreline to—
  - (1) at least 500 feet QNH prior to turning left, or
  - (2) at least 3000 feet QNH prior to turning right.

**93.61 Approach noise abatement procedures**

- (a) Each pilot-in-command of a turbo jet or turbo-fan powered aeroplane arriving from north of the extended runway centre line shall, unless otherwise instructed by ATC—
  - (1) on a visual approach to runway 23, plan their descent to join the extended centre line of runway 23 at a height not below 2000 feet QNH; and



- (2) between the hours of 2300 and 0600 local time, plan their descent to intercept final approach at a distance of not less than 14 nm and at an altitude of not less than 4000 feet QNH.

(b) Each pilot-in-command of a turbo jet or turbo-fan powered aeroplane conducting a right hand aerodrome traffic circuit for runway 23 shall not turn onto the final approach path at a distance of less than 4 nm from the runway threshold.

#### **93.63 Noise abatement area**

Except when operating in accordance with an instrument approach procedure, or being radar vectored by ATC, or during take-off climb, or during a visual approach to runway 23, a pilot-in-command of a turbo-jet or turbo-fan powered aircraft shall not operate over the Auckland noise abatement areas specified in Appendix A at an altitude of less than 5000 feet QNH.

#### **93.65 Noise abatement procedures: Use of runway**

Each pilot-in-command of a turbo-jet or turbo-fan powered aeroplane shall, between the hours of 2300 and 0600 local time, use runway 23 for take-off and runway 05 for landing unless—

- (1) the tailwind component is more than 5 knots; or
- (2) compliance with the aeroplane performance operating limitations requires the use of the other runway direction; or
- (3) otherwise instructed by ATC.

### **Subpart C – Wellington International Airport**

#### **93.101 Applicability**

This Subpart prescribes—

- (1) special rules for aircraft operating in the control zone designated under Part 71 for Wellington International Airport; and
- (2) noise abatement procedures for aircraft operating in the vicinity of Wellington International Airport.

[Until Part 71 comes into force, control zones are designated under Part 19]

#### **93.103 General rules – Wellington control zone**

(a) Each pilot-in-command of a powered aircraft with an airworthiness certificate operating under VFR in the control zone shall be—

- (1) the holder of a current pilot licence; or



- (2) authorised by the chief flying instructor of a pilot-training organisation based on the aerodrome.

**93.105 Aerodrome traffic circuit – Wellington International Airport**

Notwithstanding 91.223, each pilot-in-command of an aircraft shall conduct a right-hand aerodrome traffic circuit when approaching for a landing at or after take-off from runway 34, unless—

- (1) otherwise authorised by ATC; or
- (2) a turn in the opposite direction for an IFR procedure has been prescribed under Part 97.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

**93.107 Noise abatement procedures**

(a) Except as provided in paragraph (b), a pilot-in-command of an aircraft shall—

- (1) not operate over the Wellington noise abatement area specified in Appendix B at an altitude lower than the minimum altitudes for VFR flight prescribed in 91.311 or 1500 feet QNH, whichever is the higher; and
- (2) except when climbing after take-off from runway 34, not operate at an altitude lower than 1500 feet QNH within a distance of 0.50 nm of the Miramar peninsula or Point Jerningham.

(b) A pilot-in-command of an aircraft may operate over the Wellington noise abatement area below the height prescribed in paragraph (a) in any of the following circumstances:

- (1) when descending north of a line joining Point Gordon and Shelley Bay to land on runway 16;
- (2) when descending from the VFR airport holding pattern indicated in Appendix B to land;
- (3) when conducting an IFR procedure prescribed under Part 97;
- (4) when operating a helicopter—
  - (i) conducting an operation under Part 133; or
  - (ii) conducting an operation under 137.205; or
  - (iii) engaged on a police operation that is authorised by the Commissioner of Police; or



- (iv) performing a take-off or landing at a heliport within the abatement area.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

#### **93.109 Departure noise abatement**

Each pilot-in-command of an aircraft on departure from runway 34 shall climb between the centre and eastern side of Evans Bay to—

- (1) 1000 feet QNH prior to turning by visual reference to the right; or
- (2) 1500 feet QNH prior to turning by visual reference to the left; or
- (3) a height for commencing a turn in accordance with an ATC IFR clearance; or
- (4) a height for commencing a turn in accordance with a prescribed standard IFR departure procedure.

### **Subpart D – Christchurch International Airport**

#### **93.151 Applicability**

This Subpart prescribes special rules for aircraft operating in the control zone designated under Part 71 for Christchurch International Airport.

*[Until Part 71 comes into force, control zones are designated under Part 19]*

#### **93.153 General Rules – Christchurch control zone**

(a) Each pilot-in-command of a powered aircraft with an airworthiness certificate operating under VFR in the control zone shall be—

- (1) the holder of a current pilot licence; or
- (2) authorised by the holder of an instructor rating issued under Part 61.

#### **93.155 Aerodrome traffic circuit**

(a) Notwithstanding 91.223, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC or where a turn in the opposite direction for an IFR procedure has been prescribed under Part 97, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) paved runway 20; and
- (2) grass runway 20; and
- (3) paved runway 29.



(b) Each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct that part of the aerodrome traffic circuit where the aircraft is not climbing after take-off or descending to land—

- (1) at or below an altitude of 900 feet QNH when landing at or taking off from grass runways; and
- (2) at or above an altitude of 1400 feet QNH when landing at or taking off from paved runways.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

## Subpart E — Paraparaumu Aerodrome

### 93.201 Applicability

This Subpart prescribes special rules and noise abatement procedures for aerodrome traffic operating at Paraparaumu aerodrome.

### 93.203 Use of Runways

(a) Except as provided in paragraph (b), each pilot-in-command of an aeroplane shall land at or take-off from paved or grass runways 34 or 16 when—

- (1) an aerodrome flight information service is in attendance; and
- (2) the crosswind component on those runways is 10 knots or less.

(b) A pilot-in-command of an aeroplane may land at or take-off from paved or grass runway 11 or 29 for the purpose of crosswind training if—

- (1) an aerodrome flight information service is in attendance; and
- (2) the crosswind component on runways 34 or 16 is 10 knots or less.

(c) Except as provided in paragraph (d), each pilot-in-command of an aeroplane shall land at or take off from paved runways when—

- (1) an aerodrome flight information service is not in attendance; and
- (2) gliding operations are in progress.

(d) Each pilot-in-command of a glider, an aeroplane that is equipped with a tail skid, or an aeroplane engaged in glider towing, shall land at or take off from grass runways.

### 93.205 Aerodrome traffic circuit

(a) Notwithstanding 91.223, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC or where a turn in the opposite direction for an IFR



procedure has been prescribed under Part 97, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) grass runway 11; and
- (2) paved runway 16; and
- (3) paved runway 29; and
- (4) grass runway 34.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

### **93.207 Noise Abatement Procedures**

- (a) Each pilot-in-command of an aeroplane shall—
  - (1) commence take-off from the threshold of the runway to be used; and
  - (2) climb to 500 feet QNH prior to commencing a turn, unless the aeroplane is towing a glider and—
    - (i) a turn is required to clear an obstruction; or
    - (ii) a turn is required to avoid flying over residential areas; and
  - (3) if operating under VFR, conduct that part of the aerodrome traffic circuit where the aeroplane is not climbing after take off or descending to land, at an altitude of at least 1000 feet QNH, unless a lower height is required to maintain distance from cloud; and
  - (4) when approaching to land on a paved runway, not descend below 50 feet until the aeroplane is over the displaced runway threshold.
- (b) Each pilot-in-command of a helicopter shall ensure approach and take-off flight paths do not descend below 500 feet AGL—
  - (1) over any residential area; and
  - (2) unless south of Kapiti Road.

## **Subpart F – Matamata Aerodrome**

### **93.251 Applicability**

This Subpart prescribes special rules for aerodrome traffic at Matamata aerodrome.



**93.253 Aerodrome traffic circuit**

(a) Notwithstanding 91.223, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC or where a turn in the opposite direction for an IFR procedure has been prescribed under Part 97, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) runway 11; or
- (2) runway 22.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

**93.255 Operation of Gliders**

A pilot-in-command of a glider shall not launch by winch unless—

- (1) the winch is positioned to the northern side of runway 11 and 29; and
- (2) the crosswind component on the runway in use is less than 15 knots; and
- (3) the launch is under the direct supervision of a glider instructor authorised by the holder of an aviation recreation organisation certificate issued under Part 149; and
- (4) a row of cone markers are positioned along the centreline of runway 11 and 29 and take-off and landings are—
  - (i) for gliders, conducted on the northern side of the cone markers; and
  - (ii) for powered aircraft, conducted on the southern side of the cone markers; and
- (5) the winch is equipped with a flashing amber light and that light is activated and functioning; and
- (6) the winch launch can be conducted without conflict with other aerodrome traffic.

**Subpart G — Ardmore Aerodrome****93.301 Applicability**

This Subpart prescribes special rules for aerodrome traffic operating at Ardmore aerodrome in the—

- (1) control zone designated under Part 71; and



- (2) aerodrome traffic circuit.

*[Until Part 71 comes into force, control zones are prescribed under Part 19]*

**93.303 Aerodrome traffic circuit**

(a) Each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct that part of the aerodrome traffic circuit where the aircraft is not climbing after take-off or descending to land—

- (1) for operations in aeroplanes by day, at or above an altitude of 1100 feet QNH; and
- (2) for operations in aeroplanes by night, at or above an altitude of 1300 feet QNH; and
- (3) for operations in helicopters by day, at or below an altitude of 800 feet QNH; and
- (4) for operations in helicopters by night, at or below an altitude of 1000 feet QNH.

(b) Notwithstanding 91.223, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC or where a turn in the opposite direction for an IFR procedure has been prescribed under Part 97, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) paved runway 03; and
- (2) grass runway 03; and
- (3) paved runway 07; and
- (4) grass runway 07.

(c) Each pilot-in-command of a helicopter landing at or taking-off from a TALO shall conduct—

- (1) left-hand circuits using the Western TALO when runway 03 is in use; and
- (2) right-hand circuits using the Western TALO when runway 21 is in use; and
- (3) left-hand circuits using the Eastern TALO when runway 07 is in use; and
- (4) right-hand circuits using the Eastern TALO when runway 25 is in use; and



- (5) an aerodrome traffic circuit to keep clear of the aeroplane flight paths when runway 03 or 21 is in use.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*

**93.305 Restrictions on use of TALO**

A pilot-in-command of a helicopter, unless otherwise authorised by ATC, shall—

- (1) not use the Eastern TALO when runways 03 or 21 are in use; and
- (2) not use the Western TALO when runways 07 or 25 are in use.

**93.307 Speed Restrictions**

Unless otherwise authorised by ATC, a pilot-in-command of an aeroplane operating in the control zone shall—

- (1) not exceed 120 knots indicated airspeed unless the aircraft flight manual requires a higher minimum safe speed; and
- (2) maintain an approach speed of not less than 70 knots indicated airspeed above 500 feet QNH.

**Subpart H — Other Aerodromes**

**93.351 Aerodrome traffic circuit**

Notwithstanding 91.223, each pilot-in-command of an aircraft shall conduct a right-hand aerodrome traffic circuit when approaching for a landing at or after take-off from a runway at an aerodrome listed in Appendix C of this Part, unless—

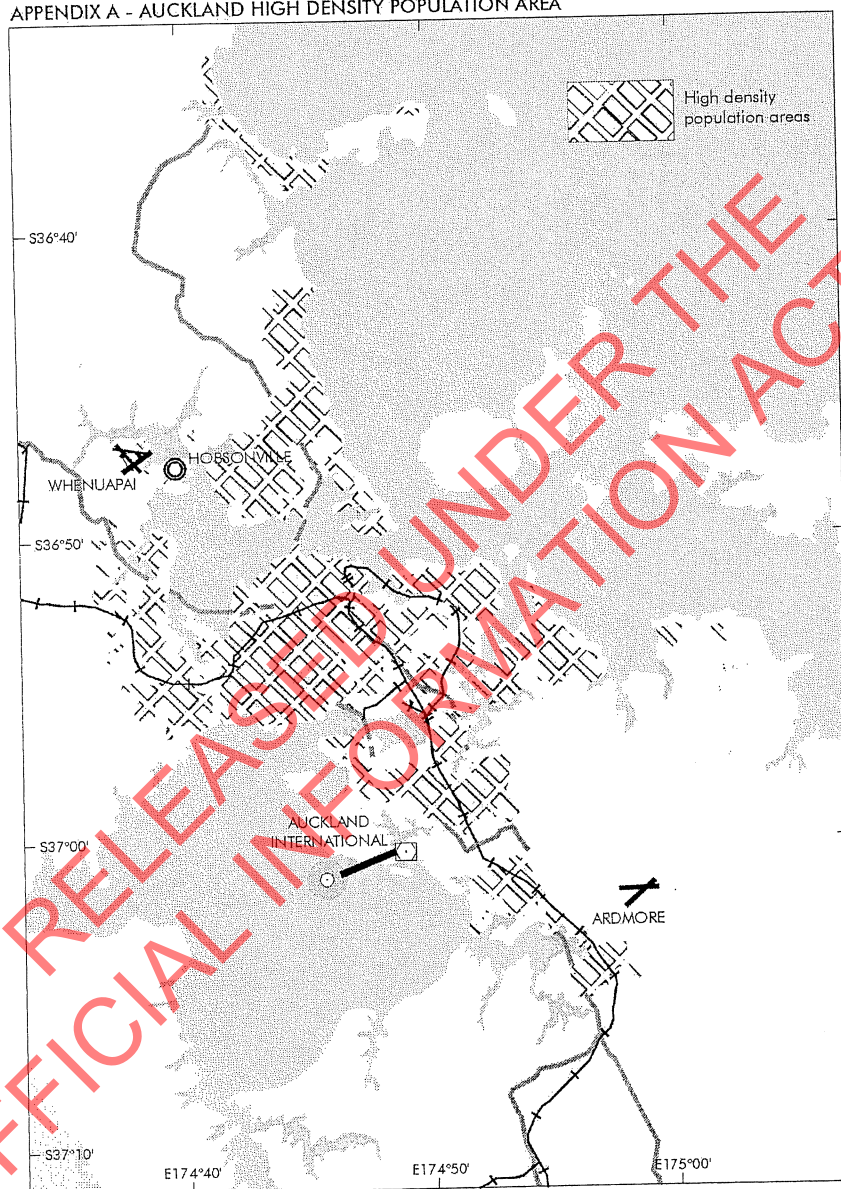
- (1) otherwise authorised by ATC; or
- (2) a turn in the opposite direction for an IFR procedure has been prescribed under Part 97.

*[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]*



## Appendix A — Auckland Noise Abatement Area

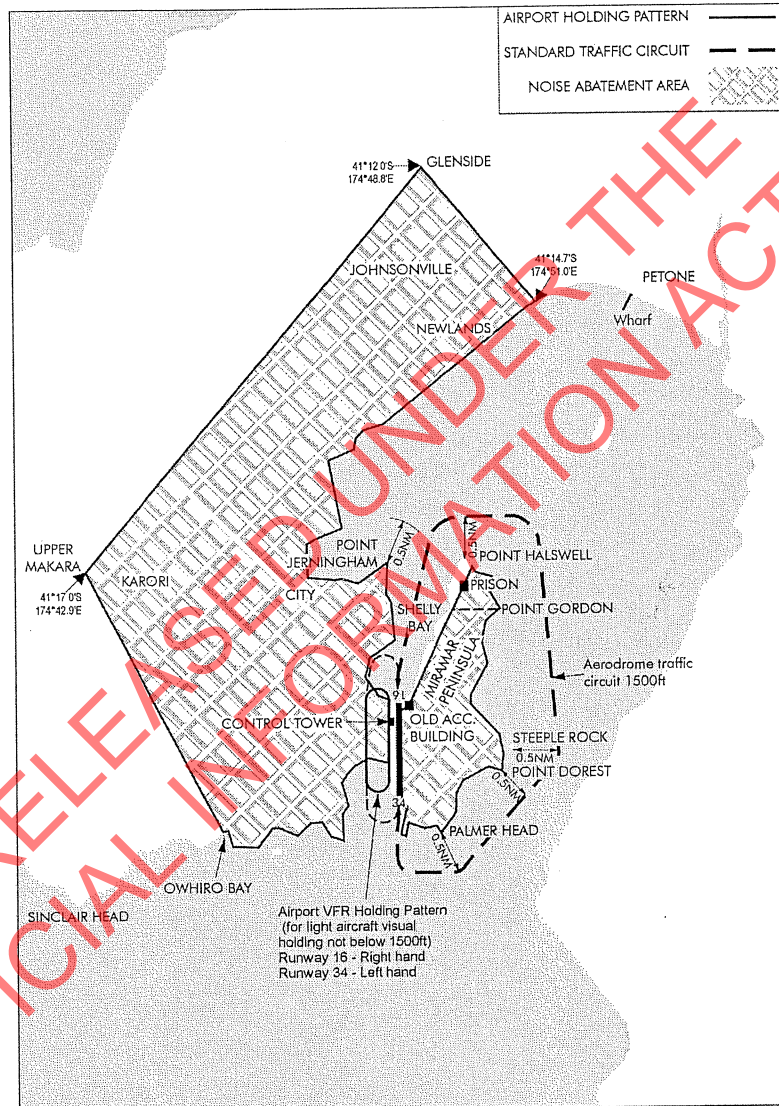
APPENDIX A - AUCKLAND HIGH DENSITY POPULATION AREA





## Appendix B — Wellington Aerodrome Traffic Circuit and Noise Abatement Area

APPENDIX B - WELLINGTON AERODROME TRAFFIC  
CIRCUIT AND NOISE ABATEMENT AREA





## Appendix C — Right-hand Aerodrome Traffic Circuits

The following table lists the aerodromes and runways to which 93.351 applies.

Aerodrome	Runway
Alexandra	Paved: 14 Grass: 14
Alfredton	33
Balclutha	07
Coromandel	All
Cromwell Racecourse	36
Cronadun	19
Dannevirke	01, 08, and 02
Dargaville	04
Dunedin	21
Fielding	28
Gisborne	Paved: 14 Grass: 09, 21 and 32
Glenorchy	14
Glentanner	33
Great Barrier	28
Greymouth	19 and 20
Hastings	Paved: 19 Grass: 19 and 29
Hobsonville	10, 05 and 14
Hokitika	13 and 22
Invercargill	Paved: 22 Grass: 12, 22, and 25



Kaipara Flats	07
Masterton	Paved: 06 Grass: 10, 24 North, and 06
Mercer	09
Murchison	31
Napier	34 grass
Nelson	Paved: 20 Grass: 17 and 20
New Plymouth	Paved: 23 Grass: 23 and 32
Oamaru	Paved: 18 and 36 Grass: All
Ohakea	09
Okiwi Station	18
Omarama	27
Opotiki	09
Palmerston North	Paved: 25 Grass: 25
Pauanui Beach	23
Pikes Point	07 and 04
Pine Park	27
Porangahau	02
Pudding Hill	11
Pukaki	33
Queenstown	Paved: 23 Grass: 23 and 32
Rangiora	10, 22, and 25



Reeve	35
Rotorua	Paved: 19 Grass: 19
Ryan's Creek	04
Stratford	16 and 27
Taharoa	15
Taieri	23 and 29
Takaka	30
Taumaranui	01
Taupo	18 and 11
Tauranga	Powered aircraft— Paved: 07 Grass: 03, 07, and 34 Gliders and glider towing aircraft— Grass: 21
Te Anau	34
Thames	05 and 11
Tokoroa	31
Turangi	20
Waihi Beach	13
Waipukurau	18 and 20
Wanaka	29
Wanganui	Paved: 11 Grass: 08, 11, and 14
Westport	22
Whakatane	09
Whangarei	06 and 14



Whenuapai	Paved: 08, 12 and 21 Grass: 26
Whitianga	04 and 34
Wigram	Paved: 03 Grass: 03(both), 06, 13 and 36
Woodbourne	Paved: 25 Grass: 25 and 28

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## Appendix D – Noise Abatement Departure Profiles

### *Noise abatement departure profile – Procedure C*

Each pilot-in-command of an aircraft shall—

- (1) from take-off to an altitude of not less than 800 feet above aerodrome elevation—
  - (i) use take-off power; and
  - (ii) use takeoff flap; and
  - (iii) climb at  $V_2$  plus 10 to 20 knots; and
- (2) at or above 800 feet—
  - (i) reduce thrust by manual throttle reduction or by automatic means; and
  - (ii) for aeroplanes not equipped with an operating automatic thrust restoration system, achieve and maintain not less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, the take-off flight path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
  - (iii) for aeroplanes equipped with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, a take-off path engine inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at least, restore sufficient thrust to maintain the take-off path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
  - (iv) during the thrust reduction, co-ordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay no more than 5 knots below the all engine target climb speed and, in no case, to less than  $V_2$  for the aeroplane configuration; and
  - (v) maintain the speed and thrust requirements specified in (i) through (iv) to the higher of 3000 feet above the aerodrome elevation, or until the aeroplane has been fully transitioned to the en-route climb configuration, then transition to normal en-route climb procedures.



**Noise abatement departure profile – Procedure D**

Each pilot-in-command of an aircraft shall—

- (1) from take-off to an altitude of not less than 800 feet above aerodrome elevation—
  - (i) use take-off power; and
  - (ii) use takeoff flap; and
  - (iii) climb at  $V_2$  plus 10 to 20 knots.
- (2) at or above 800 feet—
  - (i) initiate flaps and/or slats retraction; and
  - (ii) reduce thrust by manual throttle reduction or by automatic means; and
  - (iii) for aeroplanes not equipped with an operating automatic thrust restoration system, achieve and maintain not less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, the take-off flight path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
  - (iv) for aeroplanes equipped with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, a take-off path engine inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at least, restore sufficient thrust to maintain the take-off path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
  - (v) during the thrust reduction, co-ordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay no more than 5 knots below the all engine target climb speed and, in no case, to less than  $V_2$  for the aeroplane configuration; and
  - (vi) maintain the speed and thrust requirements specified in (i) through (iv) to the higher of 3000 feet above the aerodrome elevation, or until the aeroplane has been fully transitioned to the en-route climb configuration, then transition to normal en-route climb procedures.



## CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 93.  
It provides details of the consultation undertaken in making the rules.)

### Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State



authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

### **Notice of Proposed Rule Making**

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority, issued Notice of Proposed Rule Making 96-9 under Docket Number 1170 on 5 June 1996. This Notice proposed the introduction of Civil Aviation Rules Part 93 to provide a regulatory safety boundary for Special Aerodrome Traffic Rules and Noise Abatement Procedures.

### **Supplementary Information**

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

### **Availability of the Document**

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

### **Summary of Comments on Docket Number 1170 NPRM**

#### **1. General comments on the NPRM**

All the commenters, with one exception, supported Part 93 in principle and in particular the inclusion of the noise abatement procedures.

From the 21 submissions received, 6 general issues were raised and these are discussed as follows:

**1.1** Three commenters stated that they were concerned as to the manner in which it will be possible to amend and add to the rules in Part 93. As is evidenced by the voluntary noise abatement procedures established at some airports, it has been the practice in the past for related parties to agree on new procedures and for the new procedures to be implemented without the need for further approval. The commenters would like to retain the ability to modify and



add to noise abatement rules in this manner, and for any such voluntary procedures to be incorporated into Part 93 and the AIP as they are formulated. When considering the procedures in Part 11 for amending Part 93 rules, the three commenters considered that the process should occur via the airport noise committees (which involve industry and territorial authority participation) as is the case at airports where such committees exist.

**CAA response:** The process for amending Part 93 will be dealt with early in 1997 through an amendment to Part 11 Procedures for Making Ordinary Rules and Granting Exemptions. Part 11 currently prescribes the process for public petitions for rule making. A modified procedure will be required for amendments to the noise abatement provisions of Part 93. The procedures will be structured in such a way that petitions for change of noise abatement procedures or new noise abatement procedures must be fully researched, costed and consulted with affected parties before CAA is obliged to consider the petition. The CAA does not consider the noise consultation process to be part of its safety function. The relevant safety function for the CAA is remaining the sole regulator of aircraft flight rules and procedures in the vicinity of aerodromes.

**1.2** Rural Aviation Limited stated that they are totally opposed to the inclusion of any noise abatement procedures within the Civil Aviation Rule environment. They consider that noise is not an aviation safety issue and as such is not appropriate for the Civil Aviation Authority to be proposing rules relating to noise.

The proposed procedures for Auckland International Airport obviously model the standards currently contained in CASO 2. The CASO dates back to the days of the Boeing 707 and BAC 1-11 both of which fit into the "noise polluter" category. Today we have whisper jets, hush kits, Stage 3 compliance, and turbo-fan engines. We submit that the jet aircraft using Auckland Airport today are far quieter than those that existed when the concept of an Auckland noise abatement are and arrival-departure procedures were established. The proposed rules at Auckland are not safety related, will restrict pilots and operators routing options, and also restrict the airspace available to ATC. 93.59, 93.61, and 93.63 should be removed from this rule.

Rural Aviation is highly fearful of the rule petitioning process having the possibility of creating an opening for non-aviation entities to misuse the petition process and push for noise abatement controls in any area, to the severe detriment of both aviation and the general public.

**CAA response:** CAA notes the concern expressed by Rural Aviation and will be drafting rules to prevent the misuse of the petition process. See comment to paragraph 1.1.



While aircraft noise certification plays a significant role in mitigating the effects of noise control there are many other effective noise abatement procedures using flight rules, flight paths, altitude restrictions, and operating procedures. The CAA considers that aviation safety will best be served if only one regulatory authority prescribes such noise abatement procedures. Under the Resource Management Act 1991, territorial authorities have the power to implement noise abatement rules for aircraft in relation to the use of airports. The CAA wishes to make clear that such noise abatement procedures are not appropriate for a territorial authority to prescribe. As such noise abatement procedures are often the most effective noise abatement procedures available at an aerodrome the CAA must prescribe them in the Civil Aviation Rules.

**1.3** The New Zealand Gliding Association stated that the rule requires the pilot-in-command to be the holder of a current pilot licence for flights within the Auckland, Wellington and the Christchurch control zones. Part 104 NPRM provides for gliders to transit these three control zones. Glider pilots operating under the authority of the New Zealand Gliding Association are not required to hold a state-issued licence. The Association therefore recommends that the applicable rules be amended permitting glider flights in the three control zones subject to the pilot-in-command being the holder of a glider qualification issued by a gliding organisation certificated under Part 149.

**CAA response:** CAA agrees and notes that provision is also required for microlight aircraft and manned balloons to occasionally operate within control zones. The rule is amended requiring only pilots of powered aircraft issued with airworthiness certificates to have pilot licences. Pilots of aircraft who are not required to have pilot licences must obtain an ATC clearance to operate within a control zones. The issue of such clearances will be dependant on traffic conditions in the control zones.

**1.4** The New Zealand Defence states that rules 93.53, 93.103 and 93.153 appears to prohibit operations by NZDF aircraft. NZDF pilots are not required to, and typically do not, hold a private pilot licence. We request that the rules be amended to permit flights by NZDF aircraft.

**CAA response:** The rule now includes in 93.1(b) the list of rules that are applicable to Defence aircraft. It does not include the rules referred to by the commenter.

**1.5** The Airways Corporation of New Zealand Limited suggested that after the words "unless otherwise authorised by an air traffic control service..." in 93.55, 93.105, 93.155, 93.303, 93.355 and 93.401 the following words should be inserted—

*"or carrying out a published IFR departure procedure/SID".*



**CAA response:** CAA agrees and has included this provision in the rules referred to by this commenter.

**1.6** The Airways Corporation of New Zealand Limited suggested after the words "Notwithstanding 91.123..." in rules 93.205 and 93.253 the following words should be inserted–

*"or carrying out a published IFR departure procedure/SID*

**CAA response:** CAA agrees and has included this provision in the rules referred to.

## **2. Specific comments on the NPRM**

Specific comments received from the 21 submissions are discussed as follows:

### **Subpart A – General**

**2.1** The New Zealand Defence Force requested that the rule include exemptions for their aircraft similar to those in Part 91. Without such exceptions, the New Zealand Defence Force may be unreasonably restricted during the conduct of its operations.

**CAA response:** CAA agrees and the exceptions are now contained in 93.1(b).

### **Subpart B – Auckland International Airport**

#### **2.2 93.57 Restrictions on flight training**

The Residents Against Airport Noise considered that the exception in paragraph (2) for New Zealand Defence Force flight training should be deleted as this training could easily be removed to a less sensitive civilian airport.

**CAA response:** CAA does not agree as in terms of this rule it does not have the authority to deny the use of Auckland International Airport for training conducted by Defence aircraft.

Four commenters stated that the restriction on flying training between 11 pm and 6 am in CASO 2 should be included in this rule.

**CAA response:** CAA does not agree. Under the Civil Aviation Act the CAA is only empowered to make rules for aviation safety and security, and for noise abatement purposes. The rule making power in relation to noise abatement procedures is limited to flight rules, flight paths, altitude restrictions, and operating procedures.



Curfews do not fit into any of the above rule making categories. The proposed curfew is not in place for aviation safety purposes. It is also not one of the available types of noise abatement rule. The CAA considers curfews to be noise abatement procedures that a territorial authority is empowered to impose under the RMA. Section 9(8) empowers rules in district plans to be made for noise emission controls in relation to the use of airports.

Two commenters stated that the rule should contain a restriction on flying training as presently contained in CASO 2 which states that–

*Provided that flying training shall be subject to prior authorisation by the ATC unit at Auckland International Airport. Such authorisation will normally be restricted to periods of low air transport activity and may be prohibited at peak periods.*

**CAA response:** CAA does not agree as all aircraft require ATC authorisation prior to operating within the control zone. ATC can withhold such approvals for certain activity at any time but the Act does not provide authority for rules to be made for the prohibition of flights. The priority on the use of the control zone and the aerodrome is one to be determined by ATC and the aerodrome operator and should be stated in the AIP as such if that is the case.

The Waitakere City Council noted that under this rule, there is a specific exclusion relating to the New Zealand Defence Force in respect of flight instruction. Is it the intention of this rule to exclude all Defence operations?

**CAA response:** It is not the intention to exclude Defence operations in other rules. Rule 93.1(b) specifies that this Part does apply to Defence aircraft operations.

## **2.3 93.59 Departure noise abatement procedures**

Three commenters stated that the current requirement is that the aircraft reaches 3000 feet prior to turning left and paragraph (b)(1) should be amended to this value.

**CAA response:** The CAA agrees and has amended the rule accordingly.

Three commenters stated that paragraph (b)(3) should refer to turning right not left.

**CAA response:** The CAA agrees and has amended the rule accordingly.

One commenter considered that paragraph (b)(3) should also require aircraft after turning at 500 feet climb as steeply as is consistent with safety to reduce the noise impacts on Mangere and Manurewa. [RAAN]

**CAA response:** CAA does not agree to this change as it is a new proposal and as such falls outside the NPRM process. The requirement to climb as suggested



would probably increase the aircraft noise footprint and would not necessarily achieve a reduction of noise impacts at Mangere or Manuwera.

Four commenters stated that the present provision in CASO 2 for preferential runway system should be included in this Subpart.

**CAA response:** The CAA agrees and it is now included in this rule.

One commenter stated that in paragraph (c)(1) the height should be changed to 2000 feet to help protect the residents of Weymouth and Clendon from the worst effects of frequent and noisy commuter flights. [RAAN]

**CAA response:** CAA does not agree to this change as it is a new proposal and as such falls outside the NPRM process. This proposal requires further consultation and studies to determine if in fact this would be the case or whether the noise would be transferred to another residential area.

Auckland International Limited, Manukau City Council, Airways Corporation of New Zealand and the Board of Airline Representatives New Zealand (Incorporated) stated that they as members of the Auckland Airport Noise Committee had agreed on voluntary noise abatement procedures in addition to those contained in CASO 2. The voluntary procedures were implemented in November 1995 introducing new altitude limitations in recognition of the sensitive period during 10 pm and 6 am when nearby residents are generally asleep. The procedures as set out below should be included in this rule—

*The following ATC procedures shall be applied to jet aircraft arriving from the North, East and West during the period 220-0600 (local time) daily—*

- (a) Arriving jet aircraft will be positioned to intercept final approach at a distance of not less than 14 nm from touchdown and at an altitude of not less than 4000 feet AMSL; and*
- (b) In order to minimise flight over grater Auckland, whenever traffic permits, aircraft will be routed towards base leg as soon as practicable; and*
- (c) Jet aircraft tracking right hand downwind for runway 23 shall not be permitted to commence base turn on a visual approach until past a line at right-angles to the final approach track and intersecting that track at a distance of 4 nm from touchdown.*

E B Kirk made a similar submission stating that the voluntary procedures should be mandatory.

**CAA response:** CAA agrees and has included (a) and (c) in the rule as requirements on the pilot-in-command. Paragraph (b) is not included as this is an ATC instruction and as such is not in the ambit of this rule which places requirements on the pilot-in-command.



The Residents Against Airport Noise considered that the following provisions should be added—

- (a) a ban on flights over residential areas by Convairs and 747-200's (including those with hush kits) during night hours; and
- (b) a requirement for departures using runway 05 to reach a certain minimum height at the Puhunui Road and Southwestern motorway intersection (the exact height is open to discussion, however, we do believe this will encourage steeper climbs and thereby reduce noise impacts, and is achievable by frequent use of the full runway and a reduction in loading).

**CAA response:** CAA does not agree to this change as these are new proposals and as such fall outside the NPRM process. Paragraph (a) is a curfew on the operations of these aircraft and the CAA is not empowered under the Civil Aviation Act 1990 to prescribe curfews. The paragraph (b) proposal requires further consultation and studies to determine if in fact this would be the case or whether the noise the aircraft noise footprint would in fact increase.

Mount Cook Airlines considered that the noise abatement take-off climb procedures should be applicable to turbo-jet aircraft only.

**CAA response:** CAA agrees and the rule is amended accordingly.

Mount Cook Airlines suggested that in paragraph (b)(3), the applicable DME distance be inserted for abeam McLaughlins mountain as the aircraft may be IMC at that position.

**CAA response:** CAA considered this proposal but found that the closeness of McLaughlins mountain to the DME installation does not provide for an accurate DME reference.

#### 2.4 93.63 Noise abatement area

The New Zealand Defence Force stated that 93.51 and 91.63 are applicable to Auckland International Airport. The text of 93.63, in particular, appears to deal solely with Auckland International Airport, and refers to Appendix A. The diagram at Appendix A, however, includes the greater Auckland noise abatement areas. The diagram at Appendix A does not appear to clearly define the boundary of the Auckland noise abatement area when compared to Appendix B (Wellington). However, the marked area is substantial, and would seem to prevent all operations below 5000 feet by all aircraft types between the two control zones of Auckland and Whenuapai. No provisions such as VFR traffic in between the control zones, transits from Whenuapai to Auckland and return, traffic spotters, police helicopters or SAR activity are included. The wording and diagram may be more restrictive than intended.



We also note that a portion of the Auckland noise abatement area falls within the Whenuapai control zone and NZR8. This would appear to prevent any operations below 5000 feet within part of NZR8 other than take-off-climb or instrument approach. No provision for visual approach to runways 21, 26 or 30 Whenuapai have been included as in the case for runway 23 at Auckland Airport.

Waitakere City Council said that their particular interest is in the Whenuapai and Hobsonville air bases and in this respect Part 93 appears a little confusing. Subpart B refers specifically to Auckland International Airport, but refers to a noise abatement area specified in Appendix A which shows the Whenuapai and Hobsonville air base areas as well as the Auckland International Airport. What is intended? The proposed Waitakere City District Plan contains noise controls specific to Whenuapai and Hobsonville airbases and environs. These are controls which have been specifically requested by the Department of Defence. We assume that such District Plan controls are taken into account when developing Civil Aviation Rules.

**CAA response:** The intention is that the noise abatement area only applies to aircraft using Auckland International Airport. To clarify the matter, 93.51(2) now states "noise abatement procedures for aeroplanes operating in the vicinity of Auckland International Airport for the purpose of landing at or taking off from Auckland International Airport."

### Subpart C – Wellington International Airport

#### 2.5 93.107 Noise abatement procedures

#### 93.109 Departure noise abatement

Wellington International Airport Limited stated that, with respect to 93.107 and 93.109, the procedures contained in CASO 2 and rewritten in 93.107(3) in particular, are not appropriate and have been superseded by guidelines agreed locally by the operators, Airways Corporation of New Zealand, local community and the airport operator. WIAL submitted a rewrite of the two rules to replace the present NPRM text.

**CAA response:** CAA agrees to incorporate the changes on the basis that it has been consulted with and agreed to by affected organisations and in fact is in accordance with the limitations presently prescribed under CASO 2.

Wellington International Airport Limited also stated that 93.107(b)(2) should contain the exception for *descending to land from the airport holding pattern and when operating in accordance with promulgated IFR procedures* that are presently in CASO 2.



**CAA response:** CAA agrees and has included these exceptions in the rule.

WIAL noted that NPRM Part 91 rule 91.125, Operating on or in the vicinity of an aerodrome, states "unless otherwise instructed by ATC, pilots shall comply with an arrival or departure procedure prescribed by the Director under Part 93. The AIP presently has the following published with respect to speed limitations at Wellington Airport–

*"Unless otherwise approved by Wellington Tower, all aircraft are to maintain an approach speed of not more than 210 knots IAS and not less than 90 knots IAS when below 3000 feet AMSL and within 10 nm of Wellington International and above 3000 feet. WIAL are of the view that the minimum speed restriction should be increased to 110 knots and this should be included in Part 93. WIAL continue to believe that this will assist with improving traffic flows given the wide variety of aircraft operating."*

**CAA response:** CAA does not agree to this proposal as the speed control in this instance is for the purpose of traffic management. As well, a number of smaller aeroplanes would not be able to comply with these speed limits and thus not be able to operate at the aerodrome. Any speed control such as this proposal should be advisory only which then provides the flexibility needed for the operation of slower aeroplanes.

WIAL submitted a copy of a local agreement reached with respect to helicopter operations at Wellington Airport which in effect does not allow helicopters to be flown below 1500 feet above the Miramar peninsula or the golf course.

RANAG stated that after years of complaints from irate and anxious residents, the Wellington Airport Standing Committee on Noise, on which they are represented, established various helicopter routes and measured the noise at different sites. Following this a proposal was agreed to and endorsed by the Standing Committee in June 1993. It was found that with a few exceptions, it was possible and desirable for helicopters to comply with the flight paths of fixed wing aircraft as prescribed in CASO 2. RANAG asks that 93.107 be amended to prohibit as far as possible, helicopters flying over residential areas when arriving and departing Wellington Airport.

**CAA response:** CAA agrees to incorporate the changes on the basis that it has been consulted with and agreed to by affected organisations. The change in effect requires helicopters to comply with the same limitations that are applicable to aircraft being to maintain at least 1500 feet QNH over the Wellington noise abatement area which includes the Miramar peninsula.

## Subpart D – Christchurch International Airport

2.6 93.153 General rules – Christchurch control zone



The Mid Canterbury Aero Club stated that traditionally they have included both dual and solo flights into Christchurch Airport as part of the cross-country training syllabus for its trainee pilots. The Club is concerned that the proposed rule would prevent the Club from continuing to include a solo cross-country into Christchurch Airport in its training syllabus and proposes a rule amendment to allow for this activity.

**CAA response:** CAA has reviewed this rule and has determined that this rule is not applicable to Christchurch airport. This was not a requirement under CASO 2 and unlike the other two aerodromes which have such a limitation, Christchurch Airport has a separate landing area for use by small training aircraft.

### Subpart F – Matamata Aerodrome

#### 2.7 93.225 Operation of gliders

Three commenters stated that the restriction in paragraph (2) that the launch occurs between 8 am and 30 minutes before evening civil twilight is unreasonable. They consider that glider operations should be at any time during the day and this was agreed to by the CAA some time in the past and the AIP amended accordingly.

**CAA response:** The CAA agrees and has amended the rule accordingly.

Two commenters considered that paragraph (5) is confusing as written. One commenter suggested that the wording should be similar to that presently contained in the AIP. The other commenter suggested that it be separated into two sub-clauses one describing the runway separation and the other the displaced threshold. The same commenter suggested that clarification is needed if the displaced threshold is still needed.

**CAA response:** CAA agrees and has amended the rule as suggested.

Three commenters stated that the restrictions during parachute descents in paragraph (8) are more restrictive than the present practices as specified in the AIP. The Matamata Users committee adopted the present practice some 15 years ago without any problems and the three commenters recommend that paragraph (8) be deleted.

**CAA response:** CAA agrees and has deleted this paragraph.

### Subpart G – Ardmore Aerodrome

#### 2.8 93.303 Aerodrome traffic circuit



Ardmore Airport Limited submitted an amendment to paragraph (a) by adding in (a)(1) "or 1300 feet QNH by night unless authorised by ATC" and in (a)(2) "or 1000 feet QNH by night".

**CAA response:** CAA agrees and has incorporated this change on the basis that it provides for the vertical separation of aeroplane and helicopter circuits by night.

Ardmore Airport Limited submitted a further amendment by the addition of paragraph (d) to say "*Night training is not permitted after 2200 NZST or 2300 NZDT.*"

**CAA response:** CAA does not agree as this is a curfew on the use of airspace and the CAA is not empowered under the Civil Aviation Act 1990 to prescribe curfews. The aerodrome operator determines the usage of the aerodrome and as such can make this statement in the AIP as an advisory otherwise the restriction could be made under the provisions of the Resource Management Act.

## 2.9 93.305 Restrictions on use of TALO and runways

Ardmore Airport Limited submitted an amendment to delete paragraph (b) and replace with "This is a permitted air traffic control separation or if the aerodrome is unattended is already not permitted by procedures in AIR OPS 5 Page 38.

**CAA response:** CAA agrees and has deleted this paragraph as it is an aerodrome design limitation. CAA does not agree to replace it as suggested as this is a limitation on the use of the aerodrome which should be promulgated as such by the aerodrome operator.

## 2.10 Appendix 1

The Airways Corporation of New Zealand Limited asked if there is a need for this Appendix as the information is contained in the aerodrome charts of the IFG and VFG where it is more accessible by the operators.

If it must be promulgated in Part 93, the entry relating to HB be amended to read "05" and the entry relating to WP be amended to read "12,21, and grass 26".

**CAA response:** There is a need for this Appendix as the promulgation of circuit direction in the AIP is itself not a rule. The promulgation in the AIP will continue based on this rule.

The New Zealand Defence Force noted that some amendment needed for Whenuapai and Hobsonville. At Whenuapai, runways 08, 12, 21 and grass vector 26 are right hand. At Hobsonville, runways 05, 10 and 14 are right hand. We also propose that the words "right hand circuits" be added to the end of the sentence for explanatory purposes. The title of the Appendix could also have "right hand" added for clarification.



**CAA response:** The amendments are accepted and the rule so amended.

The commenters identified a number of other required corrections relating to circuit directions at a number of aerodromes.

**CAA response:** CAA has accepted the corrections that are required and has amended the rule accordingly.

#### **2.11 Appendix D and E**

Mount Cook Airlines stated that these Appendices should refer to turbo-jet aircraft only.

**CAA response:** CAA agrees and has amended the rule accordingly.

### **Regulatory activities**

Part 93 replaces regulations 91, 184, and 188 of the Civil Aviation Regulations 1953. It also replaces Civil Aviation Safety Order No 2.

### **Conclusion**

The Authority concludes from this consultation that the aviation industry participants favour the direction of the new rules. The rules also meet New Zealand's international obligations under the applicable ICAO Annex. The comments and all background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1170.

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CIVIL AVIATION AUTHORITY  
OF NEW ZEALAND

4/23/1170 EE

14 December 1995

P-3/b)2/93

Peter Davey  
Co-ordinator Aviation Policy  
Ministry of Transport  
PO Box 3175  
WELLINGTON

Dear Sir

### Notice of Intention to Present Draft CAR for Industry Informal Consultation

This is to advise you of our intention to present CAR Part 93, Special traffic and Aerodrome Traffic Rules, for informal consultation with the aviation industry consultative group and local government authorities.

A submission was made to the CAA Project Steering Group (PSG) on 8 November 1995 stating the objectives as follows:

- to establish special traffic and aerodrome circuit traffic rules where the standard rules prescribed in Part 91 are inadequate for the safe and effective use of airspace in the vicinity of certain aerodromes.

The PSG agreed to the submission appointing a Technical Study Group to assist the writer, E Evans Specialist Flight Operations.

The draft rule aims to replace the present legislation contained in Civil Aviation Safety Order Number 2 with the exception of the noise abatement procedures and aerodrome curfew at some aerodromes.

The rule does not introduce any significant changes to the present special traffic and aerodrome traffic rules specified in CASO 2.

You will receive a copy of draft CAR Part 93 in due course.

Yours faithfully

Emrys Evans  
Specialist Flight Operations







CIVIL AVIATION AUTHORITY  
OF NEW ZEALAND

*Peter Doney*

4/23/1170 EE

5 December 1995

## Civil Aviation Rule Review Groups

Dear Sir

### Civil Aviation Rules - Part 93 Special Traffic and Aerodrome Traffic Rules

Please find enclosed a copy of the informal draft of Rule Part 93, Special Traffic and Aerodrome Traffic Rules.

This document is being circulated to all those persons who have expressed a wish to be consulted in the early stages of the rule making process. It is also being circulated to other organisations and persons, such as local government authorities, who are involved in the provisions of the rule.

#### Summary

The authority for making Part 93 is found in section 29(b) and (c) of the Civil Aviation Act 1990.

The draft rule aims to replace the provisions of Civil Aviation Safety Order 2 (CASO2) by prescribing special traffic and aerodrome traffic rules at certain aerodromes and prescribing right hand circuit patterns at certain aerodromes.

The objective of this Part is to establish special traffic and aerodrome circuit traffic rules where the standard rules prescribed in Part 91 are inappropriate for the safe and effective use of airspace in the vicinity of certain aerodromes:

#### Principal changes

There are no significant changes introduced by this rule with regard to the special traffic and aerodrome traffic rules contained in CASO 2. The right hand circuit patterns at certain aerodromes as promulgated in the Aeronautical Information Publication are also contained in Part 93.

The noise abatement rules and curfews at certain aerodromes presently prescribed in CASO 2 are not incorporated in this rule and will be revoked on 28 November 1996.

Noise abatement is not a safety issue and is therefore beyond the current rule making power contained in section 29. There is currently an amendment proposed to the Civil Aviation Act that broadens the Minister's rule making powers regarding airspace classification and designation of special use, restricted and prohibited areas of airspace. Although this proposed amendment empowers the Minister to make rules regarding airspace for any reason in the public interest, the





policy of the Civil Aviation Authority is not to make rules to specifically regulate aircraft noise at aerodromes. This issue is more appropriately addressed under the provisions of the Resource Management Act (RMA). The Authority will however take environmental considerations into account wherever possible when prescribing procedures for aircraft approaching or departing aerodromes.

### Consultation

Your comments and suggestions on the draft rule will be welcome and should be addressed to me to reach the address below by 29 March 1996.

Groups or individuals wishing to have further discussion or consultation about the draft rule should contact me to arrange a meeting at a venue of your choice.

All comments and suggestions will be given careful consideration for inclusion in the Notice of Proposed Rulemaking (NPRM) which is the formal consultation process.

All comments will be filed, and available for public access if required, on the 1170 Docket file.

The NPRM is scheduled for publication in June 1996.

Comments should be addressed to:

Mr Emrys Evans  
Specialist Flight Operations  
Civil Aviation Authority of New Zealand  
P.O. Box 31441  
Lower Hutt 6315

Comments may also be submitted by E-mail to [eavanse@caa.govt.nz](mailto:eavanse@caa.govt.nz)

Telephone 0-4-5600 516 (Direct line)

Please quote reference: Docket No. 1170-NR

Yours faithfully



Emrys Evans  
Specialist Flight Operations



# Civil Aviation Rules

## Part 93

### Special Traffic and Aerodrome Traffic Rules

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#### Appendix C – Aerodrome Traffic Circuit and Restrictions



## Subpart A – General

### 93.1 *Applicability*

This Part prescribes—

- (1) special air traffic and aerodrome traffic rules in addition to the air traffic and aerodrome traffic rules prescribed in Part 91; and
- (2) exceptions from the air traffic and aerodrome traffic rules prescribed in Part 91.

### 93.3 *Definitions*

TALO means a touchdown and lift-off area located at a heliport.

## Subpart B – Auckland International Airport

### 93.51 *Applicability*

This Subpart prescribes special air traffic and aerodrome traffic rules for aircraft operating in the—

- (1) Auckland control zone; and
- (2) Auckland aerodrome traffic circuit.

### 93.53 *General Rules: Auckland control zone*

Each pilot operating an aircraft in the Auckland control zone shall—

- (1) be the holder of a pilot licence issued under Part 61; and
- (2) obtain an air traffic control service clearance; and
- (3) unless otherwise authorised by air traffic control service, establish and maintain two-way radio communications with the air traffic control service.

### 93.55 *Aerodrome traffic circuit: Auckland Airport*

Notwithstanding 91.123, or unless otherwise authorised by the air traffic control service, each pilot operating an aircraft shall, when using runway 05, conduct a right-hand-traffic circuit pattern.



**93.57 Restrictions on flight training**

No pilot shall conduct flight instruction in the traffic circuit unless—

- (1) prior authorisation has been given by the air traffic control service; and
- (2) the aircraft flown is—
  - (i) operated by the holder of an air operator certificate issued under Part 119; or
  - (ii) operated by the New Zealand Defence Force; or
  - (iii) engaged in IFR training or practice for the issue or extension of an instrument rating, or
  - (iv) a multi-engined aircraft.

**Subpart C – Wellington International Airport****93.101 Applicability**

This Subpart prescribes special air traffic and aerodrome traffic rules for aircraft operating in the—

- (1) Wellington control zone; and
- (2) Wellington aerodrome traffic circuit.

**93.103 General Rules: Wellington control zone**

- (a) No pilot shall operate an aircraft in the Wellington control zone unless they are—
  - (1) the holder of a pilot licence issued under Part 61; or
  - (2) authorised to do so by the chief flying instructor of a pilot-training organisation based on the aerodrome.
- (b) Each pilot operating an aircraft in the Wellington control zone shall—
  - (1) obtain an air traffic control service clearance; and
  - (2) establish and maintain two-way radio communications with the air traffic control service.



(c) Notwithstanding paragraph (b)(2), a pilot may operate an aircraft without maintaining two-way communications if—

- (1) the purpose of the flight is for maintenance of the aircraft at the aerodrome and—
  - (i) the flight originates from Omaka, Paraparaumu or Masterton aerodrome; and
  - (ii) clearance and instructions have been received from the air traffic control service prior to take-off from one of the aerodromes prescribed in paragraph (i); or
- (2) the purpose of the flight is to conduct agricultural operations and prior authorisation has been received from the air traffic control service.

### **93.105 Aerodrome traffic circuit: Wellington Airport**

Notwithstanding 91.123, or unless otherwise authorised by the air traffic control service, each pilot operating an aircraft in the aerodrome traffic circuit shall, when using runway 34, conduct a right-hand-traffic circuit pattern.

## **Subpart D – Christchurch Airport**

### **93.151 Applicability**

This Subpart prescribes special air traffic and aerodrome traffic rules for aircraft operating in the—

- (1) Christchurch control zone; and
- (2) Christchurch aerodrome traffic circuit.

### **93.153 General Rules: Christchurch control zone**

- (a) Each pilot operating an aircraft in the Christchurch control zone shall—
  - (1) obtain an air traffic control service clearance; and
  - (2) establish and maintain two-way radio communications with the air traffic control service.
- (b) Notwithstanding paragraph (a)(2), a pilot may operate an aircraft without maintaining two-way communications if—
  - (1) the purpose of the flight is for maintenance of the aircraft at the aerodrome and—
    - (i) the flight originates from Ashburton or Rangiora aerodrome; and
    - (ii) clearance and instructions have been received from the air traffic control service prior to take-off from one of the aerodromes prescribed in paragraph (i); or
  - (2) the purpose of the flight is to conduct agricultural operations and prior authorisation has been received from the air traffic control service.



**93.155 Aerodrome traffic circuit**

(a) Notwithstanding 91.123, and unless otherwise authorised by the air traffic control service, each pilot operating an aircraft shall conduct a right-hand-traffic circuit pattern when using—

- (1) paved runway 20; and
- (2) grass runway 20; and
- (3) paved runway 29.

(b) Each pilot operating an aircraft shall—

- (1) circuit at 900 feet QNH when using grass runways; and
- (2) circuit at not less than 1400 feet QNH when using paved runways; and
- (3) maintain an approach speed of at least 90 knots above 400 feet QNH when approaching to land on a paved runway.

**Subpart E — Paraparaumu Aerodrome****93.201 Applicability**

This Subpart prescribes special air traffic and aerodrome traffic rules for aircraft operating at, or in the vicinity of, Paraparaumu aerodrome.

**93.203 Use of Runways**

(a) Each pilot operating an aeroplane shall, when an aerodrome flight service is not in attendance, take-off and land—

- (1) on runways 34 or 16 when the crosswind component is 10 knots or less; and
- (2) when gliding operations are in progress, on paved runways.

(b) Each pilot operating a glider, an aeroplane that is equipped with a tail skid, or an aeroplane engaged in glider towing, shall use grass runways for take-off and landings.



**93.205 Aerodrome traffic circuit**

Notwithstanding 91.123, each pilot operating an aircraft shall conduct a right-hand-traffic circuit pattern when using—

- (1) grass runway 11; and
- (2) paved runway 16; and
- (3) paved runway 29; and
- (4) grass runway 34.

**Subpart F – Matamata Aerodrome****93.251 Applicability**

This Subpart prescribes special air traffic, and aerodrome traffic, rules for aircraft operating at or in the vicinity of Matamata aerodrome.

**93.253 Aerodrome traffic circuit**

Notwithstanding 91.123, each pilot operating an aircraft shall conduct a right-hand-traffic circuit pattern when using—

- (1) runway 11; or
- (2) runway 22.

**93.255 Operation of Gliders**

A pilot operating a glider shall not launch by winch unless—

- (1) the winch is positioned to the Northern side of runway 11 and 29; and
- (2) the launch occurs between 8 am and 30 minutes before evening civil twilight local time; and
- (3) the crosswind component on the runway in use is less than 15 knots; and
- (4) the launch is under the direct supervision of a glider instructor authorised by the holder of an aviation recreation organisation certificate; and
- (5) a row of cone markers are positioned along the centreline of runway 11 and 29 and to indicate a displaced landing threshold of 130 m on runway 29; and
- (6) the winch is equipped with a flashing amber light and that light is operating; and
- (7) the winch launch can be conducted without conflict with the pattern of traffic formed by other aircraft; and
- (8) there are no parachute descents being performed onto the aerodrome.



## Subpart G — Ardmore Aerodrome

### 93.301 *Applicability*

This Subpart prescribes special air traffic, and aerodrome traffic, rules for aircraft operating at or in the vicinity of Ardmore aerodrome.

### 93.303 *Aerodrome traffic circuit*

(a) Each pilot operating an aircraft in the circuit, unless otherwise authorised by air traffic control service, shall conduct a circuit pattern at—

- (1) for aeroplanes, not less than 1100 feet QNH; and
- (2) for helicopters, not above 800 feet QNH.

(b) Notwithstanding 91.123, and unless otherwise authorised by the air traffic control service, each pilot operating an aircraft shall conduct a right-hand-traffic circuit pattern when using—

- (1) paved runway 03; and
- (2) grass runway 03; and
- (3) paved runway 07; and
- (4) grass runway 07.

(c) Each person operating a helicopter using a TALO shall conduct—

- (1) right-hand circuits using the Western TALO when runway 03 is in use; and
- (2) left-hand circuits using the Western TALO when runway 21 is in use; and
- (3) right-hand circuits using the Eastern TALO when runway 07 is in use; and
- (4) left-hand circuits using the Eastern TALO when runway 25 is in use.
- (5) a circuit pattern to keep clear of the aeroplane flight paths when runway 03 or 21 is in use.



**93.305 Restrictions on use of TALO and runways**

(a) A pilot operating a helicopter, unless otherwise authorised by the air traffic control service, shall—

- (1) not use the eastern TALO when runways 03 or 21 are in use; and
- (2) not use the western TALO when runways 07 or 25 are in use.

(b) A pilot operating an aeroplane in excess of 2300 kg MCTOW shall not conduct a take-off or a landing—

- (1) on grass or paved runways 03 or 21 when another aeroplane is conducting a take-off or landing on either runway; or
- (2) on grass or paved runways 07 or 25 when another aeroplane is conducting a take-off or landing on either runway.

**93.307 Speed Restrictions**

A pilot of an aeroplane operating in the Ardmore control zone shall—

- (1) not exceed 120 knots indicated airspeed unless a higher airspeed is required as the minimum safe speed for the aeroplane type; and
- (2) maintain an approach speed not less than 70 knots indicated airspeed above 500 feet QNH.

**Subpart G — Dunedin Aerodrome****93.351 Applicability**

This Subpart prescribes special air traffic, and aerodrome traffic, rules for aircraft operating at or in the—

- (1) Dunedin control zone; and
- (2) Dunedin aerodrome traffic circuit.

**93.353 General Rules: Dunedin control zone**

(a) Each pilot operating an aircraft in the Dunedin control zone shall—

- (1) obtain an air traffic control service clearance; and
- (2) establish and maintain two-way radio communications with the air traffic control service.

(b) Notwithstanding paragraph (a)(2), a pilot may operate an aircraft without maintaining two-way communications if—

- (1) the flight originates from Taieri aerodrome and clearance and instructions have been received from the air traffic control service prior to take-off; or
- (2) the purpose of the flight is to conduct agricultural operations and prior authorisation has been received from the air traffic control service.



**93.355 Aerodrome traffic circuit**

(a) Notwithstanding 91.123, and unless otherwise authorised by the air traffic control service, each pilot operating an aircraft shall conduct a right-hand-traffic circuit pattern when using runway 21.

**Subpart G — Other Aerodromes****93.401 Aerodrome traffic circuit**

Each pilot operating an aircraft landing at or taking-off from a runway at an aerodrome listed in Appendix C of this Part shall—

- (1) unless otherwise authorised by air traffic control service, conduct a right-hand-traffic circuit pattern; and
- (2) comply with any restriction on the use of a runway.

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## Appendix C — Aerodrome Traffic Circuit and Restrictions

The following table lists the aerodromes and runways to which 93.401 applies.

Aerodrome	Runway
Alexandria	14
Balclutha	07
Coromandel	All
Cromwell Racecourse	36
Cronadun	19
Dannevirke	01, 08 and 02
Dargaville	04
Fielding	28
Gisborne	09, 14, 21 and 32 grass
Glenorchy	14
Glentanner	33
Great Barrier	28
Greymouth	19 and 20
Hastings	19 and 29
Hobsonville	01 and 14
Hokitika	13 and 22
Invercargill	12, 22 and 25
Kaipara Flats	07
Masterton	10, 24 East and 06
Murchison	31
Napier	34 grass
Nelson	17 and 20
New Plymouth	23 and 32
Oamaru	18, 20, 29, 02, 36 and 11



Ohakea	09
Okiwi Station	18
Omarama	27
Opotiki	09
Palmerston North	25
Paraparaumu	16, 29 paved, 34 grass and 11 grass
Pauanui Beach	23
Pikes Point	07 and 04
Pine Park	27
Pudding Hill	11
Pukaki	33
Queenstown	23 and 32
Rangiora	10, 22 and 25
Reeve	35
Rotorua	19
Ryan's Creek	04
Stratford	16 and 27
Taharoa	15
Taieri	23 and 29
Taihape	All
Takaka	30
Taumararui	01
Taupo	18 and 11
Tauranga	03, 07 and 34
Te Anau	34
Thames	05 and 11
Tokoroa	31



Turangi	20
Waihi Beach	13
Waipukurau	18 and 20
Wanaka	29
Wanganui	08, 11 and 14
Westport	22
Whakatane	09
Whangarei	06 and 14
Whenuapai	12 and 21
Whitianga	04 and 34
Wigram	03 and 13
Woodbourne	25 and 28

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AVIATION HOUSE, 1 MARKET GROVE  
PO BOX 31441, LOWER HUTT 6315  
NEW ZEALAND TELEPHONE: +64-4-560 9400  
FAX: +64-4-569 2024 docket@caa.govt.nz



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# Civil Aviation Rules Register

NPRM 96-9

## Civil Aviation Rules

Part 93

Special Aerodrome Traffic Rules  
and Noise Abatement Procedures;  
Proposed Rules

Docket 1170





## CIVIL AVIATION AUTHORITY OF NEW ZEALAND

Civil Aviation Rules Part 93

Docket Number 1170

### Special Aerodrome Traffic Rules and Aerodrome Noise Abatement Procedures

**ACTION:** Notice of proposed Rule making (NPRM)

#### **Aim**

The aims of the new rules are —

- (a) To establish an environment where the participants in the civil aviation system assume responsibility for their safety actions; and
- (b) to remove excessive costs of compliance from the New Zealand civil aviation system; and
- (c) to provide for the reduction of international barriers relating to the acceptance of civil aviation products, services, and personnel; and
- (d) to allow the Civil Aviation Authority's intervention in the civil aviation system to be reduced to the appropriate level, through all or any of the following —
  - (i) a reduction in unnecessary regulatory requirements
  - (ii) the introduction of management systems including Quality Assurance (Self Review);
  - (iii) the devolution of State functions and powers;
  - (iv) the granting of wider privileges.

#### **Purpose**

The purpose of Part 93 is to establish—

- (a) Special aerodrome traffic rules where the rules prescribed in Part 91 are inappropriate for the safe and effective use of airspace in the vicinity of certain aerodromes; and
- (b) noise abatement procedures in the vicinity of certain aerodromes.



## Summary

This notice proposes new rules to replace the current special air traffic and aerodrome traffic rules prescribed under Civil Aviation Safety Order No 2 (CASO2) under the authority of Regulations 90A, 91, 93, and 188 of the Civil Aviation Regulations 1953.

## Dates

Comments must be received before 19 July 1996.

## Addresses:

Comments on this notice should be mailed in triplicate to:

Civil Aviation Authority,  
PO Box 31441,  
Lower Hutt 6315,  
Attention: Docket Clerk (Docket 1170).

Comments delivered must be delivered to

1 Market Grove,  
Lower Hutt

and be marked Docket Nr. 1170. Comments may also be submitted by e-mail to [hall@caa.govt.nz](mailto:hall@caa.govt.nz)

Commenters should note that any personal information, as defined in the Privacy Act 1993, attached to comments will become part of the docket file and will be available to the public for examination at Aviation House.

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

### For further information contact:

Emrys Evans Civil Aviation Authority, telephone 0-4-560 9516 or [evanse@caa.govt.nz](mailto:evanse@caa.govt.nz)

## Supplementary information:

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may wish. Commenters should identify the docket number and submit comments, in triplicate, to the address specified above. All comments will be considered before action on the proposed rule making is taken. The proposal in this notice may be changed having regard to the comments received.

All comments will be available in the rules' docket for examination by interested persons both before and after the closing date for comments. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making will be filed in the docket.

## Noise abatement departure profile – Procedure D

(a) Aeroplanes required under 93.59 to comply with procedure D shall—

(1) from take-off to an altitude of not less than 800 feet above aerodrome elevation—

- (i) use take-off power; and
- (ii) use takeoff flap; and
- (iii) climb at  $V_2$  plus 10 to 20 knots.

(2) at or above 800 feet—

- (i) initiate flaps and/or slats retraction; and
- (ii) reduce thrust by manual throttle reduction or by automatic means; and
- (iii) for aeroplanes not equipped with an operating automatic thrust restoration system, achieve and maintain not less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, the take-off flight path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
- (iv) for aeroplanes equipped with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, a take-off path engine inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at least, restore sufficient thrust to maintain the take-off path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
- (v) during the thrust reduction, co-ordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay no more than 5 knots below the all engine target climb speed and, in no case, to less than  $V_2$  for the aeroplane configuration; and
- (vi) maintain the speed and thrust requirements specified in (i) through (iv) to the higher of 3000 feet above the aerodrome elevation, or until the aeroplane has been fully transitioned to the en-route climb configuration, then transition to normal en-route climb procedures.



The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 29(c) of the Act allows the Minister to make general operating rules, air traffic rules, and flight rules. Part 93 specifies such rules. The Act does not presently authorise rule making for noise abatement. However, a Civil Aviation Reform Bill presently under consideration may empower such rules and the noise abatement rules in this NPRM are dependant on such an authority. If this authority is not provided for in the Act, the noise abatement rules in Part 93 will be withdrawn.

### CAR Part 93 – Special Aerodrome Traffic Rules

Part 93 is based on the provisions currently contained in CASO 2. These provisions have been changed as follows:

*To harmonise with Part 91:* Part 91 makes provision for ATC to authorise aircraft operations within control zones without maintaining two way radio communications. Provisions for NORDO operations contained in CASO 2 are therefore not required in Part 93 as ATC can authorise such operations as traffic permits under Part 91.

*Kopter and Victor lanes to be covered by Part 71:* The exceptions applicable to aircraft operating in Kopter and Victor lanes will be continued under the transition provisions until such time as they are properly designated as different airspace under Part 71, Designation of Airspace.

*Noise abatement procedures:* The noise abatement rules are more restricted than those contained in CASO 2. The definition in Part 93 of *aerodrome noise abatement procedure* is restricted to inflight procedures prescribed for the purpose of abatement of noise within the vicinity of an aerodrome. The restricted scope of noise abatement procedures under this Part leaves all noise abatement procedures not relying on airspace or aircraft operating rules, such as curfews, to the jurisdiction of the Resource Management Act.

Part 93 creates an option for compliance with departure noise abatement procedures from Auckland International Airport. Instead of the ICAO noise abatement take-off climb procedures A and B required in CASO 2, operators may opt to comply with departure noise abatement procedures based on the FAA noise abatement departure profile procedures contained in FAA AC91-53A. These are specified in Appendix D to Part 93.

*Right hand circuits:* Rule 93.351 and Appendix C prescribe right hand circuits for runways at certain aerodromes. Regulation 91(2)(a)(i) of the Civil Aviation Regulations 1953 currently authorises the Director to prescribe these exceptions to the normal left hand circuit rule and promulgate them in the NZAIP. Under the new rules system these requirements must be prescribed in the rules but the information will continue to be promulgated in the NZAIP.

Other changes to the provisions in CASO 2 have been made to clarify the intent of, and to update those provisions where necessary.

Tauranga	Powered aircraft— Paved: 07 Grass: 03, 07, and 34 Gliders and glider towing aircraft— Grass: 21
Te Anau	34
Thames	05 and 11
Tokoroa	31
Turangi	20
Waihi Beach	13
Waipukurau	18 and 20
Wanaka	29
Wanganui	08, 11, and 14
Westport	22
Whakatane	09
Whangarei	06 and 14
Whenuapai	12 and 21
Whitianga	04 and 34
Wigram	03 and 13
Woodbourne	25 and 28



The existing legislation regulating aerodrome traffic rules and noise abatement procedures are:

Civil Aviation Regulations 1953: Regulations 90A, 91, 93 & 188

Civil Aviation Safety Order No 2.

Regulations will be introduced under section 100 of the Civil Aviation Act 1990 prescribing those breaches of the new rules that constitute offences and infringement offences against the Act. They will prescribe the penalty or infringement fee, as the case may be, for such breaches.

## Appendix C — Aerodrome Traffic Circuit and Restrictions

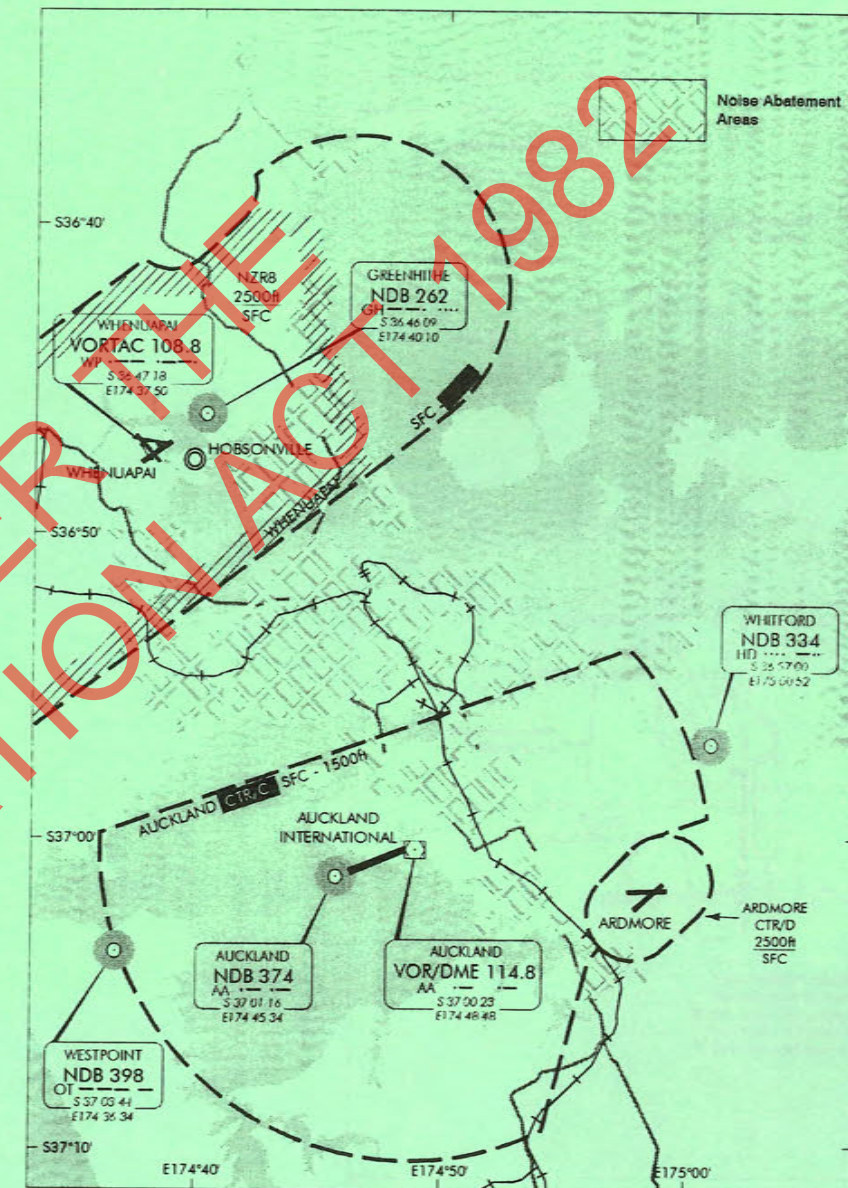
The following table lists the aerodromes and runways to which 93.351 applies.

Aerodrome	Runway
Alexandria	14
Balclutha	07
Coromandel	All
Cromwell Racecourse	36
Cronadun	19
Dannevirke	01, 08, and 02
Dargaville	04
Dunedin	21
Fielding	28
Gisborne	Paved: 14 Grass: 09, 21 and 32
Glenorchy	14
Glentanner	33
Great Barrier	28
Greymouth	19 and 20
Hastings	19 and 29
Hobsonville	01 and 14
Hokitika	13 and 22
Invercargill	12, 22, and 25
Kaipara Flats	07
Masterton	10, 24 East, and 06
Murchison	31
Napier	34 grass
Nelson	17 and 20



**Appendix A — Auckland Noise Abatement Area****Appendix B — Wellington Aerodrome Traffic Circuit and Noise Abatement Area****Appendix C — Aerodrome Traffic Circuit and Restrictions****Appendix D — Noise Abatement Departure Profiles**

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**Appendix A — Auckland Noise Abatement Area**



**93.59 Departure noise abatement procedures**

- (a) Each pilot-in-command of an aeroplane shall—
- (1) on departure from runway 23, comply with—
    - (i) the ICAO noise abatement take-off climb – Procedure A or B, defined in ICAO Doc 8168-OPS-611, Volume 1, Part V, Chapter 3; or
    - (ii) the noise abatement departure profile – Procedure C or D, as specified in Appendix D; and
  - (2) on departure from runway 05, comply with—
    - (i) the ICAO noise abatement take-off climb – Procedure B defined in ICAO Doc 8168-OPS-611, Volume 1, Part V, Chapter 3; or
    - (ii) the noise abatement departure profile — Procedure C, as specified in Appendix D.
- (b) Each pilot-in-command of an aeroplane on departure from runway 05 shall climb on the extended runway centreline to—
- (1) at least 2700 feet QNH prior to turning left; or
  - (2) at least 2000 feet QNH prior to turning right; or
  - (3) at least 500 feet QNH and at a position abeam McLaughlins Mountain (cone shaped hill with water tower and aeronautical ground light occulting red 2.0 sec, 250 ft AMSL) prior to turning left at an angle of bank not less than 15° and to change direction not less than 90°.
- (c) Each pilot-in-command of an aeroplane on departure from runway 23 shall climb on the extended runway centreline to—
- (1) at least 500 feet QNH prior to turning left, or
  - (2) at least 3000 feet QNH prior to turning right.

**93.61 Approach noise abatement procedures**

Each pilot-in-command of an aeroplane arriving from north of the extended centre line, on a visual approach to runway 23 shall plan their descent from 5000 feet QNH to join the extended centre line of runway 23 at a height not below 2000 feet QNH.

**93.63 Noise abatement area**

Except when operating in accordance with an instrument approach procedure, or during take-off climb, or during a visual approach to runway 23, a pilot-in-command of an aircraft shall not operate over the Auckland noise abatement areas specified in Appendix A at an altitude of less than 5000 feet QNH.

- (5) a row of cone markers are positioned along the centreline of runway 11 and 29 to indicate a displaced landing threshold of 130 m on runway 29; and
- (6) the winch is equipped with a flashing amber light and that light is activated and functioning; and
- (7) the winch launch can be conducted without conflict with other aerodrome traffic; and
- (8) parachute descents are not being performed onto the aerodrome at, or within 15 minutes after, the time of launch.

**Subpart G — Ardmore Aerodrome****93.301 Applicability**

This Subpart prescribes special rules for aerodrome traffic operating at Ardmore aerodrome in the—

- (1) control zone designated under Part 71; and
- (2) aerodrome traffic circuit.

**93.303 Aerodrome traffic circuit**

(a) Each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct that part of the aerodrome traffic circuit where the aircraft is not climbing after take-off or descending to land—

- (1) for aeroplanes, at or above an altitude of 1100 feet QNH; and
- (2) for helicopters, at or below an altitude of 800 feet QNH.

(b) Notwithstanding 91.125, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) paved runway 03; and
- (2) grass runway 03; and
- (3) paved runway 07; and
- (4) grass runway 07.



- (3) when operating a helicopter approaching to land at, or departing from, Wellington International Airport, if—
  - (i) the approach or departure is made over the Miramar peninsula south of a line joining Point Dorset and the Miramar golf course; and
  - (ii) the pilot-in-command flies at an altitude of not less than 500 feet QNH over the Miramar golf course; and
  - (iii) on departure, the pilot-in-command continues to climb to not less than 1500 feet QNH.

### 93.109 Departure noise abatement

- (a) Each pilot-in-command of an aircraft on departure from runway 34 shall climb between the centre and eastern side of Evans Bay to—
  - (1) 1000 feet QNH prior to turning by visual reference to the right; or
  - (2) 1500 feet QNH prior to turning by visual reference to the left; or
  - (3) a height for commencing a turn in accordance with an ATC IFR clearance; or
  - (4) a height for commencing a turn in accordance with a prescribed standard IFR departure procedure.

## Subpart D — Christchurch International Airport

### 93.151 Applicability

This Subpart prescribes special rules for aircraft operating in the control zone designated under Part 71 for Christchurch International Airport.

### 93.153 General Rules — Christchurch control zone

- (a) Each pilot-in-command of an aircraft operating under VFR in the control zone shall be—
  - (1) the holder of a current pilot licence; or
  - (2) authorised by the chief flying instructor of a pilot-training organisation based on the aerodrome.

### 93.155 Aerodrome traffic circuit

- (a) Notwithstanding 91.125, each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—
  - (1) paved runway 20; and
  - (2) grass runway 20; and
  - (3) paved runway 29.

- (b) Each pilot-in-command of an aircraft shall, unless otherwise authorised by ATC, conduct that part of the aerodrome traffic circuit where the aircraft is not climbing after take-off or descending to land—
  - (1) at or below an altitude of 900 feet QNH when landing at or taking off from grass runways; and
  - (2) at or above an altitude of 1400 feet QNH when landing at or taking off from paved runways.

## Subpart E — Paraparaumu Aerodrome

### 93.201 Applicability

This Subpart prescribes special rules and noise abatement procedures for aerodrome traffic operating at Paraparaumu aerodrome.

### 93.203 Use of Runways

- (a) Except as provided in paragraph (b), each pilot-in-command of an aeroplane shall land at or take-off from paved or grass runways 34 or 16 when—
  - (1) an aerodrome flight information service is in attendance; and
  - (2) the crosswind component on those runways is 10 knots or less.
- (b) A pilot-in-command of an aeroplane may land at or take-off from paved or grass runway 11 or 29 for the purpose of crosswind training if—
  - (1) an aerodrome flight information service is in attendance; and
  - (2) the crosswind component on runways 34 or 16 is 10 knots or less.
- (c) Except as provided in paragraph (d), each pilot-in-command of an aeroplane shall land at or take off from paved runways when—
  - (1) an aerodrome flight information service is not in attendance; and
  - (2) gliding operations are in progress.
- (d) Each pilot-in-command of a glider, an aeroplane that is equipped with a tail skid, or an aeroplane engaged in glider towing, shall land at or take off from grass runways.

### 93.205 Aerodrome traffic circuit

Notwithstanding 91.125, each pilot-in-command of an aircraft shall conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) grass runway 11; and
- (2) paved runway 16; and
- (3) paved runway 29; and
- (4) grass runway 34.



**93.207 Noise Abatement Procedures**

- (a) Each pilot-in-command of an aeroplane shall—
- (1) commence take-off from the threshold of the runway to be used; and
  - (2) climb to 500 feet QNH prior to commencing a turn, unless the aeroplane is towing a glider and—
    - (i) a turn is required to clear an obstruction; or
    - (ii) a turn is required to avoid flying over residential areas; and
  - (3) if operating under VFR, conduct that part of the aerodrome traffic circuit where the aeroplane is not climbing after take off or descending to land, at an altitude of at least 1000 feet QNH, unless a lower height is required to maintain distance from cloud; and
  - (4) when approaching to land on a paved runway, not descend below 50 feet until the aeroplane is over the displaced landing threshold.
- (b) Each pilot-in-command of a helicopter shall ensure approach and take-off flight paths do not descend below 500 feet AGL—
- (1) over any residential area; and
  - (2) unless south of Kapiti Road.

**Subpart F – Matamata Aerodrome****93.251 Applicability**

This Subpart prescribes special rules for aerodrome traffic at Matamata aerodrome.

**93.253 Aerodrome traffic circuit**

Notwithstanding 91.125, each pilot-in-command of an aircraft shall conduct a right-hand aerodrome traffic circuit when landing at or taking-off from—

- (1) runway 11; or
- (2) runway 22.

**93.255 Operation of Gliders**

A pilot-in-command of a glider shall not launch by winch unless—

- (1) the winch is positioned to the Northern side of runway 11 and 29; and
- (2) the launch occurs between 8 am and 30 minutes before evening civil twilight local time; and
- (3) the crosswind component on the runway in use is less than 15 knots; and
- (4) the launch is under the direct supervision of a glider instructor authorised by the holder of an aviation recreation organisation certificate; and

**Subpart C – Wellington International Airport****93.101 Applicability**

This Subpart prescribes—

- (1) special rules for aircraft operating in the control zone designated under Part 71 for Wellington International Airport; and
- (2) noise abatement procedures for aircraft operating in the vicinity of Wellington International Airport.

**93.103 General rules – Wellington control zone**

- (a) Each pilot-in-command of an aircraft operating under VFR in the control zone shall be—
- (1) the holder of a current pilot licence; or
  - (2) authorised by the chief flying instructor of a pilot-training organisation based on the aerodrome.

**93.105 Aerodrome traffic circuit – Wellington International Airport**

Notwithstanding 91.125, each pilot-in-command of an aircraft in the aerodrome traffic circuit shall, when landing at or taking-off from runway 34, conduct a right-hand aerodrome traffic circuit, unless otherwise authorised by ATC.

**93.107 Noise abatement procedures**

- (a) Except as provided in paragraph (b), a pilot-in-command of an aircraft shall not operate over the Wellington noise abatement area specified in Appendix B at an altitude lower than the minimum altitudes for VFR flight prescribed in 91.161 or 1500 feet QNH, whichever is the higher.
- (b) A pilot-in-command of an aircraft may operate over the Wellington noise abatement area below the height prescribed in paragraph (a) in any of the following circumstances:
- (1) when descending north of a line joining Point Gordon and Shelley Bay to land on runway 16;
  - (2) when operating a helicopter—
    - (i) conducting an operation under Part 133; or
    - (ii) conducting an operation under 137.205; or
    - (iii) conducting an air ambulance operation; or
    - (iv) engaged on a police operation at the request of the Commissioner of Police and in accordance with Police instructions; or
    - (v) performing a take-off or landing at a heliport within the abatement area;



(c) Each pilot-in-command of a helicopter landing at or taking-off from a TALO shall conduct—

- (1) left-hand circuits using the Western TALO when runway 03 is in use; and
- (2) right-hand circuits using the Western TALO when runway 21 is in use; and
- (3) left-hand circuits using the Eastern TALO when runway 07 is in use; and
- (4) right-hand circuits using the Eastern TALO when runway 25 is in use; and
- (5) an aerodrome traffic circuit to keep clear of the aeroplane flight paths when runway 03 or 21 is in use.

### 93.305 Restrictions on use of TALO and runways

(a) A pilot-in-command of a helicopter, unless otherwise authorised by ATC, shall—

- (1) not use the Eastern TALO when runways 03 or 21 are in use; and
- (2) not use the Western TALO when runways 07 or 25 are in use.

(b) A pilot-in-command of an aeroplane in excess of 2300 kg MCTOW shall not conduct a take-off or a landing—

- (1) on grass or paved runways 03 or 21 when another aeroplane is conducting a take-off or landing on either runway; or
- (2) on grass or paved runways 07 or 25 when another aeroplane is conducting a take-off or landing on either runway.

### 93.307 Speed Restrictions

Unless otherwise authorised by ATC, a pilot-in-command of an aeroplane operating in the control zone shall—

- (1) not exceed 120 knots indicated airspeed unless the aircraft flight manual requires a higher minimum safe speed; and
- (2) maintain an approach speed of not less than 70 knots indicated airspeed above 500 feet QNH.

## Subpart H — Other Aerodromes

### 93.351 Aerodrome traffic circuit

Notwithstanding 91.125, each pilot-in-command of an aircraft landing at or taking-off from a runway at an aerodrome listed in Appendix C of this Part shall, unless otherwise authorised by ATC, conduct a right-hand aerodrome traffic circuit.

## Subpart A – General

### 93.1 Applicability

This Part prescribes the following rules and procedures, applicable to civil aircraft and aircraft operated by the New Zealand Defence Force:

- (1) special rules for aerodrome traffic, in addition to the rules for aerodrome traffic prescribed in Part 91;
- (2) exceptions from the rules for aerodrome traffic, prescribed in Part 91;
- (3) aerodrome noise abatement procedures.

### 93.3 Definitions

Noise abatement procedures means inflight procedures prescribed for the purpose of abatement of noise within the vicinity of an aerodrome.

### 93.5 Abbreviations

TALO means a touchdown and lift-off area located at a heliport.

## Subpart B – Auckland International Airport

### 93.51 Applicability

This Subpart prescribes—

- (1) special rules for aerodrome traffic operating in the control zone designated under Part 71 for Auckland International Airport; and
- (2) noise abatement procedures for turbojet and turboprop powered aeroplanes operating in the vicinity of Auckland International Airport.

### 93.53 General Rules – Auckland control zone

Each pilot-in-command of an aircraft operating under VFR in the control zone shall be the holder of a current pilot licence.

### 93.55 Aerodrome traffic circuit – Auckland International Airport

Notwithstanding 91.125, each pilot-in-command of an aircraft shall, when landing at or taking-off from runway 05, conduct a right-hand aerodrome traffic circuit, unless otherwise authorised by ATC.

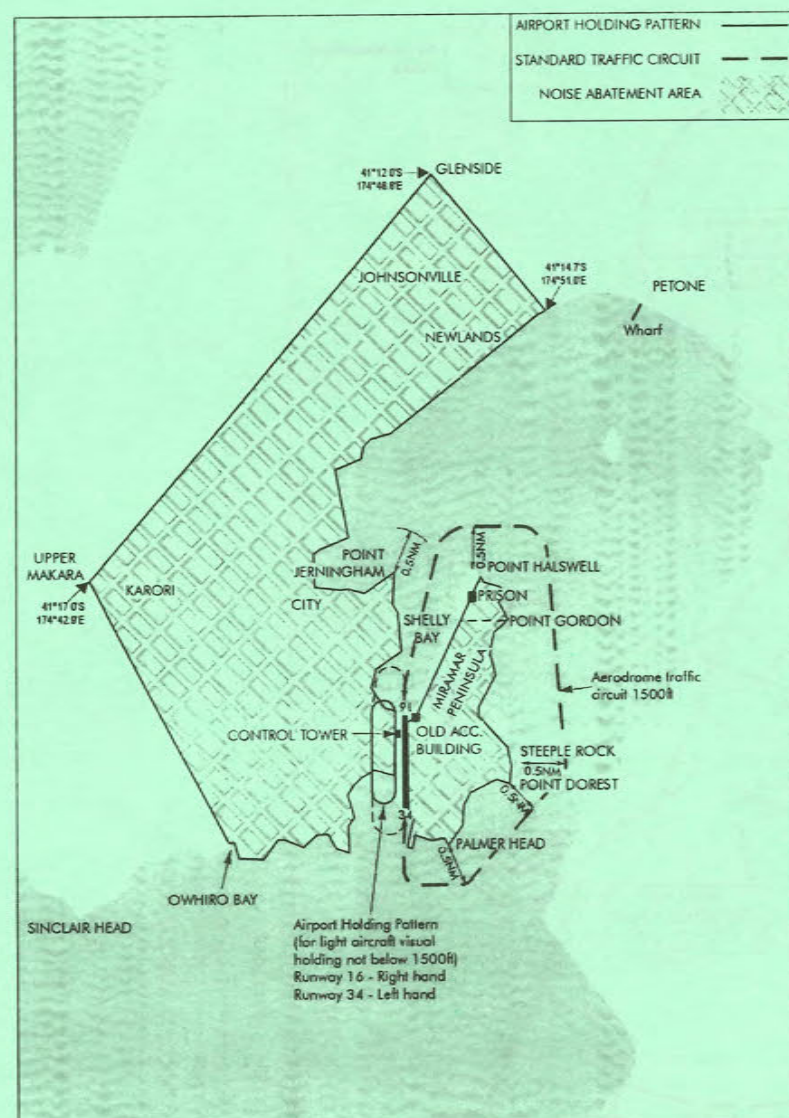
### 93.57 Restrictions on flight training

No pilot shall conduct flight instruction in the aerodrome traffic circuit unless the aircraft is—

- (1) operated by the holder of an air operator certificate issued under Part 119; or
- (2) operated by the New Zealand Defence Force; or
- (3) engaged in IFR training or practice for the issue or extension of an instrument rating; or
- (4) a multi-engined aircraft.



## Appendix B — Wellington Aerodrome Traffic Circuit and Noise Abatement Area



## Civil Aviation Rules

### Part 93

## Special Aerodrome Traffic Rules and Noise Abatement Procedures

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New Plymouth	23 and 32
Oamaru	18, 20, 29, 02, 36, and 11
Ohakea	09
Okiwi Station	18
Omarama	27
Opotiki	09
Palmerston North	25
Paraparaumu	Paved: 16, 29 Grass: 34 and 11
Pauanui Beach	23
Pikes Point	07 and 04
Pine Park	27
Pudding Hill	11
Pukaki	33
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Stratford	16 and 27
Taharoa	15
Taieri	23 and 29
Taihape	All
Takaka	30
Taumaranui	01
Taupo	18 and 11

### Economic analysis

The Authority is obliged to examine the potential benefits and costs of each proposed rule making action to ensure that the nation is not burdened with rules whose cost outweigh the benefits.

The current special air traffic rules, aerodrome traffic rules, and noise abatement rules are contained in CASO 2 and the Aeronautical Information Publication.

The proposed Part 93 is based on the current rules and their adoption will mean that there are no additional costs in the implementation of the rules. The noise abatement rules contained in CASO 2 were made under the provisions of Regulation 188, Noise Abatement, of the Civil Aviation Regulations 1953. These rules were the subject of consultation as required under Regulation 188 and their adoption in Part 93 means that there is no additional consultation costs incurred above the consultation of this NPRM.

Maintaining the special air traffic and aerodrome traffic rules applicable at certain aerodromes will ensure that operators will continue with the benefits provided by them of optimising the use of the airspace associated with those aerodromes.

In the Authority's assessment, the application of Subpart D will not incur additional costs and potentially will increase the benefits. It therefore complies with the requirements of sections 33(2)(f) and 14(3) of the Civil Aviation Act 1990.

### Legal analysis

Part 93 functions in conjunction with Part 91. It provides exceptions and additions to the general aerodrome traffic rules in Part 91 where circumstances at individual aerodromes so require. The content of Part 93 is derived from the existing CASO 2. Considerable effort has been made to clarify the meaning of that Order through the use of plain English and the improved layout of the new Civil Aviation Rules.

Part 93 carries over some of the noise abatement procedures specified in CASO 2. The Civil Aviation Authority does not see itself as the appropriate body for implementing all noise abatement controls at aerodromes. Many such controls are authorised by the Resource Management Act and are more appropriately dealt with by territorial authorities.

However some forms of noise abatement control involve the regulation of use of airspace and the operating procedures of aircraft. As the safety regulatory authority responsible for aviation safety this is the sole responsibility of the Civil Aviation Authority. The Authority therefore considers it must continue to play a role in the control of aircraft noise at aerodromes in the interests of aviation safety.

The Civil Aviation Authority does not consider it appropriate to take on the role of co-ordinator of aircraft noise abatement regulation at aerodromes. The process envisaged by the Civil Aviation Authority is that territorial authorities will ascertain that there is an aircraft noise problem within their jurisdiction that can only be dealt with by airspace control. Then a case would be put to the Civil Aviation Authority by the territorial authority in the form of a petition to amend Part 93, following a process to be prescribed in Part 11 of the Civil Aviation Rules. The Civil Aviation Authority will assess the petition, and, if warranted, make the appropriate amendment.



## Appendix D – Noise Abatement Departure Profiles

### Noise abatement departure profile – Procedure C

- (a) Aeroplanes required under 93.59 to comply with procedure C shall—
- (1) from take-off to an altitude of not less than 800 feet above aerodrome elevation—
    - (i) use take-off power; and
    - (ii) use takeoff flap; and
    - (iii) climb at  $V_2$  plus 10 to 20 knots; and
  - (2) at or above 800 feet—
    - (i) reduce thrust by manual throttle reduction or by automatic means; and
    - (ii) for aeroplanes not equipped with an operating automatic thrust restoration system, achieve and maintain not less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, the take-off flight path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
    - (iii) for aeroplanes equipped with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps-slats configuration of the aeroplane, a take-off path engine inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at least, restore sufficient thrust to maintain the take-off path engine-inoperative climb gradients specified in FAR 25.111(c)(3) in the event of an engine failure; and
    - (iv) during the thrust reduction, co-ordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay no more than 5 knots below the all engine target climb speed and, in no case, to less than  $V_2$  for the aeroplane configuration; and
    - (v) maintain the speed and thrust requirements specified in (i) through (iv) to the higher of 3000 feet above the aerodrome elevation, or until the aeroplane has been fully transitioned to the en-route climb configuration, then transition to normal en-route climb procedures.

Persons submitting comments who wish the Civil Aviation Authority to acknowledge the receipt of their comments must submit with those posted comments a self-addressed, stamped postcard on which the following statement is made: **Comments to Docket Nr.1170**. The postcard will be date stamped and mailed. For e-mail comments the sender should set their mail system to request a read-receipt.

Those persons submitting comments to the NPRM will receive a copy of the final rule draft after it has been signed by the Minister together with a summary of comments.

#### Availability of the NPRM:

Any person may obtain a copy of this NPRM by submitting a request to Civil Aviation Authority, PO Box 31441, Lower Hutt 6315, Attn. Docket Clerk, or by calling 0-4-560 0410. Communications must identify the Docket number of this NPRM. Persons wishing to be placed on a mailing list for future NPRM should write to CAA at the address above, Attn. EOSD, and identify the Rule Part, Group of Parts or area of interest.

#### Background

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new Rules format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.