



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997

by **JENNIFER MARY SHIPLEY**


Minister of Transport

Civil Aviation Rules

Part 93

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

Docket Nr. 1170

Civil Aviation Rules
Part 93

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

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 93 is to establish special aerodrome traffic rules and noise abatement procedures in the vicinity of certain aerodromes.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 93 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 29 January 1996 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 96-9 under Docket 1170 on 5 June 1996.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 6 June 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 44 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 93 comes into force on 1 April 1997.

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

(b) Subject to paragraph (c), the following rules shall also apply to members of the New Zealand Defence Force and any aircraft operated by the New Zealand Defence Force:

- (1) 93.55;
- (2) 93.105;
- (3) 93.155;
- (4) 93.203-205 inclusive;
- (5) 93.253;
- (6) 93.303-307 inclusive;
- (7) 93.351.

(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*

In this Part—

Aeroplane performance operating limitations means—

- (1) for a New Zealand registered turbo-jet or turbo-fan aeroplane performing an air transport operation, the performance operating limitations prescribed in Part 121, Subpart D; and
- (2) for a foreign registered turbo-jet or turbo-fan aeroplane performing an air transport operation, the performance operating limitations prescribed by the State of registry; and
- (3) for a turbo-jet or turbo-fan aeroplane performing an operation other than an air transport operation, the performance operating limitations prescribed in the aircraft flight manual:

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

93.5 *Abbreviations*

In this Part—

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 and intending to land on runway 23 shall, unless otherwise instructed by ATC—

- (1) when on a visual approach, intercept the extended runway centre line at a height not below 2000 feet QNH; and
- (2) between the hours of 2300 and 0600 local time, intercept the extended runway centre line at a distance of not less than 14 nm from the runway threshold 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 aeroplane 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

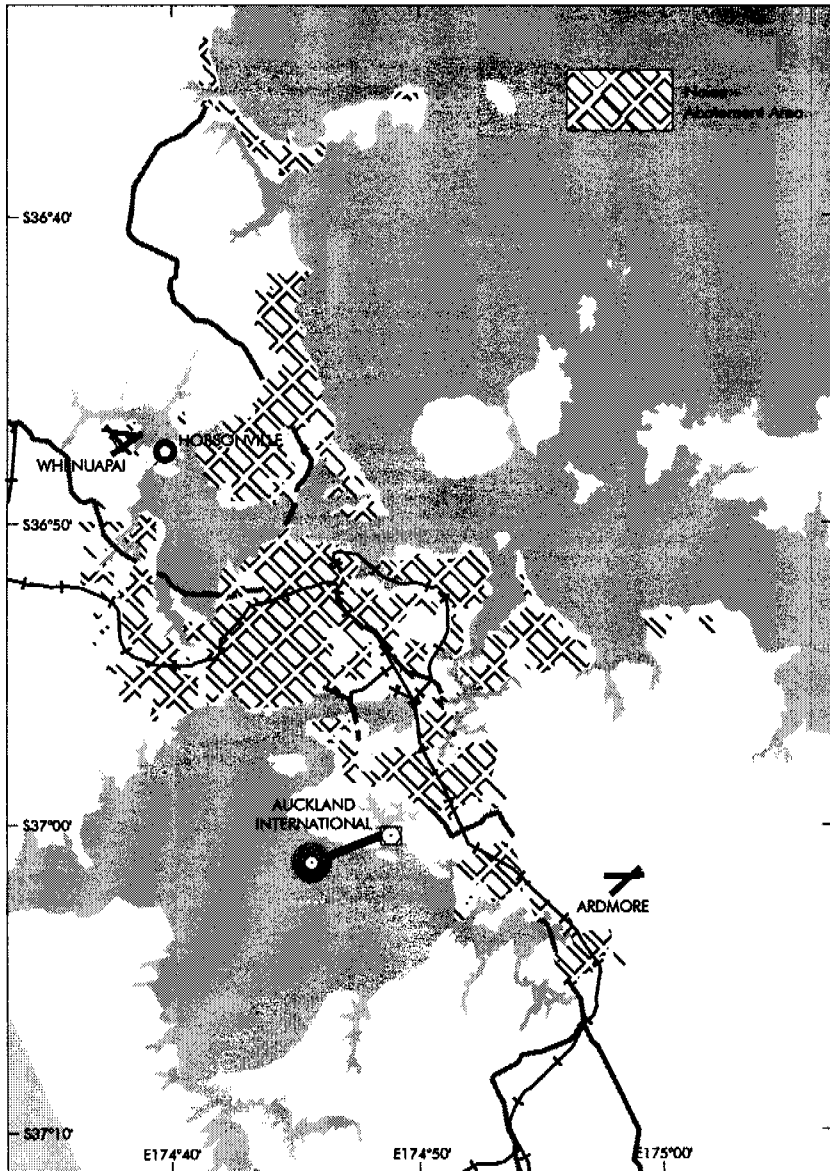
93.351 Aerodrome traffic circuit

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.

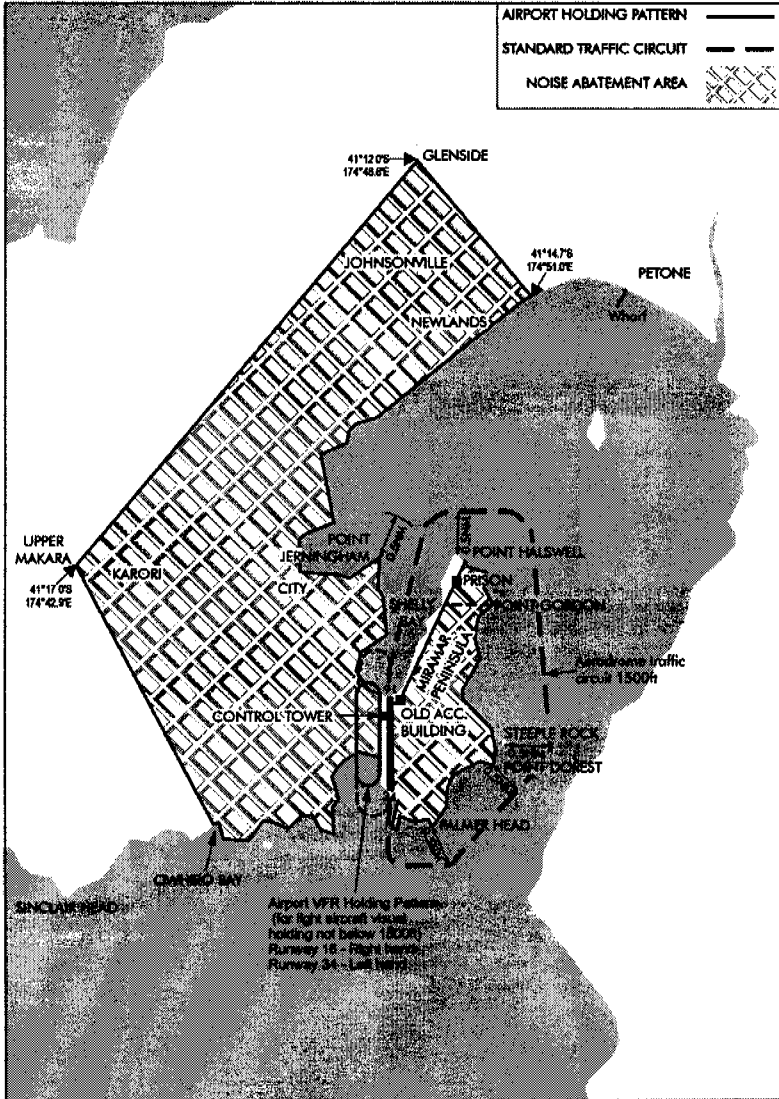
[Until Part 97 comes into force, IFR procedures are prescribed under Part 19]

Appendix A — Auckland Noise Abatement Area



Appendix B — Wellington Aerodrome Traffic Circuit and Noise Abatement Area

APPENDIX B



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
Feilding	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

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 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 require 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 Manurewa.

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.