



## 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 *2nd* day of *December* 1997

by **JENNIFER MARY SHIPLEY**

A handwritten signature in black ink, appearing to read "J M Shipley".

Minister of Transport

**Civil Aviation Rules**

**Part 71**

**Designation and Classification of Airspace**

*Docket Nr. 1037*

## **Civil Aviation Rules**

### **Part 71**

## **Designation and Classification of Airspace**

## **RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT**

The objective of Part 71 is to provide for the designation and classification of New Zealand airspace and airspace that New Zealand is responsible for under ICAO Regional Air Navigation Agreements, for the purpose of safety and security in the civil aviation system, and as necessary in the public interest.

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 71 was developed by the rules rewrite team in consultation with members of the Regulatory Review Consultative Group. An informal draft was published and distributed on 22 July 1996 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 97-3 under Docket 1037 on 19 March 1997.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 19 March 1997. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties who were considered likely to have an interest in the proposal.

A period of 30 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 71 comes into force 28 days after its notification in the *Gazette*.



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## **PART 71—DESIGNATION AND CLASSIFICATION OF AIRSPACE**

### **Subpart A—General**

#### **71.1 *Applicability***

This Part prescribes rules, other than for the designation of airspace under Part 73, for the designation and classification—

- (1) of airspace within the territorial limits of New Zealand; and
- (2) of airspace for which New Zealand has accepted responsibility under international civil aviation agreements.

#### **71.3 *[Reserved]***

#### **71.5 *New Zealand Air Navigation Register***

(a) The Director shall establish and maintain a register, to be called the New Zealand Air Navigation Register.

(b) Airspace is designated or classified by the Director when it is entered as such in the New Zealand Air Navigation Register by the Director.

(c) The Director shall ensure that the New Zealand Air Navigation Register contains—

- (1) a current description of each area of designated airspace; and
- (2) a current description of each area of airspace classified by the Director as class F; and
- (3) the names or designators that identify each visual reporting point designated by the Director; and
- (4) the period for which each area of airspace designated by the Director is effective or the method by which the designation is made effective; and

- (5) any other information that the Director considers appropriate.

**71.7 Notification of airspace designation or classification**

(a) Airspace that is designated or classified by the Director shall not be effective until it is notified in accordance with paragraph (b).

(b) Where airspace is designated or classified by the Director, the Director shall specify the period that the designation is effective or the method by which the designation is made effective, or the period that the classification is effective, by way of notice—

- (i) except where temporary airspace is designated under 71.61, in the Gazette; and
- (ii) in an AIP Supplement or by NOTAM.

**71.9 Description of airspace designation**

(a) The lateral limits of each area of designated airspace shall be defined by—

- (1) geographical co-ordinates—
  - (i) for a flight information region, in degrees and minutes; and
  - (ii) for a control area or control zone in degrees, minutes, and seconds; and
- (2) any combination of the following:
  - (i) prominent geographical line features;
  - (ii) a circle or any part of a circle of specified radius around a geographical co-ordinate;
  - (iii) a great circle line between two points, except when following a parallel of latitude in which case it shall be a rhumb line.



- (b) The vertical limits of each area of designated airspace shall be defined by altitudes or flight levels.
- (c) Unless otherwise specified, the expression to an *altitude* or to a *flight level*, includes that altitude or flight level.
- (d) Controlled airspace shall be—
- (1) identified by the letters NZA followed by a number, except that on maps and charts it may be identified by the letter A, followed by the number; and
  - (2) if designated as a control area under 71.51 or control zone under 71.53, identified by the name of the air traffic control unit having primary jurisdiction over the airspace, except that each terminal control area shall be identified by the name of a town, city, or geographical feature over which the terminal control area is established.

**71.11 New Zealand flight information region and Auckland Oceanic flight information region**

- (a) The Auckland Oceanic flight information region—
- (1) comprises all that airspace, excluding airspace within the New Zealand flight information region, bounded by a line joining S 30 00 00.0, W 131 00 00.0, S 90 00 00.0 (South Pole), S 30 00 00.0, E 163 00 00.0, S 28 00 00.0, E 168 00 00.0, S 25 00 00.0, E 171 25 00.0, S 25 00 00.0, W 175 30 00.0, S 18 35 00.0, W 169 00 00.0, S 15 52 00.0, W 170 00 00.0, the arc of a circle of 100 nm radius centred on the Pago Pago VORTAC (S 14 20 15.0, W 170 42 25.2) from S 15 52 00.0, W 170 00 00.0 anti-clockwise to S 13 50 00.0, W 169 04 00.0, a line joining S 13 50 00.0, W 169 04 00.0, S 05 00 00.0, W 160 00 00.0, S 05 00 00.0, W 157 00 00.0, S 30 00 00.0, W 157 00 00.0, S 30 00 00.0, W 131 00 00.0; and

- (2) has an unlimited upper limit; and
  - (3) has the surface of the earth as the lower limit.
- (b) The New Zealand flight information region—
- (1) comprises all that airspace bounded by the arc of a circle of 200 nm radius centred on the Auckland VOR/DME (S 37 00 16.7, E 174 48 49.1,) from S 39 07 38.1, E 171 33 21.7, clockwise to S 37 32 29.5, E 178 56 08.9, a line joining S 37 32 29.5, E 178 56 08.9, S 38 27 00.0, W 179 44 00.0, S 42 51 30.0, E 175 03 00.0, S 48 09 00.0, E 168 16 00.0, S 45 55 00.0, E 165 18 00.0, S 41 25 27.0, E 170 23 24.0, the arc of a circle of 200 nm radius centred on the Wellington VOR/DME (S 41 20 14.0, E 174 49 01.1,) from S 41 25 27.0, E 170 23 24.0, clockwise to S 39 07 38.1, E 171 33 21.7; and
  - (2) has an unlimited upper limit; and
  - (3) has the surface of the earth as the lower limit.
- (c) Portions of each flight information region may be divided by the Director into sectors to facilitate the provision of air traffic services within that flight information region.

### **Controlled airspace**

- (d) Where the Director determines that an air traffic control service is required in an area within a flight information region, that area shall be—
- (1) designated by the Director as a control area or a control zone in accordance with Subpart B; and
  - (2) classified by the Director as class A, B, C, D, or E airspace in accordance with Subpart C.
- (e) Each area of airspace within the Auckland Oceanic flight information region where another State provides an air traffic control

service shall be designated by the Director as a control area or a control zone.

### **Uncontrolled airspace**

(f) Each area within a flight information region that is not designated as a control area or a control zone is uncontrolled airspace and—

- (1) may be classified by the Director as class F in accordance with Subpart C; or
- (2) is class G airspace.

(g) Each control area or control zone shall become class G airspace during those times when an air traffic service is not being provided within that control area or control zone due to the ATC unit being off duty.

### **71.13 Visual reporting points**

(a) The Director shall designate visual reporting points for the purposes of—

- (1) facilitating the requirements of air traffic services for information regarding the progress of aircraft in flight; and
- (2) facilitating the safe conduct of visual flight.

(b) The Director shall ensure that visual reporting points are identified by names or designators that—

- (1) are easily recognisable in voice communications; and
- (2) are free of ambiguity with those of other reporting points in the same general area; and
- (3) do not create confusion with other communications exchanged between air traffic services and pilots.

**71.15 QNH zones**

The Director shall designate as a QNH zone those portions of airspace from the surface of the earth to an altitude of 11 000 feet within which a QNH is used.

**71.17 Review**

The Director shall review designated or classified airspace, at least every five years—

- (1) to verify the continuing need for the airspace designation or classification; and
- (2) to consider the appropriateness of the current classification.

**71.19 Procedure for airspace designation and classification**

(a) The Director shall designate and classify airspace in accordance with Part 11 Subpart C.

(b) Until Part 11 Subpart C comes into force, before the Director designates or classifies airspace the Director shall consult with such persons as the Director considers necessary in the circumstances.

## **Subpart B—Requirements for controlled airspace**

### **71.51 Control areas**

- (a) The Director may designate a control area as—
  - (1) a terminal control area, at the confluence of ATS routes in the vicinity of one or more major aerodromes; or
  - (2) an upper control area, where it extends to the upper limit of controlled airspace; or
  - (3) an oceanic control area, normally over the high seas.
- (b) The upper limit of a control area shall not exceed flight level 660.
- (c) The lower limit of a control area shall—
  - (1) be at least 500 feet below the flight paths of IFR flights that are required by the Director to be provided with an air traffic control service; and
  - (2) be established at—
    - (i) the highest practical altitude; and
    - (ii) not less than 700 feet above the surface of the earth; and
  - (3) when the lower limit of a control area is above 3000 feet AMSL, coincide with a VFR cruising altitude or flight level prescribed in Part 91.
- (d) The lateral limits of a control area shall reflect the capabilities of the navigation systems normally used in the area.
- (e) If an area below a control area is designated as another control area, the upper limit of the lower control area shall extend to the lower limit of the upper control area.

**71.53 Control zones**

- (a) The Director shall designate as a control zone that area around each aerodrome where—
- (1) it is determined by the Director that an aerodrome or approach control service is required; and
  - (2) the traffic density and pattern requires controlled airspace.
- (b) A control zone shall be as small as practical consistent with the need to protect the flight paths of IFR flights arriving at and departing from the aerodrome.
- (c) The lateral limits of a control zone shall—
- (1) encompass at least those portions of the airspace that are not within a control area containing the paths of IFR flights arriving at and departing from the aerodrome under IMC; and
  - (2) extend to at least 5 nm from the centre of the aerodrome in the directions from which instrument approaches may be made; and
  - (3) take into account the category of IFR aircraft using the aerodrome, and the areas of airspace that need to be protected for those IFR flights.
- (d) Prominent geographical features shall be used, where practical, to define the lateral limits of a control zone.
- (e) If an area below a control area is designated as a control zone, the upper limit of the control zone shall extend to the lower limit of the control area.
- (f) A control zone with an upper limit above 3000 feet AMSL shall coincide with a VFR cruising altitude or flight level prescribed in Part 91.

(g) The Director may designate and promulgate sectors within a control zone for the purpose of efficient air traffic management.

**71.55 VFR transit lanes**

(a) The Director may designate an area within a control zone as a victor lane for all aircraft, or a kopter lane for helicopters, for the purpose of—

- (1) separating transiting VFR traffic from arriving and departing IFR flights; and
- (2) permitting transiting VFR traffic to operate, within the victor or kopter lane, without reference to ATC—

provided that the victor or kopter lane will be clear of airspace encompassing IFR arrival and departure procedures within that control zone.

(b) The Director shall ensure that buffer zones are provided between the nominal flight paths of arriving and departing IFR flights and each victor lane and each kopter lane.

(c) Victor and kopter lanes, when effective, shall not form part of a control zone.

(d) Victor and kopter lanes shall not be effective during night.

**71.57 General aviation areas**

(a) The Director may designate an area within controlled airspace, where intensive VFR activity is carried out, as a general aviation area.

(b) The Director shall, for each general aviation area—

- (1) specify the air traffic control unit having primary jurisdiction over the area; and
- (2) identify the area by the letters NZG followed by a number, except that on maps and charts the letter G followed by the number may be used; and

- (3) specify whether the area is effective—
  - (i) permanently during day; or
  - (ii) upon approval by the ATC unit having primary jurisdiction over the airspace; or
  - (iii) upon notification to the ATC unit having primary jurisdiction over the airspace, except that the ATC unit may elect not to make the area effective for periods of up to 10 minutes due to the presence of IFR aircraft.
- (c) General aviation areas, when effective, shall not form part of controlled airspace.
- (d) General aviation areas shall not be effective during night.

**71.59 Subsidiary airspace designations**

- (a) The Director may, where it is considered by the Director necessary in the interests of aviation safety, designate any controlled airspace or portion of any controlled airspace as one or more of the following:
  - (1) transponder mandatory airspace, on consideration of radar coverage and aircraft in the area:
  - (2) MNPS airspace, on consideration of aircraft type, air traffic density, and ability to operate the aircraft safely with reduced horizontal separation:
  - (3) RNP airspace, on consideration of aircraft type, air traffic density, and ability to operate the aircraft safely with a specified reduced horizontal separation:
  - (4) RVSM airspace, on consideration of aircraft type, air traffic density, and ability to operate the aircraft safely with reduced vertical separation.



**71.61 Temporary airspace**

(a) The Director may, where the Director considers it necessary in the interests of aviation safety or security or for any other reason in the public interest, designate an area as a temporary control area or temporary control zone.

(b) The Director shall ensure that each temporary control area and temporary control zone that is designated under paragraph (a) is effective for a period not exceeding 3 months.

## **Subpart C—Airspace Classification**

### **71.101 Class A airspace**

The Director shall classify as class A airspace that controlled airspace where the Director considers it necessary in the interests of aviation safety that—

- (1) separation is required between all flights; and
- (2) VFR flights are not permitted.

### **71.103 Class B airspace**

The Director shall classify as class B airspace that controlled airspace where the Director considers it necessary in the interests of aviation safety that separation is required between all flights.

### **71.105 Class C airspace**

The Director shall classify as class C airspace that controlled airspace where the Director considers it necessary in the interests of aviation safety that—

- (1) separation is required between—
  - (i) IFR flights; and
  - (ii) IFR and VFR flights; and
  - (iii) IFR and special VFR flights; and
  - (iv) special VFR flights; and
- (2) traffic information is required for VFR flights about other VFR flights; and
- (3) traffic avoidance advice is required for VFR flights on request.

**71.107 Class D airspace**

The Director shall classify as class D airspace that controlled airspace where the Director considers it necessary in the interests of aviation safety that—

- (1) separation is required between—
  - (i) IFR flights; and
  - (ii) IFR and VFR flights during night; and
  - (iii) IFR and special VFR flights; and
  - (iv) special VFR flights; and
- (2) traffic information is required for—
  - (i) IFR flights about VFR flights during day; and
  - (ii) VFR flights about IFR flights, and other VFR flights; and
- (3) traffic avoidance advice is required for IFR and VFR flights on request.

**71.109 Class E airspace**

The Director shall classify as class E airspace that controlled airspace where the Director considers it necessary in the interests of aviation safety that—

- (1) separation is required between—
  - (i) IFR flights; and
  - (ii) IFR flights and VFR flights during night; and
- (2) traffic information is required, where practical, for—
  - (i) IFR flights about VFR flights during day; and
  - (ii) VFR flights about other VFR flights.

**71.111 Class F airspace**

The Director shall classify as class F airspace that uncontrolled airspace where the Director considers it necessary in the interests of aviation safety that—

- (1) IFR flights receive an air traffic advisory service; and
- (2) all flights receive a flight information service if requested.

**71.113 Class G airspace**

Class G airspace is that uncontrolled airspace that is not class F airspace.

## Appendix A — Transitional Provisions

- (a) The designation of—
- (1) the New Zealand flight information region; and
  - (2) the Auckland Oceanic flight information region; and
  - (3) visual reporting points; and
  - (4) control areas; and
  - (5) terminal control areas; and
  - (6) upper control areas; and
  - (7) oceanic control areas; and
  - (8) control zones; and
  - (9) victor and kopter lanes; and
  - (10) transponder mandatory airspace—

that existed immediately prior to this Part coming into effect shall be deemed to be airspace designated and notified, under and in accordance with this Part.

(b) The classification of airspace that existed immediately prior to this Part coming into effect shall be deemed to be airspace classified and notified, under and in accordance with this Part.

(c) Glider flying areas and training areas that existed immediately prior to this Part coming into effect shall be deemed to be general aviation areas designated and notified under and in accordance with this Part.

(d) QNH areas and zones that existed immediately prior to this Part coming into effect shall be deemed to be QNH zones designated and notified under and in accordance with this Part.

(e) The Queenstown flight information area that existed immediately prior to this Part coming into effect shall be deemed to be a New Zealand flight information region sector designated and notified under and in accordance with this Part.

## **CONSULTATION DETAILS**

(This statement does not form part of the rules contained in Part 71.  
It provides details of the consultation undertaken in making the rules.)

### **Introduction**

Section 32 of the Civil Aviation Act prescribes procedures relating to the making of ordinary rules. These procedures include the requirement that every ordinary rule contain a statement specifying the extent of any consultation undertaken with such persons, representative groups within the aviation industry, or elsewhere, Government departments, and Crown agencies as the Minister in each case considers appropriate. The following consultation process was undertaken for Part 71 by the Civil Aviation Authority acting under delegation from the Minister of Transport.

### **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 97-3 under Docket Number 1037 on 12 March 1997. This Notice proposed the introduction of Civil Aviation Rules Part 71 to provide a regulatory safety boundary for the Designation and Classification of Airspace

### **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 1037 NPRM

### GENERAL COMMENTS

**Execair International Limited** commented that overall the proposed rules appear fair, reasonable and workable.

**The Guild of Air Pilots and Air Navigators** commented that they are pleased to see that its submissions to the informal draft have been incorporated in the NPRM and that consequently they have no further comment.

**Farmers Air Ltd** fully supported the submission prepared by the Aviation Industry Association - Helicopter Division to ensure that safe and workable rules are produced which are applicable to current operations and requirements, enabling the fair use of airspace by all users.

**Helistar Helicopters Ltd** fully supported the submission prepared by the Aviation Industry Association - Helicopter Division to ensure that a safe and workable set of rules are produced which are applicable to current operations and requirements, enabling the fair and open use of airspace for all users.

**Heliwing Ltd** commented that the company fully supported the submission by the Aviation Industry Association-Helicopter Division.

**Civil Aviation Authority** response is to note the above 5 comments.

**The New Zealand Defence Force** commented that they are grateful that much of their input on the informal draft has been incorporated into the NPRM. They requested that there should be a statement within Part 71 that compels all aviators to ensure that they obtain all relevant NOTAMs or AIP Supplements prior to flight, to ensure they are advised of the current status of Part 71 airspace activations.

**Civil Aviation Authority** response is that this is relevant to Part 91, which requires pilots to obtain current information on weather, fuel requirements, alternate aerodromes, ATS traffic delays, communication and navigation facilities, and aerodromes of intended use prior to flights. There is no requirement for aviators to obtain NOTAMs and AIP Supplements prior to all VFR flights. However, if an intended flight is planned to go through an



airspace that is subject to activation (not permanently active), then pilots need to access information on the current status of activation.

**The New Zealand Defence Force** requested that airspace be promulgated by either a Designated Airspace Handbook, or by a digital database using Mapinfo.

**Civil Aviation Authority** response is that the CAA are currently evolving procedures to allow promulgation of airspace through the New Zealand Air Navigation Register (NZANR) and the NZ Gazette.

**New Zealand Gliding Association** were uncomfortable with "the lack of direction from the Director as to which IFR flights should receive what level of air traffic control service". The NZGA were concerned that there seems to be no legislation or guidance available in the public domain to specify the process the Director should follow to make airspace designations of control areas and control zones. If it is intended that such information be included in Part 11, then the NZGA requested that the NPRM covering these proposed rules be made public prior to any further action being taken on Part 71.

**Civil Aviation Authority** response is that the CAA uses policy and technical assessment in order to make a determination on the provision of air traffic services and the design and classification of any airspace. While Part 11 subpart C will specify the application process, the CAA will still have to determine in each individual application the level of consultation, due to the varying impact of any proposed change.

**Airways Corporation of New Zealand Ltd** questioned why the full description of designated airspace should appear in the NZ Gazette.

**Civil Aviation Authority** response is that the full description of designated airspace will not now appear in the NZ Gazette, but within the NZANR.

**Airways Corporation of New Zealand Ltd** recommended that whenever major changes in airspace are made, a publication date of at least 56 days in advance of the effective date is used.

**Civil Aviation Authority** response is that the CAA will conform with 56 days notice whenever possible for major changes, after considering the various circumstances in which airspace may be changed, such as the imposition of a new volcanic hazard area.

**Airways Corporation of New Zealand Ltd** considered that the effective date of new permanent airspace must be coincidental with a charting AIRAC cycle, and this should be stated in the Rule or in Part 11 subpart C. They consider that temporary airspace should be subject to the same criteria except that publication by AIP supplement only is sufficient.

**Civil Aviation Authority** response is that temporary airspace is able to be promulgated by NOTAM to allow for necessary short notice changes such as corrections, but in normal circumstances CAA will conform with the AIRAC publishing cycle.

**Airways Corporation of New Zealand Ltd** commented that assigning a number to each portion of airspace will provide the legal prescription of airspace, but it will have a significant effect on chart clutter on small scale charts.

**Civil Aviation Authority** response is that the code will be kept as simple as possible to minimise chart clutter.

**Airways Corporation of New Zealand Ltd** considered that a control zone requires both approach and aerodrome control, and cannot be operative if only one is present. They comment if approach control service only is available, the control zone should be re-designated as a temporary restricted area with the appropriate airspace rules designated.

**Civil Aviation Authority** response is that a control zone can be operative with only aerodrome control or approach control service available. ICAO does not specifically rule this out. Ardmore is an example of an aerodrome control service which normally operates without approach control services within a control zone. It is considered unnecessarily complex and time consuming to implement a change to special use airspace from controlled airspace when the lack of approach control service may be for a brief period.

## **SPECIFIC COMMENTS**

### **Subpart A — General**

#### **Applicability**

**Airways Corporation of New Zealand Ltd** suggested providing geographical co-ordinates with geographical references after the stated co-ordinates.

**Civil Aviation Authority** response is that this is consistent with CAA standard formatting.

**Airways Corporation of New Zealand Ltd** suggested CAA standard format for co-ordinate pairs omit the comma between the latitude and longitude values.

**Civil Aviation Authority** response is that there is no benefit from such an omission, as adjacent co-ordinate pairs are separated by extra spaces.

### **Definitions and abbreviations**

**Execair International Ltd** commented that Part 71 may have a better layout and easier cross referencing by including the full name translation to abbreviation in the definitions (ie: Control area means CTA).

**Civil Aviation Authority** response is that this Parts has to conform with the existing precedents for definitions and abbreviations.

**The New Zealand Defence Force** commented that it is their understanding that the term *permanent airspace* is used to describe airspace that has been consulted on, promulgated and charted, rather than meaning the airspace is permanently active. They claim that there was some confusion over the term *permanent airspace* at recent airspace meetings and they would like to see a definition of this included within Parts 71 & 73.

**Civil Aviation Authority** response is that the term permanent airspace is not used in Parts 71 or 73 and so the question of whether to define that term under these Parts cannot be considered.

**One commenter** stated that in the NPRM nautical miles is shown in lower case, however in Annex 5 chapter 1 and chapter 3 table 3-4 they are shown in upper case.

**Civil Aviation Authority** response is that nautical miles will be shown in upper case.

**Airways Corporation of New Zealand Ltd** commented that the definition of control area should contain an addition that control areas may be subdivided and include upper control area, oceanic control area, and terminal control area. They would like to see a separate definition of UTA (upper control area), but supports the term “upper control area” being removed as it is currently used.

**Civil Aviation Authority** response has been to insert a new rule that subdivides control areas into terminal control areas, upper control areas, and oceanic control areas describes those areas.

### **Description of designated airspace**

**The New Zealand Defence Force** requested definitions for the terms “altitude” and “flight level” be included in the Rule.

**Civil Aviation Authority** response is that Part 1 already contains these definitions.

### **New Zealand domestic airspace**

**The New Zealand Defence Force** requested a statement explaining that flight on a controlled airspace boundary is flight within controlled airspace.

**Civil Aviation Authority** response is that this is contrary to the provisions of Annex 11, paragraph 2.6.3. The provisions of Part 71 which cover this will be transferred to Part 91.

**Airways Corporation of New Zealand Ltd** requested that the CAA use alphabetical suffixes when designating different TMA sectors of the same airspace.

**Civil Aviation Authority** response is that this is not considered to be a Part 71 issue.

**Airways Corporation of New Zealand Ltd** requested that ICAO class F airspace is classified as uncontrolled airspace.

**Civil Aviation Authority** response is to amend the rule accordingly.

**Airways Corporation of New Zealand Ltd** would prefer that the airspace is defined with type, airspace class, the upper and lower limit, and that in

lieu of a name for the airspace, ATS sector boundaries are displayed on charts along with the callsign and frequency of the sector providing the service. They consider this to be more relevant for the users and permits ATS providers to adjust boundaries by agreement within themselves without the need to go into an NPRM for this rule.

**Civil Aviation Authority** response is that ATS sector boundaries being shown on charts are regarded as having no definitive relevance. ATC sector boundaries may vary over a period and ATC units or positions may be closed down at certain times of the day, so the preferred frequency could change and this could confuse pilots. However, preferred ATS frequencies may be indicated on aeronautical charts.

**Airways Corporation of New Zealand Ltd** considered it is a contradiction in terms to have a control zone or control area become *uncontrolled* airspace when the ATC unit is off watch. In the past these airspaces have been considered as still being prescribed but *inoperative* when ATC is not on watch and therefore the rules of class G airspace should apply. They also consider that control zones when inoperative should revert to approach conditional areas to protect the instrument approach procedures that still exist as is the case in aerodromes where AFIS is in attendance.

**Civil Aviation Authority** response has been to omit the term "classified" in paragraph 71.11 (k) of the NPRM. CAA disagrees with control zones reverting to ACAs when an ATC unit is off watch, due to the confused nature of particular rules that would apply within such airspace and more cluttered charts.

#### **New Zealand oceanic airspace**

**Airways Corporation of NZ Ltd** commented that class F airspace is uncontrolled airspace and these Rules should be amended to confirm this.

**Civil Aviation Authority** response has been to amend the Rule as requested.

#### **Visual reporting points**

**Airways Corporation of New Zealand Ltd** commented that there is no statement in this rule as to who can prescribe significant points and reporting points. They also comment that visual reporting points are often established by request of the certified ATS provider and consider that the

certified ATS provider should be able to promulgate these points as of right, without requiring the Directors approval.

**Civil Aviation Authority** response has been to amend the Rule so the Director can establish visual reporting points. All official visual reporting points will be prescribed by the Director, having regard to airspace user group and aviation industry consultation.

**Airways Corporation of New Zealand Ltd** commented that there needs to be a statement that Oceanic Control Areas are that portion of the Auckland Oceanic FIR above FL245.

**Civil Aviation Authority** response is that specific lower limits within the rule are not considered necessary to define OCAs or upper control areas.

**Airways Corporation of New Zealand Ltd** commented that the establishment of visual reporting points are also for air traffic management of both IFR and VFR flights, and the rule should state this.

**Civil Aviation Authority** response is that the CAA considers it unnecessary to describe all possible uses for visual reporting points within a Rule.

**Airways Corporation of New Zealand Ltd** stated that compulsory and non-compulsory reporting points apply to IFR operations, and therefore the rule should state this. They also state that this could be more appropriately covered under Part 97.

**Civil Aviation Authority** response has been to include IFR reporting points under Part 95, which will combine Part 95 and Part 97.

**Airways Corporation of New Zealand Ltd** considered that the rule should define policy for the naming of exact (navigation aid) and non-exact reporting IFR points and they consider that non-exact reporting point names should only be five letter local names or five letter ICAO names.

**Civil Aviation Authority** response is that the CAA will use five letter names when appropriate and possible to do so, after consultation with the aviation industry. However, this is not considered suitable as part of a Rule.

**Aerodrome traffic zones [Transferred to Part 73 in the Final Rule]**

**Aviation Industry Association of NZ, Air Charter Taupo Ltd, Farmers Air Ltd, Helistar Helicopters Ltd, and Heliwing Ltd** commented that provision needs to be made for operations such as air ambulance operations, agricultural, photographic, survey, and lifting operations when the aircraft is not landing at the aerodrome around which the aerodrome traffic zone is based, but is still operating in the aerodrome traffic zone.

**One individual** commented that consideration needs to be given to aircraft needing to enter these zones other than for landing and suggests that they must broadcast intentions on the radio and remain clear of the traffic circuit.

**Civil Aviation Authority** response to the above comments has been to add them to the docket file on Part 91 for future revision.

**Airways Corporation of New Zealand Ltd** requested the ability to establish an ATZ at a controlled aerodrome within the Rule.

**Civil Aviation Authority** response is that it is CAA policy to establish ATZs only at suitable uncontrolled aerodromes, and CTRs at controlled aerodromes, thereby reducing the possibility of uncertainty for pilots.

#### **QNH areas [Now called QNH zones]**

**Airways Corporation of New Zealand Ltd** submitted the proposed QNH area names of Northland, Tarawera, Manawatu, Hawkes Bay, Cook Strait, West Coast, Molesworth, Canterbury, Aorangi and Otago. Fiordland was the proposed name for an additional area to be promulgated.

**Civil Aviation Authority** response is to agree with Northland, Manawatu, Hawke Bay, Cooks Strait, West Coast, Fiordland, Canterbury and Otago. Waikato is the name chosen for the Waikato-BOP area, as Tarawera is used for a mandatory broadcast zone southeast of Rotorua. CAA did not use Molesworth as this is the name of a promulgated aerodrome, so this area will be named Clarence. Aorangi is not suitable for the Southern Alps area, as a military operational area over the Aorangi Range by Cape Palliser already has this name. CAA prefers to name this area Ohau, after Lake Ohau, the Ohau River, and the Ben Ohau Range.

**Aviation Industry Association of NZ, Air Charter Taupo Ltd, Farmers Air Ltd, Helistar Helicopters Ltd, and Heliwing Ltd** were unhappy with either Marlborough or Clarence as the name for the present Kaikoura QNH

area as Marlborough infers Blenheim and Clarence infers the Kaikoura east coast area.

**Rural Aviation Ltd** commented they would favour Marlborough or even Cape Campbell for the northern area, but are against the use of Tasman as this could be confused with other places named Tasman.

**Civil Aviation Authority** response is to note the above comments.

**The New Zealand Defence Force** requested additional information within the QNH areas Rule such as the change point from aerodrome to area QNH.

**Civil Aviation Authority** response is that this will be treated as a Part 91 submission.

## **Subpart B — Designation of controlled airspace**

### **Control areas**

**Airways Corporation of New Zealand Ltd** requested that the rule should be amended so that the lateral limits of a control area take into account ICAO Document 8168 PANS OPS aircraft performance requirements and terrain.

**Civil Aviation Authority** response is that Document 8168 requirements are some of many considerations such as traffic type, density, and industry consultation that the Director needs to consider in prescribing airspace. It is considered unnecessary to include all these requirements within the Rule.

**Airways Corporation of New Zealand Ltd** suggested that paragraph 71.51 (k) of the NPRM is superfluous if “including a TMA” is inserted into paragraph 71.51 (f).

**Civil Aviation Authority** response is that this paragraph will be omitted.

### **Control zones**

**Airways Corporation of New Zealand Ltd** suggested “or” should be “and” in paragraph 71.53 (a) (1) of the NPRM to recognise that approach and aerodrome control both required within a control zone (CTR).



**Civil Aviation Authority** response is that aerodrome and approach control service are not both required within a CTR.

**Airways Corporation of New Zealand Ltd** suggested the dimensions of a CTR should also encompass the flight paths of aircraft operating within the aerodrome traffic circuit.

**Civil Aviation Authority** response is that this is in excess of Annex 11 requirements and the size of an aerodrome traffic circuit is not defined. CAA would normally take into account circuit patterns within their procedures.

**Airways Corporation of NZ Ltd** requested that reference to aerodrome control in paragraph 71.53 (g) of the NPRM should be deleted, due to the contention that aerodrome control is provided only by delegation from approach control.

**Civil Aviation Authority** response is that aerodrome control considerations shall be taken into account in promulgating CTR sectors, especially if there is more than one ATS provider. The Director will prescribe CTR sectors when requested, after consultation with all ATS providers within the CTR.

#### **VFR transit lanes**

**Airways Corporation of New Zealand Ltd** supported the intention that victor and kopter lanes are operative by day only.

**Civil Aviation Authority** response is to note this comment.

#### **Subsidiary airspace designations**

**Airways Corporation of New Zealand Ltd** considered MNPS airspace to be redundant with the advent of RNP.

**Civil Aviation Authority** response is that the CAA CNS/ATM committee advises that MNPS airspace is not yet redundant.

#### **Temporary airspace designation**

**Airways Corporation of New Zealand Ltd** commented that promulgating temporary airspace by NOTAM is not consistent with the intentions of Annex 15.

**Civil Aviation Authority** response is that it is not always possible to predict all requirements in time to meet the AIRAC cycle, particularly when there is an unforeseen change or an error that requires correcting. CAA procedures reflect the requirement to promulgate temporary airspace whenever possible by AIP Supplement.

### **Subpart C — Airspace Classification**

**Airways Corporation of New Zealand Ltd** requested that the requirements in Subpart C are expanded to include what type of flight is permitted, and what service is provided within the various classifications.

**Civil Aviation Authority** response is that Part 91 contains the aircraft operating requirements for the ICAO classes of airspace.

**Airways Corporation of New Zealand Ltd** proposed class B airspace is included in Part 71 because class B may be requested for upper control areas.

**Civil Aviation Authority** response has been to include class B airspace.

**Airways Corporation of New Zealand Ltd** supported the inclusion of class F airspace.

**Civil Aviation Authority** response has been to note this comment.

### **Transitional arrangements**

Transitional provisions have been addressed in Appendix A of Part 71. Also the procedural requirements imposed upon the Director will be provided for in a transition rule in 71.19 until Part 11 Subpart C comes into effect.

### **Regulatory activities**

Part 71 replaces Civil Aviation Rules 19.255 and 19.257, which will be revoked when Part 71 comes into effect.

### **Implementation**

Part 71 becomes effective 28 days after notification in the NZ Gazette.

## **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 1037.