Civil Aviation Rules

**Notice of Proposed Rule Making**

**NPRM 25-02**

**23 June 2025**

# Advanced Aviation Reform: Shifting low-risk operations

***Docket 25/CAR/02***

**Affected Rule Parts:**

Part 101
Part 102

Published by the Civil Aviation Authority of New Zealand

## Background to the Civil Aviation Rules

The Civil Aviation Rules **(the Rules)** establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The Rules are structured in a manner similar to the Federal Aviation Regulations of the USA.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a CAA notice or a transport instrument. Both these regulatory tools can be used to set mandatory requirements such as performance standards, conditions, operating requirements, procedures and technical specifications. Both can be amended by the Director following appropriate consultation and where amendments are in accordance with the corresponding enabling rule.

Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (CAA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and regulatory 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 within the safety boundary.

Section 13 of the Civil Aviation Act 2023 (the Act) prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Sections 52 to 60 of the Act allow the Minister to make ordinary rules for a range of purposes including:

- regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:
- regulating people, activities, and things in relation to the safety and security of civil aviation:
- regulating the effect or potential effect of civil aviation on people, activities, and things:
- providing for the implementation of New Zealand's obligations under the Convention:
- providing for anything the Act says may or must be provided for by rules:
- providing for anything incidental that is necessary for carrying out, or giving full effect to, the Act.

# Contents

# 1. Purpose of this NPRM

The purpose of this rule-making proposal is to give effect to a Cabinet decision to "refresh Civil Aviation Rules to move lower risk operations from Part 102 to Part 101" by creating a Transport Instrument setting out requirements to be met in order to conduct UA operations beyond the scope of Part 101 without a Part 102 certification.

# 2. Background to the proposal

## 2.1 General Summary

The Government wants New Zealand to be the location of choice for development and deployment of emerging aviation technologies. The Government's goal is that New Zealand has a world class regulatory environment that allows rapid iteration and testing of advanced aviation vehicles and technology, while maintaining or improving aviation safety and security benchmarks. The intent reflects the 'Going for Growth' action: 'Encouraging the growth of the space and advanced aviation sector by removing unnecessary red tape and freeing up innovators to test and commercialise their technology and ideas'.

While many operations and technologies involving unmanned aircraft (UA) are no longer considered to be emerging, they are often grouped together. Further, the regulatory treatment of routine UA operations has and will continue to have an impact on new and novel UA operations.

Greater levels of development and uptake of emerging aviation technologies has the potential to reshape our economy and drive new growth in the aviation sector. It drives technological advancements that have wide-ranging economic and global impacts on everyone's daily lives.

New Zealand's advanced aviation sector contributed $0.48 billion to the economy, or approximately 0.11 percent of the New Zealand economy. The use of existing unmanned aircraft (UA) technology throughout the economy has the potential to boost economic activity by up to $7.9 billion over the course of 25 years through new activities, cost savings, and productivity gains, if appropriate action is taken to remove regulatory barriers.

In an effort to unlock these benefits, in September 2024, Cabinet agreed the following actions to support advanced aviation:

- a new Civil Aviation Rule for experimental or developmental aircraft and systems operations to reduce the need for time consuming amendments or re-certification and relieve some pressure on current certification process
- engage with the sector to establish permanent restricted airspace areas for exclusive use by advanced aviation companies
- refresh Civil Aviation Rules to move lower risk operations from Part 102 to Part 101
- explore options for the provision of regulatory advice outside of the regulator
- progress options for a cost-recovered advisory service for applicants with complex operations
- co-design an emerging technology programme that clearly defines the roles and responsibilities of different parties in the system and identifies capabilities and capacities needed, and the ways of working.

This proposal focuses on updating the wording of existing Civil Aviation Rules to move lower risk operations from Part 102 to Part 101.

## 2.2 What is the policy problem or opportunity?

In 2015, the Government brought in new and amended rules that were designed to mitigate the immediate safety and security risks posed by uncrewed aircraft operations. These rules were intended to be an interim step to give regulators an opportunity to examine technology as it developed, and to introduce longer-term regulation once the use of unmanned aircraft had become more standardised internationally.

Any uncrewed aircraft operation that cannot fit under Part 101 must be assessed and certificated under Part 102. In principle, this regulatory pathway can assess any kind of novel technology or operation. As such, the regulator faces a complex task of assessing each proposed operation. In some cases, this can result in a burdensome process that may not always be proportionate to operational risks and that imposes regulatory costs and delays on innovators.

We now have a greater understanding of the risks inherent to different UA operations, the safety mitigations available onboard the aircraft, and common operations carried out by operators. However, the CAA has not had the resources to continually update the ruleset to match these developments. Further, the nature of the ruleset means that updating the rules is a difficult and lengthy process, further inhibiting the CAA's efforts to remain agile.

The risk-based nature of the Part 102 certification process requires the CAA to carry out comprehensive assessments of the proposed operations and corresponding mitigations, leading to historic processing delays.

To address these problems, actions need to be taken to update the rules to match our current understanding of risk, to create a mechanism to enable the CAA to update the relevant rules at a greater pace, and to ensure that the changes do not result in additional processing delays.

### 2.3 Status quo: the current rule set

In 2015, the Government brought in new and amended Rules that were designed to mitigate the immediate safety and security risks posed by uncrewed aircraft operations:

a. **Part 101** contains a set of prescriptive Rules that captures lower risk operations for unmanned aircraft; and
b. **Part 102** is a risk-based certification framework that provides for more complex and higher risk operations which exceed any of the thresholds set out in Part 101. A Part 102 operator certificate is required to conduct such operations, and applications are reviewed by the Authority on a case-by-case basis

These Rules were intended to be an interim step to give regulators an opportunity to examine technology as it developed, and to introduce longer-term regulation once the use of unmanned aircraft had become more standardised internationally.[1]

Any unmanned aircraft operation that cannot fit under Part 101 must be assessed and certificated by the Authority under Part 102. In principle, this regulatory pathway can assess any kind of novel unmanned aircraft technology or operation. Prescriptive rules cannot anticipate all potential applications now or in the future. The Rules currently consider the safety risks of an operation, rather than the purpose of the operation.

Part 102 is largely working as intended and fit-for-purpose content-wise. However, due to its flexibility, application for certification may take significant periods of time, especially for more advanced operations. In combination with the perpetual advancement of technology and limitations to resourcing, there has been a historic growth in the backlog of applications awaiting assessment. In some cases, relatively low-risk operations face extended waits for certification, despite posing only minor risks to the aviation system.

In contrast, while Part 101 does not require regulatory approval, some requirements may no longer be proportionate to the safety outcomes they are trying to achieve. This in turn can lead to Part 102 applications that would otherwise be unnecessary.

More generally, the highly prescriptive nature of Part 101 needs ongoing revision and modernisation to be responsive to current risk levels, reduce regulatory burden, and support operations to participate in the aviation system safely and securely.

[1] Regulatory Impact Statement – Remotely Piloted Aircraft Systems, 2015. https://www.transport.govt.nz//assets/Uploads/RIA/RIS-Remotely-Piloted-Aircraft-Systems.pdf

### 2.4 NPRM Development

The proposal was developed in consultation with internal and external subject matter experts. A Regulatory Impact Assessment was completed by the Ministry of Transport for the wider AAR programme, which set the policy direction of this rule amendment. Feedback on these proposals was provided by the Advanced Aviation Reform Advisory Group (AARAG), which was established by the Minister for Space to provide the initial recommendations to Cabinet on this work package. Additional feedback was provided by external subject matter experts (the Emerging Aviation Technologies Forum, UAVNZ, and Tāwhaki National Aerospace Centre) as we developed these proposals, which allowed us to refine policy positions based on the needs of the sector.

### 2.5 Key Stakeholders

The following are identified by the Civil Aviation Authority as key stakeholders in the proposed rule amendments contained in this NPRM:

- The Minister for Space
- The Minister of Transport
- The Ministry of Transport
- The CAA
- Ministry of Business, Innovation and Employment
- Airways Corporation Limited
- Aviation Community Advisory Group (ACAG)
- Part 102 certificate holders
- Users of Part 101

## 3. Issues addressed during development

### 3.1 Legislative design

#### *3.1.1 Transport Instruments*

Cabinet approved a package of changes as part of the wider AAR project in September 2024. The package included moving 'lower-risk operations' from Rule Part 102 to Rule Part 101, whilst maintaining current levels of system safety.

Part 102 is a performance-based CAR that addresses operations which are not covered by Part 101. In turn, Part 101 deals with operation of unmanned aircraft, and contains several strict thresholds, including weight limits to UA, prescription against flying over private property or people without prior consent, minimum distances to be maintained from airports, maximum take-off weights, and minimum distances to be maintained from airports, among others. Any proposed operation that falls outside the scope of Part 101 must be certified under Part 102. These CARs make no distinction between commercial and recreational activities, and do not differentiate between operation types (e.g. inspection, racing, photography, etc), instead relying on risk-based operational thresholds.

The Part 102 application process involves operators setting out their proposed operation and their specific safety mitigations in an exposition. The risk factors particular to the operation are weighed up against the proposed safety mitigations, meaning that each application is assessed on its own merits and cannot be directly compared to another application.

As a result, three primary issues arose during policy planning:

- The lack of explicit operation types makes it impossible to isolate and relocate particular operations. Changes can only be made to the threshold which differentiate the two CARs.
- There is no universally accepted definition of "lower risk", meaning that changes are subjective.
- The changes should be done in a way which allows the CARs to keep pace with sector developments and our understanding of risk, which was difficult to do under the current construct.

The combination of factors led to the conclusion that the only meaningful way to give effect to the Cabinet mandated policy direction is to shift the risk envelope accepted as Part 101.

There are several options available to achieve the outcome sought by Cabinet. These range from detailed amendment of existing Rules to utilisation of a Transport Instrument; or a combination of both. A critical issue to consider is whether in future further detailed changes may need to be made; in which case a Transport Instrument is a more appropriate pathway. We determined that the most flexible and effective mechanism for achieving the outcomes set by Cabinet was to utilise a Transport Instrument. These are a new regulatory tool empowered for aviation by the Civil Aviation Act 2023[2] and are intended to contain matters which are non-controversial, outline detailed or technical requirements, are intended to be innovative or flexible, and have minimal or contained impacts. Transport Instruments allow the Minister of Transport to delegate certain matters to the Director of Civil Aviation, easing the process by which changes in relation to those matters can take place. Early assessment indicated that the use of Transport Instruments is likely to result in the outcomes sought by Cabinet either more effectively or more easily than direct changes to the CARs.

Transport Instruments cannot exist in isolation and only have legal effect when and where a CAR (or other regulation) refer to them and empower them. This means that some degree of changes to Part 101 are still required to give effect to any Transport Instrument created for this project.

We propose to update Part 101 to empower a new Transport Instrument and simultaneously define a new set of "extended operations". Technical and detailed requirements for conducting extended operations would be moved to the new Transport Instrument. Relevant rules within Subpart E of Part 101 would be updated to create a "hook" to empower and link to the relevant component of the new Transport Instrument.

In contrast to making direct changes to the existing Rules, the main advantages of this method are:

- Shifting the technical details for UA operations aligns with the intent of a Transport Instrument.
- Enabling greater regulatory agility by creating a new pathway to update technical and operational details for UA operations to reflect sector risk and technological advancements.
- We minimise the impact that updates have on the existing Civil Aviation (Offences) Regulations 2006, which outlines the offenses and penalties that apply to the CARs, including Part 101.

We note that this method will also have flow-on impacts to other types of aircraft that are covered by Subpart E of Part 101. This includes control-line model aircraft and free flight model aircraft. Whilst we do not anticipate this change having any major issues on the status quo, we are seeking some specific information from the public on this change.

#### *3.1.1 Transport Instrument Suitability*

To further confirm the appropriateness of utilising Transport Instruments and of transferring the content related to UA in Subpart E of the CAR Part 101, we assessed the proposal against the criteria set out in guidance material prepared by the Ministry of Transport.

The elements to be considered are:

- It is non-controversial – the proposed use of Transport Instruments aligns with the criteria for their use, as it deals with the technical details related to exceeding current thresholds in Part 101. However, the decision as to whether a rule could be exceeded in principle is left with the Minister of Transport at the Rule level.
- It is used to outlined prescriptive and detailed requirements – the proposed use of Transport Instruments meets these criteria in full, as it is both detailed and prescriptive and primarily sets out thresholds and specific ways in which they may or may not apply.
- It is to allow for flexibility or innovation – the proposed use of Transport Instruments meets these criteria as it is specifically tailored towards fostering a system which is responsive to the transport sector and technological advancements.
- It would have contained or minimal impact – the proposed use of Transport Instruments meets these criteria as it sets out relatively minor technical thresholds for considerations outlined in the rules. The Transport

[2] See Subpart 3 – Transport Instruments (sections 430, 431 and 432).

Instrument could not be used in isolation to enact wholesale changes to the Part 101 system. The degree of change is likely to have a relatively change for a contained group of UA users.

Based on the above assessment, we concluded that the proposed use of Transport Instruments meets the required criteria and should be deemed to be suitable.

*3.1.2 Rule selection*

International comparisons made it clear that New Zealand is out of line with overseas best practice in the fact that we do not have a registration system for RPAS. A registration system enables a greater level of oversight for regulators, which can be an explaining factor in why overseas jurisdictions may have higher risk tolerances. Implementation of a registration system, pilot accreditation, and further policy work on remoteID have previously been explored through the Enabling Unmanned Aircraft Integration package prepared by the Ministry of Transport. However, it was not progressed. Cabinet have indicated that a registration system was not in scope of this current stream of work.

Cabinet stipulated that the current levels of system safety must be maintained when making this regulatory change. In order to achieve this whilst extending the envelope of risk that the CAA was willing to absorb, we have decided to utilise the Transport Instrument to provide specific criteria that users of Part 101 must comply with to exceed existing thresholds of selected Rules.

We understood that amending the threshold applied to existing Rules would invariably change the risk profiles with operations which approach, meet, or seek to exceed those thresholds. To account for these changes, we will introduce new requirements based on an accumulated understanding of risk. These requirements are intended to be broadly categorised into:

- Potential platform requirements, primarily around the type of aircraft which is acceptable to use when exceeding an existing threshold or any specific technology or function which must be on the aircraft
- Potential training requirements, based on existing relevant Part 141 training courses, with the scope to expand the accepted courses in response to suitable new courses, qualifications, industry accreditations, or certifications offered by the sector
- Restrictions related to interaction with other Rules
- Other requirements which are necessary but do not fit into the other criteria.

In addition, the new Transport Instruments will set out additional measures to provide a degree of oversight to operations making use of the new exceedances:

1. Operators intending to use any of the exceedances in this Transport Instrument must make a declaration to the CAA of their intent to do so. Presumably this will be via a prescribed form, but we do not have that yet.
2. Operators must meet the requirements prior to using an exceedance and must continue to meet the requirements.
3. If operators do not meet the requirements set out, they may face penalties as set out in the penalties regulations for the underlying rule (e.g. flying above property while not meeting the requirements we set out will mean that they may face the flying over property penalties set out in the regs)
4. Operators will be required to maintain digital flights logs on Airshare of their operations carried out under these exceedances.

The inclusion of these measures will help ensure that safety standards are being maintained and help provide a level of regulatory oversight without the implementation of a registration system.

### 3.2 Criteria for inclusion in this project

To achieve this task and remove the need for lower risk operations to obtain certification under 102, we completed a comprehensive assessment on existing Part 101 rules to determine on the specific areas in which existing risk thresholds could be extended. This assessment was done with input from CAA Subject Matter Experts (SMEs) and officials from the

Ministry of Transport. We focused our assessment on Subpart E of the existing Part 101, and any specific definitions that were directly related to unmanned aircraft, as well as general rules that are applied to the entirety of Part 101. The intent of this assessment was to identify a suite of rules that we were comfortable with exceeding the risk envelope for, alongside required technical requirements that will be used to ensure that current levels of safety are maintained. We used the following criteria to determine whether a rule was suitable to be exceeded:

- Can current levels of safety be maintained?
- Will a change ease regulatory burden on users?
- Would the change provide greater clarity to users of the system?
- Will a change encourage economic prosperity within the advanced aviation sector?
- Is the change in line with other regulators?
- Can an effective change be made within the project timeframes?

When assessing rules using criteria, we also considered what changes would be the most likely to have a noticeable impact on the existing regulatory framework and would meet the intention set out by Cabinet to create a more timely, less burdensome system for users of both Part 101 and Part 102.

We identified a range of issues that we would have liked to address but require substantial policy work to determine a safe level of risk exceedance. In some cases, we have progressed a partial amendment to these rules to enable changes that we know do not reduce current levels of safety, or to provide clarity to users of the system. More detail on these issues can be found in Section 2.2.1 onwards.

Lastly, we also conducted assessment on some issues within both Part 101 and 102 that we knew to be longstanding issues that either fit within the scope of this work or have been too small in the past to warrant becoming their own policy project. Most of these issues either related to improving clarity for users, or, if amended, would result in a timelier certification system. These issues were:

- The applicability of rule 101.205(b), which prohibits an RPAS from operating over an active runway
- Longstanding confusion on who can issue a NOTAM under Part 101, as required by Rule 101.207(c)(2)
- Longstanding confusion over the ability to conduct agricultural operations under Part 101
- The applicability of Rule 102.3, which allows holders of a Part 102 certificate to solely operate under Part 101 rules and not exercise any Part 102 privileges.

Further detail on each of these issues is found from Section 2.2.1 onwards.

The below table details the assessment of each relevant rule:

| Rule | Rule wording | Safety levels maintained if changed? | Eases regulatory burden? | Encourages economic prosperity? | Provides clarity? | Aligned with other regulators if changed? | Effective change achievable within timeframes? | Outcome |
|---|---|---|---|---|---|---|---|---|
| Definition: Shielded Operations | Shielded operation means an operation of an aircraft within 100 m of, and below the top of, a natural or man-made object. | Yes | Yes | No | Yes | Yes | Yes | Progressed to change list |
| Definition: Remotely Piloted Aircraft | Remotely piloted aircraft means an unmanned aircraft that is piloted from a remote station and—<br>(1) includes a radio-controlled model aircraft; but<br>(2) does not include a control line model aircraft or a free flight model aircraft: | N/A | N/A | N/A | N/A | N/A | N/A | Not progressed – no necessary changes identified |
| 101.7(a) and (b)<br><br>Restricted, military operating, and danger areas | (a) A person must not operate an unmanned aircraft, kite, rocket, gyroglider, or parasail within a restricted area designated under Part 71 unless the person has approval to do so from the administering authority responsible for the restricted area.<br>(b) A person must not operate an unmanned aircraft, kite, rocket, gyroglider, or parasail within a military operating area designated under Part 71 unless the person has approval to do so from the administering authority responsible for the military operating area. | No | No | No | No | No | Yes | Not progressed – current rule is the minimum level of regulatory controls required |

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| 101.9(1)<br><br>Low flying zones | A person must not operate any of the following within a low flying zone designated under Part 71:<br>(1) an unmanned aircraft: | No | No | No | No | Unknown | Yes | Not progressed – current rule is the minimum level of regulatory controls required |
| 101.11(1)<br><br>Controlled airspace | A person must not operate any of the following in controlled airspace without prior authorisation from the ATC unit responsible for that airspace unless the operation is a shielded operation:<br>(1) an unmanned aircraft: | No | No | No | No | No | No | Not progressed – current rule is the minimum level of regulatory controls required |
| 101.12(a)(1)<br><br>Airspace knowledge | (a) This rule applies to a person who operates any of the following:<br>(1) an unmanned aircraft:<br>(b) A person to whom this rule applies must—<br>(1) ensure that before each flight, the person is aware of the airspace designation under Part 71 and any applicable airspace restrictions in place in the area of intended operation; or<br>(2) conduct the operation under the direct supervision of a person who is aware of the airspace designation under Part 71 and any applicable airspace restrictions in place in the area of intended operation. | No | No | No | No | No | No | Not progressed – current rule is the minimum level of regulatory controls required |
| 101.13(1)<br><br>Hazard and risk minimisation | A person operating any of the following must take all practicable steps to minimize hazards to persons, property and other aircraft:<br>(1) an unmanned aircraft: | No | No | No | No | No | No | Not progressed – current rule is minimum level of regulatory controls required |

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| 101.15(1)<br><br>Dropping of articles | A person operating any of the following must not allow any object to be dropped in flight if such action creates a hazard to other persons or property:<br><br>(1) an unmanned aircraft: | Yes | Yes | No | Yes | Unknown | Somewhat | Progressed to change list – see section 3.2.1 for more detail |
| 101.202<br><br>Approved person or organisation | In this Subpart, an approved person or organisation means a person or organisation having appropriate expertise in the design, construction or operation of remotely piloted aircraft, or appropriate knowledge of airspace designations and restrictions, and who has been approved by the Director to perform one or more of the following specified functions:<br>1. issuing a pilot qualification for operating remotely piloted aircraft; or<br>2. appointing persons to give instruction to operators of remotely piloted aircraft; or<br>3. authorising a person to notify the aeronautical information service provider, for the issue of a NOTAM, of remotely piloted aircraft operations; or<br>4. authorising the construction or modification of remotely piloted aircraft greater than 15kg; or<br>5. inspecting and approving the construction of a remotely piloted aircraft greater than 15kg; or | Unknown | Yes | No | Yes | Unknown | No | Requires further policy work – see section 3.2.2 for more detail |

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| | authorising the operation of a remotely piloted aircraft greater than 15kg | | | | | | | |
| 101.205(a) Aerodromes | A person must not operate a remotely piloted aircraft or a free flight model aircraft on or within 4 km from the boundary of—<br><br>(1) an uncontrolled aerodrome, unless—<br><br>(i) the operation is undertaken in accordance with an agreement with the aerodrome operator; and<br><br>(ii) in the case of a free flight model aircraft, the aircraft is launched downwind of an active runway; and<br><br>(iii) in the case of a remotely piloted aircraft –<br><br>(A) each pilot has an observer in attendance while the aircraft is in flight; and<br><br>(B) the aircraft is not operated at a height of more than 400 feet above ground level unless the operator has been approved by the Director to operate the aircraft above 400 feet above ground level; and<br><br>(2) a controlled aerodrome, unless it is operated in accordance with an authorisation from the relevant ATC unit; and | Yes | Yes | No | Yes | Yes | Yes | Progressed to change list – see section 3.2.6 for more detail |

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| | (3) any aerodrome, unless the person—<br><br>(i) is the holder of, or is under the direct supervision of the holder of, a pilot qualification issued by an approved person or organisation (see rule 101.202); or<br><br>(ii) is under the direct supervision of a person appointed to give instruction in the operation of remotely piloted aircraft by an approved person or organisation (see rule 101.202); or<br><br>(iii) is the holder of a pilot licence or certificate issued under Part 61 or Part 149. | | | | | | | |
| 101.205(b)<br><br>Aerodromes | A person must not operate a remotely piloted aircraft, a control line model aircraft or a free flight model aircraft—<br>1) on or over any active movement area of an aerodrome; or<br>2) on or over any active runway strip area. | Yes | Yes | No | Yes | Unknown | Yes | Progressed to change list – see section 3.2.3 for more detail |
| 101.205(c)<br><br>Aerodromes | Paragraph (a) does not apply to a shielded operation that is conducted—<br>1) outside of the boundary of the aerodrome; and<br>2) in airspace that is physically separated from the aerodrome by a barrier that is capable of arresting the flight of the aircraft | No | No | No | No | No | N/A | Not progressed |

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| 101.207(a)(1)(i)-(ii)<br><br>Airspace | A person operating a remotely piloted aircraft must—<br>(1) unless operating in a danger area under Part 71, avoid operating—<br>(ii) above property unless prior consent has been obtained from any persons occupying that property or the property owner; | Yes | Yes | No | Yes | Yes | Yes | Partially – changes progressed for property only. See section 3.2.4 for more detail |
| 101.207(a)(2)<br><br>Airspace | A person operating a remotely piloted aircraft must—<br><br>(2) maintain observation of the surrounding airspace in which the aircraft is operating for other aircraft; and | No | No | No | No | No | No | No – current rule details minimum level of regulatory controls required |
| 101.207(b)<br><br>Airspace | Nothing in paragraph (a) requires a person to obtain consent from any person if operating—<br>(1) under the authority of an approved organisation; and<br>(2) in airspace used by that organisation before 1 August 2015. | No | No | No | No | No | No | No – current rule details minimum level of regulatory controls required |
| 101.207 (c)(1)<br><br>Airspace | A person operating a remotely piloted aircraft more than 4 km from an aerodrome boundary and above 400 feet above ground level must ensure that the operation remains within Class G airspace and must—<br>1) operate in a danger area designated for that purpose under Part 71; or | No | No | No | No | No | No | Not progressed |
| 101.207(c)(2)<br><br>Airspace | A person operating a remotely piloted aircraft more than 4 km from an aerodrome boundary and above 400 | Yes | Yes | No | Yes | Unknown | No | Requires further policy work – see |

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| | feet above ground level must ensure that the operation remains within Class G airspace and must—<br><br>(2) ensure that the operation remains within Class G airspace and that at least 24 hours before the operation, a person authorised by an approved person or organisation (see rule 101.202), notifies the aeronautical information service provider, for the issue of a NOTAM, of the following information:<br><br>(i) the name, address, and telephone number of the operator:<br><br>(ii) the location of the proposed operation:<br><br>(iii) the date, time and duration of the proposed operation:<br><br>(iv) the maximum height above ground level proposed for the aircraft operation. | | | | | | | section 3.2.2 for further details |
| 101.209(b)<br><br>Visual line of sight operation | (b) A person must not operate an aircraft to which this rule applies in—<br><br>(1) any area in which the person's view of the surrounding airspace in which the aircraft will operate is obstructed; or<br><br>(2) meteorological conditions that obstruct the person's ability to | Yes | Yes | Yes | Yes | Yes | Yes | Progressed to change list – see section 3.2.5 for more details |

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| | maintain visual line of sight of the aircraft. | | | | | | | |
| 101.209(c) Visual line of sight operation | (c) A person who operates an aircraft to which this rule applies must at all times—<br><br>(1) maintain visual line of sight with the aircraft; and<br><br>(2) be able to see the surrounding airspace in which the aircraft is operating; and<br><br>(3) operate the aircraft below the cloud base. | Yes | Yes | Yes | Yes | Yes | Yes | Progressed to change list – see section 3.2.5 for more details |
| 101.209(d)<br><br>Visual line of sight operation | (d) For the purposes of this rule visual line of sight means a straight line along which an observer has a clear view and which may be achieved with the use of—<br>(1) spectacles, contact lenses, or a similar device used to correct subnormal vision of the user to no better than normal vision but not the use of an electronic, mechanical, electromagnetic, optical, or electro-optical instrument; or<br>(2) a first person view system and a trained and competent observer who maintains—<br>(i) visual line of sight of the aircraft; and<br>(ii) sight of the surrounding airspace in which the aircraft is operating; and | No | No | No | No | No | Yes | Not progressed – current rule outlines the minimum regulatory controls required |

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| | (iii) direct communication with the person who is operating the aircraft | | | | | | | |
| 101.211<br><br>Night operation | A person must not operate a remotely piloted aircraft or free flight model aircraft at night unless the operation is—<br>(1) indoors; or<br>(2) a shielded operation. | Yes | Yes | No | Yes | Yes | Yes | Progressed to change list |
| 101.213<br><br>Right of way | (a) A person who is operating a remotely piloted aircraft or a control line model aircraft must ensure the aircraft that the person is operating gives way to, and remains clear of, all manned aircraft on the ground and in flight | No | No | No | No | No | No | Not progressed – SMEs did indicate this rule could be amended but it would need to be carefully considered to ensure changes are practicable, and safety levels could be maintained. |
| 101.215(a) | A person must not operate a remotely piloted aircraft, a control line model aircraft or a free flight model aircraft with a gross mass of more than 25 kg. | No | No | No | No | No | No | Not progressed |
| 101.215(b)<br><br>Aircraft mass limits | (b) A person must not operate a remotely piloted aircraft with a gross mass of between 15 kg and 25 kg unless the aircraft, and any modification made to it, is—<br>(1) constructed under the authority of, or inspected and approved by, an approved person or organisation defined in rule 101.202; and | No | No | No | No | No | No | Not progressed |

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| | (2) operated under the authority of an approved person or organisation defined in rule 101.202 | | | | | | | |
| 102.3(2)<br><br>Application | This Part applies to the following:<br><br>….<br><br>(2) a person who operates an unmanned aircraft in accordance with Part 101 and who wishes to apply for an unmanned aircraft operator certificate. | No | Yes – on the regulator | No | Yes | No | Yes | Progressed to change list – see section 2.3.6. for more details |

### 3.2.1 *Agricultural operations*

Based on input from SMEs and historic input from the sector, we understood that opinions are varied on whether and how the rules related to agricultural should change. opposing opinions on whether relevant regulations need to be loosened or made stricter. While agricultural operations are a primary focus, any operation involving spraying is likely to face comparable regulatory burdens (e.g. building washing via water, or application of cleaning chemicals to roof and infrastructure).

Initially, we sought to assess the regulatory impacts on agricultural operations by examining the existing rules for Dropping of Articles (Part 101 101.15), Aircraft Mass Limits (Part 101 101.205), and accompanying amendments to Advisory Circulars for Part 101 and Part 102.

Our assessments indicated that while some degree of operations could potentially be enabled through amendments to Part 101, these would be limited measure which would benefit a small number of operators. To give effect to enduring and effective updates, change needed to be made to Part 137 Agricultural Aircraft Operations, along with corollary and consequential changes to Part 101 and associated Advisory Circulars. Currently, Part 137 does not explicitly allow for UA operations. We determined that scope and significance of the updates needed to Part 137 to enable routine UA use for such operations were beyond the scope of the current AAR and would need to be done at a later stage. Updating Part 137 via a more standalone process would allow us to not only address UA specific technical questions but also address any differences in the treatment and definition of terms such as agricultural chemical which already exist between the regulatory regimes of the Civil Aviation Authority and the Environmental Protection Authority.

We determined that while we cannot make any enabling changes now, we are able to make changes to give effect to the goal of providing greater clarity. Currently Part 101 is silent on the use of unmanned aircraft for agricultural operations which has created confusion. Guidance around how agricultural operations could be conducted is found in the Advisory Circulars for Part 102. To provide greater clarity and certainty for users, the present rules for dropping of articles will explicitly confirm that agricultural operations are not to be performed under Part 101. In the future, if a regulatory mechanism is confirmed to allow such operations, the proposed use of Transport Instruments could facilitate the change.

### 3.2.2 *Approved person or organisation*

This work was initially included in the 'green list' of potential rule changes at the suggestion of a number of SMEs. The feedback we received was that the rule, in its current form, is hard to implement consistently, and needs significant additional internal and external resource to work as intended, as was set out in the initial NPRM which accompanied the rule. SMEs also believe that certain wording within the rule could also give rise to unintended consequences such as requiring large UA manufacturers to seek CAA approval prior to designing UA beyond certain weight limits. Further, feedback from industry SMEs indicated that the rule in practice was confusing and difficult to interpret.

Our assessment indicated that the SME opinions held some ground but were not an immediate concern to the wider implementation of the AAR regulatory changes. Some of the concerns may also be alleviated with guidance material instead of rule changes. However, the scope of the assessment that is required to create that guidance goes beyond the scope of AAR, without significantly contributing to the outcomes sought by the Minister of Space and Cabinet.

An issue assessment (23/ISS/19) was also absorbed into this project. This issue assessment relates to a possible problem around who can be a NOTAM originator under Part 101. Elements of this issue assessment are directly dependent on 101.202, but the problem sits slightly outside the scope of what the AAR project is trying to achieve.

As a result of the above, and the limited impact that both problems would have on the outcomes this project seeks to achieve, we have decided that this work is best placed in a future tranche of policy assessment.

### 3.2.3 *Active runways*

There is a longstanding issue with the use of the term 'active runway' in rule Part 101.205. In its current state, the rule prohibits RPAS operations under Part 101 from taking place over an active runway, regardless of whether the operator has permission to go within 4km of an aerodrome. This proves problematic for operations such as airport companies wanting to inspect runways using RPAS. Additionally, there is confusion by users as to what is meant by 'active runway'. This is not defined within the ruleset. We included assessment of this issue within this project due to the regulatory burden it was placing on some users of the system, and the lack of clarity that currently exists.

Upon investigation, we identified the following options to solve this problem, outside of retaining the status quo:

- **Amend active runway rule from active to 'in-use':** we could amend the current active runway rule to read as 'in-use' as opposed to 'active'. This option would likely be resource intensive, and not achievable within the timeframes of the AAR project. Further, significant policy and legal analysis would be required to determine what is 'in-use', and we would effectively be introducing a definition that is not common globally. This could have flow on safety impacts for international pilots flying into New Zealand who would not be familiar with the term or how it is applied.
- **Tell operators to close the runway via NOTAM:** We could tell operators to close the runway via NOTAM so it is no longer active. We identified that this option – whilst achievable – would not address the fundamental issue. Whilst this change would allow RPAS to fly over a runway, they would not be able to use the runway, as it would be closed. This solution would only be suitable for RPAS that rely on vertical take-off and landing (VTOL) systems, as opposed to those RPAS that use traditional take-off and landing systems that require a runway.
- **Keep the active runway rule but require operators to seek permission**: We could amend the active runway rule but require operators to seek permission from Air Traffic Control or the aerodrome operator before conducting operations. This would mean that ATC/aerodrome operators would be responsible for determining and absorbing any risk with these operations taking place. Whilst this could address the issue, it results in more regulatory burden for RPAS operators, as they would be required to apply for two levels of permission to operate – firstly to operate within 4km of an aerodrome, and secondly to operate over an active runway.

We also looked at the history of this rule. We determined that this is a legacy rule from the initial issue of Part 101 rules in 1997, when this subpart was solely applied to model aircraft. Further, this rule was put in place to mitigate the risk of model aircraft getting too close to a runway. When the rules were updated in 2015 to incorporate unmanned aircraft, there is no record of the impacts of this rule being considered on these types of operations.

After looking at the available options, we determined that the best course of action was to remove the active runway rule from Part 101. The risks associated with this rule are mitigated by the rule prohibiting operation within 4km of an aerodrome. This change will ease burden on operators and provide a consistent system for all unmanned aircraft types.

#### *3.2.4 Flying over people and property*

Applications for Part 102 applications which include operations over private property represent a notable portion of all Part 102 applications. In many cases, this privilege is used for minor or incidental overflight of private property, such as real estate photographers needing to be at a certain distance from a property to capture photographs. In many cases, these operations do not represent significant risk to other properties.

Based on desktop analysis of relevant rules in comparable jurisdictions, allowances for flights over property are increasingly common. However, in virtually all cases, some form of safety mitigations are built in to the operation, such as registration, generalised or specific training requirements. New Zealand does not currently require or offer many of these mitigations, which makes it impossible to allow flights over property in the same way. The currently proposed model for Part 101 exceedances would allow similar measures to be required from operators who intend to fly over private property without consent.

Desktop analysis of internal documents and the archived NPRM for the 2015 changes to Part 101 indicate that the present rules around flying over private property without consent are based on best practices at the time and the difficulty of quantifying the risk of UA to property.

We sought to understand the real-risks and impacts that UA have posed to property. CAA records indicate that as at 15 May 2025 there were 2,613 recorded occurrences since Q1 2019 of UA flying over people or property without obtaining consent. In the same time period, there were 148 recorded occurrences of UA striking or colliding with objects (not just private property). In most cases, the damage to property is relatively minor compared to the damage to the UA itself. Overall, when measured as an absolute value or as a relative value, the risk that UA prose to private property is very small. If enabling changes are made which maintain safety standards for users, the risk to private property owners would not increase.

Based on this, we propose to create a new exceedance which would allow flights to be conducted over private property without seeking prior consent on the conditions that the operator flies an appropriate aircraft, has completed appropriate training, and does not fly over people. These conditions are analogous to the relevant conditions they may

face if flying under a Part 102 certification. This exceedance will explicitly not seek to overrule other primarily or secondary legislation or any local government rules which concern permission to fly over certain areas. The intent of this is to maintain the powers held by various bodies to prohibit flights over roads, forest, cemeteries, schools, etc.

We also assessed the feasibility of similar changes to the current rules related to flying over people without prior consent. The relative risk from such activity was much greater than operations conducted over property, as an accidental impact with a person would be significantly more damaging than a comparable impact with property. Quantifying the difference in the impacts is outside the scope of this work but based on the current Statistical Value of Life of $12.5 million[3], it is likely that the financial cost of impact with people are far greater than those that may arise from impacts with property.

#### *3.2.5 Beyond Visual line of sight (BVLOS) operations*

The current rules relating to the operation of UA beyond the visual line of sight of the operator were established early in the development of consumer-grade UA. In the intervening decade, the level of technology, safety mitigation, comms links and redundancies, and operational knowledge has increased significantly.

As a regulator, our understanding of risk factors and standard operating practices has also increased, despite the limitations on our ability to maintain rulesets in step with sector developments.

We now understand that some operations which are otherwise prohibited under the current rules pose very little safety and security risks to the wider aviation system. Operation of UA in contained environments with no access to other airspace is one such activity.

Based on a contemporary understanding of UA operational risks, common operations, and available safety mitigations, operations conducted beyond the visual line of sight of the operator could be conducted with a minimal risk profile if:

- The operation takes place in an environment which physically separates it from other airspace users and makes it practically impossible for the UA to transgress into other airspace through users or technical errors, and
- The risk to people is minimised and isolated solely to the individuals directly involved in the operation, and
- The operator has adequate training to provide assurance that they hold the relevant skills and knowledge to maintain control of the aircraft.

Based on an assessment of international precedents, limited BVLOS operation based on the above criteria are enabled in other jurisdictions. Presently, the Australian Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 defines indoor operations as:

> indoors operation means use of an RPA in circumstances which meet all of the following requirements:
>
> a) the RPA is flown within a building, or another structure, or a naturally occurring or man-made space underground (a containment area);
>
> b) the containment area is such that it is physically impossible for the RPA to escape and fly away during normal, abnormal or emergency operations;
>
> c) entry of people to, and exit of people from, the containment area is controlled in such a way that in flying an RPA in the containment area a remote pilot will not infringe any provision of Part 101 of CASR concerning proximity of an RPA to people within or outside the containment area;
>
> d) in the event that an RPA collides with any part of the containment area, no material from the RPA or the containment area can move or escape and cause injury to a person outside the containment area.

[3] Monetised benefits and costs manual | NZ Transport Agency Waka Kotahi (https://www.nzta.govt.nz/resources/monetised-benefits-and-costs-manual/)

Based on these conclusions, we proceeded with proposed changes to enable BVLOS operations in the limited circumstances set out above.

It is noted that wider BVLOS operations in all environments could be a key to enabling wider use of UA in New Zealand. It is also noted that BVLOS operations are gradually being enabled in other jurisdictions. However, in all cases where BVLOS is being facilitated, it is being done in conjunction with the implementation of new mitigations measures, especially registration, licensing or accreditation, user training or licensing, remoteID, and other country-specific measures. These measures are confirmed to be outside the scope of AAR, thereby limiting the extent to which BVLOS can be enabled at the present. However, the transition to a more significant use of Transport Instruments allows for the possibility of enabling greater BVLOS in the future, as appropriate measures are enacted to mitigate the risk profile of BVLOS at that time.

#### *3.2.6 Operating within 4 kilometres of an aerodrome*

Presently, UA cannot be operated within 4 kilometres of an aerodrome without first meeting several conditions, including holding a relevant qualification, obtaining appropriate agreement, and having an observer. The threshold and requirements are broadly in line with practice overseas and ICAO SARPS. In some cases, the 4-kilometre threshold used in New Zealand is more allowing then comparable jurisdictions.

However, some jurisdictions have applied smaller limits in relation to distances from heliports. Some examples include Mexico with a 900-meter limit, Canada with a 1.9-kilometre limit, and Australia with a 1.4-kilometre limit.

Desktop assessment of New Zealand-specific approach requirements for heliports did not raise any specific reason why the current 4-kilometre limit could not be reduced.

The decision was made to reduce the limit to a level comparable to other enabling jurisdictions. The proposed limit was set at 2 kilometres, slightly in excess of the limits in place in Canada.

#### 3.2.7 *Part 102.3 – holding a Part 102 certificate but operating solely under Part 101 rules*

The current wording of Part 102.3 allows for a participant to hold a Part 102 certificate but choose not to exercise any conditions and solely operate under Part 101 rules. This is limited in practice, and typically only occurs for insurance purposes. We are aware of only one operator utilising this rule at present.

An issue assessment initially recommended that the status quo was retained and this rule continued to exist. However, the establishment of the transport instrument attached to Part 101 means that there is no longer a need for this to be an option – the threshold of Part 102 is now higher than what it once was. The Minister's expectations are that we amend the rules to provide clarity, which we will be doing by removing this rule and providing explicit clarity that operations must be conducted under either 101 or 102.

### 3.3 ICAO Standards and Recommended Practices

Current ICAO Standards and Recommended Practices (SARPs) relating to unmanned aircraft primarily deal with international flights. As these operations are only taking place on a domestic level, there is unlikely to be any overlap between SARPs and this proposal.

We do however acknowledge that there are still some changes required to resolve any alignment issues with ICAO SARPs for UA that are outside the scope of this project. The CAA's Issue Assessment Panel have agreed to establish an ICAO Alignment project relating specifically to UA, which will commence in due course.

### 3.4 . Compliance costs

We do not envisage this change resulting in additional compliance costs for Part 101 users, unless they chose to utilise some of the new exceedances. In some cases, users may be required to use specific technology and may also face costs associated with maintaining digital flight logs. We expect that this change will only appeal to the top end of Part 101 users, and the bottom end of Part 102 users. Therefore, we are expecting the majority of Part 101 users to be unaffected.

Compliance costs will likely reduce for users that are currently having to obtain Part 102 certification for operations that will now be able to be conducted under Part 101.

# 4. Summary of changes

### 4.1 Part 101 Amendments

Rule 101.15 is amended to prohibit a person from operating an unmanned aircraft to carry out agricultural spraying or topdressing. New paragraph (c) is inserted.

New rule 101.17 is inserted to provide for the making of transport instruments for the purposes of Part 101. A transport instrument may impose conditions and obligations on a person who operates a remotely piloted aircraft, control line model aircraft and free model aircraft. The transport instrument may be made by the Director specifying the date of compliance. The rule allows the Director to amend or replace the transport instrument. A transport instrument is secondary legislation.

Subpart E (Remotely Piloted Aircraft, Control Line Model Aircraft and Free Flight Model Aircraft), rules 101.203 to 101.215 are to be updated to give effect to the Transport Instrument and transfer portions of the rule into the Transport Instrument. See draft CATI 101.17.

Rule 102.17 is amended to specify that the exercise of a privilege which applies to both Civil Aviation Rule Parts 101 and 102 by a holder of an unmanned aircraft operator certificate is deemed to be an exercise of the privilege under the authority of the certificate under Part 102.

### 4.2 Draft Civil Aviation (Operation of Unmanned Aircraft, Control Line Model Aircraft and Free Model Aircraft) Transport Instrument (CATI 101.17)

The draft transport instrument (CATI 101.17) specifies the obligations and conditions for a person who operates an unmanned aircraft, control line model aircraft and free model aircraft. It is proposed that the transport instrument be divided into 2 subparts – Subpart A for General Operations, and Subpart B for Higher Risk Operations.

Subpart E of Part 101 (rules 101.203 to 101.215) that is proposed to be removed are placed in Subpart A of CATI 101.17. Exceptions to (or exceedance of) any of the operating requirements (considered higher risk operations) are placed in Subpart B.

It is proposed that the transport instrument be entitled Civil Aviation (Operation of an Unmanned Aircraft, Control Line Model Aircraft and Free Model Aircraft) Transport Instrument. For easy reference, it may be simply referred to as CATI 101.17. Note that rule 101.17 is the rule that enables the making of the transport instrument.

Clauses 1.7 to 1.25 incorporate rules 101.203 to 101.215. Note that clause 1.13(b) is to be revoked.

Clause 2.1 provides the general conditions that a person must meet before carrying out an operation under the subpart.

Clause 2.3 specifies the conditions a person must meet before operating a remotely piloted aircraft on or within 2km from the boundary of a heliport. The clause also specifies the conditions a person must meet if operating a remotely piloted aircraft 10m above the prescribed height of a shielded operation.

Clause 2.5 specifies the conditions a person must meet before operating aircraft over property without the consent of the occupier or owner.

Clause 2.7 specifies the conditions a person must meet before operating a remotely piloted aircraft at night. Note that if there is a conflict between this clause and any other existing law (such as a local government bylaw), that existing law prevails.

Clause 2.9 specifies the conditions a person must meet before carrying out an operation beyond visual line of sight of operation.

# 5. Legislative analysis

### 5.1 Power to make rules

The Minister may make ordinary rules under sections 52 to 60 of the Civil Aviation Act 2023, for various purposes including implementing New Zealand's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- Section 52(1) which allows the Minister to make rules relating to civil aviation for all or any of the following purposes:

  (i) regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:

  (ii) regulating people, activities, and things in relation to the safety and security of civil aviation:

- section 54(1) which allows the Minister to make rules under section 52 relating to the setting of standards, specifications, restrictions, and licensing requirements for all of those persons or things specified in section 53, including but not limited to the following:

  (i) the setting of standards for training systems and techniques, including recurrent training requirements:

- section 56(b) which allows the Minister to make rules under section 52 for all or any of the following:

  (i) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:

  (ii) the prevention of the operation of aircraft in a manner that endangers people or property.

- Section 60(a) which allows the Minister to make rules under section 52 for definitions, abbreviations, and units of measurement to apply within the civil aviation system.

### 5.2 Power to make a transport instrument

CATI 101.17 is made by the Director pursuant to sections 430 and 431 of the Civil Aviation Act 2023.

Section 430(1)(b) specifies that a regulation or rule made under this Act may provide for any matter that could be included in that regulation or rule to be dealt with in a transport instrument, but must not do so unless, in the case of the Minister making the rule, the Minister is satisfied that the subject matter is appropriate to be in a transport instrument rather than in the rule itself.

Section 430(2) specifies that a regulation or rule that provides for a transport instrument must specify whether the Secretary or the Director may make the instrument.

Section 430(3) specifies that a regulation or rule that provides for a transport instrument may –

(a) provide for a particular transport instrument as amended or replaced from time to time:

(b) provide for any transport instrument that may be made for the purposes of that regulation or rule (even if the instrument has not been made at the time the regulation or rule is made):

(c) provide for any requirements in relation to the instrument or its creation.

Sections 431(1) and (3)(b) provide that a specified person may make a transport instrument and, in this case, the specified person is the Director.

### 5.3 Matters to be taken into account

The development of this NPRM and the proposed rule changes considers the matters under sections 61(2) and 72 of the Act that are part of the procedure for making rules.

Under section 61(2), before making a rule, the Minister must—

- be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO relating to aviation safety and security; and

- be satisfied that the rule is not inconsistent with New Zealand's international obligations relating to aviation safety and security; and

- have regard to and give the weight that the Minister considers appropriate in each case, to the criteria specified in section 72.

The below table provides information on whether the criteria described in the Act is applicable to this proposal

| Section of the Act | Text | Applicable/Not Applicable | Comments |
|---|---|---|---|
| 3 | A safe and secure aviation system | Applicable | This proposal will ensure a safe and secure aviation system by increasing clarity for users, and ensuring the appropriate regulatory mechanisms are in place. |
| 4(a) | The Act has the following additional purposes:<br>to maintain, enhance and promote a transport system that contributes to environmental sustainability, economic prosperity, inclusive access, healthy and safe people, and resilience and security | Applicable | The proposal introduces a mechanism by which the thresholds between Part 101 and Part 102 can be adjusted, along with implementing several changes to existing thresholds. All these changes ease the regulatory burden for utilising drones in New Zealand. The changes may benefit all the secondary purpose, but especially economic prosperity. |
| 4(b) | To promote innovation, effectiveness and efficiency in civil aviation | Applicable | The proposal is specifically targeted at allowing regulations to be updated alongside the sector, allowing greater levels of innovation and flexibility. |
| 4(c) | To ensure that New Zealand's obligations under international civil aviation conventions, agreements, and understandings are implemented | Not applicable | There are no international obligations relating to this proposal. |
| 4(d) | To preserve New Zealand's national security and national interests | Applicable | There are not direct impacts on New Zealand national security.<br>The proposal gives effect to a Cabinet agreed policy direction which aligns with national interests beyond aviation. |
| 4(e) | To take into account the adverse effects of civil aviation on the interests of people, property, and the environment. | Applicable | The proposal takes into account the potential adverse impacts of UA in civil aviation on people and property.<br><br>The proposal may facilitate greater UA uptake, and the potential positive impacts on the environment. |
| 72(a) | The main and additional purposes of this act | Applicable | This proposal meets the majority of the purposes of this act. If any are not met, it is because they are not applicable. |
| 72(b) | the recommended practices of ICAO relating to aviation safety and security | Not applicable | There are no relevant ICAO standards or recommended practices relating to this proposal |
| 72(c) | the level of risk existing to aviation safety in each proposed activity or service | Applicable | The proposal accounts for and seeks to maintain or improve existing levels of risk and aviation safety. |
| 72(d) | the nature of the activity or service for which the rule is being established | Applicable | This proposal is suitable for the nature of the activity it is intending to establish. |

| | | | |
|---|---|---|---|
| 72(e) | the level of risk existing to aviation safety and security in New Zealand in general | Applicable | The proposal accounts for and seeks to maintain or improve existing levels of risk and aviation safety. |
| 72(f) | the need to maintain and improve aviation safety and security, including (but not limited to) personal security | Applicable | The proposal accounts for and seeks to maintain or improve existing levels of risk and aviation safety. |
| 72(g) | the costs of implementing measures for which the rule is being proposed | Applicable | The implementation of the proposal is not expected to have any significant initial or ongoing costs for participants. |
| 72(h) | the international circumstances in respect of—<br>• aviation safety and security; and<br>• (ii) mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements | Not applicable | There are no international circumstances relating to this proposal. |
| 72(i) | any other matters that the Minister or, as the case may be, the Director considers appropriate in the circumstances. | Applicable | The proposal gives effect to a Cabinet agreed policy direction which aligns with national interests beyond aviation. |

### 5.4 Incorporation by reference

The proposed rules will not incorporate any material by reference.

### 5.5 Civil Aviation (Offences) Regulations

Minor updates to the Civil Aviation (Offences) Regulations will be required.

## 6. Submissions on the NPRM

### 6.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

### 6.2 Examination of submissions

All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site and provided to each person who submits a written submission on this NPRM.

Submissions may be examined by appointment with the Docket Clerk at the Civil Aviation Authority Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011 between 8:30 am and 4:30 pm on weekdays, except statutory holidays. Appointments to examine submissions are to be arranged by phone or email docket@caa.govt.nz.

### 6.3 Official Information Act

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties. The CAA will

consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific submissions.

### 6.4 How to make a submission

#### 6.4.1 Online response form

An online response form is available on the CAA website at NPRMs open for submission | aviation.govt.nz. When submitted, this form will be sent directly to the Docket Inbox.

#### 6.4.2 Submission response sheet

A submission response sheet may also be downloaded from our website and sent by the following methods:

e-mail: docket@caa.govt.nz and marked

by mail:
Docket Clerk (NPRM 25/CAR/02)
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

delivered:
Docket Clerk (NPRM 25-02)
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011

### 6.5 Final date for submissions

Comments must be received before **27 July 2025**

### 6.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site: www.aviation.govt.nz;

***or from:***

Docket Clerk
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011
Phone: 64–4–560 9640 (quoting NPRM 25-02)

### 6.7 Further information

For further information, contact: docket@caa.govt.nz

## 7. Proposed rule amendments

[Note: Inserted texts in existing Parts are shaded, deleted texts are ~~struck through and shaded~~]

## Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets - Operating Rules

### 101.3 Definitions

The definition of heliport is to be inserted:

**Heliport** means any defined area of land or water, and any defined area on a structure, intended or designed to be used either wholly or partly for the landing, departure, and surface movement of helicopters as promulgated in the AIP:

### 101.15 Dropping of articles

(a) This rule applies to any person while they are operating:

(1) an unmanned aircraft:

(2) a kite:

(3) a rocket:

(4) a gyroglider: or

(5) a parasail.

(b) The person must not allow any object to be dropped in flight if this creates a hazard to other persons or property.

(c) The person who operates an unmanned aircraft must not carry out an agricultural aircraft operation as specified in a transport instrument.

### Rule 101.17 Transport Instrument made for the purposes of this Part

(a) A transport instrument made for the purposes of this Part may impose conditions and obligations on a person who operates a remotely piloted aircraft, control line model aircraft and free model aircraft.

(b) In accordance with section 431 of the Act a transport instrument made for the purposes of this Part may be made by the Director.

(c) Before making a transport instrument the Director must have regard to relevant international standards, guidance and practice.

(d) The transport instrument must specify dates for compliance.

(e) The Director may amend or replace a transport instrument from time to time.

(f) A transport instrument is secondary legislation.

### Subpart E — Remotely Piloted Aircraft, Control Line Model Aircraft and Free Flight Model Aircraft

### 101.203 Control line model aircraft

~~A person must not operate a control line model aircraft with a single or multiple wire system longer than 30 m. 101.205 Aerodromes~~

A person must not operate a control line model aircraft with single or multiple wire system except as specified in a transport instrument.

### 101.205 Aerodromes

~~(a) A person must not operate a remotely piloted aircraft or a free flight model aircraft on or within 4 km from the boundary of —~~

(1) an uncontrolled aerodrome, unless —

(i) the operation is undertaken in accordance with an agreement with the aerodrome operator; and

(ii) in the case of a free flight model aircraft, the aircraft is launched downwind of an active runway; and

(iii) in the case of a remotely piloted aircraft —

(iv) each pilot has an observer in attendance while the aircraft is in flight; and the aircraft is not operated at a height of more than 400 feet above ground level unless the operator has been approved by the Director to operate the aircraft above 400 feet above ground level; and

(2) a controlled aerodrome, unless it is operated in accordance with an authorisation from the relevant ATC unit; and

(3) any aerodrome, unless the person — is the holder of, or is under the direct supervision of the holder of, a pilot qualification issued by an approved person or organisation (see rule 101.202); or is under the direct supervision of a person appointed to give instruction in the operation of remotely piloted aircraft by an approved person or organisation (see rule 101.202); or is the holder of a pilot licence or certificate issued under Part 61 or Part 149.

(a) A person must not operate a remotely piloted aircraft, a control line model aircraft or a free flight model aircraft —

(1) on or over any active movement area of an aerodrome; or

(2) on or over any active runway strip area.

(g) Paragraph (a) does not apply to a shielded operation that is conducted —

(1) outside of the boundary of the aerodrome; and

(2) in airspace that is physically separated from the aerodrome by a barrier that is capable of arresting the flight of the aircraft.

(d) Paragraph (a)(3) does not apply to a free flight model aircraft.

A person must not operate a remotely piloted aircraft or a free flight model aircraft within specified boundaries of an aerodrome except as provided in a transport instrument.

### 101.207 Airspace

(a) A person operating a remotely piloted aircraft must —

(1) unless operating in a danger area under Part 71, avoid operating —

(i) in airspace above persons who have not given consent for the aircraft to operate in that airspace; and

(ii) above property unless prior consent has been obtained from any persons occupying that property or the property owner; and

(2) maintain observation of the surrounding airspace in which the aircraft is operating for other aircraft; and

(3) not operate the aircraft at any height above 400 feet above ground level except in accordance with paragraph (c).

(b) Nothing in paragraph (a) requires a person to obtain consent from any person if operating —

(1) under the authority of an approved organisation; and

(2) in airspace used by that organisation before 1 August 2015.

(c) A person operating a remotely piloted aircraft more than 4 km from an aerodrome boundary and above 400 feet above ground level must —

(1) operate in a danger area designated for that purpose under Part 71; or

~~(2) ensure that the operation remains within Class G airspace and that at least 24 hours before the operation, a person authorised by an approved person or organisation (see rule 101.202), notifies the aeronautical information service provider, for the issue of a NOTAM, of the following information:~~

~~(i) the name, address, and telephone number of the operator:~~

~~(ii) the location of the proposed operation:~~

~~(iii) the date, time and duration of the proposed operation:~~

~~(iv) the maximum height above ground level proposed for the aircraft operation.~~

(a) A person operating a remotely piloted aircraft must avoid operating in airspace above persons or above property unless under the circumstances specified in a transport instrument.

(b) The person referred to in paragraph must comply with the conditions specified in the transport instrument.

(c) A person operating a remotely piloted aircraft within certain distances from an aerodrome boundary as specified in a transport instrument must comply with the conditions also specified in the transport instrument.

### 101.209 Visual line of sight operation

(a) This rule applies to the following types of aircraft:

(1) a remotely piloted aircraft:

(2) a free flight model aircraft.

~~(b) A person must not operate an aircraft in –~~

~~(1) any area in which the person's view of the surrounding airspace in which the aircraft will operate is obstructed; or~~

~~(2) meteorological conditions that obstruct the person's ability to maintain visual line of sight of the aircraft.~~

~~(c) A person who operates an aircraft to which this rule applies must at all times –~~

~~(1) maintain visual line of sight with the aircraft; and~~

~~(2) be able to see the surrounding airspace in which the aircraft is operating; and~~

~~(3) operate the aircraft below the cloud base.~~

~~(d) For the purposes of this rule visual line of sight means a straight line along which an observer has a clear view and which may be achieved with the use of –~~

~~(1) spectacles, contact lenses, or a similar device used to correct subnormal vision of the user to no better than normal vision but not the use of an electronic, mechanical, electromagnetic, optical, or electro-optical instrument; or~~

~~(2) a first person view system and a trained and competent observer who maintains –~~

~~(i) visual line of sight of the aircraft; and~~

~~(ii) sight of the surrounding airspace in which the aircraft is operating; and~~

~~(iii) direct communication with the person who is operating the aircraft.~~

A person must not operate an aircraft in such a way as to obstruct the person's visual line of sight as specified in a transport instrument, unless the person meets the conditions specified in the transport instrument.

### 101.211 Night operations

A person must not operate a remotely piloted aircraft or free flight model aircraft at night ~~unless the operation is –~~

~~(1) indoors; or~~

~~(2) a shielded operation.~~ unless under the circumstances specified in a transport instrument and the person meets the conditions specified in a transport instrument.

### 101.213 Right of way

~~(a) A person who is operating a remotely piloted aircraft or a control line model aircraft must ensure the aircraft that the person is operating gives way to, and remains clear of, all manned aircraft on the ground and in flight.~~

(b) ~~A person who is operating a free flight model aircraft must before launching the aircraft ensure that during the operation the aircraft will remain clear of all manned aircraft on the ground and in flight.~~

A person who is operating a remotely piloted aircraft or a control line model aircraft or a free flight model aircraft, must comply with the requirements regarding right of way as specified in a transport instrument.

### 101.215 Aircraft mass limits

(a) A person must not operate a remotely piloted aircraft, a control line model aircraft or a free flight model aircraft with a gross mass ~~of more than 25 kg~~ that exceeds the weight specified in a transport instrument.

~~(b) A person must not operate a remotely piloted aircraft with a gross mass of between 15 kg and 25 kg unless the aircraft, and any modification made to it, is –~~

~~(1) constructed under the authority of, or inspected and approved by, an approved person or organisation defined in rule 101.202; and~~

~~(2) operated under the authority of an approved person or organisation (see rule 101.202).~~

(b) A person must not operate a remotely piloted aircraft that does not meet certain weights specified in a transport instrument unless the person meets the conditions relating to those weights also specified in the transport instrument.

# Part 102 Unmanned Aircraft Operator Certification

### 102.17 Privileges of certificate holder

(a) The holder of an unmanned aircraft operator certificate is authorised to perform the operations specified in the accompanying operations specification.

(b) Unless the exposition required by rule 102.11 specifies otherwise the holder of an unmanned aircraft operator certificate is not required to comply with Civil Aviation Rules Parts 12, 19, 21, 26, 39, 43, 47, 61, 63, 66, 67, 91, 92, 93, 95, 115, 119, 129, 133, and 137.

(c) The holder of an unmanned aircraft operator certificate who exercises a privilege which applies to both Civil Aviation Rule Parts 101 and 102 is deemed to have exercised the privilege under the authority of the certificate under Part 102.