



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *May* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', written over a large, stylized graphic element that resembles a wing or a checkmark.

Minister for Transport Safety

Civil Aviation Rules

Part 101, Amendment 2

**Gyrogliders and Parasails; and Unmanned Balloons,
Kites, Rockets, and Model Aircraft – Operating Rules**

Docket 3/CAR/4

Content

Rule objective	3
Extent of consultation.....	3
New Zealand Transport Strategy.....	3
Summary of submissions	3
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Part 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets, and Model Aircraft – Operating Rules	5
101.3 Definitions.....	5
Consultation Details	8
Comments arising from the NPRM.....	8

Rule objective

The objective of Amendment 2 to Part 101 is to amend the definition of aerodrome as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to Part 101 was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 37 days was allowed for comment on the proposed rule.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

Nine written submissions were received on the NPRM. No submissions were received on the proposed amendments to Part 101.

Following review of the rule amendments two definitions were amended. The definition of Model Rocketry Safety Code was amended to refer to the New Zealand Rocketry Association. The definition of Rocket was amended to remove reference to the Explosives Regulations 1959 which was repealed in 2001.

The rule as proposed was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 2 to Part 101 comes into force on 22 June 2006.

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets, and Model Aircraft — Operating Rules

Rule 101.3 is revoked and the following new rule is substituted:

101.3 Definitions

In this Part—

Aerodrome means an aerodrome that is promulgated in the current AIPNZ Volume 4:

Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic:

Control line model aircraft means a model aircraft primarily controlled in flight by a single or multiple wire system operated by the person flying the aircraft and restricted to circular flight about a central point:

Free Balloon means a pilotless aerostat without propulsion in free flight, having a gas capacity greater than 1.5 m³:

Free flight model aircraft means a model aircraft with a maximum wing loading of 62 g/dm² (20 oz/ft²), with a flight path that, once launched, is uncontrollable:

Gyroglider means a ground or water towed non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on one or more rotors which rotate freely on substantially vertical axes, capable of carrying a person or persons:

Heavy free balloon means a free balloon, that—

- (1) carries a payload with—
 - (i) a combined mass of 6 kg or more; or
 - (ii) a payload package of 3 kg or more; or

- (iii) a payload package of 2 kg or more with an area density of more than 13 g/cm²; and
- (2) uses a rope or other device for suspension of the payload that requires an impact force of 230 N or more to separate the suspended payload from the balloon:

Kite means a pilotless aerodyne without propulsion that is tethered to a fixed point, or is hand held, and is sustained by the wind:

Large model rocket means a rocket that—

- (1) uses more than 25 g but not more than 125 g of propellant; and
- (2) produces more than 20 but not more than 320 Newton seconds of total impulse; and
- (3) uses a slow-burning propellant; and
- (4) is made of lightweight materials such as paper, wood, rubber and plastic; and
- (5) does not have the nose cone, fins, or body fabricated from metal; and
- (6) has a gross mass, including the propellant of more than 453 g but not more than 1.5 kg:

Medium free balloon means a free balloon, that—

- (1) carries a payload of 2 or more payload packages with a combined mass of—
 - (i) more than 4 kg; and
 - (ii) less than 6 kg; and
- (2) does not meet any of the criteria specified in the definition of the term heavy free balloon:

Model aircraft means a pilotless aircraft with a gross mass of between 100 g to 25 kg and includes—

- (1) control line model aircraft:
- (2) free flight model aircraft:
- (3) radio controlled model aircraft:

Model Rocketry Safety Code means the code of that name that is approved by the New Zealand Rocketry Association:

Moored balloon means a pilotless balloon that is moored to the surface of the earth, or to an object on the surface of the earth, and has a maximum diameter of more than 1.5 m or a gas capacity of more than 3 m³:

Parasail means an aerodyne, having the general form of an open, circular parachute carrying a person or persons towed behind a vehicle or motorboat to sustain flight:

Radio controlled model aircraft means a model aircraft that is primarily controlled by radio signals from a remote transmitter being operated by a person:

Rocket means a pilotless vehicle propelled by a system that contains every ingredient needed to form its own jet other than—

- (1) an aerial firework; or
- (2) a rocket propelled by a model rocket motor of size A-D which achieves no more than 20 Newton-seconds of total impulse:

Shielded operation means an operation within 100 m of a structure and below the top of the structure.

Consultation Details

(This statement does not form part of the rules contained in Part 101. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The rule amendment was developed under Docket 3/CAR/4 and published as NPRM 05-07. The consultation details relating to Docket 3/CAR/4 are detailed in each affected rule.

Nine written submissions were received on the NPRM and none commented on the proposed amendments to Part 101.

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.