



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990, and having had regard to the matters specified in section 33 of the Act,

I, GERRY BROWNLEE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *30th* day of *February* 2014

by **GERRY BROWNLEE**

Minister of Transport

A large, handwritten signature in black ink, which appears to be 'Gerry Brownlee', is written over the printed name and extends upwards into the date area.

Civil Aviation Rules

Part 77, Amendment 4

Objects and Activities affecting navigable airspace

Docket 13/CAR/1

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Rule objective

The objective of amendment 4 to Part 77 is to provide for consistency in the determination period specified in rule 77.25(a)(2) and the notice period specified in rule 77.13(a)(2).

Amendment 4 to Part 77 is constituent to NPRM 13-02 which contains amendments to the following Parts:

| | |
|----------|----------|
| Part 1 | Part 106 |
| Part 19 | Part 108 |
| Part 43 | Part 121 |
| Part 65 | Part 141 |
| Part 66 | Part 145 |
| Part 77 | Part 146 |
| Part 91 | Part 172 |
| Part 93 | Part 175 |
| Part 101 | |

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 13-02, containing the proposed changes to Part 77 and changes to other rules was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

The publication of this NPRM was notified in the Gazette, and was published on the CAA web site, on 30 May 2013.

A period of 30 days was allowed for comments on the proposed rule.

Summary of submissions

A total of 4 written submissions were received on NPRM 13-02 (2 submissions related to Part 1, one related to Part 66, and one related to Part 103). No changes were made to the proposed amendments as a result of consultation.

A detailed summary of the submission and the resulting CAA comments are provided in the “Consultation Details” section of this document.

The rule was then referred to the Minister of Transport for signing.

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.

Description of Amendments

The amendments to the rules in this Part are reflected by the revocation and replacement of rule 77.25.

Effective date of rule

Amendment 4 to Part 77 comes into force on 01 April 2014.

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 77 Objects and Activities Affecting Navigable Airspace

Rule 77.25 is revoked and replaced by the following rule:

77.25 Determination effective dates and periods

- (a) A determination regarding a proposed—
- (1) construction, alteration, or use of a structure notified under rule 77.13(a) becomes final 28 days after the date the determination is made under rule 77.21(a), unless a petition for review is received by the Director under rule 77.27(b); and
 - (2) use of lights, lasers, weapons, or pyrotechnics notified under rule 77.13(a) becomes final 5 working days before the proposed date of use indicated to the Director on form CAA 24077/01, unless a petition for review is received by the Director under rule 77.27(b).
- (b) Unless reviewed or extended under rule 77.29, a final determination of no hazard in navigable airspace made under this Part—
- (1) in respect of construction, alteration, or use of a structure, expires 18 months after the determination becomes final, or on the date the proposed construction, alteration, or use is abandoned, whichever is earlier; and
 - (2) in respect of use of lights, lasers, weapons, or pyrotechnics, expires upon completion of use as indicated to the Director on form CAA 24077/01, or on the date the proposed use is abandoned, whichever is earlier.
- (c) A determination of hazard that has become final—
- (1) under rule 77.25(a)(1) or rule 77.27(f)(2), regarding construction, alteration, or use of a structure, does not expire but may be revoked in writing by the Director; and
 - (2) under rule 77.25(a)(2) or rule 77.27(f)(2), regarding use of lights, lasers, weapons, or pyrotechnics, expires upon

completion of use as indicated on form CAA 24077/01 or the day after the date of use granted as extended by the Director.

Consultation Details

(This statement does not form part of the rules contained in Part 77. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 13-02 Omnibus 2013, containing the proposed rule amendments for Part 77, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

A period of 30 days was allowed for comment on the proposed rule. A total of 4 responses to the NPRM were received; none related to Part 77.

The purpose of NPRM 13-02 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.