



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MARK GOSCHE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *23rd* day of *May* 2002

by **MARK GOSCHE**

John Lyard, Associate Minister of Transport
Minister of Transport

Civil Aviation Rules

Part 135, Amendment 10

Air Operations – Helicopters and Small Aeroplanes

Docket 97/CAR/1255

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Rule objective

The objective of amendment 10 to Part 135 is to amend cross references in rule 135.85 and 135.93 as a consequence of amendment 7 to Part 91.

Extent of consultation

A Notice of Proposed Rulemaking 98-1 containing the amendment proposals was issued under Docket 97/CAR/1255 on 11 March 1998.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 11 March 1998 and in the Gazette on 12 March 1998. 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 36 days was allowed for comment on the proposed rule. Additional consultation on certain issues took place after the 36 day period with certain aviation industry members as well as with members of the CAA Industry Rules Advisory Group (CIRAG) executive. Pursuant to section 34 (1)(d) of the Act, the Environmental Risk Management Authority was consulted on 21 August 2001 in respect of the rules relating to the carriage and discharge of firearms on aircraft.

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

The amendment was then referred to and signed by the Minister of Transport.

Examination of comments

Comments may be examined by application to the Docket Clerk at Aviation House 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 existing rules and the insertion of new rules.

Effective date of rule

Amendment 10 to Part 135 comes into force on 1 July 2002.

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 135 Amendments

135.85 Minimum height for VRF flights is revoked and replaced by the following:

135.85 Minimum height for VFR flights

(a) Rule 91.311(c) does not apply to a pilot in command of an aircraft performing an air transport operation.

(b) Notwithstanding 91.311(c)(4), each pilot in command of an aircraft performing a commercial transport operation may, if necessary for the proper accomplishment of the operation, conduct approaches, departures, and manoeuvres below a height of 500 feet above the surface within the horizontal radius of 500 feet of any person, vessel vehicle, or structure provided the pilot in command—

- (1) prepares a plan for the operation in conjunction with all personnel and organisations involved in the operation; and
- (2) takes reasonable care to conduct the operation without creating a hazard to any person or property; and
- (3) briefs all personnel and organisations involved in the operation on the plan required by paragraph (b)(1).

135.93 Operations over congested areas is revoked and replaced by the following:

135.93 Operations over congested areas

(a) Notwithstanding 91.311(a)(1), a pilot in command of a helicopter may perform a commercial transport operation over a congested area of a city, town or settlement at a height less than 1000 feet above the highest obstacle and within a horizontal radius from the helicopter of less than 2000 feet provided that—

- (1) a plan for the operation is prepared containing—
 - (i) a chart depicting flight areas and altitudes; and
 - (ii) procedures to ensure that reasonable care is taken to conduct the operation without creating a hazard to any person or property; and
 - (iii) details of any coordination necessary with any air traffic control service; and
 - (iv) a copy of the prior written notification given to the appropriate territorial authority and the requirements of that territorial authority that must be complied with; and
 - (2) all personnel and organisations involved in the operation are briefed on the plan required by subparagraph (1); and
 - (3) the plan required by subparagraph (1) is retained for a period of at least 12 months from the date of the operation.
- (b) Each pilot in command performing an operation in accordance with paragraph (a) must comply with the applicable plan required by paragraph (a)(1).