

Waiheke Island – Advice Note to Heliport Owners and Operators

This information note is to advise Waiheke heliport owners and operators that the Waiheke Quiet Sky residents' group have expressed concerns about the impact of helicopter operations in the vicinity of Waiheke Island.

The Quiet Sky Waiheke residents' group have submitted an application requesting special use airspace be designated over Waiheke Island. The CAA will assess the application and follow the Civil Aviation Rule (CAR) Part 71 CAA process for airspace designations.

The CAA wish to provide a reminder of the criteria which, if met, require landowners with or without Council consent to use their property for helicopter landings and take-offs to notify the CAA. We also wish to provide a similar reminder to commercial aviation-operators, of the same criteria.

Civil Aviation Rule Part 157

This Rule applies to all locations used by aircraft for the purpose of landing or taking off that meet the following criteria:

- a. That are not certificated under Civil Aviation Rule Part 139.
- b. That are used for visual flight on more than 7 days in any consecutive 30-day period.
- c. That are used exclusively for agricultural operations but are also in controlled airspace

Rule Part 157 does not apply to locations that:

- d. Are used exclusively for agricultural operations by helicopters that are not in controlled airspace and are more than 6 km from the nearest runway or 2 km from another heliport.
- e. Are used exclusively for agricultural operations by fixed wing aircraft that are not in a controlled airspace and are more than 6 km from the nearest Heliport or 9 km of another runway.

Notes on the rule requirements:

- There are currently no certificated aerodromes on Waiheke island.
- There are no known agricultural spraying activities on Waiheke island; however, this could occur at any location without notification to the CAA subject to the above criteria.
- The CAA requirement is for notification only and does not interrupt the ongoing use of the location so long as it is safe, and operations are in accordance with applicable Civil Aviation Rules.
- There are currently 3 aerodromes that have notified the CAA in accordance with Rule Part 157. Two are currently active, one has resubmitted its application which is currently in progress.

- Once a location is notified to the CAA, an Aerodrome Determination will be issued in due course. An Aerodrome Determination may be one of the following:
 1. Unobjectionable
 2. Conditional
 3. Objectionable
- An Objectionable Determination does not automatically prevent a location from being used by an aircraft to land or take-off provided it is done so safely and in accordance with applicable Civil Aviation Rules.

In addition to the requirements on landowners, who are exercising their consented or unconsented ability to use their land for the purposes of landing or taking-off of aircraft, the Pilot in Command of any such aircraft is obligated to comply with the following rules in relation to the use of aerodromes. A summary of the applicable rules is as follows:

Part 91.127 Use of Aerodromes

In accordance with Civil Aviation Rules the following is applicable to the Pilot in command of an aircraft when landing and taking off:

- a. No person may use any place as an aerodrome unless that place is suitable for the purpose of taking off or landing of the aircraft concerned.
- b. The Pilot in Command must comply with any limitations and operational conditions on the use of the aerodrome notified by the aerodrome operator or landowner.
- c. The Pilot in Command must ensure the heliport or runway, is equipped with operable lighting, appropriate to that type of aircraft, when landing or taking off at night, and the lighting is activated.
- d. The Pilot in Command must manoeuvre the aircraft clear of any part of the heliport or runway notified or marked as unsafe by the aerodrome operator or landowner

Civil Aviation Rule Part 91.127 allows a pilot of an aircraft to land anywhere the pilot deems it to be suitable to do so. In accordance with this rule, the responsibility for determining the appropriate level of safety rests with the Pilot. This provision is used regularly by Emergency Medical Service (EMS) aircraft.

Any approach and departure routes to a helicopter landing area are determined by a variety of factors, including surrounding terrain, buildings, and predominant wind. However, Rule 91.229 (Right of Way Rules), allows for a Pilot in Command of an aircraft to determine alternative approach or departure paths, based on the environmental conditions at any given time.

Approach and departure routes are established to indicate the likely presence and direction of aircraft approaching and/or departing a location to aid the situational awareness of other Pilots.

Consented Locations

The CAA has been advised that up to 45 locations on Waiheke have been granted consent to operator helicopters. The number of these locations that meet the notification requirements under Rule Part 157 is yet un-determined.

Council granted consents are often conducted under closed consent and have not previously been notified to the CAA. The consent process considers different factors when assessing applications under the Resource Management Act.

Therefore, a landowner may legally and safely be able to operate aircraft from a location without notifying the CAA provided the above criteria have been applied. The Pilot in Command of the aircraft is solely responsible for the safe conduct of that activity in these circumstances.

Civil Aviation Rule Parts: 91, 119,135

Private helicopter operators are required to operate in accordance with all Civil Aviation Rules, specifically Part 91 General Operating and Flight Rules.

Commercial helicopter operators must also comply with the requirement of Rule Part 119 Air Operator Certification and Rule Part 135 Air Operations Helicopters and Small Aeroplanes.

Airspace

The airspace above Waiheke is uncontrolled airspace below 2,500 ft. Above this height, the airspace is controlled and subject to an air traffic control service associated with traffic into and out of Auckland International Airport and Whenuapai Airforce Base.

Controlled airspace is only designated for the purposes of providing air traffic control services.

The uncontrolled airspace above Waiheke up to 2,500 ft is a Common Frequency Zone (CFZ). This non-designated airspace is designed to provide a common VHF radio frequency for those aircraft operating within the area.

In un-controlled airspace and CFZ, as is the airspace over Waiheke Island below 2,500ft, an aircraft is not required to operate an operable airborne transponder, Automatic Dependent Surveillance-Broadcast (ADS-B) or VHF radio.

There is provision within Civil Aviation Rules for airspace to be designated as requiring an aviation VHF radio system, or an airborne transponder which may provide visibility to the aviation surveillance system. There is no ability within Civil Aviation Rules for aircraft in un-controlled airspace to be required to have ADS-B systems which would also provide visibility to online aviation applications.

Civil Aviation Act 1990 and applicable Civil Aviation Rules

Heliport owners and operators are required to be aware of their responsibilities under the Civil Aviation Act 1990 and to comply with all applicable Civil Aviation Rules, including but not limited to:

- [Part 157 Notice of Construction, Alteration, Activation, and Deactivation of Aerodromes | aviation.govt.nz.](#)
- [Part 71 Designation and Classification of Airspace | aviation.govt.nz](#)
- [Part 91 General Operating and Flight Rules | aviation.govt.nz](#)
- [Part 119 Air Operator Certification | aviation.govt.nz](#)
- [Part 135 Air Operations Helicopters and Small Aeroplanes | aviation.govt.nz](#)

Please contact CAA if you have any questions on these Rule requirements or now need to submit a Rule Part 157 application.

For Rule Parts 71 and 157 questions, email aeronautical.services@caa.govt.nz

For Rule Parts 91, 119 and 135, email certification@caa.govt.nz

