

27th November 2012

Mr Max Evans,
Aeronautical Services Officer,
Civil Aviation Authority of New Zealand

Dear Sir,

Re: Submission Draft AC139-08

NZHA expresses absolute opposition to the scope creep proposed in the purpose statement of this draft AC in that it provides *methods acceptable to the Director for showing compliance with the heliport standards required by Civil Aviation Rule 91.127*. By contrast the existing AC139-08 is applicable only to heliports in populous areas.

Under the applicability provisions the draft AC states, *The specifications in this AC should apply to all heliports intended to be used by helicopters operating in populous areas. They should apply equally to areas used by helicopters outside of populous areas, and for the exclusive use of helicopters at an aerodrome primarily meant for the use of aeroplanes.*

NZHA submits:

- The draft AC requirements are manifestly excessive for helicopter operations in NZ.
- Application of these standards to all helicopter operations is at variance to the Annex 14 applicability clauses.
- Heliport design standards have not featured as an issue during any safety/risk forums in NZ aviation.
- Introduction of these standards will render a massive number of existing helicopter landing sites non conforming with corresponding negative impacts on the helicopter sector

To put that a different way, compliance with this AC completely negates the ability of rotary aircraft to access unprepared landing sites in remote areas – which was why, more or less, the helicopter was developed.

Given the nature of the scope creep proposed we would recommend a full regulatory impact statement be prepared. The change proposed is inconsistent in our view with the government's stated position of "less regulation better regulation."

To quote the draft AC, *An Alternative Means of Compliance (AMC) is not intended to be the only means of compliance with a rule, and consideration will be given to other methods of compliance that may be presented to the Director*. Given this statement NZHA submits:

- The use of the word "must" throughout the AC is inconsistent

Changes to the AC were not solicited by the helicopter community nor do the accident or incident statistics indicate that this is a subject area in need of resource application at the present time. It appears that the AC has been changed simply to incorporate the latest

standards and recommended practices from ICAO Annex 14 Volume II Heliports. NZHA submits:

- New Zealand has already filed differences with ICAO in respect of heliport standards.

In terms of existing legislation Rule 91.127 defines the safety boundaries in respect of areas to be used as heliports very clearly. And, consistent with an environment where operators are held responsible for compliance decisions, leaves it to the individual operator to assess what actions are required to ensure compliance in each location and each set of circumstances. Part 91 came into force on 01 April 1997. Rule 91.127 (as it affects helicopters) has remained largely unchanged since that date. We also have the existing AC 139-8 which is applicable only to heliports located within a populous area. NZHA submits:

- There is no benefit to introducing the proposed AC

NZHA's purpose is to promote the interests of the helicopter community and where possible address issues that threaten the enjoyment of their use of helicopters. Even if the applicability of this draft AC is watered down it threatens everyone regardless of whether they operate private, corporate, or commercial.

Irrespective of the applicability requirements, the draft AC introduces a set of prescriptive criteria for heliport design which will become fishhooks for operators. Why should an operator who flies at low weights, and correspondingly high performance margins, be forced to apply arbitrary obstacle clearance gradients at his heliport? Why should an operator who utilises NVIS technology be forced to install full heliport lighting? Why should an operator wishing to fly from his boat be deemed non-compliant because the vessel isn't large enough to provide ground effect?

NZHA Submits:

- Remove amendment of AC 139-8 from the programme, discontinue work on it, and close the project.

If the CAA has concerns about the safety boundary provided by 91.127, or operators' interpretation of it, then NZHA would welcome the opportunity to work together to analyse the issues and develop some solutions.

Yours faithfully,



John Sinclair,
Executive Officer
NZ Helicopter Association