

**TEMPORARY**  
**MEMORANDUM OF UNDERSTANDING**  
**Between**

**Airways Corporation of New Zealand Ltd acting through Nelson Air  
Traffic Services (“NS ATS”)  
And Tasman Hang Gliding and Paragliding Club Inc. (“the Club”)**

1. **EFFECTIVE DATE:** This MOU becomes effective between 27<sup>th</sup> Feb – 5<sup>st</sup> March 2016
2. **OBJECTIVE:** The objective of this MOU is to establish procedures for the 2016 NZ Paragliding National Competitions within the Nelson Control Zone (CTR) Transponder Mandatory (TM).
3. **PARAGLIDER OPERATIONS**
  - 3.1 The area available for paraglider competition operations within Nelson Controlled Airspace is the wedge of airspace, 'Paragliding Competition Gliding Area', along the eastern ranges from **Fringed hill (Fringed Hill N Aerial) to GB09, South to abeam Hart Road remaining east of the main transmission lines, as** depicted on appendix 1 as contained by the yellow line.
  - 3.2 All pilots to remain;
    - below **3500ft QNH** when East of the blue line
    - remain below **2000ft QNH** when West blue line **except**
    - below **2500ft QNH** when within the Black and Yellow dashed cylinder depicted on appendix 1. East of the blue line

Pilots may exit Main transmission power lines at 1000ft QNH (500ft AGL) or below and descend immediately to land and to stay with the boundary of Ngawhatu Park landing field. At no times will pilots fly West of Ngawhatu Park.
  - 3.3 Clearance to operate will be provided in three hour blocks with flying to commence after 10am. As this is a 'backup site' it is understood activation may not be required and may be restricted if more than one request is made.
  - 3.4 The Club shall be responsible for the training and briefing of any pilot flying in accordance with this agreement.

- 3.5 The Club will provide Airways with a copy of the training and checking processes used to brief all pilots on the applicable procedures contained within this agreement.
- 3.6 This MOU is separate from the existing MOU, between the Club and NS ATS dated 01/10/15. The Club is to ensure adequate procedures are in place to ensure pilots are aware which flying area is active and clearance expiry times.

#### **4. PARAGLIDER PILOT RESPONSIBILITIES**

- 4.1 As early as possible and prior to any operations, the Club on behalf of the pilots shall advise requested times. A second phone call shall be made close to the requested time to request clearance for paragliders to operate within the 'Paragliding Competition Gliding Area' - Nelson Controlled Airspace (TM) from Nelson Tower.
- 4.2 All pilots to remain within the approved area below clearance levels at all times, failure to meet these requirements may result in cancellation of clearance.
- 4.3 The Club shall ensure that all pilots are aware of the clearance expiry time and shall cease all gliding operations at or before that time.
- 4.4 All pilots shall carry a correctly set altimeter.

#### **5. NS ATS RESPONSIBILITIES**

- 5.1 NS ATS will assume all paragliders are not equipped with VHF radios and transponders unless otherwise advised and are equipped with UHF radios.
- 5.2 On receipt of a phone call from the Club to operate within the Paragliding Competition Gliding Area, Nelson Tower may issue the Club with a clearance to operate in the area as defined in appendix 1. This clearance constitutes authority for paragliders to operate in accordance with the MOU without radio and transponder. This clearance shall include an expiry time determined by Nelson Tower.
- 5.3 NS ATS shall provide separation between known TCAS equipped aircraft and paragliders in the Nelson CTR.
- 5.4 NS ATS shall instruct non-TCAS aircraft to remain clear of the defined area shown in Appendix 1.
- 5.5 NS ATS may refuse, delay or withdraw clearance for any or all paraglider operations in the defined area at any time if deemed necessary in the interests of safety. For example; an emergency aircraft requiring clearance to operate within the gliding area (E.g. paragliding accident), or there is a breach of these conditions or any other factor that affects safety. - In this situation, the safety officer will be advised to instruct the paragliders to land (via UHF). It is expected all gliders to be on the ground within 10 mins and the safety officer to confirm when all down.
- 5.6 When NS ATS receives a clearance request from an air ambulance or emergency aircraft or aircraft needing to enter and operate within the gliding area, a clearance will be issued and available information will be passed to this aircraft about the presence of paragliders but as the paragliders are not equipped with radio, NS ATS will not be able to provide traffic

information to the paragliders. The Club accept that other aircraft may operate within or close to the gliding area and shall ensure that all glider pilots are aware of this and of their responsibility to maintain situational awareness in relation to other aircraft which may be operating in the vicinity.

- 5.7 No traffic information will be passed to paragliders in relation to other paragliders operating in accordance with this MOU. The Club shall ensure that all glider pilots are aware of their responsibility to maintain situational awareness in relation to other gliders which may be operating in the vicinity.

## **6. DEFINITIONS AND TERMS USED IN THE MEMORANDUM.**

CAR – Civil Aviation Rules.

Nelson Tower – is the designated authority that manages the Nelson Control Zone and Control Area operated by Airways New Zealand.

Control Zone (CTR) – as defined by the Civil Aviation Rules.

Control Area (CTA) – as defined by the Civil Aviation Rules.

VHF Radio – a radio capable of communicating with an Air Traffic unit on the appropriate frequencies.

AGL – above ground level, referring to height.

AMSL – above mean seal level, referring to altitude.

TM – transponder mandatory, referring to airspace.

TCAS – terminal collision avoidance system, as defined by the Civil Aviation Rules.

Paragliding Competition Area – as defined in this Memorandum.

ATIS - automatic terminal information service, referring to weather broadcasts by Nelson Tower.

QNH - setting used on altimeters to accurately determine altitude.

## **11 DISPUTES**

- 11.1 In the event of any dispute arising between the parties in connection with this MOU, the parties shall explore whether it can be resolved by consultation and negotiation between nominated the Club and NS ATS contacts. Should this fail to provide a satisfactory resolution, either party can escalate the dispute to a representative of the senior management team of each organisation. Should this fail to provide a satisfactory resolution either party can escalate the dispute to the Chief Executive Officers of both organisations.

- 11.2 In the event that the dispute is not resolved under clause 12.1 within 20 working days of written notice by one party to the other of the dispute (or such further period agreed in writing between the parties), the dispute shall be referred to a single arbitrator, if the parties

can agree upon one or, if not, to a person nominated by the President of the New Zealand Law Society. The arbitrator's decision shall be final and binding on the parties. Unless the parties otherwise agree, a reference to arbitration under this clause shall be deemed to be a reference under the Arbitration Act 1996, and the reference shall proceed in accordance with the provisions of that Act.

**12 SAFE PROCEDURES:** The Club representative whose name and signature appear below hereby attest that the Hang Glider and Paraglider procedures described in this document are considered to be within the appropriate safety margins for normal gliding operations.

On behalf of Nelson ATS



Adam Arnold-Kelly  
Chief Controller Nelson  
PO Box 1185  
Nelson Airport 7040

Date: 1 FEB 2016

On behalf of Tasman Hang Gliding and Paragliding Club

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