



POLICY NO.	CPTT1
POLICY TITLE	Drone (Remote Piloted Aircraft) Policy
STATUS	Council
SERVICE	Traffic Management
DOCUMENT ID	728280

PURPOSE

The purpose of the policy is to ensure that all legislative requirements for the use of Hunter's Hill Council owned and/or Council-managed drone technology, which is also referred to as 'remotely piloted aircraft' (RPA) technology, is applied and adhered to by Council officers, as well as the management and use of data collected by the RPA.

The use of RPA technology will enable Council to:

- take aerial photographs and videos of Council-owned and/or managed assets such as outdoor recreation areas, sporting fields, and community facilities;
- conduct aerial surveys of Council-owned and/or managed land with limited access due to terrain or geographical features; and
- take aerial photographs and videos at Council managed events.

SCOPE

This Policy applies to:

- all Councillors, Council Managers, Council Staff, Council Contractors and volunteers of Council involved with RPA operations;
- all Council-owned and Council-managed RPA systems and technology; and
- any data and/or information collected by it, including geospatial data.

DEFINITIONS

Reference Material

Acronyms

The acronyms and abbreviations used in this Policy are listed in the table below.

Acronym	Definition
AIP	Aeronautical Information Publication ARN Aviation Reference Number
AIP	Aviation Reference Number
CAR	Civil Aviation Regulations 1998
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CASR101	Civil Aviation Safety Regulations Part 101
ERSA	En Route Supplement Australian
HSL	Helicopter Landing Site
RPA	Remotely Piloted Aircraft
RPAS	Remotely Piloted Aircraft System
SOC	Standard Operating Conditions
RPA	Remote Piloted Aircraft
RePL	Remote Pilot Licence
VLOS	Visual Line of Sight

Definitions:

Terms that have specific meaning within this Policy are defined in the table below.

Term	Definition
Controlled airspace	Airspace of defined dimensions which an air traffic control service is provided to flights in accordance with the airspace classification.
Excluded RPA	Unmanned aircraft that may, under certain conditions, be operated without an explicit authorisation from CASA (refer to regulation 101.237).
Remote crew member	A crew member in charge of duties essential to the operation of an RPA during flight time.
Remote pilot	The person who manipulates the flight controls of a remotely piloted aircraft or who initiates and monitors the flight and is responsible for its safe conduct during flight time.
Remotely piloted aircraft	An unmanned aircraft, other than a balloon or kite, where the pilot flying is not on board the aircraft.
RPA observer	A remote crew member who, by visual observation of the RPA, assists the remote pilot in the safe conduct of the flight.
Restricted area	An area declared under the Airspace Regulations 2007 for which permission must be granted by the controlling authority before any operations in that area can occur while it is active.
Very Small RPA	An RPA with a gross weight of more than 100g but less than 2kg

POLICY STATEMENT

PART 1 The Purpose for

Remote Piloted Aircraft (RPA) will increase the efficiency of Council's corporate and operational activity across the local government area, particularly where physical access by council staff or approved contractors to a specific location is restricted by factors such as distance, danger or difficult terrain.

The operation of an RPA is governed by the Civil Aviation Safety Authority (CASA) and determined by the Civil Aviation Safety Regulations Part 101 (CASR101).

This policy determines Council-specific requirements for the use of RPA, specifically the RPA system (software platform), technology (equipment and hardware) and data in addition to CASR101. It has been developed to ensure that safety, privacy and legislative compliance requirements are considered and met by Council's authorised RPA pilots.

The primary purpose of Council-owned RPA, including any and all data collected, is to service Council's business needs. However, from time to time Council may enter into an ad hoc arrangement to provide RPA services to other organisations. This will only occur where a clear benefit to Council or the community can be demonstrated and that the arrangement is commercial in nature, pursuant to CASR101. These services are likely to be the provision of data collected by the RPA. Council's authorised RPA pilots are the only pilots permitted to operate RPA.

Any proposal of this kind must be approved by the appropriate Manager, which in assessing proposals will have regard for the benefit to Council and the Hunters Hill community that will be delivered through or derived from the arrangement.

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence. CASA will be notified, and will investigate all reports alleging breaches of the applicable legislation.

Flight paths will be determined so that RPA do not operate over private property, and where possible the pilot should avoid filming people and/or private property.

For the avoidance of doubt RPA must not be operated over private property unless the express consent of the property owner or occupier has been obtained beforehand.

All data collected or recorded by the RPA, including geospatial data, is owned by Council and subject to the *Privacy and Personal Information Protection Act 1998*, the *Government Information (Public Access) Act 2009*, and Council's Privacy Management Plan.

Data collected by the RPA is considered and managed with respect to privacy management by:

- collecting (or recording) only for a specific purpose in support of a lawful Council function;
- reviewing to redact inadvertently collected personal information; and
- editing to dispose of data that is not required.

The Chief Pilot is responsible for all operational matters and Remote Pilot (RP) training affecting the safety of operations. They must be accredited and hold a remote pilot licence (RePL).

PART 2 TARGETING PROHIBITED

Council supervisors or managers who are in the position of an approved user must not access recordings made by an RPA for the purposes of reviewing staff performance or to search for breaches of policy or legislation by staff. Where a supervisor believes there is a genuine need for Council to access recordings for

this purpose, they must first discuss their reasons with the Manager. The Manager will then review the rationale provided and submit a request for access to the recordings for determination by the General Manager.

PART 3 DISCOVERY OF POTENTIAL MISCONDUCT DURING AUTHORISED REVIEW

If a Council staff member discovers any potential or suspected fraudulent or corrupt conduct during any review of a recording, they must immediately report it to their Manager. The Manager will be responsible for reporting potential or suspected incidents of this kind to the General Manager for assessment against Council's Fraud and Corruption Prevention Policy and Code of Conduct. All reports of potential or suspected fraud or corruption will be treated in the strictest confidence.

PART 4 DISCOVERY OF ILLEGAL ACTIVITY

If a Council staff member or contractor discovers any potential or suspected illegal activity during any review of a recording (e.g. illegal dumping), the Council staff member or contractor must immediately report it to their supervisor. Supervisors will be responsible for reporting potential or suspected incidents of this kind to the Director Infrastructure & Environmental Sustainability or Director of Town Planning for consideration against the relevant provisions of the *Local Government Act 1993 (NSW)*, the *Protection of the Environment, Operations Act 1997 (NSW)* *Environmental Planning and Assessment Act 1979 (NSW)*, the *Crown Land Management Act 2016 (NSW)* or other applicable legislation or regulations.

PART 5 RELEVANT LEGISLATION AND REGULATIONS

The following legislation governs the operation of RPA in Australia:

- Civil Aviation Act 1988 (Cth).
- Civil Aviation Safety Regulations 1998 (Cth) Part 101 consolidates the rules governing all unmanned aeronautical activities, including RPA.
- Air Navigation Act 1920 (Cth) and Air Navigation Regulations 2016 (Cth), govern air navigation in New South Wales and are enforceable in New South Wales via the Air Navigation Act 1938 (NSW).

The following related legislation must be taken into consideration when assessing the use of RPA and the use and management of data collected by RPA:

- Workplace Surveillance Act 2005 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Telecommunications (Interception and Access) Act 1979 (Cth)
- Government Information (Public Access) Act 2009
- Evidence Act 1995 (NSW)
- Local Government Act 1993 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Damage by Aircraft Act 1999 (Cth)
- State Records Act 1998 (NSW)

PART 6 PRIVACY AND HUMAN RIGHTS CONSIDERATIONS

All personal information collected by Hunter's Hill Council in connection with the use of RPA will be handled in accordance with all applicable privacy legislation. Personal information about an individual held by Council must only be used to carry out the primary or directly related purpose of collection. Furthermore, Council must not collect personal information unless the information is necessary for one or more of its functions. This Drone (Remotely Piloted Aircraft) Policy has been assessed as compliant with the provisions and objectives of the Privacy and Personal Information Protection Act 1998 (NSW).

ROLES AND RESPONSIBILITIES

Hunter's Hill Council is the owner of any data collected by the RPA. Access to data will be managed in accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Government Information (Public Access) Act 2009 (NSW)*.

The following positions are responsible for implementation and compliance monitoring of this Policy in their work areas:

Party / Parties:	Roles and responsibilities:
General Manager	Responsible for: <ul style="list-style-type: none"> • ensuring a budget is available to meet Policy objectives; • ensuring this Policy is compliant with legislative standards; • any report of potential or suspected fraudulent or corrupt conduct arising from the use of the RPA; and • determining if a recording made by an RPA may be used in relation to staff performance, conduct or compliance with policy, procedure or legislation.
Governance Officer	Responsible for: <ul style="list-style-type: none"> • ensuring privacy conditions are complied with at events where RPA technology is utilised; • ensuring appropriate notification methods are applied and adhered to at events where RPA technology is utilised; • reviewing incidents of potential or suspected fraudulent or corrupt conduct during any review of a recording in regards to Council's Fraud and Corruption Prevention Policy and Code of Conduct; • providing advice and guidance in relation to Council's obligations under the Privacy and Personal Information Protection Act 1998 (NSW), the Government Information (Public Access) Act 2009 (NSW) and the State Records Act 1998 (NSW); • managing external applications for access to information and data, as well as ensuring the related legislative and policy considerations and requirements are satisfied prior to any release of data; and • managing any privacy related queries and or complaints.
Director Infrastructure & Environmental Sustainability and Director of Town Planning	Responsible for: <ul style="list-style-type: none"> • reviewing any potential or suspected illegal activity discovered during any review of a recording (e.g. illegal dumping or vandalism) against the <i>Local Government Act 1993 (NSW)</i>, the <i>Protection of the Environment Operations Act 1997 (NSW)</i>, the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> and the <i>Crown Lands Management Act 2016 (NSW)</i> or other applicable legislation or regulations.
Chief Pilot	Responsible for: <ul style="list-style-type: none"> • being accredited and holding a remote pilot licence (RePL) • ensuring that operations are conducted in compliance with the Civil Aviation Act and its Regulations; • ensuring the RPA is registered with CASA; • maintaining a record of qualifications held by each RPA operator;

- monitoring and maintaining operational standards and supervision of RPA operators who work under the authority of the Remote Operator Certificate;
- maintaining a complete and up-to-date reference library of operational documents as required by CASA for the class of operations conducted;
- developing applications for approvals and permissions where required to facilitate operations;
- developing checklists and procedures relating to flight operations;
- being the primary point of contact for CASA;
- annually reviewing the use, operation and compliance with this Policy and related operating procedures, including all external requests to access RPA data.

RELATED POLICIES/PROCEDURES

- Code of Conduct
- Fraud and Corruption Prevention Policy
- Work Health and Safety Policy
- Complaints Handling Policy and Procedures

POLICY AUTHORITY

This Policy is owned by the General Manager/Director Infrastructure & Environmental Sustainability of Hunters Hill Council.

REVIEW

This Policy to be reviewed every three (3) years, or in line with any legislative updates.

Next review date is: October 2026

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 23 October 2023

RESOLUTION NO: 210/23

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
14/09/2020	1.0		Policy adopted	Director Development and Regulatory Services
23/10/2023	2.0	210/23	Updates to Policy	Director Infrastructure and Environmental Sustainability