



## DRONE (REMOTE PILOTED AIRCRAFT) POLICY

### PURPOSE

The purpose of this 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 drone 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, officers, agents, contractors and volunteers of Council involved with drone operations;
- all Council-owned and Council-managed drone (RPA) systems and technology; and
- any data and/or information collected by it, including geospatial data.

### RESPONSIBILITIES

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

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

<b>Party / Parties:</b>	<b>Roles and responsibilities:</b>
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<p>General Manager</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>ensuring a budget is available to meet Policy objectives;</li> <li>ensuring this Policy complies with legislative standards; and</li> <li>determining if a recording made by a RPA may be used in relation to staff performance, conduct or compliance with policy or legislation.</li> </ul>
	<p>Responsible for organisational compliance and will assess and determine the:</p> <ul style="list-style-type: none"> <li>staff positions that require Council authorised RPA pilots;</li> <li>approve applications for the regular use of Remotely Piloted Aircraft for internal business requirements;</li> <li>effective and ethical management of Council's Drone (RPA) Program and equipment; and</li> <li>requests from external entities and/or organisations to enter into an agreement with Council to utilise Remote Piloted Aircraft services.</li> </ul>
<p>Governance Officer</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>ensuring privacy conditions are complied with at events where drone (RPA) technology is utilised;</li> <li>ensuring appropriate notification methods are applied at events where drone (RPA) technology is utilised;</li> <li>reviewing incidents of potential or suspected fraudulent or corrupt conduct during any review of a recording against Council's Fraud and Corruption Prevention Policy and Code of Conduct;</li> <li>providing advice and guidance in relation to Council's obligations under the Privacy and Personal Information Protection Act 1998, the Government Information (Public Access) Act 2009 and the State Records Act 1998;</li> <li>managing external applications for access to information and data, and ensuring the related legislative and policy considerations and requirements are satisfied prior to any release of data; and</li> <li>managing any privacy related complaints.</li> </ul>
<p>Director Development and Regulatory Services</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>reviewing any potential or suspected illegal activity discovered during any review of a recording (e.g. illegal dumping) against the NSW Local Government Act 1993, the NSW Protection of the Environment Operations Act 1997, and the Crown Lands Act 1989.</li> </ul>



Chief Pilot	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• being accredited and hold a remote pilot licence (RePL)</li> <li>• ensuring that operations are conducted in compliance with the Civil Aviation Act and the Regulations;</li> <li>• maintaining a record of qualifications held by each RP;</li> <li>• monitoring and maintaining operational standards and supervise RP(s) who work under the authority of the Remote Operator Certificate;</li> <li>• maintaining a complete and up-to-date reference library of operational documents as required by CASA for the class of operations conducted;</li> <li>• developing applications for approvals and permissions where required to facilitate operations;</li> <li>• developing checklists and procedures relating to flight operations;</li> <li>• being the primary point of contact for CASA;</li> <li>• annually reviewing the use, operation and compliance with this policy and related operating procedures, including all external requests to access drone RPA data; and</li> <li>• managing of drone data and/or internal (for Council purposes) release of it.</li> </ul>
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## POLICY STATEMENT

### PART 1 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 officers to a specific location is restricted by factors such as distance, danger or difficult terrain.

The operation of 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 drone 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 occur only where a clear benefit to Council or the community can be demonstrated. These services are likely to be the provision of data collected by the RPA.

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Council's authorised RPA pilots are the only pilots permitted to operate RPA.

CASR101 determines this arrangement is commercial in nature. Therefore, 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. If it is unavoidable, the property owner's consent should be obtained beforehand.

Any and 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 is considered and managed by:

- collecting (or recording) only for a specific purpose in support of a 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 and must be accredited and hold a remote pilot licence (RePL).

## PART 2 TARGETING PROHIBITED

Supervisors who are in the position of an approved user must not access recordings 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 business need 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 officer discovers any potential or suspected fraudulent or corrupt conduct during any review of a recording, the officer must immediately report it to

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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 officer discovers any potential or suspected illegal activity during any review of a recording (e.g. illegal dumping), the officer must immediately report it to their supervisor. Supervisors will be responsible for reporting potential or suspected incidents of this kind to the Director Development and Regulatory Services for assessment against the NSW Local Government Act 1993, the NSW Protection of the Environment Operations Act 1997, and the Crown Lands Act 1989. All reports of potential or suspected illegal activity will be treated in the strictest confidence.

## PART 5 RELEVANT LEGISLATION

The following pieces of legislation govern the operation of RPA in Australia:

- Civil Aviation Safety Regulations Part 101 (Commonwealth). This consolidates the rules governing all unmanned aeronautical activities into one body of legislation. It prescribes the rules for the use of unmanned moored balloons and kites, unmanned free balloons, unmanned rockets, remotely piloted aircraft, model aircraft and pyrotechnic displays.
- Air Navigation Act 1938 No 9 (Commonwealth). An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of New South Wales; to amend the State Transport (Co-ordination) Act 1931 in certain respects; and for purposes connected therewith.

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

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

- State Records Act 1998 (NSW)
- Damage by Aircraft Act 1952 No 46 (NSW)

## PART 6 PRIVACY AND HUMAN RIGHTS CONSIDERATION

All personal information collected by Hunter's Hill Council in connection with the use of drone technology 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 obligations and objectives of the Privacy and Personal Information Protection Act 1998 (NSW).

## 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
CAR	<i>Civil Aviation Regulations 1998</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
ERSA	En Route Supplement Australian
HSL	Helicopter Landing Site
RPA	Remotely Piloted Aircraft
RPAS	Remotely Piloted Aircraft System
SOC	Standard RPA Operating Conditions
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 within 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 charged with 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 100 g but less than 2 kg.

## POLICY OWNER

This policy is owned by the General Manager/Director Development and Regulatory Services

## AUTHORISATION AND REVIEW

Next Review Date

2022

Version Control Table

Date	Version	Res. No.	Key Changes	Author
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# HUNTER'S HILL COUNCIL POLICY REGISTER



14/09/2020	1.0		Draft Policy	Director Development and Regulatory Services
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