

Ku-ring-gai Council

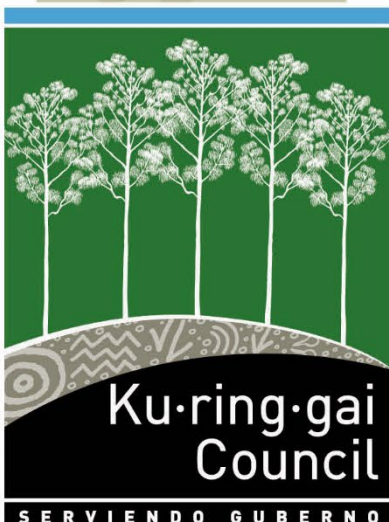
Policy

Drone (Remotely Piloted Aircraft) Use Policy

Version Number: 2

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Drone (Remotely Piloted Aircraft) Use Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Privacy and Personal Information Protection Act 1998 (NSW) Privacy Act 1988 (Aust.) Workplace Surveillance Act 2005 (NSW) The Surveillance Devices Act 2007 (NSW) Telecommunications (Interception and Access) Act 1979 (Aust.) Telecommunications (Interception and Access) (NSW) Act 1987 Government Information (Public Access) Act 2009 (NSW) Evidence Act 1995 (NSW) Local Government Act 1993 (NSW) State Records Act 1998 (NSW) Part 101 of Civil Aviation Safety Regulations (Unmanned Aircraft and Rockets) 1998 Part 101 (Unmanned Aircraft and Rockets) manual of standards 2019	The related legislation provides a framework for what constitutes legal RPA operations and usage. It also provides the framework for legal content, usage, distribution, and storage of data collected during RPA operations.
Related Policies (Council & Internal)	Code of Conduct Work Health and Safety (WHS) Policy Fraud and Corruption Prevention Policy Privacy Management Plan Records Management Policy Workplace Surveillance Policy	The related policies must be complied with by Council employees involved in RPA operations.
Related Documents -	Draft Ku-ring-gai Council Remotely Piloted Aircraft	Mandatory procedures and training for

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Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	(RPA) Operations Manual – July 2018	Council employees conducting RPA operations.
Other References	CASA RPAS Sample Operations Manual – 28 June 2023 CASA AC101-01 Remotely piloted aircraft systems – licensing and operations CASR Part 101 Micro and excluded remotely piloted aircraft operations – plain English guide	Supporting documentation for the training and procedures referenced in Council policies and manuals relating to RPA operations.

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	13 February 2019	13 February 2021	Ian Dreghorn	First version
2	26 November 2024	TBC	Russell Cadman	Review and update.

Policy

Purpose and Objectives

The purpose of this Policy is to ensure that all legislative requirements for the use of Ku-ring-gai Council owned and/or Council–managed 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 (including use of thermal imaging cameras) of Council owned and/or managed assets such as outdoor recreation areas, sporting fields, community facilities, and buildings;
- conduct research and surveys of local biodiversity, flora and fauna including use of thermal imaging cameras;
- conduct aerial surveys of Council owned and/or managed land with limited access due to terrain or geographical features;
- take aerial photographs and videos at Council and third party events; and
- document the construction of Council projects, project promotion within mainstream and social media, industry conferences and publications.

Scope

This policy applies to:

- all Councillors, officers, agents, contractors, research organisations and universities, and volunteers of Council involved with RPA use;
- all Council owned and Council managed RPA systems and technology; and
- Data capture and privacy requirements.

Responsibilities

Ku-ring-gai Council is the owner of the RPA specified in this Policy and any data collected by the RPA. Access to data will be managed in accordance with the NSW Privacy and Personal Information Protection Act 1998 (PPIP Act) and the NSW 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:

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 complies with legislative standards; • *Nominate Council's chief remote pilot (CRP) and maintenance controller (MC) as required.

Party / Parties:	Roles and responsibilities:
Managers	<p>Responsible for organisational compliance and will assess and determine the:</p> <ul style="list-style-type: none"> • staff positions that require Council authorised remote pilots (RP) and ensure they are suitably trained; • approve applications for the regular use of RPA for internal business requirements; • effective and ethical management of Council’s RPA operations and equipment; • requests from external entities and/or organisations to enter into an agreement with Council to utilise RPA services; and • contractors permitted to operate RPA engaged by Ku-ring-gai Council and that they meet the requirements of this policy.
Manager Governance & Corporate Strategy	<p>Responsible for:</p> <ul style="list-style-type: none"> • providing advice and guidance in relation to Council’s obligations under the PPIP Act 1998, the GIPA Act 2009 and the State Records Act 1998; • 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 • managing any privacy related complaints.
Manager Regulation & Compliance	<p>Responsible for:</p> <ul style="list-style-type: none"> • 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.
Venues or Events Coordinator	<p>Responsible for:</p> <ul style="list-style-type: none"> • ensuring privacy conditions are complied with at events where RPA technology is utilised; and • ensuring appropriate notification methods are applied at events where RPA technology is utilised.

Party / Parties:	Roles and responsibilities:
*Chief Remote Pilot	Responsible for: <ul style="list-style-type: none"> • ensuring that operations are conducted in compliance with the Civil Aviation Act and the Regulations; • ensuring all RPA used by Council are registered with CASA; • maintaining a record of qualifications held by each RP; • monitoring and maintaining operational standards and supervise RPs who work under the authority of the RPA operator’s certificate (ReOC) if applicable; • 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; and • managing of RPA data and/or internal (for Council purposes) release of it.
*Maintenance Controller	Responsible for: <ul style="list-style-type: none"> • ensuring the maintenance of the RPAS in accordance with the manufacturer specifications.
Council Authorised Remote Pilot	Responsible for: <ul style="list-style-type: none"> • ensuring that recorded information is appropriately collected, managed and disclosed in accordance with legislation, this policy and related procedures and guidelines. • abiding by CASA regulations (CASR and MOS), legislation and following all Council Policies and Procedures; and • reporting any incidents / accidents in compliance with Council’s Work Health and Safety (WHS) Policy and incident reporting procedure.

* The Draft Ku-ring-gai Council Remotely Piloted Aircraft (RPA) Operations Manual is under development. The CRP and MC positions are currently not nominated to staff members, so responsibility for these roles will be carried out by the RPA operator and RPs.

Policy Statement

RPAS 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.

Ku-ring-gai Council is committed to utilising and accessing the latest technology to improve services, reduce risks, protect the environment, enhance safety and reduce costs.

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 RPAS (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 RPs.

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.

Council's authorised RPs are the only users permitted to operate Council owned RPA; hiring to external entities of the RPA technology only is not permitted.

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 Ku-ring-gai 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 should 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 PPIP Act 1998, the GIPA 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 CRP is responsible for all operational matters and RP training affecting the safety of operations.

Privacy and Data

While in most circumstances RPA will not collect personal information, there may be some instances where personal information is collected during the course of an RPA operation. Personal information collected during the use and operation of RPA will be handled in accordance with Council's Privacy Management Plan, the Information Protection Principles (IPPs) and the PPIP Act.

Council and external RPs working for Council must ensure that they are aware of Council's Privacy Management Plan, the Information Protection Principles (IPPs) and the PPIP Act, including:

- *IPP1: Council will only collect personal and health information for a lawful purpose, which is directly related to a function or activity of Council and the collection is necessary for that purpose.* RPs / council staff must avoid using RPA to view, collect or record images or other personal information that is not directly related to a council function or activity (unless reasonable steps have been taken to seek consent).
- *IPP3: Council will take reasonable steps to inform the person why personal and health information is being collected, what Council will do with it and who else might see it.* Where possible, RPs / council staff should give appropriate notice before any images or other personal information are captured during RPA operations.
- *IPP5: Council will store personal and health information securely, keep it no longer than necessary and dispose of it appropriately. It will also be protected from unauthorised access, use, modification or disclosure.* RPs / council staff who have collected images or other personal information must take reasonable steps to ensure that information is stored securely and securely destroyed when no longer required.
- *IPP10: Council will only use personal information for the purpose it was collected unless the person has given their consent, or the purpose of use is directly related to the purpose for which it was collected, or to prevent or lessen a serious and imminent threat to any person's health or safety.* RPs / council staff must only use images and other personal information for the purpose for which it was collected (unless consent has been provided).
- *IPP11: Council will only disclose personal information with a person's consent or if the person was told at the time that it would be disclosed, if disclosure is directly related to the purpose for which the information was collected and there is no reason to believe the person would object, or the person has been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person's health or safety.* RPs / council staff must ensure that images and other personal information collected are not disseminated or made public (unless consent has been provided).

Record Keeping

The RPA operator must maintain records of use each time RPA are operated. This information will be recorded as evidence to support compliance with the Civil Aviation Safety Regulations and privacy legislation. Record keeping must meet the requirements of the CASR Part 101 Manual of Standards.

Data and information collected must adhere to Ku-ring-gai Council's Records Management Policy [2024/238123](#) and Workplace Surveillance Policy [2015/037852](#).

Council authorised RPs using RPAS

All Council authorised RPs using RPAS are subject to the following requirements:

- Excluded category RPA use, provide evidence to the CRP when required:
 - the RP flying the RPA holds a current and valid RPA operator accreditation;
 - the RPA has a current and valid ARN registration;

- Included category RPA use, provide evidence to the CRP when required:
 - Council holds a current and valid ReOC;
 - the RP flying the RPA holds a current and valid RePL;
 - the RPA has a current and valid ARN registration;
- Agree to comply with relevant commonwealth, state and local laws and regulations; and
- Agree to comply with relevant Council policies and procedures including this policy.

Contractors using RPAS

All contractors engaged by Ku-ring-gai Council using RPAS are subject to the following requirements:

- Excluded category RPA use, provide evidence:
 - the RP flying the RPA holds a current and valid RPA operator accreditation;
 - the RPA has a current and valid ARN registration;
- Included category RPA use, provide evidence:
 - the contractor holds a current and valid ReOC;
 - the RP flying the RPA holds a current and valid RePL;
 - the RPA has a current and valid ARN registration;
- Provide evidence of adequate and appropriate insurance coverage;
- Agree to comply with relevant commonwealth, state and local laws and regulations; and
- Agree to comply with relevant Council policies and procedures.

References/Associated Documents

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
- The GIPA Act 2009
- Evidence Act 1995 (NSW)
- Local Government Act 1993 (NSW)
- PPIP Act 1998 (NSW)
- State Records Act 1998 (NSW)

Relevant Reference:

CASA Sample Operations Manual

CASA AC101-01 Remotely piloted aircraft systems – licensing and operations

CASR Part 101 Micro and excluded remotely piloted aircraft operations – plain English guide

Ku-ring-gai Council Code of Conduct

Ku-ring-gai Council Fraud and Corruption Prevention Policy

Ku-ring-gai Council Privacy Management Plan

Supporting Procedures/Guidelines

This Policy is supported by the following internal and external operating procedures and guidelines:

- [2024/150541](#) CASR Part 101 Micro and Excluded RPA Operations Plain English Guide Interactive - V2.1 June 2023
- [2024/187306](#) CASA RPAS Sample Operations Manual - 28 June 2023
- [2018/260179](#) Draft Ku-ring-gai Council Remotely Piloted Aircraft (RPA) Operations Manual – July 2018

Reference Material

Acronyms

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

Acronym	Definition
AC	Advisory Circulars
AIP	Aeronautical Information Publication
ARN	Aviation Reference Number
ATSB	Australian Transport Safety Bureau
CAR	Civil Aviation Regulations 1998
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CRP	Chief remote pilot
ERSA	En Route Supplement Australian
MC	Maintenance Controller
MOS	Manual of Standards
IPPs	Information Protection Principles
RePL	Remote pilot licence
ReOC	Remotely piloted aircraft operator's certificate
RPA	Remotely Piloted Aircraft
RPAS	Remotely Piloted Aircraft System
SOC	Standard RPA Operating Conditions

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	An RPA operated under prescribed conditions for commercial purposes that does not require a CASA authorisation in the form of an RPA ReOC and/or a remote pilot licence (RePL) in some circumstances (See regulation 101.237 of CASR for details)
included RPA	An RPA operated under prescribed conditions for commercial purposes that does not require a CASA authorisation in the form of an RPA ReOC and/or a remote pilot licence (RePL) in some circumstances (See regulation 101.237 of CASR for details)
remote crew	A crew member charged with duties essential to the operation of an

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member	RPAS 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 aircraft where the pilot flying is not on board the aircraft. Note: remotely piloted aircraft and RPA have different meanings.
remotely piloted aircraft system	A set of configurable elements consisting of a remotely piloted aircraft, its associated remote pilot station (or stations), the required command and control links and any other system elements as may be required at any point during the operation of the aircraft.
RPA	A remotely piloted aircraft other than a balloon, a kite, or model aircraft. Note: remotely piloted aircraft and RPA have different meanings.
RPA operator	The certified RPA operator or person / organisation (excluded RPA) who makes the relevant RPA available to the remote pilot.
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 250 g but less than 2 kg.

References

Regulations

The Civil Aviation Safety Regulations are available on the Federal Register of Legislation www.legislation.gov.au

Document	Title
Part 99	Drug and alcohol management plans and testing <i>Civil Aviation Safety Regulations 1998</i>
Part 101	Unmanned aircraft and rocket operations <i>Civil Aviation Safety Regulations 1998</i>
Part 117	Representations and surveys <i>Civil Aviation Safety Regulations 1998</i>

Advisory Material

CASA's Advisory Circulars are available at www.casa.gov.au/AC

Document	Title
AC 101-01	Remotely piloted aircraft systems – licensing and operations
AC 101-03	Unmanned aircraft and rockets – model aircraft
AC 101-05	Functions and duties of RPAS maintenance controllers
	En Route Supplement Australia (ERSA) available at www.airservicesaustralia.com/aip/aip.asp

Forms

CASA's forms are available at www.casa.gov.au/forms

Form Number	Title
Form 1162	Aviation Reference Number (ARN) Application (Individual)
Form 1170	Aviation Reference Number (ARN) Application (Organisation)