

Ku-ring-gai Council

Policy

Drone (Remotely Piloted Aircraft) Policy

Version Number: 1

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Drone (Remotely Piloted Aircraft) Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

| | | |
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| Related Legislation: | Privacy and Personal Information Protection Act 1998 (PPIP Act) 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) State Records Act 1998 (NSW) Damage By Aircraft Act 1952 No 46 (NSW) | The related legislation provides a framework for what constitutes legal drone operations and usage. It also provides the framework for legal content, usage, distribution, and storage of data collected during drone operations. |
| Related Policies (Council & Internal) | CASA AC101-10 Operation of Excluded RPA Code of Conduct Fraud and Corruption Prevention Policy Privacy Management Plan | The related policies must be complied with by Council employees involved in drone operations. |
| Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc | Operational Procedures – Drone (Remotely Piloted Aircraft) Drone (Remotely Piloted Aircraft) Training Mavic Pro Intelligent Flight Battery Safety Guidelines CASA AC101-10 Operation of Excluded RPA | Mandatory procedures and training for Council employees conducting drone operations. |
| Other References | CASA Operational Procedures CASA Operations Manual Mavic Pro User Manual V1.8 | Supporting documentation for the training and procedures referenced in Council policies and manuals relating to drone operations. |

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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 |

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 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

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

| 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; and • determining if a recording made by a RPA may be used in relation to staff performance, conduct or compliance with policy or legislation. |
| Managers | Responsible for organisational compliance and will assess and determine the: <ul style="list-style-type: none"> • staff positions that require Council authorised RPA pilots; • approve applications for the regular use of Remotely Piloted Aircraft for internal business requirements; • effective and ethical management of Council’s Drone (RPA) Program and equipment; and • requests from external entities and/or organisations to enter into an agreement with Council to utilise Remote Piloted Aircraft services. |

| Party / Parties: | Roles and responsibilities: |
|---------------------------------|---|
| Manager People & Culture | Responsible for: <ul style="list-style-type: none"> • reviewing requests to access data obtained using drone (RPA) technology for the purpose of investigating staff performance; • 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. |
| Manager Records & Governance | Responsible for: <ul style="list-style-type: none"> • 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; • 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 | 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) against the NSW Local Government Act 1993, the NSW Protection of the Environment Operations Act 1997, and the Crown Lands Act 1989. |
| Event Coordinator | Responsible for: <ul style="list-style-type: none"> • ensuring privacy conditions are complied with at events where drone (RPA) technology is utilised; and • ensuring appropriate notification methods are applied at events where drone (RPA) technology is utilised. |
| Chief Pilot | Responsible for: <ul style="list-style-type: none"> • ensuring that operations are conducted in compliance with the Civil Aviation Act and the Regulations; • maintaining a record of qualifications held by each RP; • monitoring and maintaining operational standards and supervise RP(s) 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 drone RPA data; and • managing of drone 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 drones (Remotely Piloted Aircraft Systems) in accordance with the manufacturer specifications. |

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| Party / Parties: | Roles and responsibilities: |
|------------------------------|--|
| Council Authorised RPA Pilot | Responsible for: <ul style="list-style-type: none"><li data-bbox="424 315 1437 416">• ensuring that recorded information is appropriately collected, managed and disclosed in accordance with legislation, this policy and related procedures and guidelines; and<li data-bbox="424 427 1465 495">• Council authorised RPA pilots must abide by CASA laws and regulations and follow all Council Policies and Procedures. |

Policy Statement

Remote Piloted Aircraft 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.

Council's authorised RPA pilots are the only pilots permitted to operate Council-owned RPA; hiring to external entities of the drone 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 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.

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 People & Culture. The Manager People & Culture will then review the rationale provided and submit a request for access to the recordings utilising the IM Helpdesk Request for determination by the General Manager.

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 their supervisor. Supervisors will be responsible for reporting potential or suspected incidents of this kind to the Manager People & Culture 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.

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 Manager Regulation & Compliance 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.

References/Associated Documents

Delivery Program and Operational Plan

The introduction of a Drone (RPA) Program will save Council money by minimising or eliminating the use of contractors to perform the same tasks. Council officers will use drones for a range of different tasks, enabling 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.

These tasks are consistent with the following Delivery Program and Operational Plan objectives:

| Delivery Program Long Term Objective | Delivery Program Term Achievement | Operational Plan Task |
|--|--|---|
| THEME 1 - COMMUNITY, PEOPLE & CULTURE | | |
| C2.1 A harmonious community that respects, appreciates, celebrates and learns from each other and values our evolving cultural identity. | C2.1.1 Ku-ring-gai's rich cultural diversity and creativity is celebrated through programs and events. | Promote cultural events to the whole community via Council's communications methods e.g. social media and website. |
| THEME 2 - NATURAL ENVIRONMENT | | |
| N2.1 Our bushland is rich with native flora and fauna. | N2.1.1 The condition of bushland and the conservation of native flora and fauna have improved. | Implement priority actions from the Biodiversity Policy and implement the biodiversity monitoring program. |
| | | Implement priority actions from the Fauna Management Policy and implement the fauna monitoring program. |
| | | Implement site management plans for bushland areas and monitor and report on bush regeneration activities on a quarterly basis. |
| N3.1 Our natural waterways and riparian areas are enhanced and protected. | N3.1.1 The condition of natural waterways and riparian areas have improved. | Manage water harvesting and reuse sites according to the Water Reuse Management Plans, maintenance program and Asset Management Strategy. |
| | | |

| Delivery Program Long Term Objective | Delivery Program Term Achievement | Operational Plan Task |
|--|--|---|
| THEME 3 - PLACES, SPACES AND INFRASTRUCTURE | | |
| P6.1 Recreation, sporting and leisure facilities are available to meet the community's diverse and changing needs. | P6.1.1 A program is being implemented to improve existing recreation, sporting and leisure facilities and facilitate the establishment of new facilities. | Complete the design of identified parks incorporating accessibility and inclusive passive recreation facilities. |
| | P6.1.2 Partnerships are established with community groups and organisations to optimise the availability and use of sporting, recreation and leisure facilities. | Engage with community partners to improve sporting, leisure and recreational facilities through partnerships, grant funding and other external funding opportunities. |
| | | Continue to develop and promote access to specific sporting facilities. |

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)

Relevant Reference:

CASA Operational Procedures

CASA Operations Manual

CASA AC101-10 Operation of Excluded RPA

Ku-ring-gai Council Code of Conduct

Ku-ring-gai Council Fraud and Corruption Prevention Policy

Ku-ring-gai Council Privacy Management Plan

Privacy and Human Rights Consideration

All personal information collected by Ku-ring-gai 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.

To ensure privacy conditions are complied with at events, discussions will be held with Council's Event Coordinator to ensure appropriate notification methods are applied at events.

Individuals have the right to make a complaint to Council's Privacy Officer or the Information and Privacy Commission (IPC) if they believe their privacy has been breached.

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).

Supporting Procedures/Guidelines

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

- Operational Procedures Remotely Piloted Aircraft – July 2018
- Drone Training – July 2018
- Mavic Pro User Manual V1.8 (or their successor if a new drone is purchased)
- Mavic Pro Intelligent Flight Battery Safety Guidelines (or their successor if a new drone is purchased)

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. |

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 – general |
| AC 101-03 | Unmanned aircraft and rockets – model aircraft |
| AC 101-05 | Remotely piloted aircraft systems – functions and duties of an RPAS maintenance controller 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) |

Note: Notification of certain excluded RPA operations can be made through an online form.