



POLICY

Remotely Piloted Aircraft (RPA) Use in Wellington Park and Permit Application Procedures

1 Purpose

This policy provides the Wellington Park Management Trust's policy on the flying of remotely piloted aircraft (RPA) in Wellington Park and the conditions under which the Trust may consider issuing a permit for their use.

2 Application

This policy applies to the use of RPA in Wellington Park. It separates RPA operation and use into four categories – recreational, commercial, research and Park management.

Use of a RPA by agencies, such as TasNetworks and TasWater, with statutory powers that allow them to use an RPA to inspect their infrastructure are not included in this policy.

3 Background

RPA (also known as Unmanned Aerial Vehicles (UAV) and commonly called drones) have a wide range of commercial, research and recreational uses and are becoming increasingly popular. They vary in size and sophistication and, depending on their purpose, may be equipped with a variety of imaging technologies and other sensors. RPA are controlled remotely by an operator or by an on board or central computer. RPA can be fitted with live video equipment enabling the pilot on the ground to fly it using video goggles or a screen to control it, referred to as first person view (FPV).

Recent advances in technology have resulted in a rapid increase in the affordability and popularity of RPA and the Trust is receiving an increasing number of requests for permits for their use in the Park, mostly for commercial filming but also for research and recreational uses. At least one Park management agency is considering their use for Park management including monitoring fires in the Park and spraying weeds in inaccessible areas.

4 Definitions

Commercial filming includes filming and stills photography for advertisements, feature filming, documentaries and tourism promotion, educational and government sponsored filming.

Recreational use is where RPA are flown for personal use, sport or recreational purposes only, ie where RPA are flown just for fun, enjoyment, amusement, or pleasure including for non-commercial filming.

A **Remote Pilot Licence (RePL)** is a licence to fly a RPA issued by the Civil Aviation Safety Authority (CASA)

A **Remotely Piloted Aircraft (RPA)** is an unmanned aircraft, other than a balloon or kite, where the pilot flying is not on board the aircraft. For the purposes of this policy the acronym 'RPA' encompasses remotely piloted aircraft, unmanned aerial vehicles, and drones.

A **RPA Operator's Certificate (ReOC)** is the certification required by CASA in combination with a RePL to operate a RPA commercially.

5 Statutory and Planning Requirements

5.1 Commonwealth legislation

The Civil Aviation Safety Authority (CASA) regard RPA as aircraft and therefore they are covered by the *Commonwealth Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1998*.

5.2 Wellington Park Act and Regulations

Regulation 15 of the *Wellington Park Regulations 2019* states that:

“(2) Subject to subregulation (3), a person must not launch or land an aircraft in Wellington Park except -

(a) as authorised by a permit; or

(b) in an emergency.

(3) A person may launch a hang-glider or paraglider in Wellington Park if the launching of that hang-glider or paraglider is in accordance with a management plan.”

It should be noted that the Regulations do not prohibit over flights. There is anecdotal evidence of increasing recreational use of RPA in the Park, possibly in ignorance of the Regulations.

RPA use may also result in breaches of other Regulations including:

- Regulation 4(2)(g) – not to “rouse or disturb any fauna”.
- Regulation 27(b) - not to “insult or annoy any other person in Wellington Park”.
- Regulation 44 – not to “deposit or leave any litter in Wellington Park”.

5.3 Wellington Park Management Plan

The Wellington Park Management Plan 2013 does not mention use of RPA but in section 7.3.3 states that:

“Hang gliding and para gliding launching is permitted in the Park except in the Remote Zone and the Drinking Water Catchment Zone. The Mountain is considered a challenging location because of its altitude, unique setting and wind conditions.”

6 Potential Impacts of RPA Use

RPA use may conflict with the Trust’s obligations to protect Park values and its duty of care to Park visitors. RPA can impact on visitor experience through their noise and visual intrusion. There is also evidence that flying near wildlife can create stress or cause significant harm and even death. Large raptors have been known to injure themselves attacking RPA they perceive as intruders into their territory. RPA equipped with cameras may also infringe the privacy of other Park users. There are also safety issues including the potential for collisions, particularly when RPA are flown by unlicensed pilots. RPA may also damage vegetation, natural features, heritage sites and park assets due to crash landing, access and retrieval.

RPA typically have cameras, and in many cases, microphones which can intrude on a person’s private activities either intentionally, as in the case of deliberate surveillance, or inadvertently in the course of other activities like aerial photography, filming or search and rescue.

7 Policy

The Trust recognises that RPA can be an invaluable tool for a variety of scientific, promotional and Park management purposes, but their use must be balanced with the Trust’s responsibility to protect and conserve the natural and cultural values of the Park and ensure the safety of Park visitors.

The Trust will consider issuing permits for the use of RPA in the Park for commercial, research, management and recreational purposes that meet the criteria in this Policy.

RPA pilots must have a current Remote Pilot Licence (RePL) and commercial operators must also have a RPA Operator’s Certificate (ReOC).

Use of RPA to support any fire or other emergency response operation where the PWS, Tasmania Fire Service (TFS), Tasmania Police (TASPOL), or State Emergency Service (SES) is the defined Control Authority

does not require a permit. Only CASA certified and registered commercial providers or response authority pilots, are to operate RPA at emergency responses in the Park. The use of RPA as part of the recovery stage of an emergency incident (post response), or at other emergency situations not managed by these response agencies requires a permit with applications to be considered on merit, and in accordance with this policy.

8 Applying for a Permit to use a RPA in Wellington Park

Persons who wish to fly RPA in Wellington Park for commercial filming, research, management or recreational purposes must complete the attached application form.

Applicants for a permit for use of RPA in the Park must provide evidence of a Public Liability insurance policy with cover of at least \$10,000,000 with RPA operation noted in the policy.

All applicants must provide evidence of a current Remote Pilot Licence (RePL), or the former UAV controllers license. Applicants for commercial filming or management use of an RPA must also provide evidence of a current RPA Operator's Certificate (ReOC). This requirement applies to all categories of RPA including very small RPA (sub- 2kg category).

Applications must contain sufficient information to enable an appropriate level of assessment of the proposed RPA use and activity purpose as well as confirmation of compliance with the mandatory requirement of CASA certification, and be duly signed. Applications for RPA use for research and management purposes must demonstrate the need and benefit of RPA use.

Applications for RPA use where there is a risk to protected wildlife must include a permit issued under the *Wildlife (General) Regulations 2010* or *Threatened Species Protection Act 1995*.

8.1 Application Fee

Applications for a permit to launch and/or land a RPA in Wellington Park must be accompanied by the fee specified in Schedule 1 of the *Wellington Park Regulations 2019*. At its discretion the Trust may waive the application fee. Applications for which the permit application fee may be waived include:

- RPA use as part of a commercial filming approval
- RPA use by an agency represented on the Trust
- RPA use for research or other purposes that will assist with management of the Park.

9 Criteria for Issuing Permits for the use of RPA in Wellington Park

In deciding to issue a permit for RPA use in the Park the Trust will take into account the potential effect of the proposed RPA use on:

- Park visitors including their safety, experiences and privacy; and
- Park management obligations and operations.

Permits will only be issued where the likely impacts on Park values and Park users is considered minimal or can be mitigated through the conditions of the permit. The standard conditions attached to this policy are the basic conditions for any RPA permit and a permit should not be issued if there is any doubt that the applicant will be able to comply with them.

In general permits will only be issued for RPA use in line of sight during daylight hours. Applicants who wish to use RPA outside these parameters will have to demonstrate that their objectives cannot be met through other means. Recreational use of RPA will only be considered away from high visitation areas or at times when visitors are unlikely to be present.

9.1 General Issues to be Considered

The following issues will be considered for all RPA use applications:

- Impacts on natural and cultural heritage values both direct and indirect including any access and site establishment requirements and the potential to damage values through operational access, and the risk of crash landing and retrieval.
- Impacts on visitor experience, particularly visual disturbance and noise at important visitor sites.
- Privacy issues, particularly where filming is proposed in areas where visitors can reasonably expect privacy.
- Safety, particularly the potential for conflict with other aircraft operations and the potential for collisions with visitors. Where there is the potential for the RPA flight activity to pose a moderate and above risk level, complete a formal risk assessment.

9.2 Specific Issues to be Considered

9.2.1 Commercial Filming

RPA permits will be considered where they are part of an approved commercial filming agreement with the Trust. The RPA permit will be issued separate from the filming agreement.

Applications for an RPA permit for commercial filming that is non-commission unsolicited filming (speculative / stock filming) where the applicant hopes to have the film footage/images optioned and eventually purchased or used for the payment of a fee or other revenue will generally not be considered.

Media filming (news of the day) does not require approval from the Trust, however use of an RPA for media filming will require a permit under the Regulations. Media organisations may apply for a standing permit to use RPA for news of the day filming.

9.2.2 Research

Permits will be issued for scientific research that will be of benefit to Park management or is of general scientific merit and cannot be carried out elsewhere. Permits will not generally be issued for RPA use for student course work. The application for RPA use for research must satisfactorily demonstrate the need and benefit of use of a RPA.

9.2.3 Park Management

RPA use by Park management agencies will be considered where use of RPA is the most efficient and effective way of achieving a Park management objective.

Park management uses of a RPA that may be considered include:

- planned burning operations
- pest and weed monitoring and eradication
- compliance and surveillance
- interpretation and education
- detection, assessment and monitoring of natural and cultural heritage values
- visitor and usage monitoring.

In each case the risks to Park visitors and values will be weighed against the benefits of the information to be gained or the outcome of the management activity.

The application for RPA use for Park management must satisfactorily demonstrate the need and benefit of use of a RPA.

9.2.4 RPA use for other Purposes

RPA permits may also be issued for other purposes that cannot be easily achieved by other means, such as inspection of remote and inaccessible structures.

Permits may also be considered for the use of RPA to record events in the Park, however the scope of the RPA assessment and control actions must take into account the potentially higher level of risk to people, particularly event participants, support persons and spectators.

10 Refusal of an Application

Where an application for use of RPA in the Park is refused in accordance with this policy the applicant will be advised of the refusal and the reasons the application was not supported.

11 Responsibility

The Trust Manager or Education and Regulations Coordinator are responsible for assessing applications and issuing permits for the launching or landing of aircraft (including RPA) in Wellington Park.

It is the responsibility of the RPA operator to ensure that the RPA is airworthy, and is flown safely consistent with the rules under the Civil Aviation Safety Regulations (CASR) and the conditions of any permit issued by the Trust.

12 Variation of Policy or Procedures

The Trust reserves the right to review, vary or revoke this policy at any time.

Approved by the Wellington Park Management Trust on: 9/2/18, minor revisions in April 2020 and February 2022.

Attachments: Standard permit conditions for operating a RPA in Wellington Park
RPA permit application form.

Standard permit conditions for operating RPA in Wellington Park.

- The RPA must only be operated in visual line of sight of the remote pilot in day visual meteorological conditions.
- The RPA must not be operated within 1 km of known eagle nest sites during the breeding season (July to January)
- The remote pilot must be certified and registered with CASA and fly safely / operate in accordance with Civil Aviation Safety Regulations (CASR) and Standard Operating Conditions, including not flying near bushfires and other emergency situations.
- An RPA observer must accompany the remote pilot and undertake the role of helicopter and raptor (eagle & other birds of prey) spotter. The remote pilot must immediately land the RPA upon the sighting of any raptor and watch out for and avoid large birds, flocks of birds and other aircraft.
- The remote pilot must exercise minimum wildlife disturbance flight practices (maintain a reasonable distance from animals on land and in the air at all times during flight and avoid threatening approach trajectories and sporadic flight movements). Operations must be modified or aborted where disturbance occurs or is likely to occur.
- The RPA shall only be landed in cleared areas.
- The RPA must not be used where it will disturb or endanger Park visitors, or where it will disrupt or endanger traffic on Pinnacle Road.
- The permit holder must obtain and comply with any Local, State and Commonwealth authority requirements for launching, flying and landing in Wellington Park.
- It is the responsibility of the RPA operator to ensure that the RPA is airworthy, and is flown safely consistent with the CASR.
- Use of the RPA must not intentionally or inadvertently intrude on the privacy of other persons in the Park through recording images and/or sound.