

Unmanned Aircraft Policy



Approved by:	Resolution of Council		
Sponsor:	Asset Group Manager		
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POLICY OVERVIEW

1. Purpose

- 1.1 To provide guidance on where, and under what conditions the public are allowed to fly unmanned aircraft over land controlled by Waimate District Council.

2. Scope

- 2.1 Unmanned Aircraft – includes Unmanned Aerial Vehicles (UAV), Unmanned Aerial Systems (UAS), Remotely Piloted Aircraft (RPA), and drones.

3. Background

- 3.1 The Civil Aviation Authority (CAA) regulates civil aviation in New Zealand and sets the rules around the use of unmanned aircraft. CAA Rules Part 101 and 102 came into effect on 1 August 2015 and relate specifically to unmanned aircraft and places restrictions around the use of unmanned aircraft. All unmanned aircraft operations, regardless of size, weight, or performance of the aircraft are required to operate in compliance with these rules.
- 3.2 CAA Rule Part 101 permits operators of unmanned aircraft to fly without needing to obtain the consent of the CAA provided they operated strictly within the prescribed limits of the CAA Rule Part 101. The rule requires a person operating an unmanned aircraft to gain consent from the property owner or occupier of the area(s) over which they intend to operate.
- 3.3 CAA Rule Part 102 is designed for higher-risk operations. If an operator cannot comply with Part 101 this is a good signal that the operation may be higher risk and require certification from the CAA under Part 102. Operators will need to contact the CAA directly for this certification.

4. Policy Statement

- 4.1 Waimate District Council will grant consent for the flying of unmanned aircraft above land controlled by Council subject to the Waimate District Council's conditions and provided the unmanned aircraft operator strictly adhere to the CAA operating rules.

- 4.2 CAA Rule Part 101 requires operators to get consent from any person they may fly over. Such consent can be obtained/granted verbally.
- 4.3 The CAA rules have an overriding requirement not to operate in a manner that is hazardous to people or property.
- 4.4 Failure to comply with CAA rules could result in a warning, fine, or prosecution from the CAA.
- 4.5 Waimate District Council will consider applications for approval where the operation does not meet these conditions.
- 4.6 Waimate District Council is not responsible for setting, monitoring, or enforcing the CAA rules. If you have concerns that these rules are being breached please contact the CAA on isi@caa.govt.nz or phone 0508 4SAFETY (0508 4723389). If there is an imminent threat to people or property, please contact the Police.

POLICY

5. Conditions of Unmanned Aircraft Operations

- 5.1 Waimate District Council grants consent for the flying of unmanned aircraft above land controlled by Council provided unmanned aircraft operators:
- are considerate of other users of the property; and
 - do not fly over other people or adjoining private property without their consent (complying with the Office of the Privacy Commissioner guidance on preserving peoples' personal privacy); and
 - do not film anybody with an on-board camera without their express permission; and
 - do not operate within 50 metres of any playground, paddling pool, or swimming pool; and
 - do not operate over Council cemeteries; and
 - do not operate directly over occupied camp sites; and
 - do not operate over a sports field if it is in use by others; and
 - do not operate within 100 metres of any event where there is a road closure for that event; and
 - do not fly closer than 10 metres to the boundary of Council-controlled land and private property without the permission of that landowner/occupier.
 - UAV operators must report all incidents and near misses of a significant nature (such as those involving people, property, and utilities) to Waimate District Council Asset Group Manager.
- 5.2 Specific to the use of unmanned aircrafts in Waimate District Council Reserves- in compliance with Chapter 7 of Waimate District Consolidated Bylaws 2018, Clause 723.1- no person shall fly any unmanned aircraft within a Reserve except with the prior permission of Council and then only in compliance with every condition under which such permission is granted. For the purpose of this policy, Reserve includes

any open space, plantation, park, beach, garden, or ground set apart for public recreation or enjoyment, which is now or hereafter may be under the management or control of Council.

6. Applying for Consent

- 6.1 Any person seeking to operate unmanned aircraft outside these conditions must seek consent from the Waimate District Council Asset Group Manager.

7. CAA Rule Part 101

- 7.1 Operation of unmanned aircraft in accordance with the CAA Rule Part 101 is subject to the following restrictions. There are 12 key requirements under Part 101, as outlined below:

- 7.2 Unmanned aircraft operators/users must –

- not operate an aircraft that is more than 25kg and always ensure that it is safe to operate; and
- at all times, take all practicable steps to minimise hazards to persons, property, and other aircraft; and
- fly only in daylight; and
- give way to all crewed aircraft; and
- be able to see the aircraft with their own eyes (e.g. not through binoculars, a monitor, or smartphone), to ensure separation from other aircraft (or use an observer to do this in certain cases); and
- not fly their aircraft higher than 120 metres (400 feet) above ground level (unless certain conditions are met); and
- have knowledge of airspace restrictions that apply in the area they wish to operate in; and
- not fly closer than 4 kilometres of any aerodrome (unless certain conditions are met); and
- when flying in controlled airspace, obtain an air traffic control clearance issued by Airways Corporation of New Zealand; and
- not fly in special-use airspace without permission of the administering authority of the area (e.g. restricted or military operating areas); and
- obtain consent from anyone they wish to fly above, and
- obtain consent of the property owner or person in charge of the area they wish to fly above.

- 7.3 This list should not substitute a full reading of CAA Rule Part 101. Unmanned aircraft operators/users should conduct a thorough assessment of their operation and ensure that they understand the Civil Aviation Rules that apply to their operation, before deciding whether to operate under Part 101 and 102.

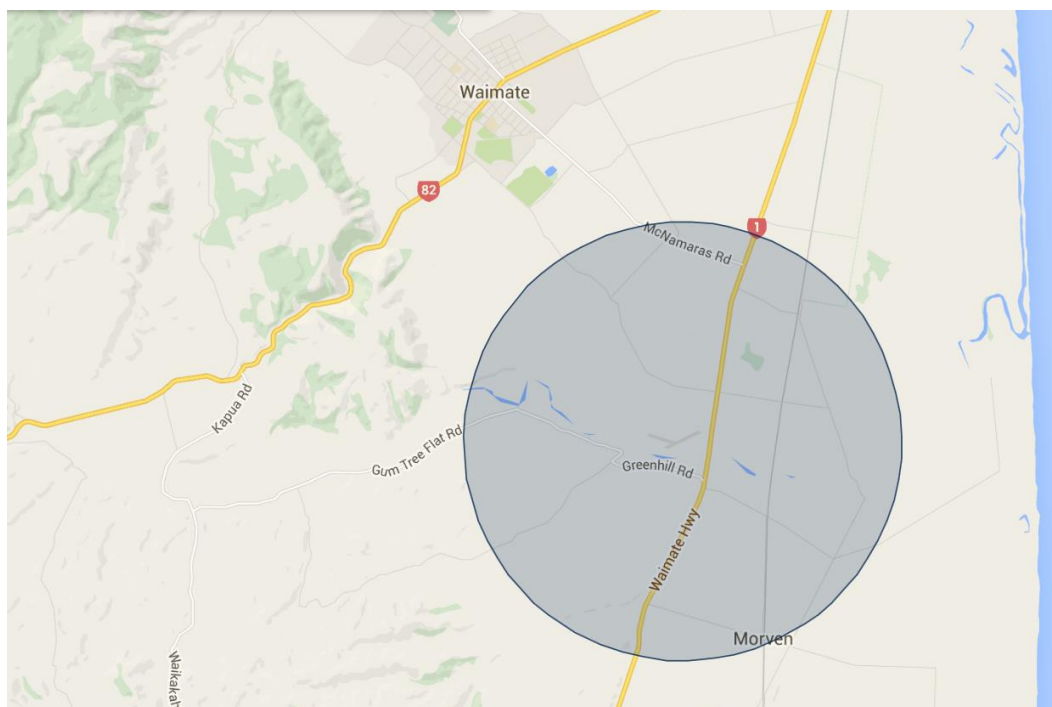
- 7.4 Some exceptions may apply, but generally if unmanned aircraft operators/users

cannot meet any of these requirements, then this is a good indicator that their operation will need to be certified under CAA Rule Part 102.

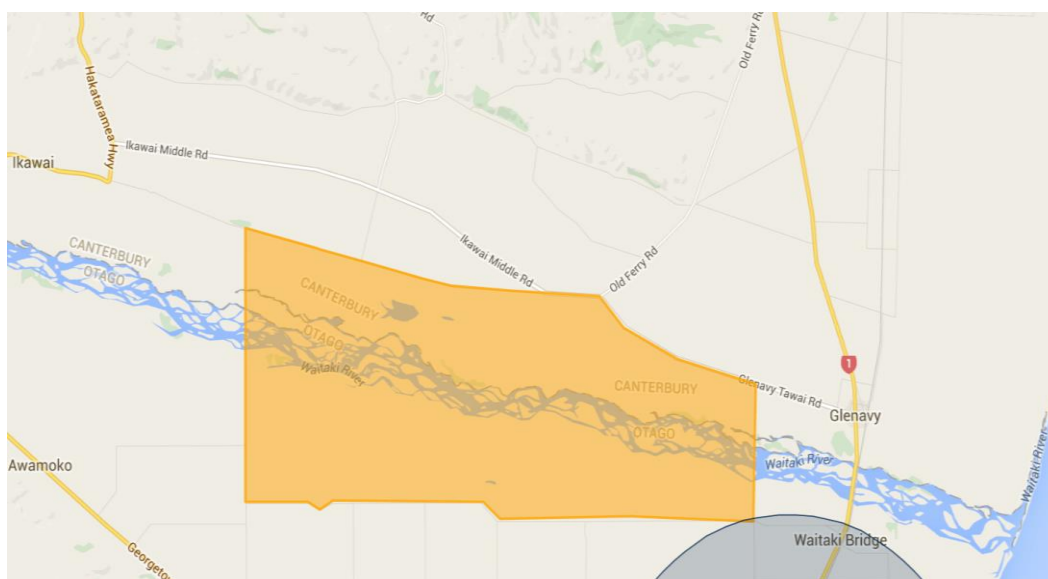
8. Further Information

- 8.1 Any operators of unmanned aircraft wishing to fly beyond the conditions of CAA Rule Part 101 within the Waimate District are requested to contact the Waimate Aero Club.
- 8.2 Unmanned aircrafts are not permitted to fly within a 4 km radius of the Waimate Aerodrome. See Map 1.
- 8.3 Unmanned aircrafts are not permitted to fly in Low Fly Zones. There is a Low Fly Zone which covers the area between the Waitaki River and the Glenavy Tawai and Tawai Ikawai Roads. (See Map 2)
- 8.4 The [Civil Aviation Authority's website](#) provides full details of Rules Part 101 and 102 and further advice for operators of unmanned aircraft.
- 8.5 Also see the Airshare website for further information on the safe operation of unmanned aircraft. <https://www.airshare.co.nz/>

9. Maps



Map 1: Map showing 4km radius around Waimate Aerodrome.



Map 2: Showing the Low Fly Zone at the Waitaki River.