

# Use of Drones Policy 2023

**Group responsible:** Manager Property Services

**Date adopted:** 25 October 2023

**File no:** R/23/10/50060

## 1 Purpose

This policy sets out the conditions for use of drones on Council owned or controlled land.

Southland District Council grants permission for the use of drones to be flown over Council owned or controlled land subject to the conditions below, and the Civil Aviation Authority (CAA) Part 101 and Part 102 rules.

Please note this policy is applicable for **Council administered land only**.

## 2 Definitions and abbreviations

TERM	MEANING
<b>DRONES</b>	<p>Means an aircraft designed to operate autonomously or remotely with no pilot on board and includes all electric powered remote controlled model aircraft, including the type capable of vertical take-off and landing and small hand-launched gliders less than 1.5 metre wing span.</p> <p>Drones are also known as unmanned aircraft, Unmanned Aerial Vehicles (UAVs), Remotely Piloted Aircraft Systems (RPAS), and Unmanned Aerial Systems (UAS).</p> <p>For this policy, the term drone does not include the following:</p> <ul style="list-style-type: none"> <li>• fixed wing electric-powered model aircraft greater than 1 metre wing span.</li> <li>• all fixed-winged model aircraft that are internal combustion engine (petrol) powered.</li> <li>• gliders greater than 1.5 metre wing span and bungee-launched gliders.</li> <li>• single rotor helicopters that are electric powered or internal combustion engine (petrol) powered.</li> <li>• jet powered models.</li> </ul>
<b>CIVIL AVIATION AUTHORITY RULES / CAA RULES</b>	<p>Civil Aviation Rules are set by the Minister of Transport. The rules are divided into parts. The two parts relevant to drones are:</p> <ul style="list-style-type: none"> <li>• Part 101: <i>Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets - Operating Rules</i>, and</li> </ul>

TERM	MEANING
	<ul style="list-style-type: none"> <li>Part 102: <i>Unmanned Aircraft Operator Certification</i>.</li> </ul>

### 3 Background

Under rules introduced by the Civil Aviation Authority (CAA) on 1 August 2015, Council can grant or decline consent for the use of drones on property that it owns or controls. This policy establishes criteria for drone use over Council owned and controlled land in the Southland District.

### 4 Policy details

#### 4.1 General criteria

In addition to the CAA rules, the following criteria apply to the use of drones over land or property owned or controlled by Southland District Council. They do not apply to the use of drones by Southland District Council.

Operators of a drone must:

- comply with the Office of the Privacy Commissioner guidance on preserving peoples' personal privacy by not flying over other people or adjoining private property without their consent.
- be courteous of other park users, who often are there for the quiet enjoyment of Council's parks, reserves and open spaces.
- wear a high visibility vest.

#### 4.2 Restrictions

Operators do not need approval to use drones over land or property owned or controlled by the Southland District Council except in the following situations:

##### a) Standard restrictions

- during a prohibited fire season
- over a sports field if in use by others, or within 50 metres of any organised activity taking place in a reserve or Council controlled open space.
- over or above Council owned or controlled cemeteries, commercial forestry or formed roads.
- over or within 50 metres of other users of open spaces. If another open space user moves within this range, the operator must immediately land their drone.
- over or within 50 metres of any building on Council land or any playground equipment or swimming pool.
- within 50 metres of livestock, wildlife or sensitive wildlife habitats. If livestock or wildlife move within this range, the operator must immediately land their drone.
- within 50 metres of a reserve boundary where residential housing or stock farming adjoins.

viii. within 50 metres of another drone operator.

**b) Restricted areas**

- i. the Te Anau lakefront being all that area of Council owned and administered land from the Marakura Yacht Club to Blue Gum Point for a distance of up to 60 metres right angles from the physical edge of Lake Te Anau.

**Note:**

There is extensive helicopter and fixed wing aircraft operating from this area.

Drone operators intending to operate under CAA Rule Part 101 within the restricted area will require written consent from Council.

Authorisation from Council is dependent upon written approval of intended operations being obtained from local aircraft operators.

At all times drones must give way to all other aircraft.

At all other times drone operators must comply fully with CAA rules.

Written Council approval must also be obtained for any organised event involving the use of drones.

If requested to cease operations by Council officers, operators must land their drone immediately.

If the Council owned land or property is held under a lease or licence from Council, or there is an organised event taking place, the applicant must obtain written approval from the lessee, licensee or the event organiser, prior to seeking approval from Council. Drone operators must comply with any additional conditions imposed by the lessee, licensee or event organiser.

### **4.3 Prohibited areas**

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There are some areas where the use of drones is prohibited in all instances, with the exception of emergency services only. These areas are:

- there are currently no prohibited areas.

### **4.4 Request for approval**

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Approval can be sought by making a written request to Council's property department which will consider applications on a case-by-case basis. Approval may be granted on an ongoing basis or may be granted for a single event. Approval application forms can be found on Council's [website](#) or from Council offices.

In all instances, Council will notify the applicant about whether or not approval has been granted. If a request to fly a drone in a restricted situation is declined, Council will outline the reasons why.

Council may authorise an ongoing approval for Part 102 certified operators for certain locations or situations.

## 4.5 Reporting incidents and near misses

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Drone operators must report all incidents and near misses of a significant nature (such as those involving people and property (including animals, buildings and power lines)) to Southland District Council. This obligation also extends to other reserve users involved in any incident or near miss relating to drone use.

## 4.6 Enforcement

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Any breach of the above conditions could result in termination of permission to fly drones over Council land.

Council will report breaches to the Civil Aviation Authority.

## 5. Associated documents

- Civil Aviation Authority Rules and Guidelines: <http://www.caa.govt.nz/rpas/>
- Southland District Council District Reserves Management Policy