

# Drone / RPA Use Guidelines

## KEY POINTS

- These guidelines provide 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.
- Persons who wish to fly RPA in Wellington Park for commercial filming, research, management or recreational purposes must seek a permit from the Trust, regardless of the size of the device.
- Permits will only be considered for persons with an Australian Remote Pilot Licence and public liability insurance that includes relevant RPA conditions.
- Use of RPAs by agencies (eg TasNetworks, TasWater) with statutory powers that allow them to use RPA to inspect infrastructure is not covered by these guidelines.

## 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 these Guidelines.

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.

## 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.

There is anecdotal evidence of increasing recreational use of RPA in the Park, possibly in ignorance of the Regulations, despite these being consistent with those applied in National Parks.

## DEFINITIONS

**Remotely Piloted Aircraft (RPA)** - an unmanned aircraft, other than a balloon or kite, where the pilot flying is not onboard the aircraft. 'RPA' encompasses remotely piloted aircraft, unmanned aerial vehicles, and drones.

**Commercial filming** - any filming that is undertaken for a financial consideration, either on consignment for another party, for promotion of a product or service, or to generate content for a monetised social media channel, and includes stills photography for advertising purposes.

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

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

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

## STATUTORY AND PLANNING REQUIREMENTS

### *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*.

### *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.

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”.

## POTENTIAL IMPACT OF RPAs

RPA use may conflict with the Trust's obligations to protect Park values and its duty of care to Park visitors.

RPA can impact 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 that are perceived as intruders into their territory.

RPA equipped with cameras may also infringe on the privacy of other Park users.

There are safety issues including the potential for collisions, particularly when RPA are flown by unlicensed pilots.

RPA may 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 that can intrude on a person's private activities, either intentionally, as in the case of deliberate surveillance, or unintentionally in the course of other activities like aerial photography, filming or search and rescue.

## APPLYING FOR A PERMIT TO USE A RPA

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*.

If a permit is sought to use a drone/RPA as part of a commercial filming activity in Wellington Park, this can be included in the [Commercial Filming Approval application](#) via the Trust website.

To apply for a permit to use a drone/RPA for another purpose, please use the application form on the [Permits – Drone](#) page of the Trust website.

Supporting documentation for the application, including evidence of public liability insurance, can be emailed to [info@wellingtonpark.org.au](mailto:info@wellingtonpark.org.au).

## NOTE ON RPA USE FOR COMMERCIAL FILMING

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.

## FEES CHARGED

A non-refundable application fee of \$187 (as at 1 July 2024, GST excluded) applies.

At its discretion the Trust may waive the application fee, including where the RPA is to be used by an agency represented on the Trust, or the RPA is to be used for research or other purposes that will assist with the management of the Park.

## CRITERIA FOR ASSESSING PERMIT APPLICATIONS

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.

The following issues will be considered for all RPA permit 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 or greater risk level, a formal risk assessment will be required.

Permits will only be issued where the likely impacts on Park values and Park users is

considered minimal or can be mitigated through the permit conditions.

The standard conditions attached to these Guidelines are the basic conditions for any RPA permit. A permit will not be issued if there is any doubt that the applicant will be able to comply with the conditions.

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.

## 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.

## RPA USE FOR OTHER PURPOSES

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.

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.

## PUBLIC LIABILITY & INDEMNITY INSURANCE

### *Public Liability Insurance*

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.

## REFUSAL OF AN APPLICATION

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

## RESPONSIBILITY

The Trust General Manager and 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.