

Title	Helicopter and Other Aircraft Operations on Council Property
Council Resolution	Item 9 (20 February 2017) as per Council Minutes
Responsible Directorate	Corporate Governance
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<i>4.1 Govern in an open and responsible manner in the best interests of the community</i>
ECM	Council Policy

PURPOSE

This policy provides direction as to Council's stance on helicopter and other aircraft operations on Council property.

SCOPE

This policy applies to:

- helicopters
- gyrocopters or rotorcraft
- manned balloons
- airships, blimps and other dirigibles
- small or light aeroplanes
- sailplanes and gliders, and
- similar heavier-than-air or lighter-than-air aircraft.

It does not apply to drones or similarly unmanned aerial vehicles.

STATUTORY REQUIREMENTS

Section 4 of the *Damage by Aircraft Act 1963* (Tas) imposes legal liability for material loss or damage by aircraft (or by an article, animal or person falling from an aircraft), whilst it is in flight, taking off or landing to the owner of the aircraft.

Section 2 of the Commonwealth *Civil Aviation Regulations 1988* provides some guidance as to definitions of various relevant aircraft.

Acts	<ul style="list-style-type: none"> • <i>Damage by Aircraft Act 1963</i> (Tas) • <i>Civil Aviation Regulations 1988</i> (Cth)
Regulations	<ul style="list-style-type: none"> • Not Applicable
Australian/International Standards	<ul style="list-style-type: none"> • Not Applicable
Guidelines	<ul style="list-style-type: none"> • 'Guidelines for the establishment and operation of onshore Helicopter Landing Sites', Civil Aviation Advisory Publication (CAAP 92-2(2) February 2014)

DEFINITIONS

aeroplane	a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight, but does not include a power-assisted sailplane
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aircraft	any aircraft to which this policy applies
gyroplane	a heavier-than-air aircraft: <ul style="list-style-type: none"> • that is supported in flight by the reaction of the air on rotors that are not power-driven but rotate when the aircraft is moving because of the action of the air; and • that has a power-driven propulsion system that is independent of the rotors
heavier-than-air aircraft	is the generic term for aircraft deriving their lift in flight chiefly from aerodynamic forces
helicopter	a heavier-than-air aircraft supported in flight by the reaction of the air on one or more normally power-driven rotors on substantially vertical axes
lighter-than-air aircraft	is the generic term for aircraft supported chiefly by their buoyancy in the air
manned balloon	a balloon that is: <ul style="list-style-type: none"> • capable of carrying one or more persons; and • equipped with controls that enable control of the altitude of the balloon
power assisted sailplane	an aircraft that The Gliding Federation of Australia Incorporated has registered as a power-assisted sailplane
rotorcraft	a heavier-than-air aircraft supported in flight by the reaction of the air on one or more rotors on substantially vertical axes

HELICOPTER AND OTHER AIRCRAFT OPERATIONS ON COUNCIL PROPERTY

Council will **not** permit any helicopter or other aircraft to take-off or land on any Council owned or controlled land or property, except in the following circumstances:

- where the helicopter or other aircraft is providing rescue, medical treatment or a fire fighting service, or
- when the landing of the helicopter or other aircraft is a result of a medical or other emergency (including break-down) on board the aircraft.

Accordingly, Council will not accept applications requesting Council's permission for helicopter or other aircraft operating on Council land or property.

BACKGROUND

As a landowner, Council has may decide whether it wishes to permit aircraft operations (including landing and taking off), based on appropriate risk factors.

Council has undertaken a risk assessment of permitting aircraft operations on Council owned land. Based on that assessment, Council has determined that the potential risks to Council and its ratepayers are not outweighed by the benefits of permitting aircraft operation, and that it is therefore not appropriate to permit aircraft operations. The decision is based primarily on the following:

- Council's Broadform (public liability and product liability) insurance policy, applies a minimum \$10 million deductible to claims arising from an aircraft landing on Council land. Accordingly, if there were a successful claim against Council where it could be shown, or alleged that Council had in some way acted negligently in fulfilling its duty of care owed to the injured person, the amount of \$10 million would have be paid out of pocket by Council before its insurer would pay any additional expenses, and

- Whilst the *Damage by Aircraft Act 1963* provides that certain losses or damages are recoverable from the owner of an aircraft, that Act does not sufficiently protect Council from any claim resulting from an aircraft taking off or landing on Council owned land.