

Title	Helicopter and Other Aircraft Operations on Council Property
Version	2.0
Council Resolution	28 October 2019 (Item 14)
Responsible Directorate	Infrastructure and Works
Due for Review	Four (4) years from Council Resolution Date
Strategic Plan Reference	<u>Leading Our Community</u> Objective 4.1 Govern in the best interests of our community Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes.
ECM	Council Policies by Directorate

PURPOSE

This policy provides direction on when Council will permit 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
- similar heavier-than-air or lighter-than-air aircraft, and
- drones or similarly unmanned aerial vehicles.

STATUTORY REQUIREMENTS

Section 4 of the *Damage by Aircraft Act 1963* imposes legal liability for material loss or damage by aircraft (or by an article, animal or person falling from an aircraft), while 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	<i>Damage by Aircraft Act 1963</i> <i>Civil Aviation Regulations 1988</i> (Cth)
Regulations	Not Applicable
Australian/International Standards	Not Applicable

Guidelines	'Guidelines for the establishment and operation of onshore Helicopter Landing Sites' , Civil Aviation Advisory Publication (CAAP 92-2(2) February 2014)
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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
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

POLICY STATEMENT

Council will permit helicopters or other aircraft to take-off or land on any Council owned or controlled land or property in the following circumstances:

1. Where all of the following apply:
 - (a) the General Manager has sought and received advice from Council's Insurance Officer and Work Health and Safety Officer about the risks associated with the proposed helicopter or other aircraft operations
 - (b) Council has appropriate insurance coverage in place to cover the proposed helicopter or other aircraft operations

- (c) the person or entity operating the helicopter or other aircraft has appropriate insurance coverage in place and has provided copies of any relevant Certificate of Insurance to Council, with Council listed as an Interested Party
 - (d) the person or entity operating the helicopter or other aircraft has agreed in writing to fully indemnify Council against any loss or damage caused or in any way connected with the operation of the aircraft, and
 - (e) the General Manager, in his absolute discretion, is satisfied that any risks to Council can be adequately mitigated.
2. Where the helicopter or other aircraft is providing rescue, medical treatment or a fire fighting service, or
 3. 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.

To avoid any doubt, the final decision on whether to permit the aircraft operations rests with the General Manager.

BACKGROUND

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

Council has previously refused to permit aircraft operations on its properties on the basis that it was unable to obtain insurance coverage that would sufficiently protect it in the event of any claim resulting from an aircraft taking off or landing on Council owned land.

However, Council has since taken out a 'Hanger Keepers' insurance policy which provides adequate coverage. It is therefore considered to be permissible to allow aircraft operations on Council properties in certain, limited, circumstances where any risks can be adequately mitigated.

DOCUMENT CONTROL

Version:	2.0	Commencement Date:	28 October 2019
Minutes Reference	Council meeting, 28 October 2019 (Item 14)		
Previous Versions:	Version 1.0: <i>Helicopter and Other Aircraft Operations on Council Property</i> Adopted 20 February 2017 (Item 9)		
Responsible Directorate	Infrastructure and Works	Controller:	Manager Property, Environment and Waste