

HELICOPTER & OTHER AIRCRAFT OPERATIONS ON COUNCIL PROPERTY

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 Act 1988 (Cth)</i>
Regulations	<i>Civil Aviation Regulations 1988 (Cth)</i> <i>Civil Aviation Safety Regulations 1998 (Cth)</i>
Australian/International Standards	N/A
Guidelines	‘Guidelines for the establishment and operation of onshore Helicopter Landing Sites’ , Civil Aviation Advisory Publication (CAAP 92-2(2) February 2014).

	www.casa.gov.au/aircraft , Civil Aviation Safety Authority www.casa.gov.au/drones , Civil Aviation Safety Authority
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DEFINITIONS

Aeroplane means 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 means any aircraft to which this policy applies.

Gyroplane means a heavier-than-air aircraft:

- 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 means the generic term for aircraft deriving their lift in flight chiefly from aerodynamic forces.

Helicopter means 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 means the generic term for aircraft supported chiefly by their buoyancy in the air.

Manned balloon a balloon that is:

- capable of carrying one or more persons; and
- equipped with controls that enable control of the altitude of the balloon

Power assisted sailplane means an aircraft that The Gliding Federation of Australia Incorporated has registered as a power-assisted sailplane.

Rotorcraft means 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
 - (e) the operations are in accordance with Civil Aviation Safety Authority (CASA) rules and regulations, and
 - (f) the General Manager, in his absolute discretion, is satisfied that any risks to Council can be adequately mitigated; or
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.

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

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