

BOARD POLICY 1.36

DRONES

Falls Creek Alpine Resort Management Board ('the board')

1. Scope

To ensure the appropriate rules and legal requirements are applied to DRONE usage, commercial and private, within the defined geographical footprint managed by Falls Creek Alpine Resort Management Board (FCARMB).

2. Background

This is the official policy for the usage of DRONES within the Falls Creek Alpine Resort.

All users of DRONES are responsible for acting within the parameters of the governing legislation.

DRONE Licensing is administered for only Commercial use. Any Civil/Hobby/Recreational use is prohibited within Falls Creek Alpine Resort, as per the powers conveyed in the Alpine Resorts (Management) Regulations 2020 – Div. 4 Section 30.

3. Compliance

Compliance with the Civil Aviation Safety Authority (CASA), via Civil Aviation Safety Regulations 1998 part 101 (CASR101) for both commercial and Civil/Hobby use of DRONES. CASR Division 101.F and associated clauses defines the particular reference in relation to Remotely Piloted Aircraft (RPA).

4. Definitions

DRONES – Remotely Piloted Aircraft (RPA) also known as DRONES.

Commercial Use of DRONES

CASA defines the commercial use of a DRONE as:

- any activity undertaken that is deemed a business or income generating operation. For example, a production company using a DRONE for the purposes of recording and gathering footage, or use of DRONE to propel any object into the air for research or the like, that will be defined as commercial use.
- Amendments in September 2016, have reclassified classes of DRONES based on weight (>2kgs and more than <2kgs) of DRONE use. Please refer to:
- <https://www.casa.gov.au/standard-page/commercial-unmanned-flight-remotely-piloted-aircraft-under-2kg>
- <https://www.casa.gov.au/aircraft/standard-page/commercial-unmanned-flight-gaining-your-remotely-piloted-aircraft-pilot>
- <https://www.casa.gov.au/files/ac10110pdf>

Before activating a DRONE for commercial purposes CASA requires:

- Pilots must undergo certification. FCARMB will require any commercial operators to hold; **RPA Operator's Certificate (ReOC) and Remote Pilot License (RePL)** before applying to get permission to use their RPA in resort.
- Such certification recognizes the operator as being able to maneuver the DRONE safely, and that the operator understands and abides by the rules and regulations relating to DRONE flights in Australia.

Depending on category of remote craft, CASA still require notification, of at least FIVE days prior to the first commercial flight and there must be agreement to operate by the standard operating conditions.

Commercial operators with DRONES exceeding 2kgs need explicit approval from CASA in relation to launch, location and use prior to the DRONES operation.

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Prior to notifying CASA you will need to have registered for an Aviation Reference Number.

Furthermore, CASA requires that any commercial use is supported by approved flight plans and copies of the user's certifications.

If a commercial entity is caught operating a DRONE without the appropriate approval from CASA, they may serve the operator with an infringement notice or criminal charges for commercial operators if offences are serious enough.

Any authorised officer of Falls Creek Alpine Resort Management Board can serve an infringement notice upto the value of 20 units (\$3304.40)

Civil/Hobby Use of DRONES

Civil/Hobby users of DRONES is not permitted within the Falls Creek Alpine Resort Management Board.

Any authorised officer of Falls Creek Alpine Resort Management Board can serve an infringement notice upto the value of 20 units (\$3304.40).

5. Liability

Failure to comply with the following rules – will result in penalties and infringement notification being issued.

An approved operator **must**:

- only fly one DRONE at a time
- always fly the DRONE in visual line-of-sight — this means:
 - flying only during the day
 - avoid flying through cloud, fog or smoke
 - the DRONE must be visible at all times, with your own eyes — not by using goggles, binoculars or another device
 - not flying behind obstacles that obscure line of sight. For example, trees, buildings or other structures.

You **must not** fly your DRONE:

- higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field
- closer than 30 m to people — other than those helping to control or navigate the DRONE
- over or above people at any time or height
- in a way that creates a hazard to another person, property or aircraft
- near [emergency operations](#)
- in prohibited or restricted airspace (use a [CASA-verified DRONE safety app](#) to help you)
- closer than 5.5 km to a controlled airport, which usually has a control tower, if your DRONE weighs more than 250 g. You can operate indoors provided the DRONE can't get out of the building. If you're a ReOC holder, please see more information on [flight authorisations](#).

You may operate your DRONE within 5.5 km of a non-controlled airport or helicopter landing site if:

- there are no manned aircraft flying in the area
- you see any manned aircraft flying to or from the airport or helicopter landing site you land as soon as safely possible
- you stay outside the airfield boundary.

In addition – further restriction can be applied to:

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- A Populous Area - defined as an area with sufficient density that an unreasonable risk of death, injury or property damage would be presented by any aspect of RPAS operations;
- An RPA must not be flown over a Restricted or Prohibited area without written approval from the relevant authority. Falls Creek Resort is a restricted area, Falls Creek Resort Management is the relevant authority, from whom approval must be sought.

In the event that these rules are violated, CASA can take action in the form of infringement notices. Furthermore, the Civil Aviation Act 1988, the Aviation Transport Security Act 2004 and aviation security regulations also contain criminal offences for interference with the safe conduct of air transport or reckless flying, which may result in up to 2 years imprisonment.

A complete list of enforcement and penalties administered by CASA are available here: <https://www.casa.gov.au/DRONES/rules/enforcement>

In the event of a commercial operator wanting to use a DRONE within the area governed by Falls Creek Alpine Resort Management, appropriate and current certification has to be provided and recorded by FCARM. To ensure the material provided is correct, FCARM can perform a check on the authorised website of Australian Certified UAV Operators Inc.

Copies of all such paperwork are to be scanned and saved for perpetuity.

6. Non-compliance with commercial usage legislation

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence and CASA will receive and investigate all reports of misuse.

<https://www.casa.gov.au/DRONES/report-unsafe-DRONE-operations>

7. Non-compliance with civil/hobby usage legislation

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence and CASA will receive and investigate all reports of misuse.

<https://www.casa.gov.au/DRONES/report-unsafe-DRONE-operations>

8. References

Civil Aviation Safety Authority (CASA)

<https://www.casa.gov.au/DRONES>

Legislation:

Commonwealth Legislation: Air Navigation Act 1958

http://www.austlii.edu.au/au/legis/vic/hist_act/ana1958148.pdf

Vic State Legislation: Wrongs Acts 1958, Part VI – Damage by Aircraft S.29-31

http://www.austlii.edu.au/au/legis/vic/consol_act/wa1958111/

Civil Aviation Safety Authority (CASA), via Civil Aviation Safety Regulations part 101 (CASR101)

Alpine Resorts (Management) Regulations 2020 – Division 4 – Sec. 30

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