



Hawkesbury City Council

attachment 1
to
item 61

Authority to Launch / Land
Hot Air Balloon Draft
Policy

date of meeting: 30 March 2010
location: council chambers
time: 6:30 p.m.



AUTHORITY TO LAUNCH/ LAND HOT AIR BALLOON

1. Introduction/ Background

This document sets out Council's policy and procedural requirements in relation to launching, landing and tethering of hot air balloons within parks and open spaces managed by Hawkesbury City Council where the primary purpose of the activity is recreation.

This policy considers equitable use of open space, impact on local residents and the operational requirements of the hot air balloon Operators.

These conditions aim to optimise the landscape, tourism, sport and recreation potential of the Hawkesbury's open space, consistent with appropriate conservation planning.

2. Purpose/Objectives

In implementing this policy Council aim to:

- Ensure equity of access to open space
- Manage the impact on the asset
- Minimise the impact on the local community
- Minimise Public Liability concerns

3. Area to which Council policy applies/scope

This policy applies to parks and public open space managed by Hawkesbury City Council.

Exclusions

The launching, landing or tethering of hot air balloons for the purpose of promotion or advertising, excepts where the use of hot air balloon as temporary advertising is displayed within the park where it is associated with an upcoming event to be held within a park.



Hot air balloons featuring promotional signage are only permitted in cases where the balloons are in the park solely for take-off and landing and the purpose of the flight is recreational in nature. Promotional or sponsorship signage must not be displayed or erected at the launch or landing site.

4. Relationship to legislation and other documentation

Management of the use of public open space is regulated by the Local Government Act 1993 and Crown Lands Act 1989. Conditions may also be specified within Council Plans of Management, also regulated by Local Government Act 1993.

Legislation specific to the operation of hot air balloons is regulated by the Civil Aviation Safety Authority (CASA):

- Civil Aviation Act 1988
- Balloon flight over populous areas is regulated by:
- Civil Aviation Order (CAO) 95.53 and 95.54
- Civil Aviation Regulation (CAR) 157, 259 and 303 of Car 1988
- Aeronautical Information Publication (AIP ENR) 5.5 paragraphs 3.1.1 and 3.1.2

The preferred method of complying with this legislation is advised in:

- Civil Aviation Advisory (CAAP) 157-1(0)
- Conduct of Air Displays is regulated by:
- Civil Aviation Order (CAO) 29.4
- Civil Aviation Order (CAO) 156

The preferred method of complying with this legislation is advised in:

- Air Displays – Safety and Administrative Arrangements

Manned balloon launching and landing areas are regulated by:

- Civil Aviation Order (CAO) 95.53 and 95.54
- Civil Aviation Regulations (CAR) 92, 215, 259 and 260
- Aeronautical Information Publication (AIP ENR)
- Page SPEC-6 & 7

Hawkesbury City Council

366 George Street (PO Box 146) Windsor NSW 2756 DX 8601 WINDSOR

Phone: (02) 4560 4444 Facsimile: (02) 4560 4400 Email: council@hawkesbury.nsw.gov.au



The preferred method of complying with this legislation is advised in

- Civil Aviation Advisory Publication (CAAP) 92-3(1)

The use of Council facilities must be consistent with CASR Part 101:

1. The Australian Ballooning Federation is responsible for all private ballooning operations and issues the private ballooning certificates
2. The use of Council facilities by private balloon operators must be consistent with the associated policies contained within this organisations Operations Manual
3. Noise is regulated under the Protection of the Environment Operations Act 1997 and is managed by Council and the Environmental Protection Authority

**Any operator who wishes to operate a hot air balloon within the lateral confines of the Richmond Control Zone (CTR) or Restricted Area R468 shall ensure that they carry a functioning two-way radio and transponder at all times.*

**Operators are advised that any operations within the lateral confines of the YSRI CTR or R468 when Air Traffic Services (ATS) are being provided will be subject to an ATC clearance. Any such clearance to operate within the YSRI CTR or R468 may be withdrawn or amended by Air Traffic Control (ATC) at any time subject to Military (or other) ATC priorities.*

5. Council Policy Content

Application Process

Applications may be received on an annual basis and for casual use.

The application must be received on an approved application form and must be accompanied by:

- Proof in the form of a certificate of currency that the balloon owner or Operator has public liability insurance to a minimum value of \$20 million
- Council is to be identified in writing against any claims that may be laid against it either by members of the public or persons engaged in the activity, who as a result of the activity suffer personal injury, property damage or financial loss
- The insurance is to be in joint names – naming Hawkesbury City Council
- A certified copy of the pilots current Air Operators Certificate
- A certified copy of the Operators Certificate of Compliance with the Civil Aviation Authority – a Operators Certificate

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- A copy of Workers compensation insurance

The applicant must ensure Council is provided with current copies of these documents as renewals occur during the year.

Casual applications for launching, landing or tethering a hot air balloon must be received no later than three (3) weeks prior to the date on which the Operator wishes to use the park

Annual applications may nominate a number of sites from which launching, landing or tethering may occur

Legislation and regulations

Any hot air balloon launching, landing or tethered in a park or open space must be operated by a licensed commercial balloon pilot

All relevant permits and authorisations from State and Federal Government Departments must be obtained

Conduct of activities shall be in accordance with any legislative requirements of The Civil Aviation including but not limited to CASR Part 101

Adherence to all EPA noise level standards is required

Site Management

The operator must inspect the immediate area prior to commencing activities to ensure no hazards are evident and take appropriate action to remove those hazards

Without undue delay the Operator must report to Council the hazardous defect or other hazardous matters observed during any activity requiring Council's attention

Any damage to Council property, trees, shrubs or flowerbeds occasioned as a direct or indirect result of the use of the site must be repaired at the applicants cost

All site arrangements are to be to the satisfaction of the Manager Parks and Recreation

Launches and landings are limited to twelve movements per park per year

Activity must not commence before 5am during daylight saving and 6 am during normal daylight periods.

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The operator must not create any noise from activities that unreasonably disturbs other users and adjacent residents. Noise from the licensees activities must not exceed background noise by more than 5dB(A) when measured over a 15 minute period at the boundary of any residential property

The area surrounding the site must be kept clean at all times including the removal of all papers, scraps and other litter in the vicinity of the site

Keys to gates will be issued where required. All gates that are opened must be closed by the Operator.

The applicant is responsible for providing security in relation to the hot air balloon and any associated equipment or structures (if any)

No objects are to be driven into the ground without prior permission

The erection of tents, awnings or similar structures is not permitted

The entry of motor vehicles must be limited to the approved drop off and collection of equipment and must be limited to 10km/h. Parking in parks and open space is strictly prohibited except in designated care parking areas

The operator must ensure that any activity causes minimum disruption and interference with the general public rights of access and enjoyment of parks and open space areas

The Operator must ensure that the activity does not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is carried out on any oval or reserve or part thereof

The operator must acknowledge that the permit is not issued for exclusive use of a park or open space. Areas may be cordoned off only where safety requirements determine it essential

In any case of wet weather, the Operator must phone the Manager of Parks and Recreation to determine whether parks and open space have been closed

Flight Management

Any casual application for launching, landing or tethering a hot air balloon must be received no later than three (3) weeks prior to the date on which the Operator wishes to use the park

The Operator is to immediately notify council of any accident or incident occurring during launch or landing on Council managed open space, including injury to any persons or damage to infrastructure

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No tether rides are to be given to the general public unless written approval is obtained from Council

General Information

The Operator must:

- Conduct only the activities for which they have received relevant approval for and that have been specified by Council in their approval notice
- Operate only in the areas specified by Council in their approval notice
- Comply with reasonable directions of the Councils Compliance Officers and other authorised Council Offices
- Not sell clothing, equipment, refreshments or any other good, service or product
- Not display any advertising signage including banners or "A" Frame signs on Councils public open space and footpaths
- Not sub-let or assign their rights under this agreement or attempt in any other manner to transfer their rights under the license, it being clearly understood that the license issued is not transferable
- Indemnify Council against all claims of any kind arising from any act, omission or neglect by the Operator or the Operator's agents
- Indemnify and hold harmless the Council from and against all damages, sums or money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the Operator
- Agree that notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the Operator and their clients may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the public space
- Ensure that at all times the requirements of the Occupations Health and Safety Act 2000 (NSW) and the regulations made under that Act as well as all other relevantly applicable laws (both statutory and common law) are fully observed to the satisfaction of Council of the relevantly applicable authority.

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6. Termination

The Council reserves the right to terminate its agreement with the Operator without notice if in its sole opinion it has determined that the Operator has failed to comply with the reasonable direction of its staff, has operated outside the above guidelines, or has breached a condition of approval

An Operator whose permit has been terminated can appeal in writing to the General Manager against the determination.