

Unmanned Aerial Vehicles – Frequently asked questions

1. How will the new rules better manage the safety risks of unmanned aerial vehicles (UAVs)?

The new rules mean anyone wanting to operate a higher-risk UAV will need to engage with and be certificated by the Civil Aviation Authority (CAA).

The CAA will only certificate someone to operate a UAV if it is satisfied the operator is aware of associated safety risks and has a plan in place to mitigate those risks.

2. How long will it take to obtain certification for the use of UAVs? How much will certification cost?

This depends on the complexity of the proposed UAV operation. For example, a farmer wanting to fly a UAV at night (on their own property in a remote area) is likely to gain certification faster (and for less cost) than a business wanting to use one in a congested urban centre.

3. Who will enforce the new rules?

The Civil Aviation Authority (CAA) is primarily responsible for enforcing the rules.

If members of the public have concerns about UAVs, they should contact the CAA on info@caa.govt.nz or ph (04) 560 9480.

If members of the public are concerned a UAV is posing an immediate threat to people or property, they should contact the Police.

4. How do I know which rules apply to me?

All UAV operations, regardless of size, weight or performance of the aircraft, are required to operate in compliance with the Civil Aviation Rules.

For information on which rules will apply in particular circumstances, visit: www.caa.govt.nz/rpas. Also see www.airshare.co.nz - a portal for all things RPAS, including flight planning with Airways.

Those wanting to operate within Civil Aviation Rules, Part 101 do not need to be certificated by the CAA.

5. What do I need to do to comply with Rule Part 101?

- Do not operate an aircraft that is 25 kg or heavier (or one that is 15 - 25 kg unless you're a member of a CAA-approved organisation) and always ensure the aircraft is safe to operate.
- Take all practical steps to minimise hazards to people, property and other aircraft.
- Fly only in daylight.
- Give way to all crewed aircraft.
- You must be able to see the aircraft with you own eyes (eg, not through binoculars, a monitor, or smartphone) to ensure separation from other aircraft (or use an observer to do this in certain cases).
- Do not fly your aircraft higher than 120 metres (400 feet) above ground level, unless you have approval from air traffic control.
- Ensure you have knowledge of airspace and restrictions that apply in the area you want to operate.
- Do not fly closer than four kilometres from any aerodrome that is listed in the Aeronautical Information Publication.
- Obtain air traffic control clearance from Airways Corporation NZ before flying in controlled airspace.
- Do not fly in special use airspace without the permission of the controlling authority of the area (eg, military operating areas, low flying zones or restricted areas).
- Have consent from anyone you want to fly over.
- Have consent of the property owner or person in charge of the area you want to fly above.

Some exceptions may apply, but generally if you cannot meet any of these requirements, your operation needs to be certificated under Part 102. You can read all relevant rules on the [CAA web site](#).

6. What are the new aspects of Civil Aviation Rules, Part 101?

- The requirement to have knowledge of airspace and restrictions.

- Shielded operations (flying within 100 metres of and below the top of a natural or man-made object such as a tree or building) are now allowed in controlled airspace.
- First Person View Systems are now allowed, but a trained and competent observer must maintain visual line of sight of the aircraft and be in direct communication with the operator.
- The requirement to gain consent from people/property an operator wishes to fly above.

7. Why do I need to know the class of airspace in which I want to operate?

New Zealand airspace is divided up into different classifications to help maintain appropriate levels of safety in particular areas. The different airspaces have their own risks and subsequent safety requirements, specifically airspaces near aerodromes, or used by the military.

By becoming familiar with the class of airspace you want to fly in, you are more likely to be aware of hazards that could affect the safety of your operation. Find out more about airspace classifications on the [CAA web site](#).

8. How do I find out if the airspace I want to operate in is designated special use (eg, a Military Operating Area) or has special restrictions?

You can find out by referring to the [Aeronautical Information Publication](#).

Visual Navigation Charts can also help. These are maps overlaid with airspace, navigational and hazard information and can help you understand where and under what circumstances you can fly. The charts are available from [Airways' AIP shop online](#).

9. How can I get authorisation to operate under Civil Aviation Rules, Part 102?

By making an application to the CAA. Application forms are available on the [CAA's website](#).

You might find it useful to first discuss with CAA staff your idea or proposed operation. CAA staff can provide guidance on the best option for you.

10. Will these rules address the privacy risks associated with UAVs?

The rules require UAV operators to obtain consent before flying over people or property. UAV operators are also required to comply with their obligations under the Privacy Act (and other relevant laws).

If you are concerned a drone may be operating in breach of the Privacy Act, contact the [Office of the Privacy Commissioner](#).

11. Can I fly a UAV in a public area?

Yes, as long as you have the consent of the property owner and all people in the public area. For public spaces, the property owner is likely to be a local council or the Department of Conservation.

UAV operators should make enquiries with their local authority or the Department of Conservation to clarify requirements for flying UAVs over public spaces. Checking the relevant web site is a good place to start.

Operators should also look out for any signage in public areas related to flying of UAVs.

12. What do I need to do if I want to film a large group of people at a public event with my UAV?

If you want to fly your drone over people or property, you will need consent from them to do so under Rule Part 101. Flying over a large group of people at a public event is likely to be regarded as a hazardous operation, which is outside the bounds of Rule Part 101.

You can still do this sort of thing, as long as your operation is approved under Part 102, which involves getting the Civil Aviation Authority to certificate your operation.

In doing this, the CAA would assess the need to get consent based on the operation and airworthiness of your aircraft and the experience of the person behind the controls. The CAA may satisfy the requirement for consent, by requiring you to erect signs at the entrance to the event to let people know. In some cases, the CAA may waive the requirement to gain consent, if it determines your operation is capable of managing the risks effectively.

13. Can I fly a UAV over private property?

Yes, but you are required under Civil Aviation Rules, Part 101 to seek consent first from the property owner. This requirement reflects the operator's obligation to take all practical steps to minimise hazards associated with operating UAVs.

The property owner is best placed to advise you of potential hazards and people who may be affected by the flight. The process of obtaining consent will also enable you to discuss what is and what isn't appropriate with the property owner.

If you cannot obtain consent, or obtaining consent is impractical, you can apply to the CAA to be certificated under Civil Aviation Rules, Part 102. This allows the Director of Civil Aviation to work through different options with an operator and/or to relax or remove one or both of the consent requirements altogether.

14. How can I get consent to fly over people or property?

Either verbal or written consent is sufficient. A written record is likely to be most useful, so that you can confirm the property owner (and anyone the UAV will fly over) has given you their consent for your proposed operation should you need to after the flight.

Before the new rules come into effect, the CAA will publish further guidance (in an Advisory Circular) on www.caa.govt.nz/rpas in relation to when consent is required and how to obtain it. You can subscribe to get an email notification when updates are published (use link above).

15. Can I fly my UAV out of my line of sight?

Beyond visual line of sight operations are not permitted under Civil Aviation Rules, Part 101.

Operators wishing to fly a drone beyond the line of sight need to be certificated to do so by the CAA. Operators need to satisfy the CAA they have a plan in place to effectively manage the safety risks of having their UAV go beyond their line of sight.

16. How do New Zealand's rules for unmanned aircraft compare to those in other countries?

New Zealand's UAV rules are flexible and take a risk-based approach. Unlike some countries, such as the United States, our rules do not distinguish between commercial and recreational operations. In Australia and the US, commercial UAV operations are not allowed unless permission is granted from the aviation regulator.

New Zealand's rules focus on likely risks of UAV operations. Many commercial operations will be possible without an application to the CAA for certification (under Rule Part 101).

However, when the risks are deemed too high, Part 102 allows operators to demonstrate to the CAA they have an effective risk management plan in place. If the CAA is satisfied an operator's plan manages the risks effectively, the CAA will allow operations outside the bounds of the applicable rules.