

## From the office of the Mayor

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The opinions expressed in this letter  
are not necessarily those of the City  
of Fremantle.

We write in response to your invitation to provide comments and submission on the National Aviation Policy Issues Paper on Emerging Aviation Technologies (Issues Paper).<sup>1</sup>

As representatives of Local Governments in Western Australia, we are acutely aware of the community's expectations with respect to regulation of issues around noise, amenity and privacy. Local Governments are usually the first port of call for noise complaints. Our communities expect their councils to take an active and leading role in setting and enforcing the regulatory framework relating to noise control and privacy intrusions, through various planning and enforcement mechanisms.

Against that backdrop, we are concerned to read that the Issues Paper assumes that, maintaining Commonwealth responsibility for the regulation of drone noise will ensure that a consistent approach is applied across the country, fostering interoperability, enforcement and compliance by industry. It is not clear that the need to '[foster] interoperability' is a sufficient reason to regulate at a Commonwealth, rather than a Local Government level. It is also not clear how the Commonwealth will be able to respond to the different local considerations at play.

The Issues Paper notes, 'State and Territory governments and local communities will need to be engaged in local noise considerations and feed into the process of setting appropriate ground-based limits for drone noise, particularly with reference to planning around drone landing sites and facilities.' However, it does not set out any concrete proposal for how local communities will be engaged, or how their views will 'feed into the process' of setting such limits. Nor does it explain how Local Government will be 'engaged'. Further, when considering environmental and cultural sites, the issues paper notes 'The Commonwealth and States/Territories will work together to settle roles and responsibilities, clarify the application of existing environmental regulations to drones and eVTOL operations, and consider further regulations as necessary.'

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1 <https://www.infrastructure.gov.au/aviation/drones/index.aspx>

Local Governments are conspicuously absent from that list. We would appreciate some clarity as to what is being proposed in this regard.

The issue of cultural sites is instructive. Recently, in response to complaints about drone operations during ANZAC Day services, the City of Fremantle undertook to require a permit to operate drones in and around Monument Hill – one of that City’s most important war memorial sites. It would be plainly undesirable if the proposed Commonwealth control of regulations had the effect of preventing Local Governments from enacting effective and rapid regulatory responses of this kind to local concerns.

This example illustrates our view that both community expectations and the principle of subsidiarity<sup>2</sup> speak strongly in favour of Local Governments retaining the capacity to develop, implement and enforce regulations relating to the use of drones within their jurisdiction. Local Governments possess detailed knowledge of local issues and conditions which inform their regulatory functions. The Issues Paper does not make clear how the Commonwealth would ensure that their regulation of drone use will be similarly informed.

Certainly, it would be preferable for any local regulation to interface effectively with national systems. A technological solution, such as facilitating Local Governments to submit their regulations in a format which can be captured by CASA’s remotely piloted aircraft systems (RPAS) digital platform<sup>3</sup> would ensure that commercial and recreational drone operators have a clear and transparent picture of the regulations across the country. There seems to be no reason in principle that the goals of ‘fostering interoperability’ and ‘compliance by industry’ could not be achieved while retaining the capacity of Local Governments to set regulations which are informed by and responsive to the needs of our local communities.

We the undersigned Mayors call on the Australian Government to work with Local Governments to ensure that local communities retain the capacity to design and implement effective regulatory responses to the noise, amenity, privacy and other challenges which arise from emerging technologies in this area.

Yours sincerely

**Dr Brad Pettitt**  
Mayor

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- 2 The Council for the Australian Federation defines subsidiarity as ‘... the principle that powers and responsibilities should be left with the lowest level of government practicable’, and notes the benefit that ‘[s]uch a devolved system means there is greater local input into decision-making...’  
<https://www.caf.gov.au/subsidiarity.aspx>
  - 3 <https://www.casa.gov.au/drones/safety-apps>