

Operational policy

Visitor Management

Landing aircraft and recreational craft in QPWS managed areas

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Policy issue

This operational policy provides determinations in relation to the issue of written approvals and permits for landing aircraft and recreational craft in Queensland Parks and Wildlife Service (QPWS) managed areas under the *Nature Conservation Act 1992*, the *Recreation Areas Management Act 2006* and the *Forestry Act 1959*.

Background

The primary purpose of constructed aircraft landing areas in QPWS managed areas is to support management of the surrounding or adjacent parks and/or forests (including emergency response). QPWS generally provides for and encourages other modes of public access (i.e. vehicle, vessel, pedestrian) to QPWS managed areas. However, aircraft and recreational craft are used in a number of QPWS managed areas for a variety of purposes, including scenic and recreational overflights, access, filming for documentaries and other purposes.

Aircraft and recreational craft landings in QPWS managed areas can lead to a number of issues and impacts including:

- management and maintenance of landing facilities and service users;
- impacts on visitor experiences due to aircraft noise and sightings;
- disturbance to animals, particularly during nesting, feeding and breeding; and
- damage to vegetation and erosion from landing on undeveloped strips/pads.

The Nature Conservation (Protected Areas Management) Regulation 2006 section 109 makes it an offence for a person to use a recreational craft in a protected area (State land) without a permit. Under the same regulation, sections 110 and 111 make it an offence to fly or land an aircraft or recreational craft over or in a protected area (State land) (other than on a designated landing area) without the Chief Executive's written approval.

Under the *Recreation Areas Management Act 2006* sections 131 and 132, it is an offence to use or operate a recreational craft in a recreation area, or land an aircraft in a recreation area (other than on a designated landing area) unless the use or operation or landing is authorised by the Chief Executive's written approval, or alternatively under a regulation, permit, agreement or other authority under the *Forestry Act 1959*, the *Marine Parks Act 2004* or the *Nature Conservation Act 1992*.

The Forestry Regulation 2015 section 34 makes it an offence to take off from a state forest using an aircraft or recreational craft without approval.

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These provisions allow for the management of aircraft and recreational craft access to QPWS managed areas to be consistent with conservation of the lands' natural and cultural values and the legitimate interests of the community, other users and QPWS management.

Potential sites for landing aircraft on QPWS managed areas range from constructed aircraft landing areas with hardened surfaces, to beaches where conditions are subject to significant natural variations due to weather and tides. The nature and extent of use of existing aircraft landing areas also varies substantially. Some areas (for example the eastern beaches of Fraser Island) are subject to considerable regular use by vehicles and pedestrians as well as aircraft, while others are not subject to other forms of use and host only an occasional aircraft landing.

As a result, the potential for conflicts and incidents and the risk associated with aircraft landings varies in nature and extent depending on the particular circumstances and conditions at the particular landing area. While it is appropriate to standardise arrangements for authorising landings on aircraft landing areas across QPWS managed areas to a certain extent, different management regimes need to be implemented at some aircraft landing areas to address particular issues of concern at those locations.

The federal legislation regulating aircraft and recreational craft operations in Australia places substantial obligations for safe operation on pilots. The pilot has a responsibility to satisfy themselves of safety considerations that a place is suitable for landing or take off taking into account all the circumstances of the area, including prevailing weather conditions (Civil Aviation Regulations 1988). The Civil Aviation Safety Authority (CASA) advises pilots that an unauthorised landing at any place that is not unambiguously open to public use for aviation may be considered a trespass and that liabilities may be incurred where conflicts with other users or damage to persons or property occur (CASA, 2001).

Although the pilot of an aircraft must satisfy themselves that a place is suitable for landing under the Civil Aviation Regulations 1988, the owner or manager of a landing area still owes a duty of care to any party landing or taking off from that area. The law will usually regard the provision of information (and a written approval) as an invitation to operate and the person giving the invitation takes on a duty of care for the welfare of the person invited (CASA, 2001). Landowner liability for accidents may be avoided or reduced if no permission to land has been given.

The owner or manager of a landing area is not required to guarantee that a landing area is safe for landing or take off. However, if a clearly marked landing area is unserviceable or hazardous, its owners or managers must take all reasonable steps to warn others of its condition. In addition, persons giving approval to land must be careful to convey only information known beyond reasonable doubt to be accurate (CASA, 2001).

Definitions

Aircraft for the purpose of this policy are aeroplanes and helicopters.

Designated landing area for the purpose of this policy means an area within a protected area that is specified by the Chief Executive as available for the landing of aircraft and recreational craft without the written approval of the Chief Executive.

Recreational craft for the purpose of this policy are hot air balloons, hang-gliders, paragliders and ultra-light aircraft.

Aircraft landing areas for the purpose of this policy are places within QPWS managed areas that may be suitable for the landing and take-off of an aeroplane or helicopter of appropriate certification and performance, but may not fully meet formal standards of construction, marking, maintenance or reporting.

Constructed aircraft landing areas for the purpose of this policy are places within QPWS managed areas that have been specifically prepared for aircraft landings. Such places may be suitable for the landing and take-off of

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an aeroplane or helicopter of appropriate certification and performance but may not fully meet formal standards of construction, marking, maintenance or reporting.

QPWS managed areas (for the purposes of this operational policy) include the following areas:

- State forests and other lands managed under the *Forestry Act 1959*;
- Protected areas (State land) including national parks, coordinated conservation areas and regional parks managed under the *Nature Conservation Act 1992* and;
- Recreation areas declared under the *Recreation Areas Management Act 2006*

For the purpose of this operational policy, they do not include marine parks under the *Marine Parks Act 2004*.

Policy Statement

Aircraft and recreational craft landings to be authorised

Aircraft and recreational craft may only land in:

- protected areas (State land) authorised (except on a designated landing area) by a Permit to land aircraft or use recreational craft.
- recreation areas authorised (where supported) by way of a written approval from the Chief Executive or the Queensland Recreation Areas Management Board respectively.
- State forests and forest reserves authorised (where supported) by way of a permit under the *Forestry Act 1959*.

Aircraft landings – general

Due to potential issues and impacts, aircraft landings in QPWS managed areas are discouraged. Only in exceptional circumstances - and only where it is demonstrably in the public interest to do so - will landings be authorised. Landings may however be authorised at existing constructed aircraft landing areas that meet certain statutory requirements and other guidelines (see below) and are subject to appropriate maintenance programs.

Aircraft landing areas to meet certain requirements

Permits or approvals to land an aircraft at an aircraft landing area may be issued only where the proposed landing area:

- meets the requirements of the Civil Aviation Regulations 1988 and is generally in accordance with the Civil Aviation Safety Authority (CASA) publications Guidelines for aeroplane landing areas (CAAP 92-1(1)) or Guidelines for the establishment and use of helicopter landing sites (CAAP 92-2(1)) as applicable; and
- meets the assessment criteria below.

Recreational craft landing areas

Recreational craft landing areas are not as restricted by CASA. In addition to assessment criteria outlined below, safety is the overarching consideration that must be taken into account in allowing a recreational craft to land and take off from a particular area.

Aircraft landing area management plans

Where there are particular issues associated with aircraft or recreational craft landings at an aircraft landing area that require special management arrangements, QPWS may specify those arrangements in an aircraft landing area management plan. The issue of permits or authorities to land at that aircraft landing area will then

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be subject to the general assessment criteria and the operator taking any additional actions or meeting any additional criteria set out in the aircraft landing area management plan.

Unserviceable or hazardous landing areas

Where a constructed aircraft landing area within a QPWS managed area is considered unserviceable or hazardous, applications to land an aircraft or recreational craft on the area will be refused.

Procedure - Application and assessment

Assessment of applications to land an aircraft or recreational craft in a QPWS managed area will consider the following general matters:

- potential impacts on natural values;
- potential impacts on cultural values;
- potential impacts on other users;
- potential impacts on management interests;
- appropriateness of the proposed activity in relation to the area's landscape classification;
- the degree to which the application is in the community interest;
- consistency with priority community needs;
- consideration of alternative opportunities off-estate; and
- consistency with equity principles.

An approval or permit to land an aircraft or recreational craft may only be issued where the potential issues and impacts associated with a proposed landing are within acceptable limits.

The issue of a written approval to land an aircraft or recreational craft in a QPWS managed area must also be consistent with the management principles for the tenure and any approved management plan for the area.

Special management arrangements under aircraft landing area management plans

The need for an aircraft landing area management plan may arise where there are significant potential issues or impacts associated with aircraft landings at a particular aircraft landing area. In such instances, QPWS may implement special management arrangements to properly address the potential issues or meet a duty of care. An example of where QPWS has implemented special management arrangements for aircraft landings is on the eastern beaches of Fraser Island that is subject to use by vehicles and pedestrians.

Aircraft landing area management plans will describe additional actions to be taken by QPWS and aircraft operators to address potential issues or impacts relevant to use of a particular landing area. The issue of authorities to land at that location will then be subject to the general assessment criteria and the operator taking any additional actions or meeting any additional criteria set out in the aircraft landing area management plan. Officers should generally consult with CASA in developing aircraft landing area management plans.

Landing area management plans may also be developed for locations subject to landings by recreational craft, where significant potential issues and or impacts may arise.

Additional requirements on aircraft operators wishing to land at a particular location might include:

- Providing special training for pilots in safe operations at a particular location and gaining an endorsement from an approved check pilot.

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- Providing special training for ground staff in determining suitable landing areas, surface testing and controlling access by vehicles, persons, other aircraft and wildlife at a particular location.
- Pilots and ground staff demonstrating knowledge of legal requirements for the safe conduct of aircraft operations at a particular location.
- Organising for ground staff to determine the location of a suitable landing area prior to use.
- Organising for ground staff to mark out a landing area and erect a suitable wind indicator prior to use.
- Organising for ground staff to check the condition of a landing area prior to use.
- Organising for ground staff to control vehicle and people movement to enable use of a landing area.
- Organising for ground staff to liaise with the pilot-in-command regarding landing area conditions prior to use.

Risk assessment

The issue of permits and written approvals for aircraft and recreational craft landings at all aircraft landing areas in QPWS managed areas will be subject to risk assessment and control measures in accordance with the DES risk management procedures:

http://insite2.dnr.qld.gov.au/workingsafe/robin_content/docs/risk_incident/risk_management_procedure.pdf

A generic risk assessment for small aeroplane use of each aircraft landing area is to be carried out as part of aircraft landing area management planning, or as an independent exercise in response to an initial application to land at a given aircraft landing area. The outcomes of the risk assessment should then be applied to subsequent applications relating to that aircraft landing area. Generic risk assessments should also be carried out where an application proposes use of a location within a QPWS managed area for recreational craft landings.

Ground support

QPWS is not obliged to provide ground support for private or commercial landings. Applications to land may be refused where applicants are unable to arrange adequate ground support.

Landings in emergencies or for the Chief Executive

Emergency landings and landings as part of an activity for or on behalf of the Chief Executive do not require authorisation.

Native title

At present, the issue of a permit or written approval to land an aircraft or recreational craft in a QPWS managed area does not require notification of native title representative bodies or registered claimants.

Terms and conditions of permits and written approvals

Wording of approvals

An officer issuing a written approval or permit to land an aircraft or recreational craft in a QPWS managed area should generally draft the permit or approval such that it only includes a statement that the application to land at a specified landing area is approved (assuming the application is supported). Unless any fixed information such as surveyed length of runway, landing area elevation and compass orientation is known with absolute certainty it should be omitted from the permit or approval.

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Note that the effective operational length of a runway may be reduced where objects or the terrain beyond either end of the runway project above a 5% slope from the end of the runway. Refer to the CASA publications listed under Reference material for further guidance.

Permit and written approval duration

There are no legislative restrictions on the duration of written approvals or permits to land an aircraft or recreational craft in a QPWS managed area. However, permits should not be issued for more than 5 years.

Public liability insurance

The issue of permits and written approvals for private aircraft or recreational craft landings at a particular aircraft landing area is subject to the holding of public liability insurance and indemnifying QPWS for no less than \$10 million. For commercial flight operations, this insurance requirement will be covered in commercial activity permits or authorities within QPWS managed areas.

Other issues to consider

Protected areas - meaning and specification of designated landing areas

The Nature Conservation (Protected Areas Management) Regulation 2006 section 111 provides for the Chief Executive to remove the requirement for a person to obtain a written approval prior to landing at a particular place in a protected area (State land), by specifying that the place is a 'designated landing area'.

The Chief Executive may specify a designated landing area only by regulation or listing the area in an appendix to this policy. At present, there are no designated landing areas in the QPWS estate

Regulation of aviation

All aircraft operations are subject to the Civil Aviation Act 1988 and the *Air Navigation Act 1920*. The CASA regulates aircraft safety.

Unserviceable or hazardous constructed aircraft landing areas

Staff responsible for maintaining a constructed aircraft landing area that may be unserviceable or hazardous should remove any landing area markings and/or display an "unserviceability cross". For further information about unserviceability crosses and about planning, design and operation of aerodromes in general, see CASA's website at <http://www.casa.gov.au/avreg/rules/rpa.htm>

Provision of advice

QPWS staff should provide advice with caution. Staff asked for advice beyond known fixed information, for example about the conditions prevailing at an aircraft landing area, should not volunteer an answer if the requested information is not factual and known to be accurate beyond reasonable doubt.

Routine services

Routine operations involving aircraft landings on QPWS managed areas, including mail services to remote parks and visits by the Royal Flying Doctor Service, should be authorised by permit or written approval as applicable. Such permits and approvals may remain valid for five years and include a number of different QPWS managed areas.

Commercial activities

The issue of a permit or written approval to land an aircraft or recreational craft does not authorise the conduct of a commercial activity in a QPWS managed area. Any aircraft or recreational craft use in a QPWS managed area that constitutes a commercial activity must be authorised under the relevant permit or authority relating to commercial activities.

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Where commercial operators are granted an approval to land in a protected area, a written approval can be included in the covering letter for a commercial activity permit, or in an agreement authorising the activity.

Landings in areas subject to occupation permits, leases or agreements

Aircraft or recreational craft landings in QPWS managed areas subject to occupation permits, leases or agreements must be managed in accordance with the terms and conditions of those authorities.

Permit to use recreational craft

Under the Nature Conservation (Protected Areas Management) Regulation 2006 section 109, it is an offence for a person to use a recreational craft in a protected area unless the person holds a permit to use recreational craft. A permit to use recreational craft in a protected area may also include a written approval to land a recreational craft in the area. Permits to use recreational craft may be granted for a period of up to 1 year.

Landings by media aircraft

Aircraft landing areas in QPWS managed areas are sometimes used by media organisations to access locations for filming activities. QPWS encourages media organisations to enter into agreements regarding the use of QPWS managed areas for filming and associated activities including the landing of aircraft. Such agreements may include a written approval to land an aircraft at a particular aircraft landing area or areas, but an approval should be subject to the organisation notifying relevant QPWS staff prior to departure.

Reference material

Nature Conservation Act 1992

Nature Conservation (Protected Areas Management) Regulation 2006

Nature Conservation (Administration) Regulation 2006

Application form: Authority to land aircraft on QPWS managed area

Operational policy: Commercial tourism and recreation activities in QPWS managed areas

Operational policy: Commercial filming and photography in QPWS managed areas

Civil Aviation Safety Authority (2001) Advisory Circular – Safety During Take-off and Landing for Small Aeroplanes (AC 91.225(0))

Civil Aviation Authority (1992) *Guidelines for aeroplane landing areas* (CAAP 92-1(1))

Civil Aviation Safety Authority (1996) *Guidelines for the establishment and use of helicopter landing sites* (CAAP 92-2(1))

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

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Date

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