

# Operational policy

## Visitor Management

### Generators and Noise Generating Appliances in Queensland Parks and Wildlife Service (QPWS) managed areas

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*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

The purpose of this policy is to assist QPWS staff, volunteers and members of the public to understand the guidelines and conditions for generator use and other noise generating appliances in QPWS managed areas. QPWS receives frequent enquiries about generator use in campgrounds for recreational activities, and more recently, to operate appliances required for a serious medical condition.

#### Definitions

**Low dB levels** means generators and other appliances that operate at a noise level of less than 65dB(A) at a distance of 7 metres.

**Noise generating appliance** includes portable generators, portable motors (for refrigerators and other appliances) and air compressors, as well as noise emanating from the use of motor vehicles, portable announcement systems and the use of portable receivers (e.g. radio/music players, portable televisions, CB Radios etc.).

**Medical condition**, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.

**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*;
- recreation areas under the *Recreation Areas Management Act 2006*;
- protected areas (State land) managed under the *Nature Conservation Act 1992*; and
- marine parks under the *Marine Park Act 2004*.

#### Background

QPWS managed areas are valued by many people as havens of peace and quiet away from urban noise, places where only the sounds of the natural environment are heard. Most campers enjoy the quiet and clean air environments in our campgrounds and the use of generators can disturb other people's enjoyment, especially when campsites are in close proximity to each other.

Artificial noise sources such as portable generators and motors disturb other people's enjoyment of the area and can also frighten native wildlife. For these reasons, where their use is approved, visitors are urged to keep

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noise down to a reasonable level. As a general rule, non-natural sound is more acceptable in a highly developed camping area than in remote camping areas with few facilities.

Legislation places restrictions on noise from generators, audio sound systems and other noise generating appliances:

- The Nature Conservation (Protected Areas Management) Regulation 2017 (Protected Areas Management Regulation) states under s145 that a person must not use a generator, compressor or similar motor in a protected area unless it is permitted under a regulatory notice or a permit.
- Section 146 of the Protected Areas Management Regulation states that a person must not use a radio, tape recorder or other sound or amplifier system in a way that may cause unreasonable disturbance to a person or native animal in a protected area.
- Section 128 (a-d) of the *Recreation Areas Management Act 2006* (RAM Act) states that a person must not use a generator, compressor or other similar motor in a recreation area unless its use is permitted under and it is used in accordance with a regulatory notice, the Chief Executive's written approval, a corresponding authority, or a regulation. The maximum penalty for this provision is 50 penalty units.
- Section 129 of the RAM Act 2006 states that a person must not use a radio, tape recorder or other sound or amplifier system in a way that may cause unreasonable disturbance to a person or native animal in a recreation area. The maximum penalty for this provision is 50 penalty units.
- Section 11 of the Forestry Regulation 2015 states that a person must not use in a State Forest or timber reserve, without reasonable excuse, a sound amplifying system (e.g. a radio) in a way that unreasonably disturbs another person or an animal. The maximum penalty for this provision is 20 penalty units.
- Section 12 of the Forestry Regulation 2015 states that a person must not, in a feature protection area or State forest park, use a generator, compressor or similar machine unless its use is allowed under a regulatory notice or an authority, agreement or lease under the *Forestry Act 1959* for the area. The maximum penalties for this provision is 20 penalty units.

### Exemptions

The use of generators and other noise generating appliances must not occur in QPWS managed areas except:

- in areas that are specifically designated under a regulatory notice for such appliances to be used (such as specific camp grounds or areas where the QPWS provides locations for generators or air compressing equipment);
- in areas where such appliances have been permitted to be used in accordance with the terms and conditions of a permit (for instance, refrigeration equipment associated with a scientific purposes permit); or
- in other areas with the written permission of the following:
  - the Director, Commercial and Visitor Services, for state wide circumstances which are not likely to vary from site to site (such as use for emergency life support);
  - the QPWS Regional Directors for areas managed under the *Nature Conservation Act 1992*, *Marine Parks Act 2004* or the *Forestry Act 1959*;
  - the Chief Executive for recreation areas declared under the *Recreation Areas Management Act 2006*.

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The use of generators and other noise generating appliances may be authorised for use in QPWS managed areas (other than those already authorised by regulatory notice or permit) in the following circumstances:

- where such appliances are permitted to be used under an approved management plan;
- the appliance is operated at low dB levels (65dB(A)) and can be situated and operated in such a way to minimise impacts on other users of the area; the use of the appliance will not create any safety hazards (for example, the use of power leads connecting a generator to a camp site through a tidal area or where there is a possible safety hazard to other visitors from tripping on the power leads); and
- the use of the appliance is not contributing to a recreational activity that is inconsistent with the management principles for use and enjoyment of that area.

QPWS may impose conditions on the use of an appliance including:

- the type of equipment used;
- where it can be used; and
- hours of operation of the appliance

QPWS may ask to be notified in advance of the intent to use the appliance and its arrival in the area.

QPWS staff may need to operate generators and other noise-generating appliances in the establishment, maintenance and operation of park infrastructure and services. Operation of such appliances will be undertaken in accordance with the policy to the greatest extent practicable.

### **Medical Exemption**

A person with a medical condition is permitted to use a low decibel 65dB(A) generator to operate a device for the treatment of a person's illness in the following circumstances;

- the generator is only used to operate a device for the treatment of a person's medical condition;
- the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator; and
- the person has a current medical certificate, or other document issued by a doctor, stating the person suffers from the medical condition which requires the use of an appliance.

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## **Human Rights Act 2019 compatibility**

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this operational policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

## **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**

Ben Klaassen

Signature

18 July 2013

Date

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