

Information sheet

Infrastructure and Equipment

Occupation Permits

Introduction

Section 35(1)(a) of the *Forestry Act 1959* provides for the chief executive of the Department of Environment and Science (DES) or delegate to grant permits to occupy land within a State forest or forest reserve. These are called occupation permits (OP's). Occupation permits cannot be granted over land designated as timber reserve.

State forests

- In general, occupation permits may be issued for a state forest where there is no suitable land available for the use off the QPWS estate, where there is some public benefit from the use, and where the use doesn't compromise existing management interests, existing use rights or superior uses of the area, for example use of land containing an endangered ecosystem for conservation purposes. Occupation permits have been used to authorise infrastructure and facilities including dams, pipelines, storage areas, pump sites, education facilities, and communications facilities on State forest.

Forest reserves

Section 70F of the *Nature Conservation Act 1992* (NC Act) requires (in short) that forest reserves are to be managed to:

- protect the biological diversity, cultural resources and values and conservation values of land included in the reserve, having regard to the purpose of Part 4A of the NC Act, which is to assist the dedication of areas within State forests and other reserves as protected areas,
- provide for the continuation of any existing lawful use of the land,
- ensure all uses of the land under an authority are ecologically sustainable.

Section 70I of the NC Act also states that making, amending, renewing, converting or changing the purpose of an authority for a forest reserve must not be done if it is inconsistent with the management principles for such reserves.

As a result of these provisions, the nature and extent of **new uses** that can be authorised on a forest reserve under an occupation permit is limited. In general, low impact uses not involving the establishment of semi-permanent or permanent infrastructure or facilities are more likely to be consistent with the requirements set out in the legislation.

Assessment

OP's may only be granted where the chief executive is satisfied that the proposed use/s of the land are consistent with the requirements of the relevant legislation and policy. A number of criteria are considered, including possible impacts on:

- natural and cultural resources and values, including the existing setting,
- other uses,
- management interests,
- safety and equity.

Permit duration and fees

Occupation permits may be granted for a fixed term not exceeding 7 years. The Department may issue a new permit following expiry of a permit, after a reassessment of the occupancy. Different fees apply for different uses authorised under occupation permits. Contact your local QPWS office for specific information about fees for various uses under occupation permits.

Maximum area

The area of an occupation permit cannot exceed ten hectares (10ha).

Local government rates

Land within a state forest or forest reserve occupied by a person under an occupational permit is subject to local authority rates.

Native Title

Uses proposed for authorisation under an occupation permit may require notification to Native Title claimants and representative bodies under the Queensland government's approved Native Title work procedures.

Other uses of land held under an OP

OP's will be granted for a specified purpose and will generally prevent the holder undertaking or allowing others to undertake other uses of the area without the chief executive's approval. In some circumstances more than one party may be permitted to operate (occupy) on the one site, but any other party seeking to occupy or use land already subject to an OP must submit a separate application for a separate permit to occupy. For example while the 'Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities' (see Part 5, Schedule 1 of the *Telecommunications Act 1997* (Comm.)) sets out obligations and procedures for telecommunications providers in relation to site sharing, all such entities seeking to locate infrastructure on a State forest or forest reserve must still obtain a separate authority.

Offence and penalty

Section 73 of the *Forestry Act 1959* makes it an offence for any person to occupy land in a state forest or forest reserve without a permit or other authority to do so. A penalty of up to \$7,500 applies for a first offence.

How can I apply for a permit?

An application form can be obtained by contacting the Department of Environment and Science.

Applications should include:

- the name of the state forest or forest reserve and the site within that area where the applicant wishes to conduct activities;
- a detailed outline of all intended activities within the area and site. Additional pages may need to be attached to the application to provide this information.

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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