

# Procedural guide

## Infrastructure and Equipment

### Occupation permits – determining permit term and permit areas

*This Procedural Guide contains guidelines to assist staff make decisions about the appropriate term and area of an Occupation Permit issued under the Forestry Act 1959.*

#### Purpose

This procedural guide is to be used when assessing applications for occupation permits over areas of State forest, to determine the appropriate permit term and permit area.

#### Background

Section 35(1)(a) of the *Forestry Act 1959* ('the Forestry Act') allows for the chief executive to issue permits to occupy State forests ('occupation permits').

Uses most commonly authorised under occupation permits include telecommunications infrastructure; water storage areas, pump sites and water pipelines; and coal seam gas infrastructure including well pads, gas and water pipelines and access tracks.

Prior to April 2013, s35(1)(a) limited the chief executive to granting occupation permits for periods of less than 7 years, and over areas of less than 10 hectares.

However, in order to streamline the management of infrastructure with a life of more than 7 years and/or a cumulative footprint of more than 10 hectares (for example networks of coal seam gas industry infrastructure); and to provide permit holders with greater certainty, the Forestry Act was amended in early 2013 to remove the 7 year and 10 hectare limits on these permits.

Section 35(1)(a) now provides for permits to occupy to be issued for a term fixed by the chief executive, and both the permit term and permit area will be determined during the process of assessing and deciding an application for an occupation permit.

#### Procedure

The assessment report prepared for an occupation permit application must include recommendations about the permit term and permit area.

Recommendations must be consistent with the following principles.

##### 1. Permit term

- 1.1 Permit periods should take into account the expected life of the infrastructure or occupation.
- 1.2 Terms of 7 years or less therefore may continue to be appropriate for temporary or semi-permanent facilities.
- 1.3 Occupation permits may be issued for terms longer than 7 years when the application is for permanent infrastructure; however permits are to be generally issued for a maximum of 20 years.

1.4 All recommendations for permit terms of more than 20 years must be referred to a Regional Director for consideration and endorsement.

## **2. Permit area**

2.1 An occupation permit may be granted for a single permit area of more than 10 hectares.

2.2 An occupation permit may also be granted for multiple permit areas totalling more than 10 hectares to cover all of a proponent's activities on an individual State forest.

2.3 However a single permit may not be granted in respect of permit areas located in more than one State forest, regardless of the size of the permit area/s involved.

2.4 Where application is made for a permit area of less than 10 hectares, existing procedures for occupation permits will apply.

2.5 Where infrastructure is known to be part of a sequential and/or intensive development program (for example coal seam gas block development proposals), consideration should be given to the proponent's construction and development program when determining the most appropriate number and scope of occupation permit/s to be issued for the activities. This will help minimise the number of permit amendments required over time as infrastructure is installed and decommissioned.

2.6 Administrative Plans showing the permit area/s must be submitted prior to the grant of an occupation permit.

## **Other matters to consider**

### **Powerlines and other electricity industry infrastructure**

Under the *Electricity Act 1994* section 116A, the Governor in Council may authorise the creation of an easement over forest land (State forest and timber reserve) to provide for power line corridors.

Occupation permits are not to be used to authorise powerlines on State forest except in circumstances where the process of obtaining an easement has commenced and is not likely to be finalised in time to meet construction timeframes.

In these circumstances an occupation permit may be issued for a period of 1 year, with provision for a renewal period of an additional year.

**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 procedural guide, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

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**Approved By**

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Signature

2 May 2013
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Date

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