

Operational policy

Infrastructure and equipment

Fees for infrastructure on QPWS managed land at tenure conversion

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 subject

Fees to be charged under authorities for existing infrastructure on Queensland Parks and Wildlife Service (QPWS) managed land that has undergone tenure conversion.

Purpose

This policy sets the fees applicable to existing infrastructure located on land which has undergone a Queensland Parks and Wildlife Service and Partnerships (QPWS&P) tenure conversion i.e. land acquired for inclusion into QPWS managed land or conversion between QPWS managed land tenures (e.g. State forests and protected areas). Policy statements and tenure conversion scenarios are outlined to assist QPWS&P officers and infrastructure holders (i.e. infrastructure owners, occupiers, and co-users) to understand the annual fees, if any, which apply after a land tenure change.

Scope

This policy only applies to existing infrastructure, not new infrastructure proposed to be located on QPWS managed land, as new infrastructure is subject to a different fee framework. This existing infrastructure includes water storage and pipelines, communications facilities, electricity infrastructure (linear and non-linear), gas wells and ancillary infrastructure, research and education facilities, public service facilities and community infrastructure. It does not apply to petroleum and gas transmission pipelines, mining exploration and production, recreation and tourism, and infrastructure of a temporary nature. Furthermore, this policy does not apply to private protected areas, national park (Cape York Peninsula Aboriginal Land), national park (Aboriginal land) and national park (Torres Strait Islander land).

Background

A tenure conversion, for the purpose of this policy, is either a transfer between QPWS managed land tenures (e.g. State forest to national park), or a transfer from another tenure to a QPWS managed land tenure (e.g. freehold land converted to national park via the required tenure dealings). In many cases, the land subject to tenure conversion may have existing infrastructure in place. This may include water storage areas and pipelines, communications facilities, electricity powerlines, and education and community facilities.

A change in tenure can mean a change in the way infrastructure is authorised. Tenure conversion therefore requires the infrastructure to be authorised under the relevant legislation for the new tenure of QPWS managed area.

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Conversion between QPWS managed land tenures

QPWS managed land tenures include protected areas (e.g. national parks, conservation parks, and resources reserves) administered under the *Nature Conservation Act 1992* (NC Act) and State forests, timber reserves and forest reserves administered under the *Forestry Act 1959* (Forestry Act). In instances where QPWS managed land is transferred from a Forestry Act tenure or NC Act protected area, to higher conservation tenure of NC Act protected area, any existing infrastructure requires an authority issued under the NC Act.

Acquisition for conversion to QPWS managed land tenure

Numerous land parcels are acquired by QPWS&P to protect and conserve the identified cultural and natural values of State significance. These land tenures include unallocated State land (USL), freehold, leasehold and reserves which are generally administered under the *Land Act 1994*. Upon conversion of this land to a QPWS managed land tenure (e.g. State forest or national park), existing infrastructure must be authorised under the appropriate legislation. In most cases, land is acquired for inclusion into protected area, which therefore requires an authority under the NC Act.

QPWS&P is committed to working in partnership with First Nations peoples and incorporating their priorities and perspectives in the management of protected areas.

Policy statement (or determination)

All infrastructure and facilities on QPWS managed land must be authorised under the relevant legislation for the tenure and payment of annual rental fees is required. In the case of existing infrastructure on land subject to tenure conversion, the infrastructure holder must pay annual rental fees in line with this policy.

The fees for such existing infrastructure, have been developed with the understanding that:

- The tenure conversion is generally initiated by QPWS&P to fulfill its land management requirements and commitments.
- Infrastructure holders with existing infrastructure on land subject to tenure conversion should not be worse off, in terms of annual rental payments, due to the tenure conversion.

Infrastructure authority types

The type of existing infrastructure which would require authorisation include, but is not limited to, water storage areas, water pipelines, pump sites, education and research facilities, communications facilities, electricity infrastructure, and community infrastructure. Given the appropriate authority is dependent on tenure, a tenure conversion will typically result in a change of the type of authority required on the new QPWS managed tenure. The most common authorities granted for this purpose are:

- Occupation permit under the Forestry Act on State forest, timber reserve and forest reserve
- Authority under the NC Act on national park, conservation park and resources reserves
- Electricity easement granted on State forest and timber reserve.

There is no provision under the NC Act for an easement in a national park, conservation park or resources reserve, therefore existing linear infrastructure must surrender an existing easement, where applicable and must be authorised under either a section 34, 35 or 36 authority under the NC Act.

Annual Rental Fees

The annual rental fees to be paid by infrastructure holders on land which has undergone a tenure conversion are set in **Schedule 1**. The fees are set by the Chief Executive and may vary according to:

- the type of tenure conversion

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- the authority type
- rental arrangements in place prior to conversion, and
- whether the infrastructure holder is a community not-for-profit organisation.

In certain circumstances (set out in **Schedule 1**) no fee will apply.

Where it is applied in accordance with **Schedule 1**, the Commercial Fee represents partial cost recovery for the base costs associated with ongoing administration of the authority.

The annual rental fee for existing infrastructure will apply from the date of dedication of the tenure. This policy does not apply to land dedicated prior to the approval of this policy.

This policy does not apply retrospectively to any authority applications, compensation agreements or decisions made, or in place, prior to the date of the policy approval or where another approach is specifically provided for.

In the case of tenure conversion between classes of protected area under the NC Act, such as resources reserve converting to national park, the authority fees remain unchanged.

QPWS&P reviews its fees and charges annually and applies increases as approved by the Chief Executive. An annual increase does not apply to an authority, permit or easement issued with nil (\$0) rental fee according to this policy. **Schedule 1** will be updated annually to reflect current fees.

Indexation

Rental fees increase annually based on indexation, taking effect on 1 July of each year. Depending on the type of authority, the following indexation applies:

1. approved government indexation rate in the case of authorities issued under the NC Act and the Forestry Act (hereafter referred to as NCA Authority and FA Authority respectively) and the Commercial Fee, or
2. indexation rate based on consumer price index in the case of easement rental, or
3. where the fee for the NCA Authority, FA Authority or easement is based on an existing rental arrangement, the same indexation method will continue to apply.

An annual rental fee will not decline. If an index used to adjust fees results in a decline, the rental fee is maintained.

Financial Delegations

The fees set in this policy, in some cases vary from the standard permit and authority fees for new infrastructure published on the department website. Therefore, the following approvals are required for authorising infrastructure with the annual rental fees in this policy:

- NCA Authority and fee requires Chief Executive approval
- Forestry Act Occupation Permit and fee requires approval in accordance with the legislative and financial delegations detailed the *Operational Policy – Occupation Permits*
- Easement and easement fee require Chief Executive approval.

Other scenarios

For information on fees for infrastructure and tenure conversion scenarios not covered in this policy, please contact the Major Projects and Estate Management Unit.

Reference materials

Operational Policy – Communication facilities on QPWS managed areas

Operational Policy – Easements for electricity infrastructure over QPWS managed areas

Operational Policy – Occupation Permits

Legislation

Electricity Act 1994 (Qld)

Forestry Act 1959 (Qld)

Land Act 1994 (Qld)

Nature Conservation Act 1992 (Qld)

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

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Date

Ben Klaassen
Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Major Projects and Estate Management
Ph. (07) 3199 7611
Email. QPWS.estate@des.qld.gov.au

Schedule 1 details the determination of annual rental fees required for existing infrastructure authorised on land that has undergone a tenure conversion, including case study examples to assist interpretation.

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SCHEDULE 1. 2021-22 Annual rental fee for infrastructure authorities on land the subject of tenure conversion

Converting from	Converting to	Annual Rental Fee	Case study
<p>1 Infrastructure on freehold, leasehold, unallocated State land, reserve land, road <i>(e.g. communication facility, water storage, electric substation). Excludes electricity easement/corridor – See 3 below.</i></p>	<p>Protected Area (NCA Authority^a) or State forest, timber reserve, forest reserve (FA Authority^b)</p>	<p>Commercial Fee^c \$559 per Authority^{ab} per year, OR If the infrastructure holder can demonstrate a lower fee was in place, e.g. in existing rental agreement, then the lower fee applies. Community Fee^c Nil (\$0) is applied to non-profit organisations.</p>	<p><u>Case 1a</u> A commercial communications facility has a licence with the freehold landowner and pays \$10,000/yr. Upon conversion to protected area, a new NCA Authority is issued with the annual Commercial Fee \$559 because the infrastructure holder's rental is not lower than the Commercial Fee. <u>Case 1b</u> A commercial water supply operator on freehold does not have a rental agreement, thus pays nil (\$0) rent. Upon conversion to State forest, the new FA Occupation Permit (OP) is issued with nil (\$0) annual fees, because the existing fee of \$0 is lower than the Commercial Fee.</p>
<p>2 Infrastructure on State forest, timber reserve, forest reserve <i>(e.g. water pipeline, education facility). Excludes electricity easement – See 4 below</i></p>	<p>Protected Area (NCA Authority^a)</p>	<p>Adopt same annual rent applied under existing fee framework for the Forestry Act tenure.</p>	<p><u>Case 2</u> A water pipeline is located on State forest. On this tenure, water pipelines are authorised under an OP and the standard OP pipeline fee is \$260.90/km or part thereof in 2021-22. Upon conversion to protected area, a new NCA authority is issued with annual rental remaining as it was under the OP fee framework (i.e. \$260.90/km or part thereof in 2021-22, indexed annually).</p>

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Converting from	Converting to	Annual Rental Fee	Case study
3 Electricity easement or corridor ^e on freehold, leasehold, unallocated State land, reserve land, road	Protected Area (NCA Authority ^a) or State forest, timber reserve (Easement ^d)	Adopt same annual rental fee applied under existing agreement, or where this is not known, nil (\$0) rental fee.	<p><u>Case 3a</u> An electricity line on leasehold has an easement with no annual rental payments. Upon conversion to protected area, the easement is surrendered (by agreement), a new NCA authority is issued with rental fee as it was under the easement at \$0.</p> <p><u>Case 3b</u> An electricity line corridor is located on freehold land and is not registered under easement and no annual fees are paid to the landowner. Upon conversion to State forest, the corridor will be registered under an easement with rental fee remaining as it was previously at \$0.</p>
4 Electricity easement on State forest, timber reserve, forest reserve	Protected Area (NCA Authority ^a)	Adopt same annual rental fee as reflected in easement i.e. either nil (\$0) rental or another \$ value.	<p><u>Case 4</u> An electricity powerline on timber reserve has an easement with no annual rent payment. Upon conversion to protected area, the easement is surrendered (by agreement), a new NCA authority is issued with the rental fee remaining as it was under the easement at \$0.</p>

^a Relevant authorising instrument under the *Nature Conservation Act 1992*.

^b Relevant authorising instrument under the *Forestry Act 1959*, for example FA Occupation Permit.

^c **Commercial Fee** increases every financial year in line with government approved indexation.

^d Easement is the relevant authorising instrument for linear electricity infrastructure on Forestry Act tenure.

^e Corridor means linear infrastructure not authorised under easement or QPWS&P authority.