



application guidelines

Easement over state land

This fact sheet explains how to apply for an easement over state land, and how the Department of Natural Resources and Water (NRW) assesses applications under the *Land Act 1994*.

When you can apply

The Natural Resources and Water Minister's written approval is required for an easement to be created over unallocated state land, reserve land, Deed of Grant in Trust, state leases or occupation licences.

In addition to the Minister's written approval to create an easement NRW will need to sign the easement document for the state as owner of unallocated state land or reserve land.

An easement may also be created over a state forest, but only for electricity purposes.

An easement cannot be created over a road, including a road licence.

An owner of land (grantor) may grant an easement to another owner of land or public utility provider (grantee) for a specific purpose eg. access, drainage, sewerage, supply of water or gas.

How to apply

For an easement over state land, you must submit:

- application form, with both parts A and B completed
- the prescribed application fee (if applicable)
- additional attachments as requested.

Though you can submit an application at any NRW office, it is preferable to do so at the one nearest the property involved, where staff can also advise you of the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to you for completion which will delay the process. It is therefore advisable to discuss your application with NRW staff before lodgement, if you have any queries.

See the NRW website <www.nrw.qld.gov.au> for a list of NRW offices and applications fees, or contact the department.

What NRW considers

When assessing your application against the requirements of the Land Act, NRW will also:

- use relevant NRW policies, procedures and guidelines
- seek the views of stakeholders (e.g. other state government agencies and local government authorities)
- consider native title issues.

An NRW officer may also inspect the land. It is important that an applicant read NRW policy, PUX/901/527 easement, available on the website at www.nrw.qld.gov.au.

NRW does not support access easements over trust land i.e. Deeds of Grant in Trust or Reserve land under the *Land Act 1994*:

- for recreation purposes or other trust land used by the public where safety may be affected
- that provide additional access to private land that already has dedicated access.

In some instances amendment to the terms and conditions of the easement document may be required by NRW.

For the purposes of granting an easement over unallocated state land or reserve land NRW will assess whether consideration is payable to the state.

Native title

As part of the assessment process, NRW will undertake a native title assessment to determine if, and how, native title may need to be addressed.

Depending on the outcome the applicant may be required to satisfactorily address native title issues associated with the proposed easement.

Notice of the decision

NRW will notify applicants of the decision in writing once all issues have been investigated.

The Minister's approval will not be given to creating the easement until any required amendments to the terms and conditions of the document have been made and the updated easement document is signed by all parties and submitted to NRW with a:

- plan of survey, if required
- payment of consideration to NRW, if required

Issue of approval to a easement

The Minister's approval for easements will be provided to the applicant on a Queensland Land Registry Form 18 (General Consent).

To be valid an easement over state land must be registered in the Queensland Land Registry.

More information

For more information on easements, contact your nearest NRW office.