



## land series

## Permits to occupy permittees responsibilities

### What is a permit to occupy?

A permit to occupy is issued by the Department of Natural Resources and Water (NRW) to occupy or use state land, including unallocated state land, a road or reserve in accordance with the *Land Act 1994*. Permits are not issued over freehold or leasehold land.

A permit is not an interest in the land—such as a lease, as it does not allow for exclusive possession of the land and can not be transferred, sublet or mortgaged. If a permit is granted, the right to occupy only applies to the person holding the permit.

### What is the permittee responsible for?

A permittee of a permit to occupy is responsible for complying with the following:

#### Purpose

Permits to occupy are issued for a specific purpose, e.g. pump site or short-term grazing. The permit must only be used for the purpose for which it was originally issued.

The issue of a permit does not automatically imply it can be used for the purpose issued i.e. other authorities' approval may be required.

#### Conditions

All permits to occupy are subject to various conditions that permittees must comply with.

#### Statutory requirement

All permits to occupy are subject to various statutory requirements:

- Duty of care—requires the permittee to maintain the land in good condition, e.g. implementation of good land management practices or preventing land degradation/contamination.
- Tree clearing—is not permitted, unless a tree clearing permit has been issued by NRW.

- Quarry material and forest, mineral and petroleum products on and below the surface are to be reserved in accordance with *Forestry Act 1959*, *Mineral Resources Act 1989* and the *Petroleum Act 1923*.

#### Rent

When a permit to occupy is issued by NRW, the permittee is required to pay an annual rent to NRW (usually due 1 September each year).

The rent is based on the unimproved value of the land, multiplied by the rental category percentage rate assigned to the permit, however a minimum rental applies (as prescribed in the *Land Regulation 1995*).

The unimproved value is assessed annually, therefore the rent can vary from year to year. The rental calculation does not apply to a permit with a set rent. Penalty interest is charged for late payments.

#### Voluntary surrender of a permit

Permits to occupy may be voluntarily surrendered to the state provided the rent due to the State has been paid. Permittees may be allowed to remove any improvements made.

#### Cancellation

NRW can cancel a permit after giving reasonable notice if a permittee:

- breaches a condition or the purpose of a permit
- fails to comply with statutory requirements
- fails to pay rent by the due date.

#### Other fees

Permittees are advised to contact their local council about any additional fees relating to permits to occupy.



## **How to apply**

To apply for a permit, submit a permit to occupy application form or contact a NRW office, nearest the property involved.

## **More information**

For more information, contact the nearest NRW office or see the NRW website at [www.nrw.qld.gov.au](http://www.nrw.qld.gov.au).