

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application for an easement over state land

Part B

Application form requirements

1. This application for an easement over state land.
2. Read the respective *Application for an easement over State land* fact sheet that includes application restrictions.
3. Payment of the prescribed application fee.
(Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. A draft of the proposed easement on Queensland Land Registry Form 9 and Form 20 (if required) together with a sketch or plan showing the location of the proposed easement.
5. Any additional information to support application.
6. **Part A:** Contact and details of land will need to be completed and submitted with your application.
7. Your application will not be considered as having been properly made unless all parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

In addition to the Minister's written approval to create an easement Department of Environment and Resource Management (DERM) will need to sign the easement document for the State as owner of unallocated State land or reserve land.

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

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

DERM does not support access easements over trust land ie, Deeds of Grant in Trust or Reserves under the *Land Act 1994*:

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

The Minister's approval for easements will be provided to the applicant on a Queensland Land Registry Form 18 (General Approval). To be valid an easement over State land must be registered in the Queensland Land Registry.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

1. Is the application for public utility easement?

Yes

go to 2

No go to 3

2. Is the proposed grantee a public utility provider?

Yes

go to 3

No

An application cannot be considered

Public Utility Provider means –

- the State or a State authority or instrumentality; or
- the Commonwealth or a Commonwealth authority or instrumentality; or
- the local government; or
- a person authorised by law to provide a public utility service; or
- a person approved by the Minister as suitable to provide a particular public utility service

If grantee is approved by the Minister as suitable under Section 361(e) of the Land Act 1994 a copy of such approval must be attached.

If NO, application cannot proceed unless approval has been obtained from this Department that the Grantee is suitable to provide a particular public utility service.

3. Select which of the following is affected by the proposed easement:

Reserved land

Deed of Grant in Trust

State leased land

A State lease in a Department of Infrastructure administered industrial estate

State Forest

Occupation licence

Unallocated State land

go to 4

State Forest - Only an electricity easement can be created over a State Forest.

Evidence of agreement from Trustee is required for reserves land, Deed of Grant in Trust.

Evidence of agreement from Lessee is required for state leased land.

Evidence of agreement from Property Services Group – Department of Infrastructure and Planning is required for a State lease in a Department of Infrastructure and Planning administered industrial estate.

Evidence of agreement from Licensee is required for an occupation licence.

4. Provide details of the purpose of the easement.
(If there is insufficient space, please lodge as an attachment)

go to 5

5. Please provide evidence on why this particular location has been chosen and that the creation of the easement will have minimal effect on the management and use of the land **go to 6**
(If there is insufficient space, please lodge as an attachment)

6. Provide details of any additional information to support the application. (optional) **go to 7**
(If there is insufficient space, please lodge as an attachment)

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

7. Tick the box to confirm the attachments for part of the application.

- Application fee
- Plan of the easement
- Draft easement document
- Evidence of agreement of Trustee, if applicable
- Evidence of agreement of Lessee, if applicable
- Evidence of agreement of Grantee/s of the existing registered easement/s, if applicable
- Evidence of agreement of State Government Department administering the land, if applicable
- Evidence of agreement of Environmental Protection Agency (State Forest), if applicable

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

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Date: / /

If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.