Quarry material administered under the
\textit{Forestry Act 1959}

This fact sheet applies to quarry material where the ownership of the quarry material is reserved to or owned by the State and is administered under the \textit{Forestry Act 1959} (Forestry Act). The Department of Agriculture and Fisheries (DAF), through its Forest Products unit, administers the allocation and sale of this State-owned quarry material.

\textbf{Definition of quarry material}

Under the Forestry Act, quarry material includes any stone, gravel, sand, rock, clay and earth that are not defined as a mineral under the \textit{Mineral Resources Act 1989}.

\textbf{Quarry material on State lands}

For the purposes of this fact sheet, the term ‘State lands’ means State forests; timber reserves; forest entitlement areas; land leased under the \textit{Land Act 1994} in perpetuity or for a term of years and includes pastoral leases, stud holdings, grazing homestead perpetual leases, special leases, development leases (issued on or after 31 December 1991), term leases, perpetual leases, and other lands administered under the Land Act such as trust lands (i.e. reserves and deeds of grant in trust), permits to occupy, occupation licences, roads, including road licences and unallocated State land.

Under the Forestry Act, quarry material on State lands at all times is the property of the State, except where otherwise expressly provided by some other Act.

For information regarding the use, removal or sale of quarry material on State lands, contact the Forest Products business unit within the Department of Agriculture and Fisheries (Forest Products DAF) at your nearest Forest Products DAF office. Refer to the Contacts section of this fact sheet for office locations and contact details.

\textbf{Quarry material on freehold land}

In the early 1990s a series of amendments were made to the \textit{Land Act 1962} and the Forestry Act, resulting in quarry material being reserved to the State upon application and conversion to freehold. Prior to these amendments, the ownership of the quarry material transferred to the landowner upon conversion to freehold. Hence, the application and conversion date can be important for determining ownership of quarry material and reference will need to be made to these dates and the original deed of grant issued at the time of grant of the freehold land to determine whether the quarry material on the freehold land is reserved to the State or owned by the landowner.

The \textit{Land Act 1994} dictates that a deed of grant of land containing quarry material owned by the State must contain a reservation of the quarry material, other than the topsoil, to the State. The Forestry Act defines the owner of the quarry material as the State. Where quarry material has been reserved to the State, it is administered under the Forestry Act and referred to as State-owned quarry material. For information regarding the use, removal or sale of quarry material on freehold land containing a reservation of quarry material, contact the Forest Products business unit within the Department of Agriculture and Fisheries (Forest Products DAF) at your nearest Forest Products DAF office. Refer to the Contacts section of this fact sheet for office locations and contact details.
Quarry material within a watercourse or a lake

Quarry material within the non-tidal reaches of streams (called watercourses), freshwater natural lakes and the associated outer banks is regulated via the Water Act 2000. For more information about quarry material in or from watercourses or lakes, visit the Department of Natural Resources and Mines website:


Note that quarry material proposed to be extracted from beneath a watercourse or a lake, such as in the case of a tunnelling project, may need to be authorised under the Forestry Act depending on the circumstances.

Quarry material from tidal water

Quarry material from tidal water is reserved to the State and regulated under the Coastal Protection and Management Act 1995 to the extent that such land is State coastal land – see definition under the Coastal Protection and Management Act 1995.

For more information about quarry material from tidal water, visit website: http://www.ehp.qld.gov.au/coastal/development/coastal-land/dredging-disposal/. Note that if quarry material is being proposed to be removed from tidal water that is leasehold land or is held under a lease or licence issued by the State, the allocation of quarry material is not regulated by the Coastal Protection and Management Act 1995 as such land is not within the definition of State coastal land. Instead, the Forestry Act applies and a sales permit is required to remove and or use this quarry material.

Why quarry material is important

Quarry material is a basic requirement for any construction or maintenance project. An adequate supply of quarry material is essential for the on-going economic development of Queensland.

Queensland’s on-going economic development and associated provision of the necessary supporting infrastructure, particularly in regard to improved and additional road, rail and port networks and facilities, is fundamentally reliant on ready access to required types and quantities of quarry material.

Powers to sell quarry material administered under the Forestry Act

Forest Products DAF is responsible for managing the sale and allocation of quarry material administered under the Forestry Act.

Under the Forestry Act, the chief executive of DAF or delegate may sell quarry material that is the property of the State. The chief executive or delegate may issue permits, licences or other authorities, and enter into agreements or contracts to sell quarry material (i.e. sales permit). Where such a permit has been granted, the holder of the sales permit is referred to as ‘the permittee’.
Other government authorities may utilise quarry material from State lands

The Department of Transport and Main Roads can access quarry materials in accordance with the Transport Infrastructure Act 1994 for its State-controlled road infrastructure.

Local governments can utilise quarry material from reserves over which they are the trustee provided the quarry material is used by the local government consistent their responsibilities under the Local Government Act 2009.

However, government owned corporations and other entities in most cases have no authority to remove and use State-owned quarry material and require a sales permit issued under the Forestry Act 1959.

Interference with or use of State-owned quarry material by the holder of an authority issued under the Mining Acts

Authorities issued under the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Geothermal Energy Act 2010 or the Greenhouse Gas Storage Act 2009 (collectively refer to as ‘the Mining Acts’) allows for the holder to interfere with State-owned quarry material within the authorised tenement area for the mining activity. The holder of mining or mining related authorities or tenements issued under the Mining Acts however usually have no authorities to remove and use State-owned quarry material.

The holder of a mining lease issued under the Mineral Resources Act 1989 is authorised to use State-owned quarry material within the mining lease for purposes consistent with the mining lease and the requirements of the Mineral Resources Act 1989. The holder of other authorities issued under the Mineral Resources Act 1989 has no authority to remove and or use State-owned quarry material.

Use of quarry material by the leaseholder of a Land Act lease

Quarry material may only be used by the leaseholder, provided the quarry material is not removed from the State land, and is used for the construction, maintenance or repair of essential land management infrastructure, consistent with the purpose or intent of the granted lease issued under the Land Act.

Use of quarry material for any other purpose may require authorisation and issue of a sales permit to get quarry material under the Forestry Act. Removal and use of quarry material for other purposes without authorisation is an offence under the Forestry Act.

Use of quarry material by the landowner on freehold or freehold lease where a reservation of quarry material exists

Under the Forestry Act, State-owned quarry material may be used by the landowner of a freehold grant or a freeholding lease, provided the quarry material is used on the same freehold land / freeholding lease land parcel from which it is sourced.

Use of quarry material for any other purpose may require authorisation and issue of a sales permit to get quarry material under the Forestry Act. Removal and use of quarry material without authorisation is an offence under the Forestry Act.
Sales permits for quarry material

Under the Forestry Act, the chief executive of DAF or delegate may issue a sales permit to sell State-owned quarry material. The aim is to allocate quarry material in a way which provides the State with the best outcomes. In considering any expressions of interest to purchase State-owned quarry materials, DAF will undertake initial due diligence checks. Sufficient time is needed to undertake these checks. Where it is inappropriate to develop a quarry on the proposed site or the proponent cannot demonstrate the capacity to develop a quarry, a sales permit will be refused. Where it may be appropriate to develop a quarry, DAF will advise the proponent of known issues which will need to be addressed either prior to the issue of a sales permit (e.g. native title requirements as the issue of a sales permit is a future act under the Native Title Act 1993 (Cth)) or as part of the development approval application process (e.g. Matters of State Environmental Significance).

Where there are multiple parties interested in obtaining a sales permit for the same quarry resource, DAF may run a public tender process inviting interested parties to lodge a proposal to purchase the quarry material. DAF will assess the submitted proposals against predetermined assessment criteria to select the proposal at least meets the minimum assessment criteria and provides the State with the best outcomes.

Alternatively, the State may negotiate the terms and conditions of sales permits exclusively, as there may be no other interested parties, impediments to another party developing the quarry, or there is an exclusive/limited market for the quarry material.

Permits to search for State-owned quarry material

To gain authority to search for State-owned quarry material administered under the Forestry Act 1959, the proponent must obtain a permit to search from DAF. The permit to search allows the proponent to sample, dig and or drill potential quarry resources to determine the properties and the extent of the resource. However a permit to search does not provide any future rights to a resource and the results of the search need to be made available to the State.

Where DAF issues a permit to search for State-owned quarry material, the permittee must obtain, before entering the land, written consent from the occupier/landholder and give at least fourteen (14) days prior notice of actual entry as well as the name and contact number of any contractors engaged to undertake the search activities.

Other authorities regulating quarry development and operations

Planning, environmental and or other approvals may be required before quarry operations can commence after the issue of the required sales permits.

Approvals under the following legislation may be relevant:

- State Development and Public Works Organisation Act 1971 and the requirement to obtain planning/development approval in regard to a State Development Area. Refer


Planning timeframes

Proponents expressing interest in being authorised under the Forestry Act to access State-owned quarry material need to allow sufficient lead-time to:

- Undertake due diligence checks for the area of interest
- Negotiate the terms and condition of any sales permit or permit to search
- Address native title where applicable
- Obtain any required planning, environmental and or other authorities prior to commencement of quarry operations.

Contacts

Forest Products DAF has three forest management areas (FMAs) within Queensland and a number of other smaller offices where Forest Rangers are stationed.

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