

Who Has The Power?



Glove Box Guide

Developed to inform landowners of their rights on how to manage access to private land by Powerlink and their contractors to establish new powerline corridors.

Sections

1. Landowner consent
2. Access without consent
3. Acquisition and compensation

Important information:

This guide is general information only. It is advisable that if you are contacted by Powerlink for access to your land that you obtain legal advice prior to allowing any entry and for any subsequent steps in the process.

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Marland Law
AGRIBUSINESS & ADVISORY

1. Landowner consent

Powerlink CANNOT undertake initial investigations on private land without the landowner's consent.

Landowners can refuse access until the government grants the project a statutory authority to access.

The initial investigations Powerlink may want to undertake include:

- infrastructure design studies
- hydrology, including groundwater and hydrogeology, studies
- landscape character and visual amenity studies
- noise and air quality studies
- terrestrial and aquatic ecology studies
- geotechnical surveys and ground-breaking works
- indigenous and non-indigenous cultural heritage studies

If the landowner chooses to consent and grant access for initial investigations, ensure that Powerlink meet the following conditions:

- They provide at least 48 hours notice in writing before access and always report into the homestead
- They provide a map that indicates the areas they want to investigate
- They have a weed wash down certificate in compliance with the Biosecurity Act for any vehicle or machine accessing your land
- They are aware of the bushfire risks of the area and to take all reasonable steps to prevent the outbreak of fire
- They open and close gates properly and ensure that livestock are not impacted by their activities;
- They do not leave rubbish or materials on the property
- They comply with the reasonable directions of the landowner including the use of existing roads, vehicle speed limits, interaction with livestock and employees
- They do not enter after rain events

2. Access without consent

Powerlink can access private land without landowner consent if the Co-Ordinator General has declared either a “project of state significance” or a private infrastructure facility designation. The Queensland Government may also declare the area a State Development Area.

Under this authority, the activities Powerlink may undertake include:

- make any inspection, investigation, valuation or survey, or take levels
- dig and bore into any land to ascertain the nature of the soil or substrata
- affix to or set up on any land trigonometrical stations, survey pegs, marks or poles
- occupy any land
- construct or place plant, machinery, equipment or goods
- erect workshops, sheds and other buildings, including buildings for providing housing and other amenities for officers or employees and their dependants
- make roads, cuttings and excavations
- manufacture and work materials of all kinds

(Powerlink activities continued):

- deposit clay, earth, gravel, sand, stone, timber, wood, and other material
- take clay, earth, gravel, sand, stone, timber, wood, and other material
- demolish, destroy, and remove plant, machinery, equipment, goods, workshops, sheds, buildings or roads

Under this authority, Powerlink must meet the following conditions to enter private land:

- Provide 7 days written notice stating the reason for the access, the location and the property details
- Comply with the Biosecurity Act in relation to the spread of noxious weeds
- Comply with any reasonable direction under a landowner's Biosecurity Plan
- Comply with any reasonable direction under a landowner's workplace health and safety plan
- Compensate an impacted landowner for any temporary or permanent disturbance to their land or business
- Reimburse landowners the reasonable legal, valuation or professional costs incurred as part of the request for access

3. Acquisition and compensation

ACQUISITION

Once the preferred corridor is selected, Powerlink do have the power to resume land but this requires them to provide notice to impacted landowners and comply with extensive protocols.

Landowners can negotiate and agree with Powerlink on the preferred route and compensation without the need for the land to be resumed.

If agreement cannot be reached, Powerlink can issue a “Notice of Intention to Resume” (NIR) which sets out the area of land to be resumed and the reason for its resumption, that is, a powerline.

- An impacted landowner may lodge an Objection to the NIR within 30 days.
- Once considering any objections, the Co-Ordinator General may proceed to “compulsory acquire” the land subject to the NIR. This is done by issuing a “Resumption Notice”.
- Landowners may appeal the decision to issue the Resumption Notice if they consider that their objections have not been properly taken into consideration.

COMPENSATION

If the land is compulsory acquired, the landowner is entitled to compensation for:

- the taking of the land or easement
- the impact to their adjoining lands
- their use of their land
- their business and their enjoyment of the land

Landowners are able to negotiate an access agreement with Powerlink to ensure:

- that access is appropriately managed
- disturbance is minimized
- compensation is paid for any loss or disturbance associated with the activity



PRA was formed in 2003 to protect property rights including rural property rights.

PRA is a not for profit organisation and is apolitical.

What we do

1. Provide a support network for PRA members in important property rights matters.
2. Scrutinise any scientific basis used by government to justify their policy decisions.
3. Provide support through the PRA Fighting Fund for legal test cases and matters of significance to protect and enhance property rights.
4. Promote ecological and economical sustainable natural resource management.
5. Hold government and government officers accountable for actions that affect property rights.

www.propertyrightsaustralia.org.au