

# Procedure

## **Undertaking a land evaluation report prior to lease renewal, lease conversion and state land allocation**

**SLM/2013/577 (Formerly PUX/952/094)**

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## Approval

Position	Name	Effective Date
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## Purpose

The Department of Resources (department) has responsibility for certain 'administered' land assets, including the leasehold estate, roads, reserves, and unallocated state land (USL) - utilising tenure as the primary administrative tool for achieving public policy objectives. In most cases, these assets are allocated for a particular purpose to another state agency (e.g. national park, forest reserve), a private person/company (e.g. lease for grazing and agriculture purposes, permit for a pump site, road licence) or to a local government (e.g. reserve for recreation purposes).

**Note:** Assets are considered to be 'administered' or 'controlled' for budgeting purposes. An 'administered' land asset is non-operational, administered on behalf of the state.

The [Land Act 1994](#) (Land Act), together with land administration policies, notifications and resource planning guidelines direct the allocation and management of administered state-owned land.

There is a need to clarify when a land evaluation report should be undertaken and by whom. This is important in view of the varied nature of land allocation, lease renewal/conversion scenarios that the department may consider - which range from straightforward land use applications to complex regional tenure resolution matters, all of which require a land evaluation to be completed before a decision can be made.

## Rationale

There are three triggers for undertaking a land evaluation report - prior to renewing an existing lease prior to converting an existing lease, and prior to allocating state land. Determining the most appropriate use of land is a key purpose of the report. **Note:** A land evaluation report is not required for a rolling term lease extension.

Sections 159 and 167 of the Land Act prescribe matters that must be considered prior to renewing an existing lease or converting an existing lease, including determining whether part of the lease has a more appropriate use from a planning perspective. These matters are best considered in the context of a land evaluation report.

Similarly, section 16 of the Land Act requires an evaluation of the most appropriate use and tenure of land must be undertaken prior to any state land being allocated. In this context, allocation refers to any land dealing where a new land interest is offered, or where an existing interest is altered (such as a new lease purpose, or subdivision).

Most appropriate use refers to land capability based on the intrinsic characteristics of particular land, and viewed in the light of public policy considerations. Reaching a conclusion about the most appropriate use for a parcel of land involves a comprehensive balancing of all known characteristics of the land, existing planning requirements and the emerging planning considerations, which the department can reasonably be expected to be aware of.

The most appropriate tenure is the tenure which best suits the use to which land is proposed to be put, taking into account the level of government oversight required in respect of the land and its natural resources. It is the tenure applied to match the most appropriate use. A most appropriate tenure decision is not required in respect of lease renewal because the land has already been allocated.

An evaluation of most appropriate use usually takes place in the context of a land evaluation report - ranging from a relatively straightforward report to a comprehensive and detailed report, depending on the need. A land evaluation report consists of three broad components:

1. Goal setting
  - Establish strategic objectives and articulate values.
2. Data gathering
  - Resource assessment - description of the physical, economic, social and environmental attributes of the land, as relevant.
  - Consultation - identification of and consultation with relevant stakeholders, as appropriate.
3. Evaluation of most appropriate use
  - Assessment of most appropriate use(s), based on balancing all known characteristics of the land, - via an assessment of relevant data and/or land capability, governmental policy and stakeholder views.
  - Relevant considerations include: Values present (economic/social/environmental); interest holder aspirations (lessees, native title holders, easement holders, mortgage and covenant holders, holders of rights and interests under the Mineral Resources Act 1989) and community aspirations (community views, legislative controls, regional departmental plans).

The complexity of the land evaluation report is dependent on the significance and level of protection of the values involved - that is,

- Are there likely to be significant values but not defined or protected?
- Are there significant state/regional issues that need to be addressed?

It is also dependent on:

- the interest holder's aspirations - particularly if there are several interest holders with conflicting aspirations, or if an interest holder has aspirations conflicting with values and/or community aspirations and/or state/regional interests.
- the adequacy of the planning scheme provisions or regulatory control, whether a planning approval is required for a land use which may have significant impact and/or state/regional interests, or whether there are significant conflicting community aspirations or where consultation and resolution is required.

The land evaluation report should be regarded as the supporting information, which underpins the tenure decision-making process.

## Procedure

A land evaluation is a requirement of allocating land unless the lease is a rolling term lease extension.

Chapter 2, Part 1 of the Land Act sets out the powers of the state to allocate land. Allocation occurs when either the Governor in Council or the Minister administering the Land Act (Minister) allocates land by either grant in fee simple or issue of a lease or leases unallocated state land. Other forms of allocation occur under the Land Act, such as the setting aside of a reserve or opening a road by the Minister. Section 16(1) of the Land Act provides that: “*Before land is allocated under this Act, the chief executive must evaluate the land to assess the most appropriate tenure and use for the land*”.

It is clear that land evaluation must be done before land allocation occurs. A failure to consider the matters required under section 16 will cause the decision to make or approve the granting of tenure to be invalid.

Similarly, sections 159 and 167 of the Land Act prescribe the matters that the chief executive of the government department that is administered by the Minister administering the Land Act (chief executive) must consider before making a decision to renew or convert a lease. These matters, which include the consideration of more appropriate use, are best considered in the context of a land evaluation.

A land evaluation is required to assist in determining the most appropriate use and the most appropriate tenure for the land.

**Note:** A lease renewal is not an allocation if it is for the same purpose. However, any significant amendments to the new grant (such as a different purpose), is considered to be an allocation.

## **Definition of most appropriate use**

Most appropriate use refers to land capability based on intrinsic characteristics of particular land and viewed in the light of public policy considerations - including social justice issues.

Reaching a conclusion about the most appropriate use for a parcel of land involves a comprehensive balancing of all known characteristics of the land, existing planning requirements and the emerging planning considerations, which the department can reasonably be expected to be aware of.

The concept of most appropriate use is distinct from 'highest and best use' - as it is based on land capability, viewed in the light of public policy considerations. It is not simply the legally permissible use yielding the greatest financial return.

Most appropriate use may alter with time due to changes in land use resulting from changes in production, community values and aspirations.

## **Definition of most appropriate tenure**

Most appropriate tenure is the tenure, within the provisions of the Land Act or other relevant legislation (e.g. *Nature Conservation Act 1992*), which best suits the use to which land is proposed to be put - taking into account the level of government oversight required in respect of the land and its natural resources. It is the tenure applied to match the most appropriate use.

Operational policy - [Land allocation: deciding most appropriate tenure \(SLM/2013/481 = PUX/901/101\)](#) observes that the most critical step in allocating primary tenure is to determine the extent of control the state should exercise over the use of the land.

A decision to allocate tenure is a reviewable decision in terms of the *Judicial Review Act 1991* and therefore a decision maker must be able to provide an adequate statement of reasons. A statement of reasons must be provided in respect of an unsuccessful application to renew or convert an existing lease, and an applicant may appeal the decision.

## Definition of land evaluation

Land evaluation is a process by which a technical assessment is weighed up in the light of what can be termed 'broader' considerations. This includes trends in society, submissions made by the community and public authorities, competing interests of stakeholders, policies and plans of commonwealth, state and local government, regional patterns of growth, socio-economic policies and other objective and subjective (value-laden) considerations.

The land evaluation must take account of state, regional and local planning strategies and policies and the objects of the Land Act.

There is no defined format for a land evaluation. It may be as straight forward or comprehensive as is appropriate to the particular land and circumstances.

It should not be assumed that every land evaluation would conclude that there is a single most appropriate use or tenure for land. Long established planning principles allow for an individual parcel of land to be used for multiple, alternative and even conflicting uses as seen in the designation of mixed use zones within urban areas. Similarly, decisions about most appropriate use in less developed rural areas may involve selecting from several broad alternatives, each of which may be a suitable outcome.

The extent of land evaluation required will vary according to the circumstances of the particular land being assessed. Some parcels of land may be subject to few issues and therefore the land evaluation will be relatively straightforward (such as a desktop assessment of an existing planning strategy). Other parcels, including large urban sites or dealings with multiple parcels, may have a very high number of complex natural resource management issues, community aspirations and/or interest holder aspirations that need to be addressed. In these cases, the land evaluation may need to take the form of a (more comprehensive) land use planning study.

## The land allocation, lease renewal/conversion processes

The table in **Attachment 1** is a summary of the land allocation process. That is, the sequence leading from the assessment of most appropriate use to the selection of most appropriate tenure and suitable land manager. For simplicity, the table only covers the broadest categories of tenure (reserves, leases and freehold).

The decision-making process in respect of renewing or converting an existing lease is slightly different to the land allocation process. This is because the decision-maker is dealing with land that has already been allocated. The principles contained in **Attachment 1** still apply to the extent that it is possible that after considering the prescribed issues in the Land Act, part of the existing lease may be set apart for an alternative purpose, managed under another tenure arrangement.

## When is a land evaluation required?

The following dealings will require a land evaluation to be carried out, either as a requirement under section 16, or as a basis for considering the prescribed issues under sections 159 and 167 of the Land Act:

- Grant of freehold or a deed of grant in trust (s.14)
- Grant of a lease (s.15)
- Grant of land to the State (s.17)
- Exchange of land (s.18)
- Sale of a reservation in title (s.25)
- Dedication and adjustment of reserves (s.31)
- Revocation of reserves (s.33)
- Removing area from deed of grant in trust (s.37)
- Cancelling a deed of grant in trust (s.38)
- Surrender of a DOGIT (S55)
- Approval of a trustee lease (s.57) - secondary use - land management plan
- Dedication of road (s.94)
- Permanent or temporary closure of road (s.98)
- Issue of road licence subsequent to temporary road closure (s.103)
- Road re-positioning (s.109)
- Making land available as a deed, lease or permit by competition (s.112)
- Grant of additional areas (s.132)
- Approval of additional purposes of lease (s.154)
- Renewal of leases (s.160)
- Conversion of tenure (s.168)
- Issue of permit to occupy (s.177)
- Surrender of a lease or deed of grant (s.327)
- Subdivision of lease (s.351)
- Amalgamation of leases (s.355)
- Changing a deed (s.358)
- Changing a lease (s.360)
- Grant of easement over a reserve or USL (s.362)



## What matters should be considered in a land evaluation?

Issues considered as part of a land evaluation may include (but are not limited to):

### 1. Values

- a. Economic/productivity values
  - i. Land condition - degradation, carrying capacity, impacts of past and present land management practices, subdivision patterns.
  - ii. Profitability - productivity, viability, industry issues, costs to state and community, location of infrastructure.
- b. Social/community values
  - i. Public access requirements.
  - ii. Availability of community infrastructure and services.
  - iii. Risks - public safety, floods, fire hazard.
  - iv. Cultural heritage.
- c. Environmental values
  - i. Conservation - protection of ecological values, preservation of fauna and flora, irreplaceability/uniqueness of landscape features.
  - ii. Sustainability - biophysical features, pest's infestation, biodiversity, condition and distribution of native vegetation, water quality, inappropriate uses.
  - iii. Compatibility - land use conflicts, potential for incremental land use change.

### 2. Interest Holder Aspirations

- a. Lessees, native title/easement/mortgage/covenant holders, interests in mineral resources
  - i. Term of tenure / occupation, conditions of lease
  - ii. Interests - lessee (such as continuity of use rights, riparian rights to water, etc), native title (such as access to traditional country, protection of cultural heritage), mortgage or covenant holders, holders of interests created under the Mineral Resource Act 1989 , easement grantees (such as protection of interests).
  - iii. Public infrastructure requirements.

### 3. Community Aspirations

- a. Public interest
  - i. Public access, special needs of disadvantaged groups.
- b. Community aspirations
  - i. Indigenous, local, regional, societal
  - ii. Consultation - community issues, amenity, recreation needs.
- c. Statutory controls

- i. local government planning schemes, regional vegetation clearing controls, regional pest management plans, local laws.
4. Regional/state plans and policies (Regional departmental plans)

## Who is responsible for preparing a land evaluation?

The appropriate person to carry out a land evaluation should be decided having regard to the nature of the allocation decision being considered.

For many dealings under the Land Act, a Land Services officer authorised by delegation will be able to complete a land evaluation and make a decision as to most appropriate use and tenure by reference to information provided with the application, already on the file and as part of the investigation of the dealing.

For other dealings (such as conversion of tenure, renewal of leases and other matters requiring a land inspection and report), State Valuation Service (SVS) officers or a planning officer may be requested to provide comments and/or recommendations that will assist the Land Services officer to complete a land evaluation.

Where it is apparent that the subject land may have a very high number of complex natural resource management issues, community aspirations and/or interest holder aspirations that need to be addressed, it is appropriate to commission a land evaluation report from a planning officer.

The table in **Attachment 2** provides some guidance on situations where referral of state land dealings to planning officers for advice or the preparation of a land evaluation is appropriate. The table also provides guidance on situations where Land Services officers may elect to conduct a land evaluation without obtaining input from planners.

## State, regional and local planning strategies

The 'strategies and policies' referred to in section 16 of the Land Act include the widest range of state policies and planning strategies which may bear upon a particular parcel of land. These include: regional plans (for example, SEQ Regional Plan, CQ - A New Millennium); local plans (for example, local government planning schemes); reports of impact assessment of major projects; land use studies (for example, strategic audit of state lands); and tourism strategies. The department has the distinctive role of planning for the administration and use of certain natural resources, including land, minerals, water and vegetation across all tenures, as well as state land - and produces a variety of strategies and policies to support this role.

**Note:** Although there is a statutory underpinning for undertaking an individual state land planning study, there is no statutory requirement for the department to develop a strategic regional plan to guide state land allocation. This is fundamentally different to the department's approach to other natural resource planning, such as those undertaken for vegetation and water, which have a statutory requirement to produce a specific regional plan.

Local government planning schemes, administered in accordance with the *Planning Act 2016* (Planning Act), contain local, regional and state planning strategies through the incorporation of state interests.

State planning policies will include formal policies created under the Planning Act such as the state planning policy for Development and Conservation of Quality Agricultural Land. Other relevant state planning policies derive from legislation such as the *Coastal Protection and Management Act 1995* (State Coastal Management Plan) and the *Environmental Protection Act 1994*.

Commonwealth legislation and policies must also be taken into account where relevant e.g. *Environmental Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

## Regional departmental plans

Development of regional departmental plans presents a potentially valuable new source of natural resource information to assist in state land planning and allocation. It offers the department the opportunity to adopt a more strategic view, placing each individual land dealing within a broader regional natural resource management context, hitherto unavailable to departmental planners and decision makers.

In regions where state lands predominate, the department may contribute towards implementing a local community's desired land use outcomes (as expressed in a regional departmental plan), via the land allocation process. However, this can only be done where the outcomes of the most appropriate use and tenure evaluation is consistent with the regional departmental plan.

## Objects of the Land Act

The objects of the Land Act are defined in section 4 of the Land Act. Land to which the Act applies must be managed for the benefit of the people of Queensland by having regard to the following principles: sustainability, evaluation, development, community purpose, protection, consultation and administration.

Refer to the table in **Attachment 3** for guidance on the meaning of these principles and how they may be considered in evaluating land to assess most appropriate use and most appropriate tenure.

## State-level commitments

From time to time government agencies will make high-level commitments involving land allocation, subject to relevant statutes. There is scope within the land evaluation process for the recognition of state-level commitments and undertakings.

State-level commitments should not be disregarded, as they provide valuable input into the evaluation process - by providing a clear representation of the views and aspirations of the parties to such commitments or agreements. If an officer carrying out the evaluation forms a view that certain aspects of a state-level commitment may not be workable in terms of most appropriate use and tenure outcomes, they should consult with relevant state parties and make comment in their land evaluation report and suggest possible alternatives. However, a decision cannot be bound by a non-statutory commitment, as a decision-maker is bound by the requirements of the Land Act.

## The importance of consultation

Consistent with the 'consultation' object of the Land Act, there is an obligation to ensure that all persons whose interests may be affected by a land use decision are consulted adequately. Local consultation is particularly important for identifying key local community concerns and issues, such as:

defining where a road to a popular recreational site should be situated to meet community needs, defining responsibility for the trusteeship of new reserves, etc.

Clearly, local governments are well positioned to advise on matters of local concern and the views of their constituents. The local government should always be consulted about significant land use proposals within its boundaries consistent with the practice that the department has always followed. The state has devolved considerable responsibility for land use planning to local government under the Planning Act. To selectively exclude any local government from land allocation and management processes is inconsistent with the state's legislative and policy framework for planning.

A cross-government steering group can assist in the land evaluation by making sure that planners are adequately briefed about existing state-level commitments.

## Complex land dealings

For complex land dealings, before tenure is allocated, more precise analysis at the local level will be needed to resolve local problems such as boundary and access conflicts, and to address other technical issues relating to the grant of tenure.

**Attachment 4** is an example of a process (first developed and applied in respect of dealings in Cape York) for incorporating land evaluations into complex land dealings involving matters of state interest, including native title.

This process draws together the contributions of all the participants in the process, in order to negotiate the way to the suitable tenure outcomes, including those situations where high-level commitments, past acquisitions or other actions by government are involved.

## Legislation

*Aboriginal Land Act 1991*

*Coastal Protection and Management Act 1995*

*Environmental Protection Act 1994*

*Environmental Protection and Biodiversity Act 1999 (Cwlth)*

*Judicial Review Act 1991*

*Land Act 1994*

*Mineral Resources Act 1989*

*Nature Conservation Act 1992*

*Planning Act 2016*

*Torres Strait Islander Land Act 1991*

## Related documents

Operational policy – [Allocation of land in priority in terms of the Land Act 1994 \(SLM/2013/499 = PUX/901/316\)](#)

Guideline – [Allocation of land to state government departments and constructing authorities \(SLM/2013/418\)](#)

Operational policy – [Conversion of leasehold tenure \(SLM/2013/397 = PUX/952/121\)](#)

Guideline – [Deciding the most appropriate tenure of state land \(SLM/2014/1012 = PUX/952/106\)](#)

Operational policy – [Land allocation: deciding most appropriate use, tenure and management \(SLM/2013/481 = PUX/901/101\)](#)

Operational policy – [Lease renewal \(SLM/2013/423 = PUX/901/335\)](#)

Guideline – [Allocating most appropriate use and tenure of state land in coastal areas \(SLM/2013/420 = PUX/952/096\)](#)

[Coastal Management Plan](#)

[Guidelines for Agricultural Land Evaluation in Queensland](#)

[South East Queensland regional plan](#)

[State Planning Policy](#)

## Human Rights

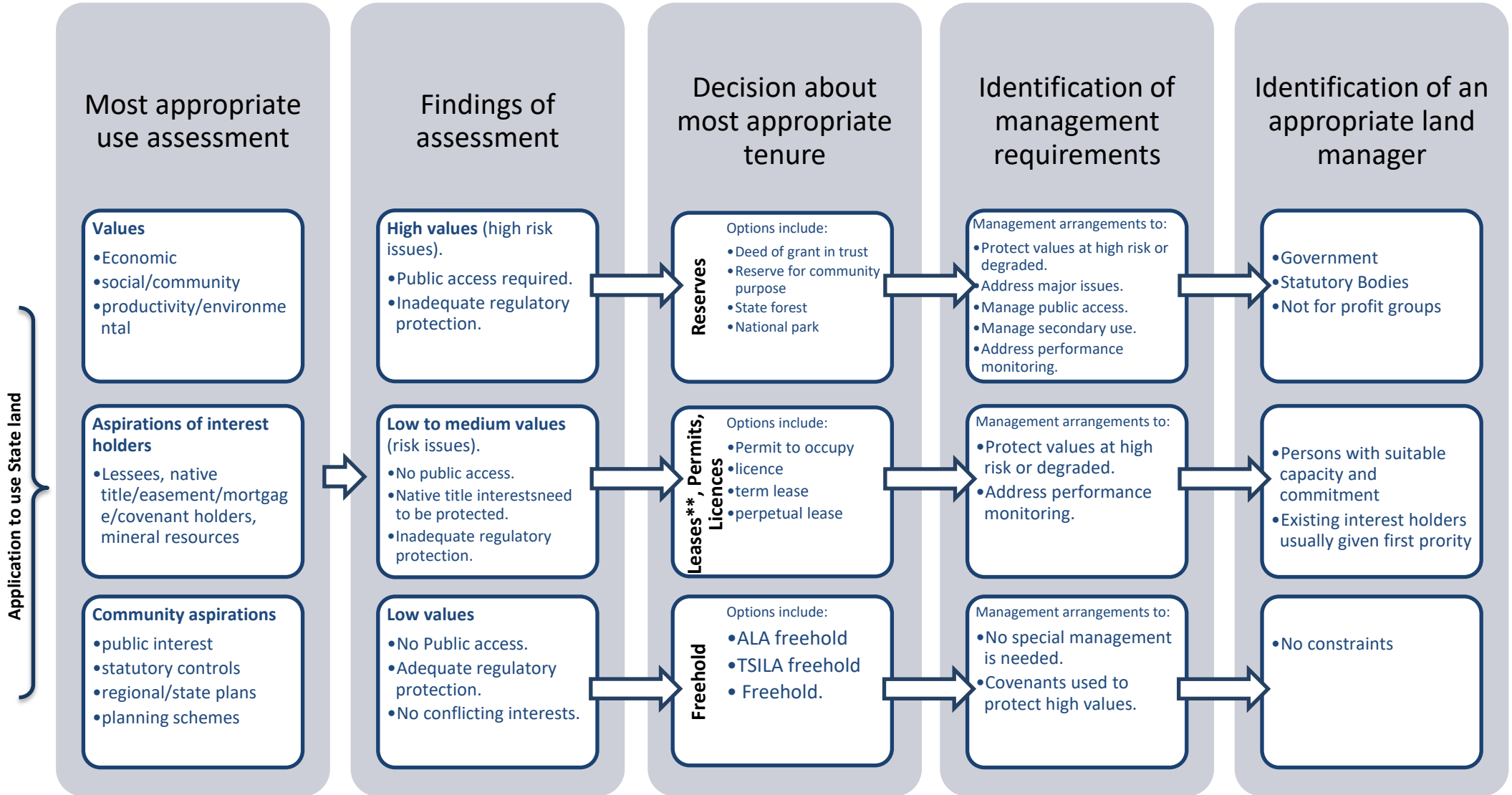
The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

## Further information

- Contact your nearest business centre ([https://www.resources.qld.gov.au/?contact=state\\_land](https://www.resources.qld.gov.au/?contact=state_land)), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68).

# Attachment 1

Land allocation process - sequence leading from the assessment of most appropriate use to the selection of most appropriate tenure and suitable land manager.



\*The level of reserve protection matches the level of inherent value

\*\* The term and conditions of lease governed by land conditions, degradation risk, level of value

## Attachment 2

Guiding principles for deciding when land planning input is required for a land evaluation

NB: Regionally appropriate work procedures based on these guiding principles are encouraged

Land evaluation Considerations	Land planning input not usually required	Land planning input / participation required	Management by land planning appropriate
	<i>Evaluation by SLAM officer only</i>	<i>Evaluation by SLAM officer with help from planner or SVS officer</i>	<i>Land planner commissioned to undertake evaluation</i>
Values (Heritage, productivity, risks, environmental)	Minimal if any values or Values clearly defined and fully protected and managed  (e.g. Serviced land on subdivided lots within developed urban area, low potential for environmental impact or able to be managed by existing codes)	Possible values worthy of protection or management  (e.g. Some services available to the land but others not provided, potential for environmental impact – ESD considerations)	Likely significant values but not defined  Significant values but not protected  (e.g. Un-serviced land outside urban areas, significant potential for environmental impact – ESD issues to be addressed)
Interest holder aspirations (Lessees, native title/easement/mortgage/covenant holders, interests in mineral resources)	Single interest holder seeking to use in a manner consistent with values and community aspirations  (e.g. Tenure previously allocated and land generally used consistently with that purpose)	Possible interest holder conflicts e.g. lessee / native title  Possible conflict with values and community aspirations  (e.g. Tenure may have previously been allocated but there may be some issues arising from the use, and existence of other interests in the land)	Several interest holders with conflicting aspirations  Interest holder has aspirations conflicting with values and/or community aspirations  (e.g. Tenure not yet allocated, or review of existing tenure warranted – issues arising from the use, and existence of other interests in the land are clearly evident)
Community aspirations (Public interest, statutory controls, regional/state plans, planning schemes)	Community aspirations documented in planning scheme / regulatory controls  Low potential for conflicting aspirations  Minimal consultation required	Planning scheme / regulatory controls do not fully address the issues or a planning approval is required  Some potential for conflicting community aspirations  Consultation and resolution may be required	Inadequate planning scheme provisions or regulatory control or a planning approval is required for use which may have significant impact  Significant conflicting community aspirations  Consultation and resolution required

## Attachment 3

Addressing the objects of the Land Act – in terms of relevant issues in a land evaluation

Object	Principle	Land Evaluation Issues
<b>Sustainability</b>	Sustainable resource use and development to ensure existing needs are met and the State's resources are conserved for the benefit of future generations	<ul style="list-style-type: none"> <li>○ Performance of tenure conditions and compliance</li> <li>○ Risk management</li> <li>○ Ecologically Sustainable Development (ESD)</li> <li>○ Biophysical attributes</li> <li>○ Catchment management</li> <li>○ Protection of biodiversity</li> <li>○ Vegetation management</li> <li>○ Water management</li> <li>○ Soil conservation</li> <li>○ Protection of good quality agricultural land</li> <li>○ Land condition &amp; trend</li> <li>○ Land degradation – existence of &amp; susceptibility to</li> <li>○ Economic efficiency – industry issues, costs to State and community, viability, industry policy, incentives</li> <li>○ Land management practices</li> <li>○ Living area standards</li> <li>○ Subdivision patterns – density</li> <li>○ Pest management (economic and environmental impacts of infestation)</li> </ul>
<b>Evaluation</b>	Land evaluation based on the appraisal of land capability and the consideration and balancing of the different economic, cultural and social opportunities and environmental values of the land.	<ul style="list-style-type: none"> <li>○ <i>This object embraces the bringing together all the considerations under the other 6 objects of the Act in the form of the land evaluation.</i></li> </ul>
<b>Development</b>	<p>Allocating land for development in the context of the State's planning framework, and applying contemporary best practice in design and land management.</p> <p>When land is made available, allocation to persons who will facilitate its most appropriate use that supports the economic, social and physical well-being of the people of Queensland.</p>	<ul style="list-style-type: none"> <li>○ Community aspirations</li> <li>○ Local government planning strategies and policies, e.g. planning schemes, local laws, corporate plans</li> <li>○ Regional planning strategies and policies – regional plans including Commonwealth strategies and policies</li> <li>○ State planning strategies and policies – State planning policies, State infrastructure plans, State interests recorded in planning schemes</li> <li>○ Economic efficiency – industry issues, costs to State and community, viability, industry policy, incentives</li> <li>○ Interests – recognition and recording of existing and proposed</li> <li>○ Access to infrastructure and services</li> <li>○ Land ethic/duty of care</li> <li>○ Physical and legal access</li> <li>○ Compatibility – addressing land use conflicts</li> <li>○ Term of tenure – occupation and conditions</li> <li>○ Survey requirements</li> <li>○ Public utility requirements</li> <li>○ Effects of incrementalism</li> </ul>



Object	Principle	Land Evaluation Issues
<b>Community purpose</b>	If land is needed for community purposes, the retention of the land for the community in a way that protects and facilitates the community purpose.	<ul style="list-style-type: none"> <li>○ Community aspirations</li> <li>○ Suitability for reservation for a community purpose</li> <li>○ Public access</li> <li>○ Recreation needs</li> <li>○ Community land requirements – existing and future</li> <li>○ Addressing special needs of disadvantaged members of society</li> <li>○ Capacity of on-going maintenance and management</li> </ul>
<b>Protection</b>	Protection of environmentally and culturally valuable and sensitive areas and features.	<ul style="list-style-type: none"> <li>○ Catchment management</li> <li>○ Protection of biodiversity</li> <li>○ Biophysical attributes</li> <li>○ Pest management</li> <li>○ Protection of valuable features (e.g. unique, irreplaceable)</li> <li>○ Reservation and protected area status under legislation</li> <li>○ Heritage</li> <li>○ Conservation</li> </ul>
<b>Consultation</b>	Consultation with community groups, industry associations and authorities is an important part of the decision making process.	<ul style="list-style-type: none"> <li>○ Public interest</li> <li>○ Public access to information &amp; processes</li> <li>○ Appropriate consultation</li> <li>○ Addressing special needs of disadvantaged members of society</li> <li>○ Amenity &amp; nuisance considerations</li> <li>○ Social &amp; economic impacts</li> <li>○ Interests including native title, easements, subleases, mortgages, etc</li> </ul>
<b>Administration</b>	<p>Consistent and impartial dealings.</p> <p>Efficient, open and accountable administration.</p> <p>A market approach in land dealings, adjusted when appropriate for community benefits arising from the dealing.</p>	<ul style="list-style-type: none"> <li>○ Accountability in decision making</li> <li>○ Procedural fairness</li> <li>○ Consistency</li> <li>○ Protection of existing interests, including native title, easements, subleases, mortgages, etc</li> </ul>

## Attachment 4

An example process\* for incorporating land evaluations into complex land dealings involving matters of State interest, including native title.

(NB: Regionally appropriate processes based on this example are encouraged)

Process	Actions	SLAM	NTILS	ATSIAB	Land Planning	Policy Units	IK&S
<b>Project Scope</b>							
Application/proposal initiated	Identify Land. Title searches, BLIN maps, Survey Plans, Notings database search, JTS search, file searches. Initiate action for supply of natural resource mapping for land evaluation	X					
<b>Identify land interests</b>							
Establish aspirations of "key" interested parties	Establish aspirations of "key" interested parties	X	X	X	X		
Agree on scope, process, roles, timelines and required resources	Identify extent of NR&M involvement (Form Team)	X	X	X	X		
<b>Land Use Planning</b>							
Land evaluation	Land evaluation report. Identify all interested parties/stakeholders. Seek input from all interest parties/stakeholders, Research issues which will influence outcome of the land evaluation e.g. planning schemes, physical attributes, etc, Collate information, prepare report including recommendation as to most appropriate tenure and use	X			X		X
Review & confirmation of direction – most appropriate use and tenure	Review of Land Evaluation Report and Recommendation and Approval. Depending on the profile of the land being assessed, whether it's part of a whole of government project, political implications, etc, the report should be referred to the Regional Service Director, Director-General and/or Minister.	X	X	X	X	X	X
<b>Negotiation</b>							
Identify issues of concern and seek resolution	Preliminary ALA or TSI consultation. Initial discussions with Aboriginal or Torres Strait Islander parties particularly concerned with the land.		X	X			
<b>Agreement in principle</b>							
Interim arrangements where necessary	Interim arrangements (if required). Establish type of arrangements to be put in place, ascertain views of any interested parties to the interim tenure arrangements, make formal "offer" to proponents/beneficiaries of interim arrangements, plan of survey defining area provided by proponents/beneficiaries, seek ministerial approval for creation of reserve, gazettal of new reserve and appointment of trustees.	X	X	X	X	X	
Formal agreement	Decision making by Minister or Director-General. Approval or otherwise of the findings of the Land evaluation Report made by delegated officer. (Note: The Land Act (Chief Executive) Delegation (No.1) 2002 delegates the powers of the Chief Executive Officer down as far as Level 4 (Senior Land Officer)	X	X				
	Formal Agreement. Including ILUA if required.		X				
<b>Implementation</b>							
Tenure actions	Implementation. DNR&M's involvement could include: survey and plan preparation, cancellation of existing tenures, ALA or TSILA grant & establish Land Trust, Land Act leasing arrangements, conversion	X		X			

\*First developed and applied in respect of dealings