

Renewal of pastoral leases

Information note & recommended practice

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Approval

Position	Name	Date
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1 Plans for renewal of pastoral leases

1.1 Background

A variety of types of plans have been used to identify land for the purposes of issuing pastoral leases under the *Land Act 1994*. These range from plans depicting a survey of the land through to a small-scale diagram giving an approximate depiction of the land.

When leases are to be renewed, the plan is investigated by departmental surveyors to ensure there is a suitable description of the parcel, in accordance with a departmental Standard Operating Procedure. That procedure will result in a recommendation to SLAM that one of the following applies:

- the plan is acceptable
- the plan is acceptable with minor amendments (e.g. lot number, area)
- there are survey plans behind the current plan which would make a more suitable description of the holding – convert the holding description to that Lot on Plan
- the plan is not acceptable and a new survey plan is required.

1.2 Amendments to legislation

Amendments to the *Land Act 1994*, which commenced on 1 July 2014, change the way in which pastoral leases can be renewed. Those pastoral leases that, under the amended Act will be specified as rolling term leases, will be able to be renewed at any time during the last 20 years of the current term of the lease, under a streamlined renewal process.

For these renewals, the suitability of the current plan will be assessed using the same criteria as have been applied previously.

1.3 Facilitating the plan preparation process

It is anticipated that a significant number of lessees will seek to renew their pastoral leases when the amendments come into effect. To minimise delays in dealing with the increased volume of work that may result for the department, the following are being undertaken:

1. All pastoral leases with a Lot on PH description have been assessed with regard to the suitability of the current plan. Of the 650 lots identified, 40% to 50% of these will require a new plan to be prepared.
2. The minimum requirements for preparation of a new plan have been assembled into a single document as a Recommended Practice (see section 2 Recommended Practice). There are no significant differences in this document to what is currently required for such plans.
3. All lessees who are subject to the amended renewal provisions were notified in writing prior to 1 July 2014. Those who require a new survey plan were advised of this.
4. The department will provide, at no cost, an information kit for each lease that

requires a new plan. See section 1.4 Information Kit for more details.

5. The decision to renew a lease under the amended Act, and the choice of a surveyor to prepare a plan (if required) is entirely up to the lessee. However, it is recognised that there may be economies of scale if a single surveyor prepares multiple plans for adjoining leases. Surveyors may wish to advise their clients of potential savings if a group of adjoining leases are prepared as part of the same project.

1.4 Information Kit

Information Kit contents

- Current plan
- Survey search
- Smartmap
- Survey control information
- Current imagery (i.e. from statewide SPOT coverage, with an overlay of the lease boundaries as depicted in the DCDB; and a digital image extract). If this imagery is inadequate for the particular lease, the surveyor can contact the department to ascertain what other imagery may be available.
- Historical image of the lease
- Lease title

Obtaining an Information Kit

Surveyors who have been requested by a lessee to provide a quotation, or who have been commissioned to prepare a plan, can obtain the survey information kit at no cost by sending an email as follows:

email address: opendata@dnrme.qld.gov.au
subject line: PH survey information kit
email contents: Lot on plan reference; your contact details

The information kit will be emailed to you.

Obtaining additional information

Where additional survey plans or colour copies of plans are required, or information is required from the lease file, contact the local DNRME regional surveyor.

It is recommended that, in addition to the above material, surveyors ascertain whether there is information available from other sources (e.g. the landowner, Natural Resource Management body, AgForce, the Qld Globe and its category globes).

2 Recommended Practice

2.1 Pastoral holdings requiring a new survey plan at lease renewal

1. The approach to be taken in preparing these plans is to use the best available information to depict the boundaries of the lease, without conducting a field survey. These plans must comply with Cadastral Survey Requirement 3.11 *Compiled Plans*.
2. Unless the preparation of the plan involves surveying one or more boundaries on the ground (i.e. placement of marks and measurement using conventional survey accuracies), the plan is to be certified with a Form 18.
3. Where the current plan or adjoining plans show surveyed dimensions, show these dimensions.
4. For an unsurveyed boundary that is described in the legal description as following a natural feature (watercourse or watershed) – plot the feature from the best available source (e.g. from current imagery). Dimensions are not required to be shown (i.e. no points table). If an area is to be calculated, assume a nominal width for watercourses, if appropriate.

The plan will be a first new plan of survey under Part 7 of the *Survey and Mapping Infrastructure Act 2003* if it has a water boundary (tidal boundary or non-tidal watercourse boundary). A very simple report is required - see the sample report below.

5. For an unsurveyed boundary that is described in the legal description as following a fence –
 - a. plot the fence from current imagery, if its location can be identified and it is generally consistent with the legal description; or
 - b. otherwise, plot the boundary from the current PH, or another historical source if it provides a better location than the current plan.

Dimensions are to be shown on the boundaries, together with a notation on the plan that the boundary coincides with the fence.

6. For an unsurveyed boundary that is described in the legal description using ‘about’ dimensions –
 - a. If there is evidence in imagery of a fence line that is generally in the same location as the legal dimensions – subject to agreement from the subject and adjoining lessees¹ that the fence is used as the boundary, the fence constitutes the boundary, and new dimensions are determined using imagery (coordinates² are determined as secondary evidence of the location of the fence)

¹ Where a plan is being prepared for a lease (Lease A) and the determination of a boundary involves the consent of the adjoining lessee, the adjoining lease (Lease B) will be the subject of an adjustment notice approved by the Minister (or the Minister’s delegate) under Section 360A(3)(d) of the *Land Act 1994*. The purpose of the adjustment notice is to give effect to the definition of the common boundary for Lease B. The existence of the adjustment notice will be recorded as an administrative advice against the lease title for Lease B. Evidence of Lessee A’s consent will be by their signature on the reverse of the plan. Evidence of Lessee B’s consent will be in written form accompanying the plan (e.g. a signed letter).

² Where coordinates are provided, these are given with reference to the current geodetic datum, and the source of the coordinates should be identified (e.g. georeferenced satellite imagery).

- b. If there is no evidence in imagery of a visible limit between the properties –
 - i. use current 'about' dimensions
 - ii. if the terminal points of boundaries can be determined from other information, determine better dimensions
 - iii. if there is a fence that is adopted as the boundary between leases, and both lessees agree by endorsing the plan, the fence becomes the boundary, as per a. above, and the plan bears a notation to that effect.

[For b. ii and b. iii, where possible using existing sources, determine coordinates that become secondary evidence of the location of the boundary.]

There must be notations on the plan describing how particular boundaries have been determined.

It is not a requirement that the surveyor seeks to negotiate or mediate the location of the boundary between adjoining lessees. However, if an agreement exists, or can be readily achieved, this would present an opportunity to give greater certainty to the location of the boundary.

- 7. For an internal unsurveyed road or railway
 - a. plot the road or railway from the current PH plan, or from another historical source if better than the PH plan (dimensions not required); or
 - b. if there is evidence in imagery of a road formation or railway line that is generally in the same location as that shown in the current PH plan, the centre line may be plotted from current imagery. (Record the location of the centreline on the plan or in the survey records.)
- 8. For an external unsurveyed road or railway
 - a. if there is evidence in imagery of a road formation or railway line that is generally consistent with the boundary shown in the current PH plan – plot from current imagery, and generate dimensions for the plan; or
 - b. plot the road or railway from the current PH plan, or other historical source if better than the PH plan, and generate dimensions for the plan.

2.1.1 Sample report for compiled watercourse boundary

This is a compiled plan depicting land that is the subject of a term lease. It is a first new plan of survey under section 108 of the SMIA. The boundary of the land with ___ River has never been surveyed. Due to the extent of the land, the length of the watercourse and the purpose of this plan, it is not practical to survey the watercourse boundary. The watercourse boundary has been compiled from (name sources) and is generally in the same location as depicted in recent satellite imagery (describe imagery – SPOT, etc.). The feature that satisfies section 100 of the SMIA constitutes the watercourse boundary.