



application guidelines

Amendment to the description of a lease

This fact sheet explains how to apply for an amendment to the description of a lease and how the Department of Natural Resources and Water (NRW) assesses application under *Land Act 1994*.

When you can apply

Leaseholders can apply to amend the description any time during the term of a lease when:

- on re-survey of the land, the boundaries of the land do not agree with the boundaries described in the existing lease and no doubt exists about the boundaries of the land
- the boundaries of the land have significantly changed because of erosion or by gradual and imperceptible degrees due to natural causes.

How to apply

To amend the description of a lease, you must submit:

- the amendment to the description of a lease application form, with both parts A and B completed
- the prescribed application fee.

Though you can submit an application at any NRW office, it is preferable to do so at the office nearest the property involved, where staff can also advise you of the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to you for completion, which will delay the process. It is therefore advisable to discuss your application with NRW staff before lodgement, if you have any queries.

See the NRW Website <www.nrw.qld.gov.au> for a list of NRW offices and application fees, or contact the department.

What NRW considers

When assessing your application against the requirements under the Land Act, NRW will also:

- use relevant NRW policies, procedures and guidelines

- seek the views of relevant stakeholders, for example other state government agencies and local government authorities
- consider native title issues
- ensure that all outstanding rent on the lease is paid.

An NRW officer may also inspect the leased land.

A survey of the boundaries of the lease must be carried out by a registered cadastral surveyor, in accordance with the relevant legislation and standards.

If the survey is of land bounded in part or whole, by water, the particular requirements for surveys of such boundaries are set out in Chapter 4 of the Department of Natural Resources and Water Cadastral Survey Requirements available on the website at www.nrw.qld.gov.au.

There are currently restrictions on the registration of plans of survey of boundaries adjoining tidal water. Advice on the process to be adopted for these surveys can be obtained from a surveyor.

Native title

As part of the process, NRW will undertake a native title assessment of the leased land to determine if, and how native title may need to be addressed.

Depending on the outcome, the leaseholder (as a condition of the offer) may be required to satisfactorily address native title issues for the proposed tenure offered.

Notice of the decision

NRW will notify applicants of the decision in writing when it has investigated all issues, including native title.

More information

For more information on amendment to the description of a lease, contact the nearest NRW office.