

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

You can apply for all *Land Act 1994* applications online.

Part B - Form LA05

Subdivision of a Lease Application

Land Act 1994

Requirements

- 1. Use this application form to apply for Subdivision of a Lease.
- 2. Please read the respective <u>subdividing a lease guide</u> which includes application restrictions. The content on this page may help you decide if this application form applies to you and your needs. It will also help guide you through the application process.
- Payment of the prescribed Application fee per title reference. A refund of application fees will not be given. Details of fees are available on the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development website at or contact you nearest business centre or call 13 QGOV (13 74 68).
- 4. Part A online form: Contact and land details or Part A Part A L00 Contact and land Details (PDF) must be completed and submitted with your application.
- 5. Any additional information to support the application.
- 6. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

- For detailed information and to ensure you complete the correct application form, we encourage you to arrange a prelodgement meeting and refer to the <u>Land Act 1994</u>. Contact your nearest <u>business centre</u> to arrange a meeting.
- Refer to Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) Operational Policy – <u>Lease Subdivision SLM/2013/428</u> available on the departments website at <u>Our</u> Policies.
- 9. An application for Subdivision cannot be made if:-
 - the <u>Land Act 1994</u> or a condition of the lease prohibits subdivision; or if the lease is:
 - tied by condition or covenant to another lease or freehold; or
 - an auction perpetual lease that is a perpetual country, suburban or town lease; or
 - a perpetual lease selection; or
 - an agricultural farm (started before 31 December 1991); or
 - a freeholding lease where the remaining instalments are less than \$6,750; or
 - a freeholding lease where each new lease will be held only by a family member of the lessee of the original lease and the unpaid purchase price is less than the minimum instalment payable; or
 - a freeholding lease with a current hardship concession and the unpaid purchase price is less than the reduced minimum instalment.
- For freeholding leases generally, the existing lease should be freeholded and subsequently dealt with as a subdivision under the Land Title Act 1994.
- 11. An application to subdivide an existing term or perpetual lease for rural leasehold land may be considered:
 - where a leaseholder wishes to dispose of, or surrender, a portion of the lease to the state, and retain the balance as a single pastoral, grazing or agricultural operation
 - to facilitate build-up by the disposal of the entire lease within the same locality

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- to rearrange adjoining lots to provide for improved cadastre or natural resource management.
- 12. Applications to subdivide an existing term or perpetual leases (other than leases for rural leasehold land) will be determined on their individual merits following investigation which will include an assessment whether leasehold is the most appropriate tenure. If leasehold is determined as not being the most appropriate tenure and the circumstances allow, consideration will be given to converting the existing lease to freehold and a subdivision of the land may then be progressed having regard to the *Planning Act 2016* and the *Land Title Act 1994*.
- 13. If your application for subdivision is successful, you may also be required to provide a plan of survey at your expense.
- 14. You must continue to pay the rent until you have fulfilled the conditions of a new tenure, if one is offered.
- 15. If the subdivision is approved, the existing lease will be required to be surrendered to enable the new leases to issue and any encumbrances current on the existing lease as at the effective date of surrender, will carry over to the new leases issued.
- 16. If the existing lease is a rolling term lease, each new lease (if offered) is a rolling term lease, even if the lease is less than 100 hectares.

Information and Data collection

- 17. Information on this form, and any attachments, is being collected to process and assess your application under section 176 of the <u>Land Act 1994</u>. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
- 18. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@nrmmrrd.qld.gov.au if you do not wish for the department to contact you.
- 19. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
- 20. For further privacy information click Privacy page https://www.nrmmrrd.qld.gov.au/legal/privacy>.

Office Use Only Subdivision of lease application



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1. Is your lead prior to 31	ase an Auction Perpetual Lease (APL); Perpe 1 December 1991?	tual Lease Selection (PLS); or an Agricultural Farm (AF) issued		
	Yes	An application cannot be considered		
	□ No	go to 2		
Auction Perpetual Perpetual Lease	nay not be made to subdivide a lease in the followin al Leases that is a perpetual country, suburban or to e Selections (PLS) n (AF) issued prior to 31 December 1991.	g instances, refer to section 489 of the <u>Land Act 1994</u> . own lease (APL)		
2. Is your lea	ase a Freeholding lease?			
	Yes	go to 3		
	□ No	go to 6		
	Freeholding lease do you have a current hards urchase price is less than the reduced minimu	ship concession in relation to payment of the instalments and the m instalment?		
	Yes	An application cannot be considered		
	□ No	go to 4		
	partment if you are unsure whether you are eligible to a) of the <i>Land Regulation 2020</i> .	to subdivide your lease having regard to section 489 of the <u>Land Act 1994</u>		
4. For your Freeholding lease, will the subdivision create new leases held only by a family member of the lessee and the unpaid purchase price is less than the minimum instalment payable?				
	Yes	An application cannot be considered		
	□ No	go to 5		
	partment if you are unsure whether you are eligible to o) of the Land Regulation 2020.	to subdivide your lease having regard to section 489 of the Land Act 1994		
5. Do you ha	ave less than \$6,750 to pay in instalments for	your Freeholding lease?		
	Yes	An application cannot be considered		
	□No	go to 6		
		e <u>Land Regulation 2020</u> an application may not be made to subdivide a		
	se to be subdivided for rural leasehold land?			
	П.,	. -		
	☐ Yes	go to 7		
	□ No	go to 7		
	nis type of lease will need to satisfy the requirement			

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		?	
	Пу		
	☐ Yes	go to 8	
	No	go to 8	
The lease may need to be convert		a freehold subdivision under the Land Title Act 19	<u>994</u> .
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8. Why is the proposed subconsultation Subdivision, in particular,	provide evidence that the proposed	he reasons is required for the proposed I subdivided properties will be viable.	go to 9
(If there is insufficient spa	ce, please lodge as an attachment)		
9. Is the lease subject to a r	nortgage?		
or to the loade outgood to a r			
	Yes	go to 10	
	_		
	∐ No	go to 10	
		go to 10 need from the registered mortgagee, and must be at	tached to the
If Yes, the written consent to the a application form.		-	tached to the
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Attachments

The following must be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

12. Tick the box to confirm the attachments for part of the application:		
Application Fee.		
Part A online form – Contact and Land details or Part A L00 – Contact and Land details (PDF)		
Plan/Property sketch/aerial photo overlay showing proposed subdivision.		
Statement of the lessee's reasons for proposed subdivision.		
Statement from the relevant local government of its views on the proposed subdivision.		
Evidence of pre-lodgement discussions with the department, if applicable.		
Written consent of Mortgagee, if applicable.		
Written consent of Sub-lessee or other registered interest holder, if applicable.		
It is recommended that any attached plans, sketches, or maps be of A4 or A3-size. For your application to be processed, all parts of this application form must be completed accurately. Otherwise, your application may be returned to you to complete or refused.		
Production		
Declaration		
I certify that I have fully complied with the conditions of the lease.		
I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.		
Signature of applicant (or their legal practitioner)		
Date: / /		
If applicant, section 142 of the <u>Land Act 1994</u> states a person is eligible to apply for, buy or hold land under the <u>Land Act 1994</u> if the person is		

If applicant, section 142 of the <u>Land Act 1994</u> states a person is eligible to apply for, buy or hold land under the <u>Land Act 1994</u> if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant, then the legal practitioner's full name must be printed immediately below the signature.

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