



application guidelines

Lease state land

This fact sheet explains how to apply to lease state land and how the Department of Natural Resources and Water (NRW) assesses applications under the *Land Act 1994*.

Leases

A lease may be issued over unallocated state land (including land below high water mark) or a reserve.

Leases are issued for specified purposes, for example grazing, agriculture, sporting, tourism or telecommunication.

Depending on the use, location and other issues, leases are generally issued for a term which may be up to 30 years. However, in certain circumstances, a longer term may be considered.

An annual rent will be charged, which usually will be calculated at a percentage of the valuation of the land, but will not be less than the minimum rent under the *Land Regulation 1995*.

When you can apply

An application can be made to lease state land at any time.

If you wish to lease a reserve you should first apply to the trustee of the reserve for a trustee lease.

For a lease over a national park or a state forest you must apply to the Environmental Protection Agency.

An application cannot be made by, or on behalf of, a person under 18 years of age.

How to apply

To lease state land, you must submit:

- application to lease state land 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 of the Land Act to determine the most appropriate use and tenure and whether the land may be offered with or without competition, 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.

It is very important that applicants read NRW Policy:

- PUX/901/315 (Criteria and Method for Disposal of Unallocated State Land)
- PUX/901/316 (Allocation of Land in Priority in Terms of the *Land Act 1994*).

Leases of unallocated state land may be granted without competition if:

- the land is needed for a public purpose
- the Minister for Natural Resources and Water decides the land is not needed for a public purpose
- the intended use is the most appropriate use of the land
- exposure to public competition is inappropriate or one or more of the priority criteria under Section 123 of the *Land Act 1994* apply.

Section 123 defines the priority criteria as:

- the applicant is an adjoining registered owner or leaseholder, and selling or leasing to anyone else would be considered inequitable
- no other parties are likely to be interested in obtaining the land
- the applicant held a significant interest in the land before it became unallocated state land
- there is no dedicated access and the only practical access is through the applicant's land.

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 upon 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.

Requirements of an offer

If an application is approved, the written offer sets out conditions such as:

- acceptance of the terms and conditions of the lease
- payment of the first year's rent
- payment of the value of any improvements
- lodgement of a plan of survey, if needed
- payment of all regulatory fees and charges.

The offer will also include a Notification of Acceptance form that must be completed and returned to NRW within the timeframe specified or it will lapse.

Issue of new tenure

It is the Minister that grants the new tenure and NRW will seek approval to issue the new tenure in the leaseholder's name, when all the requirements and conditions of the offer have been satisfied.

More information

For more information on leasing state land, contact the nearest NRW office.