



application guidelines

Purchase state land

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

If you wish to purchase your existing land act lease you will need to refer to the application for conversion of a lease fact sheet.

Land below high water mark may not be purchased but may be leased. You will need to refer to the application to lease state land fact sheet.

When you can apply

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

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

How to apply

To purchase state land you must submit the following:

- application to Purchase or 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 one 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 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 requirements of the Land Act, 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 an applicant 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*).

A purchase of unallocated state land may be granted without competition if the Minister for Natural Resources and Water decides the land:

1. is not needed for a public purpose
2. the intended use is the most appropriate use of the land
3. 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 lessee, and selling or leasing to anyone else would be considered inequitable
- no other persons are likely to be interested in obtaining the land
- the applicant held a significant interest in the land before it became USL
- there is no dedicated access and the only practical access is through the applicant's land.

Also, a constructing authority as defined under the *Acquisition of Land Act 1967* may be dealt with in priority.

Native title

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

Depending upon the outcome, the applicant (as a condition of the offer) may be required to satisfactorily address native title issues.

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 to purchase is approved, the written offer sets out various conditions e.g. you may need to have the land surveyed; or you may be required to enter into a conservation agreement.

The offer will also set out requirements that must be met before the offer is considered to have been accepted. Requirements usually include:

- payment of the purchase price, including GST
- 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 Governor-in-Council that grants the new tenure and NRW will seek approval to issue the new tenure in the landholder's name, when all the requirements and conditions of the offer have been satisfied.

More information

For more information on purchase of unallocated state land, contact the nearest NRW office or visit the website at www.nrw.qld.gov.au.