

Purchase of State land

This fact sheet explains how to apply to purchase unallocated State land and how the Department of Environment and Resource Management (DERM) assesses applications under the *Land Act 1994*.

If you wish to purchase your existing Land Act lease you will need to refer to fact sheet L116—*Application for conversion of a lease*.

Land below high water mark may not be purchased but may be leased. For more information, refer to fact sheet L125—*Lease State land* fact sheet.

When to 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:

- Part A *Contact and Land Details* form LA00 and Part B *Application to purchase or lease State land* form LA10—with both parts A and B completed
- prescribed application fee.

Though you can submit an application at any DERM business centre, it is preferable to do so at the one nearest the property involved, where staff can advise 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.

If you have any queries, please discuss your application with DERM staff before lodgement.

For a list of DERM business centres, visit DERM's website <www.derm.qld.gov.au> or contact the department on 13 QGOV (13 74 68).

Application considerations

When assessing your application against requirements of the Land Act, DERM will also:

- use relevant DERM policies, procedures and guidelines
- seek the views of relevant stakeholders (e.g. other state government agencies and local government authorities)
- consider native title issues.

It is very important that applicants read the following DERM policies—available from the website <www.derm.qld.gov.au>:

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

A purchase of unallocated State land may be granted without competition if the Minister decides:

- the land is not needed for a public purpose
- the intended use is the most appropriate use of the land
- one or more of the priority criteria under section 123 of the Land Act applies.

The Land Act, section 123 defines the priority criteria as follows:

- 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 unallocated State land
- there is no dedicated access and the only practical access is through the applicant's land
- the purchase price will be the market value for the land plus GST (if applicable).

Native title

DERM 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

When DERM has investigated all issues, including native title, it will give applicants written notice of the decision.

Requirements of an offer

If an application to purchase is approved, the written offer sets out various conditions. For example, 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 DERM within the timeframe specified or it will lapse.

Issue of new tenure

It is the Governor in Council that grants the new tenure and DERM 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.

Further information

For more information on purchase of unallocated state land contact a DERM business centre or visit DERM's website <www.derm.qld.gov.au>.

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For general enquiries contact the
Queensland Government call centre 13 QGOV (13 74 68)
or visit www.derm.qld.gov.au