



application guidelines

Allocate or purchase a reservation in title

This fact sheet explains how to apply for a reservation in title and how the Department of Natural Resources and Water (NRW) assesses applications under the *Land Act 1994*.

What is a reservation in title?

A reservation in title is an area excluded from a title for a public purpose and may be contained on both freehold and leased land.

A road reservation is the most common type of reservation in title, other types include esplanades and railways, such reservations are different from land which is set apart as a reserve. Reservation localities are normally undefined; however some are in a fixed location.

When can you apply

The purchase of a reservation in title can be made at any time by an owner of freehold land that contains a reservation (defined or otherwise) for a public purpose.

If a plan of subdivision of a lot containing a public purpose reservation is lodged without the authorisation of NRW to allocate, the plan will not be registered until this authority is obtained. It is important to consider a public purpose reservation in the initial planning stage of a subdivision proposal.

It is important to note that except in the case of family hardship or whether the action is not instigated by the owner, a public purpose reservation will not be allocated to a lot on subdivision and must be purchased unless it is required for its public purpose.

An application to allocate road reservation may also be made as a result of boundary realignment by the local council or the Department of Main Roads.

How to apply

To apply for a reservation in title, you must submit:

- the allocate or purchase application form, with 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 of the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to the applicant for completion, which will delay the process. It is therefore advised 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 the requirements of the Land Act, NRW will also:

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

If an owner of freehold land applies for allocation of purchase of a road reservation, the local government or where there may be a possible requirement for a state controlled road, the Department of Main Roads must be consulted before consideration is given to disposing of the reservation.

An NRW officer may also inspect the leased land.

Family hardship

Hardship will be considered on a case by case basis but may include where an elderly person may need the support of a family member and that member's family, and due to local government restrictions, the land would need to be subdivided to enable a separate dwelling for that family.

Native title

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

Notice of the decision

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

Note: If approval has previously been provided to allocate a reservation for either of the two exceptions (family hardship or action not instigated by the owner), no further approval to allocate will be given.

Requirements of an offer

If an application to allocate or purchase reservation in title is approved, the written offer sets out various conditions.

If purchase reservation in title is approved, you will be required to pay the market value of the area of land within the reservation. The valuation is determined by the NRW.

The payment of the purchase price must be paid in a single payment.

The offer also will set out the manner in which written acceptance is to be made to enable an amendment to the existing tenure to occur.

Further information

For more information about allocating or purchasing a reservation in title, contact an NRW service centre or visit the website at <www.nrw.qld.gov.au>.