

Deed over an operational property held under reserve tenure

This fact sheet explains how to apply for a deed of grant over an operational property held under reserve tenure, and how the Department of Environment and Resource Management (DERM) assesses the application under the *Land Act 1994*.

What is an operational property?

An operational property is a reserve that was set apart under the *Land Act 1962* (repealed) for a public purpose but does not include a reserve dedicated for a community purpose under the current *Land Act 1994*.

Examples of possible operational reserve properties include reserves for police, electrical works, local government and State schools.

When to apply?

An application to issue a deed of grant over an operational reserve property may be made at any time provided the applicant:

- is registered as the trustee on the current title for the reserve
- provides evidence that a native title assessment of the land, undertaken in accordance with government's native title work procedures, has determined that native title has been adequately dealt with to support the issue of a deed of grant.

If the applicant is a State government agency, the Queensland Land Registry must show the subject parcel of land as being an asset of the applicant.

How to apply

To apply for a deed of grant over an operational reserve property you must submit:

- Part A *Contact and Land Details* form LA00 and Part B *Application for a deed over operational reserve property* form LA26, with both parts A and B completed
- the prescribed application fee.

Though you can submit an application at any DERM business centre office, it is better to do it at the office nearest the property involved, as staff can advise the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to you to revise, which will delay the process. If you have any queries, 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 the requirements of the Land Act, DERM will also:

- use relevant DERM policies, procedures and guidelines
- consider the registered interests in the reserve
- seek the views of relevant stakeholders.

A DERM officer may also inspect the land.

Notice of the decision

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

If the application is approved and is for part of an operational reserve lot, the applicant may be required to provide a survey plan, suitable for registration under the *Land Title Act 1994*, showing the area applied for and the balance land.

It is the Governor in Council that grants the new tenure. If the application is approved DERM will seek approval to issue the new tenure in favour of the applicant, when all the requirements and conditions of any offer have been satisfied.

Further information

For more information on how to apply for a deed of grant over an operational reserve property, contact a DERM business centre or visit DERM's website <www.derm.qld.gov.au>.

August 2011
L173

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