

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application for Consent to Transfer

Part B

Application form requirements

1. This application is for Consent to Transfer a lease or licence.
2. Read the *Consent to Transfer Fact Sheet* which includes application restrictions.
3. Payment of the prescribed Application fee, if relevant.
(Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. Any additional information to support application.
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

Uncompleted or incorrectly completed application forms will be returned to the applicant for completion. Should Consent to Transfer be provided the requirements of the Registrar of Titles must be fully complied with regarding lodgement and registration of documentation for registration. All enquiries as to whether a document is correct for the purpose of registration should be referred to the Registrar of Titles.

Section 142 of the *Land Act 1994* states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or older.

Refer to Department of Environment and Resource Management (DERM) Policy Registration & Dealings-Dealings Affecting the Land - Transfer of Leases at www.derm.qld.gov.au.

All outstanding rental must be paid, before submitting an application for consent to transfer.

If the application is being made by the transferee or their legal representatives, the Application must also be signed by the transferor or their legal representative.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

1. Enter the full name/s of each transferor (Current Lessee/Licensee) as it appears on the title in the Queensland Land Register (If there is insufficient space, please lodge as an attachment)

Proposed Transferor		
Full Name/s	Share held	Share being transferred

go to 2

The person selling the lease (the vendor or current lessee/licensee) is the transferor.

Share being transferred.

2. Enter the full name/s of proposed transferees (Purchaser) and shares in which the property is to be held
Section 142 of the *Land Act 1994* states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or older.
(If there is insufficient space, please lodge as an attachment)

Proposed Transferee	
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.	
Full Name/s (If a company, also provide a contact name)	Share held

Tenancy Details

If a corporation then record ACN ARBN ABN

Transferee's mailing address

Phone number

Mobile phone

Email

go to 3

The person buying the lease (the purchaser or prospective lessee/licensee) is the transferee.

If two or more transferees state tenancy, e.g. joint tenants or tenants in common. If tenants in common specify shares or interest.

For example –

- John Anthony Smith and Patricia Mary Smith - Tenancy would be Joint Tenants
- Terence James Brown ½ share and Maureen Frances Brown ½ share – Tenancy would be Tenants in Common
- Dell Company Pty Ltd ACN 445 667 221, if the transferee is a Corporation, either the Australian Company Number, Australian Registered Body Number or the Australian Business Number must be shown. Tenancy would not be required.

Tenancy details could include – Tenants in Common, Tenants in Common in equal shares, Joint Tenants and Trustee.

The transferee's mailing address is required for service of notices after possession is required to enable rent, rate and valuation notices to be forwarded to the transferee.

3. Enter details of the leases or licences proposed to be transferred

Schedule 2 Schedule of Leases/Licences Proposed to be transferred	
Lease Type & No. and/or Licence No.	Title Reference

go to 4

The details of the land can be found on a current copy of the Title or on your rates notice.

If insufficient space, please add additional description as an attachment.

- 4. Is the application made by the Transferor or their legal representative?** Yes **go to 5** No **go to 5**

If NO, the application must be accompanied by the written authority of the Transferor to the making of this application.

- 5. Is there a registered covenant tying another parcel to any lease or licence nominated in Schedule 2?** Yes **go to 6** No **go to 7**

- 6. Is the tied parcel a lease or licence?** Yes **go to 7** No **go to Schedule 3**

If YES, the tied parcel must be included in Schedule 2.

A prerequisite to the registration of the proposed transfer will be registration of a transfer of the land tied by this covenant.

Schedule 3 Schedule of tied parcels other than a Lease or Licence		
Lot	Plan	Title Reference

go to 7

- 7. Is there a Permit to Occupy used in conjunction with any lease or license nominated in Schedule 2?** Yes **go to Schedule 4** No **go to 8**

The transferor will be required to surrender the Permit to Occupy nominated in Schedule 4 as a condition of approval to this application. Unless otherwise advised all improvements on the permit area owned by the permittee must be removed from the permit area prior to surrender of the permit

Schedule 4 Schedule of Permit to Occupy's used in conjunction	
Permit to Occupy Number	Title Reference

go to 8

8. Is any lease in Schedule 2 within an industrial estate managed by the Property Services Group, Department of Infrastructure? Yes **go to 9** No **go to 9**

If **YES**, Provide the views of the Property Services Group, Department of Infrastructure & Planning (DIP). Industrial Estates that fall under the responsibility of the Property Services Group, Department of Infrastructure & Planning may also be known as DBIRD or Department of State Development (DSD) Industrial Estates. For additional information refer to the website for the Department of Infrastructure & Planning , Industrial Land Planning < <http://www.dip.qld.gov.au/our-services/property-services-group.html> >.

9. Is any lease in Schedule 2 subject to a condition requiring a Performance Guarantee Bond (PGB) or Deed of Indemnity (DOI)? Yes **go to 10** No **go to 10**

If **YES**, The transferor's PGB or DOI will not be released until a replacement PGB or DOI from the transferee has been provided to the Department.

Performance Guarantee Bond – A condition of lease may require the lessee to produce security, usually in the form of money or a bank guarantee, which is held by the state until certain development requirements of the lease have been fulfilled in accordance with the lease and to the satisfaction of the Minister.

10. Is there currently any outstanding rental to be paid on any lease or licence in Schedule 2? Yes **go to 11** No **go to 11**

If **YES**, A condition of transfer will require that at the date of lodgement of the required documentation for registration and all rent owing to the state must be paid.

11. Has the transferor any other current applications with the Department relating to any lease or licence in Schedule 2? Yes **go to 12** No **go to 13**

12. Provide details of the applications with the Department relating to any lease or licence in Schedule 2. (If there is insufficient space, please lodge as an attachment)

go to 13

13. Provide details of the current use of land e.g. grazing (If there is insufficient space, please lodge as an attachment)

go to 14

14. Is a lease in Schedule 2 a Yes **go to 15** No **go to 15**
- Term Lease for pastoral purposes; or
 - Perpetual Lease for grazing or agricultural purposes; or
 - Grazing Homestead Perpetual Lease; or
 - Grazing Homestead Freeholding Lease

If **YES**, A copy of the contract of sale must be provided with this application.

15. Is the lease or licence nominated in Schedule 2 to be held by an Association or Incorporated body? Yes **go to 16** No **go to 16**

In the event that this application is approved, a certified copy of the Certificate of Incorporation will be required to be lodged with the transfer documentation.

Foreign corporations not registered as such in Australia must establish the jurisdiction of their incorporation by production of suitable evidence from the jurisdiction, e.g office copy of certificate of incorporation together with a qualified translation (if required).

16. Is the application to transfer a lease in Schedule 2 a Yes **go to 17** No **go to 18**
- Perpetual Lease for grazing or agricultural purposes; or
 - Grazing Homestead Perpetual Lease; or
 - Grazing Homestead Freeholding Lease.

17. Is the transferee to hold the leases in Schedule 2 as trustee for a family arrangement, or a partnership or corporation, see section 149 of the *Land Act 1994*? Yes **go to 18** No **go to 18**

Only an individual, including as trustee, may hold a lease mentioned in question 16 or a sublease of those leases.

If an individual is trustee for a family arrangement, a certified copy of the Trust Instrument must be attached to this application.

An arrangement is a family arrangement if —

1. a person holds land as trustee for another person, partnership or corporation; and
2. the other person, partners, shareholders, beneficiaries or potential beneficiaries are only the person, the person's spouse, their children, their children's spouses, their grandchildren and like descendants of the person or any of them.

If under an arrangement a person is the trustee for the children, grandchildren or like descendants of the trustee, the arrangement is a family arrangement only if all the children, grandchildren or like descendants are under 18 when the trust is created. Refer to Section 150 of the Land Act 1994.

If an individual is trustee for a partnership or corporation, the criteria in section 149(2)(b) of the *Land Act 1994* are to be met.

18. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment)

	go to 19
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Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

19. Tick the box to confirm the attachments for part of the application.

- Part A**, Contact and Details of Land will need to be completed
- Views of the Property Services Group, Department of Infrastructure and Planning for an industrial estate administered by the Department of Infrastructure and Planning, if applicable
- Copy of the Contract of Sale, if applicable
- Certified copy of the Certificate of Incorporation, if applicable
- Certified copy of the Trust Document, if applicable

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Date: / /

If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

Full Name and Signature of Witness

Full Name:

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Signature:

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If Witness must be qualified as a Commissioner for declarations, Justice of the Peace or a Legal Practitioner (Solicitor).

I/We the transferor authorise the Department to provide to transferee or their legal representative details of the current rental position or instalments remaining for the Leases/Licences nominated in Schedule 1.

Signature of applicant (or their legal representative)

Full Name and Signature of Witness

Full Name:

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Signature:

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If Witness must be qualified as a Commissioner for declarations, Justice of the Peace or a Legal Practitioner (Solicitor).