

Leases/Freeholding of land on State Industrial Estates PUX/952/016

SLM/2013/404

Version 4.06

Last reviewed 21/06/2016



This publication has been compiled by Operations Support – Land, Department of Natural Resources and Mines.

© State of Queensland, 2016

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.

Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.



You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Version History

Version	Date	Description/Comments
3	27/08/2004	Endorsed
3.1	28/06/2005	Conversion project – New WORD/XML template
4	11/11/2008	Reviewed and updated to reflect LOLA amendments
4.1	04/02/2009	Amended status of Notification from “NRW only to “Public access”
4.2	10/02/2011	Updated to DERM
4.3	13/06/2013	Minor updates due to MOG changes
4.4	18/06/2013	Minor amendments to correct names of departments
4.05	21/03/2014	Updated to new DNRM template
4.06	21/06/2016	Minor amendment to review and insert text on new template

Approval

Position	Name	Date
Acting Director, Operations Support - Land	Amanda Kearnan	21/06/2016



Table of contents

Scope.....	1
Procedure	1
Responsibilities.....	2
Legislation	2



Scope

To clarify aspects of leasing and sale of unallocated State land (USL) on State industrial estates administered by Economic Development Queensland (EDQ), [Department of Infrastructure, Local Government and Planning, EDQ](#) replaces the former Property Services Group (PSG).

Procedure

Issue of Deeds of Grant:

In some instances, the EDQ wishes to have freehold title issued in the name of the State of Queensland, represented by the Department of Infrastructure, Local Government and Planning over a lot within a State industrial estate. In these cases, that Department may have negotiated a sale of the land and would be subject to time restrictions in relation to settlement of the contract. Provided all requirements have been satisfied (e.g.: survey, payment of fees, etc.) a request for the issue of the deed of grant should be processed on an URGENT basis.

Rental payments and arrears:

The Department of Natural Resources and Mines (the department) is responsible for the issue of rent notices and the follow up of arrears on all leasehold tenures. However, when a lease is on a State industrial estate and the lease is in arrears, the views and requirements of the EDQ should be sought and implemented. The EDQ has advised that where possible, it will assist in the collection of any outstanding rents. If the EDQ advises that a lease should be forfeited for non-payment of rent, then provided there are no other considerations, such course of action should be undertaken.

Reducing 30 year leases to shorter terms:

The EDQ is considering requesting proposed purchasers of leases of State industrial estates to accept shorter term leases at the time of transfer. Such a result may only be achieved by way of surrender of the existing lease and issue of a new priority lease. Existing encumbrances would not carry over to the new lease.

Issue of Deeds of Grant when all conditions not complied with:


Where all improvement and development conditions have been complied with to the satisfaction of the Minister administering the *Land Act 1994* (Land Act), the lessee may apply to complete the purchase and is entitled to a deed of grant in fee simple over the land.

In circumstances where a lessee is not maintaining an approved industry on the leased land in accordance with the conditions of lease, a Deed of Grant should only issue if such an application is supported by the EDQ.

Other dealings

The views of the EDQ MUST always be sought for other dealings under the *Land Act 1994* e.g. renewal, conversion, transfer, sublease.

Correspondence



Also, in accordance with the department's usual practice of advising interested parties, a copy of correspondence from the department to lessees (e.g. offer or approval letter) is to be sent to the EDQ.

Responsibilities

Implementation by all regional staff dealing with investigation, leasing or freeholding on State industrial estates administered by Economic Development Queensland, Department of Infrastructure, Local Government and Planning.

Legislation

The *Land Act 1994*