



Part B – Form LA05

Subdivision of Lease Application

Land Act 1994

Requirements


1. This application is for Subdivision of a Lease.
2. Please read the respective [subdividing a lease guide](#) which includes application restrictions.
3. Payment of the prescribed Application fee per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources](#) website at or contact you nearest [business centre](#) or call [13 QGOV 13 74 68](#).
4. **Part A online form:** [Contact and land details](#) or Part A – [Part A L00 Contact and land Details](#) (PDF) must be completed and submitted with your application.
5. Any additional information to support the application.
6. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

7. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
8. Refer to Department of Resources Operational Policy – [Lease Subdivision SLM/2013/428](#) available on the departments website at [Our Policies](#)..
9. An application for Subdivision cannot be made if:-
 - the [Land Act 1994](#) or a condition of the lease prohibits subdivision; orif the lease is:
 - tied by condition or covenant to another lease or freehold; or
 - an auction perpetual lease; or
 - a perpetual lease selection; or
 - an agricultural farm (started before 31 December 1991); or
 - a freeholding lease where the remaining instalments are less than \$6,750; or
 - a freeholding lease where each new lease will be held only by a family member of the lessee and the unpaid purchase price is less than the minimum instalment payable; or
 - a freeholding lease with a current hardship concession and the unpaid purchase price is less than the reduced minimum instalment.
10. For freeholding leases generally, the existing lease should be freeholded and subsequently dealt with as a subdivision under the *Land Title Act 1994*.
11. An application to subdivide an existing term or perpetual lease for rural leasehold land may be considered:
 - where a leaseholder wishes to dispose of, or surrender, a portion of the lease to the state, and retain the balance as a single pastoral, grazing or agricultural operation
 - to facilitate build-up by the disposal of the entire lease within the same locality
 - to rearrange adjoining lots to provide for improved cadastre or natural resource management.
12. Applications to subdivide an existing term or perpetual leases (other than leases for rural leasehold land) will be determined on their individual merits following investigation which will include an assessment whether leasehold is the most appropriate tenure. If leasehold is determined as not being the most appropriate tenure and the circumstances

allow, consideration will be given to converting the existing lease to freehold and a subdivision of the land may then be progressed having regard to the [Planning Act 2016](#) and the [Land Title Act 1994](#).

13. If your application for subdivision is successful, you may also be required to provide a plan of survey at your expense.
14. You must continue to pay the rent until you have fulfilled the conditions of a new tenure, if one is offered.
15. All outstanding rental must be paid, before submitting an application for Subdivision of a Lease.
16. If the subdivision is approved, the existing lease will be required to be surrendered to enable the new leases to issue and any encumbrances current on the existing lease as at the effective date of surrender, will carry over to the new leases issued.
17. **If the existing lease is a rolling term lease, each new lease (if offered) is a rolling term lease, even if the lease is less than 100 hectares.**
18. Information on this form, and any attachments, is being collected to process and assess your application under section 176 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
19. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
20. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
21. For further privacy information click [Privacy](#) page..

Office Use Only	Subdivision of lease application	 9 311662 185310
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1. Is your lease an Auction Perpetual Lease (APL); Perpetual Lease Selection (PLS); or an Agricultural Farm (AF) issued prior to 31 December 1991?

Yes

An application cannot be considered

No

go to 2

An application may not be made to subdivide a lease in the following instances, refer to section 489 of the [Land Act 1994](#).

Auction Perpetual Leases (APL)

Perpetual Lease Selections (PLS)

Agricultural Farm (AF) issued prior to 31 December 1991.

2. Is your lease a Freeholding lease?

Yes

go to 3

No

go to 6

3. For your Freeholding lease do you have a current hardship concession in relation to payment of the instalments and the unpaid purchase price is less than the reduced minimum instalment?

Yes

An application cannot be considered

No

go to 4

Contact the Department if you are unsure whether you are eligible to subdivide your lease having regard to section 489 of the [Land Act 1994](#) and section 95(a) of the [Land Regulation 2020](#).

4. For your Freeholding lease, will the subdivision create new leases held only by a family member of the lessee and the unpaid purchase price is less than the minimum instalment payable?

Yes

An application cannot be considered

No

go to 5

Contact the Department if you are unsure whether you are eligible to subdivide your lease having regard to section 489 of the [Land Act 1994](#) and section 95(b) of the [Land Regulation 2020](#).

5. Do you have less than \$6,750 to pay in instalments for your Freeholding lease?

Yes

An application cannot be considered

No

go to 6

Note: Under section 489 of the [Land Act 1994](#) and section 95 of the [Land Regulation 2020](#) an application may not be made to subdivide a lease when the remaining instalments are less than \$6,750.

6. Is the lease to be subdivided for rural leasehold land?

Yes

go to 7

No

go to 7

Subdivision of this type of lease will need to satisfy the requirements outlined in this application form and guide.

7. Is the lease to be subdivided into more than two lease areas?

Yes

go to 8

No

go to 8

The lease may need to be converted to freehold tenure, then dealt with as a freehold subdivision under the [Land Title Act 1994](#).

8. Why is the proposed subdivision necessary? A statement of the reasons is required for the proposed Subdivision, in particular, provide evidence that the proposed subdivided properties will be viable.

go to 9

(If there is insufficient space, please lodge as an attachment)

9. Is the lease subject to a mortgage?

Yes

go to 10

No

go to 10

If Yes, the written consent to the application for subdivision must be obtained from the registered mortgagee, and must be attached to the application form.

10. Is there a sublease or other registered interest (e.g. easement) over the lease?

Yes

go to 11

No

go to 11

If Yes, the written consent to the application for subdivision must be obtained from the registered sublessee or other registered interested party, and must be attached to the application form.

11. Provide details of any additional information to support the application go to 12.

(If there is insufficient space, please lodge as an attachment)

Attachments

The following must be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

12. Tick the box to confirm the attachments for part of the application:

- Application Fee.
- Part A online form – [Contact and Land details](#) or [Part A L00 – Contact and Land details](#) (PDF)
- Plan/Property sketch/aerial photo overlay showing proposed subdivision.
- Statement of the lessee's reasons for proposed subdivision.
- Statement from the relevant local government of its views on the proposed subdivision.
- Evidence of pre-lodgement discussions with the department, if applicable.
- Written consent of Mortgagee, if applicable.
- Written consent of Sub-lessee or other registered interest holder, if applicable.

It is recommended that any attached plans, sketches, or maps be of A4 or A3-size. For your application to be processed, all parts of this application form must be completed accurately. Otherwise, your application may be returned to you to complete or refused.

Declaration

I certify that I have fully complied with the conditions of the lease.

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 practitioner)

Date: / /

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