

Guideline

SLM/2013/404
Formerly PUX/952/016
Version 4.08
19 October 2021

Leases/Freeholding of land on state industrial estates

Purpose

To clarify aspects of leasing and sale of unallocated state land (USL) on state industrial estates administered by Economic Development Queensland (EDQ), Department of State Development, Infrastructure, Local Government and Planning (DSDILGP).

Guideline

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 State Development, Infrastructure, Local Government and Planning (DSDILGP) over a lot within a state industrial estate. In these cases, DSDILGP 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 Resources (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

If EDQ is requesting proposed purchasers of leases of state industrial estates to accept shorter term leases at the time of transfer, this can 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 should be sought for other dealings under the Land Act 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.

Legislation

Land Act 1994

Related documents

[Policy - Conversion of Leasehold Tenure – SLM/2013/397 = PUX/952/121](#)

Human Rights

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

Approval

Position	Name	Effective Date
A/Director, Land Services	Roslyn Hooper	11 Sep 2019

Version history

Version	Date	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
4.07	17/09/2019	Updated for corporate branding only
4.08	19/10/2021	Updated to new template and to new department names

Further information

- Contact your nearest business centre (https://www.resources.qld.gov.au/?contact=state_land), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68).

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