



Part B – Form LA05

Subdivision of Lease Application


Requirements

1. This application is for Subdivision of a Lease.
2. Please read the respective [subdivision of lease guide](#), which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or from a regional [department's business office](#) or call 13 QGOV 13 74 68).
4. **Part A - Form LA00:** [Contact and land details](#) will need to be completed and submitted with your application.
5. Any additional information to support the application.
6. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
7. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a departmental officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

8. Refer to Department of Resources Policy – [Lease Subdivision](#) available on the departments website at <<https://www.resources.qld.gov.au/home/about-us/policies>>.
9. An application for Subdivision cannot be made if:-
 - the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> or a condition of the lease prohibits subdivision; or
 - the lease is tied by condition or covenant to another lease or freehold.
10. Otherwise, a lessee may apply to subdivide an existing lease in the following circumstances:
 - Subdivision of a 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.
11. Applications to subdivide other term or perpetual leases 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](#).
12. In terms of Section 489 of the [Land Act 1994](#) and Section 58 of the [Land Regulation 2020](#) an application **may not** be made to subdivide a lease when the remaining installments are less than \$5,000. For freeholding leases generally, if circumstances allow, the existing lease should be freehold and subsequently dealt with as a subdivision under 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 a new tenure (if offered) is issued.

15. All outstanding rental must be paid, before submitting an application for Subdivision of a Lease.
16. Investigations could result in an offer being made for an area smaller than the area of your current leases to enable the state to secure land for uses such as road or a reserve for community purposes etc.
17. 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.
18. **Note – 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.**
19. 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.
20. 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.
21. 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.
22. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
23. For further privacy information click [Privacy](#) or go to <www.resources.qld.gov.au/home/legal/privacy>.

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 5

3. For your Freeholding lease do you have a current hardship concession in relation to payment of the instalments or is the subdivision for a family member?

Yes

go to 5

No

go to 4

Your application will require further investigation by the Department to assess whether you are eligible to subdivide your lease having regard to Regulation 56 and 58 of the [Land Regulation 2020](#) <<https://www.legislation.qld.gov.au/>>.

4. Do you have less than \$5,000 to pay in instalments for your Freeholding lease?

Yes

An application cannot be considered

No

go to 5

Note: In terms of section 489 of the Land Act 1994 and section 58 of the [Land Regulation 2020](#) an application may not be made to subdivide a lease when the remaining instalments are less than \$5,000.

5. Is the lease to be subdivided rural leasehold land?

Yes

go to 6

No

go to 6

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

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

Yes

go to 7

No

go to 7

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

7. What is the purpose of the subdivision? A statement of the reasons is required for the proposed subdivision. go to 8
(If there is insufficient space, please lodge as an attachment)

8. Is the lease subject to a mortgage?
<div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> Yes go to 9 </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <input type="checkbox"/> No go to 9 </div>
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.

9. Is there a sublease or other registered interest (e.g. easement) over the lease?
<div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> Yes go to 10 </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <input type="checkbox"/> No go to 10 </div>
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.

10. Provide details of any additional information to support the application including a statement. From the relevant local government on its views on the proposed subdivision. go to 11
(If there is insufficient space, please lodge as an attachment)

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.

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

- Application Fee.
- Part A - Form LA00 – Contact and Land details.
- Property sketch and or aerial photo overlay.
- Sketch or plan of proposed subdivision.
- Reasons for proposed subdivision and statement from the relevant local government on its views on the proposed subdivision.
- Letter of consent of Mortgagee, if required.
- Letter of consent of Sub-lessee or other registered interest holder, if required.

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 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 representative)

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