



Part B – Form LA03

Permit to Occupy Application

Land Act 1994


Requirements

1. This application is for a permit to occupy.
2. Please read the respective [permit to occupy guide](#), which includes application restrictions.
3. Payment of the prescribed Application fee is required. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) or contact your nearest [business centre](#) or call 13 QGOV 13 74 68). Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
4. **Part C - Form LA30: [Statement in relation to an application under the *Land Act 1994*](#)** over state land, that is a reserve or a dedicated road area, must be completed and submitted with your application.
5. A drawing showing the general location, Lot on Plan information and the proposed permit to occupy area including dimensions must be submitted with your application.
6. Any additional information to support the application.
7. 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.

Important information

8. 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.
9. A permit to occupy is issued for a minor or temporary purpose including short-term grazing, pump sites, apiary sites or an entrance ramp to a building site during construction.
10. A permit to occupy may be issued over a road, a reserve or unallocated state land. If the proposed permit to occupy area is over more than 1 type of these lands, separate permits to occupy will be required.
11. An application for a permit to occupy is NOT required if the proposed use is located on a local road, state-controlled road or reserve and can be authorised by the road manager or reserve trustee (refer items 13 to 15).
12. If the proposed use is on a local road, contact the relevant local government for authorisation of this use. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for a permit to occupy is not required by this department.
13. If the proposed use is on a state-controlled road, contact the Department of Transport and Main Roads to authorise the proposed use. An application for permit to occupy under the *Land Act 1994* is not required.
14. A trustee lease or trustee permit is the preferred tenure for secondary uses on reserves (where the use meets the requirements of the *Land Act 1994*). Contact the trustee of the reserve to discuss these options. An application for a permit to occupy over a reserve is not required if the reserve trustee authorises the use of the reserve by a trustee lease or trustee permit.
15. A permit to occupy may be issued for areas that are below high-water mark if:
 - it would not unduly affect safe navigation and sound development of the state's waterway and ports

- its impact on marine infrastructure has been considered
 - it would not have a detrimental effect on coastal management; and
 - it would not be inconsistent with the intent of any relevant state management plan.
16. A permit to occupy cannot be transferred, sublet or mortgaged. A permit to occupy can be cancelled at any time without compensation being paid by the state.
 17. A permit to occupy can only be held by individuals or corporations and cannot be held by deceased estates (executors/beneficiaries) or on trust.
 18. If an existing property fence is to be used as a boundary fence for the permit to occupy and you do not own the fence, you must submit a written agreement signed by you and the fence owner with the application for a permit to occupy, detailing agreed conditions about the maintenance of the fence. This agreement must be submitted before we can issue the permit to occupy. An agreement about the maintenance of a fence does not mean that your application will be approved.
 19. Information on this form, and any attachments, is being collected to process and assess your application under section 177A 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.
 20. 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.
 21. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
 22. For further privacy information click [Privacy](#) or go to <www.resources.qld.gov.au/home/legal/privacy>.

Office Use Only	Application for a Permit to Occupy	 9 311662 190130
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1. The application is for a permit to occupy over:

<input type="checkbox"/> Road	go to 2
<input type="checkbox"/> Reserve	go to 3
<input type="checkbox"/> Unallocated State Land	go to 3

Where an application is associated with a secondary use of state land such as a reserve or road, the applicant is to first discuss the application with the trustee or road manager to determine if these agencies can authorise the use.

The road manager is:-

- for a road that is under the control of the local government — the local government
- for a state-controlled road - the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered (Department of Transport and Main Roads).

If the proposed use is located on a state-controlled road, a permit to occupy under the *Land Act 1994* is not required. Contact the Department of Transport and Main Roads to authorise the proposed use. This includes where the application is for the issue of a new permit to occupy on a State controlled road, as a result of the transfer of the parcel of land associated with the permit to occupy.

A trustee lease or trustee permit is the preferred tenure for secondary uses on reserves. Contact the trustee of the reserve to discuss these options.

If a permit to occupy is to issue over a reserve and the purpose of the permit is inconsistent with the purpose of the reserve, no improvements, other than boundary fences, are to be built by the permittee, as required under section 177(4) of the *Land Act 1994*.

A signed Part C Form LA30 – [Statement in relation to an application under the Land Act 1994](#) over State land from the trustee of the reserve or road manager will need to accompany this application.

2. Is the application over:

<input type="checkbox"/> Road (local road administered under the Local Government Act 2009 or City of Brisbane Act 2010)	go to 3
<input type="checkbox"/> State-controlled road administered under the Transport Infrastructure Act 1994	application not required

3. Is the proposed use:

<input type="checkbox"/> Short Term (not more than 12 months)	go to 4
<input type="checkbox"/> Long Term (more than 12 months)	go to 4

4. Provide details of the proposed use including information on existing improvements. **go to 5**
 (If there is insufficient space, please lodge as an attachment)

5. Provide details of approximate time the short term permit will be required:

Commencement date:	/	/	
Expiry date:	/	/	go to 6

6. Proposed use:

<input type="checkbox"/> Access	go to 10
<input type="checkbox"/> Apiary Site	go to 7
<input type="checkbox"/> Bore site	go to 9
<input type="checkbox"/> Environmental	go to 10
<input type="checkbox"/> Event – entertainment and sporting	go to 10
<input type="checkbox"/> Event – promotional or commercial	go to 10
<input type="checkbox"/> Grazing	go to 10
<input type="checkbox"/> Parking (unallocated state land only)	go to 10
<input type="checkbox"/> Pump site	go to 9
<input type="checkbox"/> Storage	go to 10
<input type="checkbox"/> Other	go to 10

7. To hold a permit for an apiary site, you must be -

<input type="checkbox"/> Registered “Beekeeper” in accordance with the Biosecurity Act 2014 ; and	
<input type="checkbox"/> The person who holds the permit will be the owner and operator of the hive/s.	go to 8

The application must be accompanied by evidence of the registration and details of [hive identification number \(HIN\)](#) <<https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/niche-industries/beekeeping/hive-registration>>.

If your application is for apiary site purposes, you must submit a completed [Part D – Form LA32 – Apiary checklist for permit to occupy](#) with your application.

8. Provide details of the proposed use. **go to 10**
 (If there is insufficient space, please lodge as an attachment)

9. Do you have a current water licence/allocation associated with the subject land?

Yes

go to 10

No

go to 10

Where water is obtained from a stream or natural water hole and the associated pump is to be located on unallocated State land, and a current water licence/allocation issued under the [Water Act 2000](#) is required, the following must accompany this application –

- a copy of current licence/allocation; or
- copy of evidence of an application being made for a water licence; or
- evidence that the allocation has been transferred to the applicant.

A bore wherever possible should be located on the owner's land and not State controlled lands, particularly a dedicated road as much infrastructure is not compatible with road use.

10. Is any of the area applied for below high water mark?

Yes

go to 11

No

go to 11

11. Is the area applied for to be used for the construction of a jetty/pontoon/boat ramp?

Yes

go to 12

No

go to 13

12. Which of the following best describes your intended use of the jetty/pontoon/boat ramp?

Non-commercial use immediately adjoining your land

go to 13

Commercial Use (**application for purchase or lease state land should be made on [Part B - Form LA10](#)**)

Non-commercial use - Where section 123 of the [Coastal Protection and Management Act 1995](#) applies, Department of Resources does not require you to hold a permit to occupy for works of this nature. However, you are required to obtain a development approval under the [Planning Act 2016](#) for the works. Refer to the [Department of Environment and Science website](#) at <<https://www.qld.gov.au/environment/coasts-waterways/plans>> (go to 'Coastal development approval (tidal works)' and select 'coastal development approval search').

Commercial Use – You are required to hold a term lease for commercial works below high water mark, an application via Part B – Form LA10 to purchase or lease state land must be made with department.

13. Provide details in Schedule 1 of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land.		
Lot	Plan	Title Reference

go to 14

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling **(07) 3497 3479**, visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/> (and select 'Searches').

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

14. Provide details of the proposed use of the area, including information on existing improvements, if any. **go to 15**
(If there is insufficient space, please lodge as an attachment)

15. Is the applicant the adjoining landholder (owner/lessee/permittee) of all properties adjoining the applied area?

Yes

go to 16

No

go to 16

If No, written agreement detailing agreed conditions about the maintenance of any existing boundary fence must be submitted with this application. This agreement must be signed by the owner of the boundary fence and the applicant for this permit to occupy.

Agreement about maintenance of a fence does not mean that your application will be approved.

16. Provide details of any additional information to support the application. (optional) **go to 17**
(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 processed. If all this information is not submitted, your application will be returned or refused.

17. 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 – Contact and land details PDF
- Part C – Form LA30 – Statement in relation to an application under the *Land Act 1994*, required if application is over a reserve or road.
- Part D – Form LA32 – Apiary checklist for permit to occupy, required if application is for apiary site purposes.
- Drawing showing general location, Lot on Plan information, any improvements and the permit to occupy area including dimensions., if applicable.
- Details of any improvements, if applicable.
- Evidence of pre-lodgement discussions with the department, if applicable

- Copy of the agreement on conditions about the maintenance of any existing boundary fence, if applicable.
- Copy of current water licence/allocation in the name of person making application, if applicable.
- Copy of evidence of an application being made for a water licence in the name of person making application, if applicable.
- Evidence that the water allocation has been transferred to the person making application, if applicable.
- Evidence of registration as a “Beekeeper” under the *Biosecurity Act 2014*, if applicable.
- Details of hive identification number (HIN), 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 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.