

PROCESSING A TRANSFER REQUEST

Step 1 - YOU Complete the Form, Pay the Fee and Send to PS

Complete the Transfer Request and attach the supporting evidence and information.

- Pay at any Service Tasmania Shop (and leave the documentation at the Shop) **OR**
- Enclose a cheque payable to 'Department of Primary Industries, Parks, Water & Environment' and post to Property Services, GPO Box 44, Hobart 7001

Step 2 - PS undertakes Desktop Assessment

An initial desktop assessment of the Transfer Request will occur within 2 weeks and both the transferee and transferor are advised of the outcome. However the timeframe is dependent on several factors:

- the completeness of the Attachments and Evidence;
- whether an actual inspection of the property needs to occur; and/or
- the complexity of the transfer request (including any variation to the terms or conditions of the lease or licence).

Step 3 PS issues an Agreement

If the Transfer Request is approved, a new Agreement will be prepared and two copies sent to the transferees for signing. Both copies of the Agreement **MUST** be signed by each person who is to enter into this Agreement with the Crown.

Step 4 - YOU submit the signed Agreements for assessment of Duty to the Commissioner of Stamp Duty

- a. When the two copies of the Agreement are signed by the transferees, they **MUST** be submitted to the State Revenue Office for assessment and payment of Duty within 90 days of the application being approved by PS.
- b. Also, any other contract transferring assets or real property on the Crown land (ie jetties, buildings) **MUST** be submitted to the State Revenue Office for assessment and payment of duty within 90 days of the contract being signed by both parties.

Because of the 90 day rule, points (a) and (b) may occur at different times.

Transfer of Lease or Licence

Penalties may be applied if Duty is not assessed within the 90 day period.

Make cheques payable to **Commissioner of State Revenue.**

Ground Floor, Salamanca Building Parliament Square
4 Salamanca Place, Hobart
GPO Box 1374, Hobart 7001
Phone: (03) 6166 4400 **Fax:** (03) 6173 0217
Web: www.sro.tas.gov.au

Step 5 -YOU return the Agreements AND Insurance Policy to PS

Once the Duty has been assessed and paid, return the two copies of the signed Agreement with a copy of the Public Liability Insurance Policy to *Property Services, GPO Box 44, Hobart 7001*

Step 6 - PS signs Agreement

Both copies of the Agreement will be signed by the Minister (or delegate) and a copy is returned to the new Agreement holder.

Step 6 - PS informs transferor and local Council of transfer

A letter confirming that the transfer process has finished, is sent to the transferee and the local Council to ensure rates notices are sent to the new Agreement holder.

Tips

Ensure that you quote your Reference Number in the package and on all photos.

Your application is one of many and it will be processed as quickly as possible.

The application cannot be processed until **ALL** the information is provided, so it is up to you to ensure the package is complete.

Once all the information is provided, the applications should be processed within 3 months.

CROWN LAND - Transfer of Lease or Licence

CONTACT DETAILS

Property Services Message Service (03) 6169 9015
(leave message and calls returned within two business days)

Email - PropertyServices@parks.tas.gov.au
Fax - (03) 6173 0226

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Department of Primary Industries,
Parks, Water & Environment



GENERAL INFORMATION

Property Services (PS) manages Crown land as a landlord on behalf of the Crown (and the people of Tasmania). Its main focus is to ensure that the land is maintained or used appropriately, particularly by people who commercially benefit from its use. It also ensures that users of the Crown land have agreements that specify how the Crown land can be used and that they contribute to the Tasmanian economy through payment of administrative fees, rent and taxes.

There is plenty of interest in Crown land and numerous applications, requests and phone calls are received about how people can use, access or occupy Crown land.

Most fees are set by legislation and are adjusted each year on 1 July. Fees partly cover the work undertaken by PS in assessing applications.

PS takes a long term view about managing Crown land and agreements may contain specific conditions relating to environmental and/or conservation land management requirements. Once you hold an agreement, you have an obligation to maintain the Crown land in a neat and tidy manner and to meet any specific contractual conditions that you agreed to.

Applications are investigated

Approval of an application is not automatic. Requests are investigated and the depth of the investigation depends on the Crown land being transferred.

You need to allow plenty of time for a Request to be considered. This is particularly important when selling real property like a jetty, because the sale of the property is separate to Requesting Approval to transfer the Crown land agreement.

Until the request is approved **and** an agreement signed by the Crown and the new party, the transferor is still the lessee/licensee and (if applicable) rates notices and rental fees will continue to be forwarded to that person.

Depending on the investigation, new conditions may also be added to the agreement, including a change in the rental fee.

Varying the terms of the Agreement

Sometimes a transferee requests that conditions of the Agreement are amended to meet their particular circumstances. Depending on the complexity of the change, the Transfer Request may be treated to more

extensive checks, very much like those of a fresh application.

To vary a condition, complete a Variation Request Form and enclose with the Transfer Request. This ensures the details remain confidential to the Transferee.

Rental Fee

The rental fee charged for use of Crown land is usually based on the land value assessed by the Valuer-General or by Policy approved by the Department or Minister. The rental fee is reviewed regularly and increases are applied at the next invoice.

If a rent review is underway at the time a transfer is received, most transfers will continue to be processed as normal and any increase in rent applied at the next anniversary date for the Agreement.

Some transfers involve significant change in usage of Crown land and a rent review is required to set the right rent for the new Agreement. If a rent review is needed, both parties will be informed at the time an initial assessment of the transfer request is undertaken.

A rent review assessment is undertaken by the Valuer-General and can take several months. PS has no control over the assessment process and until the new valuation is received, the transfer cannot be processed further.

Survey of Crown land

Many older agreements are not explicit about the Crown land that was originally leased or licensed, mainly because surveys were not undertaken as part of the routine assessment process.

If a transfer relates to a significant commercial activity, a survey of the Crown land may be required. The survey may occur after the transfer is finalised and the Agreement will be updated later.

Deceased Estates

Different rules apply to Transfer Requests involving a Deceased Estate and sometimes, several steps in this process occur at the same time, particularly when the Deceased Estate is to transfer to the beneficiary or another party. You should consult your legal adviser about what is the right documentation to submit to support your transfer.

| Transfer from | Transfer to | Documentation required | Fee |
|-----------------|---------------|---|-----------------------------|
| Deceased Estate | Executor | Transfer Request and a copy of either - Will, Probate, Letters of Administration or Certificate of Election | Nil |
| Executor | Beneficiary | | \$5 |
| Beneficiary | Another party | | Standard fee table applies. |

EVIDENCE THAT CAN BE PROVIDED BY THE APPLICANTS

The list below explains some of the checks undertaken by PS in assessing the appropriateness and suitability of your request. Which checks are undertaken, depends on the type of Agreement, so some checks may not be applicable to your circumstance. The list also explains the type of evidence that you can supply to enable PS to undertake a desktop assessment as quickly as possible. If the evidence is not complete, then PS will need to undertake a physical inspection of the property.

| Check | Type of evidence | Explanation |
|---|---|---|
| Rental fees, rates and taxes paid | Copies of most recent Council rates notice, sewerage notices, Crown land rental fees showing fees have been paid. | Many Agreement holders are responsible for paying local Council rates, sewerage costs and rental fees on the Crown land. This check ensures that the outgoing party has fulfilled their financial obligations. |
| Crown land is in a neat and tidy condition. | <p>Colour photos showing -</p> <ul style="list-style-type: none"> several different views of the Crown land; close up shots of built structures, particularly jetties, boatsheds, sheds, fences etc; or internal photos of boat sheds. <p>Photos must be clearly labelled (view looking north, south, east, west, or internal view). Electronic .jpg is the preferred format, however printed colour photos or images printed on A4 printed sheets of paper are acceptable.</p> <p>The important thing is quality. The preferred method of receiving images is via email. If this is not possible, send the prints or A4 colour sheets with your other evidence.</p> | <p>As a landlord, PS must ensure that the property is maintained in a satisfactory condition. A PS officer normally inspects the property to check its condition and see whether there is any specific maintenance or safety concerns. This inspection can occur at any time.</p> <p>Depending on what the pictures show, they may be sufficient evidence to demonstrate that the property is in a neat and tidy condition. In some cases, an inspection may occur after the transfer is finalised or on an ad hoc basis. However, if there is doubt about the condition of the property, an inspection will need to occur BEFORE the transfer is finalised.</p> <p>Keeping date and time stamped photos of the property also records regular property maintenance.</p> |
| Deceased Estates | A copy of the Will, Probate, Letters of Administration or Certificate of Election. | PS needs to assure itself that the Agreement is being transferred to the party entitled to it. |
| Parties are covered for negligence. | If the standard coverage is not taken out, then a self-assessment of Public Liability (PL) risk form MUST be submitted. | <p>Persons who occupy Crown land must be covered for PL Insurance. The standard insurance is \$20 million. A different level of insurance may be acceptable if a Self-Assessment form is included with the Transfer Request.</p> <p>Insurance is obtained after the Agreement is approved. A copy of the actual insurance policy must be returned with the signed Agreements.</p> <p>See <i>Crown Land - Public Liability Insurance Requirements</i>.</p> |
| Variation Request | Variation Request form AND full explanation about the variation required. | <p>Sometimes new parties want to Vary the terms and conditions of their new Agreement as part of the Transfer Request. PS needs to ensure that the variation is in the best interests of the Crown.</p> <p>Depending on the complexity of the variation, this may involve more checks.</p> |