

# Consent to Second or Subsequent Transfer

## Form 2

Is this application for a first transfer?

A first transfer form should only be used when the Lessee is the estate developer. The estate developer is the person who provided the infrastructure on, and subdivided, the holding lease of which this individual Crown lease is a subdivision.

**YES** If yes please use the consent to first transfer form 1

**NO** Complete this form

### Lease details *please print*

Block

Section  Suburb

Street number

Street name

Postcode

### Applicant details *please print*

Surname  First name

Company name

Postal address

Suburb  State  Postcode

Phone number business hours  Mobile

Email address

**Lessee (property owners) details *please print***

**First lessee's details**

Surname	<input type="text"/>	First name	<input type="text"/>
Company name	<input type="text"/>		
Position held in company	<input type="text"/>	Australian Company/Business Number (ACN/ABN)	<input type="text"/>
Postal address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>
		Postcode	<input type="text"/>
Phone number business hours	<input type="text"/>	Mobile	<input type="text"/>
Email address	<input type="text"/>		

**Second lessee's details**

Surname	<input type="text"/>	First name	<input type="text"/>
Company name	<input type="text"/>		
Position held in company	<input type="text"/>	Australian Company/Business Number (ACN/ABN)	<input type="text"/>
Postal address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>
		Postcode	<input type="text"/>
Phone number business hours	<input type="text"/>	Mobile	<input type="text"/>
Email address	<input type="text"/>		

**All lessees must sign authorising the lodgement of this application. In doing so the lessee gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two lessees please ensure that the details and authorisation are attached to the application.**

**Buyers details** *please print*

**First buyers details**

Surname	<input type="text"/>	First name	<input type="text"/>
Company name	<input type="text"/>		
Position held in company	<input type="text"/>	Australian Company/Business Number (ACN/ABN)	<input type="text"/>
Postal address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>
		Postcode	<input type="text"/>
Phone number business hours	<input type="text"/>	Mobile	<input type="text"/>
Email address	<input type="text"/>		

**Second buyers details**

Surname	<input type="text"/>	First name	<input type="text"/>
Company name	<input type="text"/>		
Position held in company	<input type="text"/>	Australian Company/Business Number (ACN/ABN)	<input type="text"/>
Postal address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>
		Postcode	<input type="text"/>
Phone number business hours	<input type="text"/>	Mobile	<input type="text"/>
Email address	<input type="text"/>		

**All buyers must sign** authorising the lodgement of this application. In doing so the buyer gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two buyers please ensure that the details and authorisation are attached to the application.

**Please note:** To help you provide information a table titled “Documentation requirements – definitions and checklist” can be found at the end of this form.

### Statutory declaration from the seller(s)

Is a statutory declaration from the seller(s) for the land specified in this application attached?  NO  
 YES

### Evidence supporting the statutory declaration

Is the evidence supporting the seller(s) inability to proceed with the purchase/construction for the land specified in this application attached?  NO  
 YES

### Building contract *if entered into*

Is a copy of the building contract for the land specified in this application attached?  NO  
 YES

### Statutory declaration from the buyer(s)

Is a statutory declaration from the buyer(s) for the land specified in this application attached?  NO  
 YES

### Evidence of financial capacity

Is all the evidence for financial capacity from the buyer to purchase the land and construct a dwelling\* on the block for the land specified in this application attached?  NO  
 YES

### Building covenants

Is there at least a minimum of six months left on the commencement covenant contained in the Crown lease for the land specified in this application attached?  NO  
 YES

### Transfer form

Is the transfer form for the land specified in this application attached?  NO  
 YES

### Land Rent Crown lease

If the Crown lease is a rental lease has a letter been provided from the:

- o seller(s) for the land stating that they have advised the buyer(s) that the Crown lease is a rental lease?  NO  
 YES

**AND**

- o buyer(s) for the land stating that they are aware that they are purchasing a rental Crown lease?  NO  
 YES

## Unregistered Crown lease / lessee's name

If the Crown lease is unregistered or not in the seller's name, has a letter been provided advising that there has been an on-sale of all documents connected with the registration of the Crown lease and/or advising that the lessee's name for the land specified in this application will be registered at Land Titles at the time of settlement?  NO  YES

## Conflict of interest declaration

Does the applicant, lessee or buyer have any association with the Planning and Land Authority staff?  NO  YES

If YES - please provide details:

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**NOTE:** There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Planning Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation.

\* - dwelling does not exclude other developments of a non residential nature.

## Other requirements

### Lodgment and payment

A valid application for consent to transfer comprises a completed application for consent to transfer form accompanied by all of the required information or documents necessary for the application to be considered for approval.

Once an application for consent to transfer is received the documentation will be checked to ensure it meets the standard for lodgement. If the documentation provided is acceptable you will receive written confirmation that the application is ready for lodgement and a request for the payment of application fees. An application for consent to transfer is not lodged until all fees are paid.

If the documentation is not acceptable for lodgement, you will receive written advice detailing the additional information required and/or any issues with your application. Once these documents are provided, the Planning and Land Authority will recommence the documentation check and fee payment process outlined above.

### Documents

All required documents must be provided in hard copy.

## Applicant, lessee and buyer declaration

I/we the undersigned, hereby apply for approval for consent to transfer on the land specified in this application.

I/we declare that this application is accompanied by all of the required information or documents for it to be considered for approval.

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required before acceptance of the application for consent to transfer by the Planning and Land Authority.

I/we understand that this application will be considered lodged once the relevant application fees have been paid.

I/we understand that the documentation provided will be considered to be the relevant documentation associated with this application.

I/we the undersigned appoint the applicant whose signature appears below to act on my/our behalf in relation to this application for consent to transfer. This authorises the applicant to pay all application fees and liaise with the Planning and Land Authority when required, alter, amend or provide further information as necessary and receive any communications relating to this application for consent to transfer.

I/we declare that all information given on this form and its attachments is true and complete.

**If signing on behalf of a company or organisation:**

I/we the undersigned, declare I/we have the appropriate delegation or authority to sign on behalf of the company or organisation.

Applicant signature (s)	<input type="text"/>	Date	<input type="text"/>
First lessee's signature	<input type="text"/>	Date	<input type="text"/>
Second lessee's signature	<input type="text"/>	Date	<input type="text"/>
First buyer's signature	<input type="text"/>	Date	<input type="text"/>
Second buyer's signature	<input type="text"/>	Date	<input type="text"/>

**Please make sure you complete the documentation requirements checklist at the end of this form**

**Documentation requirements – consent to transfer**

<b>Key:</b> ✓ Required ♦ Required if relevant	
<b>Seller(s) statutory declaration</b> AND <b>Evidence supporting the statutory declaration from the seller(s)</b> (Required if not applying under s298(2)(b)(iv))  OR <b>Building contract</b> (Required if applying under s298(2)(b)(iv))	✓
<b>Buyer(s) statutory declaration</b>	✓
<b>Evidence of financial capacity from the buyer(s)</b>	✓
<b>Building covenants</b> (Provide a copy of the extension of time letter)	♦
<b>Transfer form</b>	✓
<b>Land Rent Crown lease</b> (provide a copy of a letter from both the seller AND buyer)	♦
<b>Unregistered Crown lease / lessee's name</b> (Required if Crown lease and/or the lessee's name are not registered at Land Titles)	♦

## Documentation requirements – definitions and checklist

Submission requirement	Required information	ESDD Use Only
Statutory declaration from the seller(s) (example attached)	<ul style="list-style-type: none"> <li>Details of the seller(s) as registered on the Crown lease being transferred</li> <li>Details of the land being transferred</li> <li>Reasons why the land is being transferred</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Evidence supporting the statutory declaration	<ul style="list-style-type: none"> <li>Evidence supporting the reasons stated in the seller(s) statutory declaration as to why the land is being transferred, e.g. declined loan</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Building contract	<p><b>Copy of the relevant pages that contain the following information:</b></p> <ul style="list-style-type: none"> <li>details of the land being transferred</li> <li>details of the buyer(s)</li> <li>details of the builder (must be the same name as registered on the Crown lease being transferred)</li> <li>signatures of the buyer(s)</li> <li>signature of the builder</li> <li>the cost of the building work to construct the dwelling.</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Statutory declaration from the buyer (example attached)	<ul style="list-style-type: none"> <li>Details of the buyer(s)</li> <li>Details of the land being transferred</li> <li>A statement confirming the buyer(s) financial capacity to purchase the land and construct a dwelling</li> <li>Agreement from the buyer(s) that they will comply with the development covenants contained within the Crown lease</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Evidence of financial capacity	<p><b>Provide one or more of the following documents (or like documents):</b></p> <ul style="list-style-type: none"> <li>loan approval(s) from a financial institution connected to the buyer(s) AND the land being transferred</li> <li>current bank statements in the buyer(s) name (not less than 1 month old)</li> <li>current line of credit statement in the buyer(s) name;</li> <li>deposit copies of trust accounts or receipts connected to the buyer</li> <li>gifted money – statutory declaration from person gifting money AND evidence that that person has the money (eg. recent bank statement in persons name)</li> <li><i>internet bank statements are not accepted as the account holders details are not on the printout.</i></li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Building covenants	<p>If less than 6 months left on commencement covenant:</p> <p><b>Provide one or more of the following:</b></p> <ul style="list-style-type: none"> <li>evidence of extension of time approved by Utilities, Land and Lease Regulation and relevant fees paid</li> <li>a letter from the buyer(s) stating they are aware of the date the building is required to start (must state date) and if the building does not commence by that date, then they are responsible for making an application and paying for an extension of time to extend the development covenants</li> <li>if construction on the building has already commenced, the signed inspection certificate issued by a registered certifier (e.g. footings inspection or first drainage test).</li> </ul> <p><i>Please note: The completion covenant should also allow enough time to complete the construction of the dwelling. If not completed by the date stated in the Crown lease or any extension granted, an extension of time will be required prior to a Certificate of Compliance being issued.</i></p>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Submission requirement	Required information	ESDD Use Only

Transfer form	<p><b>Available from the Office of Regulatory Services website at <a href="http://www.ors.act.gov.au/community/land_titles/forms_and_fees">www.ors.act.gov.au/community/land_titles/forms_and_fees</a>:</b></p> <ul style="list-style-type: none"> <li>• block, section and suburb</li> <li>• volume and folio Numbers (where Crown Lease is registered)</li> <li>• consideration amount</li> <li>• development status</li> <li>• seller(s) details as registered on Crown lease</li> <li>• buyer(s) details as to appear on Crown lease</li> <li>• seller(s) signature and witness' signature</li> <li>• buyer(s) signature and witness' signature.</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Land Rent Crown lease	<p><b>If the Crown lease is a rental lease has a letter been provided from the:</b></p> <ul style="list-style-type: none"> <li>• seller(s) stating that they have advised the buyer(s) that the Crown lease is a rental lease; and</li> <li>• buyer(s) stating that they are aware that they are purchasing a rental Crown lease.</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required
Unregistered Crown lease / lessee's name	<p><b>If the Crown lease and/or the lessee's name are not registered at Land Titles, the following information is required:</b></p> <ul style="list-style-type: none"> <li>• a letter from the applicant advising that an on-sale involving the Crown lease and/or the Lessee's name will occur at the time of settlement for this transfer at Land Titles; and</li> <li>• copy(s) of the front page(s) of each Contract of Sale between the Lessee and buyer.</li> </ul>	<input type="checkbox"/> Supplied <input type="checkbox"/> Not required

**Contact Details:**

Environment and Sustainable Development Directorate

Customer Service Centre

GPO Box 1908, Canberra City 2601

16 Challis Street, Dickson ACT 2602

Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)

Phone: (02) 6207 1923

Fax: (02) 6207 1925

Email: [actpla.customer.services@act.gov.au](mailto:actpla.customer.services@act.gov.au)

TTY: (02) 6207 2622

Website: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

**Privacy Notice**

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to Government Agencies such as the ACT Revenue Office and the Registrar-General's Office.



Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 *Insert the name, address and occupation of person making the declaration*

I/We,  
of  
make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2  
1. I/We am/are the Lessee/seller of:

Block  
Section  
Division

and I/we am/are proposing to transfer the Crown lease pursuant to Section 298 of the *Planning and Development Act 2007*.

2. I/We are unable to comply with the building and development provision contained in the Crown lease due to

3. Attached is the evidence supporting the reasons for my/our inability to comply with the building and development provision contained in the Crown lease.

I/We understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I/we believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*  
5 *Day*  
6 *Month and year*

Declared at <sup>4</sup> on <sup>5</sup> of <sup>6</sup>

Before me,

7 *Signature of person before whom the declaration is made (see over)*

7

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority; or
  - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 *Insert the name, address and occupation of person making the declaration*

I/We,  
of  
make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

4. I/We am/are the proposed transferee/buyer of:

Block  
Section  
Division

5. I/We confirm that I/we have the financial ability to both purchase the land and complete construction on the land.

6. Attached is the financial evidence supporting my/our ability to both purchase and complete construction on the land.

7. I/We undertake to comply with the building and development covenants contained in the Crown lease.

I/We understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I/we believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*  
5 *Day*  
6 *Month and year*

Declared at <sup>4</sup> on <sup>5</sup> of <sup>6</sup>

Before me,

7 *Signature of person before whom the declaration is made (see over)*

7

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority; or
  - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution