



land series

Application for renewal of a lease

This fact sheet explains the procedures for making and assessing an Application for Renewal of a Lease. This information applies only to current leases administered under the *Land Act 1994*.

When can an application for renewal of a lease be made?

Leaseholders can apply to renew a lease at any time during the term of the lease, before it expires.

An application for renewal of a lease cannot be made if the existing lease:

- contains a specific condition that restricts its renewal
- is a road licence, occupation licence or a permit to occupy.

A term lease can be renewed, only after 80 per cent of the existing term on the lease has expired, unless there are special circumstances.

If the Department of Natural Resources and Water (NRW) has already refused an earlier application for renewal, and the reasons for the refusal have not changed, an application may be rejected without consideration.

How to apply

To renew a lease, an applicant must submit:

- renewal of a lease application form, with both parts A and B completed
- the prescribed application fee

If you are unsure if your application is complete, contact your nearest NRW office to discuss the issue with staff before you lodge it.

Though an application can be submitted at any NRW office, it is preferable to do so at the office nearest to which the land is located, where staff can also advise you of the correct application fee.

For a list of NRW offices and applications fees, see the NRW website at <www.nrw.qld.gov.au> or contact the department.

Unless you complete all parts of the form accurately, it may be returned to you for completion, which will delay the process.

Application considerations

Your application will be assessed against requirements under the *Land Act 1994*.

When considering an application, NRW will also:

- use relevant NRW policies, procedures and guidelines
- seek the views of relevant stakeholders, for example, other state government agencies and local government authorities
- consider native title issues
- ensure that all outstanding rent on the lease is paid.

If successful, a new term lease for the same purpose as the existing lease will be issued to the same lessee.

An NRW officer may also inspect the leased land.

Native title

As part of the assessment process, NRW will undertake a native title assessment of the leased land to determine if and how native title may need to be addressed.

Depending on the outcome of the native title assessment, the leaseholder (as a condition of the offer) may be required to satisfactorily address native title issues for the proposed tenure offered.

Notice of the decision

When NRW has investigated all issues, including native title, it will give applicants written notice of the decision.

If the application is refused solely on the basis that the leaseholder has not fulfilled the lease conditions, the leaseholder can appeal against the decision.

Requirements of an offer

If an application is approved, the written offer sets our various requirements that must be met before the offer is considered to have been accepted.

Requirements usually include:

- acceptance of term and conditions of the new lease
- if the existing lease is subject to a mortgage, sublease or sub-sublease, the written consent to the conditional surrender of the existing lease must be obtained from the registered mortgagee, sublessee and/or sub-sublessee
- lodgement of a plan of survey, if needed
- payment of all regulatory fees and charges.

The new lease may be issued over a smaller area, to enable the state to secure land for other uses such as a road, a reserve for a community purpose, or a national park.

The offer will also include a Notification of Acceptance form that must be completed and returned to NRW within the timeframe specified, or it will lapse.

Issue of tenure

The Governor-in-Council or minister grants the new tenure. Once the leaseholder accepts an offer of renewal and satisfies all conditions of the offer, the existing lease will be surrendered the day before the date the new lease commences.

The new lease will be issued subject to all the relevant encumbrances to which the previous lease was subject, and in the same priority order.

More information

For more information on renewal of lease contact the nearest NRW office.