



Amalgamation of leases

This fact sheet explains how to apply for an amalgamation of leases and how the Department of Natural Resources and Water (NRW) assesses current leases administered under the *Land Act 1994*.

When you can apply

An application may be made by all the registered leaseholders to amalgamate two or more leases if:

- the lease land is not over a reserve or State forest
- the Land Act or a condition of a lease does not prohibit amalgamation
- mortgaged—all the leases to be amalgamated are mortgaged to the same mortgagee.

At any time during the term of their lease, leaseholders can apply to amalgamate two or more contiguous leases of the same tenure into one lease if they:

- are held by the same leaseholder
- have exactly the same interest and purpose.

An application for a lease in priority should be made when seeking to amalgamate unallocated state land to a lease.

An application for conversion should be made when seeking to amalgamate an adjoining freehold title to a lease.

How to apply

To amalgamate leases, you must submit:

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

Though you can submit an application at any NRW office, it is preferable to do so at the office nearest the property involved, where staff can also advise you of the correct application fee.

If all parts of the form are not filled out accurately, it may be returned to you for completion, which will delay the process. It is therefore advisable to discuss your application with NRW staff before lodgement, if you have any queries.

What NRW considers

When assessing your application against the requirements of the Land Act, 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.

An NRW officer may also inspect the leased land.

Native title

As part of the 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, 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

NRW will notify applicants of the decision in writing when it has investigated all issues, including native title.

If an application for amalgamation of leases 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 out various conditions such as:

- the rent and rental category to be charged for the new lease
- the conditions applicable to the new lease
- lodgement of a plan of survey, if needed
- payment of all regulatory fees and charges.



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.

Amalgamated tenure requirements

For leases to be amalgamated, they must be of the same tenure type and purpose. The new tenure type will be the same tenure type and purpose as the existing leases e.g. term, perpetual or freeholding.

For leases issued under the *Land Act 1962* the Minister for Natural Resources and Water and the leaseholder may agree upon the tenure type to continue existing rights. For example, two special leases for grazing purposes maybe amalgamated to a term lease for grazing purposes and the right to convert to freehold on terms under Section 478 of the Land Act may continue.

The leases to be amalgamated must be contiguous. 'Contiguous' includes leases separated by a road or watercourse, but does not include leases separated by a lot or where the leases are only joined on a corner.

Issue of new tenure

The Governor-in-Council or Minister grants the new tenure and NRW will seek approval to issue it in the leaseholder's name, when all the requirements and conditions of the offer have been satisfied.

The new tenure 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 amalgamation, contact the nearest NRW office.

*November 2008
L122*

For further information phone 13 13 04