

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application for Subdivision of a Lease

Part B

Application form requirements

1. This Application is for Subdivision of a Lease.
2. Read the *Subdivision of a Lease Fact Sheet* which includes application restrictions
3. Payment of the prescribed application fee
(Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. Any additional information to support application
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. Your application will not be considered as having been properly made unless all parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

It is recommended an applicant should first read Lease Subdivision Policy PUX/901/528 before lodging an application for subdivision.

1. An application for Subdivision cannot be made if:-
 - the *Land Act 1994* or a condition of the lease prohibits subdivision; OR
 - the lease is tied by condition or covenant to another lease or freehold
2. Otherwise, a lessee may apply to subdivide an existing lease in the following circumstances:
 - Subdivision of a rural leasehold land maybe considered:-
 - where a leaseholder wishes to dispose of, or surrender, a portion of the lease to the state, and retain the balance as a single pastoral, grazing or agricultural operation
 - to facilitate build-up by the disposal of the entire lease within the same locality
 - to rearrange adjoining lots to provide for improved cadastre or natural resource management.
 - Applications to subdivide other term or perpetual leases will be determined on their individual merits following investigation which will include an assessment whether leasehold is the most appropriate tenure. If leasehold is determined as not being the most appropriate tenure and the circumstances allow, consideration will be given to converting the existing lease to freehold and a subdivision of the land may then be progressed having regard to the *Integrated Planning Act 1997* and the *Land Title Act 1994*.
3. In terms of *Section 489 of the Land Act 1994* and *Section 36 of the Land Regulation 1995* an application **may not** be made to subdivide a lease when the remaining installments are less than \$5,000. For freeholding leases generally, if circumstances allow, the existing lease should be freehold and subsequently dealt with as a subdivision under the *Land Title Act 1994*.
4. If your application for subdivision is successful, you may also be required to provide a plan of survey at your expense.
5. You must continue to pay the rent until a new tenure (if offered) is issued.
6. All outstanding rental must be paid, before submitting an application for Subdivision of a Lease.
7. Investigations could result in an offer being made for an area smaller than the area of your current leases to enable the state to secure land for uses such as road or a reserve for community purposes etc.
8. If the subdivision is approved, the existing lease will be required to be surrendered to enable the new leases to issue and any encumbrances current on the existing lease as at the effective date of surrender, will carry over to the new leases issued.
9. Also the new leases will not be able to be transferred for the first five (5) years, unless special circumstances exist

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.



1. Is your lease an Auction Perpetual Lease (APL); Perpetual Lease Selection (PLS); or an Agricultural Farm (AF) issued prior to 31 December 1991? Yes No **go to 2**
 An application cannot be considered

An application **may not** be made to subdivide a lease in the following instances, refer to *Section 489 of the Land Act 1994* -
 Auction Perpetual Leases (APL);
 Perpetual Lease Selections (PLS);
 Agricultural Farms (AF) issued prior to 31 December 1991.

2. Is your lease a Freeholding lease? Yes **go to 3** No **go to 5**

3. For your Freeholding lease do you have a current hardship concession in relation to payment of the instalments or is the subdivision for a family member? Yes **go to 5** No **go to 4**

Your application will require further investigation by the Department to assess whether you are eligible to subdivide your lease having regard to *Regulation 31 and 36 of the Land Regulation 1995*.

4. Do you have less than \$5000 to pay in instalments for your Freeholding lease? Yes No **go to 5**
 An application cannot be considered

In terms of *Section 489 of the Land Act 1994* and *Section 36 of the Land Regulation 1995* an application **may not** be made to subdivide a lease when the remaining installments are less than \$5,000.

5. Is the lease to be subdivided rural leasehold land? Yes **go to 6** No **go to 6**

Subdivision of this type of lease will need to satisfy the requirements outlined in this Application Form and the Fact Sheet.

6. Is the lease to be subdivided into more than two lease areas? Yes **go to 7** No **go to 7**

The lease may need to be converted to freehold tenure, then dealt with as a freehold subdivision under the *Land Title Act 1994*.

7. What is the purpose of the subdivision? A statement of the reasons your are seeking the proposed subdivision is required. **go to 8**
 (If there is insufficient space, please lodge as an attachment)

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8. Is the lease subject to a mortgage? Yes **go to 9** No **go to 9**

If **YES**, the written consent to the application for subdivision must be obtained from the registered sublessee, and must be attached to the Application Form.

9. Is there a sublease or other registered interest (eg. easement) over the lease? Yes **go to 10** No **go to 10**

If **YES**, the written consent to the application for subdivision must be obtained from the registered sublessee, and must be attached to the Application Form.

10. Provide details of any additional information to support the application including a statement from the relevant local government on its views on the proposed subdivision. **go to 11**
 (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 considered a properly made application. If all this information is not submitted, your application will be returned.

- 11.** Tick the box to confirm the attachments for part of the application.
- Application fee, reasons for proposed subdivision and statement from the relevant local government on its views on the proposed subdivision.
 - Property sketch and /or aerial photo overlay
 - Sketch/plan of proposed subdivision
 - Letter of consent of Mortgagee, if required
 - Letter of consent of Sub-lessee or other registered interest holder, if required

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 representative)

Date: / /

If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

