

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application for Amalgamation of a Lease

Part B

Application form requirements

1. This application is for Amalgamation of a Lease.
2. Read the *Amalgamation of a Lease* fact sheet that 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

1. An application may be made by all the registered lessees to amalgamate two or more leases, but only if the lease is not over a Reserve or State Forest, the *Land Act 1994* prohibits amalgamation, and there is no registered mortgage over the leased land.
2. If the leases are for pastoral purposes, will the leases to be amalgamated together constitute a suitable living area, but not substantially in excess of a living area. The utilisation of parts of leases which are substantially in excess of a living area for new settlement or property build-up purposes must be in accordance with current land planning principles.
3. The leases to be amalgamated must be of the same tenure type and purpose. If approved the new lease will be the same tenure type and purpose as the existing leases (eg. Term, Perpetual or Freeholding).
4. The leases to be amalgamated must be held by the same lessees and in exactly the same interests.
5. 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.
6. If your application for amalgamation is successful, you may also be required to provide a plan of survey at your expense.
7. You must continue to pay the rent until a new tenure (if offered) is issued.
8. All outstanding rental must be paid, before submitting an application for Amalgamation of a Lease.
9. 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.

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. Are the leases to be amalgamated of the same tenure type and purpose e.g. Term, Perpetual or Freeholding Lease.

Yes

go to 2

No

An application cannot be considered

For Leases issued under the *Land Act 1962* the Minister and the Lessee may agree upon the tenure type to allow existing rights to continue. For example - Two Special Leases for grazing purposes maybe amalgamated to a Term Lease for grazing purposes issued with the right to convert to freehold on terms under Section 478 of the *Land Act 1994* may continue.

2. Are the leases to be amalgamated held by the same lessees and in exactly the same interests?

Yes

go to 3

No

An application cannot be considered

The leases to be amalgamated must be held by the same lessees and in the same interests.

3. Are the leases to be amalgamated contiguous?

Yes

go to 4

No

An application cannot be considered

'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.

4. Will the leases (for pastoral purposes) if amalgamated constitute a suitable living area, but not substantially in excess of a living area?

Yes

go to 5

No

go to 5

The leases to be amalgamated together will constitute a suitable living area, but not substantially in excess of a living area. The utilisation of parts of leases which are substantially in excess of a living area for new settlement or property build-up purposes must be in accordance with current land planning principles, refer *The Nature of Land Planning* for details on living areas applicable to each district.

5. Is the lease subject to a Mortgage?

Yes

go to 6

No

go to 6

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

6. Is there a sublease or other registered interest (eg. easement) over the lease?

Yes

go to 7

No

go to 7

If **YES**, the written consent to the application for amalgamation must be obtained from the registered sublessee or other registered interest holder, and must be attached to the Application Form.

7. Provide details of any additional information to support the application including a statement from the relevant local government on its views on the proposed amalgamation **go to 8**
(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.

8. Tick the box to confirm the attachments for part of the application.

- Application fee, reasons for proposed amalgamation and statement from the relevant local government on its views on the proposed amalgamation
- 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 ALL registered lessees/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.

