

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application for Absolute Surrender of a Lease, Licence or Permit to Occupy

Part B

Application form requirements

1. This Application is for absolute surrender of a lease, licence or permit to occupy.
2. Read the *Absolute Surrender of a Lease, Licence or Permit to Occupy Fact Sheet* which includes application restrictions, if any.
3. Payment of the prescribed application fee if relevant.
(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

An absolute surrender is where a person surrenders their right to possession of a parcel of land to the State.

The approval under the *Land Act 1994* is required for this action to proceed. For a Lease the Lessee must give Department of Environment and Resource Management (DERM) one (1) years notice of the intention to surrender or pay one (1) years rent in advance at the time of surrender, however this requirement in appropriate circumstances may be waived.

If the lease is subject to a mortgage or sublease, the written consent to the surrender must be obtained from the registered mortgagee or sublessee.

Also if the lease is subject to other registered interests, for example an easement, the written consent must be obtained from the party who holds the interest.

When a lease, licence or permit to occupy is surrendered the ownership of any improvements becomes the property of the State and no compensation is payable. However, approval may be given to allow the lessee, licensee or permittee to remove any improvements within and agreed time.

On registration of an absolute surrender the rights and any interests under the Lease, Licence or Permit to Occupy end. However, a public utility easement may continue in accordance with Section 372 of the *Land Act 1994*.

Information on this form, and any attachments, is being collected to process and assess your application under *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.	The application is for surrender of:	<input type="checkbox"/>	Lease	go to 2
		<input type="checkbox"/>	Licence	go to 5
		<input type="checkbox"/>	Permit to Occupy	go to 5

2.	Is the lease subject to a Mortgage?	<input type="checkbox"/>	Yes	go to 3	<input type="checkbox"/>	No	go to 3
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If **YES**, the written consent to the application for surrender must be from the registered mortgagee, and must be attached to the Application Form.

3.	Is there a sublease over the lease?	<input type="checkbox"/>	Yes	go to 4	<input type="checkbox"/>	No	go to 4
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If **YES**, the written consent to the application for surrender must be from the registered sublessee, and must be attached to the Application Form.

4.	Is the lease subject to another registered interest? Eg. Easement	<input type="checkbox"/>	Yes	go to 5	<input type="checkbox"/>	No	go to 5
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If **YES**, the written consent to the application for surrender must be obtained from the interest holder, and must be attached to the Application Form.

5.	Is there currently any outstanding rental or other monies payable to the State on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/>	Yes	go to 6	<input type="checkbox"/>	No	go to 6
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All monies owing to the State must be paid. For details on any outstanding rental or other monies contact your local DERM office.

6.	Is there currently any outstanding Local Government rates or charges payable on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/>	Yes	go to 7	<input type="checkbox"/>	No	go to 7
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The DERM office will seek the views of the relevant Local Government for this application.

7.	What is the reason for the application of surrender of the Lease, Licence or Permit to Occupy? (If there is insufficient space, please lodge as an attachment)	go to 8
<input type="text"/> <input type="text"/>		

8.	What is the current use of land? (If there is insufficient space, please lodge as an attachment)	go to 9
<input type="text"/> <input type="text"/>		

- 9.** List below ALL existing improvements on the current leased land eg. fencing, dams, buildings etc. **go to 10**
(If there is insufficient space, please lodge as an attachment)

A property sketch and/or aerial photo overlay of the improvements should also be attached to the application.
When a lease/licence or permit is surrendered the ownership of any improvements becomes the property of the State and no compensation for these improvements is payable. However, the Minister may allow the lessee to remove any improvements within a time stated in the notice.

- 10.** Provide details of any additional information to support the application. **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.

- Property sketch and /or aerial photo overlay
- Letter of consent of Mortgagee, if applicable
- Letter of consent of Sub-lessee, if applicable
- Letter of consent of any other interest holder, if applicable

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.