

# Purchasing a title from a lease or licence

Holders of either a lease or a licence over Crown land may be eligible to apply to surrender their lease or licence in order to purchase a title to the land (known as a 'fee simple' title).

## Perpetual leases

The following types of leases are likely to be eligible for purchase:

- Perpetual leases
- War service leases
- Irrigation leases

## Term leases

Most term leases, including the majority of shack leases, are not eligible to be purchased. Due to the recommendations of a Cabinet endorsed report, life tenure shack leases are not eligible to be purchased or transferred.

## Licences

You can only purchase land from a licence where you have made significant authorised improvements on the land and the land is suitable for private ownership. The purchase price is based on the unimproved value of the land and other conditions may apply. A licence is not a right to purchase the land.

## Purchasing process

Application forms to apply for freehold of your lease or licence are available online at:

[www.environment.sa.gov.au/managing-natural-resources/Land/Crown\\_lands/Forms\\_and\\_fact\\_sheets](http://www.environment.sa.gov.au/managing-natural-resources/Land/Crown_lands/Forms_and_fact_sheets)

Completed applications should be sent to your local natural resources office with the application fee.

## Requirements for purchase

The following information should be included with the application form to purchase:

### Survey data

To create a freehold title, you will need to ensure there is adequate survey data. Contact your local natural resource office to determine whether a survey is required. If required, it is the landowner's responsibility to arrange an adequate survey to define the boundaries of the allotment. This survey should be arranged by the applicant at their own cost.

### Legal access

The parcel of land must have direct access to a surveyed road. If not, legal access, meaning adequate road access, will need to be arranged and may result in additional expenses.

### Waterfront properties

If a boundary of the land parcel includes the edge of the River Murray or coastal waterfront, a setback of a minimum width of 50 metres will be required. In areas of coastal hazards or riverfront conservation the width may be greater than 50 metres. If it is determined that a setback is required, the applicant must arrange a survey at their own cost of the waterfront boundary.

### Purchase price

The purchase price for perpetual leases is currently \$6,000 or 20 times the annual rent, whichever is greater, unless specified in the lease. War Service Leases will always have the purchase price specified in the lease.

If the property is waterfront and land needs to be surrendered to create a larger waterfront setback, the purchase price may be reduced as compensation for this loss.

The purchase price for term leases and licences are determined by the market value of the unimproved land. The department will obtain land valuation from a private valuer.

### Special conditions

Some leases contain special conditions, which will need to be considered. You will be informed of any special conditions relating to your lease on submission of your application.

### Mortgages and encumbrances

Some leases have mortgages with the Minister of Lands or Irrigation. If this is the case the mortgage will need to be cleared off the lease. If you are holding multiple leases and wish to include them on the one application then all of the leases must be subject to the same mortgages and encumbrances, and all the leases must be in the same ownership.



## Production of Crown lease

The original lease needs to be supplied. If you do not have the lessee's copy of the lease then an application for a duplicate lease must be lodged by the applicant, which may delay the process.

To obtain a search copy of your lease visit:

[www.landservices.sa.gov.au](http://www.landservices.sa.gov.au)

If the property is mortgaged, then the production of your lease will need to be arranged with your financial institution which may charge a fee for this service.

## Other fees

Additional fees may include the registration of documents with the Land Services Group. For information on these fees please visit

[www.landservices.sa.gov](http://www.landservices.sa.gov).

The following additional requirements may apply to the purchase of an eligible shack lease:

## Septic Tank Effluent Disposal Scheme

Connection to the local Septic Tank Effluent Disposal Scheme is a requirement for the purchase of some shack leases and residential licences. The lessee must provide a letter of confirmation from the local council confirming connection to the appropriate scheme.

## Land management agreement

Land management agreements apply to some shack sites (miscellaneous leases). In certain areas it is a condition of purchase that the applicant enters into a land management agreement with the Minister for Urban Development and Planning. This agreement will be registered against the title to the land.

A land management agreement will attract additional fees, and the applicant must seek advice from an independent legal practitioner on the implications of the agreement.

## Other Ministerial consents for leases

Under the *Crown Land Management Act 2009* the Minister needs to consent to the transfer (sale) of all leases. Please note some leases are not eligible for transfer and must be converted to freehold to be sold. Contact your natural resources office for details.

To mortgage or sublet a lease you must apply for consent. However, you do not require consent to mortgage a Perpetual Lease.

To request consent to mortgage/sublease or transfer a Crown lease, complete the relevant application online:

[www.environment.sa.gov.au/managing-natural-resources/Land/Crown\\_lands/Forms\\_and\\_fact\\_sheets](http://www.environment.sa.gov.au/managing-natural-resources/Land/Crown_lands/Forms_and_fact_sheets)

If consent to transfer a lease is approved a consent document will be sent to you. You will need to lodge this in the Land Services Group Office. You may want to engage a conveyancer to assist you with the process.

## For more information

For enquiries, please contact the Department of Environment, Water and Natural Resources:  
[DEWNR.CrownLandsEnquiries@sa.gov.au](mailto:DEWNR.CrownLandsEnquiries@sa.gov.au)

### Adelaide

GPO Box 1047, ADELAIDE SA 5001  
P (08) 8204 1218

### Berri

PO Box 231, BERRI SA 5343  
P (08) 8595 2105

### Kadina

PO Box 195, KADINA SA 5554  
P (08) 8821 2588

### Port Augusta

PO Box 78, PORT AUGUSTA SA 5700  
P (08) 8648 5300

### Mount Gambier

PO Box 1046, MOUNT GAMBIER SA 5290  
P (08) 8735 1177

[www.environment.sa.gov.au/crown-land](http://www.environment.sa.gov.au/crown-land)

