

Lease application

This form is to be used to apply for a lease over Crown land in NSW under the *Crown Land Management Act 2016*.

Important information

The purpose of this form is to provide all of the necessary details of the applicant(s) including the property details and supporting Business Plan that fully describes the proposal to lease Crown land.

The Application Form is in three parts:

- | | |
|---------------|-----------------------------------|
| PART A | Applicant Details |
| PART B | Property Details |
| PART C | Proposal and Business Plan |

ALL parts of this form must be completed accurately and in full, otherwise your application will be returned to you and processing of the application will stop until it is returned with all errors and omissions rectified.

Applicants must meet the Departments requirements for proof of identity and bonafides.

Applications are processed in the order in which they are received, and in accordance with the requirements of the *Crown Land Management Act 2016 201 No 58 (the Act)* and all other relevant NSW Government legislation, policies and procedures, including but not confined to:

- Policy Number IND-0-253 - Leasing of Crown Land
- Policy Number IND-0-182 - Sale or Lease of Crown Land by Direct Negotiation.

Prior to lodging the application – contact the Department for advice if you are unsure about any of the information requirements or application processes.

The Department will acknowledge receipt of your application and undertake a review to ensure the application is complete. If the application is complete an estimate of processing time will be advised. The Department will stay in contact with you until processing of your application is completed.

Contact us

For more information, please contact us at:

NSW Department of Planning and Environment - Crown Lands
PO Box 2155
DANGAR NSW 2309

Phone: 1300 886 235

Email: leasing@crowmland.nsw.gov.au

Website: industry.nsw.gov.au/lands/use/leases

Fee

\$757.00 - A non-refundable advance towards processing costs. For further information please refer to the NSW Department of Planning and Environment - Crown Lands website.

Lodgment

Mail to:

NSW Department of Planning and Environment - Crown Lands
PO Box 2155
DANGAR NSW 2309

Include fee payment - Cheque or Money Order payable to the Department of Planning and Environment - Crown Lands

Email to:

leasing@crowmland.nsw.gov.au

Upon receipt, a tax invoice will be issued for the prescribed fee.

Acknowledgement

I/ We expressly acknowledge that:

- The Department will consider all applications for lease over Crown land on their own merits.
- All available and relevant information is considered prior to a determination of each application.
- No guarantee can be given as to the outcome of any application under the provisions of the Act.

Declaration

I/We declare that:

This application is made in good faith by the applicant who intends to use the subject Crown Land for the purpose described in this application and only for that purpose.

- The information contained in this application is complete, true and correct as at the date this application is signed.
- All signatories to this application are at least eighteen years of age and have legal capacity and legal authority to enter into agreements on behalf of the applicant/s.

Signed and Dated

Applicant Signatory 1

Name in full			
	First Name	Middle Names	Surname
Position Title/ Organisation			
Signature		Date	

Applicant Signatory 2 (if applicable)

Name in full			
	First Name	Middle Names	Surname
Position Title/ Organisation			
Signature		Date	

Applicant Signatory 3 (if applicable)

Name in full			
	First Name	Middle Names	Surname
Position Title/ Organisation			
Signature		Date	

PART A - Applicant Details

Applicant/s

Type of Legal Entity	<input type="checkbox"/> Individual/sole trader <input type="checkbox"/> Business Partnership <input type="checkbox"/> Australian Company
	<input type="checkbox"/> Foreign Company <input type="checkbox"/> Incorporated Association <input type="checkbox"/> Registered Cooperative
	<input type="checkbox"/> Government Agency <input type="checkbox"/> Trust <input type="checkbox"/> Other (Describe)

Individuals or Sole Traders

Please only complete this part if the applicant is an individual or sole trader.

Applicant 1

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other			
Name in Full	<div>First Name</div> <div>Middle Names</div> <div>Surname</div>			
Date of Birth				
Home address				
Postal address				
Email address				
Phone numbers	Land line		Mobile Number	

Applicant 2 (add additional details if applicable)

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other			
Name in Full	<div>First Name</div> <div>Middle Names</div> <div>Surname</div>			
Date of Birth				
Home address				
Postal address				
Email address				
Phone numbers	Land line		Mobile Number	

Business Entity

Please complete this part if the applicant is a Business Partnership, Australian Company, Foreign Company, Incorporated Association, Registered Cooperative, Government Agency, Trust or Other Legal Entity.

Name of Business Entity				
ABN / ACN / ARB				
Business Street Address				
Postal address				
Contact Person Name / Position Title				
Email address				
Phone Numbers	Land line		Mobile Number	

Signatories and Office Bearers

Please provide the details required below for each signatory to this application and for each of the Office Bearers(CEO/Public Officer, Directors Etc.) of each applicant business entity.

* Please attach further pages if applicable.

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other			
Name in Full	<div>First Name</div> <div>Middle Names</div> <div>Surname</div>			
Position Title / Organisation				
Date of Birth				
Home address				
Postal address				
Email address				
Phone Numbers	Land line		Mobile Number	

Proof of Identity

Each of the above-named individuals; business entities and office bearers of each applicant business identity must prove their identity by providing copies of the document listed on the next page.

Fitness to hold a Crown Tenure

The Departments policy on Leasing of Crown Land requires that a lease may only be granted to an applicant who can demonstrate that they meet the “fit and proper” criteria. Please refer to the Policy Number IND-0-253 - *Leasing of Crown Land* for details.

To assist us in determining this part of your application, please answer **YES** or **NO** to each of the following questions asked in relation to each of the Individuals, Signatories and Office Bearers who are party to this application.

IN THE PAST 10 YEARS:	PLEASE ANSWER YES OR NO
1. Have you become insolvent, been declared bankrupt or sought protection from bankruptcy laws?	
2. Have you entered into voluntary or involuntary administration, receivership or liquidation of a business?	
3. Have you been banned or disqualified by the Australian Securities Investments Commission from being a company director or holding office of an Australian company or other business entity?	
4. Have you had compliance action taken against you by NSW Crown Lands (including termination of a tenure for non-compliance, debt management or other compliance action)?	
5. Have you been convicted of a serious offence in Australia or overseas? If yes additional application requirements apply as detailed below.	
6. Are you, the individual or entity, considered a “foreign person” or “foreign entity”? (Refer to definition in “Additional Information – foreign individual or entity”)	

If you have answered YES to any of the above questions, please attach records providing details of the circumstances.

Any information you provide in relation to any of these questions will be managed strictly in accordance with the Department’s Privacy Policy and your application will be considered respectfully and objectively on its merits.

PART A - Applicant Details

Attach Supporting Documents for Applicant Details here



Individuals, Signatories and Office Bearers

Copies of the following documents for each signatory to this application and for each individual business partner and / or each office bearer of each applicant company, trust, incorporated association or government agency that is party to this application.

- ☐ Current Australian Drivers licence **AND**
- ☐ Current Australian or Foreign Passport **OR**
- ☐ Other form of photo identification showing current residential address

Business Entities

Copies of the following documents where relevant for each business entity that is a party to this application:

- ☐ Current Business Partnership Deed
- ☐ Current Company Extract
- ☐ Current Certificate of Incorporation of an Association
- ☐ Current Certificate of Registration of a Cooperative
- ☐ Current Trust Deed

Additional Information – Fit and Proper Criteria

Copies of documents relating to any of the following matters occurring within the past 10 years:

- ☐ Insolvency or bankruptcy
- ☐ Voluntary or Involuntary Administration, receivership or liquidation
- ☐ Crown Lands compliance action or debt management action
- ☐ Original (or certified copy) National Police Check issued by the Australian Federal Police, and if the individual has been in a country other than Australia for 12 months or more preceding the application, the original (or certified copy) criminal records checks issued by the authorities in that country.

Additional Information – Foreign entity or individual

Copies of documents relating to any foreign ownership, interest or investment and relevant approvals:

- a. An individual or an entity is a “foreign person” or a “foreign entity” if: an individual not ordinarily resident in Australia; or
- b. a corporation in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
- c. a corporation in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; or
- d. the trustee of a trust in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
- e. the trustee of a trust in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign corporation or a foreign government, hold an aggregate substantial interest; or
- f. a foreign government; or
- g. any other person, or any other entity that meets the conditions, prescribed by the regulations of the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

PART B - Property Details

Attach supporting documents for Property Details here



Description of the land

Please advise the details of all parcels of the Crown land that are the subject of this application.

Property Address	
Lot/Section/Plan No.	
Parish / County	
LGA	
Describe the terrain, any vegetation and / or improvements on the land	

Location map

☐ Location map attached showing boundaries of land that is the subject of this application.

**Please note that you can generate a location map on-line. Go to <http://maps.six.nsw.gov.au> for free mapping services.*

Permitted and Prohibited Uses and of the land

☐ NSW Planning Property Report attached for each parcel of land that is the subject of this application.

**Please note that Maps and Property Reports are available for free from the website:
<https://www.planningportal.nsw.gov.au/find-a-property>*

Details of existing crown holdings

If you already hold a Crown lease or other Crown tenure - please advise the details:

Does this application relate to the existing Crown tenure identified below?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Crown Land Tenure Type	<input type="checkbox"/> LEASE <input type="checkbox"/> OTHER
Crown Land Account No.	
Property Address	
Lot/Section/Plan No.	
Parish / County/ LGA	
Tenure Holders name	
Current rent per annum	\$ (as shown on latest invoice)
	Are there any outstanding payments due? YES NO

Adjacent property details

If you own or otherwise hold, adjoining land, please provide details - in the table below.

Property Address	
Lot/Section/Plan No.	
Owners Name/s in Full	
Type of holding (free hold title / lease/ licence)	

PART C – Proposal & Business Plan

Attach supporting documents for Proposal & Business Plan here



Important Information

- i. In order to assess your application for lease, the Department needs a good understanding of how you propose to use the subject land, and what financial capacity and capability you have to implement your plans. Please provide the all of the information requested below.
- ii. For all commercial or complex proposals please attach a separate document titled [PART C – Proposal & Business Plan](#), with accompanying sections that provides all of the information requested below.

The following sections are required to be completed.

Section 1	Proposal
Section 2	Business Plan
Section 3	Financial Capacity
Section 4	Experience & Capability
Section 5	Lease by direct negotiation

All responses are to be submitted in Arial or other common typographical font, 11 or 12 pitch.

Proposal and Business Plan checklist

The following Proposal and Business Plan checklist is provided to ensure all of the required information is submitted with the Application Form.

The following copies of the required documents are attached:

- ☐ Site Plans and Layout
- ☐ Statements from financiers confirming finance arrangements
- ☐ Tax Returns and Statements of Net Worth for the past three financial years for each relevant person
- ☐ Annual reports including profit and loss statements and balance sheets for the past three years
- ☐ Other records confirming current financial status and financial performance for the past three years
- ☐ Details of significant events, including pending litigation, that may impact on capacity to implement the plan
- ☐ Images of business premises / past projects demonstrating relevant experience
- ☐ Statement supporting the application for lease by direct negotiation

SECTION 1 – PROPOSAL

Proposal Summary

Briefly outline your proposal for development and operation of the site and provide comments on how your business or activity would contribute toward the economic, social and environmental project objectives.

SECTION 2 – BUSINESS PLAN

Terms and Conditions

Outline the key terms of lease you are seeking:

ITEM	DESCRIPTION
Term (in years)	
Capital Expenditure (Proposed)	
Other key conditions you seek to have included in a lease, if granted.	

Site Investigations

Describe the site investigations, environmental and other studies that you propose to undertake in preparation for this activity.

Site preparation

Describe any site preparation that you propose to undertake prior to commencing planned business activities (e.g. remediation of any contamination, demolition or modification of existing structures).

Site Plans / Layout

Describe the layout, and if you already have site plans, please attach them to your application.

Plant and Equipment

Describe the plant and equipment that you propose to bring on to the Crown land.

Services and Utilities

Describe the services and utilities that you propose to make available to run the business (e.g. water, sewer, electricity, telecommunications, trade waste management etc.)

Licences and Approvals

Describe any licences and approvals, in addition to the granting of a Crown Lands Lease, that you require to operate and the business (e.g. liquor licence, environmental protection licence, trade waste licence, approvals from local government authorities etc.)

Capital works

Describe the improvements that you intend to make to the Crown land including buildings, access, parking and any other infrastructure that you propose to install.

Complete this table to show the timing and value of proposed capital works to improve the site.

YEAR	PROPOSED WORKS	COST ESTIMATE (\$AU)
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$
TOTAL		\$

SECTION 3 – FINANCIAL CAPACITY

Describe how you propose to finance the proposed capital works and start-up of the business.

Please provide evidence of your current financial status for:

- Applicants who are individuals / sole traders or business partnerships, provide a copy of tax returns and statements of net worth for the past three years.
- Applicant companies, trusts, joint ventures and consortia – each legal entity, provide a copy of annual reports including profit and loss statements and balance sheets for the past three years.
- Other applicant types, provide similar documentation proving current financial status and financial performance for the past three years.
- The applicant's ability to fund the proposal, including the apportionment of project funding to debt and equity respectively. Provide details of expected borrowings and include current letters of advice from Financial Institutions indicating their initial willingness to provide finance for this Lease purchase and development project.
- A joint venture, partnership or consortia, evidence of the business relationship between the participants, including copies of any agreements or other documents in evidence of the relationships must also be provided.

Legal Impact

Please advise the details of any significant events, including litigation that may impact on your capacity to implement the business activities described in this application

SECTION 4 – EXPERIENCE & CAPABILITY

Proponents are to provide evidence of their skills, qualifications and work experience.

Please provide details of any similar business activities or development projects in which you have had significant and direct involvement. Please include in this description, the name and location of the business / project/s, contact details of key personnel involved, and names and contact details of any regulatory agencies involved in these projects.

Please attach images of the business premises named above.

SECTION 5 – LEASE BY DIRECT NEGOTIATION

As a general principle, the Department will use competitive processes for the lease of Crown land. However, there are circumstances where it may not be possible or practical to use a competitive process.

Any application for a lease of Crown land by direct negotiation will need to consider the NSW DPE Crown land Policy IND-O-182 Sale or Lease of Crown land by direct negotiation 2016 (available on the NSW DPE Crown land website). The policy sets out the framework by which the Department will consider entering into direct negotiations for the lease of Crown land.

Please provide a statement and advise how you believe this application meets the circumstances under which direct negotiations are considered.

Note that nothing in the policy requires the department to enter into a direct negotiation, even in circumstances where a direct negotiation may be permitted under the policy.

Office use only – Refer to the Receipting and Referrals Codes Document					
<input type="checkbox"/> BCD	<input type="checkbox"/> BCN	<input type="checkbox"/> DO	Code		Account Number
Fee Paid		Receipt Number		CM9	
Checked by				Date	

© State of New South Wales through Department of Planning & Environment 2021. The information contained in this publication is based on knowledge and understanding at the time of writing (June 2021). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning & Environment—Crown Lands or the user's independent adviser.