



Application for a lease, licence or other interest in Aboriginal land

1. What are you applying for?

Lease Licence Other interest in land _____

2. Who? Applicant details

Name of applicant _____

Address of applicant _____

Best contact name(s) _____

Phone _____

Email _____

3. Where? Identifying the land

Map Please **attach a map** clearly marking the land you wish to occupy
 Attached

Community (if relevant) _____

Lot number (if available) _____

Other description (give enough detail to describe, precisely, the area you wish to occupy) _____

4. Why? Purpose of lease, licence etc

Purpose Every lease includes a purpose for which the land can be used.
For example, provision of youth services, staff accommodation;
provision of education and training services etc.

5. How long? Nominating the term of the lease

Term^(a) How many years are you applying to hold the lease, licence or
other interest in Aboriginal land?

6. Rent proposal? ^(b)

Amount (excl. GST) Annual amount of \$ _____

"Fair" rent to be calculated using the formula:

- Residential – 7% of Unimproved Capital Value (UCV) of leased land

- Non-residential, public purposes – 10% of UCV of the leased land

- Commercial or income-deriving purposes ^(c) – 10% of UCV of the leased land, plus 2.5% of annual turnover derived from the leased land

Frequency of payment Annual (standard) Other _____

Paid in advance (standard) Other _____

Annual CPI increases (if any) Standard ^(d) Other _____

Rent review The CLC recommends that rent reviews be undertaken at least every 5 years, though the timing of rent reviews in a specific lease will depend on a number of factors.

Comments _____

7. Authorisation

Name _____
Sign _____ *Date* _____

Position

Notes:

(a) If you are applying for a lease for a term of 12 years or more (including any options, further terms etc), it will be considered a subdivision for the purposes of the *Planning Act* (NT). Please contact the Department of Planning to obtain advice on what steps you will need to take to comply with the *Planning Act*, prior to finalising a lease for a term of more than 12 years.

In relation to leases and licences in Aboriginal communities in the CLC region, some traditional owners have consented to 40 year leases to government agencies. While longer term leases are legally possible, and able to be applied for, none have been consented to in the CLC region.

(b) There is now an expectation amongst traditional owners that fair rent will be paid by people or entities seeking leases or licences over Aboriginal land. If you wish to ask the traditional owners for a non-standard or 'peppercorn rent' (effectively a low or no rent) lease, as opposed to paying fair rent, then you must attach a statement detailing and quantifying the 'community benefit' your organisation provides. While the traditional owners will ultimately decide whether or not to accept a peppercorn rent proposal, the CLC does not ordinarily recommend that peppercorn rent proposal be accepted from government agencies, commercial entities, or organisations that are primarily funded by government to provide services. Please note that many funding bodies have acknowledged that this will necessitate them funding third party service providers working on Aboriginal communities such that they can pay rent for the land on which their assets are located.

(c) There is also an expectation that when a third party derives income from using the land, then the rent payable for that land: (i) will exceed the subsidized rent payable for public, non-income deriving uses; and (ii) will be greater than the usual rent calculation based solely on unimproved capital value. This includes, for example, use of land to operate a store, provide accommodation for a fee and other third-party commercial uses.

(d) Standard CPI clause: On each anniversary of the Commencement Date during the Term, the Rent will increase by the amount or percentage arrived at by the application of the following formula: $X = \frac{A \times B}{C}$

Where:

C

X – is the increased amount; A – is the current amount; B – is the Consumer Price Index for All Groups Darwin published for the quarter immediately prior to the latest anniversary of the Commencement Date; and C – is the Consumer Price Index for All Groups Darwin published for the quarter immediately prior to the preceding anniversary of the Commencement Date, provided that if X is calculated to be less than A, then there will be no change to the current amount.