

# Third Party Occupancy Application Form

Section One: To be completed by the board and sent to local Ministry office.

- Read the following instructions carefully prior to completing this third-party occupancy application.
- There are two sections in this application form. Section One is to be completed by the board. Section Two is to be completed by the Ministry.
- Before answering each part, read the instructions and examples (if any) and fill in or tick the boxes accordingly.
- Please ensure all questions in Section One are completed and attach any relevant paperwork requested in the checklist.
- Refer to Part H which explains the steps following your school submitting the form to the Ministry

## Application date

/ / DD/MM/YYYY

## School name

## School number

Legal entity name of third party proposing to occupy part of school site  
(NOTE - if there is more than one third party, you must fill in a separate form for each third party)

New Zealand Business Number of the third party  
(visit [www.nzbn.govt.nz](http://www.nzbn.govt.nz) to search the NZBN register)

## PART A – Statutory Compliance

Under Section 162 of the Education and Training Act 2020, you may grant a lease or licence to occupy part of the school site with the consent of the Secretary for Education (the Secretary).

The following criteria must be met to comply with section 162 of the Education and Training Act 2020 (for more information please visit <https://www.legislation.govt.nz/act/public/2020/0038/latest/LMS325635.html>):

|  |     |    |
|--|-----|----|
| <b>A1</b> Is land, building or facilities required for school use during the proposed time of use?   | YES | NO |
| <b>A2</b> Is the lease or license either;<br><b>(a)</b> for a purpose associated with educational outcomes and will bring an education benefit to the school or its community, or any other school<br><b>OR</b><br><b>(b)</b> for a community purpose, and has no educational disadvantage for the school?   | YES | NO |
| <b>A3</b> Please provide details about the educational benefit or community advantage of the occupancy   |     |    |
| <b>A4</b> Can you confirm that the board is satisfied that the proposed occupancy is compatible with the board's primary objectives in governing a school?<br>This includes:<br><b>(a)</b> The school is a physically and emotionally safe place for all students and staff<br><b>(b)</b> The school gives effect to relevant student rights set out in the Education the Education and Training Act 2020, New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993<br><b>(c)</b> The school takes all reasonable steps to eliminate racism, stigma, bullying, and any forms of discrimination within the school<br><br>If no, please provide additional details related to these three statements | YES | NO |
| Provide any additional details you consider to be relevant?  |     |    |

## PART B – Contact details of the School

Name of contact at school

Phone

Email

## PART C – Contact details of the third party

Address

Phone

Email

**C1** Nature of third party (tick all that apply)

☐ Early childhood provider

☐ Community (not for profit) organisation ☐ Registered charity

☐ Local Council

☐ Sports association

☐ Pool operator

☐ Commercial organisation

☐ Registered company

☐ Registered incorporated society

☐ Other (please state)

## PART D – Details of proposed use

**D1** Purpose of occupation of school buildings or site

**D2** If third-party intends to occupy the school site to operate a licensed ECE Service, they require Early Learning Network Approval.

Have they obtained Early Learning Network Approval?      YES      NO

If yes, please attach evidence. If no, please email [ECE.NetworkManagement@education.govt.nz](mailto:ECE.NetworkManagement@education.govt.nz) for more information.

**D3** Which facilities will be occupied by the third party? (tick all that apply)

☐ Classroom

☐ Hall

☐ Playground

☐ Land

☐ Car parking area

☐ Sports Court

☐ Pool

☐ Ultrafast broadband infrastructure

☐ Gym

☐ Other (please state)

**D4** Type of use (tick all that apply). The third party proposes to:

Use an existing facility owned by the Crown

Use an existing facility owned by the board

Use an existing facility owned by the third party itself

Use an existing facility owned by someone else (please state)

Construct a new facility to be owned by the Crown and/or board (please state)

Construct a new facility to be owned by the third party (Please attach plans and specifications)

Alter or rebuild an existing facility (Please attach plans and specifications)

Sharing access to ultrafast broadband fibre/access to locate ICT equipment

Shared ownership

Other (please state)

**D5** Will any new buildings/improvements be removable?

YES NO

**D6** The third party proposes to (tick all that apply)

Have exclusive use or control of the facility at all times

Have exclusive use or control of the facility outside school hours

Share use with the school

Share use with third party

Share use with the public

**D7** If the use will be shared complete the following

**Normal operating hours of the School:**

**Proposed third party hours of use:** *For example, 3pm to 6pm weekdays/weekends during school term/ school holidays:*

How will the costs be shared?

**D8** Will the school be charged fees for any services supplied by the third party? (e.g. swimming lessons, music lessons, to use of the facility.)

YES NO

If yes, how much?

**D9** Proposed term of occupancy

Years

Months

Any rights of renewal proposed? This gives the tenant a right to renew after a certain time period. It does not give the board the right to terminate.

YES NO

If yes, provide length of term for the right of renewal (e.g. two further terms of two years each)

Proposed rent/licence fee (if any) *i.e. fees relating to the occupancy which will be charged by the school to the third party*

Proposed start date

/ / DD/MM/YYYY

Peppercorn rental? (*i.e. a nominal fee eg.\$10 per annum if demanded, to create a legally binding contract*)

YES NO

**D10** Does the Third Party require a guarantor?

YES NO

If yes, provide contact details of the guarantor of the Third Party

**Name**

**Address**

**Email**

**Phone**

## PART E - Funding

**E1** How will this project be funded (if applicable)?  
Please tick all that apply.

List approximate \$ amounts or percentage of cost if possible or provide any other details

Ministry funding programme (specify)

Board funds (state source)

Other community funds

Grant (other than Ministry of Education grant)

Funding by third party

**E2** Does the third party propose to make capital contributions?  
If yes, what is the approximate amount to be spent?

Does the third party expect any ownership interest in return for their contribution?

YES NO

If yes, please give details

**E3** List any special requirements which are not covered in our standard agreements (eg. infrastructure, carparks, health and safety, accessibility) or any significant impact to the current school infrastructure or services.

**E4** List any other existing or proposed third party occupancies of the school site

# PART F – Board Approval (to be completed by the Presiding Member and one other Board Member)

## Signed by the Presiding Member:

I hereby confirm that the above third-party occupancy proposal was approved by the School board at the board meeting held on        /        /        DD/MM/YYYY

Signature of the Presiding Member:

Name of the Presiding Member:

Date

      /      /      DD/MM/YYYY

## Witnessed by a Board Member:

(i.e. The Presiding Member could ask any other board member to co-sign, including the Principal as they are a member of the board)

Signature of the Board Member:

Name of the Board Member:

Date

      /      /      DD/MM/YYYY

# PART G - Application Checklist (please tick as appropriate)

| No. | Name of the document   | Attached | Status   |
|-----|--|----------|--|
| 1   | Business registration certificate ( <a href="https://www.nzbn.govt.nz/search/NZBN/register">visit www.nzbn.govt.nz to search NZBN register</a> )   |          | Required   |
| 2   | A map of your school, with the area that the proposed third-party occupancy will use clearly marked ( <i>please see annexure one at page 9</i> )<br>Please outline the grounds and carparks (if any) |          | Required   |
| 3   | Plans and specifications ( <i>i.e. the drawings, specification and other documents from which the building or facility is to be constructed or altered</i> )   |          | For new constructions/alterations to an existing building or facility on the School site |
| 4   | Internet access agreements – Information required with application   |          | For internet Access Agreements only  |
| 5   | Additional information for Swimming Pool Leases  |          | For Swimming Pool Agreements only  |
| 6   | Schedule C   |          | For Dental Clinics at School sites only  |
| 7   | Ministry of Education Early Learning Network Approval  |          | For Licensed Early Childhood Education Service   |

# PART H - Process guide for next steps

1. Please send this form to your Property Advisor. The Ministry will consider your application and ask for more information if needed. (You can find contact details for your local Ministry property team here: <https://www.education.govt.nz/school/property-and-transport/eis-property-staff-contact-details/>)
2. We will send the agreement for the board and third party to sign. Once this has been signed by both parties, please return it to the Property Advisor.
3. The Ministry will formally consent to the agreement once it has been signed by both parties. We will return it to you for your records.

Section Two: To be completed by the Property Advisor  
(The completed Application Form is to be submitted to [Leasing@education.govt.nz](mailto:Leasing@education.govt.nz))

## **PART I – Property Advisor Review**

**I1** Please Indicate any Issues that this proposal might raise. Factors to consider are:

- (a)** Will the land and/ or buildings covered by this proposal be needed for the purposes of the school within the proposed term? *(i.e. are there any foreseeable roll growth or property condition trends that may lead to a property project in which this space is needed for decant, rationalisation, or construction?)*
- (b)** Is this school likely to close, relocate or merge during the proposed term?

Details/comments

**I2** Where board funds are being used, is the regional Senior Financial Advisor supportive of the proposal?

**I3** How did this proposal come about? Is the local local office supportive of it? Any other relevant information?

# Part J – Regional endorsement

J1 Please list any conditions, restrictions, or modifications that you think should be considered or included in the lease or licence agreement

I endorse this application

Date  
/ / DD/MM/YYYY

Property Advisor Signature

Property Advisor Name

Ministry Contact (if not Property Advisor)

Endorsed by Infrastructure Manager

Not endorsed by Infrastructure Manager

I endorse this application

Date  
/ / DD/MM/YYYY

Infrastructure Manager Signature

Infrastructure Manager Name

## Annexure One – Site Plan (example)

(i.e. A map of the school, with the area that the proposed third party will use clearly marked.)



### Features of a good plan:

- Screenshot from Google Maps that shows wider context (broader school site, the road name). Use “Ctrl + Windows + S” to make a screenshot.
- The areas of use are outlined, including an access path showing how the occupant will get to the building.
- The areas of use are labelled. Buildings are labelled with names that match other records (i.e. K2 records or the names the school uses).
- You can draw the boundaries by hand and we will prepare a digital version for the agreement. However, to make your own digital map:
  - Paste the screenshot from Google Maps into Paint and use the “polygon” tool (looks like an ‘L’) to outline the areas of use.
  - Next, copy and paste the plan from Paint into a Word doc to “insert” “shapes” as labels.