



Gundjeihmi Aboriginal
Corporation Jabiru Town

SUB – LEASE APPLICATIONS AND APPROVALS

1 Background

The **Jabiru Township Lease** relates to the town of Jabiru. The area subject to the *Jabiru Township Lease* is currently subdivided into 584 lots including Lot 2353 (“the overarching town lot” which comprises all land not otherwise subdivided for a defined purpose).

The majority of lots in Jabiru have previously been the subject of formal sub-leases (most of which were registered with the Northern Territory Land Information System) from the **Jabiru Town Development Authority** (JTDA) which all expired on or before 30 June 2021. The town headlease held by the JTDA expired on or before 30 June 2021.

Gundjeihmi Aboriginal Corporation Jabiru Town (**GACJT**) is an approved Commonwealth entity under the *Aboriginal Land Rights (Northern Territory) Act 1976* and is responsible for granting and managing sub-leases under the Jabiru township lease. The Mirarr Traditional Owners established GACJT, and the Minister for Indigenous Affairs approved GACJT to be the relevant township entity. GACJT represents the Mirarr Traditional Owners and native title holders for Jabiru. The establishment of GACJT is an integral component of the implementation of the Jabiru Masterplan and Vision as agreed in the Memorandum of Understanding for the Future of Jabiru (August 2019).

Jabiru Kabolkmakmen Ltd (JKL) is an independent company that has been established jointly by the Northern Territory Government and Gundjeihmi Aboriginal Corporation. JKL assisted with the transition from the current Headlease to the *Jabiru Township Lease* prior to the incorporation and commencement of GACJT. JKL has been approved as the Approved Housing Entity as referred to in this document. This approval is subject to review after a period of ten (10) years from the commencement of the *Jabiru Township Lease*.

2 Purpose of this Guide

This Guide replaces the previous Sub-Lease Allocation Plan approved by the Gundjeihmi Aboriginal Corporation dated 10 June 2020.

All decisions made under the previous Sub-Lease Allocation Plan determining certain lots to be considered as ‘reserved’ are no longer current. In the majority of cases where such a determination was made, the lot in question is now formally sub-lease.

All decisions made under the previous Sub-Lease Allocation Plan to approve an organization as an Approved Managing Entity remain current and subject to this policy.

The intent of this Guide is to achieve the following:

- Provide guidance as to the policy of GACJT for considering applications for formal sub-leases in Jabiru



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- Ensure consistency with Jabiru Masterplan and Vision developed by the Mirarr Traditional Owners represented by GACJT
- Provide transparency for investment decisions for Jabiru's future
- Maximise compliance with remediation and rectification obligations arising from the previous sub-leases

GACJT maintains a record of the rectification, remediation or rehabilitation commitments arising from the previous sub-leases. Those commitments are relevant to the decision whether to approve future sub-leases. For example, if agreed remediation works have not been completed, the liability for works and the timeframe for completion may be a special condition of the new sub-lease. The time for completion of such agreed works can be deferred by the sublessee, by negotiation with GACJT, and factored into plans for future development.

To the greatest extent possible, sub-leases will relate to the same surveyed lots that were the subject of previous sub-leases. This Sub-Lease Applications and Approvals policy takes advantage of the current information available for planning future sub-leases ahead of the commencement of the *Jabiru Township Lease*.

3 Application Process

Applications must be addressed to GACJT as follows:

- 1) A *Sub-lease Request Form* must be submitted in relation to each proposal for future occupation of a lot – non-residential occupancy proposals should identify the proposed sub-lessee and residential proposals should include the details of the *Approved Managing Entity* (sub-lessee) for that kind of occupation, if known.
- 2) The Request is then assessed by GACJT staff with reference to the Guidelines at 4.
- 3) All Requests and assessments are referred to the GACJT Board. A decision must be made to approve, reject, request further information, or offer alternative options.
- 4) Where a Request is approved, the proponent will be provided with a draft sub-lease and advised that the approval is subject to final agreement of sub-lease terms and conditions between GACJT and the proponent, including any conditions for completion of identified rectification or remediation works by the proponent during the term of the proposed sub-lease. The proponent will also be advised that the approval is subject to satisfactory resolution of any outstanding remediation works on infrastructure on any lot that the proponent previously held a sub-lease over.
- 5) The decision will also note the details of any agreements entered between the JTDA and outgoing sub-lessees or other community-wide undertakings and agreements for remediation works that affect that lot.

Where requested, a *Letter of Comfort* (issued by GACJT) may be provided pending the finalisation of the sub-lease.



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4 Guidelines for Assessment by GACJT

Requests will be assessed by GACJT staff in the first instance in accordance with the following guidelines approved by the Mirarr Traditional Owners:

General Guidelines

- The intended use of a lot must be consistent with the intent and purpose of the *Jabiru Masterplan and Vision* and no sub-leases will be issued for a purpose that is inconsistent with the *Jabiru Masterplan and Vision*
- Priority will be given to those intended uses that are more closely aligned with the intent and purpose of the *Jabiru Masterplan and Vision* – in particular, proposals that support achieving the goals of Indigenous Employment and Enterprise, Sustainability and Resource Efficiency, Tourism and Government Services, Education and Research, Protection of Park Values and Services related to the Rehabilitation of the Ranger Uranium Mine
- Priority will be given to proposals that address disadvantage experienced by the Mirarr Traditional Owners and their wider community
- Priority will be given to proposals that meet an *identified need* such as a particular trade or community service that is deemed essential for the economic or social development of the region
- Subject to there being no other determining factors, priority will be given to existing occupants wishing to continue in occupation over proposed new entrants
- Priority will be given to applicants that can demonstrate a sound business case and financial capacity to support their proposed use of a lot over another similar proposal that does not include such information
- Sub-leases for residential housing (including vacant lots for residential housing) in Jabiru may only be granted to sub-lessees who are approved as an Approved Managing Entity. This restriction on residential sub-leases will apply for a period of ten (10) years from commencement of the *Jabiru Township Lease*, which may be extended.

Approved Managing Entity

- An Approved Managing Entity is an employer or other agency that requires 20 or more residential lots for the purpose of permanent staff accommodation and has the financial capacity to adequately maintain and manage residential housing
- All residential lots that are not managed by a qualifying employer or agency, will be managed as part of a rental housing pool by the Approved Housing Entity which is an Approved Managing Entity
- Approved Managing Entities, other than the Approved Housing Entity, cannot on-lease/underlease any sub-leased properties to other organisations or to individuals other than to a direct employee or sub-contractor as a tenant (no 'third party rentals')
- Where residential lots are no longer required or where the number of lots falls below 20, the Approved Managing Entity will transfer those lot/s to the Approved Housing Entity for management as part of the rental housing pool
- Sub-leases for transit (short and medium term furnished and serviced) accommodation will be held by the Approved Housing Entity and will be available for use for transit visitor and contractor accommodation needs for periods up to six months which may be renewed.



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Approved Housing Entity

- The Approved Housing Entity is a not-for-profit organisation, approved by GACJT, with a capacity to re-invest earnings from the management of residential lots into the improvement, renovation, construction, management and furnishing of existing residential housing and into building or raising finance for new residential infrastructure, including transit accommodation
- The Approved Housing Entity will not provide commercial tourist accommodation that directly competes with other providers in Jabiru for a period of ten (10) years from the commencement of the *Jabiru Township Lease* at which time the prohibition will be reviewed
- The Approved Housing Entity may enter a special arrangement to manage residential lots on behalf of another Approved Managing Entity.

Approved Housing Entity – Access to Housing

- The Approved Housing Entity will manage long-term tenancies and transit accommodation in accordance with the GACJT Access to Rental Housing in Jabiru Charter adopted by GACJT in its capacity as a representative of the Mirarr Traditional Owners. The policy will be reviewed from time to time and will reflect the following principles:
 - Rents charged will be fair and reasonable for the standard and size of the accommodation
 - A standard scale of rents will be applied equitably across the town to ensure fair access to housing and to ensure no anti-competitive impacts on the costs of services dependent on housing availability
 - Rents will be subject to indexation
 - Housing availability, including transit accommodation, will be managed so as to balance local and visitor needs.

Remediation and rectification

Requests made by former sub-lessees will be subject to the finalisation of all rectification, remediation or rehabilitation required for lots held by that sub-lessee. Agreed commitments will be noted in the decision for that lot. To the greatest extent possible, those agreed commitments will be considered in the negotiations for the terms and conditions of the future sub-leases that are granted to the sub-lessee whether the future sub-lease relates to the same lot or to another lot or lots.

Review of Guidelines

The guidelines may be reviewed by GACJT from time to time.

5 Definitions

Approved Managing Entity means a housing manager that meets the criteria set out above under 4.

GACJT Access to Rental Housing in Jabiru Charter means the document approved by GACJT from time to time which is a condition of all residential sub-leases held by the Approved Housing Entity

identified need means a trade or service that is essential for the economic and social development of the community as determined by GACJT from time to time

Jabiru Masterplan and Vision means the *Jabiru Masterplan and Vision* referred to in the Jabiru Town Plan 2019 and attached to the Memorandum of Understanding on the Future of Jabiru Township dated 14 August 2019



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Jabiru Township Lease means the lease under section 19A *Aboriginal Land Rights (Northern Territory) Act 1976* between the Northern Land Council, Kakadu Aboriginal Land Trust and GACJT dated 22 June 2021

Letter of Comfort means written confirmation of a decision made in accordance with 3. above

Sub-lease Request Form means the form attached to this plan at "A"