

GUNDJEIHMI

ABORIGINAL CORPORATION



This plan has been developed by the Mirarr Traditional Owners with the assistance and support of Jabiru Kabolkmakmen Ltd. This plan describes the approach of the Mirarr Traditional Owners to administering the township of Jabiru. The plan supports fair and transparent opportunity for current and future residents and investors and supports services for the wider region.

SUB – LEASE ALLOCATION PLAN

1 Background

The proposed **Jabiru Township Lease** relates to the existing town of Jabiru. The area to be 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 are registered with the Northern Territory Land Information System) from the **Jabiru Town Development Authority** (JTDA) which all expire on or before 30 June 2021. The current town headlease held by the JTDA expires on or before 30 June 2021.

This plan has been developed by the Mirarr Traditional Owners with the assistance of JKL after extensive consultation with existing sub-lessees and affected industry and in consideration of the current sub-lease information provided with the permission of the JTDA.

An approved Commonwealth entity under the *Aboriginal Land Rights (Northern Territory) Act 1976* (**township entity**) [to be incorporated] will be the incoming lessee under the terms of the *Jabiru Township Lease* and will be responsible for granting and managing sub-leases upon commencement of the lease. The Mirarr Traditional Owners propose to establish an Indigenous corporation for approval as the township entity. The corporation will represent the Mirarr Traditional Owners and native title holders for Jabiru township. The establishment of the township entity 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). The approach described in this SubLease Allocation Plan has been developed by the Mirarr Traditional Owners specifically to achieve the goals of the Jabiru Masterplan and Vision.

Jabiru Kabolkmakmen Ltd (JKL) is an independent company that has been established with funding provided by the Northern Territory Government to provide support services to the relevant authorities and agencies involved in the transition from the current Headlease to the *Jabiru Township Lease*. JKL’s role includes providing services to the JTDA and supporting the Mirarr Traditional Owners in developing and maintaining the *Sub-Lease Allocation Plan Schedule* in accordance with this plan. The role of JKL under this plan is subject to further funding for the period of the transition. The Mirarr Traditional Owners intend that the township entity will continue working in close collaboration with JKL and for technical support to be provided by JKL or such other providers as may be required.

GAC is an Indigenous corporation that represents the Mirarr traditional Aboriginal owners and native title holders of all Mirarr land including the land subject to the *Jabiru Township Lease* (the Mirarr).

Where this plan requires a decision to be made by the Mirarr Traditional Owners prior to the commencement of the *Jabiru Township Lease*, the decision will be referred to the township entity (if approved) or to GAC if there is no approved township entity. Upon the commencement of the *Jabiru Township Lease*, decisions must be made by the township entity.

2 Purpose of this Plan

The intent of this plan is to coordinate decisions about current sub-leases (for the remainder of their term) with how future sub-leases are considered by the township entity to achieve the following:

- Consistency with Jabiru Masterplan and Vision developed by the Mirarr Traditional Owners. The Mirarr Traditional Owners have developed this SubLease Allocation Plan to provide the community and the region with leadership through the transition to a new economy while at the same time protecting Aboriginal land and culture for future generations.
- Certainty for investment. To the greatest extent possible, existing and prospective investors interested in maintaining or constructing economic infrastructure on particular lots will be provided with a high level of certainty regarding the likelihood of a formal sub-lease being granted in support of an *approved investment*. This will be achieved by allowing for the particular lot to which an approved investment relates to be recorded in *the Sub-Lease Allocation Plan Schedule* as an *approved allocation* and reserved for the purpose of the investment. An *approved allocation* will ensure that no other proposals are actively considered by the Mirarr Traditional Owners pending the grant of a formal sub-lease, thus providing comfort that the proponent has the equivalent of a first option for the lot.
- Uninterrupted occupation. To the greatest extent possible, where existing occupation of particular lots is consistent with the purpose and intent of the *Jabiru Masterplan and Vision* and an *approved allocation* has been determined, that occupation should continue uninterrupted pending the resolution of the underlying sub-lease. This will be achieved by an early commencement of negotiations to identify new sub-lessees in order for sub-leases to be granted at the earliest possible time after the transition to the *Jabiru Township Lease*. For example, where residential houses are currently occupied, that occupation by tenancy should continue uninterrupted during the transition from the current sub-leases to the grant of new sub-leases to an *Approved Managing Entity* for houses of that type even if the new sub-lessee is not the same as the previous sub-lessee.
- Remediation and rectification. The *Sub-Lease Allocation Plan Schedule* will provide a mechanism for recording any rectification, remediation or rehabilitation commitments ahead of the termination of current sub-leases. To the greatest extent possible, those agreed commitments will be taken into account in the negotiations for the grant of future sub-leases. For example, in the event that a remediation commitment is agreed with a sublessee prior to the end of their current sub-lease, and those agreed remediation works have not been completed prior to the

commencement of the new sublease, 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 the township entity, and factored into the plans for the development of the business.)

- Use of existing cadastral information.
To the greatest extent possible, the future sub-leases will relate to the same surveyed lots that are the subject of the current sub-leases. This Sub-Lease Allocation Plan takes advantage of the current information available for planning future sub-leases ahead of the commencement of the *Jabiru Township Lease*.

3 Allocation Approval Process

The Mirarr Traditional Owners have authorised a transparent allocation approval process to be administered by JKL in consultation with current sub-lessees and occupants of Jabiru. This process will apply for the transition period and will be reviewed in late 2021. A different process may be developed for future applications for sub-leases in the post-transition period. The process for approval of allocation requests and inclusion in the *Sub-Lease Allocation Plan Schedule* to commence immediately is as follows:

- 1) An *Allocation 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 Allocation Request is then assessed by JKL with reference to the Guidelines at 4.
- 3) JKL will prepare a recommendation for the consideration of the Mirarr Traditional Owners.
- 4) Both the allocation request and the associated recommendation will be referred to the Mirarr Traditional Owners. A decision must be made to approve, reject, request further information or offer alternative options.
- 5) Where a request is approved, the proponent will be advised that the approval is subject to final agreement of sub-lease terms and conditions between the township entity 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 the lot and on any other lots held by the proponent under previous sub-leases (see 7).
- 6) Where a request is approved for allocation (subject to final agreement of sub-lease terms and conditions as described above), the lot is to be *reserved* on the *Sub-Lease Allocation Plan Schedule* pending the negotiation and execution of a sub-lease and tenancy or other under-lease agreement, if required.
- 7) Details of any agreements entered between the JTDA and outgoing sub-lessees or other community-wide undertakings and agreements for remediation works that affect a lot will be recorded in the *Sub-Lease Allocation Plan Schedule* for that lot.

- 8) Once approved, the lot is to be treated as ‘*reserved*’ and no other allocation request forms considered for that lot.
- 9) Where requested, a *Letter of Comfort* (issued by JKL) will be provided to the proposed user of the lot that sets out the status of the allocation approval.

4 Guidelines for Assessment by JKL

Requests for a lot to be allocated will be assessed by JKL 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 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 that 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 New Housing Entity which is an Approved Managing Entity
- Approved Managing Entities, other than the New Housing Entity, will not 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 New 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 New Housing Entity as a non-residential commercial sub-lease and will be available for use by Approved Managing Entities to complement transit visitor, staff and contractor accommodation needs for periods up to six months which may be renewed

New Housing Entity

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

New Housing Entity – Access to Housing Policy

- The New Housing Entity will manage long-term tenancies in accordance with an Access to Housing Policy adopted by the Mirarr Traditional Owners and reviewed from time to time, which 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

Allocation Prioritisation

In the event there are multiple successful applicants for similar allocations, prioritisation of allocations will be completed in accordance with the following scoring matrix.

Priority Factor	Score
Continuing Occupant	100
Proposed occupation deemed essential for rehabilitation of Ranger Uranium Mine	100
Fulfils Identified Need	60
Proposed occupation is a component of a Tourism or Government Service proposal	60
Proposed occupation is a component of Indigenous Employment or Enterprise	50
Proposed occupation is a component of a protection of Park Values project	40
Proposed occupation enhances Sustainability & Resource Efficiency	40
Proposed occupation is a component of an Education & Research project	40

Remediation and rectification

Requests for allocations made by current sub-lessees will be subject to the finalisation of negotiations regarding any rectification, remediation or rehabilitation required for lots held by that sub-lessee. Agreed commitments will be noted in the *Sub-Lease Allocation Plan Schedule* for that lot. To the greatest extent possible, those agreed commitments will be taken into account 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 the Mirarr Traditional Owners from time to time. The township entity may adopt and amend the guidelines.

5 Consequences of Approved Allocation

Subject to the terms of the *Jabiru Township Lease* and the Land Rights Act, the Mirarr Traditional Owners fully support the township entity granting a sub-lease for the purpose of an *approved allocation*, subject to the township entity negotiating with the proposed sub-lessee regarding the final terms and conditions of the sub-lease, including any conditions requiring rectification or remediation of existing infrastructure.

The Mirarr Traditional Owners support and encourage the work of JKL in developing general terms and conditions for classes of sub-lease including recommendations as to payments and specifying the details of required rectification and remediation works for each lot based on independent condition assessments. This includes JKL making recommendations as to rehabilitation in the case of some lots. This work is essential to inform the decision-making and planning by current and proposed residents and businesses in the Jabiru Township.

6 Definitions

Allocation Request Form means the form attached to this plan at “A”

approved allocation means an allocation approved in accordance with 3. above

approved investment means a business or community proposal that has been assessed and recommended by JKL and that has been approved by the Mirarr Traditional Owners

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

identified need means a trade or service that is essential for the economic and social development of the community as determined by JKL or the township entity 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

Jabiru Township Lease means a lease granted by the Kakadu Aboriginal Land Trust over Jabiru town land pursuant s.19A (1B) *Aboriginal Land Rights (Northern Territory) Act 1976*.

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

reserved means a lot will be treated as not available and no further allocation requests will be considered for the lot

Sub-Lease Allocation Plan Schedule means the schedule of lots maintained by JKL in accordance with this plan from time to time that records the details referred to for each corresponding lot

