

Expression of Interest

New Investment and Partnership Opportunities for Uluru

Guidelines for Subleases

Introduction

This document should be read in conjunction with the *Guidelines for Expressions of Interest New Investment and Partnership Opportunities for Uluru-Kata Tjuṯa National Park*.

This document provides guidance for proponents on the legal basis for the granting of subleases, the process for granting subleases, and the content of subleases.

In this document the term “sublease” includes “occupation licence”. A sublease may be granted for approved activities at a site in the park where exclusive possession of the site by the occupant is necessary or appropriate. An occupation licence may be granted where ongoing use and occupation of the site by the occupant is required but exclusive possession is not necessary or appropriate (eg. while the occupant generally has sole use of the site the Director of National Parks needs regular access for park management purposes).

The decision whether a sublease or occupation licence is more suitable will be made on a case by case basis having regard to the circumstances of the particular proposal.

Legal basis for Subleases

Uluru-Kata Tjuṯa National Park is a Commonwealth reserve under the [Environment Protection and Biodiversity Conservation Act 1999](#) (EPBC Act). It is also Aboriginal land under the [Aboriginal Land Rights \(Northern Territory\) Act 1976](#) (Land Rights Act), owned by the Uluru-Kata Tjuṯa Aboriginal Land Trust on behalf of the traditional Aboriginal owners of the land and leased by the Land Trust to the Director of National Parks to be managed as a national park.

Under the park lease the Director of National Parks may only grant subleases or other interests in land in the park with the consent of the Uluru-Kata Tjuṯa Aboriginal Land Trust.

Under the EPBC Act the Director of National Parks may only grant subleases in the park in accordance with the management plan for the park. Section 8.6 of the current management plan, *Uluru-Kata Tjuṯa National Park Management Plan 2010-2020*, provides-

- 8.6.1 The Director may, with the written consent of the Uluru-Kata Tjuṯa Aboriginal Land Trust and approval of the Board, grant sub-leases relating to land in the park for exclusive use commercial activities approved by the Board.
- 8.6.2 Decisions about sub-leases are made in accordance with Section 4.1 of the Management Plan ‘Making Decisions and Working Together’. Consideration of potential impacts of proposals is dealt with under section 8.5, ‘Assessment of Proposals’.
- 8.6.3 The Director, in consultation with the Board, may determine the rent or occupation fee for each sub-lease and the length of any sub-lease.
- 8.6.4 Sub-leases will
 - be consistent with the conditions of the lease between the Land Trust and the Director and:
 - clearly define the area covered by the sub-lease
 - include provisions for minimising impacts on park values
 - include environmental protection measures including, where necessary, waste management.

The management plan can be viewed and downloaded at-

<http://www.environment.gov.au/resource/management-plan-2010-2020-ulu-kata-tjuta-national-park>

Evaluation of Proposals and Granting of Sublease

Proposals will be evaluated against the criteria set out in the *Guidelines for Expressions of Interest New Investment and Partnership Opportunities for Uluru-Kata Tjuta National Park*.

If approved by the Board of Management potential impacts of the proposal will be dealt with in accordance with section 8.5 of the park management plan, 'Assessment of Proposals' before a final decision is made in accordance with Section 4.1 of the Management Plan 'Making Decisions and Working Together'. Proponents may be required to meet the cost of preparing an environmental impact assessment, including sacred site clearances.

As noted above, in addition to approval under the management plan, a sublease or occupation licence requires consent from the Uluru-Kata Tjuta Aboriginal Land Trust, through the Central Land Council. Proponents may be required to meet costs associated with carrying out consultations with traditional owners as required under the Land Rights Act (which may be done in conjunction with sacred site clearance consultations).

Duration of Sublease

Duration of subleases will depend on the location and use of the site, and the scale of investment and capital improvements and period needed to provide an adequate return on investment.

Options for renewal or extension may be included and will be based on satisfactory performance against the terms and conditions of the agreement.

Proponents should note that under the [Planning Act \(NT\)](#) subleases and occupation licences for a term greater than 12 years (including renewal periods) constitute a subdivision of land that requires a development permit.

Rent

Rent may be a fixed annual amount based on market valuation for comparable premises/areas; percentage of revenue from business operations, or a combination. In determining the appropriate financial terms consideration will be given to:

- potential non-financial benefits to the park from the proposed sub-lease;
- potential benefits to traditional owners and the Mutitjulu Community;
- establishment costs of new businesses in remote protected areas.

Provision may be made for periodic review of rent, e.g. specified annual increases or increases in line with the Consumer Price Index.

Public Liability Insurance

All operators of commercial activities in the park must have public liability insurance cover for an amount of at least \$20 million per incident/event. This requirement ensures that the operators clients and other park users can be compensated for personal injury or loss/damage to property due to incidents for which the operator is legally responsible. It also protects operators against the financial risk of these type of incidents.

Sublease Terms and Conditions

A sublease will be substantially in the form of the template that can be accessed here [\(link\)](#) (where an occupation licence is more appropriate the licence would be in the same terms except for necessary changes to reflect the different nature of the agreement).

Tour Operations

If a proponent intends to operate tour activities outside the proposed sublease/licence site:

- those operations will need to be consistent with the [Parks Australia Commercial Tourism Activity Licence Guidelines](#), including accreditation of the operator under a Tourism Accreditation Australia Limited (TAAL) program and all guides must have successfully completed the Knowledge for Tour Guides program for Uluru-Kata Tjuta National Park; and
- appropriate terms and conditions will be included in the sublease.