

White Cliffs Perpetual Leases Fact Sheet

Information about perpetual leases that may be granted to residents of dugouts in White Cliffs, NSW.

Update on ILUA negotiations

The Department of Planning, Industry and Environment – Crown Lands (the department) is pleased to be able to provide the following update regarding negotiations with Barkandji native title holders for an Indigenous Land Use Agreement (ILUA) for tenures in White Cliffs.

- The Barkandji have authorised the grant of perpetual leases for all of the dugouts.
- These perpetual leases will be issued pursuant to the *Crown Land Management Act 2016*.
- The department will assist with the process including arranging and paying for survey.
- The grant of a perpetual lease will not extinguish native title. Native title will continue to exist over the dugouts, however the rights will be suppressed while ever there is a lease or licence in place.

Types of tenures that will be offered

Perpetual leases will be offered to all residents of dugouts in the White Cliffs area. Entering a perpetual lease will be voluntary. If a lease is not the desired outcome for a dugout resident, the department can issue an ongoing licence. To use or occupy a dugout a lease or licence will be required.

Costs

The department will meet the costs associated with the creation of a perpetual lease or licence, and will arrange and pay for survey, as well as the creation of individual lots that relate to each dugout. The application fee that is ordinarily payable when a lease is granted will be also be waived by the department. All costs associated with the registration of leases on title documents will also be covered by the department.

Eligibility for perpetual leases

All residents of dugouts, irrespective of whether their licence terminated, will be eligible for a perpetual lease. A perpetual licence is also available, however leases are the preferred form of tenure.

Conversion to freehold

The department will not be able to convert either a lease or a licence to freehold title. The leasing arrangement and associated documentation will reflect this. Perpetual leases are the most secure form of tenure available.

Dugout lease/licence conditions

Perpetual leases and licences will be subject to several conditions that reflect the unique connection that the Barkandji people have with the White Cliffs area. Tenure conditions will include:

- Further excavation of a dugout will not be permitted without the consent of the Barkandji People.
- Leases or licences shall only be for residential and/or business purposes. Consent from the Barkandji will be required for variation between these purposes, e.g. for variation from residential to business.
- A lease cannot be converted to freehold, regardless of any provisions of legislation.
- The Barkandji People are to be given a first right to purchase a dugout when it is offered for sale for an agreed market value and first right of refusal for any lease terminated that reverts to the Crown. The Barkandji may elect not to exercise this right and then the dugout may be sold on the open market. The first right to purchase will not apply to intergenerational transfers.
- The tenures will provide the ability to have an annual inspection to ensure the conditions of the tenure are being complied with.
- The tenures will continue to reflect that they do not authorise the removal of any mineral, including opals. The removal of opal will continue to be prohibited by the new tenure.
- Rent will be payable in accordance with the *Crown Land Management Act 2016*. If the market rent value is determined to be lower than the statutory minimum amount, the minimum amount will be charged. The rent on all dugouts is currently set at the minimum rent.
- As is the case with all tenures issued by the department, if the conditions of the agreement are not adhered to, the department may forfeit the agreement.

Timeframes for issuing tenures

The department intends to issue perpetual leases for dugouts within the next three years following the registration of the ILUA. The process of creating these leases takes time and will require the ongoing assistance and participation from holders of dugouts. The department looks forward to working with both the White Cliffs community and the Barkandji People throughout this process. The department will keep dugout holders advised of any updates or changes to the process as necessary.

Next steps

Information is sent to holders by letter, or email where an email address has been supplied. If you are receiving letters by mail and would prefer to receive correspondence by email please contact us on the number below or send an email to native.title@crowland.nsw.gov.au including your name and other relevant contact details.

The department will be in contact with you to provide further information about obtaining a perpetual lease in the near future. If you have any questions about perpetual leases, please contact Joshua Higgs on 02 6883 5405.

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