



Western Lands Leases over camps on the Lightning Ridge opal fields

A Western Lands Lease may now be granted to people who hold valid Mineral Claims over lands which include camps on the Lightning Ridge opal fields.

General

Several years ago, a working group was formed to investigate and identify options for the provision of a secure title to camp dwellers on the Preserved Fields.

The Camps on Claims Working Group has representatives from the Department of Natural Resources (DNR), Department of Primary Industries (Mineral Resources NSW) and Walgett Shire Council. In the process of reviewing the various options and establishing procedures for the issue of titles, the Working Group has worked closely with other agencies, Miners' Associations, and claim holder representatives.

The scheme that has been adopted provides for the grant of a Western Lands Lease under the provisions of the Western Lands Act 1901.

Areas available for application

Application is restricted to the "preserved fields" within the areas held under Permissive Occupancy 1985/19 at Lightning Ridge by Walgett Shire Council for planning and management purposes. A map identifying this area is displayed at the Department of Primary Industries (Mineral Resources NSW) office in Lightning Ridge.

Provision may in the future extend to other areas in the preserved fields currently held under Western Lands Lease for *grazing*.

Native title issues will have to be considered with every application received.

Who may apply

Invitations to lodge an application will only be extended to those who hold current mineral claims within the above mentioned area and have been granted residential status by the Lightning Ridge Mining Registrar.

Any other persons wishing to obtain a lease on the Permissive Occupancy should contact one of the offices indicated below for further details.

Area of leases

The area of each lease will be limited to the boundaries of each individual mineral claim with residential status. The boundaries of each claim have been identified by the Department of Primary Industries (Mineral Resources NSW) using a Global Positioning System survey method. Plans have been prepared showing the boundaries of each claim as a separate lot, and have been lodged for registration as Deposited Plans with the Registrar General.

The size and shape of claims vary but the majority comprise an area in the range of 2000 to 3000 square metres.

Term of leases

The initial term of the lease will be for 20 years.

Under the Western Lands Act a leaseholder may apply for extension of the term of the lease for a further period of years or to perpetuity.

A policy outlining the circumstances in which a lease may be extended is in the process of being formulated. It is likely that applications will be dealt with on a case by case basis and the lessee will be required to demonstrate that the lease conditions are being satisfactorily complied with and rental is paid up to date. Matters concerning access, value of improvements and Council planning issues will also be considered.

Purpose and Conditions of leases

The purpose of the lease will be residence and as such the land may only be used for that purpose. Variations to include other purposes such as business may be considered from time to time, but only where the proposed land use is consistent with any development zoning plan/LEP and with the consent of Walgett Shire Council.

The standard conditions which apply to the lease are attached. Some special conditions may apply to a particular lease in certain circumstances. Failure by the lessee to comply with lease conditions may lead to cancellation of the lease.

Title

The grant of the term lease will be published in the NSW Government Gazette together with the conditions attached to the lease. A letter confirming the approval by the Minister to the granting of the lease together with a copy of the Gazette and lease conditions will be forwarded to the new lessee(s).

The title to the lease will be registered under the Torrens Title system at the Land and Property Information division of the Department of Lands. A parchment copy will not be issued for a term lease but a Title Search can be obtained from the Land and Property Information division of the Department of Lands and a copy will be forwarded to the lessee with the Minister's advice of the grant.

Rent

Rent will be assessed in accordance with the Western Lands Act 1901 and Western Lands Regulation 2003, and will be 3% of Land Value, which will be reassessed annually. In accordance with section 27B of the Act, where the assessed rent does not exceed the statutory minimum as prescribed in the Western Lands Regulation, then the minimum rent will apply. At the date of this publication, minimum rent of \$100.00 will apply for the first year of the term of the lease. Shire rates will be payable.

Cost of obtaining a lease

The costs of granting and registering a Western Lands Lease is \$327.35 including GST at the date of this publication. Other costs may be payable in specific circumstances.

Transfer and removal of restrictions

The lease may be transferred or sold, but application must first be made to and approved by DNR. Application may also be made to remove restrictions to allow the lease to be transferred without the Minister's consent.

Freeholding

A policy outlining the circumstances in which the leased lands may be freeholded is in the process of being formulated. In general, the opportunity will be limited to those leases:

- where the boundaries have been defined by a proper survey in accordance with the Survey (Practice) Regulation and have been properly marked on the ground, and
- where legal access to the lot by way of a Council public road or easement is provided and accurately surveyed, and
- where Department of Natural Resources is confident that the occupation will be long term.

Existing Mineral Claim

If you want to continue to mine the site, you will have to maintain and renew your mineral claim annually. No-one else will be granted a mineral claim over your residential leased area without your permission.

Further enquiries on the issue of mining titles should be referred to the Department of Primary Industries (Mineral Resources NSW).

Other land use considerations

DNR represents the Crown as the owner and lessor of the land. It will be responsible for ensuring the lessee complies with lease conditions, collection of annual rent and the administration of the Western Lands Act as it relates to the lease.

Matters such as building control, zoning, licensing of domestic animals, waste removal, provision of services, etc remain the responsibility of Walgett Shire Council and other agencies.

Further information

Should you wish to obtain further information please contact either of the Department's Far West Region Offices at the following localities:

45 Wingewarra Street
PO Box 1840
DUBBO NSW 2830
Phone: (02) 6883 3000
Fax: (02) 6883 3099

89 Wee Waa Street
PO Box 248
Walgett NSW 2832
Phone: (02) 6828 1272
Fax: (02) 6828 1741

Note: This information does not constitute formal legal advice.

Authorised by Geoff Wise, Regional Director,
Far West Region, DNR and
Western Lands Commissioner