

# Western Lands Leases over camps on the Lightning Ridge opal fields

November 2015

A Western Lands Lease may now be granted to people who hold valid residential mineral claims 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 Department of Primary Industries - Lands (the Department), Department of Primary Industries - Resources & Energy 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 Reserve 1024168 for Opal Mining, Exploration and Public Access at Lightning Ridge by The Lightning Ridge & Surrounding Opal Fields Trust for planning and management purposes. Provision may in the future extend to other areas in the preserved fields currently held under Western Land Lease for grazing. The first of these areas are properties formerly known as 'Pt. Kurrajong' and 'Barooka'. These properties were held as Western Lands Leases until recently when they were purchased by the state.

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 residential mineral claims within the above mentioned areas granted by the Lightning Ridge Mining Registrar.

## Area of leases

The area of each lease will be limited to the boundaries of each individual residential mineral claim. . The boundaries of each claim have been identified by the Department 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 2,000 to 3,000 square metres.

## Term of leases

The initial term of the lease will be for 20 years. Under the *Western Lands Act 1901* 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 Land and Property Information NSW (LPI). A parchment title will not be issued for a term lease but a Title Search can be obtained from the Department 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 s.27B of the Act, where the assessed rent does not exceed the statutory minimum as prescribed in the Regulation, then the minimum rent will apply. Walgett Shire rates will be payable.

## Cost of obtaining a lease

For current fees, please refer to the [Fee schedule](#) on the Department's website or contact the Department.

## Transfer and removal of restrictions

The lease may be transferred or sold, but application must first be made to and approved by the Department.

## 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.

## Other land use considerations

The Department 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 1901* 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.

## More information

For more information, please contact the Department:

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Disclaimer: This publication provides a general summary of some of the provisions under the Western Lands Act 1901 as interpreted by the Department of Industry, Skills and Regional Development at the time of writing March 2014. Compliance with the Western Lands Act 1901 is a legal requirement. This publication does not provide or purport to provide legal advice. Users are reminded of the need to ensure that the information upon which they rely is up to date by checking the currency of the information at the Department of Industry, Skills and Regional Development website or with the user's independent legal adviser.

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