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Fact sheet

Small-scale titles validation project update - mineral claims with dwellings

This fact sheet provides information on the renewal of mineral claims in Lightning Ridge, which include using a dwelling on a claim area as an ancillary mining activity under the *Mining Act 1992*.

Mineral claims with dwellings continue to be redetermined under the validation program and through ordinary mineral claim renewals

Mineral claims with dwellings continue to be validated with the same conditions by the department.

As part of the validation program and ongoing business improvements, it has been identified that some of the wording used on past certificates has been inconsistent. All certificates and products will be brought back in line with the statutory requirements including appropriate wording regarding mineral claim classes. Although mineral claims are now referred to as Class A mineral claims, the terms and conditions remain the same.

Classes of mineral claims were introduced in 2004 by a Ministerial special condition order for the Lightning Ridge Mineral Claims District, including Class A mineral claims, which are 'standard' mineral claims for mining operations over a 2,500sqm area.

Previous department administrative practices over time saw Class A (standard) mineral claims across the district categorised with further administrative notations such as RES (residential) or ORD (ordinary) on the mineral claim certificate to assist administrative management of the different mineral claim uses with the same conditions.

It is important to note that to date, no one has had their mineral claim refused as part of the validation program or upon renewal in relation to a previous RES class.

When can a mineral claim authorise erection or use of a dwelling under the *Mining Act 1992*?

The Mining Act can authorise the erection and use of a building as a dwelling on a mineral claim area, in the following circumstances, being:

- in connection with mining being carried out on the claim area, as an ancillary mining activity, and
- under the mineral claim conditions, and
- in accordance with any other relevant approvals including planning approvals under the *Environmental Planning and Assessment Act 1979*.

There has been no change in the NSW Government's position on when the *Mining Act 1992* can authorise a dwelling.

The terms of reference of the Independent Review include how mineral claims with dwellings should be managed in the future

The NSW Government will consider these recommendations and options for alternative types of tenures and terms more suitable for dwellings unrelated to mining. Other approvals are required to erect and use buildings on mineral claims

A mineral claim issued under the *Mining Act 1992* to undertake mining activities does not remove the need for building or planning approvals required under other legislation. There has been no change in the requirement to obtain other approvals to erect and use buildings on mineral claims.

An 'approval' under the *Mining Act 1992* authorises mining activities.

An 'approval' to erect and use buildings for a dwelling is authorised by the *Environmental Planning & Assessments Act 1979* or the *Local Government Act 1993*.

The department must be notified and must approve any expansions of a previously approved building on a mineral claim.

Mineral claim holders with dwellings must continue to renew their mineral claims

All mineral claims are valid only for the period they are granted. If you apply for a one-year term for your mineral claim, you will need to renew your claim annually. Any subsequent renewal applications are assessed on their merits against the *Mining Act 1992*.

Holders can continue to renew their mineral claims with the department. There has been no change in this process. Refer to our fact sheets:

- [Fact sheet: Application for renewal of a mineral claim within the Lightning Ridge Mineral Claims District \(PDF, 97.73 KB\)](#)
- Validation program: [Fact sheet: Pre-2015 Mineral claim renewal validation process - Lightning Ridge Mineral Claims District \(PDF, 73.5 KB\)](#)

Further information

This information is general in nature. Any site-specific inquiries need to be referred to the NSW Resources Small Scale Title project team who will be happy to assist clients; by email at sstproject@regional.nsw.gov.au or calling 02 40636900 and following the prompts.

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