LTPIA

LAND TENURE PATHWAY FOR IRRIGATED AGRICULTURE (LTPIA) PROCESS – DETAILED FLOWCHART

PROPONENT APPLICATION STAGE 1 CROWN LAND ENQUIRY FORM (CLEF)

Proponent has an idea/concept

Identify/refine your area of interest

Identify access route to your area of interest

Does your area of interest or proposed access route impact a Pastoral Lease?

YES → Are you the pastoral lessee?

NO → Can your proposal be undertaken under division 5 Part 7 LAA Diversification Permit?

For more information on what you can do under a Diversification Permit, contact the Department of Lands' Pastoral Lands Unit at **PastoralApprovals@lands.wa.gov.au**

NO → End of LTPIA

YES → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

Note: This form must clearly outline your initial idea/concept and what future tenure you are seeking (i.e. long-term lease or freehold).

Are you the pastoral lessee?

NO → Seek approval from the registered pastoral lessee

YES → Can your proposal be undertaken under division 5 Part 7 LAA Diversification Permit?

Pastoral lessee does NOT approve → Continue attempt → Pastoral lessee approves?

Pastoral lessee approves → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

Does your area of interest or proposed access route impact another interest on Crown land? i.e. any other primary interest holder registered on title

NO → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

YES → Seek support from all registered primary interest holders

Register primary interest holder suppports → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

Register primary interest holder does not suppport → Continue attempt → Registered primary interest holder supports?

YES → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

NO → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

Pastoral lessee approves?

NO → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

YES → Download and complete a Crown Land Enquiry Form (CLEF) from the Department of Lands' (DoL) website with details of your idea/concept

Submit CLEF to DoL

Note: It is a minimum requirement for DoL to receive a dimensional sketch and/or GPS coordinates (including your proposed access route) of your area of interest AND written support from all registered primary interest holders, including approval from pastoral lessee (if applicable).

DEPARTMENT OF LANDS APPLICATION STAGE 1 INITIAL ASSESSMENT 2 MONTHS

DoL receives a completed CLEF with a dimensional sketch and/or GPS coordinates of the proponent's area of interest (including proposed access route) AND written support from all registered primary interest holders, including approval from pastoral lessee (if applicable)

DoL undertakes initial tenure investigations to confirm a number of factors including but not limited to:
- Access route/s to the land
- Underlying tenure and interests in the land
- Registered encumbrances
- Native title

Can the proposal proceed?

NO → DoL advises the proponent reason/s as to why the proposal cannot proceed e.g. land identified for future State significant project, heavily encumbered etc.

YES → DoL will provide:
- In-principle support for the proposed tenure change (if appropriate)
- A checklist
- Sample referral letters
- Details of the relevant Native Title Party and contact details, and the Representative Aboriginal and Torres Strait Islander body (RATSIB)

PROPONENT APPLICATION STAGE 2 PROJECT PROPOSAL 3 MONTHS

Proponent receives in-principle support from DoL

Using your initial dimensional sketch and/or GPS coordinates provided to DoL, contact a qualified surveyor to develop a shapefile to support your preliminary referrals/consultation with agencies.

Note: A shapefile of your area of interest will allow agencies to more accurately assess your proposal and in turn, provide clear and relevant advice specific to your area of interest.

Using your shapefile and sample referral letters, commence the preliminary referral process seeking **written comments and/or objections** from:

1. Department of Agriculture and Food WA (DAFWA)
2. Department of Water
3. Department of Environment Regulation
4. Environmental Protection Authority
5. Department of Parks and Wildlife
6. Department of Aboriginal Affairs (DAA)

Note: When you contact DAA you should request a site search. A site search will provide information regarding possible heritage sites, access restrictions etc. and better position you to understand how these may influence your proposal's progress.

Did you receive favourable comments?

NO → Continue attempt → Have you received favourable comments?

NO → Continue attempt → Have you received favourable comments?

YES → Using your shapefile and sample referral letter/s, commence the preliminary referral process seeking **written in-principal support** from:

1. Relevant Local Government Authorities (LGA)
2. Native Title Party or RATSIB

Note: DoL would have already provided you the name of the relevant Native Title Party and contact details or RATSIB to consult, but you should confirm this with National Native Title Tribunal (NNTT) prior to consultation. The NNTT can assist you with any questions you may have regarding this consultation process.

3. Department of Mines and Petroleum (DMP)
4. Any service providers e.g. Water Corporation

Did you receive favourable comments?

YES → Continue attempt → Have you received favourable comments?

NO → Continue attempt → Have you received favourable comments?

YES → **If** you have received favourable comments **and** received written in-principle comments/support from **all** agencies/interest holders, you are now required to refine (if required) your initial idea and area of interest to develop your Project Proposal and submit it to DoL

Note: You MUST provide enough information to give the Minister for Lands and Cabinet comfort to approve the proposal to further progress.

NO → **If** you have received favourable comments **and** received written in-principle comments/support from **all** agencies/interest holders, you are now required to refine (if required) your initial idea and area of interest to develop your Project Proposal and submit it to DoL

DEPARTMENT OF LANDS APPLICATION STAGE 2 ASSESSMENT 7 MONTHS

DoL receives a Project Proposal with attached written comments and/or objections and in-principle support from relevant agencies/interest holders and enough relevant information for the State to assess the feasibility of the proposal

Is additional information required for further assessment?

YES → Does the proposal impact a Pastoral Lease?

NO → Does the proposal impact a Pastoral Lease?

Does the proposal impact a Pastoral Lease?

YES → Refer the proposal to DAFWA, seeking professional advice regarding Pastoral Lease excision/viability

NO → DoL commences statutory referral process, seeking responses from:

Refer the proposal to DAFWA, seeking professional advice regarding Pastoral Lease excision/viability

DAFWA assess the proposal for impact/s on the existing Pastoral Lease and prepare an information package to be forwarded to the Pastoral Lands Board (PLB)

PLB consider the proposal

Were favourable comments received from the PLB?

YES → DoL commences statutory referral process, seeking responses from:

NO → DoL commences statutory referral process, seeking responses from:

DoL commences statutory referral process, seeking responses from:

- DMP
- LGA

Other (if required)

Note: These are not statutory referrals. DoL will be seeking clarification from any referral agencies (if required) based on any objections and/or conditions raised as a result of the proponents preliminary referral process.

This clarification will guide the content of the Ministerial and Cabinet submission and likely inform the conditions within the Option Agreement.

DMP → Was approval under s.16(3) of the *Mining Act 1978* obtained?

YES → Clearance received?

NO → Continue attempt → Clearance received?

YES → Clearance received?

NO → Clearance received?

LGA → Were approvals obtained?

YES → Clearance received?

NO → Continue attempt → Clearance received?

YES → Clearance received?

NO → Clearance received?

DoL prepares a submission to the Minister for Lands.

Note: Feedback from DMP, LGA and other referral agencies from the proponents preliminary referral process will be included in this submission.

Was advice from the Minister's Office favourable?

NO → End of LTPIA

YES → DoL seeks an indicative valuation from Landgate Valuation Services and DoL drafts Option Agreement

Note: This valuation is INDICATIVE ONLY and should not be relied upon as the likely final value. The valuation received by DoL is based on a number of assumptions due to limited information being available at this time i.e. complete Business Plan, Development Plan etc. and will likely change before formal tenure is offered.

DoL issues Option Agreement with conditions and registers a Memorial on title

MINISTER FOR LANDS CONSIDERATION

Minister for Lands considers the proposal and attachments i.e. referral agency responses, approvals, clearances, conditions and/or objections

Minister for Lands refers proposal with recommendations to Cabinet

Minister for Lands advises DoL and the proponent of Government's consideration/decision

CABINET CONSIDERATION

Cabinet considers the proposal, attachments i.e. referral agency responses, approvals, clearances, conditions and/or objections **and** Minister for Lands recommendations

Cabinet refers proposal with recommendations back to the Minister for Lands

PROPONENT OPTION AGREEMENT STAGE 3 YEARS

Proponent to address conditions precedent including but not limited to:
- Land Capability Report
- Business Plan **and** confirmation of financial viability
- Development Plan
- Negotiation of Indigenous Land Use Agreement (ILUA) with Native Title Parties (average 12-18 months)
- Registration of ILUA (up to 6 month process through NNTT)
- Approvals including but not limited to:
  - Development approvals
  - Aboriginal heritage approvals
  - Local Government approvals
  - Foreign Investment Review Board approval
  - Planning, Water and Environmental approvals
- Surveyed graphic (Deposited Plan)
- Surrender of any existing interests etc.

Was advice from the Minister's Office favourable?

NO → End of LTPIA

YES → **Proponent waits to receive Option Agreement from DoL. Signs and returns to DoL**

DEPARTMENT OF LANDS REVIEW 6 MONTHS

Once all conditions of the Option Agreement are met

DoL commences land assembly requirement/s and preparation of a general lease for the development phase

Interests are removed, survey finalised and lodged

DoL seeks current unimproved market value from Landgate Valuation Services

Note: Nominal rent will be charged for the general lease to support development.

DoL issues a four-year lease. After lease is executed by both parties, DoL lodges it at Landgate

PROPONENT TENURE STAGE 4 YEARS

Development of land

All conditions of Development Lease to be met, including any approvals not yet obtained, and the development of the land as per Development Plan submitted to DoL and agreed to by the Minister for Lands

Long term lease/freehold

Once all conditions of four-year lease are met, long term tenure can be granted. Rent and/or purchase price will be determined at current unimproved market value