



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Crown Land Use Applications in the Indian Ocean Territories

A guide for applicants

November 2023



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Purpose

This document provides an overview of the management of Crown land in the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands. It summarises the process for proponents to apply for the use of Crown land in the IOT.

Role of Government agencies in managing Crown Land in the IOT

Australian Government

The Australian Government, acting through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), is responsible for the management of Crown land in the Indian Ocean Territories (IOT) of Christmas Island and the Cocos (Keeling) Islands.

As part of its State-type role, the Department manages Crown land in the IOT pursuant to the *Land Administration Act 1997 (WA)(CI)* and the *Land Administration Act 1997 (WA)(CKI)*. The Department is responsible for land management, planning and the regulation of development in the Indian Ocean Territories. The Department generally provides high level direction and statutory approvals, when required, while the majority of planning functions are carried out by Western Australian Government officials and the two local governments in the Indian Ocean Territories.

State Government (WA)

Through the applied laws system, the laws of Western Australia apply in the IOT. The Department of Planning, Lands and Heritage is contracted by the Department through a service Delivery Arrangement to carry out land management functions on its behalf, including the administration of the *Land Administration Act 1997 (WA)(CI)* and the *Land Administration Act 1997 (WA)(CKI)*

Formed in 2017, the Department of Planning, Lands and Heritage brings all land use and heritage responsibilities under the one umbrella, and is responsible for state level land use planning and management, and oversight of Aboriginal cultural heritage and built heritage matters.

DPLH also manages enquiries for use of Crown land from proponents on the Department's behalf.

Local Government

At a local level both, the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands, have responsibility for developing and administering town planning schemes. These schemes govern the way that land may be used and developed.

In most cases, approval for a development will be required by a planning scheme. Should you wish to develop or build on Crown land in the IOT, you will need to seek the relevant approvals through the respective local government.

Proponent Information

Land use types

The Department accepts applications for the use of the following types of Crown land:

Land use type	Description
Unallocated Crown land	Land that has not been given to private freehold owners, held under lease or reserved for a specific purpose.
Crown reserve (unmanaged)	Crown land held in reserve for public purpose but is not under the care, control and management by another body such as local government.
Pastoral, mining or Crown leases	Land held under lease for specific purposes (agriculture/horticulture or for mining/resource exploration) or a general purpose. Note where applications are received for use of land on which a mining lease co-exists, additional assessment will be required with WA Department of Mines, Industry Regulation and Safety.

For the use of roads, or Crown reserve (land held under management order) please contact the respective local government for approval.

If the land is private or freehold, then you will need to contact the owner of that land.

If you are unsure if the location of your proposed enquiry is on Crown land, your first step is to contact Landgate to identify the owner or management body of the land (refer Contact page).

Land use tenures

The Department may grant one of the following types of land use tenures:

Land use	Description
Letters of authority	A time-limited access authority for events: a. not lasting more than 24 hours b. of a low risk nature c. not commercial d. not involving any permanent physical works
Licences	A licence permits access and use of a nominated parcel for a specific, short-term purpose.
Leases	A lease permits exclusive use of a nominated parcel of land for a fixed term through agreement between the lessee and the Commonwealth as lessor.

The Department is not currently accepting applications for the sale of Crown land.

Further information on tenure types can be found [here](#).

Land use proponents

The Department will accept applications from individuals, businesses, tertiary institutions, community organisations (including religious, sporting, and cultural organisations).

For government agencies seeking use of Crown land administered by the Department, please contact indianoceanterritories@infrastructure.gov.au

Application Process

All land use applications for Crown land in the IOT must be made through the Western Australian Department of Planning, Lands and Heritage (DPLH) via the following process. An application does not guarantee that tenure over a parcel of Crown land will automatically be granted.

1. Complete a Crown Land Enquiry Form

A Crown land enquiry form (CLEF) is required for submission to the Department regarding use of Crown land in the IOT.

The CLEF is available [here](#). To best assist your application, please include:

- Proof of consent if you are applying on behalf of another party
- Documentation such as proposals, business case, deposited plans Q1
- Map(s) (mandatory)
- Title(s)
- Evidence of consultation with the Primary Interest Holder (if applicable) Q3
- Comments received from the Local Government Authority (LGA) (mandatory)]
- Any other supporting documentation such as photographs, other comments/consultations

By including these documents, you will ensure a speedier process as it will not involve DPLH following up for additional information.

2. Assessment of your application

DPLH undertakes assessment on behalf of the Department to determine whether to approve or reject the application.

This process involves a statutory referral and consultation period with local, state and federal government agencies and identified stakeholders who may be impacted by the proposal. You may be provided with information from consultees to address or reconsider aspects of your proposal.

The Department, in consultation with other Australian Government agencies will undertake its due diligence exercises in accordance with the Commonwealth Property Management Framework, including the Commonwealth Property Disposal Policy, the *Lands Acquisition Act 1989* (Cth) and the *Land Administration Act 1997* (WA). Further information on the operation of the Commonwealth Property Management framework can be found [here](#).

It is not possible to give an indicative timeframe for completion of the assessment process as it varies between each application, however DPLH work expeditiously toward quick outcomes.

3. Notification and payment of fees

You will be notified by DPLH of the outcome of your application at the conclusion of the assessment process.

If the Department supports a grant of tenure following assessment of the request, and the applicant chooses to proceed, the applicant is responsible for the payment of all costs and disbursements associated with the grant.

These costs may include, but not be limited to:

- Document [preparation fees](#)
- [Landgate](#) document registration fees
- Advertising and gazettal costs
- Applying for and approval of other statutory requirements
- Land valuation (purchase price, lease rental, easement or licence fees)
- Compensation and associated negotiation costs (for the acquisition of any land or interest in land including native title)
- Survey and plan preparation costs to be agreed by you with your nominated surveyor
- Relocation or protection of services – costs to be agreed by you with the owner of that asset (e.g. telecommunications, power, water services)
- GST on any of the above
- Any other costs that may arise during the course of this process.

4. Additional approvals

Depending on the proposed land use activity and duration, additional approvals may be required to be undertaken at your own cost. These include, but are not limited to:

- The completion of a self-assessment and/or referral under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for controlled actions
- Compliance with other regulatory schemes including Work Health and Safety, aviation, environment, and biosecurity.
- You may be required to seek approval for development and building approvals from both the local government, and additionally the Department where the land is Unallocated Crown Land, an unmanaged reserve, held under management order, or is a lease made under the Land Administration Act.
- You will be required to obtain and maintain appropriate insurance coverage for your activities for the duration of the tenure

You will be advised as part of the notification process whether your application is subject to further conditions which must be met before the tenure is granted.

5. Grant of tenure

DPLH and the Department will finalise the grant of tenure through the issuing of appropriate documentation to you.

Contact

Use and management of Crown land in the Indian Ocean Territories: IOT Policy Branch, Department of Infrastructure, Transport, Regional Development, Communications and the Arts via

- Email: indianoceanterritories@infrastructure.gov.au

Crown Land Enquiry Form: Department of Planning, Lands and Heritage via

- Calling: (08) 6551 8002 or 1800 735 784 (Country callers only)
- Email: proposals@dplh.wa.gov.au
- DPLH office: 140 William Street, PERTH WA 6000

Land titles: Landgate Western Australia via

- Calling: 08 9273 7373
- Visiting: [Landgate's website](#)
- Landgate Office: 1 Midland Square, MIDLAND WA 6056