

Land Use Activity Agreement (LUAA)



What is a Land Use Activity Agreement?

A Land Use Activity Agreement (LUAA) establishes processes for Traditional Owner corporations to be involved in and – in some cases – consent to or refuse future uses of public land.

This approach is based on the legal recognition of the inherent rights and interests of Traditional Owners to their Country, and more specifically, to land that has not been made freehold, or 'private' land by the Crown. It also reflects the basis on which consent was given by the Taungurung for the undertaking of future acts under the Indigenous Land Use Agreement.

A LUAA covers all public land in the settlement area, subject to some exclusions. Areas of public land may be excluded from a LUAA by established criteria, such as where existing public infrastructure is in place, there is a planned future use, or land is vested in a government agency.

A LUAA sets in place an alternative approach to the 'future act' processes under the Native Title Act 1993.



Types of Activities under a LUAA:

Routine - Generally maintenance in nature, low impact license renewal.

Advisory - Minor public works, grazing license, event permits.

Negotiation Class A - Mining extraction, commercial lease above 10 years up to 21 years.

Negotiation Class B - Public construction, private/public infrastructure.

Agreement - Grant of land, major public works, commercial lease over 21 years.



What does a LUAA provide?

The Traditional Owner Settlement Act 2010 and the LUAA establish four categories of activities, and the procedures for TLaWC's involvement in each type:

- For Agreement Activities, TLaWC must provide its consent before an activity can proceed. Examples include the sale or long-term commercial leasing of public land.
- For Negotiation Activities, TLaWC must provide its consent before an activity can proceed, or the Victorian Civil and Administrative Tribunal must make a determination that the activity can proceed, with or without conditions. Examples include major public works, mining and non-standard exploration, and certain leases and licences over public land.
- For Advisory Activities there must be consultation with TLaWC prior to the activity proceeding. Examples include management planning, minor public works and certain types of leases and licences.
- Routine Activities do not require any consultation or negotiation with TLaWC before they may proceed. Examples include fencing and maintenance work.

Depending on the type of activity that is proposed, the TLaWC will have a say over future uses of public land in the settlement agreement area.

Agreement and Negotiation Activities will entail agreement on the provision of 'community benefits' payable to TLaWC for the activity's impact on the Taungurung's Traditional Owner rights. Community benefits can also include other economic, cultural or social benefits that can be explored as part of the agreement process.

What does this mean for parties undertaking an activity on Crown Land?

Activity proponents – including state agencies, business proponents, miners and developers – have legal obligations to honour under the LUAA.

For more information, including user guidelines, regulations and forms, visit the Register of Land Use Activity Agreements at: <https://www.justice.vic.gov.au/your-rights/native-title/register-of-land-use-activityagreement>



Categories of Public Works under the LUAA



Minor Public Work

Minor Public Work means works, and associated activities done, or authorised by the State for a public purpose, that:

- Do not fall within the definition of Major Public Work
- are works that are infrastructure, or similar to:
 - A fish ladder
 - A walking track
 - A car park
 - Lighting of public places
 - Road works (if all located on an area of land which is inside a road reserve or reservation)
 - A sport/recreation facility (no earth moving)

Major Public Work

Major Public Work means works, and associated activities done, or authorised by the State for a public purpose and that are carried out outside an Alpine Resort, and includes:

- The construction of a new Vehicular road
- Public recreation or sport facilities where earth moving is required
- New education, health or emergency service facilities
- Infrastructure through a public-private partnership
- Road Works, if any of the Road Works will be located partially on an area of land